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HOUSE OF REPRESENTATIVES—*Thursday, October 11, 2001*

The House met at 10 a.m.

The Right Reverend Jane Holmes Dixon, Bishop of Washington, pro tempore, Washington, D.C., offered the following prayer:

Most gracious God, Creator and Ruler of the Universe, the one to whom there are many paths and to whom we call many days, we give You thanks this day for the men and women who serve our Nation in the House of Representatives.

We pray that as they make decisions for our welfare and enact laws for our country, You will guide them to perceive what is right and grant them both the courage to pursue it and the will to accomplish it.

In this time of great national tragedy, profound sadness, and indeed a fear among our people, touch us with Your compassion even as we contend against evil. Help us to know with certainty that love is stronger than hate, and as we make no peace with oppression, give us a devotion to justice and freedom here and throughout the world.

We pray also this day for George, our President, and for all our allies that they may be led to wise decisions and right actions for the welfare and peace of the world. Be especially with all who serve in the armed forces, defend them by day and night, strengthen them in their trials, and give them solace and courage as they offer their lives for freedom.

And we pray for our enemies. Lead them and us from prejudice to truth; and deliver them and us from hatred, cruelty and revenge.

Finally, I ask Your blessing on each and every one gathered here today. Comfort and keep them and make them ever mindful that You, O God, require us to do justice, to love mercy, and to walk humbly with our God. In Your most holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE RIGHT REVEREND JANE HOLMES DIXON

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the House is pleased to welcome the Right Reverend Jane Holmes Dixon who delivered the prayer this morning.

Bishop Dixon was named Bishop of Washington pro tempore, and will be the ecclesiastic authority during the search and transition for the eighth bishop of Washington. She has been suffragan bishop of the Episcopal Diocese of Washington. She is a native of Winona, Mississippi, and only the second woman to hold the Office of Bishop in the Episcopal Church.

All were moved after hearing Bishop Dixon at the service at Washington National Cathedral a few days after the September 11 attack on our country. This wife, this mother, this grandmother, presides over the diocese of the District of Columbia and four Maryland counties. She became a priest in 1982 and has served in churches in Maryland and Virginia. She got her doctorate of divinity in 1993 from the Virginia Theological Seminary.

Bishop Dixon not only serves her church, she serves her community, she serves on the theology and urban affairs committees of the House of Bishops, she is president of the Board of the Interfaith Alliance. She is a member of a board of the Fair Housing Council of Greater Washington and a member of the Women's Forum of Washington, D.C. Bishop Dixon has been selected by the Washingtonian Magazine as one of the 100 most influential women in the Washington, D.C. area. Bishop Jane Holmes Dixon, churchwoman, citizen.

CONFERENCE REPORT ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REGULA submitted the following conference report and statement on the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107-234)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2217) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $775,632,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $775,632,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: Provided further, That of the amount provided, $28,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Bureau of Land Management shall be transferred to and merged with this appropriation, and shall remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $624,421,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

For an additional amount to cover necessary expenses for burned areas rehabilitation and fire suppression by the Department of the Interior, $54,000,000, to remain available until expended, of which $34,000,000 is for wildfire suppression and $20,000,000 is for burned areas rehabilitation: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $54,000,000 shall be available only to the extent an official budget request, that includes designation of the $54,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $13,076,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $210,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $50,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $49,920,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,165,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use *authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.*

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28f(a) of title 30, United States Code, is amended:

(1) In section 28f(a), by striking the first sentence and inserting, "The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1 of each year for years 2002 through 2003, a claim maintenance fee of $100 per claim or site"; and

(2) In section 28g, by striking "and before September 30, 2001" and inserting in lieu thereof "and before September 30, 2003".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $850,597,000, to remain available until September 30, 2003, except as otherwise provided herein, of which $29,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the United States Fish and Wildlife Service shall be transferred to and merged with this appropriation, and shall remain available until expended: Provided further, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That not to exceed $9,000,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $6,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $55,543,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $99,135,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs except that, in fiscal year 2002 only, not to exceed $2,500,000 may be used consistent with the Service's cost allocation methodology: Provided further, That the United States Fish and Wildlife Service is authorized to purchase the common stock of Yauhannah Properties, Inc. for the purposes of inclusion of real property owned by that corporation into the Waccamaw National Wildlife Refuge.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $96,235,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $43,500,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That, notwithstanding any other provision of law, amounts in excess of funds provided in fiscal year 2001 shall be used only for projects in the United States.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory *birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.*

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,000,000, to remain available until expended: Provided, That funds made available under this Act, Public Law 106–291, and Public Law 106–554 and hereafter in annual appropriations Acts for rhinoceros, tiger, Asian elephant, and great ape conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION OF FUNDS)

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $85,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

Of the amounts appropriated in title VIII of Public Law 106–291, $25,000,000 for State Wildlife Grants are rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,476,977,000, of which $10,869,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended; and of which $72,640,000, to remain available until September 30, 2003, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: Provided further, That none of the funds in this or any other Act may be used to fund a new Associate Director position for Partnerships.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $65,260,000.

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement (not heretofore made), pursuant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act (Act), to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: Provided, That hereafter the appropriations made to the National Park Service shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $66,159,000, of which $500,000 are for grants pursuant to the National Underground Railroad Network to Freedom Act of 1988 (16 U.S.C. 4691, as amended).

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $30,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $74,500,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Control Act of 1985, as amended, for the purposes of such Act: Provided, That, of the amount provided herein, $2,500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: Provided further, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: Provided further, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate

Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $376,044,000, to remain available until expended, of which $66,851,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That of the amount provided for Cuyahoga National Park, $200,000 may be used for the Cuyahoga Valley Scenic Railroad platform and station in Canton, Ohio.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2002 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $274,117,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control of 1985, as amended, for the purposes of such Act, of which $144,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program, and of which $11,000,000 shall be for grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission: Provided, That lands or interests in land acquired with Civil War battlefield grants shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)): Provided further, That of the amounts provided under this heading, $15,000,000 may be for Federal grants to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and $16,000,000 may be for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 passenger motor vehicles, of which 256 shall be for replacement only, including not to exceed 237 for police-type use, 11 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, the National Park Service may convey a leasehold or freehold interest in Cuyahoga NP to allow for the development of utilities and parking needed to support the historic Everett Church in the village of Everett, Ohio.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $914,002,000, of which $64,318,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $26,374,000 shall be available until September 30, 2003 for the operation and maintenance of facilities and deferred maintenance; and of which $166,389,000 shall be available until September 30, 2003 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That of the amount provided herein, $25,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $150,667,000, of which $83,344,000, shall be available for royalty management activities; and an amount not to exceed $102,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $102,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $102,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2003: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the

Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $102,800,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2002 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $203,455,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2002: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That, in addition to the amount granted to the Commonwealth of Pennsylvania under sections 402 (g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional $500,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,799,809,000, to remain available until September 30, 2003 except as otherwise provided herein, of which not to exceed $89,864,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $130,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2002, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $3,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $436,427,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2002, and shall remain available until September 30, 2003; and of which not to exceed $58,540,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2003, may be transferred during fiscal year 2004 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2004.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $357,132,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2002, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That notwithstanding any other provision of law, not to exceed $450,000 in collections from settlements between the United States and contractors concerning the Dunseith Day School are to be made available for school construction in fiscal year 2002 and thereafter.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $7,950,000 shall be available for future water supplies facilities under Public

Law 106–163; of which $21,875,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, 106–554, and 106–568; and of which $6,254,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in United States v. Michigan, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $75,000,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $486,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $78,950,000, of which: (1) $74,422,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the funds provided herein for American Samoa government operations, the Secretary is directed to use up to $20,000 to increase compensation of the American Samoa High Court Justices: Provided further, That of the amounts provided for technical assistance, not to exceed $2,000,000 shall be made available for transfer to the Disaster Assistance Direct Loan Financing Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving the repayment obligation of the Government of the Virgin Islands on Community Disaster Loan 841, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure (with territorial participation and cost sharing to be determined by the Secretary based on the grantees commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $23,245,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $67,741,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $45,000,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $34,302,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $99,224,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2002, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of

1983, as amended, by direct expenditure or cooperative agreement, $10,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,497,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received:

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 114. A grazing permit or lease that expires (or is transferred) during fiscal year 2002 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority: Provided, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990, (Lake Roosevelt Cooperative Management Agreement) that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2002. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 118. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2002 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 119. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 120. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 121. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 122. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking "2001" and inserting "2002".

SEC. 123. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 124. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2001, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 125. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term "construction", with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term "tribally controlled school" has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term "Department" means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for construction of replacement educational facilities receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe, shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction of replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 126. WHITE RIVER OIL SHALE MINE, UTAH. (a) SALE.—The Administrator of General Services (referred to in this section as the "Administrator") shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the "Mine").

(b) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.—The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

(1) Mine Service Building.

(2) Sewage Treatment Building.

(3) Electrical Switchgear Building.

(4) Water Treatment Building/Plant.

(5) Ventilation/Fan Building.

(6) Water Storage Tanks.

(7) Mine Hoist Cage and Headframe.

(8) Miscellaneous Mine-related equipment.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the "White River Oil Shale Mine" and described as follows:

(1) T. 10 S., R. 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.

(2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.

(d) USE OF PROCEEDS.—The proceeds of the sale under subsection (a)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) shall be available until expended, without further Act of appropriation—

(A) first, to reimburse the Administrator for the direct costs of the sale; and

(B) second, to reimburse the Bureau of Land Management Utah State Office for the costs of closing and rehabilitating the Mine.

(e) MINE CLOSURE AND REHABILITATION.—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—

(1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and

(2) other applicable law.

SEC. 127. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 128. The Lytton Rancheria of California shall not conduct Class III gaming as defined in Public Law 100–497 on land taken into trust for the tribe pursuant to Public Law 106–568 except in compliance with all required compact provisions of section 2710(d) of Public Law 100–497 or any relevant Class III gaming procedures.

SEC. 129. Moore's Landing at the Cape Romain National Wildlife Refuge in South Carolina is hereby named for George Garris and shall hereafter be referred to in any law, document, or records of the United States as "Garris Landing".

SEC. 130. From within funds available to the National Park Service, such sums as may be necessary shall be used for expenses necessary to complete and issue, no later than January 1, 2004, an Environmental Impact Statement (EIS) to identify and analyze the possible effects of the 1996 increases in the number of vessel entries issued for Glacier Bay National Park and Preserve: Provided, That such EIS, upon its completion, shall be used by the Secretary to set the maximum level of vessel entries: Provided further, That until the Secretary sets the level of vessel entries based on the new EIS, the number of vessel entries into the Park shall be the same as that in effect during the 2000 calendar year and the National Park Service approval of modified Alternative 5 and promulgation of the final rule issued on May 30, 1996, relating to vessel entries, including the number of such entries, for Glacier Bay National Park and Preserve are hereby approved and shall be in effect notwithstanding any other provision of law until the Secretary sets the maximum level of vessel entries consistent with this section: Provided further, That nothing in this section shall preclude the Secretary from suspending or revoking any vessel entry if the Secretary determines that it is necessary to protect Park resources.

SEC. 131. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized such transfer.

SEC. 132. Funds provided in this Act for Federal land acquisition by the National Park Service for Brandywine Battlefield, Mississippi National River and Recreation Area, Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 133. Section 902(b)(5) of Public Law 106–568 is hereby amended by inserting a comma after "N½".

SEC. 134. CLARIFICATION OF THE SECRETARY OF THE INTERIOR'S AUTHORITY UNDER SECTIONS 2701–2721 OF TITLE 25, UNITED STATES CODE. The authority to determine whether a specific area of land is a "reservation" for purposes of sections 2701–2721 of title 25, United States Code, was delegated to the Secretary of the Interior on October 17, 1988: Provided, That nothing in this section shall be construed to permit gaming under the Indian Gaming Regulatory Act on the lands described in section 123 of Public Law 106–291 or any lands contiguous to such lands that have not been taken into trust by the Secretary of the Interior.

SEC. 135. BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA. (a) AREAS INCLUDED.—The Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 is amended in sections 4(b) (16 U.S.C. 460ppp–2(b)) and 8(a) (16 U.S.C. 460ppp–6(a)) by striking "July 19, 2000" each place it appears and inserting "October 3, 2001".

(b) ROAD MAINTENANCE.—Section 5 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp–3) is amended by adding at the end the following:

"(h) ROAD MAINTENANCE.—Within the conservation area the Secretary may permit the use of gravel pits for the maintenance of roads within the conservation area under the Materials Act of 1947 (30 U.S.C. 601 et seq.) to the extent consistent with this Act and subject to such regulations, policies, and practices as the Secretary considers necessary.".

(c) HUNTING, TRAPPING, AND FISHING.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp–6) is amended by adding at the end the following:

"(e) HUNTING, TRAPPING, AND FISHING.—

"(1) IN GENERAL.—Nothing in this Act diminishes the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing on public land in the areas designated as wilderness under subsection (a).

"(2) APPLICABLE LAW.—Any action in the areas designated as wilderness under subsection (a) shall be consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).".

(d) WILDLAND FIRE PROTECTION.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp–6) (as amended by subsection (c)) is amended by adding at the end the following:

"(f) WILDLAND FIRE PROTECTION.—Nothing in this Act or the Wilderness Act (16 U.S.C. 1131 et seq.) precludes a Federal, State, or local agency from conducting wildland fire management operations (including prescribed burns) within the areas designated as wilderness under subsection (a), subject to any conditions that the Secretary considers appropriate.".

(e) WILDERNESS STUDY RELEASE.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp–6) (as amended by subsection (d)) is amended by adding at the end the following:

"(g) WILDERNESS STUDY RELEASE.—Congress—

"(1) finds that the parcels of land in the wilderness study areas referred to in subsection (a) that are not designated as wilderness by subsection (a) have been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782); and

"(2) declares that those parcels are no longer subject to the requirement of subsection (c) of that section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.".

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $241,304,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $291,221,000, to remain available until expended, as authorized by law, of which $65,000,000 is for the Forest Legacy Program, and $36,000,000 is for the Urban and Community Forestry Program, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific acquisition of lands or interests in lands to be undertaken with such funds: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $4,500,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,331,439,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2002 shall be displayed by budget line item in the fiscal year 2003 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,214,349,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2001 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service; Provided further, That of the funds provided, $209,010,000 is for hazardous fuel treatment, $3,668,000 is for rehabilitation and restoration, $10,376,000 is for capital improvement and maintenance of fire facilities, $22,265,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $50,383,000 is for state fire assistance, $8,262,000 is for volunteer fire assistance, $11,974,000 is for forest health activities on state, private, and Federal lands, and $12,472,000 is for economic action programs: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", "Forest and Rangeland Research", and "Capital Improvement and Maintenance" accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance *and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That:*

(1) In expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local and nonprofit youth groups;

(C) small or micro-businesses; or

(D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

(2)(A) The Secretary of Agriculture may transfer or reimburse funds to the United States Fish and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference as required by section 7 of such Act in connection with wildland fire management activities in fiscal years 2001 and 2002.

(B) Only those funds appropriated for fiscal years 2001 and 2002 to Forest Service (USDA) for wildland fire management are available to the Secretary of Agriculture for such transfer or reimbursement.

(C) The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing in connection with wildland fire management activities affecting National Forest System lands.

For an additional amount to cover necessary expenses for emergency rehabilitation, wildfire suppression and other fire operations of the Forest Service, $346,000,000, to remain available until expended, of which $200,000,000 is for repayment of prior year advances from other appropriations and accounts within the Wildland Fire appropriation previously transferred for fire suppression, $66,000,000 is for wildfire suppression operations, $59,000,000 is for land rehabilitation and restoration, $5,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $10,000,000 is for capital improvement and maintenance of fire facilities, $6,000,000 is for state fire assistance: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $346,000,000 shall be available only to the extent that an official budget request, that includes designation of the $346,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

For an additional amount, to liquidate obligations previously incurred, $274,147,000.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $546,188,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which, $61,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Forest Service shall be transferred to and merged with this appropriation and shall remain available until expended: Provided further, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $300,000, appropriated in Public Law 106–291 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility: Provided further, That from funds provided to the Forest Service in Public Law 106–291, $500,000 is hereby transferred from the Capital Improvement and Maintenance appropriation to the State and Private Forestry appropriation.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $149,742,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,488,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 130 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price *for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).*

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j–1(a)) is amended by inserting after the first sentence the following new sentence: "At the discretion of the Secretary of Agriculture, the Secretary may increase the number of Directors to not more than twenty.": Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

The Forest Service shall fund indirect expenses, that is expenses not directly related to specific programs or to the accomplishment of specific work on-the-ground, from any funds available to the Forest Service: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided, That during fiscal year 2002 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund. Obligations in excess of 20 percent which would otherwise be charged to the above funds may be charged to appropriated funds available to the Forest Service subject to notification of the Committees on Appropriations of the House and Senate.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $750,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the

Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $40,000,000 shall not be available until October 1, 2002: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $616,490,000, to remain available until expended, of which $11,000,000 is to begin a 7-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and for acquisition of lands, and interests therein, in proximity to the National Energy Technology Laboratory, and of which $33,700,000 shall be derived by transfer from funds appropriated in prior years under the heading "Clean Coal Technology", and of which $150,000,000 and such sums as may be appropriated in fiscal year 2003 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded demonstrations of commercial scale technologies to reduce the barriers to continued and expanded coal use: Provided, That the request for proposals shall be issued no later than 120 days following enactment of this Act, proposals shall be submitted no later than 150 days after the issuance of the request for proposals, and the Department of Energy shall make project selections no later than 160 days after the receipt of proposals: Provided further, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. §7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That funds excess to the needs of the Power Plant Improvement Initiative procurement provided for under this heading in Public Law 106–291 shall be made available for the Clean Coal Power Initiative provided for under this heading in this Act: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

Of the unobligated balances under this heading, $2,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,371,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2002 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $912,805,000, to remain available until expended: Provided, That $275,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $45,000,000 for State energy conservation grants: Provided further, That 50 percent of the funds provided for the Energy Efficiency Science Initiative for fiscal year 2002 and thereafter shall be made available to the Fossil Energy Research and Development account.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,996,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $179,009,000, to remain available until expended, of which not to exceed $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $78,499,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,389,614,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $445,776,000 for contract medical care shall remain available for obligation until September 30, 2003: Provided further, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in 2 fiscal years, so long as the total obligation is recorded in the *year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2003: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268;234,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2002, of which not to exceed $20,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.*

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $369,487,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That $5,000,000 shall remain available until expended for the purpose of funding up to two joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2002, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,148,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others *certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.*

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,490,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $399,253,000, of which not to exceed $37,508,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $67,900,000, to remain available until expended, of which $10,000,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $30,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval by the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $68,967,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $14,220,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $15,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $19,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,796,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,234,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $108,382,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $12,122,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $26,899,000, to remain available until expended.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, $17,000,000, for support for arts education and public outreach activities to be administered by the National Endowment for the Arts, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,224,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,400,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $36,028,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,125,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2001.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 309. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2002, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 310. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, and 106–291 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 311. Notwithstanding any other provision of law, for fiscal year 2002 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Subsection (f) of section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) by striking "commence on October 1, 1995, and end on September 30, 2002" and inserting "end on September 30, 2004"; and

(2) by striking "September 30, 2005" and inserting "September 30, 2007".

(b) EXPANSION OF PROGRAM.—Subsection (b) of such section is amended by striking "no fewer than 10, but as many as 100,".

(c) REVENUE SHARING.—Subsection (d)(1) of such section is amended by inserting "the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note)," before "and any other provision".

(d) DISCOUNTED FEES.—Subsection (b)(2) of such section is amended by inserting after "testing" the following: ", including the provision of discounted or free admission or use as the Secretary considers appropriate".

(e) CAPITAL PROJECTS.—Subsection (c)(2) of such section is amended by adding at the end the following new subparagraph:

"(D) None of the funds collected under this section may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate if the estimated total cost of the structure exceeds $500,000.".

SEC. 313. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 314. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection

shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 315. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 316. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 317. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 318. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 319. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 320. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 321. Amounts deposited during fiscal year 2001 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 322. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 323. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2002, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2002, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 324. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2002 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 325. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 326. For fiscal years 2002 and 2003, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 327. REVISION OF FOREST PLANS. Prior to October 1, 2002, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law:

Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 328. Until September 30, 2003, the authority of the Secretary of Agriculture to enter into a cooperative agreement under the first section of Public Law 94–148 (16 U.S.C. 565a–1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities.

SEC. 329. (a) PILOT PROGRAM AUTHORIZING CONVEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—The Secretary of Agriculture may convey, by sale or exchange, any or all right, title, and interest of the United States in and to excess buildings and other structures located on National Forest System lands and under the jurisdiction of the Forest Service. The conveyance may include the land on which the building or other structure is located and such other land immediately adjacent to the building or structure as the Secretary considers necessary.

(b) LIMITATION.—Conveyances on not more than 10 sites may be made under the authority of this section, and the Secretary of Agriculture shall obtain the concurrence of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate in advance of each conveyance.

(c) USE OF PROCEEDS.—The proceeds derived from the sale of a building or other structure under this section shall be retained by the Secretary of Agriculture and shall be available to the Secretary, without further appropriation until expended, for maintenance and rehabilitation activities within the Forest Service Region in which the building or structure is located.

(d) DURATION OF AUTHORITY.—The authority provided by this section expires on September 30, 2005.

SEC. 330. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, Div. A, section 101(e) is amended by inserting "and fiscal years 2002 through 2005," before "to the extent funds are otherwise available".

SEC. 331. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 332. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, is amended by striking "2002" and inserting "2004". The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 333. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 334. The Chief of the Forest Service shall issue a special use permit for the Sioux Charlie Cabin within the boundary of the Custer National Forest, Montana, to Montana State University-Billings, for a term of 20 years for educational purposes compatible with the cabin's location. The permit shall be administered under normal national forest system authorities and regulations, with an additional review after 10 years to ensure the facility is being used for educational purposes.

SEC. 335. Section 551(c) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is amended by striking "2002" and inserting "2004".

SEC. 336. MODIFICATION TO STEEL LOAN GUARANTEE PROGRAM. (a) IN GENERAL.—Section 101 of the Emergency Steel Loan Guarantee Act of 1999 (Public Law 106–51; 15 U.S.C. 1841 note) is amended as follows:

(1) TERMS AND CONDITIONS.—Subsection (h) is amended—

(A) in paragraph (1), by striking "2005" and inserting "2015"; and

(B) by amending paragraph (4) to read as follows:

"(4) GUARANTEE LEVEL.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), any loan guarantee provided under this section shall not exceed 85 percent of the amount of principal of the loan.

"(B) INCREASED LEVEL ONE.—A loan guarantee may be provided under this section in excess of 85 percent, but not more than 90 percent, of the amount of principal of the loan, if—

"(i) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed $100,000,000; and

"(ii) the aggregate amount of loans guaranteed at such percentage under this section with respect to a single qualified steel company does not exceed $50,000,000.

"(C) INCREASED LEVEL TWO.—A loan guarantee may be provided under this section in excess of 85 percent, but not more than 95 percent, of the amount of principal of the loan, if—

"(i) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed $100,000,000; and

"(ii) the aggregate amount of loans guaranteed at such percentage under this section with respect to a single qualified steel company does not exceed $50,000,000.".

(2) TERMINATION OF GUARANTEE AUTHORITY.—Subsection (k) is amended by striking "2001" and inserting "2003".

(b) APPLICABILITY.—The amendments made by this section shall apply only with respect to any guarantee issued on or after the date of the enactment of this Act.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2002".

And the Senate agree to the same.

JOE SKEEN,
RALPH REGULA,
JIM KOLBE,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
ZACH WAMP,
JACK KINGSTON,
JOHN E. PETERSON,
BILL YOUNG,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
MAURICE HINCHEY,
MARTIN OLAV SABO,
DAVID OBEY,
Managers on the Part of the House.

ROBERT BYRD,
PATRICK LEAHY,
ERNEST F. HOLLINGS,
HARRY REID,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
PATTY MURRAY,
DANIEL K. INOUYE,
CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2217), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2217 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 107–103 or Senate Report 107–36 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

REPROGRAMMING GUIDELINES

The Interior and Related Agencies Appropriations reprogramming guidelines were last published in the House and Senate reports accompanying the FY 1998 Interior and Related Agencies Appropriations Act (H. Rep. 105–163, S. Rep. 105–56). While the managers have agreed to only one minor change to these guidelines for the National Park Service (addressed under the land acquisition and State assistance account), recent dealings with several agencies suggest that the following clarifications are needed to prevent any future misunderstandings regarding the applicability of reprogramming procedures in certain situations.

Though a reprogramming is in part defined in the guidelines as a reallocation of funds from one budget activity (or other applicable level of detail) to another, the guidelines also state that any significant departure from the program described in the agency's budget justification shall be considered a reprogramming. This latter portion of the definition encompasses the reallocation of funds within a budget activity, if such reallocation represents a "significant departure" from the description provided in the relevant budget justification. In this regard, the managers would view as a "significant departure" any reallocation of funds within a budget activity for programs or contracts involving out-year mortgages that are not discussed in detail in the budget justification.

Multi-year and no-year funds do not lose their program identities when carried over to subsequent years and a reprogramming is required if such carry-over funds are to be used for purposes other than those originally directed.

CONSERVATION SPENDING CATEGORY

The conservation spending category created in title VIII of the fiscal year 2001 Interior and Related Agencies Appropriations Act, provided that up to $1,320,000,000 could be appropriated for conservation related activities, in addition to ongoing activities funded in this bill. The conference agreement fully funds the conservation spending category at $1,320,000,000. The distribution of funds as agreed to by the managers is shown in the table below.

SUMMARY OF CONSERVATION SPENDING CATEGORY

[In thousands of dollars]

Subcategory/appropriation account	Budget request	House	Senate	Conference
Federal, State and Other LWCF Programs:				
BLM Federal Land Acquisition	47,686	47,686	45,686	49,920
FWS Federal Land Acquisition	104,401	104,401	108,401	99,135
NPS Federal Land Acquisition	107,036	107,036	123,036	130,117
FS Federal Land Acquisition	130,877	130,877	128,877	149,742
Subtotal, Federal Land Acquisition	390,000	390,000	406,000	428,914
Stateside Grants (Recreation and Wildlife)	450,000	0	0	....
NPS Stateside Grants (and Administration)	0	154,000	164,000	144,000
State Wildlife Grants	0	100,000	100,000	85,000
Competitive Grants for Indian Tribes	0	5,000	0	[1] 0
FWS Incentive Grant Programs	60,000	60,000	60,000	50,000
Subtotal, State and Other Grant Programs	510,000	319,000	324,000	279,000
Total LWCF	900,000	709,000	730,000	707,914
State and Other Conservation Programs:				
FWS Coop. Endangered Species Conserv. Fund	54,694	107,000	91,000	96,235
FWS North American Wetlands Conserv. Fund	14,912	45,000	42,000	43,500
FWS Neotropical Migratory Birds	0	5,000	0	[2] 0
USGS State Planning Partnerships	0	25,000	25,000	25,000
FS, Forest Legacy	30,079	60,000	65,000	65,000
FS, Stewardship Incentives Program	0	8,000	0	[3] 0
Subtotal	99,685	250,000	223,000	229,735
Urban and Historic Preservation Programs:				
NPS Historic Preservation Fund	67,055	77,000	74,000	74,500
NPS Urban Parks and Recreation Recovery Grants	0	30,000	20,000	30,000
FS Urban and Community Forestry	31,804	36,000	36,000	36,000
BLM Youth Conservation Corps	1,000	1,000	1,000	1,000
FWS Youth Conservation Corps	2,000	2,000	2,000	2,000
NPS Youth Conservation Corps	2,000	2,000	2,000	2,000
FS Youth Conservation Corps	2,000	2,000	2,000	2,000
Subtotal	105,859	150,000	137,000	147,500
National Wildlife Refuge Fund—FWS	0	5,000	0	[4] 0
Payments in Lieu of Taxes—BLM	0	50,000	50,000	50,000
Federal Infrastructure Improvement Programs:				
BLM—Management of Lands & Resources	25,000	28,000	28,000	28,000
FWS—Resource Management	25,000	28,000	31,000	29,000
NSP—Construction	50,000	50,000	60,000	66,851
FS—Capital Improvement and Maintenance	50,497	50,000	61,000	61,000
Subtotal	150,497	156,000	180,000	184,851
FS Total	245,257	286,877	292,877	313,742
DOI Total	1,010,784	1,033,123	1,027,123	1,006,258
Total, Conservation Spending Category	1,256,041	1,320,000	1,320,000	1,320,000

[1] $5,000,000 for Tribal grants included in State Wildlife grants category.

[2] $3,000,000 in FWS, but not charged to the conservation spending category (CSC).

[3] $3,000,000 in FS, but no charged to CSC.

[4] $3,000,000 above budget request in FWS, but not charged to CSC.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $775,632,000 for management of lands and resources instead of $768,711,000 as proposed by the House and $775,962,000 as proposed by the Senate. Within this amount, $29,000,000 is from the conservation spending category.

Increases above the House for land resources include $501,000 for noxious weeds for the Montana State University weed program, $500,000 for Idaho weed control, and $400,000 for the Headwaters Forest reserve and a decrease of $1,000,000 for the natural resource challenge program.

Increases above the House for recreation management include $1,000,000 for Missouri River undaunted stewardship.

Increases above the House for energy and minerals include $45,000 for management reforms, $2,000,000 for the National Petroleum Reserve/Alaska, and $1,775,000 for Alaska minerals for the continued development of an interagency geological database that was initiated in fiscal year 2001.

The managers have provided $6,000,000 to address the Bureau's increased operational workload for oil and gas permitting and related activities, with an emphasis on expediting permit applications for coalbed methane development. The managers direct the Bureau to focus all possible efforts towards completion of environmental reviews that are necessary to proceed with further leasing.

The managers did not agree with the $700,000 earmark included in the Senate version of the bill to address the oil and gas permit backlog in the State of Utah. However, the managers did provide a significant increase for oil and gas permitting activities, a portion of which should be used to address the Utah backlog.

Increases above the House for realty and ownership management include $350,000 for the Montana cadastral project, $300,000 for the Utah geographic reference project, and $1,500,000 for Alaska conveyance to establish a public lands database.

The managers note that the increase provided for the Montana cadastral project fully funds the Federal share of this effort, however, the Bureau is encouraged to continue working with the State of Montana to finalize the project and facilitate data sharing.

Decreases below the House for resource protection and maintenance include $200,000 for desert rangers, for a total increase of $400,000 in fiscal year 2002.

There is an increase above the House level for transportation and facilities maintenance of $250,000 for the Iditarod National Historic Trail.

There is a decrease of $500,000 below the House level for workforce organizational support, which reflects a transfer to the Inspector General for Bureau audits.

The managers agree to the following:

1. The managers note that both the House and Senate included the Bureau's request of $3,000,000 to identify and evaluate oil and gas resources and reserves on public lands. In light of recent attacks on the United States that have underscored the potential for disruptions to America's energy supply, the

managers believe this project should be considered a top priority for the Department. Additionally, the managers direct the Bureau to provide the House and Senate Committees on Appropriations biannual reports on the progress of this effort and a final report detailing the findings of this review.

2. The managers wish to clarify the language dealing with the allocation of funds from the conservation spending category. Funding included in the management of lands and resources appropriation for the conservation spending category can be used for infrastructure improvements on all public lands including Oregon and California grant lands.

3. The managers are aware of the significant success the military services have had in utilizing pulse technology in their vehicles and other equipment to reduce costs and increase environmental benefits through the extension of the service life of batteries. The managers urge the Department as a whole, and specifically the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service to examine the opportunity for cost savings and associated environmental benefits of using pulse technology for battery management programs. The managers believe that this technology, if adopted by the Department, will directly benefit the Bureaus.

4. The managers urge the Department and the Bureau to place the highest possible priority on completion of the Imperial Sand Dunes Recreation Management Plan.

5. The managers have not provided $300,000 for the Southwest Strategy as proposed by the Senate.

Bill Language:

1. Language is included under the Bureau's administrative provisions reauthorizing the hard rock mining holding fee for 2 years.

2. The managers have earmarked $700,000 for the Rio Puerco watershed project, which is $300,000 above the budget request. The increase above the request shall be used for projects and initiatives developed by the Rio Puerco Management Committee (section 401 of Public Law 104–333).

3. The managers have earmarked $4,000,000 for the assessment of mineral potential in Alaska as proposed by the Senate instead of $2,225,000 as proposed by the House.

4. The conference agreement includes a technical correction to the conservation spending category statutory language as proposed by the Senate.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $678,421,000 for wildland fire management instead of $700,806,000 as proposed by the House and $659,421,000 as proposed by the Senate.

The managers have provided $280,807,000 for preparedness, $161,424,000 for fire suppression of which $34,000,000 is a contingent emergency appropriation, and $236,190,000 for other operations of which $20,000,000 is a contingent emergency appropriation for the rehabilitation and restoration program. The bureau may allocate up to an additional $2,838,000 for the Ecological Restoration Institute, Arizona for fuels reduction work including work at Mt. Trumbull.

The managers have not earmarked funds in bill language for hazardous fuels reduction work in the wildland-urban interface as proposed by the Senate. Instead, the managers direct the Department of the Interior to allocate the funding level proposed in the Administration's budget request of $111,255,000 on projects in the wildland-urban interface. If for any reason the Department is unable to attain the proposed levels, it shall promptly notify the House and Senate Committees on Appropriations explaining why the Department was unable to expend such sums. The managers continue to believe that an emphasis on fuels reduction work in the wildland-urban interface is critical to protecting the safety of rural communities.

Within the funds provided for other operations, $1,000,000 is for the National Center for Landscape Fire Analysis at Montana State University including funding for the purchase of a hyperspectral digital camera.

	Non-emergency	Emergency	Total
Preparedness	$280,807,000		$280,807,000
Suppression	127,424,000	$34,000,000	161,424,000
Other Operations:			
Hazardous Fuels	186,190,000		186,190,000
Rehabilitation	20,000,000	20,000,000	40,000,000
Rural Fire Assistance	10,000,000		10,000,000
Other Operations Subtotal	216,190,000	20,000,000	236,190,000
Total Fire Funding	624,421,000	54,000,000	678,421,000

The managers believe that the full, integrated national fire plan effort needs to be sustained in future years in order to reduce the risks of catastrophic fire in many areas of the Nation. The managers note that the Administration, working along with governors and local communities, have submitted a framework for a ten-year national fire plan. However, after reviewing the plan, the managers are concerned that the plan does not lay out clear funding requirements for various aspects of this important endeavor. Therefore, the managers direct the Secretaries of Agriculture and the Interior to provide to the House and Senate Committees on Appropriations by March 15, 2002, an updated fire plan that includes detailed schedules of activities and funding requirements. The managers understand that funding requirements for wildfire activities include considerable year-to-year uncertainty depending on weather and fire circumstances and therefore the managers view the funding requirements for the national fire plan as being an iterative process, which requires annual updates. The managers direct the Departments of the Interior and Agriculture to continue to work together to formulate complementary budget requests that reflect the same principles and a similar budget organization and submit a cross-cutting budget request to the Committees, which covers all federal wildfire responsibilities. In addition, the managers expect the agencies to seek the advice of governors, and local and tribal government representatives in setting priorities for fuels treatments, burned area rehabilitation, and public outreach and education.

The managers remain concerned about the variation in methods by which the Departments calculate wildfire fighting readiness and how the Departments plan their distribution of firefighting resources to attain efficiency. The managers direct the two Departments to develop and implement a coordinated and common system for calculating readiness which includes provisions for working with the shared fire fighting resources of the States and other cooperators and considers values of various resources on both Federal and other lands.

The managers are also concerned about the fire suppression costs during major incidents and therefore the Forest Service and the Department of the Interior are directed to contract for a thorough, independent review of wildfire suppression costs and strategies. The Departments should equally share the cost of the review and a preliminary report should be issued by May 31, 2002 and the final report should be delivered to the House and Senate Committees on Appropriations by September 30, 2002.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $9,978,000 for the central hazardous materials fund as proposed by the House and Senate.

CONSTRUCTION

The conference agreement provides $13,076,000 for construction instead of $11,076,000 as proposed by the House and $12,976,000 as proposed by the Senate. Funds should be distributed as follows:

Program/Area	*Amount*
Pompey's Pillar visitor center, MT	$2,900,000
California Trail Interpretive Center, NV	2,000,000
Fort Benton Visitor Center, MT	2,500,000
Rock Springs admin. Building, WY	2,500,000
Caliente warehouse building, NV	200,000
Hult Pond Dam repair, OR	582,000
Wildwood/Fisherman's Bend Sewer systems, OR	1,214,000
NHOTIC water treatment system, OR	103,000
North Sand Hills road & sanitation, CO	212,000
Blackwell Island recreation site, ID	765,000
Lone Pine visitor center, CA	100,000
Total	13,076,000

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $210,000,000 for payments in lieu of taxes instead of $200,000,000 as proposed by the House and $220,000,000 as proposed by the Senate. Within this amount, $50,000,000 is from the conservation spending category.

LAND ACQUISITION

The conference agreement provides $49,920,000 for land acquisition instead of $47,686,000 as proposed by the House and $45,686,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Beaver Creek NWSR/White Mountains National Recreation Area (AK)	$300,000
Catellus (CA)	3,100,000
Continental Divide National Scenic Trail (WY)	320,000
Cosumnes River Preserve (CA)	650,000
Douglas Point (MD)	2,000,000
El Dorado (rare plants) (CA)	3,000,000
El Malpais National Conservation Area (NM)	700,000
Garnet Ghost Town (MT)	650,000
Grande Ronde National Wild and Scenic River (OR/WA)	500,000
Gunnison Basin ACEC (CO)	2,500,000
King Range National Conservation Area (CA)	1,900,000
Lewis and Clark National Historic Trail (ID)	1,000,000
Lower Salmon River ACEC (ID)	2,000,000
Organ Mtns. (NM)	2,000,000
Otay Mountain/Kuchamaa HCP (CA)	2,000,000
Rio Grande National Wild and Scenic River (NM)	4,500,000
San Pedro Ecosystem (Gap/Borderlands—easements) (AZ)	2,000,000

Area (State)	*Amount*
Sandy River (OR)	3,000,000
Santa Rosa and San Jacinto Mtns. National Monument (CA)	1,000,000
Snake River Birds of Prey National Conservation Area (ID)	2,400,000
Soda Springs Hills (ID)	900,000
St. George (Johnson tract) (UT)	500,000
Upper Arkansas River Basin (CO)	1,500,000
Upper Crab Creek/Rock Creek (WA)	1,000,000
Upper Snake/South Fork Snake River (ID)	2,500,000
West Eugene Wetlands (OR)	1,500,000
Subtotal	43,420,000
Emergency/hardship/inholding	1,000,000
Land Exchange Equalization Payments	500,000
Acquisition Management	5,000,000
Total	49,920,000

Of the $650,000 included for the Garnet Ghost Town, $400,000 shall be used for the Blackfoot Challenge.

Of the $5,000,000 provided for acquisition management, $1,000,000 shall be used for land exchanges in eastern Washington State including, but not limited to, the Moses Coulee, Rock Creek, and Upper Crab Creek projects.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $105,165,000 for Oregon and California grant lands as proposed by the House instead of $106,061,000 as proposed by the Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the House and Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures, which is estimated to be $8,000,000 as proposed by the House and Senate.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $11,000,000 for miscellaneous trust funds as proposed by the House and Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $850,597,000 for resource management instead of $839,852,000 as proposed by the House and $845,814,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In endangered species programs there are increases of $400,000 in candidate conservation for the Idaho sage grouse management plan, $524,000 for the listing program, and $250,000 in consultation for the Central Valley and Southern California habitat conservation plan. There is also a decrease of $1,500,000 for the consultation program backlog.

Changes in the endangered species recovery program include increases of $800,000 for eider recovery at the Alaska Sealife Center, $200,000 for wolf monitoring in Idaho, $500,000 for the Preble's meadow jumping mouse in Colorado, $700,000 for Upper Colorado River endangered fish recovery, $600,000 for Lahonton cutthroat trout in Nevada, and $1,100,000 for Atlantic salmon of which $1,000,000 is for grants through the National Fish and Wildlife Foundation and $100,000 is for Service activities. There is also a decrease of $1,000,000 for the recovery program backlog.

Changes to habitat conservation programs include increases in partners for fish and wildlife of $750,000 for the Hawaii ESA community conservation plan, $1,250,000 for Reno biodiversity research and conservation in Nevada, $400,000 for the Montana Water Center wild fish habitat initiative, and $100,000 for landowner assistance at the Fairfield Marsh Waterfowl Production Area in Wisconsin. For project planning, there is an increase of $250,000 for Middle Rio Grande/Bosque research and a decrease of $500,000 for the CALFED program. In coastal programs, there are increases of $1,000,000 for the Cook Inlet Aquaculture Association king salmon program in Alaska and $200,000 for the Regional Aquaculture Association king salmon program in Alaska. There is also an increase of $9,000 for the environmental contaminants program. Cormorant work at the National Aquaculture Center in Arkansas and alternative habitat and food sources for Idaho terns are addressed in the migratory bird program.

In refuge operations and maintenance, there are decreases of $700,000 for refuge maintenance and $1,000,000 for the natural resource challenge program. There are no refuge-specific earmarks. Ohio River Islands NWR, WV equipment replacement and Canaan Valley NWR, WV maintenance are addressed in the construction account.

In migratory bird management, there are increases of $575,000 to reduce seabird bycatch in Alaska, $1,000,000 for the Canada geese depredation program, $200,000 for the National Aquaculture Center in Arkansas to address cormorant depredation problems, and $250,000 to address alternative habitat and food sources for terns in Idaho. There is also a decrease of $68,000 for joint venture programs, which reflects the elimination of the "general program activities" category. The funding level for each joint venture is identical to that shown in the House report.

There are no refuge-specific earmarks for law enforcement. Canaan Valley NWR, WV law enforcement maintenance needs are addressed in the construction account.

Changes to fisheries programs include an increase of $1,500,000 in hatchery operations and maintenance for Leadville NFH, CO trout (alternative 2), and increases in fish and wildlife management of $100,000 for Great Lakes fish and wildlife restoration, $850,000 for wildlife enhancement in Starkville, Mississippi, $100,000 for Yukon River escapement monitoring in Alaska, $200,000 for Yukon River management studies in Alaska, $160,000 for Yukon River public education on the salmon treaty in Alaska, $1,000,000 for Yukon River treaty implementation, $1,270,000 for marine mammal protection in Alaska, $250,000 for whirling disease research in Montana, and $100,000 for salmon and trout recovery work on the Columbia and Snake Rivers by the University of Idaho. Sewer replacement for the White Sulphur Springs NFH, WV is addressed in the construction account. Atlantic salmon recovery is addressed in the Endangered Species Act recovery program.

In general administration, there is an increase of $750,000 for travel and decreases of $1,000,000 for the National Fish and Wildlife Foundation and $825,000 for audits (which are funded under the Office of Inspector General salaries and expenses account). Grants for Atlantic salmon (Gulf of Maine) through the National Fish and Wildlife Foundation are addressed in the Endangered Species Act recovery program.

The managers agree to the following:

1. A total of $29,000,000 for infrastructure improvement is charged against the conservation spending category.

2. $850,000 is allocated to the Service for the Pima County, Arizona, regional multi-species habitat conservation planning effort that will result in Endangered Species Act Section 10 permits and is developed in cooperation with the following entities: the municipalities in Pima County (to include at least the City of Tucson, Town of Marana, and Town of Oro Valley) through a Cooperative Agreement by and among the County and participating municipalities based on the Service's Habitat Conservation Planning Handbook HCP MOU, and with the State of Arizona, Pima County interest groups, and Pima County citizens.

3. The $200,000 increase for wolf monitoring activities in Idaho is to be managed by the Service's Snake River Basin Office in Boise, Idaho.

4. The Service is strongly encouraged to work with the Idaho Office of Species Conservation and Bruneau Hot Springs Snail Conservation Committee in support of the Bruneau Hot Springs snail program, including conservation easement financing and water conservation practices, using appropriate grant programs administered by the Service.

5. The Service should place a high priority on the staffing and planning needs at the Hanford Reach National Monument, WA and on the unmet need for invasive plant control at the Loxahatchee NWR, FL.

6. The additional funds in hatchery operations and maintenance for the Leadville NFH, CO are provided with the expectation that the Department will ensure that the Bureau of Reclamation provides its share of funds for the project, consistent with the Bureau's mitigation responsibility.

7. Work by the Service to mitigate the adverse effects of water resource development projects conducted by other Federal agencies should be performed on a cost reimbursable basis and the Service should receive full and fair compensation for such work.

8. Funding for the wildlife enhancement program in Starkville, Mississippi is provided to assist in the establishment of an educational program to assist private landowners. There is no commitment to future funding.

9. Of the $2,246,000 provided for the continuation of activities begun in fiscal year 1997 to combat whirling disease and related fish health issues, $700,000 is for the National Partnership on the Management of Wild and Native Cold Water Fisheries, $250,000 is for the purpose of resistant trout research to be coordinated through the Whirling Disease Foundation, and $1,296,000 is to continue the National Wild Fish Health Survey, to expand whirling disease investigations, and to recruit and train health professionals.

10. The U.S. Army Corps of Engineers is currently conducting a major review of different approaches to preserving the Meadowlands wetlands area in northern New Jersey. The managers understand that the Service has no plan to establish a new National Wildlife Refuge System unit in this area but believes that the Service can be a helpful partner in this review by adding its unique expertise on the elements of the

study that pertain to conservation of wildlife, particularly migratory birds. The managers have deleted without prejudice the earmark in the Senate bill for a separate U.S. Fish and Wildlife Service Meadowlands study. Instead, the managers direct the Service to provide in-depth advice and consultation to the Corps to ensure that the study reflects the most appropriate recommendations for the support of wildlife in any future Meadowlands plans. The managers believe this will involve a substantial commitment of Fish and Wildlife Service resources to the Corps' effort, approximately equal to the $140,000 specified in the Senate bill.

11. The Service is encouraged to work with Marion County, Oregon and other stakeholders to address the long-term preservation of critical wetlands and wildlife habitat in the Lake Labish Basin.

The managers have agreed to a technical change to the conservation spending category bill language as proposed by the Senate, and a technical change as proposed by the House on merging prior year funds for infrastructure improvement under the conservation spending category.

The House proposed bill language designating specific amounts for the endangered species listing program and for critical habitat designations has been modified to adopt the Senate funding level for the listing program and to specify that the critical habitat designation limitation is exclusive of funds needed for litigation support.

Senate proposed earmarks for a study of the Hackensack Meadowlands in New Jersey, for Atlantic salmon grants in Maine, and for University of Idaho research on salmon and trout recovery are not retained in statutory language. Each of these items is addressed above.

CONSTRUCTION

The conference agreement provides $55,543,000 for construction instead of $48,849,000 as proposed by the House and $55,526,000 as proposed by the Senate. Funds are to be distributed as follows:

Project	Description	Amount
Anahuac NWR, TX	Bridge Rehabilitation/Replacement-Phase II (c)	330,000
Bear River NWR, UT	Dikes and related facilities	500,000
Bear River NWR, UT	Maintenance facility	500,000
Big Branch NWR, LA	Facilities renovation	400,000
Big Muddy NWR, MO	Headquarters design (p)	250,000
Blackwater NWR, MD	Renovation of existing facility	899,000
Bozeman Fish Technology Center, MT	Construction of Laboratory/Administration Building	2,556,000
Bridge Safety Inspections		545,000
Canaan Valley NWR, WV	Maintenance	875,000
Chincoteague NWR, VA	Herbert H. Bateman Education & Admin. Center-Phase III (c)	3,400,000
Condor Facilities, CA & ID	Recovery facility construction and renovation	1,750,000
Creston NFH, MT	Jessup Mill Dam-Phase III (c)	1,900,000
Crystal River NWR, FL	Office renovation (p/d)	125,000
Dam Safety Program and Inspections		650,000
Eufala NWR, AL	Environmental learning center (p)	100,000
Hagerman NWR, TX	Bridge Rehabilitation-Phase II (c)	1,800,000
Humboldt Bay NWR, CA	Seismic Safety Rehabilitation-Phase I (p/d)	190,000
Iron River NFH, WI	Replace Domes at Schacte Creek with Building	740,000
John Hay NWR, NH	Barn rehabilitation	150,000
John Heinz NWR, PA	Complete/equipment furnish admin. Wing	600,000
Jordan River NFH, MI	Replace Great Lakes Fish Stocking Vessel	200,000
Kealia Pond NWR, HI	Mitigation (c)	750,000
Klamath Basin Complex, OR	Water Supply and Management-Phase III	1,700,000
Kodiak NWR, AK	Visitor Center (p)	500,000
Leavenworth NFH, WA	Seismic Safety Rehabilitation-Phase I (p/d)	170,000
Mammoth Springs NFH, AR	Water supply & management-Phase II	60,000
Mattamuskeet NWR, NC	Lodge renovation	3,500,000
Midway Atoll NWR	Hangar roof replacement	650,000
Montezuma NWR, NY	Crusoe Conservation Center (c)	400,000
National Black-Footed Ferret Conservation Center, CO	New Endangered Species Facility-Phase III (c)	2,260,000
Necedah NWR, WI	Rynearson #1 Dam-Phase II (c)	2,725,000
Northwest Power Planning Area	Fish screens, etc.	4,000,000
Ohio River Islands NWR, WV	Equipment replacement	50,000
Quinault NFH, WA	Replace Quarters	290,000
Red Rock Lakes NWR, MT	Seismic Safety Rehabilitation-Phase I (p/d)	135,000
San Pablo Bay NWR, CA	Renovate Office-Phase II (c)	2,500,000
Silvio O. Conte NWR, VT	Education center (completes construction)	750,000
Six NFHs in New England	Water Treatment Improvements-Phase III (c)	2,630,000
Ted Stevens Anchorage Int'l Airport, AK	Hangar-Phase I (p/d)	536,000
Waccamaw NWR, SC	Visitor and Education Center (p)	400,000
White Sulphur Springs NFH, WV	Sewer replacement and maintenance needs	185,000
Wolf Creek NFH, KY	Visitor and Education Center (p/d)	400,000
Subtotal: Line Item Construction		43,051,000
Nationwide Engineering Services:		
Demolition Fund		1,000,000
Environmental Compliance		1,856,000
Seismic Safety Program		180,000
Waste Prevention and Recycling		150,000
Other Engineering Services		9,306,000
Total		55,543,000

The managers are concerned that the Service's construction program is not based on a sound strategic plan that clearly identifies priorities for the construction of headquarters, maintenance, visitor, and education facilities. For the past few years, construction budget requests have been inadequate and limited, almost exclusively, to health and safety-related projects. As a result, construction priorities outside that narrow scope have been set by the Congress. Management personnel within the Service have taken advantage of Congressional earmarks by attempting to convert a large number of Congressionally earmarked projects, including basic repair projects, into proposals for large, expensive visitor and education centers. The managers believe that the Service needs to take control of the priority setting process for construction and to set fair and reasonable priorities for construction outside the health and safety arena. Further, funding for the highest priority refuge and hatchery headquarters, visitor/education center construction projects, and visitor contact stations should be justified and requested in annual budget submissions.

The managers expect the Service to focus on providing on-the-ground refuge experiences for visitors and modest visitor/education centers and visitor contact stations. The Service should develop standardized designs for education and visitor centers and for visitor contact stations. The managers suggest that the maximum cost for any visitor center should not exceed $3 million unless there are extreme, extenuating circumstances, such as the high cost of materials transport and construction in Alaska. The managers expect the Service to treat the maximum amount as a true ceiling and not as the amount that every visitor center will receive. Also, visitor contact stations should have a much lower maximum funding level.

The managers expect the Service to pursue cost sharing, including in-kind services and contributions, in establishing priorities for construction. Further, the size of visitor centers and headquarters buildings should be related to current visitation and currently established "minimum staffing levels" and not based on comprehensive conservation plan or other projections. The guidelines and specifications developed by the Service should address size and function, sustainability, energy efficiency, people flow, and operating costs. The managers also expect the Service to develop unified outreach materials for visitor facilities.

The Service should report to the House and Senate Committees on Appropriations no later than February 1, 2002, on its priority setting and evaluation process for construction projects. Supervisory and management personnel within the Service should be held accountable for implementing Service construction priorities and should be clearly directed to refrain from operating as "free agents" in support of specific construction proposals outside that process.

Finally, the managers caution the Service that its refuge-specific comprehensive conservation plans are raising unrealistic expectations, both within and outside the Service, with respect to construction, land acquisition, and operations and maintenance funding availability. The managers expect the Service to place a clear and realistic statement in the front of each comprehensive conservation plan stating that such plans detail program planning levels that are substantially above current budget allocations and, as such, are for Service strategic planning and program prioritization purposes only. Such plans do not constitute a commitment for refuge boundary expansions, staffing increases, or funding for future refuge-specific land acquisitions, construction projects or operational and maintenance increases.

The managers agree to the following:

1. The funds provided for the Northwest Power Planning Area are for construction of fish screens, fish passage devices, and related features, pursuant to Public Law 106–502.

2. No funds are provided for an administrative center and visitor facility at Pelican Island NWR, FL. The Service should identify a site for, and justify the cost of, such a facility in future budget requests.

3. The Crusoe Conservation Center at the Montezuma NWR, NY is being funded largely with State and local funding from the State of New York, the local school district, Ducks Unlimited, and the Audubon Society. The managers encourage the Service to pursue such cost sharing for construction projects on other refuges.

4. The Service should pursue potential cost-sharing arrangements for construction of the Waccamaw NWR, SC visitor and education center.

5. No funds are included for planning and design of a research facility at the Sevilleta NWR, NM. The Service should consider such a facility in the context of its construction priorities for fiscal year 2003.

6. Further funding for barn rehabilitation at John Hay NWR, NH, if needed, should be provided from other sources such as historic preservation groups.

LAND ACQUISITION

The conference agreement provides $99,135,000 for land acquisition instead of $104,401,000 as proposed by the House and $108,401,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Back Bay NWR (VA)	$3,900,000
Big Muddy NFWR (MO)	2,000,000
Bon Secour NWR (AL)	1,000,000
Cahaba NWR (AL)	2,500,000
Canaan Valley NWR (WV)	7,800,000
Cape May NWR (NJ)	1,100,000
Cat Island NWR (LA)	4,000,000
Charles M. Russell NWR (MT)	1,000,000
Clarks River NWR (KY)	1,500,000
Dakota Tallgrass Prairie WMA (ND/SD)	2,500,000
Edwin B. Forsythe NWR (NJ)	2,500,000
Fairfield Marsh Waterfowl Production Area (WI)	1,000,000
Florida Panther NWR (FL)	500,000
Great Bay NWR (NH)	1,200,000
Great Meadows NWR (MA)	1,000,000
Great Salt Pond NWR (RI)	500,000
Great Swamp NWR (NJ)	1,000,000
Iron River Fish Hatchery (Glacial Springs) (WI)	285,000
J.N. Ding Darling NWR Complex (FL)	3,000,000
James Campbell NWR (HI)	2,000,000
Kenai NWR (Point Possession) (AK)	3,300,000
Laguna Atascosa NWR (TX)	5,000,000
Louisiana Black Bear Complex—Black Bayou NWR (LA)	500,000
Neal Smith NWR (IA)	1,000,000
Nisqually NWR Complex (WA)	1,000,000
Northern Tallgrass Prairie NWR (MN/IA)	550,000
Pelican Island NWR (Completes Lear and Michael tracts) (FL)	5,000,000
Petit Manan NWR (ME)	750,000
Rachel Carson NWR (ME)	1,000,000
Rappahannock River Valley NWR (VA)	2,000,000
Red River NWR (LA)	1,000,000
Red Rocks Lakes NWR (MT)	500,000
Reelfoot NWR Complex (TN)	1,000,000
Rhode Island NWR Complex (RI)	1,000,000
San Diego NWR (CA)	5,000,000
Silvio O. Conte NFWR	1,100,000
Southeast Louisiana NWR Complex (LA)	500,000
Stewart B. McKinney NWR (CT)	2,000,000
Waccamaw NWR (SC)	2,000,000
Wallkill River NWR (NJ)	2,000,000
Western Montana Project (MT)	3,000,000
White Sulphur Springs NFH (WV)	150,000
Whittlesey Creek NWR (WI)	500,000
Subtotal	80,135,000
Emergency & Hardship	1,500,000
Inholdings	1,500,000
Exchanges	1,000,000
Acquisition Management	15,000,000
Total	99,135,000

The funds included for the Great Salt Pond NWR, RI are subject to authorization.

The managers direct the Service to make land acquisition requests for individual refuge units, rather than the current practice of making requests at the refuge complex level.

None of the funding provided for land acquisition shall be used to acquire land for the placement of a visitor/interpretive center, without specifically identifying this purpose in the budget justification for both the land acquisition and construction accounts.

The managers have included bill language authorizing the purchase of common stock of Yauhannah Properties, Inc. The managers understand that the Yauhannah Properties, Inc. sole holding is property within the boundary of the Waccamaw National Wildlife Refuge, and they are only making the property available through the sale of common stock. Therefore, the managers are aware that it may be necessary for the Service to acquire this parcel by purchasing the common stock. The managers note that this purchase presents a number of complexities outside the Service's expertise, including potential tax implications. The managers expect that the Service should not assume any Federal, State, or other jurisdiction tax liability by acquiring this property through the purchase of common stock. The managers also expect that the purchase of common stock should only occur if the United States does not assume any material unanticipated liabilities or assume any additional liability or expense than it would otherwise assume if the underlying property were acquired.

The managers continue to be concerned about the Service's land acquisition budgeting and its land acquisition policy. In response to continuing oversight by the Appropriations Committees, the Service has developed a proposal to streamline staffing and to reform its approach to land acquisition budgeting and program implementation. The managers expect the Service to implement its proposal to reduce staffing from the current FTE level of 198 to 156 FTEs by October 1, 2003. The Service should make much greater use of contract resources for appraisals, cartography and surveying associated with land acquisition. The practice of refuge personnel and endangered species personnel charging costs to land acquisition should be terminated unless there are reimbursable agreements in place.

The managers have agreed to bill language to permit the limited use of project funding for overhead cost allocation consistent with the Service's cost allocation methodology during fiscal year 2002 only. The maximum amount that can be assessed against all land acquisition projects in fiscal year 2002 is $2,500,000 and the managers urge the Service to use savings from staffing attrition and other streamlining efforts to reduce, to the greatest extent possible, the amount assessed to a number well below the maximum allowable level.

The managers expect the Service to identify clearly its land acquisition planning requirements in the fiscal year 2003 and future budget requests and to justify fully those requirements as a separate line item in the land acquisition or resource management account. Likewise, any overhead cost allocation should be minimized and justified fully as a separate "cost allocation methodology" line item in the land acquisition account.

The managers expect the Service to report semi-annually on progress in implementing its land acquisition streamlining proposal and to achieve the October 1, 2003 staffing goals sooner than that date to the maximum extent practicable. The first progress report is due no later than February 1, 2002. Also, the managers strongly support the policy requiring Director approval of any refuge boundary expansion and expect the Service to justify any such approvals in the semi-annual report.

Land acquisition reform should be incorporated as a critical performance element in the Service's supervisory performance standards at the highest levels in headquarters, regional offices and the field. This performance element should be taken very seriously within the Service and the semi-annual reports to the House and Senate Committees on Appropriations should address specifically management performance on this element. The managers remind the Service that land acquisition reform should not be limited to implementing the Service's streamlining proposal. It should also apply to the individual manager's responsibility to adhere to the Service's land acquisition prioritization process and not operate as a "free agent" in support of specific land acquisition proposals outside that process.

Finally, the managers caution the Service that its refuge-specific comprehensive conservation plans are raising unrealistic expectations, both within and outside the Service, with respect to future land acquisition, construction, and operations and maintenance funding availability. The managers expect the Service to place a clear and realistic statement in the front of each comprehensive conservation plan stating that such plans detail program planning levels that are substantially above current budget allocations and, as such, are for Service strategic planning and program prioritization purposes only. Such plans do not constitute a commitment for refuge boundary expansions, staffing increases, or funding for future refuge-specific land acquisitions, construction projects or operational and maintenance increases.

LANDOWNER INCENTIVE PROGRAM

The conference agreement provides $40,000,000 for the landowner incentive program instead of $50,000,000 as proposed by both the House and the Senate.

STEWARDSHIP GRANTS

The conference agreement provides $10,000,000 for stewardship grants as proposed by both the House and the Senate.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $96,235,000 for the cooperative endangered species conservation fund instead of $107,000,000 as proposed by the House and $91,000,000 as proposed by the Senate. Changes to the House level include a decrease of $12,000,000 for habitat conservation plan land acquisition and an increase of $1,235,000 for program administration.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $14,414,000 for the national wildlife refuge fund as proposed by the Senate instead of $16,414,000 as proposed by the House. None of these funds are charged against the conservation spending category.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $43,500,000 for the North American wetlands conservation fund instead of $45,000,000 as proposed by the House and $42,000,000 as proposed by the Senate. Decreases to the House level include $1,440,000 for wetlands conservation grants and $60,000 for program administration.

The managers understand that the Caddo Lake Institute in partnership with the Division of International Conservation and the National Wetlands Research Center in Lafayette, Louisiana are interested in pursuing a RAMSAR-based wetlands science, site management and education program. The managers strongly encourage the Service to work with these groups to explore the possibility of funding such an activity through a North American Wetlands Conservation Act grant or another Service program.

The managers have agreed to bill language, as proposed by the House, limiting increased grant funding above the fiscal year 2001 level to projects in the United States. The Senate had no similar provision.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides $3,000,000 for the neotropical migratory bird conservation program instead of $5,000,000 as proposed by the House and no funding as proposed by the Senate. None of these funds are charged against the conservation spending category.

The managers expect the program to be administered by the division of bird habitat conservation but the Service should incorporate international program staff expertise into the oversight and administration of the program.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $4,000,000 for the multinational species conservation fund as proposed by both the House and the Senate.

The managers have agreed to bill language, as proposed by the House, specifying the public law citations for the Asian elephant and the rhino and tiger funds.

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION OF FUNDS)

The conference agreement provides $85,000,000 for State wildlife grants in fiscal year 2002 instead of $100,000,000 as proposed by both the House and the Senate. Within this amount, $5,000,000 is for a competitive grant program for Indian tribes. The agreement also provides for the rescission of $25,000,000 from the fiscal year 2001 appropriation rather than a rescission of $49,890,000 as proposed by the Senate and no rescission as proposed by the House.

The managers agree to the clarification of the "full array" of wildlife requirement for planning contained in the House report.

The managers have agreed to the distribution formula in bill language proposed by the Senate rather than the formula proposed by the House. The managers have also agreed to a technical change to the conservation spending category bill language proposed by the Senate.

TRIBAL WILDLIFE GRANTS

The conference agreement provides no funding under this heading for tribal wildlife grants; however, $5,000,000 is earmarked under the State wildlife grant program for this purpose.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,476,977,000 for the operation of the National park system instead of $1,480,336,000 as proposed by the House and $1,473,128,000 as proposed by the Senate. Of this amount, $2,000,000 for the Youth Conservation Corps program is derived from the conservation spending category.

The agreement provides $318,827,000 for resource stewardship as proposed by the House instead of $317,996,000 as proposed by the Senate. The agreement provides $297,543,000 for visitor services as proposed by the House instead of $298,343,000 as proposed by the Senate.

The agreement provides $481,088,000 for maintenance instead of $483,197,000 as proposed by the House and $478,701,000 as proposed by the Senate. Changes to the House level include increases totaling $600,000 for the New River Gorge National River to hire local crews to improve visitor access and facilities, remove structures posing hazards to visitors, and provide technical support and maintenance for the parkway. There is a reduction of $2,709,000 for the repair and rehabilitation program. Within the total for repair and rehabilitation the following projects should be funded: $675,000 for the Great Smoky Mountains National Park including $375,000 to repair the historic log cabins and a $300,000 general increase for maintenance needs, $400,000 for the George Washington Memorial Parkway, $175,000 for the Klondike Goldrush National Historic Park, and $400,000 for the Indiana Dunes National Lakeshore.

The conference agreement provides $272,921,000 for park support instead of $271,371,000 as proposed by the House and $271,490,000 as proposed by the Senate. Changes to the House level include increases of $200,000 for Wild and Scenic Partnership Rivers, $2,000,000 for Lewis and Clark Challenge Cost Share program grants and a decrease of $650,000 for financial audits, which have been funded under the Inspector General account. The entire $200,000 increase for Wild and Scenic Partnerships Rivers should be allocated directly to the eight partnership rivers through the Northeast Regional Office. The funds should be equally divided among the areas. The managers direct that no overhead costs may be charged to this money including the hiring of new staff. Any technical assistance should be provided by the existing rivers, trails and conservation assistance regional staff.

The agreement provides $104,598,000 for external administrative costs as proposed by the Senate instead of $107,398,000 as proposed by the House. The change to the House level is a reduction of $2,800,000 for bandwidth needs.

Following enactment of this Act, the National Park Service should make the necessary adjustments to align the additional operation funds for the purposes approved by the House and Senate Committees on Appropriations with the proper budget subactivities.

The managers remain supportive of the parks and programs of the Service. Each year, efforts are made to provide additional operational increases, over and above the request, to keep pace with the growing demands on the system and the Service. While some additional hiring may be necessary, the managers strongly encourage the Service to consider carefully the outyear implications of hiring decisions being made with available funds. Inflationary adjustments, pay cost requirements, and other dollars necessary to support employees grow over time. At a time of budget uncertainty, NPS managers should be cautious in committing to the hiring of additional personnel that may not be sustainable over time if budget increases are not forthcoming in future years.

The managers reinforce the direction in the House report regarding the cost and size of visitor centers, heritage centers and environmental education centers. Nearly five years ago, the Service was cautioned to be more realistic about the development of General Management Plans, which, in many cases, have become unrealistic documents which tend to include expensive, oversized buildings and other projects that are not essential or central to the mission of the park. In many instances, superintendents, working outside the National Park Service's budget process, put forward proposals for visitor centers that are oversized and do not take into account the location, current visitation and staffing levels of the specific unit. These projects often compete directly against backlog maintenance projects and other construction priority needs of the Service.

The managers direct the Director to take these repeated concerns seriously and prepare a response by February 1, 2002, which proposes a new National policy regarding the preparation of General Management Plans, addresses the issue of oversized structures, establishes appropriate scope for new proposed facilities, and establishes cost and planning parameters to be followed by all parks.

The managers expect the Director and the Regional Directors to be familiar with the scope of projects proposed, and to withhold approval of plans and projects that are not consistent with the policy to be articulated. This applies to proposals that are being officially considered through the budget process and proposals that are being considered independently. The managers understand that lines of authority flow from the Director through the Regional Directors to the parks, and greater discipline must be imposed in complying with established policy.

The managers also suggest that there should be a priority process for proposing new visitor facilities, when needed, and that the Service consider seriously the inclusion of this type of facility in the budget process when it meets a priority need of the Park System. The managers are concerned that priority systems for line-item construction which rely solely on backlog maintenance as a determining factor for funding will exacerbate the trend towards bypassing the established budget process for visitor services facilities. The National Park Service and the Department of the Interior are encouraged to agree on one common priority system that reflects the breadth of the Service's mission, with a strong emphasis on addressing backlog issues while responding to the emerging challenges facing the Service.

The managers have agreed to the Senate bill language providing two-year availability for maintenance, repair or rehabilitation projects, an automated facility management software system, and comprehensive facility condition assessments.

The managers have retained language, proposed by the House, which precludes the Service from establishing a new associate director position for business practices and partnerships. The managers agree that the Service needs to enhance its capacities in these areas, particularly with regard to strategic direction in the areas of concessions and fee management. Rather than reorganizing and creating more positions, at a time when the Administration is requiring agencies to review their workforces and streamline their organizations, the managers expect the Service to focus on increasing the technical and financial expertise needed to improve and protect the financial interests of parks on behalf of the taxpayers. Not all of these skills need to be hired on a permanent basis. Contracts and consultants should be used as appropriate. In filling positions in the concessions and fee areas, the managers expect the Service to abandon the traditional position descriptions and job screening criteria, and recruit for new employees who possess the necessary financial and strategic backgrounds. The managers have supported most of the business plans developed to date, and recommend that the types of skills used in that project be put to greater use within the National Park Service.

The managers have agreed to modify the Senate language regarding the Lewis and Clark Challenge Cost Share program to limit single awards to no more than $250,000 instead of $100,000 as proposed by the Senate. The managers also want to make clear that the competitive funds may be used for signature events, planning, visitor services and safety information.

The managers are aware of work that has been done at Glacier National Park to make several boat docks and trails accessible to park visitors with disabilities. The managers applaud these efforts, and urge the Service to allocate the funds necessary to complete similar work at the heavily used dock at Lake McDonald Lodge.

The managers commend the Service for beginning to include the role of slavery in its interpretations at Civil War Battlefields and Monuments along with other factors such as State sovereignty rights, economics including trade and tariffs, and broader cultural differences. The managers encourage the Service to continue to diversify and expand its interpretations so that all of these complex factors can be better understood.

The managers are supportive of efforts by the Service to expand diversity, not only in the workforce but also in the types of parks that comprise the system and in the outreach that is done to attract a broader spectrum of visitors to the resources of the Service. The managers are supportive of the cultural resources diversity initiative and encourage the Service to build on the successes of this effort in support of greater progress across all programs. The managers direct the Service to have an interdisciplinary team representing headquarters and the field prepare a comprehensive report on its various diversity initiatives, especially as they affect visitation and employment, and report back to the Committees on these findings by March 31, 2002. The report should incorporate those aspects of the Service's diversity action plan, which are targeted at improving performance, as well as the Director's plan for communicating internally and externally to the Service on the importance of these issues. The report should then be updated annually. The Service is encouraged to pursue opportunities to extend its outreach efforts in ways that do not require increased funding.

The managers are aware of efforts by the Department of the Interior to work with State and local authorities to prepare land use plans for the former Bureau of Mines property near Fort Snelling, Minnesota. The managers have deferred consideration of funding for this project pending conclusion of these discussions and presentation to the Committee of a land use plan which clarifies the total cost of the project, the Federal share of such costs, and more precise details regarding the role to be played by the Federal government. The managers are hopeful that a formal proposal can be considered prior to conference on the fiscal year 2003 bill.

United States Park Police

The conference agreement provides $65,260,000 for the United States Park Police as proposed by the House, instead of $66,106,000 as proposed by the Senate.

The managers have been concerned for several years about fiscal management and accountability of the U.S. Park Police. As a result, the Committees directed the National Academy of Public Administration (NAPA) to conduct a review of the USPP's goals, mission, financial management and accountability as well as its staffing, equipment, and other needs. The Academy completed its review in August and made extensive recommendations on needed improvements.

The managers direct the Department, in cooperation with the National Park Service and the United States Park Police, to develop a detailed plan to implement the comprehensive recommendations of NAPA described in the August 2001 report. The Department should forward its implementation plan to the House and Senate Committees on Appropriations no later than December 15, 2001.

National Recreation and Preservation

The conference agreement provides $66,159,000 for National recreation and preservation instead of $51,804,000 as proposed by the House and $66,287,000 as proposed by the Senate. The agreement provides $549,000 for recreation programs as proposed by the House instead of $555,000 as proposed by the Senate.

The agreement provides $10,930,000 for natural programs as proposed by the House instead of $11,595,000 as proposed by the Senate. Within the amount provided for the Rivers and Trails Conservation Assistance program, $250,000 is earmarked for work establishing a 740-mile Northern Forest Canoe Trail through the States of Vermont, New York, Maine, and New Hampshire. The managers urge the program to give priority consideration to the Eightmile River, the Washington-Rochambeau National Historic Trail and Clark County, Nevada. The managers are concerned with National Park Service decisions to continue Rivers and Trails Conservation Assistance earmarks as permanent increases to base funding. If the National Park Service wishes to continue an earmark it should be identified as a continuing project in the budget justification.

The agreement provides $20,769,000 for cultural programs instead of $20,019,000 as proposed by the House and $20,451,000 as proposed by the Senate. Changes to the House level include an increase of $250,000 for the Heritage Education Model and $500,000 for the newly authorized Underground Railroad grant program, of which $250,000 is for a grant to the Underground Railroad Coalition of Delaware. This program should be managed by the same grants staff as the Underground Railroad technical assistance program. This entire amount should be used for grants. The $250,000 earmarked in the House report to continue development of a model Heritage Education Initiative is in cooperation with Northwestern State University of Louisiana. Within available funds, the managers direct that $300,000 be available for Heritage Preservation, Inc.

The conference agreement provides $1,718,000 for international park affairs as proposed by the House instead of $1,732,000 as proposed by the Senate.

The agreement provides $397,000 for environmental compliance and review as proposed by the House instead of $401,000 as proposed by the Senate. Also provided is $1,582,000 for grant administration as proposed by the House instead of $1,605,000 as proposed by the Senate.

The conference agreement provides $13,209,000 for heritage partnership programs instead of $12,458,000 as proposed by the House and $13,368,000 as proposed by the Senate. This total includes $13,092,000 for individual heritage areas and $117,000 for administrative support. Funds are to be distributed as follows:

America's Agricultural Heritage Partnership	$700,000
Augusta Canal National Heritage Area	492,000
Automobile National Heritage Area	500,000
Cache La Poudre River Corridor	50,000
Cane River National Heritage Area	650,000
Delaware and Lehigh National Heritage Corridor	700,000
Erie Canalway National Heritage Corridor	210,000
Essex National Heritage Area	1,000,000
Hudson River Valley National Heritage Area	900,000
Illinois and Michigan Canal National Heritage Corridor	500,000
John H. Chafee Blackstone River Valley National Heritage Corridor	800,000

Lackawanna Valley National Heritage Area	500,000
National Coal Heritage Area	210,000
Ohio and Erie Canal National Heritage Corridor	1,000,000
Quinebaug and Shetucket Rivers Valley National Heritage Corridor	750,000
Rivers of Steel National Heritage Area	1,000,000
Schuykill National Heritage Area	210,000
Shenandoah River Valley Battlefields National Historic District	500,000
South Carolina National Heritage Corridor	1,000,000
Tennessee Civil War Heritage Area	210,000
Wheeling National Heritage Area	1,000,000
Yuma Crossing National Heritage Area	210,000
Project total	13,092,000
Administrative	117,000
Total	13,209,000

The managers reiterate that previously appropriated technical assistance money for heritage areas is to be used to assist local governments and partner organizations implement locally supported projects consistent with the overall plans for these congressionally designated areas.

The conference agreement provides $17,005,000 for statutory or contractual aid instead of $4,151,000 as proposed by the House and $16,580,000 as proposed by the Senate. The funds are to be distributed as follows:

Anchorage Museum	$2,500,000
Barnanoff Museum/Erksin House	250,000
Bishop Museum's Falls of Clyde	300,000
Brown Foundation	101,000
Chesapeake Bay Gateways	1,200,000
Dayton Aviation Heritage Commission	299,000
Denver Natural History and Science Museum	750,000
Ice Age National Scientific Reserve	806,000
Independence Mine	1,500,000
Jamestown 2007	200,000
Johnstown Area Heritage Association	49,000
Lake Roosevelt Forum	50,000
Lamprey River	500,000
Mandan On-a-Slant Village	750,000
Martin Luther King, Jr. Center	528,000
Morris Thomson Cultural and Visitor Center	750,000
National Constitution Center	500,000
Native Hawaiian Culture and Arts Program	740,000
New Orleans Jazz Commission	66,000
Penn Center National Landmark	1,000,000
Roosevelt Campobello International Park Commission	766,000
Sewall-Belmont House	500,000
St. Charles Interpretive Center	500,000
Vancouver National Historic Reserve	400,000
Vulcan Monument	2,000,000
Total	$17,005,000

The managers have included $750,000 for the Denver Natural History and Science Museum, $500,000 for the St. Charles Interpretive Center, and $750,000 for Mandan-on-a-Slant Village. This completes the Federal commitment to these projects.

URBAN PARK AND RECREATION FUND

The conference agreement provides $30,000,000 for the urban park and recreation fund as proposed by the House instead of $20,000,000 as proposed by the Senate. This program is funded under the conservation spending initiative.

HISTORIC PRESERVATION FUND

The conference agreement provides $74,500,000 for the historic preservation fund instead of $77,000,000 as proposed by the House and $74,000,000 as proposed by the Senate. The change to the House is a reduction of $2,500,000 for a grant to the National Trust for Historic Preservation for its historic sites program.

Included in the total is $30,000,000 to continue the Save America's Treasures program. Save America's Treasures funds are subject to a fifty percent cost share, and no single project may receive more than one grant from this program. A total of $15,000,000 is provided for competitive grants and the remaining $15,000,000 is to be distributed as follows:

Project/State	*Amount*
1901 Pan Am Building, NY	$100,000
Academy of Music, Philadelphia Orchestra, PA	200,000
Akron Civic Theatre, OH	500,000
Alaska Moving Image Preservation Association, AK	500,000
Amer. Air Power Museum (hangar restoration & Tuskegee Airmen exhibits), NY	200,000
Arthurdale Historic Community (restoration), WV	300,000
B&O Railroad/Vanadalia Corridor Restoration, WV	200,000
Bailly Chapel House, IN	200,000
Belknap Mill, NH	250,000
Biltmore School, NC	300,000
Bishop Museum Moving Image Collection, HI	50,000
Camp Ouachita, AR	365,000
Charles Washington Hall, WV	200,000
City Hall, Taunton, MA	250,000
Documentation of the Immigrant Experience, MN	250,000
Eagle Block rehabilitation, NH	250,000
Englert Theatre, Iowa City, IA	365,000
Florence Griswold Museum, Old Lyme, CT	100,000
Fort Mitchell, AL	300,000
Fort Nisqually, WA	250,000
Fort Pike, LA	200,000
Franklin House, NY	100,000
Frederick Douglass Junior and Senior High School, Huntington, WV	270,000
George Ohr Museum and Cultural Center, MS	425,000
Harborview (Great Lakes Historical Society), OH	100,000
Harrison Brothers Hardware, AL	100,000
Hegeler-Carus Mansion, IL	200,000
Hill Stead Museum, CT	115,000
Lewis and Clark College (artifact preservation), OR	400,000
Lincoln Courthouse, WI	280,000
Lincoln Historic Building, NM	1,000,000
Lion House at the Bronx Zoo, NY	200,000
Lloyd House, VA	125,000
Mahaiwe Theater, MA	250,000
Masonic Temple, PA	200,000
McDowell House, KY	150,000
Moss Mansion, MT	70,000
Orpheum Theatre, KS	200,000
Paducah-McCracken County River Heritage Museum, KY	250,000
Paul Robeson House, PA	200,000
Pawtucket Armory, RI	250,000
Peter Augustus Jay House, NY	100,000
Pickens County Courthouse, AL	100,000
Prairie Churches, ND	100,000
Quarry Pond Farm Barn, OH	200,000
Quindaro Archaelogical Site Preservation, KS	200,000
Robert Mills Courthouse, Camden, SC	330,000
Rose Hill Farm, VA	100,000
Scarsdale National Historic Railroad Station, NY	100,000
Scranton Cultural Center, PA	250,000
Shreveport Oakland Cemetery, LA	365,000
Sotterly Plantation (Manor House), MD	220,000
Squire Earick House, KY	150,000
State Theatre, NY	150,000
Tinner Hill, VA	125,000
U.S. Air Force Museum (restoration of XC-99 aircraft), OH	200,000
University of Missouri (Audubon's "Birds of America"), MO	155,000
University of South Dakota Old Women's Gym/Original Armory, SD	365,000
University of Vermont Morgan Horse Farm, VT	365,000
USS Alabama, AL	250,000
Vermont Historical Society, Spaulding Grade School, Barre, VT	365,000
West Virginia State Museum—Civil War Regimental Flag Collection, WV	95,000
Wooster City Schools Administrative Building, OH	500,000
Total	15,000,000

CONSTRUCTION

The conference agreement provides $366,044,000 for construction instead of $349,249,000 as proposed by the House and $338,585,000 as proposed by the Senate. Of this total, $66,851,000 is funded under the conservation spending category. The funds are to be distributed as follows:

[In thousands of dollars]

Project	Planning	Construction
Abraham Lincoln Library, IL		8,000
Apostle Islands NL, WI (utility systems)		436
Arches NP, UT (visitor center planning)	680	
Assateague Island NS, MD (upgrade water treatment plant)		550
Assateague Island NS, MD (Coastal Barrier Island Education Center environmental assessment)	500	
Big Bend NP, TX (sewer planning)	400	
Big Cypress NPres, FL (rehabilitate trails)		3,000

[In thousands of dollars]

Project	Planning	Construction
Blue Ridge Parkway, NC (rehabilitate/replace guardrails)		3,796
Blue Ridge Parkway, Fisher Peak, VA		1,000
Boston NHP, MA (rehabilitate Bunker Hill monument)		3,751
Brown v. Board of Education NHS, KS (rehabilitate Monroe School)		2,475
Cane River Creole NHP, LA (Oakland Plantation stabilization and preservation)		1,983
Cape Cod NS, MA (complete Salt Pond visitor center)		710
Cape Cod NS, MA (Highlands Center water, fire, and septic systems)		775
Cape Hatteras NS, NC (complete lighthouse relocation project)		1,173
Chesapeake and Ohio Canal NHP, MD (stabilize Monocacy Aqueduct)		6,415
Chesapeake and Ohio Canal NHP, DC (preserve Georgetown waterfront masonry walls)		1,838
Colonial NHP, VA (preserve Poor Potter archaeological site)		718
Cumberland Island NS, GA (restore chimneys)		450
Cuyahoga Valley NP, OH (rehabilitation and restoration)		3,000
Dayton Aviation Heritage NHP, OH (Huffman & west exhibits)		3,100
Delaware Water Gap NRA, PA (planning)	67	
Denali NP&P, AK (entrance visitor facilities)		7,000
Downeast Heritage Center, ME (completion)		2,000
Everglades NP, FL (modified water delivery system)		19,199
Everglades NP, FL (Flamingo wastewater system)		4,192
Fort McHenry NM & HS, MD (repair historic seawall)		1,480
Fort Washington Park, MD (repair masonry wall)		700
Franklin D. Roosevelt NHS, NY (construct FDR Library visitor center)		5,630
Gateway NRA, NJ (Sandy Hook access)		2,346
Gateway NRA, NY (complete Jacob Riis Park rehabilitation)		4,130
Gateway NRA, NY (Jacob Riis Park natatorium study)	200	
George Washington Memorial Parkway, MD (complete rehabilitation of Glen Echo facilities)		2,400
George Washington Memorial Parkway, VA (rehab Arlington House, outbuildings and grounds)		1,562
Gettysburg NMP, PA (restore Cyclorama)		2,500
Glacier NP, MT (Many Glacier Hotel emergency stabilization)		4,500
Glacier NP, MT (Lake McDonald wastewater treatment)		1,500
Glacier NP, MT (reconstruct Apgar District and Headquarters water system)		5,485
Glacier Bay NP&P, AK (construct maintenance support facility)		4,233
Glen Canyon NRA, UT (Wahweap sewage system)		5,138
Golden Gate NRA, CA (Immigration Museum studies)	450	
Golden Gate NRA, CA (Pier 2 seismic)		13,000
Grand Canyon NP, AZ (rehabilitate South Rim comfort stations)		987
Great Basin NP, NV (visitor learning center planning and design)	500	
Great Smoky Mountains NP, TN (replace science facilities)		4,703
Harpers Ferry NHP, WV (restoration and rehabilitation of train station)		1,890
Hispanic Cultural Center, NM (construction)		1,800
Hot Springs NP, AR (rehabilitation)		2,000
Independence NHP, PA (replace walkways)		966
Independence NHP, PA (utilities and exhibits at 2nd Bank)		6,583
Jamestown NHS, VA (DCP/EIS, storage for collections)	795	
Jean Lafitte NHP&P, LA (rehabilitate Decatur House & Chalmette Battlefield)		500
John Adams Presidential Memorial, DC (planning)	1,000	
John Day Fossil Beds NM, OR (construct paleontological center and rehabilitate headquarters)		8,421
John H. Chafee Blackstone River Valley NHC, RI & MA		1,000
Keweenaw NHP, MI (restore historic Union Building)		2,500
Lava Beds NM, CA (replace visitor center)		4,131
Little Bighorn Battlefield National Indian Memorial, MT		2,300
Mesa Verde NP, CO (water systems)		4,037
Mojave NPres, CA (Kelso exhibits)		750
Morris Thomson Visitor and Native Cultural Center, AK		1,500
Morristown NHP, NJ (rehabilitation)		600
Mt. Rainier NP, WA (Guide House)	56	1,590
National Capital Parks-Central, DC (complete Jefferson Memorial rehabilitation)		2,600
National Capital Parks-Central, DC (upgrade Ford's Theater and Petersen's House)		1,562
National Capital Parks-Central, DC (capitol concert canopy)		950
National Center for the American Revolution, PA (development concept planning)	350	
National Underground Railroad Freedom Center, OH		3,000
New River Gorge NR, WV (upgrade water system)		556
Niagara River & Gorge, NY (special resource study)	300	
Olympic NP, WA (Elwha River restoration)		25,847
Palace of the Governors, NM (complete federal contribution to annex)		5,000
Petrified Forest NP, AZ (replace water line)		5,929
Point Reyes NS, CA (lighthouse access, utilities)		1,285
Puukohola Heiau NHS, HI (relocate maintenance facilities)		837
Redwood NP, CA (remove failing roads)		2,552
Saint Croix Island IHS, ME (provide basic facilities)		713
Saint Croix NSR, WI (visitor center planning)	360	
San Francisco Maritime NHP, CA (rehabilitate C.A. Thayer)		4,639
Sequoia NP, CA (complete restoration of Giant Forest)		1,480
Shiloh NMP Corinth Civil War Interpretive Center, MS (complete construction)		3,062
Southwestern Pennsylvania IHR, PA (rehabilitation)		3,000
Statue of Liberty NM, (Ellis Island, NJ seawall repair planning)	600	
Stones River NB, TN (rehabilitation)		2,900
Timucuan Ecological and Historic Reserve, FL (visitor access, signs and exhibits)		500
Tumacacori NHP, AZ (relocate maintenance and administrative facilities)		944
Tuskegee Airmen NHS, AL (Moton Field rehabilitation and restoration)	1,000	
Ulysses S. Grant NHS, (restore historic structures)		5,200
Vancouver NHR, WA (Barracks repairs)		1,500
Vicksburg NMP, MS (Mint Spring stabilization)		920
White House, DC (structural and utility rehabilitation)		6,500
Wilson's Creek NB, MO (rehabilitation)		250
Wrangell St. Elias NP&P, AK (exhibits)		700
Yellowstone NP, WY (replace Norris water and wastewater treatment facilities)		2,008
Yellowstone NP, WY. (replace deficient collections storage & build collections management facility)		7,224
Subtotal	7,258	268,081
Grand Subtotal, planning and construction		275,339
Emergency and Unscheduled Projects		3,500
Housing Replacement		12,500
Dam Safety		2,700
Equipment Replacement		17,960
Construction Planning, Pre-design and Supplementary Services		25,400
Construction Program Management and Operations		17,405
General Management Planning		11,240
Subtotal		90,705
Total, NPS Construction		366,044

The managers have not included the $4,972,000 for utilities and campground replacement at Acadia National Park because the funds cannot be obligated until 2003. However, the managers are strongly supportive of this project and intend to provide these funds in fiscal year 2003. The managers have included $680,000 to initiate planning for a visitor center at Arches National Park in Utah. The Service is directed to complete this project for $6,800,000 including all design, construction and exhibits. The funds provided for a memorial commemorating President John Adams are for planning and design, in cooperation with non-Federal partners.

The managers have included $500,000 in planning to complete an environmental assessment for proposed visitor education centers at Assateague Island National Seashore. The managers are aware of proposals for two separate facilities that would be constructed in close proximity to one another at this location. The park has advocated for a new 7,000 square foot Barrier Island Education Center; and the State of Maryland, in partnership with the park, has proposed an 11,000 square foot Coastal Ecology Learning Center. The managers are concerned about the potential duplication of efforts in these proposed facilities, as well as both the construction and operational costs. The preliminary cost estimate for the proposed park facility alone is $9,500,000. The managers strongly encourage the park and its partners to develop a comprehensive program that addresses and prioritizes the proposed program requirements and reduces the overall scope and cost of the consolidated project. Combining these two efforts into one facility will save both Federal and State resources. The managers expect the Service to report to the House and Senate Committees on Appropriations prior to the obligation of any funds for construction of this project. This is not a commitment to fund this project in the future.

Although the conference agreement contains no specific funding for the Stiltsville project in Biscayne National Park, as soon as the Service assumes direct responsibility for the structures the managers expect the Service to allocate such repair and rehabilitation funds as are necessary to maintain properly the structures in a manner consistent with the management policy that is adopted.

The managers have included $775,000 for the Highlands Center in the Cape Cod National Seashore to accomplish core utility system replacement at the closed North Truro Air Force Station. The potable water and fire suppression systems will be repaired and the septic facilities will be replaced to prepare for the conversion of the station into the Highlands Center. The Center is a cooperative effort between the National Park Service and other public and private groups and will serve as the focal point for environmental sciences, traditional Cape Cod culture, and the arts for the public on Cape Cod. The total Federal investment for infrastructure improvements will be $2,500,000; the balance will be raised through private sources.

The managers have agreed to provide $1,000,000 towards the construction of a music center at Fisher Peak in the Blue Ridge Parkway. The managers direct that the $500,000 in unobligated balances from the Fisher Peak amphitheater funding, appropriated by the Committees in fiscal year 1998, be reprogrammed to this project. These funds complete the National Park Service commitment to this project.

Both the House and Senate bills included $6,000,000 for stabilization of the Many Glacier Hotel at Glacier National Park. The managers have agreed to reallocate $1,500,000 of these funds to complete the wastewater treatment system at Lake McDonald, the cost of which is higher than original estimates due to design modifications required to comply with State and Federal treatment requirements. The remaining $4,500,000 provided for Many Glacier stabilization are sufficient to complete the most urgently needed repairs. The managers note that this reallocation of funds will have no impact on the expected ability of the Hotel to open for the 2002 season, and will in no way enhance the concessionaire's possessory interest in the Hotel. The managers encourage the Service to continue working with interested parties to resolve the question of possessory interest, and to address other issues that require resolution in order to ensure the restoration and continued operation of the Hotel.

The managers have included $2,000,000 for the Downeast Heritage Center in Maine. This completes the Federal commitment to this project. The managers have provided $700,000 for restoration work at Fort Washington Park in Maryland. The managers direct that the balance of the funds to complete this project be provided from unobligated 2001 funds available to the park.

Included in the conference report is $4,130,000 to complete the Jacob Riis Park bathhouse facilities at Gateway NRA in New York. The conference report includes $200,000 for a feasibility study at Gateway NRA that should: (1) evaluate the demand for a year-round swimming pool at Jacob Riis Park; (2) determine the costs of constructing and operating such a facility; (3) identify viable funding options for the project (including concessions, third party contributions, partnerships, leasing opportunities etc.); and (4) assess the economic impact of alternative development sites at Riis Park. The managers remind the Service that funding for the feasibility study is not a commitment for future construction.

The managers have included $795,000 in planning for improvements associated with the upcoming 400th anniversary of the settlement at Jamestown, VA. These funds are to be used to complete the development concept plan and environmental impact statement initiated with funding provided in fiscal year 2001, and to conduct planning for the proposed collections storage building for the NPS collection and the associated access road. None of the funds are to be used to initiate planning associated with demolition or rehabilitation of the existing visitor center nor with planning for any other new facilities, which might be envisioned for Jamestown. The Service should report to the House and Senate Committees on Appropriations by April 1, 2002 on the private fundraising effort.

The managers have included $500,000 for the planning and design of a visitor learning center at Great Basin National Park, NV. The total Federal share for the center is not to exceed $4,200,000, including the planning and design funds.

The conference report includes $1,500,000 for the construction of the Morris Thomson Visitor and Native Cultural Center in Alaska. It is the intent of the managers that the National Park Service commitment to this project will not exceed $10,000,000 including planning, construction, furnishings and exhibits.

The managers have included $600,000 to complete planning at Morristown NHP in New Jersey. A total of $3,200,000 will be required in fiscal year 2003 to complete the Federal share of this project.

Also included is $350,000 to develop a concept plan for the National Center for the American Revolution. This funding is not a guarantee of a future Federal commitment, and it is the intent of the managers that the Center be mostly funded through private sources.

The $300,000 included for a Niagara River and Gorge special resource study is subject to authorization. The managers have included $5,000,000 for the Palace of the Governors. This completes the Federal commitment to this project. The conference agreement provides $3,062,000 to complete the Shiloh NMP visitor facility.

The conference agreement provides $1,000,000 for planning the rehabilitation of Moton Field at the Tuskegee Airmen National Historic Site. Before making these funds available for obligation, the managers direct the Service to consult with the House and Senate Committees on Appropriations in order to define better the overall scope, cost and timing of the project.

The managers note that the $1,500,000 appropriation for preservation of the barracks at the Vancouver National Historic Reserve exceeds the currently authorized amount. Further appropriations for this project will not be considered unless the authorization is increased.

The managers have included $250,000 to complete the Wilson's Creek National Battlefield. This completes federal funding for this project.

The managers direct the National Park Service to contract with the National Academy of Public Administration to conduct a review of how effectively the Service has implemented the recommendations of the Academy's 1998 report on reforms to the Service's construction program, including the Denver Service Center operations.

The managers have consolidated the predesign, supplementary services, and planning activities into one activity. The managers understand that the National Park Service will still track spending in each of these categories separately to ensure that the NAPA guidelines are followed. This consolidation will not affect the planning requirements of projects that will be worked on, but rather, contribute to the appropriate accounting of funds in support of projects appropriated or scheduled in the five year construction plan, while allowing sufficient flexibility to direct funds to the appropriate planning category.

The managers urge the NPS to include sufficient funds in the fiscal year 2003 budget request for necessary repairs and improvement of facilities at the Wright Brothers National Memorial in North Carolina in preparation for the First Flight Centennial Celebration.

Within the amount provided for Cuyahoga National Park, the managers have provided $200,000 for a platform and station at the south terminus of the Cuyahoga Valley Scenic Railroad. Twenty-four miles of the railroad run through the national park and addition of the platform and station will enhance the experience of park visitors.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 2002 by 16 U.S.C. 460l–10a as proposed by both the House and the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement provides $274,117,000 for land acquisition and State assistance instead of $261,036,000 as proposed by the House and $287,036,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Adams National Historic Park (MA)	2,000,000
Blue Ridge Parkway (NC/VA)	1,000,000
Brandywine Battlefield (PA)	1,500,000
Civil War Battlefields	11,000,000
Cumberland Gap NHP (Fern Lake) (KY/VA)	500,000
Cumberland Gap NHP (KY/VA)	100,000
Cuyahoga Valley NP (OH)	1,000,000
Dayton Aviation Heritage NHP (OH)	750,000
Delaware Water Gap NRA (PA/NJ)	700,000
Denali NP & P (AK)	1,200,000
Ebey's Landing NHR (WA)	1,000,000
Everglades—Grant to the State of Florida	15,000,000
Everglades—Modified Water Delivery Project	16,000,000
Fort Smith NHS (AR/OK)	850,000
Fort Sumter NM (SC)	1,750,000
Fort Union Trading Post NHS (ND)	100,000
Fredericksburg & Spotsylvania County Battlefields Memorial NMP (VA)	2,000,000
Golden Gate NRA (Mori Point) (CA)	2,500,000
Grand Teton NP (Resor Ranch) (WY)	3,500,000
Great Sand Dunes NM&P (CO)	2,000,000
Greenbelt Park (Jaeger Tract) (MD)	1,000,000
Guilford Courthouse NMP (NC)	800,000
Gulf Islands NS (Cat Island) (MS)	9,000,000
Hawaii Volcanoes NP (HI)	6,000,000
Ice Age NST (WI)	3,000,000
Indiana Dunes NL (IN)	2,000,000
Keweenaw NHP (MI)	800,000
Lowell NHP (MA)	857,000
Mississippi NRRA (Riverview) (MN)	850,000
Moccasin Bend (Rock-Tenn and Serodino tracts) (TN)	1,000,000
Morristown NHS (NJ)	750,000
New River Gorge NR (WV)	6,800,000
Nez Perce NHP (Canoe Camp and Weippe Prairie) (ID)	1,500,000
Olympic NP (WA)	1,210,000
Puuhonua O Honaunau NHP (HI)	500,000
Saguaro NP (AZ)	4,000,000
Sand Creek Massacre NHS (CO)	800,000
Santa Monica Mtns. NRA (Upper Ramirez Canyon) (CA)	1,000,000
Shenandoah Valley Battlefields NHD (VA)	1,200,000
Sleeping Bear-Dunes NL (MI)	1,100,000
Timucuan Ecological and Historic Preserve (FL)	1,000,000
Vicksburg NMP (Pemberton HQ) (MS)	500,000
Subtotal	110,117,000
Emergency & Hardship	4,000,000
Inholdings & Exchanges	4,000,000
Acquisition Management	12,000,000
Stateside Grants	140,000,000
Administrative Assistance to States	4,000,000
Total	274,117,000

The managers agree to the following revision to the reprogramming guidelines for the National Park Service only. Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations and declarations of taking and tracts with an appraised value of $500,000 or less, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with established procedures.

The managers have not provided funding for Fuez conservation easements at the Grand Teton NP, as proposed by the Senate. Instead, the managers have provided funding for the Fuez conservation easements in the Forest Service land acquisition account under the Bridger-Teton NF.

The managers have provided $1,200,000 for the acquisition of the Weiler property at Denali NP. The National Park Service is directed to use the Bureau of Land Management as the appraiser of the property. The appraisal shall take into consideration the value of surface and subsurface rights, mineral rights, and any other development rights attendant with the property in accordance with applicable appraisal standards.

The funds included for Cumberland Gap NHP (Fern Lake), Moccasion Bend NHS, Puuhonua o Honaunau NHP and Vicksburg NMP are subject to authorization.

The conference agreement provides $1,000,000 for the Ebey's Landing National Historical Reserve. The managers direct that this sum, together with any unexpended funds from the fiscal year 2001 appropriation for Ebey's Landing, shall first be used to complete the purchase of the Pratt Estate properties. If any funds remain after the Pratt Estate properties have been acquired by the National Park Service, they may be used for acquisition of such other properties as the Service finds desirable.

The funds included for Greenbelt Park are subject to a non-Federal match.

The managers direct that $400,000 of the unobligated $2,400,000 currently available at the Petroglyph NM be used to conduct a boundary survey of that monument. The managers understand that this may ultimately mean that additional funds are required to complete acquisitions at Petroglyph NM.

ADMINISTRATIVE PROVISIONS

The managers have agreed to language contained in the House bill, which allows the Service to convey a leasehold or freehold interest in Cuyahoga NP, OH to allow for the development of utilities and parking needed by Everett Church within the national park.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $914,002,000 for surveys, investigations, and research instead of $900,489,000 as proposed by the House and $892,474,000 as proposed by the Senate. Within this amount, $25,000,000 is from the conservation spending category.

Changes to the House for the national mapping programs include increases of $3,000,000 for Landsat 5 operations, $300,000 for the civil applications program, and $300,000 for urban dynamics, and a decrease of $996,000 for internet access.

Changes to the House for geology programs include increases of $1,000,000 for volcanic hazard equipment in Shemya, Alaska, $1,500,000 for the minerals at risk program, $500,000 for coastal erosion in North Carolina, $500,000 for land subsidence in Louisiana, $299,000 for Lake Mead studies, $450,000 for geologic mapping for Lake Mojave, and $474,000 for Yukon Flats geology surveys, and a decrease of $100,000 for the advanced seismic network.

Changes to the House for water resources include increases of $200,000 for a Berkley Pit study in Montana, $299,000 for the Lake Champlain toxic study, $499,000 for Hawaiian water monitoring, $5,000 for the Southern Maryland aquifer study, and $195,000 for the Noyes Slough study in Alaska, and decreases of $596,000 for the National Water Quality Assessment program, and $296,000 for water information and delivery.

The managers concur with the House direction to contract with the National Academy of Sciences to examine water resources research funded by all Federal agencies and by significant non-Federal organizations. Based on information that the managers have received, it appears that water resources research is not well coordinated. The managers therefore direct that the Academy primarily consider the level and allocation of resources that are currently deployed in water research programs, both Federal and non-Federal, and provide recommendations for a national research program that maximizes the efficiency and effectiveness of existing programs. While the primary focus of this study deals with the existing research agenda, the managers would like an answer to the question of whether the Nation is making an adequate level of investment in water resources research.

Increases above the House for biological research include $400,000 for the Leetown science center, $300,000 for the Columbia environmental research center for pallid sturgeon studies, $250,000 for Chesapeake Bay terrapin research, $500,000 for a NBII Hawaii node, $180,000 for a Yukon River chum salmon study, $500,000 for biological information management and delivery, $50,000 for an Atlantic Salmon restoration study at the Tunison laboratory, and $748,000 for the continuation of the Mark Twain National Forest mining study to be accomplished in cooperation with the water resources division and the Forest Service.

Changes to the House for facilities include increases of $2,000,000 for phase one of the Leetown research center expansion, and $2,250,000 for the Center for Coastal Geology in Florida, and decreases of $300,000 for Leetown research center design and $898,000 for uncontrollable costs.

The funding provided for the construction of the Center for Coastal Geology in St. Petersburg, Florida is for a cooperative effort between the Survey and the St. Petersburg Downtown Partnership. The Partnership is providing a two-to-one match for the costs of constructing this science facility.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $150,667,000 for royalty and offshore minerals management instead of $149,867,000 as proposed by the House and $151,933,000 as proposed by the Senate.

Changes to the House for royalty and offshore minerals management include increases of $800,000 for the Center for Marine Resources, and $800,000 for the Marine Mineral Technology Center in Alaska, and a decrease of $800,000 as a transfer to the Inspector General for Bureau audits.

The managers have again provided $1,400,000 to the Offshore Technology Research Center to perform research for MMS through the cooperative agreement dated June 18, 1999.

The managers have agreed to the Senate proposed language for the royalty-in-kind program instead of the House language. The House language requiring that revenues be equal to or greater than royalty-in-value as determined by the regulations of March 15, 2000 has been dropped.

OIL SPILL RESEARCH

The conference agreement provides $6,105,000 for oil spill research as proposed by the House instead of $6,118,000 as proposed by the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $102,800,000 for regulation and technology instead of $102,900,000 as proposed by the House and $102,144,000 as proposed by the Senate. Funding for the activities should follow the House recommendation except that the conference agreement reduces executive direction funding by $100,000 as proposed by the Senate; this transfers funds for external audits to the Inspector General's office. The Senate proposal to include $98,000 for fixed costs is not included. An additional $275,000 is estimated to be available for use from performance bond forfeitures.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $203,455,000 for the abandoned mine reclamation fund instead of $203,554,000 as proposed by the House and $203,171,000 as proposed by the Senate. Funding for the activities should follow the House recommendation except that the conference agreement reduces executive direction funding by $99,000 as proposed by the Senate; this transfers funds for external audits to the Inspector General's office. The Senate proposal to include $57,000 for fixed costs is not included. The managers have also included the House proposed bill language for minimum program States and the Senate proposed bill language continuing language carried in previous years dealing with certain aspects of the State of Maryland program.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,799,809,000 for the operation of Indian programs instead of $1,790,781,000 as proposed by the House and $1,804,322,000 as proposed by the Senate.

There is a decrease below the House for tribal priority allocations of $1,675,000 for self-governance compacts.

Changes to the House level for other recurring programs include increases of $2,000,000 for tribally controlled community colleges, $500,000 for Washington shellfish, and $150,000 for the Nez Perce rare species program, and a decrease of $45,000 for tribal management and development programs. None of the funds for Washington shellfish can be used to support access onto private lands by tribal fishers for their harvest purposes.

Increases above the House for non-recurring programs include $1,700,000 for the distance learning program in Montana, $500,000 for the Cheiron Foundation physician training program for rural and underserved education and outreach, $500,000 for a rural Alaska fire program, $350,000 for oil and gas permitting for the Uintah and Ouray agency, $400,000 for the tribal guiding program in Alaska, $326,000 for Cheyenne River Sioux prairie management, and $146,000 for Alaska legal services.

The managers believe that the aim of the Cheiron Foundation to utilize distance learning technology to train physicians' assistants and nurses to serve Native American communities is extremely promising. The managers expect the Foundation to focus the funding provided from this account on the aspects of the project that will bring the most benefit to Native American students and tribal communities, while pursuing other sources of funding to enhance the overall project.

There is an increase above the House for central office operations of $1,000 for general administration/policy.

Increases above the House for special programs and pooled overhead include $250,000 for enhancements to the Pomo Indian exhibits at the Grace Hudson Museum in Ukiah, California, $250,000 for the Alaska market access program, $509,000 for the United Tribes Technical College, $250,000 for the United Sioux Tribe Development Corporation, $100,000 for the Ponca Tribe development plan, $1,200,000 for the Crownpoint Institute,

$1,000,000 for the Yuut Elitnauviate, and $1,000,000 for an Alaska native aviation training program. The Bureau is directed to report to the Committees regularly regarding the expenditure of the funds provided for the native aviation training program and development of the program, including the partners involved, the number of pilots to be trained, out-year financing alternatives and other pertinent information.

The managers are concerned that the Bureau has shown little progress in addressing the land issues of the Canoncito Band of Navajos. The managers direct the Bureau to accelerate its efforts to open, at least, a part time office at Canoncito, New Mexico.

CONSTRUCTION

The conference agreement provides $357,132,000 for construction as proposed by the House instead of $360,132,000 as proposed by the Senate. The managers have not provided $3,000,000 for the tribal school construction demonstration program as proposed by the Senate. The managers support the goal of this demonstration program and have been approached by a number of tribes regarding additional funding following the demonstration's success in removing schools from the BIA priority list. While budgetary constraints have forced the managers to adopt the House proposal, the managers recommend that the Bureau of Indian Affairs continue the demonstration project as part of the President's fiscal year 2003 budget request.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $60,949,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House and the Senate.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $4,986,000 for the Indian guaranteed loan program as proposed by the House and the Senate.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $78,950,000 for assistance to territories instead of $72,289,000 as proposed by the House and $76,450,000 as proposed by the Senate. The managers have agreed to Compact impact assistance funding increases above the levels proposed by the House of $4,000,000 for Hawaii and $1,000,000 each for Guam and the Commonwealth of the Northern Mariana Islands. The managers acknowledge the May 30, 2001, letter and report by the Secretary of the Interior concerning compact impact and therefore the Administration is encouraged to see that negotiations on the continuation of the Compacts are concluded in a timely fashion and to provide for future compact impact payments out of the available mandatory compact payments. The managers agree that the Secretary should ensure that representatives of Hawaii are consulted during the upcoming Compact renegotiations process so the impact to Hawaii of mitigating citizens from the freely associated states is appropriately considered. The conference agreement also includes the $200,000 for a utility privatization study in the U.S. Virgin Islands as proposed by the House, and the full funding level and bill language proposed by the Senate for the U.S. Virgin Islands FEMA loan repayment. The conference agreement retains the House proposed bill language concerning compensation for American Samoa High Court Justices and the House proposed report language concerning potential withholding of American Samoa operations funding.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $23,245,000 for the Compact of Free Association as proposed by both the House and the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $67,741,000 for salaries and expenses for departmental management, instead of $55,177,000 as proposed by the House and $67,541,000 as proposed by the Senate. Funds should be distributed as follows:

Departmental direction	$12,964,000
Management and coordination	24,905,000
Hearings and appeals	8,559,000
Central services	20,425,000
Bureau of Mines workers compensation/unemployment	888,000
Total	67,741,000

The managers concur with the concerns expressed in the Senate report regarding the capability, capacity, accuracy and security of departmental information systems. The managers are particularly concerned about information security weaknesses that have been identified by both the Inspector General and the General Accounting Office, and believe the Department should take immediate steps to address these weaknesses. The most efficient and effective means of improving information security will likely be through department-wide solutions, but individual program managers should also work in conjunction with the Department's Chief Information Officer to develop short and long term plans to address vulnerabilities that have been identified. Program managers must also be held accountable for ensuring that computer security is adequately implemented within their areas of responsibility. Methods to establish this accountability should include performance reviews, administrative sanctions for non-compliance, or adjustments in program funding if necessary.

The managers direct the Department of the Interior to study the viability of establishing an Enterprise Management Center to facilitate the Department's objective for budget and performance integration using financial information technology within the bureaus. As part of the review, the Department should consider which bureaus might benefit from being part of an initial pilot project. The managers expect this report to be forwarded to the House and Senate Committees on Appropriations by March 1, 2002.

The managers note that they have received numerous budget requests and reprogramming requests from the Federal land management agencies to purchase updated wireless communication infrastructure. In light of the Federal Communication Commission's ongoing review of spectrum allocations for wireless technologies, and the Government Accounting Office's current compilation of information for reports to Congress on this subject, the managers are concerned that substantial investments in wireless technologies may become obsolete due to imminent policy decisions regarding spectrum reallocation. The managers urge the agencies, whenever possible, to purchase equipment that can be reprogrammed to meet future spectrum allocations, and to purchase equipment that does not interfere with current emergency radio and GPS based systems.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $45,000,000 for salaries and expenses of the Office of the Solicitor as proposed by the House instead of $44,074,000 as proposed by the Senate. Funds should be distributed as follows:

Legal services	$37,276,000
General administration	7,724,000
Total	45,000,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $34,302,000 as proposed by the Senate instead of $30,490,000 as proposed by the House. Funds should be distributed as follows:

Audit	$18,680,000
Investigations	6,763,000
Policy & Management	7,402,000
Program Integrity	1,457,000
Total	34,302,000

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $99,224,000 for Federal trust programs as proposed by the House and Senate.

The managers wish to clarify the language included in the House report with respect to funding for an historical accounting. The managers note that both the House and Senate have provided the funds requested by the Administration for an historical accounting. However, the managers remain very concerned about the costs associated with such an accounting. Therefore, these funds may not be allocated prior to the report requested by the Committees detailing the methods and costs associated with an historical accounting.

The managers reiterate the position that they will not appropriate hundreds of millions of dollars for an historical accounting that provides funds for a protracted reconciliation process whose outcome is unlikely to be successful. If the Department, working with the plaintiffs and the Court, cannot find a cost effective method for an historical accounting, the Congress may have to consider a legislative remedy to resolve this and other litigation related issues.

INDIAN LAND CONSOLIDATION

The conference agreement provides $10,980,000 for Indian land consolidation programs as proposed by the House and the Senate.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,497,000 for the natural resource damage assessment fund as proposed by the House instead of $5,872,000 as proposed by the Senate. The managers agree that, to the extent a national data management system is needed, funding for such a system should be addressed within the context of the fiscal year 2003 budget.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 101, 103 through 106, and 108 through 111; which were identical in both the House and the Senate bills.

The conference agreement includes sections 113, 115, 116, 118, 121, 122, 123, 124, 125, and 126, which contained identical text in both the House and Senate bills, but the section numbers were different in the Senate bill.

Section 102 retains the text of section 102 as proposed by the Senate. Section 102 as proposed by the House had identical language as the Senate except for a grammatical difference of not spelling out "thirty days".

Section 107 retains the text of Senate section 107, which prohibits the Department of the Interior from using funds to conduct offshore preleasing, leasing and related activities in those areas under the June 12, 1998, moratorium. House section 107 had identical language except for omitting the term "preleasing".

Section 112 retains the language of House section 112 that prohibits the National Park Service from developing a reduced entrance fee program to accommodate non-local travel through a unit of the Park system. The Senate had no similar provision.

Section 114 modifies language proposed by the House and by the Senate (in section 113 of the Senate bill) dealing with grazing on BLM lands. The modification extends traditional grazing use on Federal lands managed by the National Park Service at Lake Roosevelt National Recreation Area in eastern Washington.

Section 117 retains the language of House section 117 continuing a provision carried in previous years placing a limitation on establishment of a Kankakee NWR in Indiana and Illinois that is inconsistent with the U.S. Army Corp of Engineers' efforts to control flooding and siltation. The Senate had no similar provision. The managers understand that this issue will be resolved shortly and this provision will not be carried in future years.

Section 119 retains the text of House section 119, which provides for the protection of lands at Huron Cemetery, KS. Section 117 as proposed by the Senate has identical text, with the exception of a difference in the use of punctuation.

Section 120 retains the text of section 120 as proposed by the House which continues a provision carried last year prohibiting the study or implementation of a plan to drain Lake Powell, or to reduce the water below that required to operate Glen Canyon Dam. The Senate had no similar provision.

Section 127 retains the text of section 124 as proposed by the Senate, which authorizes the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart NWRs. The House had no similar provision.

Section 128 modifies the text of section 126 as proposed by the Senate clarifying that the lands taken into trust for the Lytton Rancheria of California are still subject to all of the provisions of Public Law 100–497 and, in particular with respect to Class III gaming, the compact provisions of section 2710(d) or any relevant Class III gaming procedures. The managers further recognize that nothing in section 819 of Public Law 106–568 should be construed as permitting off reservation gaming by Indian tribes except in compliance with all relevant provisions of Public Law 100–497.

Section 129 retains the text of section 127 as proposed by the Senate, which renames Moore's Landing at the Cape Romain NWR in South Carolina as "Garris Landing." The House had no similar provision.

Section 130 makes technical modifications to language proposed by the Senate in section 130 regarding cruise ship entries at Glacier Bay National Park and Preserve.

Section 131 retains the text of Senate section 131, which prevents the use of funds for the transfer of land on South Fox Island, Michigan without Congressional approval. The House had no similar provision. This section allows the Department of the Interior to continue working on processes pursuant to NEPA, including preparation of an EIS on the proposed land exchange, analysis of the State's proposal and a range of alternatives, and consideration of public input. Absent a showing that the agencies have not complied with NEPA, the managers, at this time, do not intend to include this or similar restrictions next year. This language affects current regulatory and legal processes, which are sufficient to protect the environment and the public's interests, by unnecessarily preventing the U.S. Fish and Wildlife Service and the National Park Service from releasing a record of decision on the proposed land exchange until Congress passes a law authorizing the exchange.

Section 132 includes language, agreed to in previous years, authorizing the transfer of Federal land acquisition funds for Brandywine Battlefield, Mississippi National River and Recreational Area, Shenandoah Valley National Historic District, and Ice Age National Scenic Trail.

Section 133 makes a technical change to Public Law 106–568 regarding land transfer boundaries.

Section 134 clarifies that the Secretary of the Interior has the authority to determine whether Indian lands constitute a reservation. Nothing in this section shall be construed to permit gaming on the lands described in section 123 of Public Law 106–291.

Section 135 makes a technical correction to the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act, Public Law 106–554.

The conference agreement does not include language proposed by the Senate in section 125 permitting the transfer of funds between State grant programs managed by the U.S. Fish and Wildlife Service and the National Park Service.

The conference agreement does not include the text of Senate section 128, which prevents the use of funds for mineral leasing and related activities in national monuments. This issue is addressed in Title III where the House language addressing this issue is retained.

The conference agreement does not include language proposed by the Senate in section 129 that would have expanded the special resource study area for Loess Hills in Iowa, or in section 132 dealing with the Pechanga Band of Indians, or in section 133 regarding Coastal Impact Assistance.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $241,304,000 for forest and rangeland research instead of $236,979,000 as proposed by the House and $242,822,000 as proposed by the Senate. Changes from the House bill include $475,000 for the Forest Products Lab lumber salvage research, WI, $500,000 for the Center for Bottomlands research, MS, $175,000 for applied research in the hardwood region of Pennsylvania and nearby areas, and $4,000,000 for Forest Inventory and Analysis (FIA). The conference agreement does not include the House proposed increase of $1,250,000 above the request for FIA and the managers agree that the Forest Service should not follow the House report instructions concerning the FIA program under this heading or under the national forest system heading. The conference agreement does not include the Senate proposal to add funds for fixed costs but it does include the Senate proposed general reduction below the House of $175,000. The conference agreement includes the House proposed increases for Bent Creek, NC, urban forestry research at Syracuse, NY, and Davis, CA, and Coweeta watershed research, NC. The conference agreement provides that the Northeastern States Research Cooperative, as authorized in Public Law 105–185, receive $2,000,000, $600,000 above the request. Of this amount, $1,000,000 should go to ecosystem research at the Hubbard Brook Project of the Forest Service Northeastern research station, NH, and $1,000,000 should go to the Vermont George Aiken School of Natural Resources for collaborative research with Forest Service scientists and other cooperators on economic development, forest management, and forest product research. The managers direct the Forest Service to maintain the research related presence at the former Intermountain Research Station at, or above, the current level, including the position of Assistant Station Director.

STATE AND PRIVATE FORESTRY

The conference agreement provides $291,221,000 for State and private forestry instead of $277,771,000 as proposed by the House and $287,331,000 as proposed by the Senate. These funds include $101,000,000 within the conservation spending category for forest legacy, and urban and community forestry as proposed by the Senate instead of $104,000,000 as proposed by the House.

The conference agreement provides $43,304,000 for Federal lands forest health management as proposed by the House, $25,000,000 for cooperative lands forest health management as proposed by the Senate, $25,310,000 for State fire assistance as proposed by the House, and $5,053,000 for volunteer fire assistance as proposed by both the House and the Senate. The conference agreement also includes additional funds for State fire and volunteer fire assistance as part of the national fire plan funding within the wildland fire management account.

The conference agreement includes $33,171,000 for forest stewardship instead of $32,941,000 as proposed by the House and $33,268,000 as proposed by the Senate. The only change from the House proposal for forest stewardship is the addition of $230,000 for the Chesapeake Bay program as proposed by the Senate. The conference agreement also includes $3,000,000 for the stewardship incentives program instead of $8,000,000 as proposed by the House. This allocation is not derived from the conservation spending category as proposed by the House. The managers direct the Forest Service to target the stewardship incentives program funds for non-Federal forestlands impacted by, or at immediate risk from, major forest pests such as gypsy moth and the southern pine beetle. The managers intend the stewardship incentives program to be administered by the Forest Service with cost-share payments to landowners to be provided by the State foresters or an equivalent State official.

The conference agreement includes $65,000,000 for the forest legacy program as proposed by the Senate instead of $60,000,000 as proposed by the House. This allocation is derived from the conservation spending category. The conference agreement provides specific funding levels for high priority projects and also provides $22,135,000 for the

Forest Service to allocate to other projects and to cover the costs of Forest Service technical assistance, program administration, and State needs assessments and planning. The conference agreement has modified bill language proposed by the House and the Senate concerning approval of the Forest Service project selection. The conference agreement now requires the Forest Service to notify the House and Senate Committees on Appropriations in advance of undertaking specific forest legacy projects. The managers note the recent revision to the Puerto Rico forest legacy program standards and accordingly direct the Forest Service not to follow the House direction concerning this program in Puerto Rico. The conference agreement includes the following distribution of funds for the forest legacy program:

Project/State	*Conference*
Adirondack Lakes, NY	$2,000,000
Anderson-Tully, TN	3,500,000
Bar-J tract, phase III, UT	780,000
Castle Rock, UT	1,000,000
Catawba-Wateree Forest, SC	2,950,000
Chateaugay, VT	500,000
Coastal Forest ecosystem restoration, SC	650,000
Connecticut Lakes, NH	3,600,000
Howe Creek Ranch, CA	500,000
Kimball Pond, NH	700,000
McCandless Ranch, HI	1,000,000
Melvin Valley, NH	500,000
Mt. Washington, Hi-Rock Camp, MA	500,000
Nanejoy, MD	450,000
NJ Highlands, Newark watershed, NJ	5,000,000
North Chickamauga, TN	500,000
NY City watershed, NY	500,000
Range Creek Headwaters, UT	500,000
Thompson-Fisher phase II, MT	7,000,000
TN River Gorge, Cummings Cove, TN	1,000,000
TN small projects, TN	135,000
Tomahawk Northwoods phase II, WI	4,000,000
Treetops, CT	1,000,000
Tumbledown/Mt. Blue, ME	600,000
West Branch phase II, ME	4,000,000
Project subtotal	42,865,000
Unallocated projects & administration	22,135,000
Total Forest Legacy	65,000,000

The conference agreement includes $36,000,000 for the urban and community forestry program as proposed by both the House and the Senate. This allocation is derived from the conservation spending category. The managers agree to the House proposal for this activity plus $50,000 for the West Virginia partnership coordinator, $350,000 for the Chicago, IL wilderness program, and $200,000 for the Cook County forest preserve, IL. The managers agree to the Senate proposed $600,000 general decrease. The managers are aware of Treepeople's proposed Center for Community Forestry in Los Angeles, CA, and its value as a national resource. The managers encourage the Forest Service to consider supporting this important urban forestry program. The managers encourage the Forest Service to participate in developing living memorials using trees that will recognize the tragic losses that occurred on September 11, 2001 in New York City, the Pentagon area, and southwest Pennsylvania.

The conference agreement includes the following distribution of funds for the economic action programs:

Program or project	*Conference*
Economic Recovery program:	
Economic recovery base program	$3,685,000
Overhill regional economic development, TN	200,000
Graham & Swain Counties, NC	75,000
Total economic recovery	3,960,000
Rural development program:	
Rural development base program	2,400,000
NE & Midwest allocation	2,500,000
N Rockies Heritage Center, MT	350,000
Four Corners Sustainable Forestry	1,000,000
Hawaii forestry initiative	200,000
NY City watershed rural development	300,000
NY City watershed enhancement	500,000
Kiski Basin economic development, PA	200,000
Total rural development	7,450,000
Forest products conservation & recycling program	1,300,000
Small diameter initiative	2,000,000
Wood in transportation program	1,920,000
Programs total	16,630,000
Special projects:	
Wood Education & Resource Center, WV	2,700,000
Lake Tahoe erosion control grants, CA NV	3,500,000
Cradle of forestry conservation education, NC	250,000
KY mine waste reforestation	1,000,000
Envir. Sci. & Public Policy Research Inst., ID	250,000
Kake Land Exchange, AK	4,500,000
Ketchikan Public Utilities, right-of-way clear, AK	2,500,000
Kilns in SE and SC Alaska	2,000,000
Navaho County, AZ biomass energy	350,000
Tillamook State Forest Interpretive Center, OR	500,000
South Lake Tahoe MTBE study	500,000
Cordova visitor center, AK	300,000
Allegheny NF area tourism, PA	200,000
State of Alaska expedited envir. studies	500,000
Total special projects	18,850,000
Total Economic Action Programs	35,680,000

The conference agreement includes the bill language proposed by the Senate concerning a direct lump sum payment to the Kake Tribal Corporation, AK, but the funding total is $4,500,000. The managers understand that this is the final year of funding for kilns in Alaska. The Forest Service shall follow Senate instructions concerning the distribution of funds for the Ketchikan public utilities right-of-way clearing project. The managers have provided $500,000 for the Tahoe Regional Planning Authority and the South Lake Tahoe public utility to conduct the study of MTBE contamination authorized in the Lake Tahoe Restoration Act. The managers stress that subsequent funding to remedy this MTBE problem is not authorized by that Act and must come from sources other than Interior and related agencies appropriations acts, such as within the Environmental Protection Agency funding. The Cradle of Forestry conservation education funds include $100,000 for activities at the Cradle of Forestry in America in the Pisgah National Forest and $150,000 for the Education and Research Consortium of North Carolina to continue its cooperative environmental education activities with the Cradle of Forestry in the Pisgah National Forest.

The conference agreement includes $9,425,000 for Pacific Northwest Assistance instead of $9,200,000 as proposed by the House and $9,625,000 as proposed by the Senate. This funding includes House-proposed allocations plus an additional $225,000 for the base program. The conference agreement includes $5,015,000 for forest resource information and analysis as proposed by the Senate; the Forest Service should follow Senate directions concerning this program. The conference agreement also includes $5,263,000 for the international forestry program.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,331,439,000 for the National forest system instead of $1,320,445,000 as proposed by the House and $1,324,491,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	$70,358,000
Inventory and monitoring	173,266,000
Recreation, heritage & wilderness	245,500,000
Wildlife & fish habitat management	131,847,000
Grazing management	34,775,000
Forest products	266,340,000
Vegetation & watershed management	190,113,000
Minerals and geology management	48,956,000
Landownership management	88,434,000
Law enforcement operations	79,000,000
Valles Caldera National Preserve, NM	2,800,000
Total	1,331,439,000

The following discussion describes funding changes from the House passed bill. The inventory and monitoring activity does not include the funding for the Lake Tahoe basin watershed assessment. The wildlife and fish habitat management activity does not include any funds, as proposed by the Senate, for the State of Alaska to conduct monitoring on the Tongass National Forest. The recreation, heritage and wilderness activity has a general program increase of $3,500,000 and it does not include a special allocation for the fee demo program revolving account, although this could be pursued at agency discretion. Funds for national scenic trails operations and Pacific Crest Trail maintenance are not included in the recreation activity but have been transferred to the capital improvement and maintenance appropriation account. Wildlife and fish habitat management includes $200,000 for work on the Batten Kill River, VT as proposed by the Senate and a general program reduction of $400,000. The grazing management activity is funded at the Senate proposed level. Changes from the House in the vegetation and watershed management activity include, for the Lake Tahoe basin, increases of $150,000 for watershed improvement activities, $400,000 for adaptive management, and $450,000 for the management of urban lots. The managers allow the Forest Service, upon notification of the House and Senate Committees on Appropriations, to reprogram national forest system funds within the Lake Tahoe basin.

The conference agreement also includes $200,000 for Dakota Prairie grasslands weed control. The Forest Service should maintain the noxious weed program at the Okanogan National Forest, WA, at $300,000 as in fiscal year 2001. The managers revise the House direction concerning the full time lands team working on the Pacific Crest Trail to direct the full time team to continue its functions but allow work on other high priority land projects as well as the Pacific Crest Trail. Funding for the law enforcement activity includes a general increase of $2,000,000. The managers have not agreed to the Senate proposal to provide $200,000 for the Southwest strategy. The managers direct the report required by both the House and the Senate concerning the budget formulation and execution system be due March 15, 2002.

The managers direct the Forest Service, in their completion of the Chugach National Forest and land resource management plan, to analyze the impact that restrictions proposed within the plan regarding mechanical fuel treatments and forest access will have on the level of prescribed burning and the implementation of the national fire plan on the Chugach National Forest. The managers direct that this analysis be completed before the release of the Chugach forest plan and that it shall be included in the plan.

The managers understand that the budget request for land management planning included $2,500,000 for the Chippewa and Superior National Forests, MN, to continue work on forest plans. The managers expect such funds shall be used to continue work in an expeditious manner.

Funding for the newly established Valles Caldera National Preserve, NM, is increased by $1,789,000 above the House level; much of this increase is for one-time infrastructure improvements to facilitate public access to this unique part of the national forest system. The managers expect the Valles Caldera directors to use these funds efficiently; they should begin the revenue generating activities authorized for this area and submit to the House and Senate Committees on Appropriations a plan and schedule, including cost estimates, for its management that is consistent with National funding priorities. The conference agreement does not include the general reduction to the national forest system account adopted in House floor action.

The managers have revised House report language concerning the management of urban lots in the Lake Tahoe basin. The managers note that the Forest Service faces significant challenges in order to manage and care for urban properties. The intensive effort required for management of these properties must be evaluated in light of the need for the agency to manage the large portions of the basin under its jurisdiction. The managers request that the Forest Service report to the House and Senate Committees on Appropriations no later than October 1, 2003 on the adaptive management practices that are suitable for urban lots acquired under the Santini-Burton program in the Lake Tahoe basin, and make recommendations as to those practices that are most effective in meeting the goals of the Lake Tahoe Restoration Act (P.L. 106–506). The managers expect that this analysis will consider the role and function of urban lots relative to water quality and watershed protection, biological diversity, recreation, public access, and forest vegetation management for wildfire control. The managers expect the Forest Service and partners in the basin to evaluate alternatives to continued urban lot purchases and to develop alternative methods of managing Federal urban lots, and to implement monitoring and research regarding the function that the lots play in supporting ecological integrity in the basin.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $1,560,349,000 for wildland fire management instead of $1,402,305,000 as proposed by the House and $1,280,594,000 as proposed by the Senate. The managers note that this funding total includes $346,000,000 in contingent emergency appropriations instead of $165,000,000 as proposed by the Senate and no emergency funding proposed by the House, and that $200,000,000 is to pay back emergency wildfire expenditures of fiscal year 2001. This emergency funding should be used to repay sums previously advanced for fiscal year 2001 wildfire emergencies as well as to fund various components of the national fire plan as discussed below.

The managers believe that the full, integrated national fire plan effort needs to be sustained in future years in order to reduce the risks of catastrophic fire in many areas of the Nation. The managers note that the Administration, working along with governors and local communities, have submitted a framework for a ten-year national fire plan. However, after reviewing the plan, the managers are concerned that the plan does not lay-out clear funding requirements for various aspects of this important endeavor. Therefore, the managers direct the Secretaries of Agriculture and the Interior to provide to the House and Senate Committees on Appropriations by March 15, 2002, an updated fire plan that includes detailed schedules of activities and funding requirements. The managers understand that funding requirements for wildfire activities include considerable year-to-year uncertainty depending on weather and fire circumstances and therefore the managers view the funding requirements for the national fire plan as being an iterative process, which requires annual updates. The managers direct the Departments of the Interior and Agriculture to continue to work together to formulate complementary budget requests that reflect the same principles and a similar budget organization and submit a cross-cutting budget request to the Committees, which covers all federal wildfire responsibilities. The managers expect the Forest Service to emphasize the use of cooperative agreements and grants to a wide-range of interests to help meet the national fire plan goals and objectives on all lands, including information compilation and analysis, public education, and applied research. In addition, the managers expect the agencies to seek the advice of governors, and local and tribal government representatives in setting priorities for fuels treatments, burned area rehabilitation, and public outreach and education.

Wildfire preparedness

The conference agreement includes $622,618,000 for preparedness as proposed by the Senate instead of $616,618,000 as proposed by the House. The $6,000,000 in fire technology development included within the Senate proposal for preparedness has been transferred to the other fire operations activity and base funding for preparedness has been increased accordingly. The managers reiterate the House direction concerning the need for completed fire plans for all forest service units and the managers direct that a schedule for this implementation be included in the next budget request. The managers also remain concerned about the variation in methods by which the departments calculate wildfire fighting readiness and how the departments plan their distribution of firefighting resources to attain efficiency. The managers direct the Secretaries of Agriculture and the Interior to develop and implement a coordinated and common system for calculating readiness which includes provisions for working with the shared fire fighting resources of the States and other cooperators and considers values of various resources on both Federal and other lands.

Wildfire suppression operations

The conference agreement includes $521,321,000 for wildfire suppression activities instead of $321,321,000 proposed by both the House and Senate. This includes $255,321,000 for non-emergency wildfire suppression activities instead of $321,321,000 proposed by the House and $221,321,000 as proposed by the Senate. The agreement also includes $266,000,000 in emergency wildfire suppression funding instead of no emergency funding proposed by the House and $100,000,000 as proposed by the Senate. The managers direct the Forest Service to use $200,000,000 in emergency contingency funding to repay funds advanced for emergency wildfire suppression activities in fiscal year 2001 from other activities, trust funds, and other appropriation accounts.

The managers are very concerned about fire fighter safety issues in light of the tragic Thirty Mile fire in northern Washington. The managers direct the Forest Service to continue development and testing of a new fire shelter for the protection and safety of fire fighters. The testing shall include products being advanced by private industry. The Forest Service should submit a report to the House and Senate Committees on Appropriations on the results of these tests by September 30, 2002.

The managers are concerned about fire suppression costs during major incidents and therefore the Forest Service and the Department of the Interior are directed to contract for a thorough, independent review of wildfire suppression costs and strategies. The Departments should equally share the cost of the review and a preliminary report should be issued by May 31, 2002, and the final report be delivered to the House and Senate Committees on Appropriations by September 30, 2002.

The managers note that even after enactment of this bill the KV reforestation trust fund will lack $320,000,000, which has not been repaid but which was advanced for emergency wildfires during previous years. The Administration should strive to repay these funds.

Other wildfire operations

The conference agreement includes $416,410,000 for other fire operation activities instead of $464,366,000 as proposed by the House and $336,655,000 as proposed by the Senate. Of this allocation, $80,000,000 is designated as emergency funds instead of $65,000,000 as proposed by the Senate. The allocation of this funding is as follows:

	Non-emergency	Emergency	Total
Hazardous Fuels	$209,010,000		$209,010,000
Fire Facilities	10,376,000	$10,000,000	20,376,000
Rehabilitation	3,668,000	59,000,000	62,668,000
Research & Development	22,265,000	5,000,000	27,265,000
Joint Fire Science	8,000,000		8,000,000
Forest Health Management	11,974,000		11,974,000
Economic Action	12,472,000		12,472,000
State fire assistance	50,383,000	6,000,000	56,383,000
Volunteer fire assistance	8,262,000		8,262,000
Total other wildfire operations	336,410,000	80,000,000	416,410,000

The conference agreement includes $209,010,000 for hazardous fuels treatments as proposed by the Senate instead of $227,010,000 as proposed by the House. The managers expect the Forest Service to ensure that fuels treatments are accomplished quickly and in an environmentally sound manner. In conducting treatments, local contract personnel are to be used wherever practical and efficient. The managers expect the agency to show planned and actual funding and accomplishments for fuels management activities in future budget requests to the Congress. The managers understand that actual amounts may differ from planned levels. The managers expect the agencies to work closely with States and local communities in implementing this program in an effective and efficient manner.

The managers have not included bill language proposed by the Senate, which required that the Forest Service spend no less than $125,000,000 on hazardous fuels reduction projects in the wildland-urban interface. Instead, the managers expect that the Forest Service will expend this amount, as stated in the budget request, on projects in the wildland-urban interface. If the agency does not attain such levels, it shall promptly notify the House and Senate Committees on Appropriations and provide a report explaining why the Forest Service was unable to expend such sums. The managers continue to believe that an emphasis on fuels reduction work in the wildland-urban interface is critical to protecting the safety of rural communities.

The managers have included bill language proposed by the Senate providing that up to $15,000,000 in available funds may be used on adjacent, non-Federal lands to reduce hazardous fuels. The managers have not included bill language proposed by the Senate concerning resource management and access issues on the Chugach National Forest, AK. Instead, the managers have included direction under the national forest system heading regarding the upcoming Chugach National Forest plan. The conference agreement includes the Senate proposal to provide $5,000,000 for authorized Community Forest Restoration Act activities. The managers have not provided Forest Service funds for the Ecological Research Institute and its activities at Mt. Trumbull. This issue is addressed under the Bureau of Land Management. The conference agreement also includes hazardous fuels funding of $16,000,000 for the Quincy Library group activities, CA and $2,000,000 for the Lake Tahoe Basin as indicated by the House, which is $500,000 above the request.

The managers direct the Forest Service to provide technical assistance to the Tule River Tribal Reservation with its ground fuels mitigation program, the acquisition of appropriate fire suppression equipment, and the training of a tribal hot-shot crew.

The conference agreement includes $20,376,000 for wildfire management facilities as proposed by the Senate instead of $38,000,000 as proposed by the House. Of these funds, $10,000,000 are available as emergency funds.

The conference agreement includes $62,668,000 for rehabilitation and restoration activities, including $59,000,000 as emergency funds, instead of $81,000,000 as proposed by the House and $3,913,000 as proposed by the Senate. The managers have provided this funding to continue work on the many areas impacted by the year 2000 fires as well as more recent events. The managers direct the departments to continue to implement the long-term program to manage and supply native plant materials for use in various Federal land management restoration and rehabilitation needs directed for fiscal year 2001.

The conference agreement includes $27,265,000 for research and development activities as proposed by the House; $5,000,000 of these funds are designated for emergency needs. The research and development allocation consolidates funds, which were requested within both the preparedness and fire operations activities. It is vital that activities related to wildfire management and natural resource management have a firm scientific basis. To this end, the managers have also included $8,000,000 for the joint fire science program as proposed by the House instead of $4,000,000 as proposed by the Senate. The joint fire program is matched with similar funding within the Department of the Interior and this program should continue the direction it has taken in fiscal year 2001. The managers have designated $1,000,000 within the available, non-emergency research and development funds for cooperative research and technology development for the University of Montana National Center for Landscape Fire Analysis. This replaces designations for this project in the House and Senate recommended bills.

The managers note that devastating windstorms have caused great damage on the Superior and Chippewa National Forests, MN. The budget request for wildland fire management included $8,000,000 to continue efforts to reduce the fuels accumulation, continue reforestation, and rehabilitate the wilderness and non-wilderness areas of these forests. The managers expect the scheduled work to be completed expeditiously with these funds.

The managers have included $56,383,000 for State fire assistance instead of $50,383,000 as proposed by both the House and the Senate. Of this total, $6,000,000 is designated as emergency funds and this total includes $5,000,000 for hazardous fuels work in Anchorage, AK instead of $6,000,000 as proposed by the Senate, and $1,000,000 to continue hazardous fuels work in the Kenai Borough, AK, as proposed by the Senate. The Forest Service should follow Senate direction concerning the distribution of these funds. State fire assistance includes support for the FIREWISE program and the use of cost share incentives. The conference agreement includes $12,472,000 for economic action activities associated with the national fire plan as proposed by both the House and the Senate. The managers note that the State and private forestry appropriation includes funds for the small diameter initiative so the House instructions concerning this project need not be followed.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $546,188,000 for capital improvement and maintenance instead of $535,513,000 as proposed by the House and $541,286,000 as proposed by the Senate. This funding includes $61,000,000 as recommended by the Senate for priority deferred maintenance and infrastructure improvement within the conservation spending category. The conference agreement provides for the following distribution of funds:

Activity or project	*Conference*
Facilities:	
Maintenance	$93,926,000
Capital improvement	70,678,000
Congressional priorities:	
Allegheny NF campgrounds, PA	900,000
Allegheny NF Marienville RS, PA	975,000
Big Bear center, CA	1,000,000
Cherokee NF recreation projects, TN	1,000,000
Cradle of Forestry volunteer facilities, NC	1,165,000
Franklin County Lake, MS	1,400,000
Francis Marion NF, SC	100,000
Gladie Creek center, KY	718,000
Grey Towers NHS, PA	500,000
Hardwood Tree Improvement & Regeneration Center at Purdue, IN	500,000
Inst. of Pacific Islands Forestry, HI	2,000,000
Lake Tahoe, restrooms & Tallic rehab	115,000
Midewin Nat. Tallgrass Prairie horticulture building, IL	450,000
Mitchell Mill, Ozark NF AR	350,000
Monongahela NF sanitation, WV	440,000
Mt. Tabor work center, VT	650,000
Nantahala NF recreation projects, NC	850,000
Rapid City research lab, SD	2,558,000
Timberline Lodge ADA rehab, OR	1,240,000
Tuckerman Ravine, NH	330,000
Waldo Lake rehab, OR	500,000
Wayne NF SO, OH	1,000,000
Wayne NF facilities improvements, OH	1,000,000
Winding Stair Mtn. NRA, OK	1,102,000
Total Congressional priorities	20,843,000
Total Facilities	185,447,000
Roads:	
Maintenance	159,291,000
Capital improvement	67,600,000
Congressional priorities:	
Franklin County Lake, MS	600,000
Lake Tahoe, Eagle Falls rehab	455,000
Lake Tahoe roads	800,000
Monongahela NF, WV	920,000
Total Congressional priorities	2,775,000
Total Roads	229,666,000
Trails:	
Maintenance	40,434,000
Capital improvement	26,955,000
Congressional priorities:	
Continental Divide Trail	1,000,000
FL National Scenic Trail	500,000

Activity or project	Conference
Pinhoti Trail, GA	186,000
National Scenic trails maintenance add-on	800,000
Pacific Crest Trail maintenance	200,000
Total Congressional priorities	2,686,000
Total Trails	70,075,000
TOTAL Capital Improvement and Maintenance	485,188,000
Infrastructure improvement, conservation category	61,000,000
TOTAL with conservation category	546,188,000

The conference agreement includes bill language proposed by the Senate concerning a fiscal year 2001 appropriation for improvements at the Hardwood Tree Improvement and Regeneration Center at Purdue University, IN, and language transferring a fiscal year 2001 appropriation for certain recreational facilities near the Allegheny National Forest, PA.

The managers concur with the Senate in providing $2,558,000 for the design, planning, and acquisition of property to support the efficient collocation of the Mystic Ranger District and the Rapid City Research Laboratory in South Dakota. The managers have also included $500,000 for the Hardwood Tree Improvement and Regeneration Center (HTIRC) at Purdue University, IN. The managers emphasize that construction of other facilities on the Black Hills National Forest and further Federal funding for the Hardwood Tree Improvement and Regeneration Center, IN, be proposed in the agency budget justification using the normal process for ranking and prioritizing facility needs. The Forest Service should submit reports detailing all future funding needs for these two projects no later than April 15, 2002. The conference agreement does not provide $2,000,000 for the Pike's Peak Highway as proposed by the Senate due to ongoing litigation directly related to the project.

The managers encourage the Forest Service to establish a suitable memorial for the four brave firefighters who lost their lives July 10, 2001, at the Thirtymile fire near Winthrop, WA.

LAND ACQUISITION

The conference agreement provides $149,742,000 for land acquisition instead of $130,877,000 as proposed by the House and $128,877,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	Amount
Allegheny NF (Allegheny Wild & Scenic Rivers) (PA)	$220,000
Arapaho NF (Beaver Brook) (CO)	6,600,000
Beaverhead-Deerlodge NF (Watershed, RY Timber) (MT)	7,000,000
Bonneville Shoreline Trail (UT)	1,000,000
Bridger-Teton NF (Feuz conservation easements) (WY)	3,500,000
Chattahoochee NF (Mt. Yonah and Jacks River) (GA)	1,200,000
Chattooga W&SR/Watershed (NC/GA)	3,600,000
Cheq-Nicolet NF (Wisconsin Wild Waterways) (WI)	2,500,000
Chippewa and Superior NF (MN Wilderness) (MN)	1,400,000
Cibola NF (La Madera) (NM)	3,000,000
Coconino NF (Hancock Ranch) (AZ)	4,000,000
Columbia River Gorge NSA (OR/WA)	6,000,000
Dakota Prairie Grasslands (Griffin Ranch) (ND)	1,450,000
Daniel Boone NF (Red River Gorge) (KY)	2,037,000
Florida National Scenic Trail (FL)	4,000,000
Francis Marion NF (SC)	7,000,000
Gallatin NF (Greater Yellowstone Ecosystem) (MT)	3,500,000
Green Mtn. NF (including Prickly Hill, Blueberry Lake, and Gomez tracts) (VT)	1,250,000
Hoosier NF (Unique Areas) (IN)	1,500,000
I-90 Corridor/Plum Creek (WA)	4,000,000
Idaho Wilderness/W&S Rivers—Sulphur Creek Ranch (ID/MT)	2,200,000
Lake Tahoe Basin MU (High Meadows) (CA)	4,000,000
Lake Tahoe NF (Urban lots) (CA)	2,600,000
Lewis and Clark Historic Trail (ID/MT)	1,500,000
Los Padres NF (Big Sur Ecosystem) (CA)	7,660,000
Mark Twain NF (Ozark Mtn. Streams & Rivers) (MO)	1,500,000
Midewin NTGP (IL)	500,000
Ouchita NF (Lake Winona) (AR)	1,500,000
Pacific Crest Trail (CA/WA/OR)	2,000,000
Pacific Northwest Streams (Drift Creek and Davidson) (OR)	4,250,000
Payette NF (Thunder Mtn.)	1,000,000
Pisgah NF (Lake James) (NC)	2,500,000
San Bernardino NF (CA)	1,500,000
Santa Fe NF (Santa Fe Watershed) (NM)	1,750,000
Sawtooth NF (easements—Sawtooth NRA) (ID)	5,000,000
St. Francis NF (Stumpy Point, Anderson Tulley) (AR)	1,500,000
Sumter NF (Broad River Corridor) (SC)	1,500,000
Swan Valley Conservation Project (MT)	7,000,000
Tahoe NF (North Fork Am. River) (CA)	1,700,000
Tongass NF, Admiralty NM (Favorite Bay, Mental Health Lands) (AK)	5,225,000
Uncompahgre NF (Red Mountain) (CO)	4,600,000
Wayne NF (OH)	1,000,000
White Mtn. NF (Jericho Lake) (NH)	2,000,000
White Mtn. NF (NH)	1,500,000
Wild and Scenic Rivers PNW (Skagit River) (WA)	2,000,000
Subtotal	132,242,000
Wilderness Protection	1,000,000
Critical Inholdings, Opportunities	2,000,000
Cash Equalization	1,500,000
Acquisition Management	13,000,000
Total	149,742,000

The managers direct the Forest Service to continue its ongoing work to implement an acquisition program for the Pacific Crest Trail as rapidly as possible, utilizing assistance from the National Park Service, if desirable. Acquisition efforts should focus on properties where access and public service needs are the greatest. A progress report should be submitted to the House and Senate Committees on Appropriations no later than March 1, 2002.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as recommended by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,290,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The conference agreement provides $5,488,000 for management of national forest system lands for subsistence uses in Alaska as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers have modified bill language proposed by the Senate concerning the use of funds for land exchanges and have included language recommended by the Senate allowing the Forest Service to transfer any funds available to the Forest Service to the wildland fire management account during wildfire emergencies. The conference agreement also includes the House language prohibiting transfers to the USDA working capital funds in excess of the fiscal year 2000 level without advance approval from the House and Senate Committees on Appropriations. The managers have included the Senate proposed funding level for the administrative funds of the National Forest Foundation and the managers have included language expanding the National Forest Foundation board of directors. The conference agreement includes the House proposed bill language concerning the National Fish and Wildlife Foundation. The managers have not included the House proposed bill language concerning the use and reimbursement of detailees who are used for more than 30 days. Instead, the managers direct the Secretary to provide written notification to the House and Senate Committees on Appropriations of any employee to be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 60 days if the receiving office is not going to reimburse the donor office for detailee time in excess of 60 days. Such notification should include the name of the employee to be detailed, the location of the detail, the estimated length of the detail, and a justification for the work to be performed during the detail.

The managers have agreed to revise instructions proposed by the House regarding the management of trust funds. In place of items numbered two and three in the House report, the managers agree to the following: (1) the Forest Service is directed to submit a detailed display in all future budget justifications of the anticipated program of work for these funds; (2) the plan shall provide sufficient detail to explain and justify the program of work and expected accomplishments in each region; and (3) the plan shall contain a full explanation of how planned improvement activities contribute to an integrated approach to forest management in conjunction with activities planned to be accomplished with discretionary funds.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

The conference agreement provides for the deferral of $40,000,000 in previously appropriated funds for the clean coal technology program. These funds will become available on October 1, 2002, to complete the remaining projects in this program.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $616,490,000 for fossil energy research and development instead of $579,000,000 as proposed by the House and $604,090,000 as proposed by the Senate. Of the amount provided, $33,700,000 is derived by transfer from previous clean coal technology appropriations as proposed by the Senate. The numerical changes described below are to the House recommended level.

There is a decrease of $33,700,000 for the clean coal power initiative, which reflects the transfer of previously appropriated funds in that amount from the clean coal technology account. This transfer should not interfere with the timely completion of the remaining, unfinished clean coal technology projects. The funding provided for the clean coal power initiative in fiscal year 2002 is $150,000,000.

In the innovations for existing plants activity, there is an increase of $1,000,000 for materials research as part of the vision 21 program. This increase originally was proposed by the Senate under the advanced research account. Guidance on its use is provided below.

In advanced systems, increases include $3,000,000 for ITM oxygen research as part of the integrated gasification combined cycle program, $3,000,000 for vision 21 advanced combustion systems as part of the pressurized fluidized bed program, and $3,000,000 for syngas applications in the advanced turbine systems program. There is also a decrease of $3,000,000 in general program activities in the turbine program.

In distributed generation, increases include $2,000,000 for electro-chemical engineering in the advanced research program, $2,000,000 for systems development in the molten carbonate fuel cells program, and $6,000,000 for the solid-state energy conversion alliance in the innovative concepts program.

In transportation fuels and chemicals, there is an increase of $2,000,000 for the La Porte facility in Texas. The managers expect the Department to continue existing projects in the ultra clean fuels program. There is also an increase of $1,000,000 in the ultra clean fuels program for a clean diesel fuel program at the University of Alaska.

In solid fuels and feedstocks, there is an increase of $3,000,000 for advanced separation technology.

In advanced fuels research, there are increases of $500,000 for C–1 chemistry and $1,700,000 in advanced concepts for advanced products from coal, and a decrease of $1,000,000 for advanced separation technology (which is addressed above under solid fuels and feedstocks).

In advanced research, there is an increase of $2,000,000 in the technology crosscut program for the Computational Center of Excellence at the National Energy Technology Laboratory.

For natural gas technologies, there is an increase of $950,000 in exploration and production for coalbed methane water filtration research and increases in infrastructure programs of $1,000,000 for infrastructure technology and $1,000,000 for storage technology. There is also an increase of $2,000,000 in emerging processing technology for the coal mine methane program.

For oil technology, there is an increase of $3,000,000 in exploration and production for arctic research by the Office of Arctic Energy in Alaska and a decrease of $1,000,000 for the Oil Prime program in advanced research. There is also a decrease of $1,000,000 in the reservoir life extension program for reservoir field demonstrations.

In cooperative research and development, there is an increase of $2,240,000 for existing programs. Arctic technology research is addressed in the oil technology program above.

In general plant projects, there is a decrease of $900,000 in general plant projects for the National Energy Technology Laboratory and an increase of $11,000,000 for the first year of a 7-year program to upgrade the infrastructure at the National Energy Technology Laboratory. This upgrade is discussed in more detail below.

Finally, there is a decrease of $6,000,000, which reflects the one-time use of unobligated prior year funds that are available from a coal project that has been substantially reworked, with resultant cost savings. This amount should be restored to the base program in fiscal year 2003.

The managers are very supportive of the clean coal power initiative and expect the Department to ensure that the program is based on competitively awarded government-industry partnerships that demonstrate technologies that can strengthen electricity reliability for the Nation in an environmentally clean manner. The managers agree that industry will be required to provide at least 50 percent of each project's cost and that all projects must use U.S. coals, which must constitute at least 75 percent of the fuel. Further, all co-production projects must provide at least half of their output in the form of electricity.

The managers expect the Department to ensure that the solicitation for proposals is open to technologies that will: (1) reduce emissions of criteria pollutants (including mercury) from both existing and new plants, including management of plant byproducts; (2) improve the generation efficiencies of existing and new plants through such technologies as coal gasification; and/or (3) cost-effectively manage carbon emissions.

The managers agree to the following:

1. The $1,000,000 in the innovations for existing plants program for vision 21/materials is to accelerate the development of advanced alloys and materials for high efficiency, ultra-supercritical steam plants, allowing ultra-supercritical steam conditions to be used in a variety of fuel flexible, highly efficient, zero emission plants.

2. Available funding balances from contract closeouts may be used without reprogramming to minimize disruptions to ongoing research and development projects. Follow-on research areas consistent with plans and schedules developed in cooperation with industry partners, include ultra-supercritical materials, computational and fuels focus areas at the National Energy Technology Laboratory, gas-to-liquids, advanced research on coal-based fuels, solid-state energy conversion alliance (planar solid oxide fuel cells), vision 21/oxygen-based combustion, Wilsonville testing, power plant sensors and controls, carbon dioxide capture and geologic sequestration testing, and oil and gas offshore technology.

3. There is no earmark in the syngas ceramic membrane funding for any specific program. The available funds should be used to continue all existing projects as equitably as possible.

4. The distribution of the increase above the budget request for effective environmental protection programs in the oil technology activity should be consistent with the House recommendation.

5. The funding for risk assessment programs under the oil technology activity assumes that the risk based data management system will continue to be funded at the fiscal year 2001 level.

6. Within the funds provided in oil technology for the Office of Arctic Energy $1,000,000 is to support oxygen transport ceramic membrane research.

7. The Department should review the fuel flexibility for industrial boilers program developed by Pennsylvania State University and consider incorporating follow-on work in this area into the fiscal year 2003 budget priorities.

8. The $2,000,000 increase above the budget request for distributed generation/vision 21 hybrids, included in both the House and Senate recommendations, is for the tubular solid oxide fuel cell program.

9. The increase above the budget request for the solid-state energy conversion alliance under distributed generation/innovative concepts is to be added to the base funding for planar solid oxide fuel cell programs and is to be used to continue existing projects, consistent with program plans developed in cooperation with industry partners. The managers understand that base funding for this program will need to be increased substantially in fiscal year 2003 to keep this program on schedule to meet critical program goals.

10. Of the funds provided for turbine systems, $3,000,000 is for the industry/university consortium.

11. The Department should develop a five-year plan reorienting the turbine program to support vision 21 and focusing on the development of a technology base to increase fuel flexibility (including coal) and efficiency as well as reliability, availability, and maintainability, with low emissions and low life cycle costs. The plan should be submitted to the House and Senate Committees on Appropriations no later than January 15, 2002.

12. In the carbon sequestration program, the Department should continue and expand International Utility Efficiency Partnerships as part of the U.S. Initiative on Joint Implementation.

The conference agreement modifies bill language proposed by the Senate earmarking

$11,000,000 for planning and design of an infrastructure upgrade at the National Energy Technology Laboratory. The modification provides land acquisition authority, which the managers understand will be used on a limited basis. This funding represents the first year of a 7-year improvement plan for the Laboratory and the managers expect the Department to keep this amount in the base budget for each of the next 6 years.

The conference agreement includes bill language proposed by the Senate deriving $33,700,000 by transfer from the clean coal technology program to offset new budget authority in fiscal year 2002. The managers note that this is a one-time transfer and this amount will need to be restored to the Fossil Energy Research and Development base budget in fiscal year 2003.

The conference agreement also modifies language to extend the proposal submission period for the Clean Coal Power Initiative from 90 days to 150 days and to permit the combining of fiscal year 2002 and fiscal year 2003 funds for contract awards made in fiscal year 2003.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

The conference agreement provides for the rescission of $2,000,000 in unobligated balances from the alternative fuels production account as proposed by the Senate instead of no rescission as proposed by the House.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $17,371,000 for the naval petroleum and oil shale reserves as proposed by both the House and the Senate.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides $36,000,000 to become available on October 1, 2002, for the Elk Hills school lands fund as proposed by the Senate instead of $36,000,000 to be derived by transfer from unobligated balances in the clean coal technology account as proposed by the House.

ENERGY CONSERVATION

The conference agreement provides $912,805,000 for energy conservation instead of $940,805,000 as proposed by the House and $870,805,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In building technology assistance, there are decreases of $19,000,000 for the weatherization assistance program and $17,000,000 for State energy conservation grants. There is also an increase of $1,000,000 for the energy star program.

In industries of the future/crosscutting, there is an increase of $2,000,000 for the innovations and inventions program.

In transportation programs, there is a general increase of $2,000,000 in technology deployment for the clean cities program.

In policy and management, there is an increase of $3,000,000 for the regional support offices.

The managers agree to the following:

1. The increase in funding for the regional support offices is to restore base funding for these important entities. The Department should do a better job of using these offices to manage programs and projects and should not short-fund these offices in future budget requests while protecting funding for headquarters offices in Washington, DC. Funding comparisons (prior year, current year, budget year) and activity descriptions for each regional support office should be included in the annual budget request beginning in fiscal year 2003. The managers encourage the Department to consider shifting resources from headquarters to the regional support offices.

2. Consistent with the policy of fuel neutrality, no funds are earmarked in the Clean Cities program for increasing E-85 fueling capacity. The managers encourage the Department to give careful consideration to proposals that would help increase such capacity, consistent with the goals of the Clean Cities program.

3. Within the funds provided, the managers understand that the Northwest Alliance for Transportation Technologies will be funded at a higher level than in fiscal year 2001.

4. Within the transportation sector hybrid program, the Department should continue 3 contracts through completion of phase I of the advanced power electronics program and should down select to 2 contracts, as planned, prior to funding the next phase of the program.

5. Within the increase provided above the budget request for lightweight materials technology in transportation programs, the Department should foster research aimed at developing lightweight composites for heavy vehicles in conjunction with MSE, Inc.'s High Performance Materials Group.

6. The Department should report to the House and Senate Committees on Appropriations, within twelve months of the date of enactment of this Act, on the technical and economic barriers to the use of fuel cells in transportation, portable power, stationary, and distributed generation applications. The report should include recommendations on program adjustments based on an assessment of the technical, economic, and infrastructure requirements needed for the commercial use of fuel cells for stationary and transportation applications by 2012. Within six months of the date of enactment of this Act, the Department should also provide an interim assessment that describes preliminary findings about the need for public and private cooperative programs to demonstrate the use of fuel cells in commercial scale applications.

The conference agreement earmarks $275,000,000 for energy conservation grant programs instead of $311,000,000 as proposed by the House and $251,000,000 as proposed by the Senate. Within the funds provided, $230,000,000 is further earmarked for weatherization assistance grants instead of $249,000,000 as proposed by the House and $213,000,000 as proposed by the Senate, and $45,000,000 is earmarked for State energy conservation grants instead of $62,000,000 as proposed by the House and $38,000,000 as proposed by the Senate.

No statutory language on cost sharing for weatherization grants is included in the conference agreement but the managers strongly urge the Department to pursue actively such cost sharing from State and local governments and other entities. Detailed cost-sharing information (and the amount of Federal funds provided) should be included for each State or eligible entity in the budget submission for fiscal year 2003 and in future submissions.

The conference agreement includes statutory language requiring that one-half of the funding made available in fiscal year 2002 and thereafter for the energy efficiency science initiative be managed by the fossil energy research and development program. The managers expect the Department to issue a single solicitation for this program that covers both energy conservation and fossil energy programs.

ECONOMIC REGULATION

The conference agreement provides $1,996,000 for economic regulation as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $179,009,000 for the strategic petroleum reserve as proposed by the House instead of $169,009,000 as proposed by the Senate.

The conference agreement modifies statutory language contained in both the House and Senate bills, specifying that "not to exceed" $8,000,000 is for the Northeast Heating Oil Reserve. If the full $8,000,000 is not needed, the managers encourage the Department to apply any excess funds to the Strategic Petroleum Reserve vapor pressure project to remove excess heat and gas from the oil in the reserve. Funds for this critical project should be continued in the base for each of the next 3 years (at least at the $12 million level provided in fiscal year 2002) so that it can be completed no later than fiscal year 2005.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $78,499,000 for the energy information administration as proposed by the House instead of $75,499,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $2,389,614,000 for Indian health services instead of $2,390,014,000 as proposed by the House and $2,388,614,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

For hospital and health clinic programs there are decreases of $500,000 for Joslin diabetes programs and $500,000 for technology upgrades. For Indian health professions there are increases of $50,000 for the InPsych program at the University of North Dakota, $50,000 for the InPsych program at the University of Montana, and $500,000 for the InMed program at the University of North Dakota.

The managers agree to the following:

1. The additional contract health services funding provided for fiscal year 2002 should be distributed following a methodology developed in consultation with the tribes. The managers have received expressions of concern from many different tribes on this issue and ask that the Service base the funding distribution on a methodology that considers the needs of all eligible tribes at the same time as addressing disparities in funding.

2. The Service should continue to follow last year's direction on the level of need funded methodology and the distribution of the Indian health care improvement fund.

The conference agreement provides the House proposed statutory earmarks for contract health services and contract support costs. As in past years, there is no specific earmark for any individual tribe for contract support costs.

The managers have not agreed to statutory language proposed by the House dealing with certain limitations on contract support costs. The managers believe the disparities between BIA and IHS in the funding of contract support costs should be resolved. While there has been some discussion of this issue by the two agencies over the past few years, no resolution to these differences has resulted. The managers urge the Office of Management and Budget to serve as a coordinator for further discussion of the issue with the two agencies, with the goal of resolving existing discrepancies. The Office of Management and Budget should address this issue as part of the fiscal year 2003 budget request.

INDIAN HEALTH FACILITIES

The conference agreement provides $369,487,000 for Indian health facilities instead of $369,795,000 as proposed by the House and $362,854,000 as proposed by the Senate. The changes to the House level are all in the hospital and clinic construction category. The managers agree to the following distribution of facilities construction funds (excluding sanitation facilities):

Project	*Conference agreement*
Fort Defiance, AZ (hospital and staff quarters)	$27,827,000
Pinon, AZ (clinic infrastructure)	2,600,000
Winnebago, NE (hospital)	15,000,000
Red Mesa, AZ (clinic infrastructure)	5,000,000
Pawnee, OK (clinic infrastructure)	5,000,000
Sisseton, SD (clinic infrastructure)	2,333,000
St. Paul and Metlakatla, AK (clinics infrastructure)	5,500,000
Bethel, AK quarters	5,000,000
Zuni, NM quarters	2,000,000
Dental units	1,000,000
Small ambulatory care facilities	10,000,000
Joint ventures	5,000,000
Total	$86,260,000

The managers agree to the following:

1. The funds provided for the Portland Area AMEX program should remain in the base in fiscal year 2003 for addressing the nationwide need for maintenance funds, and the Service should request an increase to the base maintenance funding in fiscal year 2003 to enable the Service to keep pace with the expanding facilities infrastructure for Federal and tribal facilities, including Alaska village-built clinics.

2. Given the tremendous unmet need for new and replacement hospitals and clinics in Indian country, the managers urge that, beginning in fiscal year 2003, the Department and the Office of Management and Budget establish a recurring base budget for hospital and clinic facilities construction rather than building from a zero-based budget each year. The managers suggest that the base amount for fiscal year 2003 should be at least $90,000,000 (the fiscal year 2002 level plus inflation) and projects should be identified based on the established priority list (including hospitals, clinics, staff quarters, dental units, small ambulatory care facilities, and joint ventures) to total the base funding level.

3. The Service should use balances available from completed construction projects to fund the additional site work and infrastructure needs of the Pinon, AZ clinic and, to the extent available, to fund additional site work and infrastructure at the Red Mesa, AZ clinic.

4. The Service should continue funding for a new drinking water system for the Shoshone-Bannock Tribes of the Fort Hall reservation in Idaho to the extent such project is ranked within the established sanitation facility priority ranking system.

5. Rather than issuing a new solicitation for the small ambulatory grant program in fiscal year 2002, the Service should fund high priority, unfunded projects from the ranked order list generated from the fiscal year 2001 application process.

6. The Service should establish a reasonably low maximum funding threshold for the small ambulatory grant program so that several projects can be funded under that program each fiscal year. The maximum amount should not be construed as the amount available for each project, and the managers expect that most projects will be funded well below the maximum funding threshold.

7. The Service should ensure, in evaluating joint venture proposals, that any needed staff quarters are included in tribal construction proposals and that the cost of staff quarters construction and all related costs are funded by the tribe. Once constructed, staff quarters should be self-supporting from revenues generated from rental fees. The Service should not be responsible for any construction or subsequent operating costs for staff quarters that are associated with a joint venture.

The conference agreement includes statutory language that modifies the Senate proposed language on the Bethel, AK hospital staff quarters construction project. The modification permits the use of funds for staff quarters construction for sub-regional clinics in the Bethel area. The managers expect that this authority will be used on a limited basis only to the extent that such sub-regional staff quarters fit within the agreed upon overall cost for the Bethel staff quarters project and that there is no impact on the effort now underway to provide an adequate number of staff quarters at the Bethel hospital.

The conference agreement also includes statutory language permitting the Service to accept donated land for the St. Paul, AK clinic.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $15,148,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the House and the Senate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $4,490,000 for payment to the institute as proposed by the House and the Senate.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides $399,253,000 for salaries and expenses at the Smithsonian Institution instead of $396,200,000 as proposed by the House and $401,192,000 as proposed by the Senate. Changes to the House proposed funding levels for fiscal year 2002 are described below.

An increase of $1,497,000 is provided for the Smithsonian Center for Materials Research and Education. Within this amount, program funding for the Center is restored to the fiscal year 2001 enacted level and an additional $128,000 is included to meet anticipated annual pay costs. The managers expect that no decision will be made on an earlier proposal by Smithsonian management to eliminate this Center, as well as the Conservation Research Center, until the Science Commission has conducted a full evaluation of all science programs at the Institution and reported their findings to the Committees.

An increase of $26,000 is provided to the National Zoo for the hiring of a curator and preliminary operations and maintenance of the permanent Farm Exhibit, which is scheduled to open to the public in the spring of 2003.

An increase of $200,000 is provided for the Smithsonian Institution Libraries. This amount was proposed for reduction in the fiscal year 2002 budget estimate, but has been included by the managers in order to maintain the library at the Museum Support Center that supports the Center for Materials Research and Education.

An amount of $7,200,000 is provided within the Administration line item to continue the Institution's technology initiative. The Senate included $6,000,000 for this work. The House included $7,645,000 for this effort, but within the line item for Institution-wide Programs. The managers expect that the House and Senate Committees on Appropriations will be provided with quarterly reports that detail the Institution's progress with this initiative.

An increase of $58,000 is included to maintain existing health clinics as proposed by the Senate.

An increase of $1,743,000 is included for the Office of Protection Services. The budget estimate called for a reduction of the guard force in this amount. In light of recent events, the managers agree that it would not be appropriate to implement this proposal.

A decrease of $7,645,000 has been taken to the Institution-wide Programs line item. This amount was proposed by the House to fund costs associated with the technology initiative. As stated above, the managers recommend an amount of $7,200,000, the budget estimate, for this activity and have provided the funds within the Administration line item, which includes the Office of Technology.

A general reduction of $26,000 to the House proposed level has been taken to the Administration line item.

The conference report designates an amount of $37,508,000 to remain available until expended for the following activities: the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian and the repatriation of skeletal remains program. The House proposal included no such designation for these activities. The Senate proposal provided $43,713,000 to remain available until expended for the activities listed above, as well as security funding and institution-wide programs.

The conference report includes bill language proposed by both the House and Senate instructing the Smithsonian to adhere to the reprogramming procedures described in House Report 105–163. In addition, the managers direct the Smithsonian to submit a quarterly report to the House and Senate Committees on Appropriations that displays all redirections of Federal funds, both above and below the reprogramming threshold, for each quarter. By implementing this reporting process, the Committees expect to gain a better and more timely understanding of the Institution's spending priorities throughout the fiscal year. Each of the Bureaus within the Department of the Interior currently submits a similar report.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

The conference agreement provides $67,900,000 for repair, restoration and alteration of facilities as proposed by the House and the Senate.

The managers direct the Smithsonian to assess its facility maintenance program as a result of the National Academy of Public Administration's recommendations. The Institution should identify the current program, describe the desired state, and provide an implementation plan with resource and organizational requirements needed to achieve the necessary maintenance level. The plan should be reliability based with preventive, predictive, proactive and reactive components utilizing a computer-based maintenance management system. This plan should be submitted to the House and Senate Committees on Appropriations no later than December 15, 2001.

CONSTRUCTION

The conference agreement provides $30,000,000 for construction of the National Museum of the American Indian as proposed by the House, instead of $25,000,000 as proposed by the Senate.

National Gallery of Art

SALARIES AND EXPENSES

The conference agreement provides $68,967,000 for salaries and expenses of the National Gallery of Art as proposed by both the House and the Senate.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $14,220,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

The conference agreement provides $15,000,000 for operations and maintenance of the Kennedy Center as proposed by the House and the Senate.

CONSTRUCTION

The conference agreement provides $19,000,000 for construction as proposed by the House and the Senate.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

The conference agreement provides $7,796,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by the House and the Senate. Funds should be distributed as follows:

Fellowship program	$1,218,000
Scholar support	615,000
Public service	2,164,000
General administration	1,656,000
Smithsonian fee	208,000
Conference planning	1,770,000
Space	165,000
Total	7,796,000

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

The conference agreement includes $98,234,000 for grants and administration of the National Endowment for the Arts as proposed by both the House and the Senate. The Challenge America Arts Fund, a separate appropriation administered by the NEA, is funded at $17,000,000, as indicated later in the statement of the managers.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

The conference agreement provides $108,382,000 for grants and administration of the National Endowment for the Humanities instead of $107,882,000 as proposed by the House and $109,882,000 as proposed by the Senate. Increases above the House funding level include $361,000 for Federal/State partnerships, $217,000 for preservation and access, $155,000 for public programs, $145,000 for research programs, and $150,000 for education programs. In agreement with the budget estimate and the Senate proposal, the administration activity is funded at $18,450,000, a reduction of $528,000 from the House level. In addition to funds provided in this account, further appropriations for the NEH are included in the matching grants category below.

MATCHING GRANTS

The conference agreement provides $16,122,000 for matching grants instead of $15,622,000 as proposed by the House and the Senate. The agreement includes an increase of $500,000 for regional centers.

Institute of Museum and Library Services

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

The conference agreement provides $26,899,000 for grants and administration of the Office of Museum Services as proposed by both the House and the Senate.

Challenge America Arts Fund

CHALLENGE AMERICA GRANTS

The conference agreement includes $17,000,000 for Challenge America grants as proposed by both the House and the Senate. This account is administered by the National Endowment for the Arts according to all previously authorized requirements and serves to provide additional funding for arts education and outreach activities in rural and underserved areas.

Commission of Fine Arts

SALARIES AND EXPENSES

The conference agreement provides $1,224,000 for salaries and expenses of the Commission of Fine Arts instead of $1,274,000 as proposed by the House and $1,174,000 as proposed by the Senate. The conference agreement does not include $100,000 for the management of a competitive grants program as proposed in the budget estimate and proposed by the House. The $50,000 increase above the Senate proposed funding level is intended to meet the cost of technological improvements, such as equipment and the development of a web page, that will enable the Commission to have direct communication with the public. Given the significant public projects that come before the Commission, such as the World War II Memorial, the managers believe it is in the public interest to provide better access to the Commission's activities and decisions.

National Capital Arts and Cultural Affairs

The conference agreement provides $7,000,000 for National Capital Arts and Cultural Affairs as proposed by both the House and the Senate.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

The conference agreement provides $3,400,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the House instead of $3,310,000 as proposed by the Senate.

National Capital Planning Commission

SALARIES AND EXPENSES

The conference agreement provides $7,253,000 for salaries and expenses of the National Capital Planning Commission as proposed by both the House and the Senate.

United States Holocaust Memorial Museum

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides $36,028,000 for the Holocaust Memorial Museum as proposed by the House and the Senate.

Presidio Trust

PRESIDIO TRUST FUND

The conference agreement provides $23,125,000 for the Presidio Trust Fund as proposed by the Senate instead of $22,427,000 as proposed by the House.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301, and the text of sections 314 through 317, and 320 through 322, which were identical in both the House and the Senate bills, although section numbers have been changed in some cases in the conference agreement.

The conference agreement includes House sections 302 through 307, 309, 311, 318, 324, 325, and 330. Identical language was proposed by the Senate in sections 303 through 308, 310, 312, 319, 325, 326, and 332.

Section 308 retains the text of section 309 as proposed by the Senate concerning a pedestrian bridge between New Jersey and Ellis Island. The House had similar language in section 308, but included text carried in last year's law.

Section 310 retains the text of section 311 as proposed by the Senate, which limits payments for contract support costs for the Bureau of Indian Affairs and the Indian Health Service. The text of section 310 as proposed by the House is identical except for the use of capitalization.

Section 312 modifies language in section 312 as proposed by the House concerning an extension of the recreational fee demonstration program. The managers have agreed to a two year extension of this program through fiscal year 2004 rather than the four year extension recommended by the House. The managers have provided this extension to allow the authorizing committees with jurisdiction to continue their assessment of this program and to provide for a permanent solution to this issue. The managers strongly encourage the authorizing committees to address this matter forthwith so short-term extensions via the appropriations process are no longer germane. The managers have also modified the House language by deleting subsection (e), which extended the program to certain Forest Service special use permits. The managers recommend that the authorizing committees examine various options in this regard. The managers have retained language proposed by the House and contained in Senate recommended section 313 concerning the use of receipts from this program to construct permanent structures when the total cost of the facility exceeds $500,000. The managers note that the recreational fee demonstration program has generated substantial revenue, which has made a major impact on many parks, forests, refuges and public land units. By the end of fiscal year 2002, the program will have generated $937 million for the four participating agencies. The managers continue to believe that a user fee program, which focuses the fees directly to local, on-the-ground improvements, is an essential tool to help fund major Federal recreational assets. The managers expect the agencies implementing this program to focus on public service, to work closely with local communities and the recreational industry, and to use the receipts to enhance visitor services and reduce the backlog in deferred maintenance.

Section 317 retains the text of section 318 as proposed by the Senate prohibiting the Forest Service from expending or obligating appropriations in the Act to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act. The House had no similar provision.

Section 319 retains the text of section 319 as proposed by the House prohibiting the use of funds in the Act for GSA Telecommunication Centers. The Senate had no similar provision.

Section 323 retains the text of section 323 as proposed by the Senate. The language as proposed by the House in section 323 differed only in reference to fiscal years.

Section 326 retains the text of section 326 as proposed by the House which gives preference to dislocated workers for certain restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Section 329 as proposed by the Senate consisted of virtually identical text, except for language extending the length of authorization.

Section 327 modifies the text of section 327 as proposed by the House which provides that the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 solely because more than fifteen years have passed without revision of the plan, including its accompanying documents, for a unit of the National Forest System. It is the managers' intent that the passage of more than 15 years without revision of a plan for a unit of the National Forest System shall not, in and of itself, cause a violation of the National Environmental Policy Act (NEPA) (43 U.S.C. 4332). Instead, the standards at 40 C.F.R. 1502.9(c) and project-level NEPA requirements shall govern when a supplemental or additional environmental impact statement is required. It is the responsibility of the court to determine whether the good faith requirement of this section has been met and, if not, to order an accelerated schedule for plan revision. The managers understand that all plans for units of the National Forest System that will be revised during fiscal year 2002 will be revised pursuant to current rules (36 C.F.R. Part 219 and Part 217). Given the intense interest in the Administration's ongoing revision of forest planning rules, the managers intend that this section will be in effect for only one year. It is the managers' understanding that the authorizing Committees must consider legislation regarding this issue in the near future. The managers direct the Forest Service to provide a detailed report to the House and Senate Committees on Appropriations by January 31, 2002, describing the status and activities regarding each National forest unit land management plan. The report shall also include a plan and schedule, along with funding needs, to complete the forest plan revision process. The Senate had no similar provision.

Section 328 retains the text of section 328 as proposed by the House, which clarifies the requirement for mutually significant benefits when the Forest Service conducts cooperative agreements. The Senate had no similar provision.

Section 329 includes a minor technical modification of section 329 as proposed by the House concerning the conveyance of excess properties by the Forest Service. The Senate had no similar provision.

Section 330 retains the text of section 331 as proposed by the House which amends section 323 of the fiscal year 1999 Interior and Related Agencies Appropriations Act by extending for four years the cooperative agreements authority, thereby allowing the Forest Service to enter into cooperative agreements with willing Federal, tribal, State, and local governments, private and non-profit entities and landowners to implement watershed restoration agreements both on and near National forest system lands. Section 331 as proposed by the Senate was composed of similar language, but differed in length of authorization.

Section 331 retains the text of section 333 as proposed by the House that prohibits oil, natural gas and mining related activities within current National Monument boundaries. The Senate proposed similar language in section 128 under General Provisions, Department of the Interior.

Section 332 modifies the text of section 327 as proposed by the Senate expanding the number of stewardship end result contracts available to the Forest Service. The modified language extends the duration of the contracts by two years. The House had no similar provision.

Section 333 retains the text of section 328 as proposed by the Senate requiring that regulations and policies issued by the Departments of the Interior or Agriculture regarding cost recovery for processing authorizations adhere and incorporate a specific principle arising from Office of Management and Budget Circular, A–25. The House had no similar provision.

Section 334 modifies section 330 as proposed by the Senate regarding a cabin within the boundary of the Custer National Forest. After considering the special and unique circumstances surrounding the use of this facility, the managers agree to a provision that requires issuance of a special use permit to Montana State University—Billings for use of this cabin for a 20-year term, with a proviso for a review of the cabin's use after 10 years. The managers expect the agency to administer the permit in a manner that allows the University to utilize the cabin's location for suitable educational programs while recognizing the ecological and cultural values associated with the cabin's location and historical significance. The permit shall restrict use of the cabin to educational and scientific activities overseen by the University and necessary maintenance related to these activities consistent with the cabin's location. The managers expect the Forest Service to oversee the special use permit under current standards to ensure the cabin's use is consistent with this provision. The managers note that the issuance of this special use permit to bolster educational programs, while providing an opportunity to further enhance resource management in the area, shall not be deemed to set precedent for other structures within the national forest system.

Section 336 retains the text of section 334 as proposed by the Senate, which modifies the Steel Loan Guarantee program. The House had no similar provision.

The conference agreement does not include language as proposed by the Senate in section 302 concerning the leasing of oil and natural gas on public lands within the Shawnee National Forest, Illinois, or in section 324 prohibiting the use of funds for the Kyoto Protocol, or in section 333 which exempted residents within the boundaries of the White Mountain National Forest from the recreation fee program. The House had no similar provisions.

The conference agreement does not include language proposed by the House in section 313 making a provision permanent that exempts properties administered by the Presidio Trust from certain taxes and assessments, since this provision was made permanent in the fiscal year 2001 Interior Appropriations Act, or in section 332 that prohibits funding for anyone convicted of violating the "Buy American Act," or in section 334 that would have prohibited the use of funds to execute a final lease agreement for oil and gas development in the area of the Gulf of Mexico known as Lease Sale 181, or in section 335 dealing with a limitation of funds for revising hardrock mining regulation. The Senate had no similar provisions.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of Lands and Resources				
Land Resources				
Soil, water and air management	34,037	33,469	34,469	+432
Range management	77,298	69,197	70,697	-6,601
Forestry management	9,532	7,229	7,629	-1,903
Riparian management	22,490	22,806	22,806	+316
Cultural resources management	13,898	14,181	14,181	+283
Wild horse and burro management	34,471	29,665	29,665	-4,806
Subtotal, Land Resources	191,726	176,547	179,447	-12,279
Wildlife and Fisheries				
Wildlife management	25,049	25,318	25,318	+269
Fisheries management	12,853	12,110	12,110	-743
Subtotal, Wildlife and Fisheries	37,902	37,428	37,428	-474
Threatened and endangered species	21,334	21,618	21,618	+284
Recreation Management				
Wilderness management	16,642	16,932	17,232	+590
Recreation resources management	44,763	44,762	45,762	+999
Recreation operations (fees)	1,303	1,295	1,295	-8
Subtotal, Recreation Management	62,708	62,989	64,289	+1,581
Energy and Minerals				
Oil and gas	59,749	72,564	76,609	+16,860
Coal management	7,540	8,828	8,828	+1,288
Other mineral resources	9,430	10,096	10,096	+666
Subtotal, Energy and Minerals	76,719	91,488	95,533	+18,814
Alaska minerals	3,889	2,225	4,000	+111
Realty and Ownership Management				
Alaska conveyance	34,411	34,838	36,338	+1,927
Cadastral survey	14,592	13,896	14,546	-46
Land and realty management	31,764	33,813	33,813	+2,049
Subtotal, Realty and Ownership Management	80,767	82,547	84,697	+3,930
Resource Protection and Maintenance				
Resource management planning	25,844	33,035	33,035	+7,191
Resource protection and law enforcement	11,346	11,547	11,947	+601
Hazardous materials management	16,494	16,709	16,709	+215
Subtotal, Resource Protection and Maintenance	53,684	61,291	61,691	+8,007
Transportation and Facilities Maintenance				
Operations	6,283	6,390	6,640	+357
Annual maintenance	29,672	30,310	30,310	+638
Deferred maintenance	37,920	12,917	12,917	-25,003
Conservation (infrastructure improvement)	---	25,000	28,000	+28,000 C
Subtotal, Transportation/Facilities Maintenance	73,875	74,617	77,867	+3,992
Grasshopper and Mormon crickets	1,482	---	---	-1,482
Land and resources information systems	19,543	19,756	19,756	+213

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Mining Law Administration					
Administration	34,328	32,298	32,298	-2,030	
Offsetting fees	-34,328	-32,298	-32,298	+2,030	
Subtotal, Mining Law Administration	---	---	---	---	
Workforce and Organizational Support					
Information systems operations	16,177	16,395	16,395	+218	
Administrative support	48,996	49,766	49,266	+270	
Bureauwide fixed costs	61,448	63,645	63,645	+2,197	
Subtotal, Workforce and Organizational Support	126,621	129,806	129,306	+2,685	
Adjustment for conservation spending	---	-1,000	-1,000	-1,000	
Conservation (Youth Conservation Corps)	---	1,000	1,000	+1,000	C
Supplemental appropriations (P.L. 107-20)	3,000	---	---	-3,000	
Total, Management of Lands and Resources	753,250	760,312	775,632	+22,382	
Appropriations	(753,250)	(734,312)	(746,632)	(-6,618)	
Conservation	---	(26,000)	(29,000)	(+29,000)	
Wildland Fire Management					
Preparedness	314,712	280,807	280,807	-33,905	
Fire suppression operations	109,865	161,424	127,424	+17,559	
Other operations	9,978	216,190	216,190	+206,212	
Contingent emergency appropriations	542,544	---	---	-542,544	
Emergency suppression	---	---	34,000	+34,000	
Emergency other operations	---	---	20,000	+20,000	
Total, Wildland Fire Management	977,099	658,421	678,421	-298,678	
Central Hazardous Materials Fund					
Bureau of Land Management	9,978	9,978	9,978	---	
Construction					
Construction	16,823	10,976	13,076	-3,747	
Payments in Lieu of Taxes					
Payments to local governments	199,560	150,000	160,000	-39,560	
Conservation	---	---	50,000	+50,000	C
Total, Payments in Lieu of Taxes	199,560	150,000	210,000	+10,440	
Land Acquisition					
Land Acquisition					
Acquisitions	47,066	41,686	43,420	-3,646	
Emergencies and hardships	1,497	1,500	1,000	-497	
Acquisition management	2,993	4,000	5,000	+2,007	
Land exchange equalization payment	---	500	500	+500	
Miscellaneous appropriations (P.L. 106-554)	4,989	---	---	-4,989	
Adjustment for conservation spending	---	-47,686	-49,920	-49,920	
Conservation	---	47,686	49,920	+49,920	C
Total, Land Acquisition	56,545	47,686	49,920	-6,625	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Oregon and California Grant Lands					
Western Oregon resources management	84,969	85,949	85,949	+980	
Western Oregon information and resource data systems	2,187	2,195	2,195	+8	
Western Oregon transportation & facilities maintenance	10,801	10,919	10,919	+118	
Western Oregon construction and acquisition	289	294	294	+5	
Jobs in the woods	5,792	5,808	5,808	+16	
Total, Oregon and California Grant Lands	104,038	105,165	105,165	+1,127	
Range Improvements					
Improvements to public lands	8,361	8,361	8,361	---	M
Farm Tenant Act lands	1,039	1,039	1,039	---	M
Administrative expenses	600	600	600	---	M
Total, Range Improvements	10,000	10,000	10,000	---	
Service Charges, Deposits, and Forfeitures					
Rights-of-way processing	3,393	4,057	4,057	+664	
Adopt-a-horse program	948	1,340	1,340	+392	
Repair of damaged lands	1,247	662	662	-585	
Cost recoverable realty cases	419	892	892	+473	
Timber purchaser expenses	180	177	177	-3	
Copy fees	1,297	356	356	-941	
CBO reestimate	---	516	516	+516	
Total, Service Charges, Deposits & Forfeitures	7,484	8,000	8,000	+516	
Miscellaneous Trust Funds					
Current appropriations	12,405	11,000	11,000	-1,405	M
TOTAL, BUREAU OF LAND MANAGEMENT	2,147,182	1,771,538	1,871,192	-275,990	
Appropriations	(2,147,182)	(1,697,852)	(1,742,272)	(-404,910)	
Conservation	---	(73,686)	(128,920)	(+128,920)	
UNITED STATES FISH AND WILDLIFE SERVICE					
Resource Management					
Ecological Services					
Endangered species					
Candidate conservation	7,052	7,220	7,620	+568	
Listing	6,341	8,476	9,000	+2,659	
Consultation	42,750	41,901	45,501	+2,751	
Recovery	59,835	54,217	63,617	+3,782	
ESA landowner incentive program	4,969	---	---	-4,969	
Subtotal, Endangered species	120,947	111,814	125,738	+4,791	
Habitat conservation	78,290	76,209	83,409	+5,119	
Environmental contaminants	10,645	10,470	10,579	-66	
Subtotal, Ecological Services	209,882	198,493	219,726	+9,844	
Refuges and Wildlife					
Refuge operations and maintenance	299,678	293,664	293,964	-5,714	
Conservation (infrastructure improvement)	---	19,000	23,000	+23,000	C
Conservation (Youth Conservation Corps)	---	2,000	2,000	+2,000	C
Salton Sea recovery	994	993	993	-1	
Migratory bird management	25,684	25,159	28,616	+2,932	
Law enforcement operations	49,583	48,411	48,411	-1,172	
Conservation (infrastructure improvement)	---	2,000	2,000	+2,000	C
Subtotal, Refuges and Wildlife	375,939	391,227	398,984	+23,045	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Fisheries					
Hatchery operations and maintenance	52,008	45,362	51,362	-646	
Conservation (infrastructure improvement)	---	4,000	4,000	+4,000	C
Fish and wildlife management	40,021	43,617	48,547	+8,526	
Subtotal, Fisheries	92,029	92,979	103,909	+11,880	
General Administration					
Central office administration	15,070	15,530	15,530	+460	
Regional office administration	24,180	24,792	24,792	+612	
Servicewide administrative support	52,030	53,370	53,295	+1,265	
National Fish and Wildlife Foundation	7,208	6,705	7,705	+497	
National Conservation Training Center	15,293	15,526	15,526	+233	
International affairs	8,200	8,130	8,130	-70	
Pingree Forest, ME non-development easements	1,996	---	---	-1,996	
Atlantic salmon	4,989	---	---	-4,989	
Cost allocation methodology	---	---	3,000	+3,000	
Subtotal, General Administration	128,966	124,053	127,978	-988	
Total, Resource Management	806,816	806,752	850,597	+43,781	
Appropriations	(806,816)	(779,752)	(819,597)	(+12,781)	
Conservation	---	(27,000)	(31,000)	(+31,000)	
Construction					
Construction and rehabilitation					
Line item construction	62,147	27,357	43,051	-19,096	
Nationwide engineering services	9,211	8,492	12,492	+3,281	
Supplemental appropriations (P.L. 107-20)	17,700	---	---	-17,700	
Total, Construction	89,058	35,849	55,543	-33,515	
Land Acquisition					
Fish and Wildlife Service					
Acquisitions - Federal refuge lands	109,114	85,110	80,135	-28,979	
Landowner incentive grants	---	50,000	---	---	
Private stewardship grants	---	10,000	---	---	
Inholdings	998	2,000	1,500	+502	
Emergencies and hardships	748	2,000	1,500	+752	
Exchanges	849	1,000	1,000	+151	
Acquisition management	9,479	14,291	15,000	+5,521	
Adjustment for conservation spending	---	-164,401	-99,135	-99,135	
Conservation	---	164,401	99,135	+99,135	C
Total, Land Acquisition	121,188	164,401	99,135	-22,053	
Landowner Incentive Program					
Grants to States	---	---	40,000	+40,000	C
Private Stewardship Grants Program					
Stewardship grants	---	---	10,000	+10,000	C
Cooperative Endangered Species Conservation Fund					
Grants to States	35,442	31,929	31,929	-3,513	
HCP land acquisition	68,773	21,000	61,306	-7,467	
Administration	479	1,765	3,000	+2,521	
Adjustment for conservation spending	---	-54,694	-96,235	-96,235	
Conservation	---	54,694	96,235	+96,235	C
Total, Cooperative Endangered Species Fund	104,694	54,694	96,235	-8,459	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
National Wildlife Refuge Fund					
Payments in lieu of taxes	11,414	11,414	14,414	+3,000	
North American Wetlands Conservation Fund					
Wetlands conservation	38,316	14,316	41,760	+3,444	
Administration	1,596	596	1,740	+144	
Adjustment for conservation spending	---	-14,912	-43,500	-43,500	
Conservation	---	14,912	43,500	+43,500	C
Total, North American Wetlands Conservation Fund	39,912	14,912	43,500	+3,588	
Neotropical Migratory Birds Conservation Fund					
Migratory bird grants	---	---	3,000	+3,000	
Wildlife Conservation and Appreciation Fund					
Wildlife conservation and appreciation fund	795	---	---	-795	
Multinational Species Conservation Fund					
African elephant conservation	999	999	1,000	+1	
Rhinoceros and tiger conservation	748	748	1,000	+252	
Asian elephant conservation	748	748	1,000	+252	
Great ape conservation	748	748	1,000	+252	
Total, Multinational Species Conservation Fund	3,243	3,243	4,000	+757	
State Wildlife Grants Fund					
State wildlife grants	49,890	---	---	-49,890	
Conservation (wildlife grants)	---	---	85,000	+85,000	C
Rescission, FY 01 State wildlife grants	---	---	-25,000	-25,000	
Total, State Wildlife Grants Fund	49,890	---	60,000	+10,110	
TOTAL, U.S. FISH AND WILDLIFE SERVICE	1,227,010	1,091,265	1,276,424	+49,414	
Appropriations	(1,227,010)	(830,258)	(871,554)	(-355,456)	
Conservation	---	(261,007)	(404,870)	(+404,870)	
NATIONAL PARK SERVICE					
Operation of the National Park System					
Park Management					
Resource stewardship	286,958	312,327	318,827	+31,869	
Visitor services	286,832	288,543	297,543	+10,711	
Maintenance	453,322	475,197	481,088	+27,766	
Conservation (Youth Conservation Corps)	---	2,000	2,000	+2,000	C
Park support	259,570	265,871	272,921	+13,351	
Subtotal, Park Management	1,286,682	1,343,938	1,372,379	+85,697	
External administrative costs	99,408	126,561	104,598	+5,190	
Arlington boathouse study	100	---	---	-100	
Total, Operation of the National Park System	1,386,190	1,470,499	1,476,977	+90,787	
Appropriations	(1,386,190)	(1,468,499)	(1,474,977)	(+88,787)	
Conservation	---	(2,000)	(2,000)	(+2,000)	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
United States Park Police				
Park Police	77,876	65,260	65,260	-12,616
Supplemental appropriations (P.L. 107-20)	1,700	---	---	-1,700
Total, United States Park Police	79,576	65,260	65,260	-14,316
National Recreation and Preservation				
Recreation programs	541	549	549	+8
Natural programs	10,781	10,930	10,930	+149
Cultural programs	20,707	20,019	20,769	+62
International park affairs	1,702	1,718	1,718	+16
Environmental and compliance review	392	397	397	+5
Grant administration	1,554	1,582	1,582	+28
Heritage Partnership Programs				
Commissions and grants	10,284	8,743	13,092	+2,808
Administrative support	---	---	117	+117
Subtotal, Heritage Partnership Programs	10,284	8,743	13,209	+2,925
Statutory or Contractual Aid				
Alaska Native culture center	740	---	---	-740
Aleutian World War II Historic Area	100	---	---	-100
Anchorage Museum	---	---	2,500	+2,500
Barnanoff Museum / Erskin House	---	---	250	+250
Bishop Museum's Falls of Clyde	---	---	300	+300
Brown Foundation	101	101	101	---
Chesapeake Bay Gateway	2,295	798	1,200	-1,095
Dayton Aviation Heritage Commission	299	47	299	---
Denver Natural History and Science Museum	---	---	750	+750
Four Corners Interpretive Center	2,245	---	---	-2,245
Historic New Bridge	1,098	---	---	-1,098
Ice Age National Scientific Reserve	796	806	806	+10
Independence Mine, AK	---	---	1,500	+1,500
Jamestown 2007	---	---	200	+200
Johnstown Area Heritage Association	49	49	49	---
Lake Roosevelt Forum	---	---	50	+50
Lamprey River	499	200	500	+1
Mandan On-a-Slant Village	499	---	750	+251
Martin Luther King, Jr. Center	528	528	528	---
Morris Thompson Cultural and Visitor Center	---	---	750	+750
National Constitution Center, PA	499	---	500	+1
National First Ladies Library	499	---	---	-499
Native Hawaiian culture and arts program	740	740	740	---
New Orleans Jazz Commission	66	66	66	---
Penn Center National landmark, SC	---	---	1,000	+1,000
Roosevelt Campobello International Park Commission	728	766	766	+38
Route 66 National Historic Highway	499	---	---	-499
Sewall-Belmont House	494	---	500	+6
St. Charles Interpretive Center	---	---	500	+500
Vancouver National Historic reserve	399	---	400	+1
Vulcan State Park	---	---	2,000	+2,000
Wheeling National Heritage Area	593	---	---	-593
Women's Progress Commission	100	---	---	-100
Subtotal, Statutory or Contractual Aid	13,866	4,101	17,005	+3,139
Total, National Recreation and Preservation	59,827	48,039	66,159	+6,332
Urban Park and Recreation Fund				
Urban park grants	29,934	---	---	-29,934
Conservation	---	---	30,000	+30,000

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Historic Preservation Fund					
State historic preservation offices	46,495	34,455	39,000	-7,495	
Tribal grants	5,560	2,600	3,000	-2,560	
Historically Black colleges	7,161	---	---	-7,161	
Grants for millennium initiative	34,923	30,000	30,000	-4,923	
Massillon Heritage Foundation, Inc	100	---	---	-100	
National trust (endowment)	---	---	2,500	+2,500	
Adjustment for conservation spending	---	-67,055	-74,500	-74,500	
Conservation	---	67,055	74,500	+74,500	C
Total, Historic Preservation Fund	94,239	67,055	74,500	-19,739	
Construction					
Emergency and unscheduled	3,493	3,500	3,500	+7	
Housing	4,989	15,000	12,500	+7,511	
Equipment replacement	21,951	17,960	17,960	-3,991	
Planning, construction	20,733	16,250	16,250	-4,483	
General management plans	11,200	11,240	11,240	+40	
Line item construction and maintenance	195,001	196,597	208,488	+13,487	
Conservation (infrastructure improvement)	---	50,000	66,851	+66,851	C
Pre-planning and supplementary services	4,490	9,150	9,150	+4,660	
Construction program management	17,062	17,405	17,405	+343	
Dam safety	1,437	2,700	2,700	+1,263	
Maintenance funds	19,956	---	---	-19,956	
Total, Construction	300,312	339,802	366,044	+65,732	
Appropriations	(300,312)	(289,802)	(299,193)	(-1,119)	
Conservation	---	(50,000)	(66,851)	(+66,851)	
Land and Water Conservation Fund					
(Rescission of contract authority)	-30,000	-30,000	-30,000	---	
Land Acquisition and State Assistance					
Assistance to States					
State conservation grants	88,804	441,000	140,000	+51,196	
Administrative expenses	1,497	9,000	4,000	+2,503	
Total, Assistance to States	90,301	450,000	144,000	+53,699	
National Park Service					
Acquisitions	106,879	86,061	110,117	+3,238	
Emergencies and hardships	3,991	4,000	4,000	+9	
Acquisition management	11,475	11,975	12,000	+525	
Inholdings	2,495	5,000	4,000	+1,505	
Total, National Park Service	124,840	107,036	130,117	+5,277	
Adjustment for conservation spending	---	-557,036	-274,117	-274,117	
Conservation	---	557,036	274,117	+274,117	C
Total, Land Acquisition and State Assistance	215,141	557,036	274,117	+58,976	
TOTAL, NATIONAL PARK SERVICE	2,135,219	2,517,691	2,323,057	+187,838	
Appropriations	(2,135,219)	(1,841,600)	(1,875,589)	(-259,630)	
Conservation	---	(676,091)	(447,468)	(+447,468)	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
UNITED STATES GEOLOGICAL SURVEY					
Surveys, Investigations, and Research					
National Mapping Program					
National data collection and integration	56,434	54,172	60,172	+3,738	
Earth science information management and delivery	37,329	33,382	36,182	-1,147	
Geographic research and applications	36,663	36,114	36,923	+260	
Subtotal, National Mapping Program	130,426	123,668	133,277	+2,851	
Geologic Hazards, Resource and Processes					
Geologic hazards assessments	72,725	73,704	75,004	+2,279	
Geologic landscape and coastal assessments	74,375	64,240	77,973	+3,598	
Geologic resource assessments	78,221	75,859	79,833	+1,612	
Subtotal, Geologic Hazards, Resource & Processes	225,321	213,803	232,810	+7,489	
Water Resources Investigations					
Water resources assessment and research	94,840	65,123	96,723	+1,883	
Water data collection and management	40,477	30,042	38,785	-1,692	
Federal-State program	62,741	64,318	64,318	+1,577	
Water resources research institutes	5,455	---	6,000	+545	
Subtotal, Water Resources Investigations	203,513	159,483	205,826	+2,313	
Biological Research					
Biological research and monitoring	128,788	126,860	133,502	+4,714	
Biological information management and delivery	17,704	8,432	18,917	+1,213	
Cooperative research units	14,077	13,970	13,970	-107	
Subtotal, Biological Research	160,569	149,262	166,389	+5,820	
Science support	73,732	81,266	86,255	+12,523	
Facilities	89,239	85,894	89,445	+206	
Adjustment for conservation spending	---	---	-25,000	-25,000	
Conservation	---	---	25,000	+25,000	C
TOTAL, UNITED STATES GEOLOGICAL SURVEY	882,800	813,376	914,002	+31,202	
Appropriations	(882,800)	(813,376)	(889,002)	(+6,202)	
Conservation	---	---	(25,000)	(+25,000)	
MINERALS MANAGEMENT SERVICE					
Royalty and Offshore Minerals Management					
OCS Lands					
Leasing and environmental program	36,511	38,573	38,573	+2,062	
Resource evaluation	23,576	23,389	24,989	+1,413	
Regulatory program	43,122	49,073	49,572	+6,450	
Information management program	14,776	14,894	14,894	+118	
Subtotal, OCS Lands	117,985	125,929	128,028	+10,043	
Royalty Management					
Valuation and operations	38,034	---	---	-38,034	
Compliance	48,077	---	---	-48,077	
Compliance and asset management	---	48,106	48,106	+48,106	
Revenue and operations	---	35,223	35,223	+35,223	
Indian allottee refunds	15	15	15	---	
Subtotal, Royalty Management	86,126	83,344	83,344	-2,782	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
General Administration				
Executive direction	1,982	2,003	2,003	+21
Policy and management improvement	3,981	4,036	4,036	+55
Administrative operations	14,162	16,770	15,970	+1,808
General support services	16,290	20,016	20,016	+3,726
Subtotal, General Administration	36,415	42,825	42,025	+5,610
Use of receipts	-107,410	-102,730	-102,730	+4,680
Total, Royalty and Offshore Minerals Management.	133,116	149,368	150,667	+17,551
Oil Spill Research				
Oil spill research	6,105	6,105	6,105	---
TOTAL, MINERALS MANAGEMENT SERVICE	139,221	155,473	156,772	+17,551
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration	157	160	160	+3
Environmental protection	76,274	76,741	77,741	+1,467
Technology development and transfer	11,820	12,151	12,151	+331
Financial management	536	477	477	-59
Executive direction	11,793	12,371	12,271	+478
Subtotal, Regulation and Technology	100,580	101,900	102,800	+2,220
Civil penalties	274	275	275	+1
Total, Regulation and Technology	100,854	102,175	103,075	+2,221
Abandoned Mine Reclamation Fund				
Environmental restoration	186,697	149,926	186,697	---
Technology development and transfer	3,591	4,136	4,136	+545
Financial management	5,402	6,070	6,070	+668
Executive direction	6,302	6,651	6,552	+250
Total, Abandoned Mine Reclamation Fund	201,992	166,783	203,455	+1,463
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	302,846	268,958	306,530	+3,684
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government	369,273	377,281	378,956	+9,683
Human services	152,484	151,199	151,199	-1,285
Education	49,684	50,036	50,037	+353
Public safety and justice	1,361	1,417	1,417	+56
Community development	38,827	39,784	39,784	+957
Resources management	55,199	56,743	56,743	+1,544
Trust services	42,700	49,205	49,205	+6,505
General administration	23,497	24,815	24,815	+1,318
Subtotal, Tribal Priority Allocations	733,025	750,480	752,156	+19,131

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Other Recurring Programs				
Education				
School operations				
Forward-funded	422,125	436,427	436,427	+14,302
Other school operations	66,293	67,588	67,588	+1,295
Subtotal, School operations	488,418	504,015	504,015	+15,597
Continuing education	38,118	39,118	41,118	+3,000
Subtotal, Education	526,536	543,133	545,133	+18,597
Resources management	40,319	36,295	41,835	+1,516
Subtotal, Other Recurring Programs	566,855	579,428	586,968	+20,113
Non-Recurring Programs				
Tribal government	256	---	---	-256
Community development	1,297	---	3,175	+1,878
Resources management	31,658	30,906	32,611	+953
Trust services	36,785	36,866	37,012	+227
Yakima Nation Signal Peak road	1,197	---	---	-1,197
Subtotal, Non-Recurring Programs	71,193	67,772	72,798	+1,605
Total, Tribal Budget System	1,371,073	1,397,680	1,411,922	+40,849
BIA Operations				
Central Office Operations				
Tribal government	2,601	2,649	2,649	+48
Human services	1,296	909	909	-387
Community development	866	886	886	+20
Resources management	3,419	3,476	3,476	+57
Trust services	2,636	3,129	3,129	+493
General administration				
Education program management	2,387	2,435	2,435	+48
Other general administration	44,531	44,621	44,622	+91
Subtotal, General administration	46,918	47,056	47,057	+139
Subtotal, Central Office Operations	57,736	58,105	58,106	+370
Regional Office Operations				
Tribal government	1,362	1,324	1,324	-38
Human services	3,016	3,067	3,067	+51
Community development	821	847	847	+26
Resources management	3,300	4,365	4,365	+1,065
Trust services	22,134	23,669	23,669	+1,535
General administration	24,679	29,407	29,407	+4,728
Subtotal, Regional Office Operations	55,312	62,679	62,679	+7,367
Special Programs and Pooled Overhead				
Education	15,564	16,039	16,039	+475
Public safety and justice	152,652	160,652	160,652	+8,000
Community development	4,863	3,543	8,623	+3,760
Resources management	1,311	1,311	1,311	---
General administration	80,064	80,477	80,477	+413
Subtotal, Special Programs and Pooled Overhead	254,454	262,022	267,102	+12,648
Total, BIA Operations	367,502	382,806	387,887	+20,385
Supplemental appropriations (P.L. 107-20)	50,000	---	---	-50,000
Total, Operation of Indian Programs	1,788,575	1,780,486	1,799,809	+11,234

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
BIA SPLITS				
Natural resources	(135,206)	(133,096)	(140,341)	(+5,135)
Forward-funding	(422,125)	(436,427)	(436,427)	(+14,302)
Education	(172,046)	(175,216)	(177,217)	(+5,171)
Community development	(1,059,198)	(1,035,747)	(1,045,824)	(-13,374)
Total, BIA splits	(1,788,575)	(1,780,486)	(1,799,809)	(+11,234)
Construction				
Education	292,341	292,503	292,503	+162
Public safety and justice	5,529	5,541	5,541	+12
Resources management	50,534	50,645	50,645	+111
General administration	2,166	2,179	2,179	+13
Construction management	6,048	6,264	6,264	+216
Total, Construction	356,618	357,132	357,132	+514
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
White Earth Land Settlement Act (Admin)	625	625	625	---
Hoopa-Yurok settlement fund	250	250	250	---
Pyramid Lake water rights settlement	229	142	142	-87
Truckee River operating agreement	112	---	---	-112
Ute Indian water rights settlement	24,828	24,728	24,728	-100
Aleutian-Pribilof (repairs)	1,247	---	---	-1,247
Weber Dam	174	---	---	-174
Rocky Boy's	7,982	7,950	7,950	-32
Great Lakes fishing settlement	1,996	6,254	6,254	+4,258
Shivwits Band Settlement	---	5,000	5,000	+5,000
Santo Domingo Pueblo Settlement	---	2,000	2,000	+2,000
Colorado Ute Settlement	---	8,000	8,000	+8,000
Torres-Martinez Settlement	---	6,000	6,000	+6,000
Total, Miscellaneous Payments to Indians	37,443	60,949	60,949	+23,506
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account	4,977	4,986	4,986	+9
TOTAL, BUREAU OF INDIAN AFFAIRS	2,187,613	2,203,553	2,222,876	+35,263
DEPARTMENTAL OFFICES				
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs	4,385	4,528	4,528	+143
Technical assistance	13,631	7,461	16,961	+3,330
Maintenance assistance fund	2,295	2,300	2,300	+5
Brown tree snake	2,345	2,350	2,350	+5
Insular management controls	1,488	1,491	1,491	+3
Coral reef initiative	499	500	500	+1
Subtotal, Territorial Assistance	24,643	18,630	28,130	+3,487
American Samoa				
Operations grants	23,003	23,100	23,100	+97
Northern Marianas				
Covenant grants	27,720	27,720	27,720	---
Total, Assistance to Territories	75,366	69,450	78,950	+3,584

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Compact of Free Association				
Compact of Free Association - Federal services........	7,338	7,354	7,354	+16
Mandatory payments - program grant assistance.......	12,000	14,500	14,500	+2,500 M
Enewetak support....................................	1,388	1,391	1,391	+3
Total, Compact of Free Association.............	20,726	23,245	23,245	+2,519
Total, Insular Affairs..........................	96,092	92,695	102,195	+6,103
Departmental Management				
Departmental direction.............................	12,240	11,940	12,964	+724
Management and coordination........................	23,798	22,702	24,905	+1,107
Hearings and appeals...............................	8,288	8,288	8,559	+271
Central services...................................	18,964	20,363	20,425	+1,461
Bureau of Mines workers compensation/unemployment.....	888	884	888	---
Total, Departmental Management..................	64,178	64,177	67,741	+3,563
Office of the Solicitor				
Legal services.....................................	33,556	35,276	37,276	+3,720
General administration.............................	6,552	6,931	7,724	+1,172
Total, Office of the Solicitor..................	40,108	42,207	45,000	+4,892
Office of Inspector General				
Audit..	13,445	14,868	18,680	+5,235
Investigations.....................................	6,486	6,763	6,763	+277
Administration.....................................	6,457	---	---	-6,457
Program integrity..................................	1,397	1,457	1,457	+60
Policy and management..............................	---	7,402	7,402	+7,402
Total, Office of Inspector General..............	27,785	30,490	34,302	+6,517
Office of Special Trustee for American Indians				
Federal Trust Programs				
Program operations, support, and improvements.........	107,798	96,728	96,728	-11,070
Executive direction................................	2,187	2,496	2,496	+309
Subtotal, Federal Trust programs................	109,985	99,224	99,224	-10,761
Indian Land Consolidation Program				
Indian land consolidation..........................	8,980	10,980	10,980	+2,000
Total, Office of Special Trustee for American Indians.......................................	118,965	110,204	110,204	-8,761
Natural Resource Damage Assessment Fund				
Damage assessments.................................	4,116	4,165	4,165	+49
Program management.................................	1,275	1,332	1,332	+57
Total, Natural Resource Damage Assessment Fund..	5,391	5,497	5,497	+106
TOTAL, DEPARTMENTAL OFFICES.....................	352,519	345,270	364,939	+12,420
GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR				
Abandoned mine/acid mine drainage (PA)...............	12,572	---	---	-12,572
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR......	9,386,982	9,167,124	9,435,792	+48,810
Appropriations..............................	(9,386,982)	(8,156,340)	(8,429,534)	(-957,448)
Conservation................................	---	(1,010,784)	(1,006,258)	(+1,006,258)

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
TITLE II - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest and rangeland research	229,111	234,979	241,304	+12,193
Supplemental appropriations (P.L. 107-20)	1,400	---	---	-1,400
Total, Forest and Rangeland Research	230,511	234,979	241,304	+10,793
State and Private Forestry				
Forest Health Management				
Federal lands forest health management	41,292	41,304	43,304	+2,012
Cooperative lands forest health management	22,511	22,866	25,000	+2,489
Pest management (contingent emergency appropriations)	12,472	---	---	-12,472
Subtotal, Forest Health Management	76,275	64,170	68,304	-7,971
Cooperative Fire Assistance				
State fire assistance	24,945	25,310	25,310	+365
Volunteer fire assistance	4,989	5,053	5,053	+64
Subtotal, Cooperative Fire Assistance	29,934	30,363	30,363	+429
Cooperative Forestry				
Forest stewardship	32,782	32,941	33,171	+389
Stewardship incentives	---	---	3,000	+3,000
Forest legacy program (conservation)	59,868	30,079	65,000	+5,132
Urban and community forestry (conservation)	35,642	31,804	36,000	+358
Economic action programs	30,269	28,819	35,680	+5,411
Pacific Northwest assistance programs	9,579	9,625	9,425	-154
Forest resource information and analysis	4,989	5,015	5,015	+26
Alaska railroad (emergency appropriations)	11,269	---	---	-11,269
Subtotal, Cooperative Forestry	184,398	138,283	187,291	+2,893
International forestry	4,989	5,013	5,263	+274
Supplemental appropriations (P.L. 107-20)	24,500	---	---	-24,500
Adjustment for conservation spending	---	-61,585	-101,000	-101,000
Conservation	---	61,585	101,000	+101,000 C
Total, State and Private Forestry	320,096	237,829	291,221	-28,875
Appropriations	(320,096)	(176,244)	(190,221)	(-129,875)
Conservation	---	(61,585)	(101,000)	(+101,000)
National Forest System				
Land management planning	78,134	70,358	70,358	-7,776
Inventory and monitoring	174,069	173,816	173,316	-753
Recreation, heritage and wilderness	229,763	235,122	245,500	+15,737
Wildlife and fish habitat management	128,744	131,747	131,847	+3,103
Grazing management	33,782	34,570	34,775	+993
Forest products	255,281	266,340	266,340	+11,059
Vegetation and watershed management	181,634	187,913	190,113	+8,479
Minerals and geology management	47,840	48,956	48,956	+1,116
Landownership management	86,418	88,434	88,434	+2,016
Law enforcement operations	74,194	75,924	79,000	+4,806
Quincy Library	1,996	---	---	-1,996
Tongas timber pipeline	4,989	---	---	-4,989
Valles Caldera National Preserve	988	1,011	2,800	+1,812

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Windstorms, WI & MN (emergency appropriations)	7,233	---	---	-7,233	
Supplemental appropriations (P.L. 107-20)	12,000	---	---	-12,000	
Total, National Forest System	1,317,065	1,314,191	1,331,439	+14,374	
Wildland Fire Management					
Preparedness	611,143	622,618	622,618	+11,475	
Fire suppression operations	226,140	321,321	255,321	+29,181	
Other operations	---	336,410	336,410	+336,410	
Contingent emergency appropriations	1,042,975	---	---	-1,042,975	
Emergency suppression	---	---	266,000	+266,000	
Emergency other operations	---	---	80,000	+80,000	
Total, Wildland Fire Management	1,880,258	1,280,349	1,560,349	-319,909	
Capital Improvement and Maintenance					
Facilities	165,930	167,950	185,447	+19,517	
Roads	235,029	237,891	229,666	-5,363	
Trails	66,578	67,389	70,075	+3,497	
Infrastructure improvement	49,890	---	---	-49,890	
Conservation (infrastructure improvement)	---	50,497	61,000	+61,000	C
Supplemental appropriations (P.L. 107-20)	4,000	---	---	-4,000	
Total, Capital Improvement and Maintenance	521,427	523,727	546,188	+24,761	
Appropriations	(521,427)	(473,230)	(485,188)	(-36,239)	
Conservation	---	(50,497)	(61,000)	(+61,000)	
Land Acquisition					
Forest Service					
Acquisitions	138,898	113,377	132,242	-6,656	
Acquisition management	8,481	13,000	13,000	+4,519	
Cash equalization	1,497	1,500	1,500	+3	
Forest inholdings	1,497	2,000	2,000	+503	
Wilderness inholdings	499	1,000	1,000	+501	
Adjustment for conservation spending	---	-130,877	-149,742	-149,742	
Conservation	---	130,877	149,742	+149,742	C
Total, Land Acquisition	150,872	130,877	149,742	-1,130	
Acquisition of lands for national forests, special acts	1,067	1,069	1,069	+2	
Acquisition of lands to complete land exchanges	233	234	234	+1	
Range betterment fund	3,293	3,290	3,290	-3	
Gifts, donations and bequests for forest and rangeland research	92	92	92	---	
Management of national forest lands for subsistence uses	5,488	5,488	5,488	---	
Southeast Alaska economic disaster fund	4,989	---	---	-4,989	
Adjustment for conservation spending	---	-2,000	-2,000	-2,000	
Conservation (Youth Conservation Corps)	---	2,000	2,000	+2,000	C
TOTAL, FOREST SERVICE	4,435,391	3,732,125	4,130,416	-304,975	
Appropriations	(4,435,391)	(3,487,166)	(3,816,674)	(-618,717)	
Conservation	---	(244,959)	(313,742)	(+313,742)	
DEPARTMENT OF ENERGY					
Clean Coal Technology					
Deferral	-67,000	---	-40,000	+27,000	
(Transfer to Fossil Energy)	---	---	(-33,700)	(-33,700)	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Fossil Energy Research and Development				
Clean coal power initiative	---	150,000	116,300	+116,300
(By transfer from Clean Coal Technology)	---	---	(33,700)	(+33,700)
Total, Program level	---	(150,000)	(150,000)	(+150,000)
Fuels and Power Systems				
Central Systems				
Innovations for existing plants	20,102	18,000	23,500	+3,398
Advanced Systems				
Indirect fired cycle	5,997	---	---	-5,997
Integrated gasification combined cycle	35,134	35,000	43,000	+7,866
Pressurized fluidized bed systems	12,175	8,000	11,000	-1,175
Turbines	28,936	---	18,500	-10,436
Subtotal, Advanced Systems	82,242	43,000	72,500	-9,742
Power plant improvement initiative (tranfser from Clean Coal)	94,791	---	---	-94,791
Subtotal, Central Systems	197,135	61,000	96,000	-101,135
Distributed Generation Systems - Fuel Cells				
Advanced research	2,794	1,000	4,000	+1,206
Systems development	30,932	11,500	13,500	-17,432
Vision 21-hybrids	14,967	11,500	13,500	-1,467
Innovative concepts	3,891	21,124	27,124	+23,233
Subtotal, Distributed Generation Systems - Fuel Cells	52,584	45,124	58,124	+5,540
Sequestration R&D				
Greenhouse gas control	18,746	20,677	32,177	+13,431
Fuels				
Transportation fuels and chemicals	7,558	5,000	24,000	+16,442
Solid fuels and feedstocks	4,291	2,000	5,000	+709
Advanced fuels research	4,889	---	3,200	-1,689
Steelmaking feedstock	6,685	---	---	-6,685
Subtotal, Fuels	23,423	7,000	32,200	+8,777
Advanced Research				
Coal utilization science	10,236	6,250	6,250	-3,986
Materials	6,985	7,000	7,000	+15
Technology crosscut	8,925	8,750	10,750	+1,825
University coal research	2,993	3,000	3,000	+7
HBCUs, education and training	998	1,000	1,000	+2
Subtotal, Advanced Research	30,137	26,000	28,000	-2,137
Subtotal, Fuels and Power Systems	322,025	159,801	246,501	-75,524
Gas				
Natural Gas Technologies				
Exploration and production	14,221	9,350	20,500	+6,279
Gas hydrates	9,938	4,750	9,800	-138
Infrastructure	8,110	5,050	10,050	+1,940
Emerging processing technology applications	10,146	250	2,250	-7,896
Effective environmental protection	2,614	1,600	2,600	-14
Subtotal, Gas	45,029	21,000	45,200	+171

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Petroleum - Oil Technology				
Exploration and production supporting research......	28,844	20,350	32,350	+3,506
Reservoir life extension/management.................	14,662	4,849	12,949	-1,713
Effective environmental protection..................	10,796	5,300	10,700	-96
Emerging processing technology applications.........	2,594	---	---	-2,594
Ultra clean fuels...................................	9,978	---	---	-9,978
Use of SPR petroleum account........................	-12,000	---	---	+12,000
Subtotal, Petroleum - Oil Technology............	54,874	30,499	55,999	+1,125
Cooperative R&D.....................................	8,071	---	8,240	+169
Fossil energy environmental restoration.............	9,978	9,500	9,500	-478
Import/export authorization.........................	2,295	1,000	2,400	+105
Headquarters program direction......................	16,930	14,700	18,700	+1,770
Energy Technology Center program direction..........	63,157	55,300	67,300	+4,143
General plant projects..............................	3,891	2,000	13,450	+9,559
Advanced Metallurgical Processes				
Advanced metallurgical processes....................	5,214	5,200	5,200	-14
Use of previously appropriated Clean Coal funds.......	-95,000	---	---	+95,000
Use of prior year balances..........................	-4,000	---	-6,000	-2,000
Total, Fossil Energy Research and Development...	432,464	449,000	582,790	+150,326
Alternative Fuels Production				
Rescission..	-1,000	-2,000	-2,000	-1,000
Naval Petroleum and Oil Shale Reserves				
Oil Reserves				
Naval petroleum reserves Nos. 1 & 2.................	4,835	5,144	5,144	+309
Naval petroleum reserve No. 3.......................	9,496	7,235	7,235	-2,261
Program direction (headquarters)....................	8,040	9,992	9,992	+1,952
Use of prior year funds.............................	-20,775	-5,000	-5,000	+15,775
Total, Naval Petroleum and Oil Shale Reserves...	1,596	17,371	17,371	+15,775
Elk Hills School Lands Fund				
Elk Hills School lands fund.........................	---	36,000	---	---
Advance appropriations, FY 2002...................	36,000	---	---	-36,000
Advance appropriations, FY 2003...................	---	---	36,000	+36,000
Energy Conservation				
Building Technology, State and Community Sector				
Building research and standards				
Technology roadmaps and competitive R&D...........	6,870	857	6,857	-13
Residential buildings integration.................	12,120	7,478	12,478	+358
Commercial buildings integration..................	4,583	2,510	4,510	-73
Equipment, materials and tools....................	40,670	21,547	38,547	-2,123
Subtotal, Building research and standards.....	64,243	32,392	62,392	-1,851
Building Technology Assistance				
Weatherization assistance.........................	152,664	273,000	230,000	+77,336
State energy program..............................	37,916	38,000	45,000	+7,084
Community partnerships............................	18,095	8,488	18,788	+693
Energy star program...............................	2,204	2,000	3,000	+796
Subtotal, Building technology assistance......	210,879	321,488	296,788	+85,909

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Cooperative programs with States	1,996	---	2,000	+4
Energy efficiency science initiative	3,891	---	4,000	+109
Management and planning	14,133	15,090	15,090	+957
Subtotal, Building Technology, State and Community Sector	295,142	368,970	380,270	+85,128
Federal Energy Management Program				
Program activities	21,227	8,900	18,900	-2,327
Program direction	4,434	4,400	4,400	-34
Subtotal, Federal Energy Management Program	25,661	13,300	23,300	-2,361
Industry Sector				
Industries of the future (specific)	72,390	46,424	72,624	+234
Industries of the future (crosscutting)	61,719	31,900	60,900	-819
Cooperative programs with States	1,996	---	2,000	+4
Energy efficiency science initiative	3,891	---	4,000	+109
Management and planning	8,626	9,400	9,400	+774
Subtotal, Industry Sector	148,622	87,724	148,924	+302
Power Technologies				
Distributed generation technologies development	45,899	45,896	61,896	+15,997
Management and planning	1,447	1,450	1,950	+503
Subtotal, Power Technologies	47,346	47,346	63,846	+16,500
Transportation				
Vehicle technology R&D	159,947	126,422	155,122	-4,825
Fuels utilization R&D	23,548	20,908	25,908	+2,360
Materials technologies	42,407	30,293	40,293	-2,114
Technology deployment	15,107	9,860	15,160	+53
Cooperative programs with States	1,996	---	2,000	+4
Energy efficiency science initiative	3,891	---	4,000	+109
Management and planning	8,501	10,232	10,232	+1,731
Subtotal, Transportation	255,397	197,715	252,715	-2,682
Policy and management	43,274	40,750	43,750	+476
Use of Biomass Energy Development funds	-2,000	---	---	+2,000
Total, Energy Conservation	813,442	755,805	912,805	+99,363
Economic Regulation				
Office of Hearings and Appeals	1,996	1,996	1,996	---
Strategic Petroleum Reserve				
Storage facilities development and operations	148,672	144,009	154,009	+5,337
Home heating oil reserve	---	8,000	8,000	+8,000
Management	15,965	17,000	17,000	+1,035
Use of SPR Petroleum account	-4,000	---	---	+4,000
Total, Strategic Petroleum Reserve	160,637	169,009	179,009	+18,372
Energy Information Administration				
National Energy Information System	75,509	75,499	78,499	+2,990
TOTAL, DEPARTMENT OF ENERGY	1,453,644	1,502,680	1,766,470	+312,826

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs	1,084,173	1,137,711	1,153,711	+69,538
Dental health program	91,018	95,305	95,305	+4,287
Mental health program	45,018	47,142	47,142	+2,124
Alcohol and substance abuse program	130,254	135,005	135,005	+4,751
Contract care	445,773	445,776	460,776	+15,003
Subtotal, Clinical Services	1,796,236	1,860,939	1,891,939	+95,703
Preventive Health				
Public health nursing	36,114	37,781	37,781	+1,667
Health education	10,063	10,628	10,628	+565
Community health representatives program	48,061	49,789	49,789	+1,728
Immunization (Alaska)	1,471	1,526	1,526	+55
Subtotal, Preventive Health	95,709	99,724	99,724	+4,015
Urban health projects	29,843	29,947	30,947	+1,104
Indian health professions	30,486	30,565	31,165	+679
Tribal management	2,406	2,406	2,406	---
Direct operations	52,946	65,323	55,323	+2,377
Self-governance	9,803	9,876	9,876	+73
Contract support costs	248,234	288,234	268,234	+20,000
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting)	(404,590)	(499,985)	(499,985)	(+95,395)
Total, Indian Health Services	2,265,663	2,387,014	2,389,614	+123,951
Indian Health Facilities				
Maintenance and improvement	46,331	45,331	46,331	---
Sanitation facilities	93,617	93,827	93,827	+210
Construction facilities	85,525	37,568	86,260	+735
Facilities and environmental health support	121,336	126,775	126,775	+5,439
Equipment	16,294	16,294	16,294	---
Total, Indian Health Facilities	363,103	319,795	369,487	+6,384
TOTAL, INDIAN HEALTH SERVICE	2,628,766	2,706,809	2,759,101	+130,335
OTHER RELATED AGENCIES				
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses	14,967	15,148	15,148	+181
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute	4,116	4,490	4,490	+374
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture	1,910	1,932	1,932	+22
Archives of American Art	1,716	1,738	1,738	+22

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Arthur M. Sackler Gallery/Freer Gallery of Art	6,182	6,098	6,098	-84
Center for Folklife and Cultural Heritage	1,780	1,850	1,850	+70
Cooper-Hewitt, National Design Museum	2,934	2,942	2,942	+8
Hirshhorn Museum and Sculpture Garden	4,712	4,771	4,771	+59
National Air and Space Museum	16,126	16,599	16,599	+473
National Museum of African Art	4,324	4,334	4,334	+10
National Museum of American Art	8,823	8,265	8,265	-558
National Museum of American History	23,059	20,800	20,800	-2,259
National Museum of the American Indian	27,261	27,899	27,899	+638
National Museum of Natural History	42,744	43,404	43,404	+660
National Portrait Gallery	5,624	5,626	5,626	+2
National Zoological Park	21,033	21,471	22,027	+994
Astrophysical Observatory	20,382	20,546	20,546	+164
Center for Materials Research and Education	3,229	1,860	3,357	+128
Environmental Research Center	3,337	3,391	3,391	+54
Tropical Research Institute	10,440	10,581	10,581	+141
Subtoal, Museums and Research Institutes	205,616	204,107	206,160	+544
Program Support and Outreach				
Outreach	7,315	9,168	8,193	+878
Communications	1,572	1,617	1,617	+45
Institution-wide programs	5,681	12,706	5,506	-175
Office of Exhibits Central	2,382	2,494	2,494	+112
Major scientific instrumentation	7,228	6,229	6,229	-999
Museum Support Center	3,533	3,074	3,074	-459
Smithsonian Institution Archives	1,537	1,611	1,611	+74
Smithsonian Institution Libraries	7,458	7,237	7,437	-21
Subtotal, Program Support and Outreach	36,706	44,136	36,161	-545
Administration	35,532	36,144	43,376	+7,844
Facilities Services				
Office of Protection Services	34,934	35,640	37,383	+2,449
Office of Physical Plant	74,114	76,173	76,173	+2,059
Subtotal, Facilities Services	109,048	111,813	113,556	+4,508
Total, Salaries and Expenses	386,902	396,200	399,253	+12,351
Repair, Restoration and Alteration of Facilities				
Base program	57,473	67,900	67,900	+10,427
Construction				
National Museum of the American Indian	---	30,000	30,000	+30,000
National Zoological Park American Farm Exhibit	4,989	---	---	-4,989
Smithsonian Astrophysical Observatory Hilo Base Building	4,490	---	---	-4,490
Total, Construction	9,479	30,000	30,000	+20,521
TOTAL, SMITHSONIAN INSTITUTION	453,854	494,100	497,153	+43,299
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections	24,279	24,116	26,019	+1,740
Operation and maintenance of buildings and grounds	14,294	14,678	14,908	+614

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Protection of buildings, grounds and contents	13,829	14,449	14,837	+1,008
General administration	12,236	12,986	13,203	+967
Total, Salaries and Expenses	64,638	66,229	68,967	+4,329
Repair, Restoration and Renovation of Buildings				
Base program	10,847	14,220	14,220	+3,373
TOTAL, NATIONAL GALLERY OF ART	75,485	80,449	83,187	+7,702
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance	13,969	15,000	15,000	+1,031
Construction	19,956	19,000	19,000	-956
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	33,925	34,000	34,000	+75
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and Expenses				
Fellowship program	1,166	1,218	1,218	+52
Scholar support	641	615	615	-26
Public service	2,212	2,164	2,164	-48
General administration	1,519	1,656	1,656	+137
Smithsonian fee	135	208	208	+73
Conference planning	1,456	1,770	1,770	+314
Space	165	165	165	---
Miscellaneous appropriations (P.L. 106-554)	4,989	---	---	-4,989
TOTAL, WOODROW WILSON CENTER	12,283	7,796	7,796	-4,487
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants	47,827	47,550	47,827	---
State partnerships				
State and regional	25,118	24,906	25,118	---
Underserved set-aside	6,805	6,794	6,805	---
Subtotal, State partnerships	31,923	31,700	31,923	---
Subtotal, Grants	79,750	79,250	79,750	---
Program support	1,154	1,154	1,154	---
Administration	16,881	17,830	17,330	+449
Total, Arts	97,785	98,234	98,234	+449
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership	30,593	30,593	31,829	+1,236
Preservation and access	18,288	18,288	18,905	+617
Public programs	12,560	12,560	13,114	+554

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Research programs	12,519	12,519	13,063	+544
Education programs	12,075	12,075	12,624	+549
Program development	397	397	397	---
Subtotal, Grants	86,432	86,432	89,932	+3,500
Administrative Areas				
Administration	17,941	18,450	18,450	+509
Total, Grants and Administration	104,373	104,882	108,382	+4,009
Matching Grants				
Treasury funds	4,000	4,000	4,000	---
Challenge grants	10,436	10,436	10,436	---
Regional humanities centers	1,185	1,186	1,686	+501
Total, Matching Grants	15,621	15,622	16,122	+501
Total, Humanities	119,994	120,504	124,504	+4,510
Institute of Museum and Library Services/ Office of Museum Services				
Grants to Museums				
Support for operations	15,932	15,757	15,932	---
Support for conservation	3,123	3,130	3,130	+7
National leadership grants	3,542	3,542	5,167	+1,625
Subtotal, Grants to Museums	22,597	22,429	24,229	+1,632
Program administration	2,255	2,470	2,670	+415
Total, Institute of Museum and Library Services	24,852	24,899	26,899	+2,047
Challenge America Arts Fund				
Challenge America grants	6,985	6,985	17,000	+10,015
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	249,616	250,622	266,637	+17,021
COMMISSION OF FINE ARTS				
Salaries and expenses	1,076	1,274	1,224	+148
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants	6,985	7,000	7,000	+15
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses	3,182	3,310	3,400	+218
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses	6,486	7,253	7,253	+767
UNITED STATES HOLOCAUST MEMORIAL COUNCIL				
Holocaust Memorial Museum	34,363	36,028	36,028	+1,665

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
PRESIDIO TRUST				
Operations	23,349	22,427	23,125	-224
Loan authority	9,978	---	---	-9,978
Total, Presidio Trust	33,327	22,427	23,125	-10,202
TOTAL, TITLE II, RELATED AGENCIES	9,447,466	8,905,511	9,642,428	+194,962
Appropriations	(9,447,466)	(8,660,552)	(9,328,686)	(-118,780)
Conservation	---	(244,959)	(313,742)	(+313,742)
TITLE VII				
United Mine Workers of America combined benefits fund	57,872	---	---	-57,872
TITLE I - DEPARTMENT OF THE INTERIOR				
Bureau of Land Management	2,147,182	1,771,538	1,871,192	-275,990
U.S. Fish and Wildlife Service	1,227,010	1,091,265	1,276,424	+49,414
National Park Service	2,135,219	2,517,691	2,323,057	+187,838
United States Geological Survey	882,800	813,376	914,002	+31,202
Minerals Management Service	139,221	155,473	156,772	+17,551
Office of Surface Mining Reclamation and Enforcement	302,846	268,958	306,530	+3,684
Bureau of Indian Affairs	2,187,613	2,203,553	2,222,876	+35,263
Departmental Offices	352,519	345,270	364,939	+12,420
General Provisions	12,572	---	---	-12,572
Total, Title I - Department of the Interior	9,386,982	9,167,124	9,435,792	+48,810
TITLE II - RELATED AGENCIES				
Forest Service	4,435,391	3,732,125	4,130,416	-304,975
Department of Energy	(1,453,644)	(1,502,680)	(1,766,470)	(+312,826)
Clean Coal Technology	-67,000	---	-40,000	+27,000
Fossil Energy Research and Development	432,464	449,000	582,790	+150,326
Alternative Fuels Production	-1,000	-2,000	-2,000	-1,000
Naval Petroleum and Oil Shale Reserves	1,596	17,371	17,371	+15,775
Elk Hills School Lands Fund	---	36,000	---	---
Energy Conservation	813,442	755,805	912,805	+99,363
Economic Regulation	1,996	1,996	1,996	---
Strategic Petroleum Reserve	160,637	169,009	179,009	+18,372
Energy Information Administration	75,509	75,499	78,499	+2,990
Indian Health Service	2,628,766	2,706,809	2,759,101	+130,335
Office of Navajo and Hopi Indian Relocation	14,967	15,148	15,148	+181
Institute of American Indian and Alaska Native Culture and Arts Development	4,116	4,490	4,490	+374
Smithsonian Institution	453,854	494,100	497,153	+43,299
National Gallery of Art	75,485	80,449	83,187	+7,702
John F. Kennedy Center for the Performing Arts	33,925	34,000	34,000	+75
Woodrow Wilson International Center for Scholars	12,283	7,796	7,796	-4,487
National Endowment for the Arts	97,785	98,234	98,234	+449
National Endowment for the Humanities	119,994	120,504	124,504	+4,510
Institute of Museum and Library Services	24,852	24,899	26,899	+2,047
Challenge America Arts Fund	6,985	6,985	17,000	+10,015
Commission of Fine Arts	1,076	1,274	1,224	+148
National Capital Arts and Cultural Affairs	6,985	7,000	7,000	+15
Advisory Council on Historic Preservation	3,182	3,310	3,400	+218
National Capital Planning Commission	6,486	7,253	7,253	+767
Holocaust Memorial Council	34,363	36,028	36,028	+1,665
Presidio Trust	33,327	22,427	23,125	-10,202
Total, Title II - Related Agencies	9,447,466	8,905,511	9,642,428	+194,962
TITLE VII				
United Mine Workers of America combined benefits fund	57,872	---	---	-57,872
GRAND TOTAL	18,892,320	18,072,635	19,078,220	+185,900
Appropriations	(18,892,320)	(16,816,892)	(17,758,220)	(-1,134,100)
Conservation	---	(1,255,743)	(1,320,000)	(+1,320,000)

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	$18,892,320
Budget estimates of new (obligational) authority, fiscal year 2002	18,072,635
House bill, fiscal year 2002	18,863,855
Senate bill, fiscal year 2002	18,644,035
Conference agreement, fiscal year 2002	19,078,220
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+185,900
Budget estimates of new (obligational) authority, fiscal year 2002	+1,005,585
House bill, fiscal year 2002	+214,365
Senate bill, fiscal year 2002	+414,185

JOE SKEEN,
RALPH REGULA,
JIM KOLBE,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
ZACH WAMP,
JACK KINGSTON,
JOHN E. PETERSON,
BILL YOUNG,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
MAURICE HINCHEY,
MARTIN OLAV SABO,
DAVID OBEY,
Managers on the Part of the House.

ROBERT BYRD,
PATRICK LEAHY,
ERNEST F. HOLLINGS,
HARRY REID,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
PATTY MURRAY,
DANIEL K. INOUYE,
CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
Managers on the Part of the Senate.

CONGRATULATING IRA LEESFIELD

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, our Nation has many outstanding citizens. One such individual is Ira Leesfield, who will receive the Anti-Defamation League's Jurisdiction Award. This award recognizes individuals who have made an outstanding contribution to the legal profession and the community at large while exemplifying the principles upon which the Anti-Defamation League was founded.

Mr. Leesfield is one of the Nation's premier products liability and consumer safety lawyers and currently serves as Florida's senior governor on the board of the Association of Trial Lawyers of America.

The dedication he has shown to our country is evident throughout his entire career. He has worked at the Department of Justice, has served in the U.S. Army, and was appointed to important positions by both former President Clinton and former Florida Governor Lawton Chiles.

Mr. Leesfield is actively involved in community service and has strong commitments to the Miami Jewish Home for the Aged, Make-a-Wish Foundation, the Boy Scouts of America, and the Florida and National Committees to Prevent Child Abuse.

Please join me in congratulating Ira Leesfield for his contributions and for the leadership he has shown to his local community and indeed to our fine Nation.

MILITARY AT OUR BORDERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Army at our airports, soldiers on our trains, National Guard in our cities, military everywhere except our borders. Our borders are still wide open. Unbelievable. Terrorists can cross with ease and kill millions of Americans. Beam me up. Policemen were not designed to fight a war, the military was.

I yield back the need for Congress to ensure the security and safety of our borders to keep terrorists out; and we are not going to do it with law enforcement. It is time to put the military at our borders.

RECESS

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 9 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1319

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 1 o'clock and 19 minutes p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and that consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against the bill and against its consideration are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII, and amendments so printed shall be considered as read.

During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted.

The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Ms. HART. Mr. Speaker, reserving the right to object, an amendment had been prepared to be offered to be the Labor HHS appropriations bill, an amendment that is very important, in fact, an amendment that had been planned for quite a few months. This same amendment was going to be offered to the education bill, but was withdrawn in the interest of making sure that that education bill was passed this past spring.

An agreement was made that that amendment would be offered in the Labor HHS appropriation. The rule had originally included the protection of that amendment. However, as a sponsor of that amendment, I have agreed to withdraw it. I am not withdrawing it because it is not an important issue. I am not withdrawing it because of pressure by anyone in particular. The amendment is actually being withdrawn in the interest of the larger body and the passage of a bipartisan Labor HHS appropriation bill.

The amendment is extremely important, and I need to make clear that we will see the issue again. The issue is regarding something that surprises and shocks a lot of people once they hear that it actually happens in this country, and that is, that we know of at least 180 schools in the United States that hand out the morning-after pill to minors. These same schools will not even give a child an aspirin for a headache. Yet our law permits them to hand out the morning-after pill to little girls.

Mr. Speaker, as I said, it was a difficult decision to withdraw this amendment. Now my colleagues understand why. It is important for us as Members of Congress to protect our children. Protecting our children, in fact, is a large part of the things that are included in the Labor HHS appropriation bill.

We are not certain of the safety of the morning-after pill, especially its impact on very young women, those who would now receive it in at least 180 of our schools. In fact, in Great Britain a 15-year-old girl suffered a stroke after she had taken the pill at the age of 14.

The question, I think, that faces this body, and that will face this body again, is are we willing to go to the extent that we need to to protect our children? If a school cannot give a child an aspirin, why does this Congress permit a school to give a little girl a morning-after pill? That means, basically, that we are condoning, first of all, that that little girl has admitted to having been sexually active, likely at a very young age. Again, these are minors that are being handed out the morning-after pill.

Concern has been raised with me ever since I became the sponsor of this amendment in the spring by parents, by teachers, by church leaders, by people I run into in the mall; and support for this amendment has been expressed from all sectors. In fact, it has been expressed by both pro-life and pro-choice people.

That is an important point to make, Mr. Speaker, because we should not make this an abortion issue. This is an issue of little girls and giving parents and schools the ability to take care of them, to protect them, and to protect their health. Federal law currently permits the use of these Federal funds to distribute the morning-after pill to schoolchildren. Numerous courts have ruled that schools using Federal funds for family planning services are forbidden to notify parents, regardless of State parental consent notification laws.

Therefore, the amendment would prevent that by doing the following: the amendment would have said that any school that distributes the morning-after pill to these children would, therefore, not be able to receive any Federal funding.

That is the only way, Mr. Speaker, that we will prevent these schools from being social activists and encouraging, in a way, these young ladies to be sexually active without any protection, and, in fact, placing these children in danger of transmitting sexually transmitted diseases and contracting sexually transmitted diseases.

Mr. Speaker, it is only sensible for us to consider this issue at another time. I have had meetings this morning with leadership and have been assured that I will be able to move this issue forward at another time as a freestanding bill through the Committee on Education and the Workforce. Hopefully, we will get the support of the members of that committee. But until we do, Mr. Speaker, I want everyone to understand that this Congress is continuing to allow the distribution of what is and can be a very dangerous drug to these young ladies when that same school cannot even give the girl an aspirin for a headache.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. LaTOURETTE. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3061.

☐ 1326

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to thank the Members of the Subcommittee and of the Full Committee for their help in getting this bill to the floor. I want to thank the gentleman from Wisconsin (Mr. OBEY) for working with us on a bipartisan basis.

This is a far-reaching bill that touches the lives of every American, and I think we have had a spirit of bipartisanship in both the subcommittee and the full committee, with the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) in their roles as chairman and ranking minority members of the full committee.

I also want to thank the staff of both committees. They have worked closely together to ensure that we have a good bill that does the greatest amount of good for the American people. And I want to say a special thanks to the associate staff of the members of our subcommittee. They have been very helpful in letting us know and letting the staff of our committee know what was important to their members, so that we have tried to incorporate in this bill things that are very positive in every way.

I have said early on that the Bible says there are two great commandments, the first is to love your Lord and the second is to love your neighbor. This committee is the "love your neighbor committee," because there is not a life in America that is not touched by what we do.

We could spend a lot of time, but we do not have a lot of time, so I do want to highlight some of the important things in this bill that are very essential, very important to the American people.

The fiscal year 2002 Labor, Health and Human Services appropriation bill totals $123.371 billion. And I might say here that Chairman YOUNG and Ranking Member OBEY worked closely with OMB in arriving at the number we needed to do this bill in the best possible fashion.

Also I want to say at the outset it is my understanding that the Office of Management and Budget will have a letter to us supporting what is in this bill. That is, the Administration.

☐ 1330

It is the result of 2 months of subcommittee hearings in which we heard testimony from three Cabinet Secretaries, numerous agency heads, as well as 180 public witnesses. The bill provide $14 billion for the Department of Labor, which includes a $75 million increase for the very popular Job Corp program, $53 million for discretionary programs at the Department of Health and Human Services, including $393 million for bioterrorism protections.

And I might mention at this point that we added $100 million over what we had originally planned on as a result of the events just 30 days ago. So we have a very substantial sum to give the Centers for Disease Control in Atlanta to respond to bioterrorism concerns.

We have an increase of $22.8 million for biomedical research activities at the National Institutes of Health. And, finally, the bill provides increases for the Department of Education, totaling $4.7 billion above the President's request, and I might say it is in conformance with H.R. 1, which passed this House by a very sizable majority.

Mr. Chairman, many in this Chamber as well as the general public have been awaiting the movement of this bill over the past months. The primary reason for its delay over the summer has been our interest in seeing the Committee on Education and the Workforce complete their work in authorizing comprehensive reform for our elementary and secondary education program, the President's number one domestic priority.

Although the conference on this legislation is not yet complete, we have taken the format of the House passed version of H.R. 1 in crafting this bill. As many of you are aware, the bill received an increase in its allocation to address the priorities of education reform $4.2 billion of the $4.7 billion increase in the original allocation is devoted to three areas of education funding: Title I funding for the disadvantaged, Special Education and Pell Grants. And I am pleased that we could increase Pell Grants because this helps those students who do not have the necessary resources to get an opportunity to get education beyond high school.

Education programs for the disadvantaged based upon H.R. 1, the No Child Left Behind Act, are funded at $10.5 billion. While this funding level is a significant increase over last year, I want to highlight a major difference in the program over previous years. Under this bill and its underlying authorization, schools are now being held accountable to children and their parents for achieving success in reading and math. Gone are the days when Federal dollars flow to States and local education and counties with no accountability. The disadvantaged children of this country will no longer be permitted to be pushed along from grade to grade with little hope for their futures.

As a former teacher and principal myself, I recognize the vital role of a good teacher in ensuring the success of a student. I appreciate the work of the authorizers in recognizing this as well in title II of H.R. 1. We have provided $3.175 billion in this bill for teacher quality programs. These programs include both training for teachers just entering the field and continuing education for those already teaching.

In addition, we have provided $50 million for the Transition to Teaching/Troops to Teachers Program. I would especially highlight the Troops to Teachers Program, to which our First Lady Laura Bush is devoting a great deal of her time. This program will assist retiring members of our military by facilitating the necessary steps for teacher certification, enabling them to move into the field of teaching for their second careers. They bring to this field a vast amount of experience, both in working with people as well as experience and in many locations around the world. Our dedicated service men and women often have extensive knowledge and expertise in science and math, the very subjects that so many of our children are struggling with in the school experience.

Further, these military personnel have attained a level of maturity and organization that would be of great benefit to our schools today. I personally am very enthused about this program and its potential for our Nation's leaders, and I am grateful to our First Lady for her leadership in attempting to make it a success.

Next, we know how important the early years of learning are to promoting reading readiness. To assist our Nation's youngest children in obtaining these vital tools for reading, we are funding two new programs in the President's budget request, Reading First State Grants and Early Reading First. These programs are intended to enable children to derive the necessary tools for success in reading, including phonemic awareness, alphabetic knowledge and vocabulary. I know from my own experience as an elementary principal that you have to read before you can go into science, math and the other disciplines. Reading becomes fundamental.

Consistent with H.R. 1, our bill eliminates 35 programs in the Department of Education, consolidating and streamlining them and granting maximum flexibility to States and local education agencies to use funds to best meet the needs of their students. Again, we will put the money where it helps children and not so much in administrative costs.

Many Members have expressed their concerns about the level of Federal funding for Special Education. The fiscal year 2002 bill provides $7.7 billion for grants to the States for Special Education. This level is the highest ever for Special Education. As I mentioned earlier, the House and Senate education committees have not yet completed their conference on H.R. 1 and the issue of how special education is funded in the future has been an issue for the conference.

The Senate version of the bill included a provision to take funding for special ed out of discretionary spending and instead provide for it through mandatory spending. I want to emphasize that the proposal is the wrong way to approach this type of funding. We need to have oversight to make sure these programs are reaching the students that we want, and that the money is used wisely and carefully.

We are aware of numerous problems with the program, and only when the funding remains on budget is it accountable to the people through annual review of the Congress through the appropriations process.

Mr. Chairman, I commend the Secretary of Education for his announcement this past week of a special commission to examine the special education program and make recommendations for improving it. It is through this process that we can improve the program and more effectively fund the many needs of our Nation's children in need of special education services.

Finally, we all recognize the importance of higher education in meeting the needs of our 21st century global economy. Higher education expenses continue to increase at a higher level than inflation, presenting a major barrier for low-income students.

I am pleased to report that the bill includes an increase in funding for the Pell Grant programs which would bring the maximum grant level to $4,000, the highest in history.

The tragic events of September 11 have changed the lives of us all. While we are now focusing on terrorism around the world, we must make every effort to protect our citizens at home. Through several accounts within the Department of Health and Human Services, we are working to prepare our public health agencies to respond to bioterrorism threats. We have provided a total of $393 million to address these needs.

Here at home the health and well-being of our citizens, not just in the area of bioterrorism, but otherwise, must remain a priority for us all.

The bill provides an increase of $22.8 million for biomedical research activities at the National Institutes of Health. This increase is the same programmatic increase requested by the President.

During the course of our public witness hearings over 7 full days, a majority of our witnesses testified about diseases afflicting either themselves or a loved one. They appeared before our subcommittee seeking hope, hope for successful treatment and cures for these diseases. Our members have been touched by this testimony, and we are committed to providing funding so that the best and brightest researchers in our Nation, and I might say the most dedicated, may work to achieve the hope of so many of our citizens. Whether it is hope for my young constituent in North Canton, Ohio, who suffers from juvenile diabetes, or an older constituent in my district who in his middle years has received the devastating diagnosis of Parkinson's disease, funds for research are the hope we can provide.

The countless scientific breakthroughs and studies we have already funded have given us a great deal of knowledge in how to prevent disease and illness. It is incumbent upon us to share this knowledge to improve the health of the Nation. Through the good work of the Centers for Disease Control and Prevention, we are getting the messages of prevention out.

In total, the bill provides $4 billion directly to the Centers for Disease Control. Its work includes efforts to prevent chronic diseases such as diabetes, heart disease and stroke by promoting healthy lifestyles.

Through the work of CDC's epidemic officers, we can bring important assistance and assurances to communities when disease outbreaks occur, as they did in my district this past spring. Students at a high school in my district contracted meningitis, a severe illness with potentially life-threatening consequences. The Centers for Disease Control, together with the Department of Health, worked to bring the outbreak under control and prevent its spread. The presence of CDC brought a sense of security to the community.

Our Nation's community health centers, funded through the Health Resources and Services Administration, represent an important health care option for the underserved. A funding priority for the President, we are providing $1.3 billion for these centers, which is an increase of $150 million over last year's bill and $26 million over the President's request. These take the place in many areas of emergency rooms and provide a much better source of health care on an easy-to-get-to basis.

This bill supports our country's comprehensive effort to aggressively combat HIV/AIDS, an epidemic claiming 40,000 new victims each year. It provides $112 million for the Ryan White AIDS programs, which enable individuals to access needed medical care and support services. The bill provides $844 million for programs at the CDC which fund research, surveillance, as well as State and local efforts to prevent the spread of this disease. It continues to support the groundbreaking research funded by NIH that could lead to improved treatments and, hopefully, a cure one day.

Through all these programs, this bill continues to support the Minority AIDS Initiative, which seeks to address the disproportionate impact of HIV/AIDS among racial and ethnic minorities.

We have included a total of $40 million for abstinence only education programs. This amount is $10 million over the President's budget request and $20 million over last year.

The training of pediatricians and pediatric specialists is an important priority. I am pleased to report that the bill funds Children's Graduate Medical Education at the full authorization level of $285 million.

Following the President's lead, this bill commits substantial resources to deal with our Nation's substance abuse program. It provides over $2 billion, an increase of $121 million from the previous fiscal year. Some of these funds will support the development of new prevention and treatment models and improve the delivery of services to the homeless population. Over $1.7 billion will be allocated for State substance abuse block grants, which support alcohol and drug abuse prevention, treatment and rehabilitation services.

The bill represents security in so many ways for so many people, including funding for the Low Income Home Energy Assistance Program at $2 billion, the highest level ever.

In addressing the President's Faith-Based Initiative, I am pleased to report that we have funded two programs in the budget request: The Safe and Stable Families Program at $70 million and the Compassion Capital Fund at $30 million for a total of $100 million.

The bill funds the Head Start Program at $6.4 billion, allowing for a continuation of the same level of services. It is a $276 million increase, and we are urging through report language that Head Start put more emphasis on education programs in their areas.

This bill supports a number of efforts to improve the health and quality of life of older Americans. It provides a $10 million increase for programs designed to enhance the training of health professionals in geriatrics, so they can better understand and respond to the health needs of our aging population, and a number of other things that are important to seniors, foster grandparents and so on.

The Department of Labor will receive a total of $14 billion in this bill to address growing needs in Workforce Investment Act job training as a result of our slowing economy. We provide $105 million over fiscal year 2001.

□ 1345

One compelling public witness who appeared before our committee addressed funding for Job Corps. This gentleman, now an employee of Roto Rooter in Cincinnati, told us of how his training at a Job Corps center and the job he now holds as a result has changed his life. He now has hope for his future when before he had none. I think we forget when we do these bills how they really touch the lives of people, and he was such a classic example of how important this program was to his future and what a great difference it has made.

Independent agencies. We gave the Social Security Administration additional funds so that when people need help in understanding their Social Security situation, there will be enough staff to take care of them.

We worked with the Institute of Museum and Library Services, again an important agency for the people of America. Libraries in communities across this Nation are windows of opportunity for so many young and elderly people alike.

The bill before you is a balanced, bipartisan bill. Through the numerous programs I have just described and the many I have not had time to mention, the bill provides security and hope for our citizens in greatest need.

I say to my colleagues, I ask for your support of passage of this bill. It is a good bill. It is a fair bill. It tries in a balanced way to address the multiplicity of needs, and it does show that we are a good neighbor, that this Nation cares about the quality of life for all its citizens.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
TRAINING AND EMPLOYMENT SERVICES						
Grants to States:						
Adult Training, current year......................	238,000	900,000	238,000	---	-662,000	D FF
Advance from prior year.......................	(712,000)	(712,000)	(712,000)	---	---	NA
FY03..	712,000	---	712,000	---	+712,000	D
Adult Training, program level.............	950,000	900,000	950,000	---	+50,000	
Youth Training....................................	1,127,965	1,000,965	1,353,065	+225,100	+352,100	D FF
Dislocated Worker Assistance, current year........	377,540	1,383,040	840,040	+462,500	-543,000	D FF
Advance from prior year.......................	(1,060,000)	(1,060,000)	(1,060,000)	---	---	NA
FY03..	1,060,000	---	695,000	-365,000	+695,000	D
Dislocated Worker Assistance, program level.	1,437,540	1,383,040	1,535,040	+97,500	+152,000	
Federally administered programs:						
Native Americans..................................	55,000	55,000	55,000	---	---	D FF
Migrant and Seasonal Farmworkers..................	76,770	76,770	77,270	+500	+500	D FF
Job Corps:						
Operations....................................	687,773	1,278,773	762,799	+75,026	-515,974	D FF
Advance from prior year...................	(591,000)	(591,000)	(591,000)	---	---	NA
FY03......................................	591,000	---	591,000	---	+591,000	D
Construction and Renovation...................	20,375	120,375	20,375	---	-100,000	D FF
Advance from prior year...................	(100,000)	(100,000)	(100,000)	---	---	NA
FY03......................................	100,000	---	100,000	---	+100,000	D
Subtotal, Job Corps, program level.....	1,399,148	1,399,148	1,474,174	+75,026	+75,026	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
National activities:						
Pilots, Demonstrations and Research...........	97,432	35,000	55,000	-42,432	+20,000	D FF
Responsible Reintegration of Youthful Offender	55,000	---	55,000	---	+55,000	D FF
Evaluation..................................	9,098	9,098	9,098	---	---	D FF
Incumbent Workers............................	---	---	---	---	---	D
Safe Schools/Healthy Students.................	---	---	---	---	---	D
Youth Opportunity Grants......................	250,000	250,000	---	-250,000	-250,000	D FF
Other..	15,000	15,000	15,000	---	---	D FF
Subtotal, National activities..............	426,530	309,098	134,098	-292,432	-175,000	
Subtotal, Federal activities................	1,957,448	1,840,016	1,740,542	-216,906	-99,474	
Total, Workforce Investment Act.............	5,472,953	5,124,021	5,578,647	+105,694	+454,626	
Women in Apprenticeship..........................	1,000	1,000	1,000	---	---	D
Skill Standards..................................	3,500	3,500	3,500	---	---	D FF
Subtotal, National activities, TES..............	431,030	313,598	138,598	-292,432	-175,000	
Total, Training and Employment Services.........	5,477,453	5,128,521	5,583,147	+105,694	+454,626	
Current Year................................	(3,014,453)	(5,128,521)	(3,485,147)	(+470,694)	(-1,643,374)	
FY03..	(2,463,000)	---	(2,098,000)	(-365,000)	(+2,098,000)	
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS......	440,200	440,200	440,200	---	---	D FF

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES						
Trade Adjustment	342,400	---	---	-342,400	---	M
NAFTA Activities	64,150	11,000	11,000	-53,150	---	M
Legislative Proposal (NAFTA/TAA)	---	404,650	404,650	+404,650	---	M
Total	406,550	415,650	415,650	+9,100	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS						
Unemployment Compensation:						
State Operations	2,357,295	2,403,923	2,403,923	+46,628	---	TF
National Activities	10,000	10,000	10,000	---	---	TF
Subtotal, Unemployment Comp (trust funds)	2,367,295	2,413,923	2,413,923	+46,628	---	
Employment Service:						
Allotments to States:						
Federal Funds	23,452	23,452	23,452	---	---	D
Trust Funds	773,283	773,283	773,283	---	---	TF
Subtotal	796,735	796,735	796,735	---	---	
ES National Activities	49,680	49,680	49,680	---	---	TF
Subtotal, Employment Service	846,415	846,415	846,415	---	---	
Federal Funds	23,452	23,452	23,452	---	---	
Trust Funds	822,963	822,963	822,963	---	---	
One Stop Career Centers/Labor Market Information	150,000	134,000	120,000	-30,000	-14,000	D
Work Incentives Grants	20,000	20,000	20,000	---	---	D FF
Total, State Unemployment	3,383,710	3,414,338	3,400,338	+16,628	-14,000	
Federal Funds	193,452	177,452	163,452	-30,000	-14,000	
Trust Funds	3,190,258	3,236,886	3,236,886	+46,628	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
ADVANCES TO THE UI AND OTHER TRUST FUNDS (1)..........	435,000	464,000	464,000	+29,000	---	M
PROGRAM ADMINISTRATION						
Adult Employment and Training........................	32,911	34,010	34,184	+1,273	+174	D
Trust Funds......................................	2,797	2,887	2,887	+90	---	TF
Youth Employment and Training........................	37,011	37,557	37,743	+732	+186	D
Employment Security..................................	4,974	5,789	6,030	+1,056	+241	D
Trust Funds......................................	44,351	44,216	44,216	-135	---	TF
Apprenticeship Services..............................	21,069	21,367	21,474	+405	+107	D
Executive Direction..................................	7,960	7,945	7,991	+31	+46	D
Trust Funds......................................	1,359	1,404	1,404	+45	---	TF
Welfare to Work......................................	6,431	5,903	5,934	-497	+31	D
Total, Program Administration...................	158,863	161,078	161,863	+3,000	+785	
Federal Funds................................	110,356	112,571	113,356	+3,000	+785	
Trust Funds..................................	48,507	48,507	48,507	---	---	
Total, Employment & Training Administration.....	10,301,776	10,023,787	10,465,198	+163,422	+441,411	
Federal Funds................................	7,063,011	6,738,394	7,179,805	+116,794	+441,411	
Current Year............................	(4,600,011)	(6,738,394)	(5,081,805)	(+481,794)	(-1,656,589)	
FY03....................................	(2,463,000)	---	(2,098,000)	(-365,000)	(+2,098,000)	
Trust Funds..................................	3,238,765	3,285,393	3,285,393	+46,628	---	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and Compliance	83,453	84,640	85,525	+2,072	+885	D
Policy, Regulation and Public Service	20,205	19,234	20,205	---	+971	D
Program Oversight	3,975	4,114	4,136	+161	+22	D
Total, PWBA	107,633	107,988	109,866	+2,233	+1,878	
PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (TF)	11,652	11,652	11,690	+38	+38	TF
Termination services not subject to limitation (NA)	(178,924)	(178,924)	(178,924)	---	---	NA
Total, PBGC (Program level)	(190,576)	(190,576)	(190,614)	(+38)	(+38)	
EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of Wage and Hour Standards	152,369	152,569	153,862	+1,493	+1,293	D
Office of Labor-Management Standards	30,492	30,632	32,769	+2,277	+2,137	D
Federal Contractor EEO Standards Enforcement	76,148	76,308	76,979	+831	+671	D
Federal Programs for Workers' Compensation	88,687	90,098	90,846	+2,159	+748	D
FECA Fees	---	-80,281	---	---	+80,281	D
Trust Funds	1,981	1,981	1,981	---	---	TF
Program Direction and Support	13,039	13,127	13,194	+155	+67	D
Total, ESA salaries and expenses	362,716	284,434	369,631	+6,915	+85,197	
Federal Funds	360,735	282,453	367,650	+6,915	+85,197	
Trust Funds	1,981	1,981	1,981	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SPECIAL BENEFITS						
Federal employees compensation benefits	53,000	118,000	118,000	+65,000	---	M
Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---	M
Total, Special Benefits	56,000	121,000	121,000	+65,000	---	
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS - COMPENSATION FUND						
Program Benefits	(358,000)	(597,000)	(597,000)	(+239,000)	---	NA
Administrative Expenses (1)	60,328	136,000	136,000	+75,672	---	M
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances	975,343	981,283	981,283	+5,940	---	M
Employment Standards Adm. S&E	30,293	31,443	31,558	+1,265	+115	M
Departmental Management S&E	21,590	22,590	22,590	+1,000	---	M
Departmental Management, Inspector General	318	328	328	+10	---	M
Subtotal, Black Lung Disablty	1,027,544	1,035,644	1,035,759	+8,215	+115	
Treasury Administrative Costs	356	356	356	---	---	M
Total, Black Lung Disability Trust Fund	1,027,900	1,036,000	1,036,115	+8,215	+115	
Total, Employment Standards Administration	1,506,944	1,577,434	1,662,746	+155,802	+85,312	
Federal Funds	1,504,963	1,575,453	1,660,765	+155,802	+85,312	
Trust Funds	1,981	1,981	1,981	---	---	

(1) $10,000,000 transferred from ESA to CDC, OSHA.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Safety and Health Standards	15,069	13,875	13,931	-1,138	+56	D
Federal Enforcement	151,836	154,816	157,788	+5,952	+2,972	D
State Programs	88,369	88,119	88,694	+325	+575	D
Technical Support	20,189	19,562	20,251	+62	+689	D
Compliance Assistance:						
Federal Assistance	56,255	57,180	57,393	+1,138	+213	D
State Consultation Grants	48,834	48,834	50,199	+1,365	+1,365	D
Training Grants	11,175	8,175	11,175	---	+3,000	D
Subtotal	116,264	114,189	118,767	+2,503	+4,578	
Safety and Health Statistics	25,597	26,257	26,595	+998	+338	D
Executive Direction and Administration	8,562	9,017	9,281	+719	+264	D
Total, OSHA	425,886	425,835	435,307	+9,421	+9,472	
MINE SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Coal Enforcement	114,505	110,915	113,449	-1,056	+2,534	D
Metal/Non-Metal Enforcement	55,117	60,424	61,773	+6,656	+1,349	D
Standards Development	1,760	2,304	2,357	+597	+53	D
Assessments	4,265	4,701	4,807	+542	+106	D
Educational Policy and Development	31,455	27,984	28,585	-2,870	+601	D
Technical Support	27,053	27,427	28,025	+972	+598	D
Program Administration	12,151	12,551	12,729	+578	+178	D
Total, Mine Safety and Health Administration	246,306	246,306	251,725	+5,419	+5,419	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics	142,313	146,796	147,038	+4,725	+242	D
Labor Market Information (Trust Funds)	67,257	69,132	69,132	+1,875	---	TF
Prices and Cost of Living	135,136	149,264	149,801	+14,665	+537	D
Compensation and Working Conditions	71,076	74,126	74,390	+3,314	+264	D
Productivity and Technology	9,164	9,599	9,621	+457	+22	D
Economic Growth and Employment Projections	---	---	---	---	---	D
Executive Direction and Staff Services	25,941	27,083	27,126	+1,185	+43	D
Total, Bureau of Labor Statistics	450,887	476,000	477,108	+26,221	+1,108	
Federal Funds	383,630	406,868	407,976	+24,346	+1,108	
Trust Funds	67,257	69,132	69,132	+1,875	---	
DEPARTMENTAL MANAGEMENT						
SALARIES AND EXPENSES						
Executive Direction	26,303	26,502	26,672	+369	+170	D
Departmental IT Crosscut	37,000	80,000	51,708	+14,708	-28,292	D
Legal Services	74,384	74,657	79,914	+5,530	+5,257	D
Trust Funds	310	310	310	---	---	TF
International Labor Affairs	147,982	71,588	147,982	---	+76,394	D
Administration and Management	24,732	29,732	29,833	+5,101	+101	D
Adjudication	24,688	24,688	25,009	+321	+321	D
Women's Bureau	10,186	10,186	10,251	+65	+65	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Civil Rights Activities	5,839	5,839	5,887	+48	+48	D
Chief Financial Officer	5,963	6,263	6,312	+349	+49	D
Disability Policy	---	---	---	---	---	D
Total, Salaries and expenses	357,387	329,765	383,878	+26,491	+54,113	
Federal Funds	357,077	329,455	383,568	+26,491	+54,113	
Trust Funds	310	310	310	---	---	
OFFICE OF DISABILTIY EMPLOYMENT POLICY						
Office of Disability Employment Policy	20,413	40,623	30,413	+10,000	-10,210	D
Task Force on Employment of Adults with Disabilities	2,556	2,640	2,640	+84	---	D
Total, Office of Disability Employment Policy	22,969	43,263	33,053	+10,084	-10,210	
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program	81,615	81,615	81,615	---	---	TF
Local Veterans Employment Program	77,253	77,253	77,253	---	---	TF
Subtotal, State Administration	158,868	158,868	158,868	---	---	
Federal Administration	27,988	28,035	28,035	+47	---	TF
Homeless Veterans Program	17,500	17,500	17,500	---	---	D
Veterans Workforce Investment Programs	7,300	7,300	7,300	---	---	D FF
Total, Veterans Employment and Training	211,656	211,703	211,703	+47	---	
Federal Funds	24,800	24,800	24,800	---	---	
Trust Funds	186,856	186,903	186,903	+47	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
OFFICE OF THE INSPECTOR GENERAL						
Program Activities	43,111	45,114	45,114	+2,003	---	D
Trust Funds	4,770	4,951	4,951	+181	---	TF
Executive Direction and Management	6,802	7,068	7,068	+266	---	D
Total, Office of the Inspector General	54,683	57,133	57,133	+2,450	---	
Federal funds	49,913	52,182	52,182	+2,269	---	
Trust funds	4,770	4,951	4,951	+181	---	
Total, Departmental Management	646,695	641,864	685,767	+39,072	+43,903	
Federal Funds	454,759	449,700	493,603	+38,844	+43,903	
Trust Funds	191,936	192,164	192,164	+228	---	
Total, Labor Department	13,697,779	13,510,866	14,099,407	+401,628	+588,541	
Federal Funds	10,186,188	9,950,544	10,539,047	+352,859	+588,503	
Current Year	(7,723,188)	(9,950,544)	(8,441,047)	(+717,859)	(-1,509,497)	
FY03	(2,463,000)	---	(2,098,000)	(-365,000)	(+2,098,000)	
Trust Funds	3,511,591	3,560,322	3,560,360	+48,769	+38	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
HEALTH RESOURCES AND SERVICES ADMINISTRATION						
HEALTH RESOURCES AND SERVICES						
Community health centers	1,168,559	1,292,723	1,318,559	+150,000	+25,836	D
National Health Service Corps:						
Field placements	41,462	42,511	42,511	+1,049	---	D
Recruitment	87,912	87,916	100,000	+12,088	+12,084	D
Subtotal	129,374	130,427	142,511	+13,137	+12,084	
Health Professions						
Training for Diversity:						
Centers of excellence	30,637	12,847	33,637	+3,000	+20,790	D
Health careers opportunity program	32,795	13,752	35,795	+3,000	+22,043	D
Faculty loan repayment	1,330	557	1,330	---	+773	D
Scholarships for disadvantaged students	44,473	18,651	46,473	+2,000	+27,822	D
Subtotal	109,235	45,807	117,235	+8,000	+71,428	
Training in Primary Care Medicine and Dentistry	91,048	---	95,048	+4,000	+95,048	D
Interdisciplinary Community-Based Linkages:						
Area health education centers	33,362	7,556	33,362	---	+25,806	D
Health education and training centers	4,403	---	4,403	---	+4,403	D
Allied health and other disciplines	8,422	1,907	9,501	+1,079	+7,594	D
Geriatric programs	12,410	---	22,410	+10,000	+22,410	D
Quentin N. Burdick pgm for rural training	5,988	---	5,988	---	+5,988	D
Subtotal	64,585	9,463	75,664	+11,079	+66,201	
Health Professions Workforce Info & Analysis	824	824	824	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Public Health Workforce Development:						
Public health, preventive med. & dental pgms......	9,478	2,147	11,478	+2,000	+9,331	D
Health administration programs....................	1,231	---	1,231	---	+1,231	D
Subtotal..	10,709	2,147	12,709	+2,000	+10,562	
Children's Hospitals Graduate Medical Educ............	234,980	200,094	285,000	+50,020	+84,906	D
Advanced Education Nursing............................	59,045	59,048	61,048	+2,003	+2,000	D
Basic nurse education and practice....................	12,790	16,291	16,291	+3,501	---	D
Nursing workforce diversity...........................	4,673	6,173	6,173	+1,500	---	D
Subtotal, Health professions....................	587,889	339,847	669,992	+82,103	+330,145	
Other HRSA Programs:						
Hansen's Disease Services.........................	17,890	18,391	17,491	-399	-900	D
Maternal & Child Health Block Grant..............	714,151	709,087	740,000	+25,849	+30,913	D
Abstinence Education						
Advance from prior year.......................	(20,000)	(30,000)	(30,000)	(+10,000)	---	NA
FY03......................................	30,000	---	---	-30,000	---	D
Current Year..................................	---	15	10,000	+10,000	+9,985	D
Healthy Start.....................................	89,996	89,996	102,000	+12,004	+12,004	D
Universal Newborn Hearing.........................	7,999	6,581	10,000	+2,001	+3,419	D
Organ Transplantation.............................	14,992	19,992	19,992	+5,000	---	D
Bone Marrow Program...............................	21,958	22,000	22,000	+42	---	D
Rural outreach grants.............................	58,211	37,863	51,863	-6,348	+14,000	D
Rural Health Research.............................	13,436	6,099	12,099	-1,337	+6,000	D
Telehealth..	35,976	5,609	27,609	-8,367	+22,000	D
Denali Commission.................................	10,000	---	---	-10,000	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Critical care programs:						
Emergency medical services for children	18,985	15,574	19,000	+15	+3,426	D
Poison control	19,995	16,421	16,421	-3,574	---	D
Subtotal, Critical care programs	38,980	31,995	35,421	-3,559	+3,426	
Black lung clinics	6,000	6,000	6,000	---	---	D
Trauma Care	3,000	2,467	3,000	---	+533	D
Nursing loan repayment for shortage area service	7,279	2,279	2,279	-5,000	---	D
Payment to Hawaii, treatment of Hansen's	2,045	2,045	2,045	---	---	D
Subtotal, Other HRSA programs:						
Current year	1,041,913	960,419	1,061,799	+19,886	+101,380	
FY03	30,000	---	---	-30,000	---	
Ryan White AIDS Programs:						
Emergency Assistance	604,169	604,169	619,169	+15,000	+15,000	D
Comprehensive Care Programs	910,969	910,969	985,969	+75,000	+75,000	D
AIDS Drug Assistance Program (ADAP) (NA)	(589,000)	(589,000)	(649,000)	(+60,000)	(+60,000)	NA
Early Intervention Program	185,879	186,034	192,878	+6,999	+6,844	D
Pediatric HIV/AIDS	64,995	64,995	69,995	+5,000	+5,000	D
AIDS Dental Services	9,999	9,999	15,000	+5,001	+5,001	D
Education and Training Centers	31,598	31,598	36,598	+5,000	+5,000	D
Subtotal, Ryan White AIDS programs	1,807,609	1,807,764	1,919,609	+112,000	+111,845	
Family Planning	253,897	254,170	264,170	+10,273	+10,000	D
Health Care and Other Facilities	251,546	---	---	-251,546	---	D
Buildings and Facilities	250	250	250	---	---	D
Rural Hospital Flexibility Grants	24,996	24,997	35,000	+10,004	+10,003	D
Rural Access to Emergency Devices	---	---	12,500	+12,500	+12,500	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
National Practitioner Data Bank	17,200	17,200	17,200	---	---	D
User Fees	-17,200	-17,200	-17,200	---	---	D
Health Care Integrity and Protection Data Bank	4,317	8,000	8,000	+3,683	---	D
User Fees	-4,317	-8,000	-8,000	-3,683	---	D
Community Access Program	139,984	15,041	120,041	-19,943	+105,000	D
Program Management	138,972	147,049	147,049	+8,077	---	D
Total, Health resources and services	5,574,989	4,972,687	5,691,480	+116,491	+718,793	
Current year	(5,544,989)	(4,972,687)	(5,691,480)	(+146,491)	(+718,793)	
FY03	(30,000)	---	---	(-30,000)	---	
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM:						
Liquidating account	(10,000)	(10,000)	(10,000)	---	---	NA
Program account	(9,000)	---	---	(-9,000)	---	NA
Program management	3,672	3,792	3,792	+120	---	D
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post-FY88 claims	114,355	114,855	114,855	+500	---	M
HRSA administration	2,992	2,992	2,992	---	---	D
Total, Vaccine injury	117,347	117,847	117,847	+500	---	
Total, Health Resources & Services Admin	5,696,008	5,094,326	5,813,119	+117,111	+718,793	
Current year	(5,666,008)	(5,094,326)	(5,813,119)	(+147,111)	(+718,793)	
FY03	(30,000)	---	---	(-30,000)	---	
Evaluation Tap	(38,800)	(68,600)	(35,927)	(-2,873)	(-32,673)	NA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
CENTERS FOR DISEASE CONTROL						
DISEASE CONTROL, RESEARCH AND TRAINING						
Birth Defects/Developmental Disabitities/Disability and Health	70,726	76,280	80,280	+9,554	+4,000	D
Chronic Disease Prevention and Health Promotion	749,708	574,560	722,495	-27,213	+147,935	D
Environmental Health	137,255	136,683	146,683	+9,428	+10,000	D
Epidemic Services and Response	77,761	80,303	80,303	+2,542	---	D
Health Statistics	50,260	---	33,014	-17,246	+33,014	D
Evaluation Tap funding (NA)	(71,690)	(126,978)	(93,964)	(+22,274)	(-33,014)	NA
HIV/AIDS, STD and TB Prevention	1,044,070	1,068,452	1,148,452	+104,382	+80,000	D
Immunization	552,572	574,645	599,645	+47,073	+25,000	D
Infectious Disease Control	317,582	331,518	343,018	+25,436	+11,500	D
Injury Prevention and Control	142,832	143,655	143,655	+823	---	D
Occupational Safety and Health (1)	260,032	266,135	270,135	+10,103	+4,000	D
Preventive Health and Health Services Block Grant	135,029	135,030	135,030	+1	---	D
Public Health Improvement	110,876	109,910	149,910	+39,034	+40,000	D
Buildings and Facilities	175,000	150,000	175,000	---	+25,000	D
Office of the Director	39,070	49,440	49,440	+10,370	---	D
Bioterrorism (2)	(180,919)	(181,919)	(231,919)	(+51,000)	(+50,000)	NA
ATSDR (3)	(74,835)	(78,235)	---	(-74,835)	(-78,235)	NA
Total, Disease Control	3,862,773	3,696,611	4,077,060	+214,287	+380,449	
Evaluation Tap funding (NA)	(71,690)	(126,978)	(93,964)	(+22,274)	(-33,014)	NA

(1) Includes Mine Safety and Health.

(2) Funds are provided in the Public Health and Social Service Emergency Fund.

(3) Funded in VA/HUD Bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
NATIONAL INSTITUTES OF HEALTH						
National Cancer Institute	3,737,217	4,177,203	4,146,291	+409,074	-30,912	D
Evaluation Tap	(36,712)	(68,807)	(37,895)	(+1,183)	(-30,912)	NA
Program Level	(3,700,505)	(4,108,396)	(4,108,396)	(+407,891)	---	
National Heart, Lung, and Blood Institute	2,298,664	2,567,429	2,547,675	+249,011	-19,754	D
Evaluation Tap	(22,497)	(43,972)	(24,218)	(+1,721)	(-19,754)	NA
Program Level	(2,276,167)	(2,523,457)	(2,523,457)	(+247,290)	---	
National Institute of Dental & Craniofacial Research	306,153	341,898	339,268	+33,115	-2,630	D
Evaluation Tap	(3,003)	(5,856)	(3,226)	(+223)	(-2,630)	NA
Program Level	(303,150)	(336,042)	(336,042)	(+32,892)	---	
National Institute of Diabetes and Digestive and Kidney Diseases	1,303,570	1,457,915	1,446,705	+143,135	-11,210	D
Evaluation Tap	(12,751)	(24,952)	(13,742)	(+991)	(-11,210)	NA
Program Level	(1,290,819)	(1,432,963)	(1,432,963)	(+142,144)	---	
National Institute of Neurological Disorders & Stroke	1,176,797	1,316,448	1,306,321	+129,524	-10,127	D
Evaluation Tap	(11,511)	(22,541)	(12,414)	(+903)	(-10,127)	NA
Program Level	(1,165,286)	(1,293,907)	(1,293,907)	(+128,621)	---	
National Institute of Allergy and Infectious Diseases	2,062,621	2,330,325	2,312,204	+249,583	-18,121	D
Global HIV/AIDS Fund Transfer	---	25,000	25,000	+25,000	---	D
Subtotal	2,062,621	2,355,325	2,337,204	+274,583	-18,121	
Evaluation Tap	(19,979)	(40,336)	(22,215)	(+2,236)	(-18,121)	NA
Program Level	(2,042,642)	(2,314,989)	(2,314,989)	(+272,347)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
National Institute of General Medical Sciences........	1,539,903	1,720,206	1,706,968	+167,065	-13,238	D
Evaluation Tap..................................	(15,018)	(29,467)	(16,229)	(+1,211)	(-13,238)	NA
Program Level..................................	(1,524,885)	(1,690,739)	(1,690,739)	(+165,854)	---	
National Institute of Child Health & Human Development	978,721	1,096,650	1,088,208	+109,487	-8,442	D
Evaluation Tap..................................	(9,554)	(18,790)	(10,348)	(+794)	(-8,442)	NA
Program Level..................................	(969,167)	(1,077,860)	(1,077,860)	(+108,693)	---	
National Eye Institute..............................	510,525	571,126	566,725	+56,200	-4,401	D
Evaluation Tap..................................	(5,001)	(9,797)	(5,396)	(+395)	(-4,401)	NA
Program Level..................................	(505,524)	(561,329)	(561,329)	(+55,805)	---	
National Institute of Environmental Health Sciences...	502,987	561,750	557,435	+54,448	-4,315	D
Evaluation Tap..................................	(4,902)	(9,606)	(5,291)	(+389)	(-4,315)	NA
Program Level..................................	(498,085)	(552,144)	(552,144)	(+54,059)	---	
NIEHS/Superfund (NA) (1).........................	(62,861)	(70,228)	---	(-62,861)	(-70,228)	
National Institute on Aging..........................	786,303	879,961	873,186	+86,883	-6,775	D
Evaluation Tap..................................	(7,693)	(15,079)	(8,304)	(+611)	(-6,775)	NA
Program Level..................................	(778,610)	(864,882)	(864,882)	(+86,272)	---	
National Institute of Arthritis and Musculoskeletal and Skin Diseases.................................	396,528	443,565	440,144	+43,616	-3,421	D
Evaluation Tap..................................	(3,875)	(7,616)	(4,195)	(+320)	(-3,421)	NA
Program Level..................................	(392,653)	(435,949)	(435,949)	(+43,296)	---	

(1) Superfund $ are appropriated in the VA/HUD Bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
National Institute on Deafness and Other Communication Disorders	301,069	336,757	334,161	+33,092	-2,596	D
Evaluation Tap	(2,945)	(5,778)	(3,182)	(+237)	(-2,596)	NA
Program Level	(298,124)	(330,979)	(330,979)	(+32,855)	---	
National Institute of Nursing Research	105,158	117,686	116,773	+11,615	-913	D
Evaluation Tap	(1,026)	(2,029)	(1,116)	(+90)	(-913)	NA
Program Level	(104,132)	(115,657)	(115,657)	(+11,525)	---	
National Institute on Alcohol Abuse and Alcoholism	340,537	381,966	379,026	+38,489	-2,940	D
Evaluation Tap	(3,333)	(6,544)	(3,604)	(+271)	(-2,940)	NA
Program Level	(337,204)	(375,422)	(375,422)	(+38,218)	---	
National Institute on Drug Abuse	780,827	907,369	900,389	+119,562	-6,980	D
Evaluation Tap	(7,637)	(15,538)	(8,558)	(+921)	(-6,980)	NA
Program Level	(773,190)	(891,831)	(891,831)	(+118,641)	---	
National Institute of Mental Health	1,106,519	1,238,305	1,228,780	+122,261	-9,525	D
Evaluation Tap	(10,832)	(21,202)	(11,677)	(+845)	(-9,525)	NA
Program Level	(1,095,687)	(1,217,103)	(1,217,103)	(+121,416)	---	
National Human Genome Research Institute	382,040	426,739	423,454	+41,414	-3,285	D
Evaluation Tap	(3,740)	(7,311)	(4,026)	(+286)	(-3,285)	NA
Program Level	(378,300)	(419,428)	(419,428)	(+41,128)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
National Institute of Biomedical Imaging and Bioengineering	1,975	40,206	39,896	+37,921	-310	D
Evaluation Tap	---	(689)	(379)	(+379)	(-310)	NA
Program Level	(1,975)	(39,517)	(39,517)	(+37,542)	---	
National Center for Research Resources	817,098	974,038	966,541	+149,443	-7,497	D
Evaluation Tap	(8,003)	(16,686)	(9,189)	(+1,186)	(-7,497)	NA
Program Level	(809,095)	(957,352)	(957,352)	(+148,257)	---	
National Center for Complementary and Alternative Medicine	89,121	100,063	99,288	+10,167	-775	D
Evaluation Tap	(873)	(1,723)	(948)	(+75)	(-775)	NA
Program Level	(88,248)	(98,340)	(98,340)	(+10,092)	---	
National Center on Minority Health and Health Disparities	132,044	158,425	157,204	+25,160	-1,221	D
Evaluation Tap	---	(2,718)	(1,497)	(+1,497)	(-1,221)	NA
Program Level	(132,044)	(155,707)	(155,707)	(+23,663)	---	
John E. Fogarty International Center	50,472	56,449	56,021	+5,549	-428	D
Evaluation Tap	(485)	(956)	(528)	(+43)	(-428)	NA
Program Level	(49,987)	(55,493)	(55,493)	(+5,506)	---	
National Library of Medicine	246,304	275,725	273,610	+27,306	-2,115	D
Evaluation Tap	(2,404)	(4,707)	(2,592)	(+188)	(-2,115)	NA
Program Level	(243,900)	(271,018)	(271,018)	(+27,118)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Office of the Director	188,346	232,098	232,098	+43,752	---	D
Buildings and Facilities	153,761	236,600	236,600	+82,839	---	D
Global HIV/AIDS Fund Transfer	---	70,000	75,000	+75,000	+5,000	D
Subtotal	153,761	306,600	311,600	+157,839	+5,000	
Total, N.I.H. appropriations	20,295,260	23,041,902	22,874,971	+2,579,711	-166,931	
Evaluation Tap	(193,774)	(382,700)	(210,769)	(+16,995)	(-171,931)	
Global HIV/AIDS Fund Transfer	---	(95,000)	(100,000)	(+100,000)	(+5,000)	
Program Level	(20,101,486)	(22,564,202)	(22,564,202)	(+2,462,716)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION						
Mental Health:						
Programs of Regional and National Significance....	203,390	187,599	223,499	+20,109	+35,900	D
Mental Health Performance Partnership............	420,000	420,000	440,000	+20,000	+20,000	D
Children's Mental Health..........................	91,645	91,694	97,694	+6,049	+6,000	D
Grants to States for the Homeless (PATH)..........	36,855	36,855	39,855	+3,000	+3,000	D
Protection and Advocacy...........................	30,000	30,000	33,000	+3,000	+3,000	D
Subtotal, Mental Health...........................	781,890	766,148	834,048	+52,158	+67,900	
Substance Abuse Treatment:						
Programs of Regional and National Significance....	255,985	296,122	305,122	+49,137	+9,000	D
Substance Abuse Performance Partnership...........	1,665,000	1,725,000	1,725,000	+60,000	---	D
Subtotal, Substance Abuse Treatment.............	1,920,985	2,021,122	2,030,122	+109,137	+9,000	
Substance Abuse Prevention:						
Programs of Regional and National Significance....	174,919	175,013	187,215	+12,296	+12,202	D
Program Management and Buildings and Facilities.......	85,630	67,173	80,173	-5,457	+13,000	D
Evaluation Tap funding (NA).......................	---	(29,000)	---	---	(-29,000)	NA
Total, Substance Abuse and Mental Health........	2,963,424	3,029,456	3,131,558	+168,134	+102,102	
Evaluation Tap funding......................	(7,700)	(14,900)	(7,873)	(+173)	(-7,027)	NA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY						
Research on Health Costs, Quality, and Outcomes:						
Federal Funds	102,255	---	165,835	+63,580	+165,835	D
Evaluation Tap funding (NA)	(124,130)	(255,145)	(89,310)	(-34,820)	(-165,835)	NA
Portion for reducing medical errors (non-add)	(50,000)	(50,000)	(50,000)	---	---	NA
Subtotal	(226,385)	(255,145)	(255,145)	(+28,760)	---	
Health insurance and expenditure surveys:						
Evaluation Tap funding (NA)	(40,850)	(48,500)	(48,500)	(+7,650)	---	NA
Program Support	2,500	---	2,600	+100	+2,600	D
Evaluation Tap funding (NA)	---	(2,600)	---	---	(-2,600)	
Total, AHRQ	(269,735)	(303,645)	(306,245)	(+36,510)	(+2,600)	
Federal Funds	104,755	---	168,435	+63,680	+168,435	
Evaluation Tap funding (NA)	(164,980)	(303,645)	(137,810)	(-27,170)	(-165,835)	
Total, Public Health Service	32,922,220	34,862,295	36,065,143	+3,142,923	+1,202,848	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
CENTER FOR MEDICARE AND MEDICAID SERVICES						
GRANTS TO STATES FOR MEDICAID						
Medicaid current law benefits..........................	122,488,800	134,308,100	134,308,100	+11,819,300	---	M
State and local administration..........................	6,998,100	7,995,800	7,995,800	+997,700	---	M
Vaccines for Children..................................	775,233	795,533	795,533	+20,300	---	M
Subtotal, Medicaid program level, current year..	130,262,133	143,099,433	143,099,433	+12,837,300	---	
Less Medicare Transfer (P.L. 105-33)..........	-60,000	-70,000	-70,000	-10,000	---	M
Less funds advanced in prior year............	-30,589,003	-36,207,551	-36,207,551	-5,618,548	---	M
Total, request, current year................	99,613,130	106,821,882	106,821,882	+7,208,752	---	
New advance 1st quarter.....................	36,207,551	46,601,937	46,601,937	+10,394,386	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS						
Supplemental medical insurance........................	69,777,000	81,332,000	81,332,000	+11,555,000	---	M
Hospital insurance for the uninsured..................	321,000	292,000	292,000	-29,000	---	M
Federal uninsured payment.............................	132,000	150,000	150,000	+18,000	---	M
Program management....................................	151,600	150,200	150,200	-1,400	---	M
Total, Payments to Trust Funds, current law.....	70,381,600	81,924,200	81,924,200	+11,542,600		
PROGRAM MANAGEMENT						
Research, demonstration, and evaluation: Regular Program..................................	138,311	55,311	55,311	-83,000	---	TF
Medicare Contractors..................................	1,304,436	1,470,000	1,470,000	+165,564	---	TF
User fee legislative proposal.....................	---	(115,000)	---	---	(-115,000)	NA
H.R. 3103 funding (NA)............................	(682,552)	(700,000)	(680,000)	(-2,552)	(-20,000)	NA
Medicare Plus Choice..............................	52,000	52,000	52,000	---	---	TF
Subtotal, Contractors program level............	(2,038,988)	(2,337,000)	(2,202,000)	(+163,012)	(-135,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
State Survey and Certification	242,147	242,147	252,147	+10,000	+10,000	TF
Federal Administration						
Federal Administration	506,778	533,818	533,818	+27,040	---	TF
User Fees	-2,074	-2,118	-2,118	-44	---	TF
Subtotal, Federal Administration	504,704	531,700	531,700	+26,996	---	
Total, Program management	2,241,598	2,351,158	2,361,158	+119,560	+10,000	
Total, Program management, program level	(2,924,150)	(3,051,158)	(3,041,158)	(+117,008)	(-10,000)	
Total, Center for Medicare & Medicaid Services	208,443,879	237,699,177	237,709,177	+29,265,298	+10,000	
Federal funds	206,202,281	235,348,019	235,348,019	+29,145,738	---	
Current year	(169,994,730)	(188,746,082)	(188,746,082)	(+18,751,352)	---	
New advance, 1st quarter, FY03	(36,207,551)	(46,601,937)	(46,601,937)	(+10,394,386)	---	
Trust Funds	2,241,598	2,351,158	2,361,158	+119,560	+10,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES						
AFDC/JOBS Child Care (State Claims)	2,000	---	---	-2,000	---	M
Payments to territories	23,000	23,000	23,000	---	---	M
Emergency assistance	37,000	---	---	-37,000	---	M
State & Local Administrative Training	1,000	---	---	-1,000	---	M
Repatriation	1,000	1,000	1,000	---	---	M
Subtotal, Welfare payments	64,000	24,000	24,000	-40,000	---	
Child Support Enforcement:						
State and local administration	3,247,800	3,413,800	3,413,800	+166,000	---	M
Federal incentive payments	416,000	450,000	450,000	+34,000	---	M
Hold Harmless payments	10,000	10,000	10,000	---	---	M
Access and visitation	10,000	10,000	10,000	---	---	M
Subtotal, Child Support Enforcement	3,683,800	3,883,800	3,883,800	+200,000	---	
Total, Payments, current year program level	3,747,800	3,907,800	3,907,800	+160,000	---	
Less funds advanced in previous years	-650,000	-1,000,000	-1,000,000	-350,000	---	M
Total, payments, current request	3,097,800	2,907,800	2,907,800	-190,000	---	
New advance, 1st quarter, FY03	1,000,000	1,100,000	1,100,000	+100,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request		
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM							
Advance from prior year (NA)	(1,100,000)	---	---	(-1,100,000)	---	NA	
Current Year	300,000	1,400,000	1,700,000	+1,400,000	+300,000	D	
Current year program level	1,400,000	1,400,000	1,700,000	+300,000	+300,000		
Emergency Allocation:							
Non-emergency funding	300,000	300,000	---	-300,000	-300,000	D	
Contingent emergency funding	300,000	---	300,000	---	+300,000	D	EMG
Subtotal	600,000	300,000	300,000	-300,000	---		
REFUGEE AND ENTRANT ASSISTANCE							
Transitional and Medical Services	225,105	237,291	237,291	+12,186	---	D	
Social Services	143,621	143,621	158,621	+15,000	+15,000	D	
Preventive Health	4,835	4,835	4,835	---	---	D	
Targeted Assistance	49,477	49,477	49,477	---	---	D	
Victims of Torture	10,000	10,000	10,000	---	---	D	
Total, Refugee and entrant assistance	433,038	445,224	460,224	+27,186	+15,000		
CHILD CARE AND DEVELOPMENT GRANT							
Advance funding from prior year (NA)	(1,182,672)	---	---	(-1,182,672)	---	NA	
Current year request	817,196	1,799,987	2,199,987	+1,382,791	+400,000	D	
After school voucher program	---	400,000	DEFER	---	-400,000	D	
Current year program level	1,999,868	2,199,987	2,199,987	+200,119	---		
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,725,000	1,700,000	1,700,000	-25,000	---	M	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head Start, current funded	4,799,812	6,324,812	5,075,812	+276,000	-1,249,000	D
Advance from prior year	(1,400,000)	(1,400,000)	(1,400,000)	---	---	NA
FY03	1,400,000	---	1,400,000	---	+1,400,000	D
Subtotal, Head Start program level	6,199,812	6,324,812	6,475,812	+276,000	+151,000	
Consolidated Runaway, Homeless Youth Prog	69,123	69,133	71,133	+2,010	+2,000	D
Maternity Group Homes	---	33,000	DEFER	---	-33,000	D
Child Abuse State Grants	21,026	21,026	23,000	+1,974	+1,974	D
Child Abuse Discretionary Activities	33,204	17,978	19,978	-13,226	+2,000	D
Abandoned Infants Assistance	12,182	12,205	12,205	+23	---	D
Child Welfare Services	291,986	291,986	291,986	---	---	D
Child Welfare Training	6,998	6,998	6,998	---	---	D
Adoption Opportunities	27,379	27,405	27,405	+26	---	D
Adoption Incentive	20,000	20,000	20,000	---	---	D
Adoption Incentive (no cap adjustment)	22,994	23,000	23,000	+6	---	D
Adoption Awareness	9,900	9,906	9,906	+6	---	D
Compassion Capital Fund	---	89,000	30,000	+30,000	-59,000	D
Promoting Responsible Fatherhood	---	64,000	DEFER	---	-64,000	D
Social Services and Income Maintenance Research	38,096	6,426	27,000	-11,096	+20,574	D
Community Based Resource Centers	32,834	32,834	34,000	+1,166	+1,166	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Developmental disabilities program:						
State Councils	67,800	67,800	69,800	+2,000	+2,000	D
Protection and Advocacy	33,000	33,000	34,000	+1,000	+1,000	D
Developmental Disabilities Special Projects	10,915	10,734	10,734	-181	---	D
Developmental Disabilities University Affiliated	21,800	21,800	21,800	---	---	D
Subtotal, Developmental disabilities	133,515	133,334	136,334	+2,819	+3,000	
Native American Programs	45,989	44,396	44,396	-1,593	---	D
Community services:						
Grants to States for Community Services	599,991	599,991	620,000	+20,009	+20,009	D
Community initiative program:						
Economic Development	30,034	30,034	30,034	---	---	D
Individual Development Account Initiative	24,891	24,990	24,990	+99	---	D
Rural Community Facilities	5,321	---	5,321	---	+5,321	D
Subtotal, discretionary funds	60,246	55,024	60,345	+99	+5,321	
National Youth Sports	16,000	---	17,000	+1,000	+17,000	D
Community Food and Nutrition	6,314	---	6,000	-314	+6,000	D
Subtotal, Community services	682,551	655,015	703,345	+20,794	+48,330	
Runaway Youth Prevention	14,999	14,999	14,999	---	---	D
Domestic Violence Hotline	2,157	2,157	2,157	---	---	D
Battered Women's Shelters	116,899	116,918	126,918	+10,019	+10,000	D
Early Learning Fund	19,995	---	---	-19,995	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Faith-Based Center....................................	---	3,000	3,000	+3,000	---	D
Program Direction.....................................	163,846	171,870	171,870	+8,024	---	D
	============	============	============	============	============	
Total, Children and Families Services Programs..	7,965,485	8,191,398	8,275,442	+309,957	+84,044	
Current Year....................................	(6,565,485)	(8,191,398)	(6,875,442)	(+309,957)	(-1,315,956)	
FY03..	(1,400,000)	---	(1,400,000)	---	(+1,400,000)	
Rescission of permanent appropriations...............	-21,000	---	-21,000	---	-21,000	D
PROMOTING SAFE AND STABLE FAMILIES....................	305,000	305,000	305,000	---	---	M
Legislative Proposal(1)...........................	---	200,000	70,000	+70,000	-130,000	D
MENTORING CHILDREN OF PRISONERS.......................	---	67,000	DEFER	---	-67,000	D
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION						
Foster Care...	5,063,500	5,055,500	5,055,500	-8,000	---	M
Adoption Assistance...................................	1,197,600	1,426,000	1,426,000	+228,400	---	M
Independent living....................................	140,000	140,000	140,000	---	---	M
Independent living proposal...........................	---	60,000	DEFER	---	-60,000	M
	------------	------------	------------	------------	------------	
Total, Payments, current year program level.....	6,401,100	6,681,500	6,621,500	+220,400	-60,000	
Less Advances from Prior Year.................	-1,538,000	-1,735,900	-1,735,900	-197,900	---	M
	------------	------------	------------	------------	------------	
Total, payments, current request...........	4,863,100	4,945,600	4,885,600	+22,500	-60,000	
New Advance, 1st quarter...................	1,735,900	1,754,000	1,754,000	+18,100	---	M
	============	============	============	============	============	
Total, Administration for Children & Families.	22,821,519	25,516,009	25,637,053	+2,815,534	+121,044	
Current year..................................	(18,685,619)	(22,662,009)	(21,383,053)	(+2,697,434)	(-1,278,956)	
FY03..	(4,135,900)	(2,854,000)	(4,254,000)	(+118,100)	(+1,400,000)	

(1) Funds for this program were reclassified in the mid-session review as discretionary.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
ADMINISTRATION ON AGING						
Grants to States:						
Supportive Services and Centers	325,027	327,075	327,075	+2,048	---	D
Preventive Health	21,120	21,123	21,123	+3	---	D
Title VII	14,181	14,181	14,181	---	---	D
Family Caregivers	124,981	127,000	137,000	+12,019	+10,000	D
Nutrition:						
Congregate Meals	378,356	378,412	396,000	+17,644	+17,588	D
Home Delivered Meals	151,978	158,000	176,000	+24,022	+18,000	D
Grants to Indians	23,457	25,457	25,457	+2,000	---	D
Aging Research, Training and Special Projects	35,852	17,574	19,100	-16,752	+1,526	D
Aging Network Support Activities	1,812	1,812	1,812	---	---	D
Alzheimer's Initiative	8,962	8,962	8,962	---	---	D
Program Administration	17,216	18,122	18,122	+906	---	D
Total, Administration on Aging	1,102,942	1,097,718	1,144,832	+41,890	+47,114	
OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal Funds	133,709	140,532	137,547	+3,838	-2,985	D
NAS study	500	---	---	-500	---	D
Global HIV/AIDS Fund Transfer	---	5,000	---	---	-5,000	D
Trust Funds	5,851	5,851	5,851	---	---	TF
1% Evaluation funds (ASPE) (NA)	(21,552)	(21,552)	(21,552)	---	---	NA
Subtotal	(161,612)	(172,935)	(164,950)	(+3,338)	(-7,985)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Adolescent Family Life (Title XX)	24,327	27,862	27,862	+3,535	---	D
Physical Fitness and Sports	1,091	1,139	1,139	+48	---	D
Minority health	49,019	43,084	43,084	-5,935	---	D
Office of women's health	17,270	27,396	26,769	+9,499	-627	D
U.S. Surgeon General violence initiative	400	400	400	---	---	D
Office of Emergency Preparedness	11,668	14,200	14,200	+2,532	---	D
Office of Human Research Protection	5,800	7,035	7,035	+1,235	---	D
Bioterrorism (PHSSEF) (1)	(60,030)	(68,700)	(68,700)	(+8,670)	---	NA
Minority HIV/AIDS	50,000	50,000	50,000	---	---	D
IT Security and Innovation Fund	---	30,000	25,000	+25,000	-5,000	D
Total, General Departmental Management	299,635	352,499	338,887	+39,252	-13,612	
Federal Funds	293,784	346,648	333,036	+39,252	-13,612	
Trust Funds	5,851	5,851	5,851	---	---	
OFFICE OF THE INSPECTOR GENERAL:						
Federal Funds	33,586	35,786	35,786	+2,200	---	D
HIPAA funding (NA)	(130,000)	(150,000)	(130,000)	---	(-20,000)	NA
Total, Inspector General program level	(163,586)	(185,786)	(165,786)	(+2,200)	(-20,000)	
OFFICE FOR CIVIL RIGHTS:						
Federal Funds	24,669	28,691	28,691	+4,022	---	D
Trust Funds	3,314	3,314	3,314	---	---	TF
Total, Office for Civil Rights	27,983	32,005	32,005	+4,022	---	
POLICY RESEARCH	16,548	2,500	2,500	-14,048	---	D

(1) Funds are provided in the Public Health and Social Service Emergency Fund.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS:						
Retirement payments	175,405	196,261	196,261	+20,856	---	M
Survivors benefits	12,204	12,856	12,856	+652	---	M
Dependents' medical care	30,811	32,167	32,167	+1,356	---	M
Military services credits	1,352	1,293	1,293	-59	---	M
Total, Retirement pay and medical benefits	219,772	242,577	242,577	+22,805	---	
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND	126,150	---	---	-126,150	---	D EMG
Public Health/Social Service Fund (1)	240,949	250,619	300,619	+59,670	+50,000	D
Total, Office of the Secretary	964,623	915,986	952,374	-12,249	+36,388	
Federal Funds	955,458	906,821	943,209	-12,249	+36,388	
Trust Funds	9,165	9,165	9,165	---	---	
Total, Department of Health and Human Services	266,255,183	300,091,185	301,508,579	+35,253,396	+1,417,394	
Federal Funds	264,004,420	297,730,862	299,138,256	+35,133,836	+1,407,394	
Current year	(223,630,969)	(248,274,925)	(248,282,319)	(+24,651,350)	(+7,394)	
FY03	(40,373,451)	(49,455,937)	(50,855,937)	(+10,482,486)	(+1,400,000)	
Trust Funds	2,250,763	2,360,323	2,370,323	+119,560	+10,000	

(1) The funding for this program was transferred from the Office of the Secretary and CDC to the PHSSEF.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
TITLE III - DEPARTMENT OF EDUCATION						
EDUCATION REFORM						
Goals 2000: Educate America Act:						
State Grants forward funded	---	---	---	---	---	D FF
Parental Assistance	38,000	---	---	-38,000	---	D
Recognition and Reward	---	---	---	---	---	D
Subtotal, Goals 2000	38,000	---	---	-38,000	---	
Educational Technology: (1)						
Technology Literacy Challenge Fund	450,000	---	---	-450,000	---	D
Technology Innovation Challenge Fund	136,328	---	---	-136,328	---	D
Regional Technology in Education Consortia	10,000	---	---	-10,000	---	D
Subtotal	596,328	---	---	-596,328	---	
National Activities						
Technology Leadership Activities	2,000	---	---	-2,000	---	D
Teacher Training in Technology	125,000	---	---	-125,000	---	D
Community-Based Technology Centers	64,950	---	---	-64,950	---	D
Subtotal	191,950	---	---	-191,950	---	

(1) The budget request for $817,096,000 in education technology funding is displayed in the school improvement account.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Star Schools	59,318	---	---	-59,318	---	D
Ready to Learn Television	16,000	---	---	-16,000	---	D
Telcom Demo Project for Mathematics	8,500	---	---	-8,500	---	D
Subtotal, Educational technology	872,096	---	---	-872,096	---	
Total, Education Reform	910,096	---	---	-910,096	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
EDUCATION FOR THE DISADVANTAGED						
Grants to Local Education Agencies (LEAs):						
Basic Grants						
Advance from prior year	(5,046,366)	(5,394,300)	(5,394,300)	(+347,934)	---	NA
Forward funded	2,000,171	7,237,721	2,642,700	+642,529	-4,595,021	D FF
Current funded	3,500	---	---	-3,500	---	D
Subtotal, Basic grants current year funding.	2,003,671	7,237,721	2,642,700	+639,029	-4,595,021	
Basic Grants FY03 Advance	5,394,300	---	5,394,300	---	+5,394,300	D
Subtotal, Basic grants, program level	7,397,971	7,237,721	8,037,000	+639,029	+799,279	
Concentration Grants						
Advance from prior year	(1,158,397)	(1,364,000)	(1,364,000)	(+205,603)	---	NA
Forward funded	750	1,364,000	320,000	+319,250	-1,044,000	D FF
FY03	1,364,000	---	1,364,000	---	+1,364,000	D
Targeted Grants	---	459,000	779,000	+779,000	+320,000	D FF
Subtotal, Grants to LEAs	8,762,721	9,060,721	10,500,000	+1,737,279	+1,439,279	
Capital Expenses for Private School Children	6,000	---	---	-6,000	---	D FF
Even Start	250,000	250,000	260,000	+10,000	+10,000	D FF
Reading First:						
State Grants	---	900,000	900,000	+900,000	---	D FF
Early Reading First	---	75,000	75,000	+75,000	---	D
Subtotal, reading first	---	975,000	975,000	+975,000	---	
State agency programs:						
Migrant	380,000	380,000	410,000	+30,000	+30,000	D FF
Neglected and Delinquent/High Risk Youth	46,000	46,000	46,000	---	---	D FF
Evaluation	8,900	8,900	8,900	---	---	D
Comprehensive School Reform Demonstration	210,000	260,000	310,000	+100,000	+50,000	D FF
Total, ESEA	9,663,621	10,980,621	12,509,900	+2,846,279	+1,529,279	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Migrant education:						
High School Equivalency Program	20,000	20,000	23,000	+3,000	+3,000	D
College Assistance Migrant Program	10,000	10,000	15,000	+5,000	+5,000	D
Subtotal, migrant education	30,000	30,000	38,000	+8,000	+8,000	
Total, Education for the disadvantaged	9,693,621	11,010,621	12,547,900	+2,854,279	+1,537,279	
Current Year	(2,935,321)	(11,010,621)	(5,789,600)	(+2,854,279)	(-5,221,021)	
FY03	(6,758,300)	---	(6,758,300)	---	(+6,758,300)	
Subtotal, forward funded	(2,892,921)	(10,896,721)	(5,667,700)	(+2,774,779)	(-5,229,021)	
IMPACT AID						
Basic Support Payments	882,000	882,000	982,500	+100,500	+100,500	D
Payments for Children with Disabilities	50,000	50,000	50,000	---	---	D
Facilities Maintenance (Sec. 8008)	8,000	8,000	8,000	---	---	D
Construction (Sec. 8007)	12,802	150,000	35,000	+22,198	-115,000	D
Payments for Federal Property (Sec. 8002)	40,500	40,500	55,000	+14,500	+14,500	D
Total, Impact aid	993,302	1,130,500	1,130,500	+137,198	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request		
SCHOOL IMPROVEMENT PROGRAMS							
State Grants for Improving Teacher Quality............	---	,2,600,000	1,830,000	+1,830,000	-770,000	D	FF
FY03..	---	---	1,345,000	+1,345,000	+1,345,000	D	
Improving Teacher Quality, program level........	---	2,600,000	3,175,000	+3,175,000	+575,000		
Transition to Teaching/Troops to Teachers.............	---	30,000	50,000	+50,000	+20,000	D	
Eisenhower Professional Development...................	485,000	---	---	-485,000	---	D	FF
National Programs....................................	41,000	---	---	-41,000	---	D	
Innovative Education (Education Block Grant)..........	100,000	---	100,000	---	+100,000	D	FF
Advance from prior year...........................	(285,000)	(285,000)	(285,000)	---	---	NA	
FY03..	285,000	---	285,000	---	+285,000	D	
Education Block Grant, program level............	385,000	---	385,000	---	+385,000		
Class Size Reduction, current.........................	473,000	---	---	-473,000	---	D	FF
Advance from prior year...........................	(900,000)	(1,150,000)	(1,150,000)	(+250,000)	---	NA	
FY03..	1,150,000	---	---	-1,150,000	---	D	
Class Size Reduction, program level............	1,623,000	---	---	-1,623,000	---		
School Renovation Grants..............................	1,200,000	---	---	-1,200,000	---	D	FF
Educational Technology State Grants (1)...............	---	817,096	1,000,000	+1,000,000	+182,904	D	
Ready to Learn/Ready to Teach (1).....................	---	---	16,000	+16,000	+16,000	D	
21st Century Community Learning Centers (1)...........	845,614	845,614	1,000,000	+154,386	+154,386	D	
Small, Safe, and Successful High Schools (1)..........	125,000	---	200,000	+75,000	+200,000	D	

(1) Funding for these activities was provided under the education reform acccount in FY 2001.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Safe and Drug Free Schools:						
State Grants, current funded	109,250	547,612	197,250	+88,000	-350,362	D FF
Advance from prior year	(330,000)	(330,000)	(330,000)	---	---	NA
FY03	330,000	---	330,000	---	+330,000	D
State Grants, program level	439,250	547,612	527,250	+88,000	-20,362	
National Programs	155,000	96,638	117,000	-38,000	+20,362	D
Coordinator Initiative	50,000	---	---	-50,000	---	D
Subtotal, Safe and drug free schools	644,250	644,250	644,250	---	---	
Choice and Innovation State Grants	---	471,500	---	---	-471,500	D
Improvement of Education Achievement:						
State Assessments	---	320,000	400,000	+400,000	+80,000	D
Reform and Innovation Fund	---	40,000	---	---	-40,000	D
Subtotal, Improvement of Education Achievement	---	360,000	400,000	+400,000	+40,000	
Inexpensive Book Distribution (RIF)	23,000	---	23,000	---	+23,000	D
Arts in Education	28,000	---	30,000	+2,000	+30,000	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request		
Other school improvement programs:							
Magnet Schools Assistance	110,000	110,000	110,000	---	---	D	
Education for Homeless Children & Youth	35,000	35,000	50,000	+15,000	+15,000	D	FF
Women's Educational Equity	3,000	---	3,000	---	+3,000	D	
Training and Advisory Services (Civil Rights)	7,334	7,334	7,334	---	---	D	
Ellender Fellowships/Close Up	1,500	---	1,500	---	+1,500	D	FF
Education for Native Hawaiians	28,000	28,000	28,000	---	---	D	
Alaska Native Education Equity	15,000	15,000	15,000	---	---	D	
Rural Education	---	---	200,000	+200,000	+200,000	D	
Character Education (1)	---	---	25,000	+25,000	+25,000	D	
Mentoring Programs	---	---	30,000	+30,000	+30,000	D	
Elementary School Counseling (2)	---	---	30,000	+30,000	+30,000	D	
Charter Schools Homestead Fund	---	175,000	---	---	-175,000	D	
Charter Schools	190,000	200,000	200,000	+10,000	---	D	
Subtotal, other school improvement programs	389,834	570,334	699,834	+310,000	+129,500		
Comprehensive Regional Assistance Centers	28,000	28,000	28,000	---	---	D	
Advanced Placement Fees	22,000	22,000	22,000	---	---	D	
Total, School improvement programs	5,839,698	6,388,794	7,673,084	+1,833,386	+1,284,290		
Current Year	(4,074,698)	(6,388,794)	(5,713,084)	(+1,638,386)	(-675,710)		
FY03	(1,765,000)	---	(1,960,000)	(+195,000)	(+1,960,000)		
Subtotal, forward funded	(2,403,750)	(3,182,612)	(2,178,750)	(-225,000)	(-1,003,862)		

(1) The budget request included $25 million for Character Education under the Reform and Innovation Fund.

(2) $30 million was provided in the Fund for the Improvement of Education account in FY2001 for this activity.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
READING EXCELLENCE						
Reading Excellence Act	91,000	---	---	-91,000	---	D
Advance from prior year	(195,000)	(195,000)	(195,000)	---	---	NA
FY03	195,000	---	---	-195,000	---	D
Reading Excellence, program level	286,000	---	---	-286,000	---	
INDIAN EDUCATION						
Grants to Local Educational Agencies	92,765	92,765	100,000	+7,235	+7,235	D
Federal Programs						
Special Programs for Indian Children	20,000	20,000	20,000	---	---	D
National Activities	2,735	3,235	3,235	+500	---	D
Subtotal	22,735	23,235	23,235	+500	---	
Total, Indian Education	115,500	116,000	123,235	+7,735	+7,235	
BILINGUAL AND IMMIGRANT EDUCATION						
Bilingual and Immigrant Education State Grants	---	460,000	700,000	+700,000	+240,000	D
Bilingual education:						
Instructional Services	180,000	---	---	-180,000	---	D
Support Services	16,000	---	---	-16,000	---	D
Professional Development	100,000	---	---	-100,000	---	D
Immigrant Education	150,000	---	---	-150,000	---	D
Foreign Language Assistance	14,000	---	---	-14,000	---	D
Total, Bilingual and Immigrant Education	460,000	460,000	700,000	+240,000	+240,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SPECIAL EDUCATION						
State grants:						
Grants to States Part B advance funded	5,072,000	---	5,072,000	---	+5,072,000	D
Part B advance from prior year	(3,742,000)	(5,072,000)	(5,072,000)	(+1,330,000)	---	NA
Grants to States Part B current year	1,267,685	7,339,685	2,642,685	+1,375,000	-4,697,000	D FF
Grants to States, program level	6,339,685	7,339,685	7,714,685	+1,375,000	+375,000	
Preschool Grants	390,000	390,000	390,000	---	---	D FF
Grants for Infants and Families	383,567	383,567	430,000	+46,433	+46,433	D FF
Subtotal, State grants program level	7,113,252	8,113,252	8,534,685	+1,421,433	+421,433	
IDEA National Acitivities (current funded):						
State Program Improvement Grants	49,200	49,200	54,200	+5,000	+5,000	D FF
Research and Innovation	77,353	70,000	70,000	-7,353	---	D
Technical Assistance and Dissemination	53,481	53,481	53,481	---	---	D
Personnel Preparation	81,952	81,952	90,000	+8,048	+8,048	D
Parent Information Centers	26,000	26,000	26,000	---	---	D
Technology and Media Services	37,210	31,710	31,710	-5,500	---	D
Public Telecom Info/Training Dissemination	1,500	---	---	-1,500	---	D
Subtotal, IDEA special programs	326,696	312,343	325,391	-1,305	+13,048	
Total, Special education	7,439,948	8,425,595	8,860,076	+1,420,128	+434,481	
Current Year	(2,367,948)	(8,425,595)	(3,788,076)	(+1,420,128)	(-4,637,519)	
FY03	(5,072,000)	---	(5,072,000)	---	(+5,072,000)	
Subtotal, Forward funded	(2,090,452)	(8,162,452)	(3,516,885)	(+1,426,433)	(-4,645,567)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational Rehabilitation State Grants................	2,399,790	2,481,383	2,481,383	+81,593	---	M
Client Assistance State grants........................	11,647	11,647	11,647	---	---	D
Training..	39,629	39,629	39,629	---	---	D
Demonstration and training programs...................	21,092	16,492	16,492	-4,600	---	D
Migrant and seasonal farmworkers......................	2,350	2,350	2,350	---	---	D
Recreational programs.................................	2,596	2,596	2,596	---	---	D
Protection and advocacy of individual rights (PAIR)...	14,000	14,000	16,000	+2,000	+2,000	D
Projects with industry................................	22,071	22,071	22,071	---	---	D
Supported employment State grants.....................	38,152	38,152	38,152	---	---	D
Independent living:						
State grants..	22,296	22,296	22,296	---	---	D
Centers...	58,000	58,000	63,000	+5,000	+5,000	D
Services for older blind individuals................	20,000	20,000	25,000	+5,000	+5,000	D
Subtotal, Independent living......................	100,296	100,296	110,296	+10,000	+10,000	
Program Improvement...................................	1,900	900	900	-1,000	---	D
Evaluation..	1,587	1,000	1,000	-587	---	D
Helen Keller National Center for Deaf/Blind...........	8,717	8,717	8,717	---	---	D
National Institute for Disability and Rehabilitation Research (NIDRR)...........................	100,400	110,000	110,000	+9,600	---	D
Assistive Technology..................................	41,112	60,884	60,884	+19,772	---	D
Access to Telework Fund...............................	---	20,000	20,000	+20,000	---	D
Subtotal, discretionary programs................	405,549	448,734	460,734	+55,185	+12,000	
Total, Rehabilitation services..................	2,805,339	2,930,117	2,942,117	+136,778	+12,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND	12,000	12,000	13,000	+1,000	+1,000	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF						
Operations	48,000	48,000	50,000	+2,000	+2,000	D
Construction	5,376	4,570	5,376	---	+806	D
Total	53,376	52,570	55,376	+2,000	+2,806	
GALLAUDET UNIVERSITY						
Operations	89,400	89,400	95,600	+6,200	+6,200	D
Total, Special institutions	154,776	153,970	163,976	+9,200	+10,006	
VOCATIONAL AND ADULT EDUCATION						
Vocational education:						
Basic State Grants, current funded	309,000	1,100,000	441,250	+132,250	-658,750	D FF
Advance from prior year	(791,000)	(791,000)	(791,000)	---	---	NA
FY03	791,000	---	808,750	+17,750	+808,750	D
Basic State Grants, program level	1,100,000	1,100,000	1,250,000	+150,000	+150,000	
Tech-Prep Education	106,000	106,000	110,000	+4,000	+4,000	D FF
Tribally Controlled Postsecondary Vocational Institutions	5,600	5,600	6,000	+400	+400	D
National Programs	17,500	12,000	12,000	-5,500	---	D FF
Tech-Prep Education Demonstration	5,000	---	---	-5,000	---	D FF
Occupational and Employment Information Program	9,000	---	---	-9,000	---	D FF
Subtotal, Vocational education	1,243,100	1,223,600	1,378,000	+134,900	+154,400	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Adult education:						
State Grants, current funded	540,000	540,000	595,000	+55,000	+55,000	D FF
National programs:						
National Leadership Activities	14,000	9,500	9,500	-4,500	---	D FF
National Institute for Literacy	6,500	6,560	6,560	+60	---	D FF
Subtotal, National programs	20,500	16,060	16,060	-4,440	---	
Subtotal, Adult education	560,500	556,060	611,060	+50,560	+55,000	
State Grants for Incarcerated Youth Offenders	22,000	22,000	17,000	-5,000	-5,000	D FF
Total, Vocational and adult education	1,825,600	1,801,660	2,006,060	+180,460	+204,400	
Current Year	(1,034,600)	(1,801,660)	(1,197,310)	(+162,710)	(-604,350)	
FY03	(791,000)	---	(808,750)	(+17,750)	(+808,750)	
Subtotal, forward funded	(1,029,000)	(1,796,060)	(1,191,310)	(+162,310)	(-604,750)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
STUDENT FINANCIAL ASSISTANCE						
Pell Grants -- maximum grant (NA)	(3,750)	(3,850)	(4,000)	(+250)	(+150)	NA
Pell Grants -- Regular Program	8,756,000	9,756,000	10,458,100	+1,702,100	+702,100	D
Federal Supplemental Educational Opportunity Grants	691,000	691,000	725,000	+34,000	+34,000	D
Federal Work Study	1,011,000	1,011,000	1,011,000	---	---	D
Federal Perkins loans:						
Capital Contributions	100,000	100,000	100,000	---	---	D
Loan Cancellations	60,000	60,000	60,000	---	---	D
Subtotal, Federal Perkins loans	160,000	160,000	160,000	---	---	
LEAP program	55,000	55,000	55,000	---	---	D
Loan Forgiveness for Child Care	1,000	1,000	1,000	---	---	D
Total, Student financial assistance	10,674,000	11,674,000	12,410,100	+1,736,100	+736,100	
FEDERAL FAMILY EDUCATION LOAN PROGRAM						
Federal Administration	48,000	49,636	49,636	+1,636	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening Institutions	73,000	73,000	73,000	---	---	D
Hispanic Serving Institutions	68,500	72,500	81,500	+13,000	+9,000	D
Strengthening Historically Black Colleges (HBCUs)	185,000	197,000	215,000	+30,000	+18,000	D
Strengthening historically black graduate insts	45,000	48,000	50,000	+5,000	+2,000	D
Strengthening Alaska / Native Hawaiian Instit	6,000	6,000	6,000	---	---	D
Strengthening Tribal Colleges	15,000	15,000	17,000	+2,000	+2,000	D
Subtotal, Institutional development	392,500	411,500	442,500	+50,000	+31,000	
Program development:						
Fund for the Improvement of Postsec. Ed. (FIPSE)	146,687	51,200	52,400	-94,287	+1,200	D
Minority Science and Engineering Improvement	8,500	8,500	8,500	---	---	D
International education and foreign language:						
Domestic Programs	67,000	67,000	80,000	+13,000	+13,000	D
Overseas Programs	10,000	10,000	11,500	+1,500	+1,500	D
Institute for International Public Policy	1,022	1,022	1,500	+478	+478	D
Subtotal, International education	78,022	78,022	93,000	+14,978	+14,978	
Interest Subsidy Grants	10,000	5,000	5,000	-5,000	---	D
Federal TRIO Programs	730,000	780,000	800,000	+70,000	+20,000	D
GEAR UP	295,000	227,000	285,000	-10,000	+58,000	D
Byrd Honors Scholarships	41,001	41,001	41,001	---	---	D
Javits Fellowships	10,000	10,000	10,000	---	---	D
Graduate Assistance in Areas of National Need	31,000	31,000	31,000	---	---	D
Learning Anytime Anywhere Partnerships	30,000	---	---	-30,000	---	D
Teacher Quality Enhancement Grants	98,000	54,000	100,000	+2,000	+46,000	D
Child Care Access Means Parents in School	25,000	25,000	25,000	---	---	D
Demonstration in Disabilities / Higher Education	6,000	---	6,000	---	+6,000	D
Underground Railroad Program	1,750	---	1,750	---	+1,750	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
WEB Based Education Commission........................	250	---	---	-250	---	D
GPRA data/HEA program evaluation......................	3,000	1,000	1,000	-2,000	---	D
Thurgood Marshall Scholarships........................	4,000	---	5,000	+1,000	+5,000	D
Olympic Scholarships..................................	1,000	---	1,000	---	+1,000	D
Total, Higher education............................	1,911,710	1,723,223	1,908,151	-3,559	+184,928	
HOWARD UNIVERSITY						
Academic Program......................................	198,500	198,500	208,500	+10,000	+10,000	D
Endowment Program.....................................	3,600	3,600	3,600	---	---	D
Howard University Hospital............................	30,374	30,374	30,374	---	---	D
Total, Howard University...........................	232,474	232,474	242,474	+10,000	+10,000	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration..............................	762	762	762	---	---	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT						
Federal Administration................................	208	208	208	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT						
Research and statistics:						
Research	120,567	123,067	147,567	+27,000	+24,500	D
Regional Educational Laboratories	65,000	65,000	70,000	+5,000	+5,000	D
Statistics	80,000	85,000	85,000	+5,000	---	D
Assessment:						
National Assessment	36,000	105,000	107,500	+71,500	+2,500	D
National Assessment Governing Board	4,000	4,053	4,053	+53	---	D
Subtotal, Assessment	40,000	109,053	111,553	+71,553	+2,500	
Subtotal, Research and statistics	305,567	382,120	414,120	+108,553	+32,000	
Fund for the Improvement of Education	338,781	---	---	-338,781	---	D
International Education Exchange	10,000	---	---	-10,000	---	D
Civic Education	12,000	---	12,000	---	+12,000	D
Eisenhower Professional Dvp. Federal Activities	23,300	---	---	-23,300	---	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	---	---	-15,000	---	D
Javits Gifted and Talented Education	7,500	---	7,500	---	+7,500	D
National Writing Project	10,000	---	12,000	+2,000	+12,000	D
Total, ERSI	722,148	382,120	445,620	-276,528	+63,500	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION................................	412,196	424,212	427,212	+15,016	+3,000	D
OFFICE FOR CIVIL RIGHTS..............................	75,822	79,934	79,934	+4,112	---	D
OFFICE OF THE INSPECTOR GENERAL......................	36,411	38,720	38,720	+2,309	---	D
Total, Departmental management.................	524,429	542,866	545,866	+21,437	+3,000	
Total, Department of Education.................	44,637,611	47,022,546	51,749,765	+7,112,154	+4,727,219	
Current Year................................	(30,056,311)	(47,022,546)	(37,150,715)	(+7,094,404)	(-9,871,831)	
FY03..	(14,581,300)	---	(14,599,050)	(+17,750)	(+14,599,050)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
TITLE IV - RELATED AGENCIES						
ARMED FORCES RETIREMENT HOME						
Operations and Maintenance	60,000	61,628	61,628	+1,628	---	D
Capital Program	9,832	9,812	9,812	-20	---	D
Total, AFRH	69,832	71,440	71,440	+1,608	---	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)						
Domestic Volunteer Service Programs: Volunteers in Service to America (VISTA)	83,074	82,074	83,074	---	+1,000	D
National Senior Volunteer Corps: Foster Grandparents Program	98,868	102,868	109,468	+10,600	+6,600	D
Senior Companion Program	40,395	44,395	44,395	+4,000	---	D
Retired Senior Volunteer Program	48,884	54,884	54,884	+6,000	---	D
Senior Demonstration Program	400	400	400	---	---	D
Subtotal, Senior Volunteers	188,547	202,547	209,147	+20,600	+6,600	
Program Administration	32,229	32,229	32,229	---	---	D
Total, Domestic Volunteer Service Programs	303,850	316,850	324,450	+20,600	+7,600	

(1) Appropriations for Americorps are provided in the VA-HUD bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
CORPORATION FOR PUBLIC BROADCASTING:						
FY04 (current request) with FY03 comparable.......	365,000	---	365,000	---	+365,000	D
FY03 advance with FY02 comparable (NA)............	(350,000)	(365,000)	(365,000)	(+15,000)	---	NA
FY02 advance with FY01 comparable (NA)............	(340,000)	(350,000)	(350,000)	(+10,000)	---	NA
Digitalization program (1)........................	20,000	20,000	25,000	+5,000	+5,000	D
Subtotal, FY02 appropriation....................	(360,000)	(370,000)	(375,000)	(+15,000)	(+5,000)	
FEDERAL MEDIATION AND CONCILIATION SERVICE............	38,200	39,482	39,482	+1,282	---	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION......	6,320	6,939	6,939	+619	---	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES..............	207,469	168,078	168,078	-39,391	---	D
MEDICARE PAYMENT ADVISORY COMMISSION..................	8,000	8,000	8,000	---	---	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	1,495	---	1,000	-495	+1,000	D
NATIONAL COUNCIL ON DISABILITY........................	2,615	2,830	2,830	+215	---	D
NATIONAL EDUCATION GOALS PANEL........................	1,500	2,000	---	-1,500	-2,000	D
NATIONAL LABOR RELATIONS BOARD........................	216,438	221,438	221,438	+5,000	---	D
NATIONAL MEDIATION BOARD..............................	10,400	10,635	10,635	+235	---	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION......	8,720	8,964	8,964	+244	---	D

(1) Current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
RAILROAD RETIREMENT BOARD						
Dual Benefits Payments Account	160,000	146,000	146,000	-14,000	---	D
Less Income Tax Receipts on Dual Benefits	-10,000	-9,000	-9,000	+1,000	---	D
Subtotal, Dual Benefits	150,000	137,000	137,000	-13,000	---	
Federal Payment to the RR Retirement Account	150	150	150	---	---	M
Limitation on administration	95,000	97,700	97,700	+2,700	---	TF
Inspector General	5,700	6,480	6,042	+342	-438	TF
SOCIAL SECURITY ADMINISTRATION						
Payments to Social Security Trust Funds	20,400	434,400	434,400	+414,000	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS						
Benefit payments	484,078	440,931	440,931	-43,147	---	M
Administration	5,670	5,909	5,909	+239	---	M
Subtotal, Black Lung, current year program level	489,748	446,840	446,840	-42,908	---	
Less funds advanced in prior year	-124,000	-114,000	-114,000	+10,000	---	M
Total, Black Lung, current request	365,748	332,840	332,840	-32,908	---	
New advances, 1st quarter FY03	114,000	108,000	108,000	-6,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments	30,483,000	29,046,000	29,046,000	-1,437,000	---	M
Beneficiary services	71,000	37,412	37,412	-33,588	---	M
Research and demonstration	30,000	30,000	30,000	---	---	M
Administration	2,349,000	2,627,000	2,627,000	+278,000	---	D
Subtotal, SSI current year program level	32,933,000	31,740,412	31,740,412	-1,192,588	---	
Less funds advanced in prior year	-9,890,000	-10,470,000	-10,470,000	-580,000	---	M
Subtotal, regular SSI current year (2001/2002)	23,043,000	21,270,412	21,270,412	-1,772,588	---	
Additional CDR funding (1)	210,000	200,000	200,000	-10,000	---	D
User Fee Activities	91,000	100,000	100,000	+9,000	---	D
Total, SSI, current request	23,344,000	21,570,412	21,570,412	-1,773,588	---	
New advance, 1st quarter, FY03	10,470,000	10,790,000	10,790,000	+320,000	---	M

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
LIMITATION ON ADMINISTRATIVE EXPENSES						
OASDI Trust Funds	3,138,200	3,212,200	3,212,200	+74,000	---	TF
HI/SMI Trust Funds	1,094,000	1,194,000	1,194,000	+100,000	---	TF
Social Security Advisory Board	1,800	1,800	1,800	---	---	TF
SSI	2,349,000	2,627,000	2,627,000	+278,000	---	TF
Subtotal, regular LAE	6,583,000	7,035,000	7,035,000	+452,000	---	
User Fee Activities (SSI)	91,000	100,000	100,000	+9,000	---	TF
TOTAL, REGULAR LAE	6,674,000	7,135,000	7,135,000	+461,000	---	
Additional CDR funding (1) OASDI	240,000	233,000	233,000	-7,000	---	TF
SSI	210,000	200,000	200,000	-10,000	---	TF
Subtotal, CDR funding	450,000	433,000	433,000	-17,000	---	
TOTAL, LAE	7,124,000	7,568,000	7,568,000	+444,000	---	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
OFFICE OF INSPECTOR GENERAL						
Federal Funds	16,944	19,000	19,000	+2,056	---	D
Trust Funds	52,500	56,000	56,000	+3,500	---	TF
Total, Office of the Inspector General	69,444	75,000	75,000	+5,556	---	
Adjustment: Trust fund transfers from general revenues	-2,650,000	-2,927,000	-2,927,000	-277,000	---	TF
Total, Social Security Administration	38,857,592	37,951,652	37,951,652	-905,940	---	
Federal funds	34,331,092	33,254,652	33,254,652	-1,076,440	---	
Current year	(23,747,092)	(22,356,652)	(22,356,652)	(-1,390,440)	---	
New advances, 1st quarter	(10,584,000)	(10,898,000)	(10,898,000)	(+314,000)	---	
Trust funds	4,526,500	4,697,000	4,697,000	+170,500	---	
UNITED STATES INSTITUTE OF PEACE	15,000	15,207	15,000	---	-207	D
Total, Title IV, Related Agencies	40,383,281	39,084,845	39,460,800	-922,481	+375,955	
Federal Funds	35,748,081	34,275,665	34,652,058	-1,096,023	+376,393	
Current Year	(24,799,081)	(23,377,665)	(23,389,058)	(-1,410,023)	(+11,393)	
FY03	(10,584,000)	(10,898,000)	(10,898,000)	(+314,000)	---	
FY04	(365,000)	---	(365,000)	---	(+365,000)	
Trust Funds	4,635,200	4,809,180	4,808,742	+173,542	-438	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request
SUMMARY					
Grand bill total	364,973,854	399,709,442	406,818,551	+41,844,697	+7,109,109
Federal Funds	354,576,300	388,979,617	396,079,126	+41,502,826	+7,099,509
Current year	(286,635,699)	(328,625,680)	(317,563,139)	(+30,927,440)	(-11,062,541)
Advance Year, FY03	(68,001,751)	(60,353,937)	(78,450,987)	(+10,449,236)	(+18,097,050)
Advance Year, FY04	(365,000)	---	(365,000)	---	(+365,000)
Trust Funds	10,397,554	10,729,825	10,739,425	+341,871	+9,600
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill	255,313,074	283,380,686	283,320,801	+28,007,727	-59,885
Less advances for subsequent years	-49,527,451	-60,353,937	-60,353,937	-10,826,486	---
Plus advances provided in prior years	42,791,003	49,527,451	49,527,451	+6,736,448	---
Subtotal, mandatory	248,576,626	272,554,200	272,494,315	+23,917,689	-59,885

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request
Discretionary, total in bill	109,660,780	116,328,756	123,497,750	+13,836,970	+7,168,994
Less advances for subsequent years	-18,839,300	---	-18,462,050	+377,250	-18,462,050
Plus advances provided in prior years	18,953,435	18,824,300	18,824,300	-129,135	---
Scorekeeping adjustments:					
Adjustment to balance with 2001 bill	-2,061	---	---	+2,061	---
Adjustment for leg cap on Title XX SSBGs	---	---	---	---	---
SSA User Fee Collection	-91,000	-100,000	-100,000	-9,000	---
Sec. 515 - SSA User Fee Collection	-10,000	---	---	+10,000	---
Title XX	25,000	---	---	-25,000	---
TANF Transfer	---	---	---	---	---
SSA State Reimbursement	-295,000	---	---	+295,000	---
Welfare to work and child support	-50,000	---	---	+50,000	---
Health care fraud and abuse limitation	---	---	-35,000	-35,000	-35,000
Title VI - Mark-to-Market	---	---	-354,000	-354,000	-354,000
Total, discretionary, current year	109,351,854	135,053,056	123,371,000	+14,019,146	-11,682,056
Grand total, current year	357,928,480	407,607,256	395,865,315	+37,936,835	-11,741,941

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 11 minutes.

Mr. Chairman, Jim Dyer, Craig Higgins, Carol Murphy, Meg Synder, Susan Firth, Nicole Wheeler, Francine Mack-Salvador, Lori Rowley, David Reich, Cheryl Smith, Linda Pagelson, Lin Liu, David Pomerantz, Scott Lilly, Bob Bonner, Melody Clark, Christina Hamilton, Norm Suchar, Dayle Lewis, Scott Boule, Kristin Holman, Charles Dujon, Matt Braunstein, Chris Kukla and the associate staff on the majority side: What do all of those names have in common? They are the people who really put together this bill. Every Member of the House will have an opportunity to vote on this bill, and I think we can do that proudly, because I think it is a good bill. But the people who worked just as hard and, in fact, probably harder and the people who worked out many of the compromises that were needed to produce a bill which is truly a bipartisan bill were the people whom I just named. I want to express my appreciation to each and every one of them, because without them, we would not be able to deliver what we are delivering to the American people here today.

In my view, Mr. Chairman, this bill ought to be named the Family Opportunity and Health Security Act of 2001, because this bill, more than any other bill that we deal with, provides opportunity for average working families to share in the goodness that this society provides. And it also provides for the improvement of the health of every single American and, in fact, probably every single person in the world who is within the reach of any kind of civilized medicine. I think we ought to be very proud of that.

This is the second bipartisan bill that we have had on labor, health and education and social services in the last 7 years, and I hope that it is going to be the first of a long series of bipartisan bills in the future. This bill is the place that you go to measure congressional commitment to equal opportunity in education, to worker protection, worker fairness at the bargaining table. It is the place you go to see what our society will do to help those who are unlucky enough to be without health care or who have special problems in the health care area and need special help. It is the place where virtually every family goes to obtain advances in medical care. And it is the place where many people in this society go who live life on the underside to find some help and some relief from the pain and pressure of their daily problems. And I would say it is also the place where we go if we want to have some measure of the determination that is being applied, the human ingenuity that is being applied, in order to unlock the scientific mysteries of disease and its treatment and to protect public health. And each and every Member of this House can be proud to vote for this bill.

The bill is $12 billion over last year and I make an apology for absolutely not one dollar. I wish it had been more, because the families in this country who are serviced by this bill need more help than this bill will provide. The bill is $7 billion above the President, and I am pleased about that.

In the area of education, for the past 5 years this Congress has produced an education bill which provides about a 13 percent increase on average. The President's budget this year initially recommended that that increase be cut to 5.8 percent. This bill provides a 17 percent increase in funding for education. There is no more important long-term investment that we can make than that one.

In the area of education, special education, Mr. Chairman, is the third largest item in this bill. It is funded at $375 million above the President's recommendation. We have $7.7 billion in the bill. In 2 years we will have increased the Federal share of the cost of providing special education by 50 percent, and I hope we can increase it by 50 percent again in the next 2 years.

Title I is the main program that we use to try to provide extra educational help to the children who need it most, disadvantaged children who are at risk of dropping out and never making it, either in school or in society. This bill provides $10.5 billion, $1.4 billion over the President's request, $1.7 billion over last year. This is the largest increase in that program in the history of the program.

Pell Grants. That is the main program by which we assist average working-class families in this country to send their kids to college. It is a real door-opener to higher education opportunity. We provide in this bill a $4,000 maximum grant for those who qualify, $150 over the President's request, $250 over last year. Every dollar is well spent and will be well received by the American people.

The block grant for teacher training and class size reduction, $1 billion over last year and $575 million over the budget recommendation.

After-school centers, $154 million above the request. That program is in demand more than almost any I know in this bill, because as families' lifestyles have changed, so have their needs to see to it that their children at all times will be in healthy, wholesome places. There is no more treacherous time for children from the age of 12 to 15 than the after-school hours. That is when most of the juvenile crime is committed in this country and that is when we need the most supervision of kids, and this program, I hope, will be an ever-expanding program to help provide that supervision.

In the area of health care, we are $1.3 billion above the President, $3.4 billion above last year. Community health centers, we are $26 million above the President. That has also been a high priority item for the President himself. For Healthy Start, we are $102 million in this bill, $12 million again above the budget request.

Centers for Disease Control, crucial in these times when we are concerned about public health, when we see the anthrax concerns in Florida, we are $265 million above last year, $430 million above the President's request. For bioterrorism, we have a 28 percent increase above last year and the President's budget and in a follow-on appropriation bill we will have substantially more money than we have in this bill for that same item.

Mental health, $68 million above the President. There ought to be more. We have serious problems that are not being met in that area.

Human services. The Low-Income Heating Assistance Program that helps keep low-income senior citizens warm in the wintertime so they do not have to choose between heating and eating, $300 million above the President's request. I wish it could be more. Head Start, $276 million above last year.

In the area of the Labor Department, all of the personnel cuts in OSHA and Mine Safety have been eliminated. And we have added what I consider to be all too modest increases in other worker protection accounts. The international labor program that helps defend our workers and our country from the production of goods and services by slave labor and child labor abroad, we have restored fully the cuts that were recommended in the White House budget.

Title VI, foreign language studies. As I said in Committee, when the Russians invaded Afghanistan a number of years ago, we did not have enough language specialists to respond in the correct language. So our information services responded in Farsi. That did not help anybody in Afghanistan. They may have understood it in Iran, but they did not understand it in Afghanistan. We missed the target a little bit. Since then, what has happened in that area? Almost nothing. That is why we have a 19 percent increase in this bill. As you know, we also had an increase in another bill for the same item that passed this House last week.

All in all, this bill is far from perfect. I think given the needs of our society, we need more in education, in health care and in worker protection, but this is a very good bill given the circumstances in which we found ourselves in January. I very much appreciate the efforts made by the majority to make this a bipartisan bill. I very much appreciate the professionalism with which this bill has been approached by the gentleman from Ohio (Mr. REGULA), the distinguished subcommittee chairman, and also the distinguished gentleman from Florida

(Mr. YOUNG). He and I have many, many political differences. We do not have very many personal differences. We have disagreed many times but we have dealt with each other, I think, in a straight-shooting way. And I appreciate the fact that after some concern on this bill, we have brought a bill to this floor today under the rules of the House which treats everyone fairly and respectfully. And I think because of that, we are going to see a very large vote for this bill on both sides of the aisle.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee. Again I want to emphasize how much help he and the gentleman from Wisconsin (Mr. OBEY) in his role as ranking on the full committee have provided to us to make this bill the success that I think it is.

Mr. YOUNG of Florida. Mr. Chairman, I rise to support this very good appropriations bill for our educational systems, for our health systems, for our labor programs and all of the associated programs represented by this bill. I want to add my compliments to Chairman REGULA. For years, Chairman REGULA chaired the Subcommittee on the Interior and did an outstanding job. This is his first time to chair this very important subcommittee, and he and Ranking Member OBEY have presented a bill that I think we can all be very, very proud of. The gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) have explained much of the detail of the bill and I am not going to reiterate that.

I would like our Members to know that they might be a little surprised to see the bipartisanship in this debate today, but it was nearly 4 months ago that Chairman REGULA, Ranking Member OBEY and I sat together and decided that we really ought to make this a good bill that represents the needs of America rather than anyone's political agenda. That is what we have done and that is what we present to you today. This is the second largest appropriations bill of our 13 regular bills, the first being national defense.

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Each one equally is important. National defense and the defense appropriations provide what is needed to secure America; this bill provides what is needed to secure the people of America in their personal needs, their health needs, their educational needs. The subcommittee has done a really great job in bringing this bill before us.

I wanted to compliment the gentlewoman from Pennsylvania (Ms. HART). I listened attentively to her comments earlier today. She discussed an important issue. But I really appreciate and thank her for the statesmanlike way that she addressed not only the issue, but the way she addressed the legislative process. I think she is to be complimented for the way she has handled herself on this particular issue.

It was important today to get this bill completed. It is the next to the last of the regular appropriations bills. The next one and the last one will be National Defense.

Then we change direction and go to the conference reports. We plan today to have the first conference report of a regular bill, the Interior bill, on the floor; and we will move quickly to conferencing all of the other bills that have been passed by both the House and the Senate. And hopefully our Members can look forward to early dismissal on the part of appropriations bills.

We will also be required to do another continuing resolution for approximately 1 week, which hopefully again we will do that this afternoon as well.

With that, I would just like to again compliment the gentleman from Ohio (Mr. REGULA) for an outstanding job, the gentleman from Wisconsin (Mr. OBEY) for an outstanding job, and all the members of the subcommittee and the staff on both sides of the political aisle for producing a good bill for Americans, one we can all be proud of.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I want to rise initially, as I said in full committee, I have had the opportunity to serve on this subcommittee now for 18 years. It has been led by some extraordinary Americans on both sides of the aisle. I started my service under Mr. Natcher. Bill Natcher of Kentucky was a legend in this institution. During the course of his service, he cast more consecutive votes than any person in history, a compliment to his sense of responsibility and his extraordinary self discipline. Succeeding him was Mr. Smith, and then the gentleman from Wisconsin (Mr. OBEY), and then Mr. Porter. When the Republicans took control in 1995, John Porter succeeded to the chairmanship, and he did an extraordinary job in a bipartisan fashion.

This bill, however, was not always treated in a bipartisan fashion, as we know, not, frankly, because of the appropriators or the chairman of the Committee on Appropriations, but because of the extrinsic forces that came on to the committee with reference to caps on spending that were totally unrealistic and therefore led to either the bill being considered in a partisan fashion or, in fact, 1 year not being considered at all on the floor of the House and ultimately being considered in an omnibus appropriations bill.

But this year, this is a real bill; and it is a good bill. It is not a perfect bill. In fact, of course, we never pass perfect bills. But this bill is unique. It is in so many ways the people's bill, because it affects literally millions and millions, not only of Americans, but people around the world, who benefit from the research at NIH and who benefit from other facets of this legislation. But clearly the American people are advantaged by this bill.

The gentleman from Wisconsin (Mr. OBEY) is absolutely correct when he says there are insufficient resources in this bill. When you sit in markup on both sides of the aisle, liberals, conservatives, East, West, North and South, Members say there needs to be more in this program or that program. I am going to speak about a couple of them briefly.

But this basically is a good bill; and I will support it, as the gentleman from Wisconsin (Mr. OBEY) is going to support it.

I want to again say, as I do almost every time I stand, because I think it is important for the American public to know the kind of leadership we have on critically important committees, the gentleman from Florida (Mr. YOUNG) is the epitome of fairness, integrity and bipartisanship. His view is on America's well-being, not on partisan gain. Those of us who serve with him are advantaged by doing so. I thank him for his leadership.

The good news for our subcommittee is that the gentleman from Ohio (Mr. REGULA) falls into the same category of a person focused on America, on Americans, and the country's interests, not on partisan interests. Therefore, this advantages this bill and our country.

Now, Mr. Chairman, let me mention a couple of issues, if I might, that I am very concerned about. The National Immunization Program at CDC receives a significant increase in this bill; and I thank the chairman of the subcommittee for that, an increase of $47.5 million over fiscal year 2001. But that is still only half the level that the Institute of Medicine recommended in its report last year for State operations and infrastructure and vaccine purchase.

As the recent report on anthrax in Florida has proven to us, the threat of a biological attack on this Nation is a very real one. I just got off the phone doing a tape for radio with reference to yesterday's incident on a Metro train. As a result, we need to do all we can to ensure that our public health system is able to respond in the event of attack.

I will say more about this when we mark up in conference. I know that there will be some emergency monies available for this objective as well at CDC.

My understanding is the Senator from Georgia, Mr. CLELAND, has suggested as much as a half a billion dollars increase in CDC to anticipate and deal with appropriate response in the event of a biological or chemical threat to the health of a city, a region, or our country.

Let me discuss one additional issue, Mr. Chairman, briefly; and that is the Assistive Technology Act of 1989. I bring that up not because we will add more money to this bill for that objective, but because I am hoping in conference we can add some authorizing legislation. Obviously it must be done with agreement of the authorizers, both in the House and Senate. I understand that, and we are working with them.

But if we fail to do so, nine States are going to lose assistance to make assistive technology available to those with disabilities so that they can be more able to participate fully in our society, whether it is jobs or in their home. I appreciate the chairman's concern about this and that he is working with us; and I appreciate the assistance of the ranking member, the gentleman from Wisconsin (Mr. OBEY), with this effort as well.

If we do not do something next year, nine States in 2002 will lose dollars; and 14 States will lose dollars in 2003 if we do not take action. I am hopeful we will do so, because this assistive technology is extraordinarily important to those challenged with disabilities to be fully incorporated into our society. That was the promise of the Americans with Disabilities Act which President Bush signed on July 26, 1990; and it is an effort that we ought to make to ensure that that promise is fully met.

Again, I thank the chairman of the full committee; and I thank the chairman of the subcommittee and our ranking member for working so diligently to make this bill within the resources available to us the best it could possibly be.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), one of the pride and joys of Ohio, our chairman of the Committee on Education and the Workforce, who has done an outstanding job of providing reforms that will make sure that no child is left behind.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague from Ohio for yielding and begin by congratulating the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY), the gentleman from Florida (Mr. YOUNG), and others who have worked so diligently over the last several months in putting together what truly is a bipartisan bill that we have on the floor today. All of us who have been here for any length of time know the difficulty this bill endures every year, and it is a real tribute to the three of you and the others involved in bringing this bill together.

Like the House-passed education reform bill that preceded it, the bipartisan bill that we have on the floor today by our appropriations colleagues represents a reasonable and necessary compromise between Republicans and Democrats on education spending levels.

The gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY) deserve great credit for their work, which follows H.R. 1 closely and paves the way for reforms that will improve public education for millions of American children. Like H.R. 1, it calls for more funding to implement long overdue education reforms. Like H.R. 1, it targets funding toward key programs, such as title I, to reflect the Federal Government's original mission in education, and that is helping those students who need the help the most.

It increases title I from the current $8.6 billion per year to $10.5 billion, a down payment on our shared goal of closing the achievement gap between disadvantaged students and their peers.

It triples funding for reading programs to $900 million to implement the President's Reading First initiative and helps schools implement programs based on scientific research.

It increases funding for teachers program by $1 billion a year to implement and make sure that States and schools can put the best-qualified teachers in each of our classrooms.

It increases bilingual education from $460 million a year to $700 million a year.

It increases funding for Individuals With Disabilities Education Act (Part B) by $1.4 billion over last year's number. We should all recognize that the increases that we have given to IDEA over the last 6 years have more than doubled funding for students with disabilities; and this increase that we have in this bill, I think, is a giant step forward in meeting our long-term obligation.

The bill also increases Pell Grants by $1.7 billion over last year's level and increases the maximum award granted to $4,000 per student. In a time of a slow economy, this $4,000 in Pell Grants will help the neediest of our high school graduates get the kind of education and training they need.

These funding increases should be complemented by the enactment of historic reforms that are at the core of the President's education plan. The new accountability that we see in the President's package will help us stem what has been going on in this town for a long time. New increases without accountability will simply amount to business as usual in Federal education policy, prolonging the status quo that Republicans and Democrats have pledged to jointly bring to an end.

Thirty-five years of mediocrity have taught us that money alone will not close the achievement gap between disadvantaged students and their peers. The House-Senate Education conference will continue working to ensure that these significant funding increases are targeted toward children who need the most help, instead of toward new bureaucracy. They must be used to strengthen existing programs, such as title I, so that disadvantaged students are served, rather than to create new unproven programs that really do not address the primary goal.

So I think we have a bill on the floor that mirrors H.R. 1. We expect our conference to be completed in the next several weeks. That and the completion of this bill, I think, will start us on a path where we can make sure that no child in America is left behind.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EVANS), the ranking minority member on the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Chairman, I would like to start off by taking a moment to personally thank the members of the Committee on Appropriations for the inclusion of increased funding for Parkinson's disease research. We are now on the verge of discovering a cure for Parkinson's. This strong Federal commitment on both the Republican and Democratic side will bring us closer to that end, and I appreciate all those Members helping out.

I do come before the floor today also in the spirit of bipartisanship that has been the rule of the day. In the wake of the cowardly and horrific attacks on our Nation on September 11, partisan wrangling is indeed frivolous.

To ensure that the business of this Nation moves on without delay, I decided not to offer an amendment today that, though I think it is crucial for the importance of the health of millions of Americans, could potentially be controversial and slow down the legislative process.

Had our Nation not been struck on that faithful day 1 month ago today, I would have offered an amendment to expand stem cell research. This amendment, which I would like to submit for the RECORD at this time, takes a cautious measured approach to realizing the full potential of promising research.

Mr. Chairman, I include the amendment I had proposed for the RECORD.

AMENDMENT TO H.R. 3061, AS REPORTED OFFERED BY MR. EVANS OF ILLINOIS

At the end of section 510, add the following:

(c) HUMAN EMBRYONIC STEM CELLS.—

(1) FINDINGS.—The Congress finds as follows:

(A) The President's decision to allow human embryonic stem cell research to go forward on stem cell lines derived on or before August 9, 2001, provides a crucial first step in conducting basic research on stem cells.

(B) Basic research on human embryonic stem cells is essential to determine how stem cells proliferate, specialize, and differentiate.

(C) Human embryonic stem cell research holds promise for cures and improved treatments for a wide array of diseases and injuries, including Alzheimer's disease, cardiovascular disease, diabetes, Parkinson's disease, and spinal cord injuries.

(D) The National Academy of Sciences and leading biomedical researchers agree that therapies for use by humans will not result from stem cell lines derived from human embryos on or before August 9, 2001, which have been grown with the use of animal products that pose health risks to humans.

(E) The President's policy must be revised if the Nation is to realize human applications of stem cell research.

(F) Given the promise of human embryonic stem cell research, the Congress should act expeditiously to consider Federal funding for this important research. If the Congress fails to address this issue expeditiously, the National Institutes of Health must be allowed to expand Federal funding of human embryonic stem cell research beyond research on stem cell lines derived on or before August 9, 2001.

(2) IN GENERAL.—Not later than August 9, 2003, the Director of the National Institutes of Health shall issue guidelines to authorize funding for research using stem cells that were derived from human embryos after August 9, 2001, if the applicant provides assurances satisfactory to the Director of the following:

(A) DATE OF DERIVATION.—The research cannot be conducted effectively using one or more stem cells that were derived from a human embryo on or before August 9, 2001.

(B) CONDITIONS OF DERIVATION.—Any human embryonic stem cell to be used in the research may be derived from an embryo only if that embryo has been donated from an in-vitro fertilization clinic in compliance with the following:

(i) The human embryonic stem cell is not derived from the embryo using Federal funds.

(ii) The embryo from which the stem cell is derived is created for the purpose of fertility treatment and is in excess of the clinical need of the individuals seeking the treatment.

(iii) Before being asked to consider donating the embryo for research purposes, the embryo's progenitors determine that the embryo is in excess of their clinical need for fertility treatment.

(iv) Before being asked to consider donating the embryo for research purposes, the embryo's progenitors are given the option of donating the embryo to an infertile couple for adoption.

(v) The embryo is donated with the informed, written consent of the embryo's progenitors (including a statement that the embryo is being donated for research purposes).

(vi) The decision of the embryo's progenitors to donate the embryo is made free of any influence by any researcher or investigator proposing to derive or use human embryonic stem cells in research.

(vii) Any compensation paid for the human embryonic stem cell does not exceed the reasonable costs of transportation, processing, preservation, quality control, and storage of the cell.

(3) EARLIER STEM CELL LINES.—This subsection does not impose any restriction on funding for research using stem cells that were derived from human embryos on or before August 9, 2001.

(4) APPLICATION.—Paragraph 2(A) shall not apply after August 8, 2005.

(5) EFFECTIVE DATE.—The guidelines issued under paragraph (2) shall take effect on August 9, 2003.

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I believe the majority of my colleagues will find this compromise a prudent approach to this sensitive issue.

The amendment acknowledges the President's policy as a good starting place and allows research to go forward only under this policy in the near future. The science is in its infancy and the President's policy may be ultimately sufficient to conduct the most basic stem cell research that will be the foundation of science for the years to come.

But this policy will not suffice for the long term. Leading researchers and the National Academy of Sciences agree that it will not result in human therapies. This amendment would give Congress plenty of time to thoughtfully consider the issue of federal funding for embryonic stem cell research. However, if we fail to act in the next two years, NIH would be directed to incrementally expend embryonic stem cell research over a period of several years.

While I will not offer this compromise amendment today, I wanted to take this opportunity to remind members how critical this issue is to the millions of Americans who stand to benefit from this exciting new research. I hope that I can count on my colleagues' support when we revisit this issue next year.

I would also like to take a minute to personally thank the members of the Appropriations Committee for the inclusion of increasing funding for Parkinson's Disease research. We are on the verge of discovering a cure for Parkinson's Disease. This strong federal commitment will bring us closer to that end.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), a member of the subcommittee who is very constructive in his work and offers many useful suggestions.

Mr. SHERWOOD. Mr. Chairman, I thank the gentleman for yielding me time. I rise in strong support of H.R. 3061.

Mr. Chairman, it has been a real pleasure for me to serve on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, which has produced this good bill that touches the lives of all Americans. The bill, which deserves our high praise and strong support, is the bipartisan product of the altruistic spirit and genuine compassion of the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee. As the chairman has often said, this clearly is the "love thy neighbor" bill.

It is fitting that we come together today, 1 month after the dastardly attacks on our Nation, to provide America with the resources that we need to defend against the threat of bioterrorism and to aid working Americans who have lost their jobs.

I am also glad that we have been able to fulfill the President's Reading First initiative. It is with education that we prepare for the future, and education begins with reading.

I am particularly gratified that the bill provides a $1.4 billion increase in special education. My 20 years on the public school board in Tunkhannock, Pennsylvania, has shown me how much more difficult local spending decisions made by school boards were made by IDEA mandates without adequate Federal funding. So I am glad that we addressed that.

Yesterday, the National Center for Health Statistics reported that America's life expectancy rose again last year. That report is a credit to the effort of Congress to support biomedical research and to improve treatments and cures for illnesses which afflict the American family. With this bill, we continue that effort.

Although it is a very modest program, only $5.3 billion, the Rural Community Assistance Program and the Office of Community Services Rural Facilities is very vital. RCAP helps rural communities to apply for assistance and to improve their infrastructure to sustain safe, affordable water.

I urge my colleagues to support this bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, while the terrorists on September 11 may have succeeded in bringing down our World Trade Towers and temporarily scarring the Pentagon, they only strengthened our resolve to get better prepared for bioterrorism and better educate our children.

I want to commend in the strongest terms possible our chairman, the gentleman from Florida (Mr. YOUNG), the gentleman from Ohio (Mr. REGULA), and the gentleman from Wisconsin (Mr. OBEY) for their strong leadership with this bipartisan bill. It is certainly a step forward in better preparing our country educationally and better preparing our country against terrorism.

On title I, a program to help educate our most vulnerable and needy poor children, we have a 20 percent, $1.7 billion increase to attach new reforms and testing to remediate and tutor these children. In Pell grants, this is a first-time Pell grant hit up to $4,000 for students going to college; and that is 57,000 more students who will be eligible to go to college. We also have a program called Transition to Teaching, working on our quality teaching in this country, which is the real key to success for all children.

I want to thank the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) for their help there.

Head Start programs have a $276 million increase, about a 4 percent increase keeping up with inflation. It will help early Head Start significantly more, with more children, for 0 to 3. I hope we will continue to do more for Head Start in conference.

Finally, on bioterrorism, we have a $301 million increase for stockpiling vaccines and for Federal, State, and local responses to help better prepare our forces for a bioterrorist attack. I would encourage this committee in the strongest terms that this is a first step. The gentleman from Pennsylvania (Mr. GREENWOOD) and I have bipartisan legislation for a $1.4 billion increase to better prepare this country on bioterrorism. I hope we will take those steps later on, maybe in the supplemental bill.

Mr. Chairman, again, I applaud the leadership for this bill.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today to speak in favor of the Pell grant increase in the Labor-HHS-Education appropriation bill.

Started in 1972, the purpose of the Pell grant program is to financially assist students from low-income families who would not be able to attend college because of the financial burden it would place on the student and his family. For example, my mom was a single parent who raised three children on the modest salary of a secretary. We lived in a one-bedroom home growing up. I personally would not have been able to go to college if it was not for the Pell grant program. In fact, one in five college students today benefit from Pell grants.

This year we will invest $10.5 billion in Pell grants, the largest investment in our country's history. College students will now be able to receive up to $4,000 a year, or $16,000 over a 4-year college career. This will fully cover the cost of tuition, fees and books at the University of Central Florida in Orlando. Now, all children, rich or poor, will have the opportunity to go to college.

This investment will also help generate up to $85 billion a year in additional tax revenues because students earning a bachelor's degree make 75 percent more money on average than those with only a high school diploma. I want to personally commend and thank the chairman of the subcommittee, the chairman of the full committee, and the ranking member of the subcommittee for their historic leadership in providing this high-level Pell grant funding. They are truly friends to our millions of college students who depend on this aid to go to college.

I urge my colleagues to vote "yes" on the Pell grants and "yes" on the Labor-HHS appropriation bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in allowing me to speak in support of this bill.

I join my colleagues in saluting the committee for the progress for education and health, especially for the IDEA special education grants. I understand why it was difficult to deal with issues of school modernization; but I am hopeful that before this Congress adjourns that we are able to assess that critical need.

But I would like to address my particular attention to the issue of public broadcasting. The committee has found a way to provide $365 million in advanced funding for the Corporation for Public Broadcasting. I think we have all been made aware, just in the course of this last month in our quest for information and news in the wake of September 11, what a critical role public broadcasting plays. A number of the Members of this Chamber looked last week again at some of the critical research videos that have been advanced that really provide broad public understanding of the events in the Middle East.

But of critical importance to public broadcasting is the Federal mandate that all TV stations expand from traditional analogue to modern digital transmission by May 2003. This is a powerful new tool for public broadcasting, but without Federal assistance for digital conversion, many areas of the country could lose their public broadcast signals. One-third of the 347 member stations in the system are considered at risk.

I appreciate the language in this bill providing for an additional $25 million for digitalization; however, this appropriation must be specifically authorized in subsequent legislation. I urge my colleagues to remain aware of this issue and authorize the appropriation in the future. We cannot afford to lose the connection that public broadcast provides between its groundbreaking educational, entertainment, and cultural productions in our communities everywhere. The committee has done its job, and I hope that Congress will follow through.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), also a member of the subcommittee.

Mrs, LOWEY. Mr. Chairman, I rise today in strong support of the fiscal year 2002 Labor, Health and Human Services and Education appropriation bill. It is really a privilege for me to serve on this committee; and I personally want to thank our chairman, the gentleman from Ohio (Mr. REGULA), and our ranking member, the gentleman from Wisconsin (Mr. OBEY). I know of their commitment to the issues that we discuss in this committee; and I want to also thank the staff of the committee, both majority and minority, who really have been a pleasure to work with. Their cooperation has allowed us to consider what should have been the least contentious bill in years, and I do hope that some of the amendments that were in the planning will not be offered so that we can all stand together in support of this really good bill that serves people in this country, because I certainly do not want to be here discussing some of these amendments. I would rather be working on ways to provide for the defense of our citizens, of finding ways to stimulate the economy.

This bill has provided for funding for so many programs that are needed by the American people. The bill significantly increases funding for the National Institutes of Health. We must continue to provide robust funding for medical research so that we can find the cures for disease.

The bill also provides a large increase for the 21st Century Learning Centers After School Program. I remember when I first got on this committee and we had $1 million in the program, and now we are up to $1 billion; and the lines are still long in every community of people who want to provide funding for after-school programs, so I want to thank again the chairman and the ranking member for their help in that area. The program gives millions of children a place to go after school where they can participate in meaningful activities.

I just want to mention one other thing. I do hope as this bill moves through the process we can add some money for school modernization. It has been an issue I have been working on for a very long time, and it is so very important. I do hope we can invest in that critical area. There are so many schools in terrible condition, and we should do something to help local school districts fix this problem. This bill is a very big step in the right direction.

Mr. Chairman, I support the bill; and I urge my colleagues to support it as well.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am proud to join my good friend, the gentleman from Illinois, (Mr. EVANS) who spoke just briefly a few minutes ago in addressing the important issue of stem cell research. The gentleman from Illinois (Mr. EVANS) and I are deeply committed to pursuing ways to reevaluate the August 9 cutoff date of the number of stem cell lines that can be used for four simple reasons. First, research is needed. Nearly one-half of the American population could benefit from stem cell research.

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Two, in vitro fertilization. There are 400 in vitro fertilization clinics throughout the country helping hundreds of thousands of couples per year experience the joy of childbirth through in vitro fertilization. This process necessarily creates more embryos that can be used, so to relegate these potentially lifesaving cells to the trash heap instead of NIH laboratories after the arbitrary deadline of August 9 is inconsistent and unfair to 135 million Americans.

Third, current stem cell supply. Since August 9 we have learned that the 64 cell lines identified by NIH are not all robust and may not be safe because many researchers have mixed human cells with mouse.

Finally, fourth, government oversight. Irrespective of the President's guidelines, the private sector in the United States, as well as the public and private sectors abroad, will continue to conduct research on stem cells that fall outside the parameters established by the Bush administration.

We cannot let America fall behind in this research, and cannot deny our citizens the cures and treatments that may result from research conducted on cells derived after August 9. We must provide strong oversight to ensure that research is conducted by ethical means that do not force us to wrestle with similar moral questions in the near future.

Mr. Chairman, I thank the President for taking the first step, but I respectfully implore my colleagues to take the next. I look forward to working with Members in this endeavor.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the newly elected and soon-to-be whip of the Democratic Party.

Ms. PELOSI. Mr. Chairman, I thank the chairman for yielding time to me, and for his excellent service in bringing this bill to the floor.

I want to commend, certainly, our new chairman of the committee, the gentleman from Ohio (Mr. REGULA), and our big chairman, the chairman of the full committee, for their extraordinary leadership. With all of them working together, the gentleman from Wisconsin (Mr. OBEY), the gentleman from Florida (Mr. YOUNG), and the gentleman from Ohio (Mr. REGULA) put us in position today to vote for a bill that is worthy of our support.

One of the challenges, Mr. Chairman, that has been of particular prominence in the minds of all Americans since September 11 has been the threat of bioterrorism. On the Permanent Select Committee on Intelligence, where I serve as the ranking Democrat, we have studied the threat posed by biological and chemical agents and our ability to respond.

Great strides have been made in recent years, but we must strengthen the ability of the public health infrastructure to detect and contain an attack and treat its victims. This bill provides an increase of $60 million to improve surveillance and strengthen our medical response.

In addition, $20 million has been included for pilot projects to explore the feasibility of developing a Nationwide Health Tracking Network among all States to identify and track disease and related environmental factors. The CDC will use this and increased funding for its environmental health lab to rapidly assess human exposure to environmental toxins.

I am pleased also that HIV care and treatment through Ryan White has been increased by $112 million, and HIV prevention at the CDC has been increased by $86 million.

For the fourth year in a row, we have provided dramatic increases in biomedical research at the NIH. In addition to progress in the search for better treatments and eventually a vaccine for AIDS, these investments are yielding phenomenal progress in our understanding of the human body and how we are affected by our environment.

Additional resources, thanks to our distinguished leadership, have been provided for child care, breast and cervical cancer treatment, drug treatment, bilingual education, worker safety, and many other important areas.

This progress is promising, and I look forward to working with my colleagues on both sides of the aisle to address the unmet health, education, and labor needs that remain.

I urge my colleagues to support the labor, health and human services, and education bill.

Mr. Chairman, I comment Chairman REGULA and Ranking Member OBEY for their leadership on the Labor-HHS-Education Subcommittee. This is a difficult time for our Nation, and this can be a difficult bill to pass because it addresses important needs that we all feel passionate about—health care, education, and a strong work force. The Appropriations Committee has risen to this challenge and I am proud of the bipartisan bill that has been produced.

One challenge has been particularly prominent in the minds of all Americans since the September 11th attacks is the threat of bioterrorism. On the Intelligence Committee, where I serve as the Ranking Democrat, we have studied the threat posed by biological and chemical agents and our Nation's ability to respond. Great strides have been made in recent years, but we must strengthen the ability of our public health infrastructure to detect and contain an attack, and treat its victims. This bill provides an increase of $60 million to improve surveillance and strengthen our medical response.

In addition, $20 million has been included for pilot projects to explore the feasibility of developing a Nationwide Health Tracking Network among all States to identify and track disease and related environmental factors. The CDC will use this and increased funding for its environmental health lab to rapidly assess human exposure to environmental toxins, including biological and chemical agents.

I am also pleased that HIV/AIDS care and treatment through the Ryan White Care Act has been increased by $112 million, and HIV prevention at the CDC has been increased by $86 million.

As new infections remain steady and treatment advances reduce the number of AIDS deaths, more people than ever are living with HIV/AIDS and in need of treatment regimens that are costly, complicated, & lifelong.

For the fourth year in a row, we have provided dramatic increases in biomedical research at the National Institutes of Health. In addition to progress in the search for better treatments and, eventually, a vaccine for AIDS, these investments are yielding phenomenal progress in our understanding of the human body and how we are affected by our environment.

Additional resources have also been provided for child care, breast and cervical cancer screening, drug treatment, bilingual education, worker safety, and many other important areas. This progress is promising, and I look forward to working with my colleagues on both sides of the aisle to address the unmet health, education, and labor needs that remain. I urge my colleagues to support the Labor-Health and Human Services-Education Appropriations bill.

These needs are especially critical for communities of color, where the majority of new AIDS cases are occurring, and I am particularly pleased that funding for the Minority HIV/AIDS Initiative is increased by $37 million. Greater access to voluntary counseling & testing, stronger linkages between prevention & treatment, improved access to AIDS drugs, and a reduction in new HIV infections worldwide are vital, and will require significantly more resources than we currently provide.

We must continue to increase these resources, and commit ourselves to ensuring that the third decade of the AIDS epidemic is the last decade of the AIDS epidemic. The increases that are provided in this bill are an important step forward.

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from New York (Mrs. MALONEY).

The CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) is recognized for 1 minute.

Mrs. MALONEY of New York. Mr. Chairman, 1 month after September 11, Americans continue to contemplate the vulnerability of human life. So I think it is very fitting that we pass a bill today which does so much to preserve and prolong human life.

The bill increases funding for medical research, and keeps within reach the goal of doubling funding for NIH within 5 years. It includes report language that reinforces Congress' commitment to fully fund the NIH Parkinson's disease research agenda for fiscal year 2002. The bill reaffirms the President's commitment to stem cell research. The plan is far too limited, but it is a small step forward. I am pleased that it includes a substantial increase for education, although the bill should have funded the school repair and renovation program.

I applaud the gentleman from Florida (Chairman YOUNG), the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for forging this bill in a bipartisan spirit at a very difficult time. They set an example for the appropriations process this fall, and for American unity and resolve.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have just two things. I would like to read from the Administration letter. It says: "The Administration appreciates that the House has retained the current language provision concerning Federal funding for needle exchange programs and the Hyde language regarding the Federal funding of abortions."

So I want to make clear that this is the same language as has been in the past.

I also want to point out that we do have now the statement of administration policy. It has been coordinated by OMB with all the agencies, and it is a good statement supporting the provisions of this bill. So it truly is a bipartisan bill. It has the support of the leadership on the other side of the aisle and it has the support of our leadership and the support of the White House.

I would urge when we get to the final vote, that all the Members of this body support it. It is truly, as Mr. Natcher used to say, a people's bill.

Mr. BLUMENAUER. Mr. Chairman, my goal in Congress has been the promotion of livable communities. A community that is safe, healthy and economically secure must make the education of our children a priority. The well-being of our families depends on the federal government adequately funding health, education and worker protection programs.

Today's Labor-HHS Appropriations bill is a step in the right direction. It triples the President's proposed rate of new educational investment and significantly increases funding for health care and worker protection programs.

The bill increases education funding by $7.0 billion over last year's level, and $4.7 billion over the President's request. Over the last 5 years, the average annual rate of new educational investment has been 13%. The Bush budget proposed to cut this rate in half to only 5.5%, but the bill passed today increases this to almost 17%—the highest in a decade. Today's bill increases Title 1 funding, special education funding and teacher training and class size reduction funding by over $1 billion. These vital funds will help schools to hire up to 20,000 teachers to reduce class sizes and provide intensive, high quality and sustained professional development to as many as 825,000 teachers.

I applaud the Appropriations committee for approving a bill that does so much for health care in America. The bill increases health programs in the Department of Health and Human Services by $3.4 billion, which is a 10% increase above last year's level. We can all celebrate the increase in funding for Head Start and bioterrorism preparedness.

The bill restores proposed enrollment cuts in Head Start with an increase of $276 million over FY01 levels, preventing potential cuts of as many as 2,500 children from current Head Start enrollment levels. We must not neglect our children at this very important stage in their development. Our communities will also feel the security of an increased investment in the prevention of bioterrorism, a renewed threat to our nation. It is important, now more than ever, that we are prepared with the vaccines and drugs necessary to prevent exorbitant injury and loss of life in the event of a bioterrorist attack.

I am particularly pleased that the bill will increased our commitment to fighting HIV/AIDS, and helping the victims of this terrible disease. The FY02 bill will increase Center for Disease Control AIDS prevention and tracking funds by $53 million, and provide $112 million more than the FY01 level for Ryan White grants.

I am also encouraged by several of the labor provisions included in the bill. Funding for the Department of Labor is increased by 5%, rather than cut by 3% as was proposed by the Administration, providing growth in the major employment, training, and worker protection programs. Some of those improvements include the bill's restoration of the 180 employees that the White House budget proposed to cut from the Occupational Safety and Health Administration (OSHA).

The bill increases Jobs Corps funding $75 million over last year, reversing the President's proposal to flat fund the program. It also restores funding to FY01 levels for the International Labor Organization, reversing the President's proposal to cut $76 million our of this program that works to prevent child and slave labor.

I am pleased that the committee provides $365 million in advance funding for the Corporation for Public Broadcasting. We all are aware of the value of public broadcasting and that value is even more apparent during our quest for information and news in the wake of the September 11, 2001 terrorist attacks.

Of critical importance to Public Broadcasters is the Federal mandate that all public TV stations expand from traditional analog to modern digital transmission by May 2003. I appreciate the language in this bill providing an additional $25 million for digitalization. Without federal assistance for digital conversion, one-third of the 347 member stations the Public Broadcasting System are considered at risk of possibly losing their public television signal once the transition period ends and analog transmission is no longer possible.

These are all important programs for advancing quality of life goals, and supporting all of our citizens. I urge support for this bill.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of the bipartisan agreement represented by H.R. 3061. The Labor, Health and Human Services and Education appropriations bill.

I particularly want to applaud Chairman REGULA and Ranking Member OBEY on the yeoman's job they have done to bring this bill to the floor.

This bill provides significant increases for education above the President's request, and restores and increases funding in many critical health programs above the original request as well. Among these, I am especially pleased that Healthy Start will receive a 13% increase.

Our Minority HIV/AIDS initiative was not funded at its requested level of $540 million. The committee however did provide an increase of $37.3 million above last years funding, an increase of about 11%. For that increase, which is reflected across the board in all of the Departmental agencies, which have responsibility for HIV and AIDS, we are grateful. While it is short of what we determined would be needed, it has the potential to reach many infected and affected people within communities of color and other hard to reach populations, who have been disproportionately and devastatingly impacted by this disease.

What we still have major concerns about is the language, which does not go far enough to ensure that this program funding will go to build capacity in the most severely impacted communities of color.

We would ask that the leadership and those in the conference committee continue to work with us to ensure that the intent and the integrity of the Minority HIV/AIDS initiative—an initiative that would not only begin to bring the epidemic that exists in our communities under control, but also begin to repair and rebuild a now fragmented healthcare infrastructure. In the long run, this small amount of funding, with the appropriate targeting can greatly impact the health status not only of those special populations we seek to reach but the entire nation.

We look forward to addressing the language issue, as it will determine how effective this funding will be.

In the meantime, we again thank the Committee and the Subcommittee for their assistance and support.

Mr. SERRANO. Mr. Chairman, I rise in support of the H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education and a number of related agencies for the fiscal year 2002.

I want to commend Chairman REGULA and Ranking Democrat OBEY and the Members of the Subcommittee on their fine, bipartisan work in crafting this bill. While I do not agree with every provision of the bill—no one does—I deeply appreciate the cooperation and restraint on both sides of the aisle that have brought use to consideration of the bill today.

This bill supports programs and services that are among the most important to our constituents, both in ordinary times and in times of crisis.

As we move forward from the dreadful attacks of September 11th, we must continue to support our children's education, the health and well-being of our people, and the ability of our workforce to thrive in the economy of the 21st Century. At the same time, we must help those whose lives have been disrupted in the aftermath of the attacks and strengthen our long-neglected public health system to meet future challenges, as the anthrax cases in Florida demonstrate.

The bill would provide $14 Billion for the Department of Labor, including important increases in funding for the Job Corps, which has a successful site in my district, and the Employment Standards Administration (ESA) and Occupational Safety and Health Administration, which protect workers from exploitation and injury.

The Department of Health and Human Services would receive $53 billion in discretionary appropriations, including important initiatives in countering bioterrorism, increases for biomedical research, disease control and prevention, and health services. The $150 million increase in funding for community health centers is particularly welcome. Also receiving increases are the child care block grant, Head Start, and other important social services programs, although I wish we could have done more for LIHEAP.

The Education Department would receive $49 Billion, 17% above last year. The President and Members on both sides of the aisle recognize the crucial importance of reforming and funding better schools for our children. In many ways, our future depends on this. The increase in the Pell Grant to $4,000 is also to be applauded.

Mr. Chairman, this is a good bill. I might have put more money into it and distributed the funds a bit differently, but I am pleased to support it and urge my colleagues to do the same.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 3061, the Fiscal Year 2001 Labor, Health and Human Services, and Education Appropriations bill. This legislation would provide $395 billion for the Departments of Labor, Health and Human Services, and Education, and related agencies. I am especially pleased that this legislation would provide a 16 percent increase for education funding and 12 percent increase for biomedical research conducted through the National Institutes of Health (NIH).

With regard to education, I am pleased that this bill would dramatically increase funding for education 'programs by providing $7 billion over FY 2001 levels and $4.7 billion above the President's request. Over the last five years, the average annual rate of new educational investment has been 13 percent. This legislation would increase the education investment to 17 percent—the highest in a decade. While the bill does not include separate funding for the class-size reduction initiative, I am pleased that the program was redirected into teacher quality state grants. Under this legislation, these state grants will receive a $1 billion increase to help schools reduce class size and provide professional development for teachers and other school employees. Additionally, the committee's inclusion of $975 million for the President's Reading First initiation will enable schools to bring proven, research-based reading programs to students in the critical early learning years. The $1 billion increase for 21st Century After School Centers will provide students with a quality after school program. And for students continuing on to higher education, the increase in the Pell Grant maximum grant to $4,000 will enable low-income students to meet today's ever-increasing educational costs. Additionally, the bill wisely rejects proposed enrollment cuts to Head Start, preventing possible cuts for as many as 2,500 children from this critically important program.

I am also pleased that the committee included a 50 percent increase in the federal share of special education costs. Over a two-year period, the funds will raise the federal share toward special education costs to 18 percent from 12 percent. In 1975, Congress passed Public Law 94–142, the Individuals with Disabilities Education Act (IDEA), which committed the federal government to fund up to 40 percent of the educational costs for children with disabilities. However, the federal government's contribution has never exceeded 15 percent, a shortfall that has caused financial hardships and difficult curriculum choices in local school districts. According to the Department of Education, educating a child with a disability costs an average of $15,000 each year. However, the federal government only provides schools with an average of just $833. While I believe the funding increase in this legislation represents a step in the right direction, I believe we must abide by our commitment to fund 40 percent of IDEA costs, and I am hopeful that we will consider greater funding increases in the next fiscal year.

While the overall bill is a good one, there are many important programs that were level-funded or eliminated under this legislation. To that end, I look forward to working with my colleagues to continue funding for these programs at adequate levels, or in the case of school modernization, to work for its reinstatement. In total, though, this bill makes important investments in education, and will provide America's children with the resources they need to succeed and be productive members of our society.

As a Co-Chair of the Congressional Biomedical Research Caucus, I am pleased that this legislation provides $22.9 billion for the National Institutes of Health (NIH), an increase of 12 percent or $2.6 billion more than last year's budget. This $22.9 billion NIH budget is our fourth payment to double the NIH's budget over five years. I am disappointed that this $22.9 billion does not provide the $3.4 billion that we believe is necessary to maintain our goal of doubling the NIH's budget over five years. Earlier this year, I organized a bipartisan letter in support of this $3.4 billion increase for the NIH. I understand that the Senate Labor, Health, and Human Services, and Education Fiscal Year 2002 Appropriations bill includes a $3.4 billion increase for the NIH. It is my hope that the conference committee will adopt this higher NIH budget.

I am a strong supporter of maximizing federal funding for biomedical research through the NIH. I believe that investing in biomedical research is fiscally responsible. Today, only one in three meritorious, peer-reviewed grants which have been judged to be scientifically significant will be funded by the NIH. This higher budget will help save lives and provide new treatments for such diseases as cancer, heart disease, diabetes, Alzheimer's, and AIDS. Much of this NIH-directed research will be conducted at the teaching hospitals at the Texas Medical Center. In 2000, the Texas Medical Center received $289 million in grants from the NIH. I will continue to work to ensure the highest level of funding for the NIH.

I am also pleased that this bill provides $393 million for countering bioterrorism, including $100 more above last year's budget. In light of the recent terrorism acts, I believe we all believe that this investing in our national public health system is necessary and prudent. This budget provides $301 million for the Public Health and Social Services Emergency Fund which would support programs at the Office of Emergency Preparedness. As the representative for the Texas Medical Center, which was recently affected by devastating flooding by Tropical Storm Allison, I can attest to the need for such funding. During this natural disaster, the Office of Emergency Preparedness was one of the first federal agencies to provide relief to our area and I applaud their efforts to immediately act to help during disasters. This $393 million budget will also provide $93 million in bioterrorism research at the NIH.

In addition, I support the $4.1 billion budget for the Centers for Disease Control, a $214 million increase or 6 percent increase above last year's budget. The CDC is critically important to monitoring our public health and fighting disease. Of this $4.1 billion CDC budget, $1.1 billion will be provided to address HIV/AIDS programs and to combat tuberculosis. This CDC budget also provided $599 million to provide immunizations to low-income children. Immunizations have been shown to save lives and reduce health care costs. Investing in our children is a goal which we all share.

I urge my colleagues to support this legislation and vote for this important health, education and labor funding measure.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in strong support for forward funding of the LIHEAP program. Due to the nature of winters in Chicago and the east coast we can now implement safe guards for all our citizens. As we approach the coming winter months, preparation by forward funding can eliminate overwhelming burdens placed on low income families. The city of Chicago alone, has seen tremendous fatality rates due to excessively hot summers and extremely cold winters. The Department of Justice estimates that home heating oil prices could be 30% higher this winter from the previous winter and that natural gas prices could surge 40% higher. More than 150,000 of my constituents lives at or below the poverty level and with these circumstances are often faced with harsh and difficult decisions. Some of these citizens are forced to choose between medicine and cool air in the summer and between food and heath for their homes in the winter. According to the Roundtable Report to the Public Utilities Committee of the House of Representatives, the average winter bill for a typical family of four is 5.9% of their annual income. A family of four living at 125% of poverty pays between 20% to 37% of their annual income for winter heating cost. The low income families cannot afford to pay these high energy cost. Therefore, I am in strong support of Representative QUINN's amendment for an advance in the LIHEAP funding. We already know that many low income families will fall behind on their heating bills; however, we can offer an alternative by the passage of this amendment.

I urge its consideration and passage.

Mr. TANCREDO. Mr. Chairman, when my children were growing up and before they had an understanding of the family budget, they would ask for things that we were sometimes unable to provide. They were usually extravagant things we simply could not afford. We didn't blame them for asking—they were just kids—they didn't know better.

What is our excuse? Is there a Member of the body who can't understanding the fiscal implications of declining Federal revenues combined with the cost of financing of a war?

How many of us I wonder will file down here and dutifully cast our vote for this bloated, extravagant, piece of profligate spending and then go home to tell our constituents that we are appalled by the fact that the Social Security surplus has been blown.

There is more than one kind of threat to the Nation—one stems from foreign terrorists and another from the fiscal irresponsibility of budget busting appropriations like this.

The 12.6 percent increase in this bill is unconscionable. I am not saying that the hundreds of programs funded in this bill are not all individually wonderful. They will surely bring about a totally literate society while concurrently wiping out poverty in America as one would be led to believe by listening to the rhetoric supporting it. What I am saying is that they are not as important as providing for the common defense. This after all is the thing for which we have sole and paramount responsibility—it is not our main responsibility to be the Nation's school board or health care provider.

And Mr. Chairman, I know it is hard to hear what I am going to say. It was hard to tell it to our kids but here it goes—we can't afford this bill. If we can't defeat it I hope the President will act as the adult here and veto the bill.

Mr. BEREUTER. Mr. Chairman, this Member wishes to add his strong support for H.R. 3061, the Labor, Health and Human Services and Education Appropriations Act for fiscal year 2002. This Member would like to commend the distinguished gentleman from Ohio [Mr. REGULA], the Chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education, and the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, for bringing this important bill to the House Floor today.

In particular, this Member supports the additional $25,000,000 provided to the Corporation for Public Broadcasting for digitalization. Public broadcasting has been issued a mandate to be on the air with a digital signal by 2003. By FY 2004 all stations will bear the additional costs of dual carriage of analog and digital signals. Nebraska ETV Network has worked closely with this Member and has informed me and shown evidence that they anticipate using the digital signal to offer multicating and interactive video that will enable the network to address even more needs of children and adult learners. The State of Nebraska has already committed significant resources to convert the nine-station Nebraska ETV Network to digital technology. The funding plan approved by Nebraska's legislature and governor to ensure the Network's compliance with the Federal mandate assumed a commitment from the Federal Government to help close the DTV funding gap. If we are to ensure that our local communities continue to receive the rich educational, cultural and informational programs and services offered by local public television stations, we must help them.

On another issue, the Member would like to commend his colleagues for their continued support of efforts to improve the delivery of health services in rural areas. Specifically, H.R. 3061 provides $142 million for the National Health Service Corps, which plays a critical role in maintaining the health-care safety net by placing primary health-care providers in our nation's most underserved rural and urban communities. The measure also appropriates $1.319 billion for the Consolidated Health Centers program—$150 million more than fiscal year 2001. Community Health Centers (CHCs) provide primary and preventive care to medically underserved and uninsured people, including 5.4 million rural residents. Certainly, this Member commends this effort and encourages the expansion community health center services to address the needs of rural and underserved communities.

This Member is especially pleased that the appropriations bill provides $35 million for the Medicare Rural Health Flexibility Program. Nebraska has been on the forefront of converting rural hospitals to critical access status. As of October 1, 2001, Nebraska has 53 Critical Access Hospitals which is the most in the country.

Furthermore, H.R. 3061 appropriates $52 million to the Rural Health Outreach and Network Development and Research Grant Program and $27.6 million to the Rural Telemedicine Grant program. These grants are available to rural communities working to provide health care services through new and creative strategies including telemedicine and trauma care services.

Additionally, this Member would like to take this opportunity to explain his "nay" vote on the amendment offered by the gentleman from Colorado [Mr. SCHAFFER], a vote taken with some reluctance but very careful consideration. Within this Member's home state of Nebraska, the number of children enrolled in special education programs has risen by 3,700 students from 1995–1999, a nine percent increase. This Member has always supported fulfilling the commitment made by Congress made in 1975, which this Member notes was prior to his service in U.S. House, to fund IDEA at 40 percent.

Currently, the Federal Government is funding an average of 12.6 percent of the per pupil expenditure for children with disabilities. The other 27.4 percent of our unfilled promise is a burden that state and local governments are having to include in their budgets. This Member has said for many years now that the one significant way that Congress can help decrease property taxes for his Nebraska constituents as well as to meet their other programmatic, construction or enhanced teacher salary priorities, is to keep the congressional promise to provide 40 percent of the costs of special education.

Of course, it would be ideal to have the full 40 percent funding of IDEA in the Labor, Health and Human Services and Education Appropriations Act. However, the Schaffer amendment would have severely cut appropriations for disadvantaged children through Title I, vocational education and TRIO in order to offset the increase in IDEA funding. The underlying bill (H.R. 3061) provides a $1.4 billion increase for IDEA, which is $400 million above the President's request. Furthermore, this Member notes that over the past two years, funding for IDEA has been increased by $2.7 billion.

Mr. Chairman, in closing, this Member urges his colleagues to support H.R. 3061.

Mr. CASTLE. Mr. Chairman, I am pleased to rise in strong support of H.R. 3061, the FY02 Labor, HHS and Education spending bill.

First, I want to thank Chairman REGULA for his yeoman's work on this legislation. Each year, the spending bill for the Departments of Labor, HHS, and Education is among the most difficult to complete and this year is no exception.

H.R. 3061 builds on investments in education which really began to take off in FY96. At the time, K–12 funding totaled $11.2 billion. Since then, K–12 funding has increased to $20 billion in FY01, and I am pleased to say that this investment continues even today.

More important, H.R. 3061 reflects the bipartisan education priorities that passed the House as part of the No Child Left Behind Act, and it increases funding for programs, like IDEA and Title I, which haven't always received sufficient funding in the past.

Since the enactment of IDEA, Congress has increased funding for State grants under this act from $251.7 million in FY1997 to $6.34 billion in FY2001, with the amount appropriated for State grants nearly tripling in just the last six years.

Under the leadership of former Members PORTER and GOODLING, we have increased funding by more than $4 billion—175% increase in the Federal contribution.

This year we will add an additional $1.4 billion, increasing the total to $7.7 billion. This is the highest level of Federal support ever provided for children with disabilities, with the level of Federal funding growing from 7 percent of the per pupil expenditure to 18 percent.

While this bill may not fully fund IDEA, I believe it takes a significant and responsible step in the right direction. More important, it gives the Education and the Workforce Committee the flexibility it needs to successfully reauthorize the program next year.

H.R. 3061 also helps address the problem of overidentification of special needs children in IDEA by fully funding the President's request on the reading first and early reading first programs. This more than triples our current investment in reading instruction.

We have seen tremendous increases in the number of students, and African American students in particular, diagnosed with learning disabilities and referred to special education. As former Chairman GOODLING used to say, we will never get to full funding until we address this problem.

If we are able to identify and intervene with these children—as proposed in reading first and early reading first—we take the first step in reducing the number of students who cannot read, reduce special education referrals, and pave the way to fully funding IDEA.

On Title I, AID to disadvantaged children, H.R. 3061 appropriates $10.5 billion, an increase of $1.9 billion. This funding will support the reforms in the No Child Left Behind Act, which will require additional funds to turn around failing schools and ensure all students are proficient in reading and math.

Also critical to the successful implementation of the No Child Left Behind Act, the bill provides $400 million to help States develop and implement the annual reading and math assessments for students in grades 3–8. In so doing, H.R. 3061 puts a downpayment on our system of accountability—the heart of our education reform package.

In conclusion, I want to again thank Chairman REGULA and Chairman YOUNG for their excellent work on this legislation. They have managed to produce a balanced bill that will help our country fundamentally change the way we educate our children for the better.

K–12 FUNDING

[In billions of dollars]

Fiscal year	Funding level[1]
DEMOCRAT MAJORITY	
1990	8.5
1991	9.7
1992	10.7
1993	10.7
1994	11.0
1995	11.3
Note.—Average year increase 6 percent. Total spending, $61.9 billion. 32.9 percent overall increase 1990–1995.	
REPUBLICAN MAJORITY	
1996	11.2
1997	12.5
1998	13.4
1999	15.7
2000	16.6
2001	19.7
Note.—Average year increase 12.1 percent. Total spending $89.1 billion. 75.9 percent overall increase 1996–2001.	

[1] Includes Goals 2000, School-to-Work, ESEA and VocEd.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will read.

The Clerk read as follows:

H.R. 3061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Mr. BASS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do have an amendment to offer. I had planned to offer a couple of amendments having to do with funding for IDEA, special education.

But I have to say that within the constraints of the budget, the distinguished subcommittee chairman, my friend, the gentleman from Ohio (Mr. REGULA), has done an extraordinary job in raising funding for this critical program by $1.375 billion. I believe that is the greatest increase that we have had from this body since I have been here.

It does not meet the objective of reaching 40 percent, or our mandate, within a specified period of 5 or even 10 years, but it recognizes, and certainly it is an extraordinarily commendable effort on the part of this subcommittee, and expresses the intent of this subcommittee chairman to meet this goal as quickly as possible.

We do have opportunities on the horizon. IDEA will be up for reauthorization next year. It is my hope that we can combine the process of reauthorization with an effort to set this Congress on a path to meeting the 40 percent funding goal in a set period of time.

I thank the chairman for his hard work in this area.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. BASS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to add to that that the minority also is extremely supportive of this increase, and there truly is bipartisan support for the program.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $3,485,147,000 plus reimbursements, of which $2,110,707,000 is available for obligation for the period July 1, 2002, through June 30, 2003; of which $1,353,065,000 is available for obligation for the period April 1, 2002, through June 30, 2003; and of which $20,375,000 is available for the period July 1, 2002, through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,098,000,000 plus reimbursements, of which $1,998,000,000 is available for obligation for the period October 1, 2002, through June 30, 2003; and of which $100,000,000 is available for the period October 1, 2002, through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of title I is as follows:

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $11,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

In addition, for such purposes, $404,650,000, to become available only upon the enactment of authorizing legislation.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $163,452,000, together with not to exceed $3,236,886,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2002, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2004; and of which $163,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2002, through June 30, 2003, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2002 is projected by the Department of Labor to exceed 2,622,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2003, $464,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2002, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $113,356,000, including $5,934,000 to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $109,866,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2002, for such Corporation: *Provided*, That not to exceed $11,690,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $367,650,000, together with $1,981,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $121,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2001, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2002: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $36,696,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging, and conversion to a paperless office, $24,522,000; (2) for medical bill review and periodic roll management, $11,474,000; (3) for communications redesign, $700,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $136,000,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2002 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,036,115,000, of which $981,283,000 shall be available until September 30, 2003, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $31,558,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $22,590,000 for transfer to Departmental Management, Salaries and Expenses, $328,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: *Provided*, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $435,307,000, including not to exceed $88,694,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2002, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

Mine Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $251,725,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2002 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $397,696,000, together with not to exceed $69,132,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $10,280,000, which shall be available for obligation for the period of July 1, 2002, through June 30, 2003, for Occupational Employment Statistics.

Office of Disability Employment Policy

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $33,053,000, of which $2,640,000 shall be for the President's Task Force on the Employment of Adults with Disabilities.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental bilateral and multilateral foreign technical assistance, and $51,708,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $383,568,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,903,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2002. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $24,800,000, of which $7,300,000 shall be available for obligation for the period July 1, 2002, through June 30, 2003.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $52,182,000, together with not to exceed $4,951,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Labor Appropriations Act, 2002".

The CHAIRMAN. Are there any amendments to title I?

Mr. HILLEARY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman of the subcommittee in a colloquy.

I would ask the gentleman, in the bill language relating to H.R. 3621 he stated that the funding is provided for school improvement programs, including the rural education program as "redesignated and amended by H.R. 1 as passed by the House of Representatives on May 23, 2001."

Is it the committee's intent, Mr. Chairman, that the funding for the rural education program follow the program structure and funding distribution as outlined in H.R. 1, title I, part (G), regarding rural schools?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HILLEARY. I yield to the gentleman from Ohio.

Mr. REGULA. Yes, Mr. Chairman, the gentleman is correct. The committee's intention is to provide funding for programs included in H.R. 1, the No Child Left Behind Act, as it was passed by the House this spring.

Mr. HILLEARY. Mr. Chairman, I thank the chairman for clearing up that ambiguity.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

Page 18, line 8, after the dollar amount, insert the following: "(reduced by $3,072,000)".

Page 21, line 13, after the first dollar amount, insert the following: "(reduced by $36,170,000) (increased by $33,000,000)".

Page 22, line 25, after the dollar amount, insert the following: "(increased by $33,000,000)".

Page 23, line 4, after the dollar amount, insert the following: "(increased by $33,000,000)".

Page 39, line 1, after the dollar amount, insert the following: "(reduced by $17,708,000)".

Mr. REGULA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. ISTOOK. Mr. Chairman, the effect of this amendment is to increase by $33 million the amount appropriated for abstinence education, as has been defined by this Congress in previous legislation.

Let me first state, Mr. Chairman, that I appreciate that the gentleman from Ohio (Chairman REGULA) in this base bill has increased the funding for abstinence education. My regret is that it is not to a level that many of us consider satisfactory, but that should not remove our appreciation for the fact that it has been increased.

We have had for many years, for decades, Mr. Chairman, Federal funding for so-called family planning or safe sex programs, as they are often called. But Mr. Chairman, that has not reversed the trend of increase in teen births out of wedlock.

However, in recent years, Federal funding began in 1995 and private funding began in the couple of years before that, and in recent years we have seen a very different approach that has taken place; that is, promoting abstinence as the surest and only way to prevent sexually-transmitted diseases, or to prevent the out-of-wedlock births among teenagers.

Indeed, President George W. Bush, when he was campaigning, made the commitment to bring the level of Federal funding for abstinence education to the same level as we are spending on the family planning and safe sex programs. That is what this amendment does. By the $33 million increase, it brings parity.

What we mean by that is we follow the definition of this Congress to say that we are talking about the funding for education that has as its exclusive purpose teaching the social, psychological, and health gains to be realized by abstaining from sexual activity, and teaching that abstinence from sexual activity outside marriage is the expected standard for all school-aged children, and the only certain way to avoid out-of-wedlock pregnancies, to avoid sexually-transmitted diseases, and to avoid other associated health problems.

Indeed, only with the advent of abstinence education have we seen in the last couple of years a reversal of the long-standing and deplorable trend in this country of increases in teenage unwed births.

□ 1445

Earlier this year, for the first time, grants were made to applicants by the Department of Health and Human Services, putting out the first 20 million in competitive grants for this purpose. They were overwhelmed. It was the greatest tide of applications they have ever seen for any program. Over 359 entities across the country seeking some $165 million applied for a program that only had $20 million available to it.

We need to increase the amount of money we are putting into abstinence education for the benefit of our kids, for the benefit of our Nation, which pays exorbitant costs with out-of-wedlock births and supporting the social problems that come from them, and we need to start reinforcing what we teach our children at home, what we teach our children at church, but too often is undercut by the messages sent by the Federal Government.

Rather than defunding the Federal Government's programs relating to so-called safe sex, we are seeking parity. We are seeking equity which was what the commitment was by President Bush; and indeed, since the original budget was submitted by the Bush administration, the amount that we made available for this bill has gone up by some $2 billion which created the room to make this comparatively minor increase in abstinence education funding.

The Office of Management and Budget has submitted, we have made it available to the Members, their letter supporting this increase in funding to abstinence education. Let us bring the account up from the 40 million it has in the bill to 73 million which will be the effect of this amendment. It is money that we can easily afford to fund. It keeps the commitment certainly of Mr. Bush, but more importantly than that, it keeps in place the values that we teach our kids and says we want to reinforce them and not to be undercutting them.

So, Mr. Chairman, I certainly move the adoption of this amendment that brings parity in the funding of these accounts and within the scope of a bill as large as this one is a comparatively minor adjustment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) insist on his point of order?

Mr. REGULA. Mr. Chairman, yes, I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. REGULA. Mr. Chairman, the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of budget authority in the bill.

The CHAIRMAN. Are there any other Members seeking to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I wish to be heard.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. ISTOOK. Mr. Chairman, it is our understanding from the parliamentarian that it is necessary that the amendment be offered at a place in the bill where the first adjustment, the first offset is being made which is the point at which we have offered it in this bill.

Furthermore, it is dollar for dollar the same as the amount that is contained in those sections of the bill involving any sort of transfer.

I would ask the Chair to overrule the point of order.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order? If not, the Chair will rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) proposes a net increase in the level of budget authority or outlays in the bill as argued by the chairman of the subcommittee on appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

For that reason, the point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. ISTOOK. Mr. Chairman, would the Chair yield for a parliamentary inquiry?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ISTOOK. Mr. Chairman, the inquiry is when the amounts are dollar for dollar the same as within the bill, upon reliance upon what documents can the Chair maintain that it is anything else than dollar for dollar the same amounts. If the Chair is referring to some extraneous document, I think we would like to be aware of that.

The CHAIRMAN. The gentleman from Oklahoma has the burden of proof to show that his amendment and budget authority and outlays is neutral.

Mr. ISTOOK. Mr. Chairman, I offer the fact that on the face of the amendment, it is dollar for dollar the same. If there is anything that says it is not the same, then this body is entitled to know, that we might proceed in order and make sure that valid issues can be undertaken.

The CHAIRMAN. Even if the gentleman's argument is correct, the outlays and budget authority must be neutral. The committee is arguing that, in fact, they are not. The Chair sustains the position of the committee.

Mr. ISTOOK. Mr. Chairman, nobody has given what they purport to be a differing amount of budget authority or outlay.

The CHAIRMAN. The gentleman has the burden of proof. If he has a CBO score, the Chair would be happy to receive it.

Mr. ISTOOK. Mr. Chairman, as a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ISTOOK. Mr. Chairman, if the Chair is referring to any document or source that purports that the BA is any different than the dollar for dollar that is in here; my parliamentary inquiry is upon what does the Chair rely?

The CHAIRMAN. The Chair is relying on assertions of the Committee on Appropriations. The burden of proof lies in the hands of the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, when the Chair says relying upon assertions, the only assertion that has been presented on the floor is the raising of the point of order contesting whether that is the case as opposed to a factual assertion that is the case. If the Chair is relying upon a factual assertion made by the committee or anyone else, that is what I seek to learn.

The CHAIRMAN. If the gentleman wishes to challenge the assertions of the committee, he must have evidence from the CBO.

Mr. ISTOOK. Mr. Chairman, the committee has not made an assertion. The committee has posed a question to the Chair. The Chair has said it has received an assertion but has not told us the source. It has not said that assertion came on the floor in a document, through something extraneous, through this regular order.

The CHAIRMAN. The assertion of the subcommittee is from the gentleman from Ohio (Mr. REGULA), the subcommittee chairman.

Mr. ISTOOK. Mr. Chairman, parliamentary inquiry.

Does that mean that any time that the presenter of a bill on the floor raises a point of order asking the Chair whether something is in order between budget authority and outlay, that the Chair will automatically assume that the point of order is well taken? That seems to be the position that has been asserted.

The CHAIRMAN. The Chair would restate that the gentleman has the burden of proof. The gentleman from Oklahoma (Mr. ISTOOK) has the burden of proof.

Mr. ISTOOK. Mr. Chairman, so the burden of proof is not on the person raising the point of order? Is not that a shift of the burden of proof?

The CHAIRMAN. In this particular case it is on the offerer of the amendment.

Mr. ISTOOK. Mr. Chairman, parliamentary inquiry. Does the burden rest upon the person raising a point of order?

The CHAIRMAN. The offerer of any amendment always has the burden of proof to show that; the burden of proof in showing that their amendment would be in order.

Mr. ISTOOK. Mr. Chairman, does that mean that any person contesting any dollar amendment can always raise a point of order that it is not the same within budget authority and that point of order will automatically be sustained absent some outside authority?

The CHAIRMAN. The Chair would state that if it is a factual contention the offerer of the amendment must, in fact, provide the burden of proof.

Mr. ISTOOK. Mr. Chairman, I have contended that these are the same amounts, and you are saying that the factual assertion of a Member has no standing because of an arbitrary action.

The CHAIRMAN. It is long-standing precedent of the House shown on page 802 of the manual that the offerer of the amendment has the burden of proof under clause 2 of rule XXI.

Mr. ISTOOK. So, therefore, there is no burden of proof resting upon the person who raises a point of order under the Chair's ruling?

The CHAIRMAN. When there is a factual contention the burden of proof is on the offerer of the amendment.

Mr. ISTOOK. I thank the Chairman. We will reoffer the amendment as many times as are necessary to make sure that it is in order.

The CHAIRMAN. Are there further amendments to title I?

The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $5,691,480,000, of which $35,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program," authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $15,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $264,170,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $649,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $116,145,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act. For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $10,000,000: *Provided further*, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: *Provided further*, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,792,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,077,060,000, of which $175,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and of which $137,527,000 for international HIV/AIDS shall remain available until September 30, 2003, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $93,964,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,146,291,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,547,675,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $339,268,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,446,705,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,306,321,000.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment that I am going to withdraw because I appreciate the work done by the chairman and ranking member on this issue. But I think when we talk about health care, it is important to raise the point about an aspect of health care that is not getting the attention that it needs, and that I would hope that in conference committee the chairman and the ranking member could help us address it. Mr. Chairman, that deals with the crisis in dental care in the United States of America.

I am more than aware of the overall crisis in health care. I strongly support a national health care program that would guarantee health care to every man, woman, and child. I think that we need to make fundamental changes in our health care system. But having said that, it is imperative to talk about something that is very rarely talked about. And that is all over the United States of America, we have children, we have adults, we have senior citizens, who simply cannot gain access to a dental office and get their teeth adequately dealt with.

I held a hearing in Montpelier, Vermont several months ago; and I was stunned to learn in my own city of Burlington we have low-income children who have teeth rotting in their mouths who cannot gain access to a dental office.

There are many reasons for the dental crisis. Number one, we do not have enough dentists in this country; and many of our dentists are getting old and are retiring. And we are not bringing enough younger people into the dental profession. Second of all, the kind of reimbursement rates we have for dental care on the Medicaid are inadequate. Thirdly, the dental clinics all over this country are not giving adequate support to dentistry.

□ 1500

So, Mr. Chairman, if I may ask the chairman of the committee, my friend, the gentleman from Ohio (Mr. REGULA), if he could give me some assurance that in conference committee we can pay more attention than we have to the dental crisis which exists among low-income people in this country.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think the bill has been pretty sensitive to research; but I believe what the gentleman is addressing is the providing of dental care, and that really would, I think, be a Ways and Means jurisdiction more so than our committee.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, I would respectfully suggest to my friend that there are provisions in this bill which provide grants through the Rural Outreach Grants Program, which include dental programs, although primarily it is not dental. But I would hope that at conference committee time an effort could be made to expand funding or add funding to that in order to make sure that low-income kids in this country do not continue to have teeth rotting in their mouths.

Mr. REGULA. If the gentleman will continue to yield, I understand the problem. I dealt with the Bureau of Indian Affairs for many years, and they have probably as much in the way of dental problems as any group in our society. So I am sympathetic to it. However, it is a matter of where we get the resources to do that.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply respond by relating this story. I announced the opening of a dental clinic in a four-county area in my district last year. When I was at that clinic, one woman told me that she had a son who was very, very sick. Her husband was also very, very ill and could not work, so she was on Medicaid. She desperately needed a dentist to take the braces off that child's teeth. She could not find one, even though she had called over 30 dentists. As a result, she held the kid down, while the father took the braces off with a pair of pliers.

In my view, that should not happen to any American. I am for anything anywhere that can increase dental care providers and services, and I will do anything that is possibly within our reach to try to deal with the problem. Unfortunately, as the gentleman says, most of what needs to be done is within the Medicaid area, over which this committee does not have jurisdiction.

Mr. SANDERS. Reclaiming my time once again, Mr. Chairman, I thank the gentleman from Wisconsin for his comments.

I will withdraw my amendment, Mr. Chairman, with the hope that all of us can focus on a major crisis that exists all over this country, perhaps most clearly in rural America, and with the hope that we can work together to begin effectively addressing this.

Mr. QUINN. Mr. Chairman, I move to strike the last word, and I thank the gentleman from Ohio for allowing me the opportunity to talk just for a few minutes about the Low-Income Home Energy Assistance Program, otherwise known as LIHEAP. I want to thank the subcommittee for the $1.7 billion in regular and the $300 million in emergency appropriations for LIHEAP in this bill. This is a generous increase over the President's request, and I believe it will make a significant difference in the lives of many poor people this winter.

The amendment I would have submitted, but which I will withdraw and have withdrawn, would have made advance appropriations for $2 million for LIHEAP for fiscal year 2003, guaranteeing the State LIHEAP administrators a firm figure upon which to plan their advances for next winter. Although there is language in the 2002 budget resolution allowing advance appropriations for LIHEAP, the Committee on Rules this past week did not grant a waiver and the amendment was ruled out of order.

We all know that these LIHEAP funds are most efficiently used when the State LIHEAP administrators know how much money they are going to get before they open up their programs. Winter heating programs need to be prepared for in August before the appropriations have been made. We seem to fight this battle and have the discussion each year. Winter heating seasons, particularly when the appropriations process has been delayed beyond the beginning of the fiscal year, need to begin before the funding generally arrives.

Mr. Chairman, advance appropriations would allow the LIHEAP administrators to know prior to the beginning of the fiscal year what resources they will have to work with. They could therefore plan for a certain amount of money, determine how many applicants they will be able to help, stretch each dollar to its maximum extent, and provide a measure of reassurance for households who very well may have to choose between heat and food.

This is of particular concern this year. I would like to remind my colleagues that the LIHEAP cases were up 30 percent last winter, but most States were only able to help about 15 percent of their applicants. In the emergency appropriations bill passed this summer, there was $300 million in LIHEAP funding. This money should have been distributed immediately to help the families with children and the elderly who were unable to pay for their heating bills from last winter.

The Department of Health and Human Services has signed off on the money; but because OMB has not released the funding, these people are in even worse situation than they were this past summer. Still behind in their bills, still cut off, some of them, from heat, gas, and electricity, and winter is at our doorstep.

I would like to urge the House to press for the release of these emergency LIHEAP funds by OMB immediately and also to allow advance appropriations for this vital and important program next year.

I want to thank the chairman, on behalf of the Northeast-Midwest coalition here in the House, made up of States in our region, Members of both parties, for his attention to this matter.

Mr. WICKER. Mr. Chairman, will the gentleman yield?

Mr. QUINN. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I would simply say there has been no greater advocate for the LIHEAP program than my friend from New York, and I appreciate his efforts and I appreciate his remarks. His compliments were directed toward the chairman of the subcommittee; but I think also it is fair to say that the ranking member and the chairman have worked closely together, and I appreciate his acknowledgment of the generosity of the bill as it is with regard to LIHEAP. I would reiterate that the bill includes the highest funding level ever provided for the LIHEAP program at $2 billion.

So I thank the gentleman for his efforts. I am sure he will persevere in the particular idea which he had for us today.

Mr. QUINN. Reclaiming my time, Mr. Chairman, I thank the gentleman very much. We appreciate the cooperation we received from both sides of the aisle in the subcommittee and the full committee.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word to engage in a colloquy with my colleague from California.

Mr. Chairman, I had intended to offer an amendment designed to correct an inequity in current law which penalizes students who attend low-cost colleges. Since 1973, the Federal Pell Grant program has helped nearly 80 million low- and middle-income students pay for college. At just one community college in my district, Glendale Community College, about 3,500 students receive Pell grants each year. And while their tuition may be less than $1,000 for an academic year, the full cost of attendance for a 9-month academic year is estimated to be over $5,600; and that is for a student living at home with parents or relatives.

Unfortunately, these students and others at community colleges in California do not receive the full Pell grant award. At these colleges, books can often surpass the cost of tuition; and add to that other costs and fees of higher education, and there is an enormous burden on the lowest-income students. The tuition sensitivity provision unfairly penalizes these students in States like California, which have kept tuition low by strong State support for higher education. These are the poorest students at the least expensive schools.

My colleagues might be wondering why they have not heard of the tuition-sensitivity provision. The answer is that right now this rule only affects California students. However, as the Pell grant increases, the tuition-sensitivity rule will limit financial aid to students in other States, like Texas, North Carolina, Arkansas, Arizona, New Mexico, and Oklahoma, just to name a few.

By repealing the tuition-sensitivity trigger, we assure fairness and equity; we incentivize States to support higher education, not back away from funding. I want to thank my colleague, the gentleman from California (Mr. McKEON), for all his work on this issue and his willingness to work together in the reauthorization process. He has done an extraordinary job for the students of California.

Mr. McKEON. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from California.

Mr. McKEON. Mr. Chairman, I thank the gentleman, my good friend and neighbor from California, for yielding; and I appreciate the opportunity to discuss this very important issue.

I want to assure my friend that I am very much aware of the Pell grant tuition-sensitivity provisions in current law that limit the ability of California's lowest-income community college students from receiving the maximum Pell grant award. As the chairman of the Subcommittee on 21st Century Competitiveness, which has jurisdiction over higher-education issues, I have long been a strong supporter of addressing the tuition-sensitivity provision.

The tuition-sensitivity provision in the Higher Education Act precludes students, as the gentleman said, from the lowest-cost institutions, like those attending California community colleges, from receiving their full Pell grant eligibility. This affects almost 180,000 students from the California community college system alone.

I want to assure my friend that he has my full commitment to work diligently to find a solution to this problem. I am eager to work with him and others as we move into the reauthorization of the Higher Education Act in the next Congress to ensure that all students have access to quality education.

Mr. SCHIFF. Reclaiming my time, Mr. Chairman, I thank my colleague for all his effort on behalf of the students in California and around this country. I very much look forward to working with him. I also want to thank the chairman and the ranking member for their consideration today.

The CHAIRMAN. Are there other amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,337,204,000: *Provided*, That the Director may transfer up to $25,000,000 to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis," to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,706,968,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,088,208,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $566,725,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $557,435,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $873,186,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $440,144,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $334,161,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $116,773,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $379,026,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $900,389,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,228,780,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $423,454,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering, $39,896,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $966,541,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $97,000,000 shall be for extramural facilities construction grants, of which $5,000,000 shall be for beginning construction of facilities for a Chimp Sanctuary system as authorized in Public Law 106–551.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $56,021,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $273,610,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2002, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $99,288,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $157,204,000.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $232,098,000, of which $53,540,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $311,600,000, to remain available until expended, of which $26,000,000 shall be for the John Edward Porter Neuroscience Research Center: *Provided*, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: *Provided further*, That the solicitations and contracts shall contain the clause "availability of funds" found at 48 CFR 52.232–18: *Provided further*, That the Director may transfer up to $75,000,000 to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis," to remain available until expended.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,131,558,000.

Agency for Healthcare Research and Quality

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $168,435,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $137,810,000.

Health Care Financing Administration

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $106,821,882,000, to remain available until expended.

For making, after May 31, 2002, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2002 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2003, $46,601,937,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of

Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,924,200,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,361,158,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $18,200,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2002 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That, for the current fiscal year, not more than $680,000,000 may be made available under section 1817(k)(4) of the Social Security Act (42 U.S.C. 1395i(k)(4)) from the Health Care Fraud and Abuse Control Account of the Federal Hospital Insurance Trust Fund to carry out the Medicare Integrity Program under section 1893 of such Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2002, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,447,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2003, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act and notwithstanding the designation requirement of section 2602(e) of such Act: *Provided further*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $450,224,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2002 shall be available for the costs of assistance provided and other activities through September 30, 2004: *Provided further*, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,199,987,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: *Provided*, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,275,442,000, of which $43,000,000, to remain available until September 30, 2003, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2000 and 2001; of which $620,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,475,812,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2002, and remain available through September 30, 2003: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant.

Funds appropriated for fiscal year 2002 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2002 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out subpart 2 of part B of title IV of the Social Security Act, $305,000,000. In addition, for such purposes, $70,000,000 to carry out such subpart.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,885,600,000;

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2003, $1,754,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,144,832,000.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $333,036,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of this amount $50,000,000 shall be available for minority AIDS prevention and treatment activities; and $25,000,000 shall be available for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects: *Provided further*, That no funds shall be obligated for minority AIDS prevention and treatment activities until the Department submits an operating plan to the House and Senate Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $35,786,000: *Provided*, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. section 228: *Provided further*, That, for the current fiscal year, not more than $130,000,000 may be made available under section 1817(k)(3)(A) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)) from the Health Care Fraud and Abuse Control Account of the Federal Hospital Insurance Trust Fund for purposes of the activities of the Office of Inspector General with respect to the Medicare and Medicaid programs.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $28,691,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,500,000: *Provided*, That in addition to amounts provided herein, funds from amounts available under section 241 of the Public Health Service Act may be used to carry out national health or human services research and evaluation activities: *Provided further*, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $300,619,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, $231,919,000, of which $52,000,000 shall remain available until expended for the National Pharmaceutical Stockpile; and Office of Emergency Preparedness, $68,700,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2002 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2002 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2001, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2001 State expenditures and all fiscal year 2002 obligations for tobacco prevention and compliance activities by program activity by July 31, 2002.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2002.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 213. (a) In order for the Centers for Disease Control and Prevention to carry out international HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2002, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, subject to the limitations set forth in subsection (b), and

(2) enter into reimbursable agreements with the Department of State using any funds appropriated to the Department of Health and Human Services, for the purposes for which the funds were appropriated in accordance with authority granted to the Secretary of Health and Human Services or under authority governing the activities of the Department of State.

(b) In exercising the authority set forth in subsection (a)(1), the Secretary of Health and Human Services—

(1) shall not award contracts for performance of an inherently governmental function; and

(2) shall follow otherwise applicable Federal procurement laws and regulations to the maximum extent practicable.

SEC. 214. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 215. Of the funds appropriated for the National Institutes of Health for fiscal year 2002, $2,875,000,000 shall not be available for obligation until September 30, 2002.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2002".

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. 2 . Of the amounts made available in this title under the heading "HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES", $60,000,000 of the amount made available for carrying out part A of title XXVI of the Public Health Service Act is transferred and made available under such heading for the State AIDS Drug Assistance Programs authorized by section 2616 of such Act, in addition to other amounts available under such heading for such State AIDS Drug Assistance Programs.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) reserves a point of order on the amendment.

The gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, my amendment shifts $60 million from title II of the Ryan White CARE Act to title I of the Ryan White CARE Act.

What my amendment does is to recognize that fully funding of the AIDS Drug Assistance Program, or ADAP, should receive highest priority. This is a question of life-sustaining drugs versus programs and other services for those with AIDS. One thing we do know, programs and services are of little use if AIDS patients do not have access to life-sustaining drugs.

We have all been visited by those who run the ADAP programs in our States expressing concerns about the shortfall in funding for this critical program. We know that last year hundreds of AIDS patients were unable to access basic lifesaving medication not in Africa, but here in the United States.

As I have shared on this floor before, as a practicing physician prior to coming to Congress in 1995, I provided medical care to hundreds of HIV/AIDS patients. I was one of only two physicians in my community that took care of more than 400,000 people who provided care for AIDS patients, and I know how critical access to life-sustaining drugs can be.

After Medicaid, ADAP is the single most important Federal program for Americans living with AIDS and HIV. ADAP is the component of title II of the Ryan White CARE Act that provides AIDS medications to Americans living with HIV that have no other source of medical coverage.

According to the National Organizations Responding to AIDS, or NORA, the Federal-State partnership in title II ADAP has significantly contributed to the decline in AIDS deaths since 1995. NORA, which is comprised of 175 organizations concerned about AIDS, recommends that a $124 million increase over last year's ADAP appropriation is necessary to ensure that every American infected with AIDS is provided access to life-saving AIDS medications.

The House appropriations bill funds about half of this shortfall.

The ADAP working group wrote: "We will absolutely be in very serious difficulties if this appropriation isn't raised."

□ 1515

Mr. Chairman, a lack of the needed $60 million above what is currently in the House bill means more than 5,000 Americans with HIV, on top of those already on the waiting list for ADAP, will not have access to the important life-sustaining combination drug therapies.

Allowing Americans with HIV to stand on waiting lists for access to HIV medications is simply not acceptable. Every State, territory, congressional district, and individual living with HIV with no other access to AIDS medication is dependent on ADAP. Women and those in minority communities living with HIV-AIDS disproportionately rely on ADAP for their AIDS medications.

My amendment closes the $60 million shortfall in ADAP. Unlike ADAP, title I is limited and only serves 51 cities across the country. One of those cities, San Francisco, receives twice the amount per AIDS case as every other city in the country. While title I services provide support for some AIDS patients, not all of these services have the same life-saving impact as ADAP.

Also, while the majority of the programs funded through title I Large Cities Program are worthwhile, many of them are not as critical as the ADAP program. Also of concern is the fact that the Senate recently asked the HHS Inspector General to review some of the very questionable programs that these funds are being used to support. I have received some of these reports on these questionable programs, and I think any reasonable person would conclude that ADAP should receive higher priority.

It is clear to me that with the shift in funding, there is plenty of room to accommodate important title I programs likes Primary Care, while shifting $60 million to purchasing life-sustaining drugs. I urge my colleagues to vote in support of my amendment. The failure to shift this funding will leave 6,400 individuals, primarily women and minorities, waiting in line for life-sustaining AIDS drugs.

Mr. Chairman, I encourage my colleagues to vote "yes" on this amendment.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) insist on his point of order?

Mr. OBEY. Mr. Chairman, my understanding is that this amendment is really in the form of a limitation; and, therefore, it should be coming at the end of the bill. I think I would be within my rights if I made a point of order at this point. But out of courtesy to the gentleman and in order to save time, I will withdraw the reservation.

The CHAIRMAN. The point of order is withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me simply say that I oppose the amendment of the gentleman from Florida for one very simple reason: it is very easy for any individual Member to second guess what this Committee has done and come to the floor and say we should have put $10 million here rather than having put $10 million there. I have seen many a Member come to the floor;

and no matter how high we have had an individual account, some have said to me, frankly, no matter what the committee puts in, I will offer an amendment to add $10 million or $20 million because that way they get their day in court.

Mr. Chairman, I suggest in this instance we should not do that. The gentleman is trying to take $60 million out of an account that has received a $15 million increase. He is trying to put the money into an account that has received a $60 million increase. This account has already been increased four times as much as the account that the gentleman is trying to take money out of.

Secondly, the treatment grants that the gentleman seeks to cut in fact under this amendment are being cut below last year's level. I do not believe that we ought to do that. I would urge Members of the House to respect the many hours of hearings that we have held on these subjects. These are all judgment calls. I respect the gentleman's right to offer the amendment, but I would urge that Members stick with the committee.

There will be amendments today that I am very much in favor of personally, but which I will oppose because we have an understanding that we are going to try to resist all amendments from either side of the aisle in order to keep the delicately balanced bipartisan bill, which it is at this point; and I would not want to begin to unravel that. Besides, substantively I believe the gentleman is in error in seeking to make the reduction that he is in this account. I would urge defeat of the amendment.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for not insisting on his point of order.

Mr. Chairman, I do not plan on asking for a recorded vote on this amendment because I understand there is a very delicate balance here; and I have another amendment that I will probably ask for a recorded vote on. But I just raise the point to say that the accounts where I am trying to move money out of, there is one particular account where I think there has been a fair amount of money spent very unwisely; and the account that I am trying to put this money into I think is a very good use of the limited resources that we have. That is why I seek to offer the amendment.

Mr. OBEY. Mr. Chairman, reclaiming my time, I appreciate that. That again illustrates what Will Rogers said when he said when two people agree on everything, one of them is unnecessary.

The gentleman's opinion may very well be the sound one; ours may very well be the sound one. But in this instance, this bill is the unanimous product of the Committee; and I think we have made the best judgment about where the money ought to go under the circumstances, and I would urge that we not cut this program. This treatment program would be cut below last year's level; and given the problem that we have with this issue, I do not think that we ought to be doing that.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman is not going to ask for a recorded vote, but just to reiterate what he recognizes, too, this is a delicately balanced bill. We tried to balance all of the priorities. This is a good example of it.

The Ryan White program serves a lot of people. This amendment would cut out services to about 11,000 people; and it does focus on the big cities. I think what the gentleman is expressing concern for is right. It is just that we do not have enough money to do everything that we would like to do. I congratulate the gentleman for his concern and for the other areas that he sees as underserved by ADAP.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to this amendment to take money from primary care services delivered by Title I and move it to the drug purchasing ADAP program. Delivering drugs to the people who need them requires the strong infrastructure established under Title I. Without that infrastructure, we will have a bigger pool of money with which to buy drugs, but fewer people able to take advantage of these life-saving medications. The amendment will merely provide a windfall to the pharmaceutical companies that manufacture these drugs while hurting the people who need them.

The AIDS cocktail involves a complex daily drug regimen. To be effective, drugs must be taken in a consistent manner following every instruction exactly. Failure to do so can result in the medication becoming ineffective in a person. In addition, these medications can have severe side effects, including liver problems, dramatically increased cholesterol, and diabetes. People taking these medications need access to the primary care and support services provided by Title I to ensure proper compliance and effective treatment for any side effects.

Title I benefits the majority of people living with HIV in this country. More than 75% of Americans with HIV reside in the 51 areas that receive Title I funding. Without this funding, the public health systems in these areas will face a major challenge that they are unable to meet. The Ryan White CARE Act was created to prevent such a situation. Also, the CARE Act was designed to provide comprehensive medical services to people with HIV. This amendment will undermine that goal by focusing on only one aspect of treatment.

AIDS medications have been remarkably successful and allowed people to live much longer with a better quality of life. However, this success also means that more people than ever are living with HIV and AIDS in the US and require the services delivered through Title I of the CARE Act. Many who are HIV-positive also have other pressing health concerns, such as Hepatitis C, mental disorders and substance abuse problems. To deal with these challenges, people rely on the overall health infrastructure provided by Title I and cannot be helped by merely receiving AIDS drugs.

I urge my colleagues to oppose the Weldon Amendment.

Mr. NADLER. Mr. Chairman, I rise in strong opposition to the Weldon amendment. This misguided amendment is the very essence of robbing Peter to pay Paul. While I support the worthy goal of increasing the appropriation for the Aids Drug Assistance Program, I cannot do so at the expense of Title I of the Ryan White program.

No one can argue with Dr. WELDON that ADAP funding must be significantly increased. ADAP is a vital program that is severely underfunded. But his answer is truly perverse. He attacks the very infrastructure needed to deliver these important services. If he slashes funding for Title I, he will only make it harder for people living with HIV and AIDS to receive the medication they need under ADAP.

Let's look at what Title I does. Title I directs funding to the metropolitan areas that are home to about 74 percent of all individuals diagnosed with AIDS in the United States. The areas eligible for Title I funding are magnets for individuals from all of the surrounding areas who are in need of the critical primary care and supportive services provided under this program. Whether it's primary health care, dental care, substance abuse treatment, legal services, transitional housing, transportation, or nutritional care, Title I provides the bedrock safety net that people living with HIV and AIDS depend on. The bottom line is that people will die without these services.

If Dr. WELDON wants to increase funding for ADAP, as he should, the answer is not to attack Title I. The answer is to increase the total appropriation. Despite a request for flat funding from the President, I am pleased that the committee provided for a modest increase in Ryan White funding. However, the need is far greater still. Title I alone would require a 30 million dollar increase just to keep pace with inflation. With the modest 17 million dollar increase provided, services will already have to be scaled back and needs will go unmet. To further cut 60 million dollars from this program would be simply devastating.

Indeed, ADAP is significantly underfunded, as well. But the success of the ADAP program, which has kept thousands of people alive, makes the need for Title I money all the greater. As people live longer, they rely on the services provided by Title I. This amendment might temporarily plug one hole, but it would create a much larger one elsewhere. Vote against this dangerous amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Florida.

The gentleman's amendment proposes to take $60 million in funding from Title I of the Ryan White CARE Act and transfer it to the AIDS Drug Assistance Program.

While both of these are critical components of the Ryan White CARE Act, we cannot support moving money from one critical program in the CARE Act to another critical program.

Our nation's response to the HIV/AIDS crisis must be comprehensive and integrated. While the ADAP program needs additional funds, these additional resources should not come from money approved for other bipartisan-supported CARE Act programs, such as Title I, which provides relief to metropolitan areas—like New York and Chicago—that are disproportionately affected by HIV/AIDS. Title I funds support comprehensive HIV health care and treatment and essential services for low-income uninsured and underserved persons living with HIV/AIDS.

Title I provides funds to the most impacted cities for the delivery of critical medical and support service and medications. We cannot take medical services away to provide the increase for ADAP. Funding for the needed increase for ADAP must come from another source, not a medical and support service delivery program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The amendment was rejected.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to call attention to the need for an additional $5 million for fiscal year 2002 to the Department of Labor's International Bureau of Labor Affairs, also known as ILAB, for programs that promote workplace-based HIV-AIDS education and prevention programs and the well-being of children orphaned by HIV-AIDS in developing countries.

More than 36 million people are living with HIV-AIDS worldwide, and more than 10 million children in sub-Saharan Africa alone have lost their parents to this disease. The number of AIDS orphans could climb to more than 40 million by 2010. Mr. Chairman, 40 million orphans in Africa is equal to the number of children east of the Mississippi River in this country. This amount of money equates to less than 13 cents per year per orphan to improve their lives and help make them productive members of their society.

The global HIV-AIDS pandemic is an extremely serious issue that demands our continued attention, and one way to address the crisis is to promote workplace-based education and prevention programs. The ILAB has undertaken an innovative program to address HIV-AIDS through the workplace as part of its efforts to promote safer, healthier, and more productive work environments.

ILAB has already launched a workplace pilot project in the Republic of Malawi in southern Africa. Increased funding will enable ILAB to expand workplace HIV-AIDS education and prevention programs into other developing countries. It will also enable a joint initiative with the Department of Labor's International Child Labor Program to develop programs aimed at children affected by HIV-AIDS.

Mr. Chairman, this is a relatively simple transfer of dollars. The funding for this program comes from the account that contains Job Corps, which receives $75 million more than requested, more than double for fiscal year 2002. This is more than Job Corps can reasonably manage within 1 year, and so we are asking that $15 million be considered. It is only a general funds transfer if it is considered in conference, but it is very important that the intended destination is discussed during floor statements today.

The Congressional Budget Office indicated that a $15 million decrease and $5 million increase was the only way this would work with management and Department outlays. We certainly know that there is a serious and strategic need. This international HIV-AIDS workplace education program has developed a strategic plan for workplace-based HIV-AIDS education focusing on the following three components: prevention education stressing behavioral responsibility, gender issues, and concepts relating to care and support; workplace policy development addressing issues of stigma and discrimination; and capacity building activities for government, employers, and labor to strengthen the response to this crisis.

In the year 2000, IHWEP launched a workplace education pilot project in the Republic of Malawi, implemented by the nongovernmental organization Project HOPE, which is based in Millwood, Virginia.

A task force cochaired by Senators FRIST and KERRY have deemed the issue of AIDS orphans a high priority. These young people are heads of households now that they have no parents; and it provides them with care, vocational training, as well as microfinance opportunities. It aims to enable child-headed households to develop an income-generating skill and reduce the likelihood that they will resort to working in areas where their health and safety may be compromised.

Mr. Chairman, I would sincerely ask that the conference committee consider this request. It is of grave need.

Mr. CARSON of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I rise to thank the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for their leadership on this complex and difficult appropriations bill; and particularly to express my appreciation for the increase of $10 million to the State Survey and Certification program funded under the Centers for Medicare and Medicaid Services.

The State Survey and Certification program provides States with money to conduct inspections of facilities serving Medicare and Medicaid beneficiaries, and fund the Nursing Home Oversight Improvement Program. The need for adequate funding of these two programs has become painfully clear when we are reminded that 5,283 nursing homes, one out of three nursing homes, were cited for an abuse violation in the last 2 years.

At a time when the Department of Health and Human Services has estimated almost half of all 65-year-olds will use a nursing home at some point during their lives, this is unacceptable and immoral. Today there are 1.5 million people who live in nursing homes, and this figure is expected to rise to 6.6 million by the year 2050. Our loved ones should not be made to fear inadequate care and abuse when entering a nursing home for the first time.

Additional funding for this program is sorely needed. This additional funding that we will agree to today will be distributed to the States to cover survey and complaint visit workloads.

When the daughter of someone living in a nursing home notices that her mother is not receiving adequate care, she should immediately call her State Department of Health to report a complaint or evidence of abuse. However, in my home State of Oklahoma, as in many other States, these complaints are not investigated in a timely manner.

□ 1530

The State Department of Health simply does not have adequate funding to hire and train enough inspectors to investigate all of the complaints submitted. And most family members are left without any other possible recourse, unable to afford home health care or staying home from work to care for their loved one themselves. How, then, can we justify pouring Federal money into these facilities as so much of our taxpayer dollars do flow into nursing homes when the government cannot ensure the safety of the residents?

To ensure their safety, we must continue to increase funding to CMS's State survey and certification program. An increase of only $10 million for fiscal year 2002 is a good start but is certain not to address the many needs that will expand in years to come.

Again, I thank the chairman and ranking member for their work on this issue and for increasing funding to this important program by $10 million. Nevertheless, I ask that you continue to work for increased funding of this vitally important program in the conference committee and in future fiscal years. Knowing the commitment of both of these gentlemen to this important issue, I know that they will work with me to see that this is done.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CARSON of Oklahoma. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I simply want to thank the gentleman for his interest in this program. I know he has been most interested in seeing that we appropriate as much money as possible for the inspection of nursing homes and I appreciate his leadership on this issue.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word and engage Chairman REGULA in a colloquy.

Mr. Chairman, in H.R. 3061, the elementary school counseling program is funded in this bill at $30 million, which is last year's appropriations level. The counseling program is the only Federal program designed to increase student access to qualified school-based mental health professionals. It is a vital program and particularly relevant and timely in the wake of the World Trade Center tragedies and the increasing violence levels in our schools.

Mr. Chairman, experts tell us that the psychiatric consequences of traumas of this kind, social traumas of this kind, may not show up for weeks or months in the form of post-traumatic stress disorder or other serious mental and emotional problems. I am particularly concerned about the effects this will have on our children. As the gentleman may well remember, the National Institute for Mental Health, following the Oklahoma City bombing, did a great in-depth study and it demonstrated that it took months, if not years, for the development of mental health problems in children not directly affected by the traumatic event.

Mr. Chairman, I am concerned that our schools are not adequately equipped to address the mental health needs of our students. Even before September 11, our Nation was experiencing an urgent need for school-based mental health services, and this is certainly evidenced by problems such as bullying, aggressive behavior, substance abuse and violence in the schools. We know that. We have all been familiar with it.

I would like to particularly point out to the chairman and to our colleagues here that back in January of this year, Dr. David Satcher, the Surgeon General, released a report on youth violence which identified mental health services as a necessary component of effective programs to prevent youth violence.

Mr. Chairman, children spend a large percentage of their time in school. Teachers and other professionals have the chance to identify potential problems and get children the help they need. Mental health programs in a school environment make good sense. With a small increase in funding for school-based mental health services, we will see dramatic, far-reaching effects.

To conclude, I would like to state to the chairman, clearly there are many objective reasons to assert the need for increased funding. Indeed, other programs in this bill have increased funding, including a new mentoring program which is funded at the same level as the counseling program. I would simply like to ask the chairman if he could work in conference to increase funding for this program to ensure that the mental health needs of our Nation's children are appropriately addressed. Again, let me say, this is a cost-effective investment. Providing mental health services now will avert far more significant problems and far more costly problems in the future.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentlewoman for her comments and assure her that I will work in conference to increase funding for the elementary school counseling program.

Mrs. ROUKEMA. I thank the chairman. I appreciate his attention and this colloquy.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to first associate myself with the remarks of the gentlewoman from New Jersey whose leadership in the area of mental health parity has been well known and whose work in this area is something I applaud greatly.

It is also a great pleasure for me, Mr. Chairman, to rise in strong support of this bipartisan bill. Before I get into the substance of this legislation, I would like to commend both our chairman, Chairman REGULA, as well as our ranking member, our Democratic leader on this committee, our ace-in-the-hole, DAVID OBEY, for the fantastic work that he has done to make this a very open and inclusive process.

Also, Mr. Chairman, as a new member of the committee, I would like to acknowledge the work of the staff who have managed to put a very difficult piece of legislation into proper order. I especially want to thank Cheryl Smith and David Reich and Christina Hamilton all for their good work as well as to acknowledge my own staff member, Matt Braunstein, for the great work he has done in offering his enthusiasm and dedication to this effort.

On the issues, Mr. Chairman, I would like to be noted for speaking up as the gentlewoman from New Jersey has just done in the area of mental health. Right now, according to the World Health Organization, mental illnesses are the second most disabling family of diseases in industrialized nations, trailing only cardiovascular diseases. According to the Surgeon General, more than 54 million Americans, about 20 percent, have a mental disorder in any given year, although fewer than 8 million even seek treatment. This is obviously because of insurance barriers as well as the overwhelming stigma that continues to exist when it comes to diseases of the brain, which are somehow not equated to diseases of the rest of the body for some strange reason.

Mr. Chairman, it is my opinion that the mental health and emotional stability of our country represents the next big public health challenge that we have as a Nation, especially in the wake of the September 11 attack. It is for these reasons that I have been so honored to work with our colleagues on this bill to see that we had a $20 million increase in the mental health block grant. This is especially important, because it is consistent with President Bush's New Freedom Initiative as well as the Supreme Court's Olmsted decision which talks about community-based services for those in need.

There is also, Mr. Chairman, an initiative which I cosponsored with Ranking Member OBEY to have a $5 million set-aside for the seniors mental health initiative. Senior citizens are growing in this country as a percentage of our overall population. Yet our country is not prepared to meet the unique challenges of our senior citizen population as it grows. As it was said, 20 percent of our population experiences mental disorders and it is not surprising that much of this occurs within our senior population, given the enormous depression that they face with loss of loved ones and with loss of their own health. They need the assistance and support to cope with these challenges, and I hope this initiative will begin the way towards this problem.

Mr. Chairman, in addition to these initiatives in the area of mental health, I want to acknowledge a few other areas in the bill that I strongly support. Among them is the area of family literacy. Mr. Chairman, we know with the 21st Century Learning Centers that we are able to address the needs of as many as 8 million "latchkey" children who are left alone unsupervised. The 21st Century Learning Centers give them a place to go as well as a place to grow, and that is why I am so pleased that we are able to increase the funding for this program, thereby allowing school districts like mine in Rhode Island, like Pawtucket, Providence and Central Falls, to all be able to continue their after-school programming.

In addition to family literacy, the Even Start program, which is also about family literacy, is being well funded in this program. Even Start is about making sure that parents are able to read and write, because if the parent is able to read and write, their children have a much better crack at being able to read and write themselves. That is why adult literacy should really be viewed as family literacy, because when you help the parents, you certainly help the children as well. That is why I am so supportive of this committee's work to increase this funding by $10 million.

Finally, Mr. Chairman, I think that we did a great job increasing funds for IDEA, the Individuals with Disabilities Education Act, particularly part C. This is the toddler's program. This is the area where if we invest early, we gain a great deal of return for our investment down the road.

For all these reasons, I support this important bill and ask that its adoption be supported unanimously by this House of Representatives.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment at the desk which I intend to withdraw out of appreciation for the way in which Chairman REGULA and Ranking Member OBEY have preserved the Porter initiative to combat obesity and overweight in the American population.

Originally Mr. Porter, our former colleague, for the first time placed $125 million in the 2001 budget for a program directed against obesity and overweight in children. My amendment would have sought full funding. I am very appreciative that the chairman and ranking member have kept this initiative from being defunded by placing $85 million in the 2002 budget.

This is a major legacy of our former colleague, John Porter. It is something he worked on for some years and in his last year I worked with him. This initiative marks the first time the Congress has given more than token funding to the most serious, widespread health problem in the United States today, and that is overweight and obesity. Fifty percent of Americans are either overweight or are obese.

At the time that this matter was on the floor last year, Chairman Porter engaged in a colloquy with me on this provision. In that colloquy, to quote briefly from it, I asked the chairman if he would agree that some of the $125 million in this Labor-HHS bill be spent on the activities specified in the LIFE bill legislation. That was my legislation, Mr. Chairman, Lifetime Improvement in Food and Exercise.

Chairman Porter answered: I support the LIFE bill and believe that some of the $125 million in additional funding I have included in this appropriation bill for the CDC should be directed toward the initiatives of the LIFE legislation.

The major difference in the LIFE legislation is that it applies beyond children to Americans of all ages. Americans of all ages, of all races, of all backgrounds and educational groups are experiencing this epidemic in obesity and overweight.

I am pleased that the funding for the education part of this initiative has already begun. The LIFE bill would also promote training by health professionals to recognize the signs of obesity and then to recommend prevention activities and actual strategies so that people engage in exercise and other activities designed to mitigate this extraordinary problem we have in our country.

The importance of this initiative springs from the fact that it is the major contributor to some of the most serious preventable diseases in the American population, everything from high cholesterol and Type II diabetes to arthritis and cancer. The fact that there has been a 100 percent increase in obesity among children in the last 15 years ought to itself make us all pause. It means that these children are on their way to death early unless somehow we can put our country on a different path, a path where people get out and walk, a path where there is less in fatty foods and caloric foods and more in the kind of ordinary, everyday exercise that can mean the difference now between life and death.

I am very appreciative but not very surprised that the Chair and the ranking member of this committee would understand that to get this kind of funding finally and then to have it evaporate in a single year would have done a disservice to this very serious health problem. I am very appreciative for what they have done. I would like to work with them in future years so that we can, in fact, get this matter up to full funding. That way we will see it save much in Medicare and Medicaid, not to mention the health care bill of Americans in general.

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The CHAIRMAN. Are there additional amendments to title II?

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. 2 . Of the amounts made available in this title under the heading "CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING", $40,000,000 of the amount made available for communicable disease activities (HIV/AIDS, tuberculosis, and sexually transmitted diseases) is transferred and made available under the heading "HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES" for child-health activities under title V of the Social Security Act (relating to the Maternal and Child Health Services Block Grant), in addition to other amounts available under such Health Resources heading for such child-health activities.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, my amendment addresses the silent epidemic that is hitting our Nation's children at an alarming rate. Autism is the most prevalent developmental disorder in America. A couple of decades ago, autism struck a few children out of every 10,000. Today it hits as many as 1 in 250. Over 500,000 Americans are autistic.

My amendment increases funding for the Maternal and Child Health Block Grant program by $40 million. This will provide States with funding for early diagnosis and intervention for children with autism and other developmental disorders. Early diagnosis and intervention is critical in helping these children reach their greatest potential.

For point of reference, it is important to note that the number of Americans suffering from autism is more than half the total number of Americans living with HIV and AIDS. However, you would not know this from looking at the budgets of CDC and NIH. Last year, the CDC spent $12 per person for every person with autism. Conversely, CDC spent about $800 per person for every person with HIV-AIDS.

Children are diagnosed with autism through no fault of their own, and we spend almost nothing to figure out why they are autistic.

We have an opportunity to provide $40 million for autism early intervention. My amendment shifts $40 million from CDC's HIV prevention account to the Maternal and Child Health Block Grant. Even with the adoption of my amendment, CDC's HIV prevention budget receives an $80 million increase.

I am concerned about some of the activities that are being funded by the CDC. If the CDC can fund questionable activities, it says to me there is too much money in that account. I believe that shifting $40 million of the $120 million increase to assist lower income families would be a better use of these funds.

What type of questionable programs am I talking about? I ask Members to weigh these activities against helping lower income parents with their autistic children.

Some of the questionable programs receiving taxpayer assistance include recently in St. Louis, Missouri, the mayor had to get $50,000 worth of offensive billboards pulled down. Why? Because they were too offensive for the community. They were paid for with CDC's HIV prevention funds.

On August 21, there was a workshop where people could come and learn about sex techniques and share stories about their sexual experiences and turn-ons. This was funded through the CDC with funds from Stop AIDS Project, San Francisco.

On August 23, there was a GUYWATCH in San Francisco, a program for homosexuals under the age of 25 where they can come and "meet other young guys."

Also several television ad campaigns across the country funded with Federal tax dollars have been pulled because they offended most viewers. If people want to sponsor and attend such programs, that is their business. However, if they want to use taxpayer dollars for it, I think we need to look into it and weigh it against other priorities.

Most reasonable people would say we have other more important priorities. Prior to coming to Congress in 1995, I treated hundreds of AIDS patients. I was one of only two physicians in my community of more than 400,000 who took care of these AIDS patients. I have been at the bedside of dying AIDS patients. I have gotten up in the middle of the night to provide medical care for them. I have compassion for them and their needs.

I would not be offering this amendment if I did not feel the cause required it. I believe that a $80 million increase rather than a $120 million increase should be more than enough for this program. I encourage my colleagues to support the amendment.

The CHAIRMAN. Does the gentleman from Wisconsin insist on his point of order?

Mr. OBEY. Mr. Chairman, as was the case with the gentleman's previous amendment, I think it is drafted in such a way that it makes it clear it is a limitation, and therefore ought to be offered at the end of the bill. So I think the point of order would hold if I were to insist upon it.

Again, I would simply at this point reserve my reservation and I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, let me simply say to the gentleman, he has talked to me about his concern about providing additional funding for autism. I very much agree with that; and, as a matter of fact, I agree with some of the comments he just made about some of the wasteful uses of some of the funds in the program that he is discussing cutting. About 4 years ago, I made a similar objection myself.

I would urge the gentleman to withdraw the amendment, with the assurances that both the gentleman from Ohio (Mr. REGULA) and I and the rest of the conferees will try in conference to gain additional financial support for programs directed at autism, and a number of others, for that matter.

I think the gentleman is correct in bringing it to our attention. I hesitate to support the proposal as the gentleman is offering it, because in addition to the limitations on the AIDS program that he is talking about, we would also be reducing funding that would go for dealing with diseases such as TB. That almost got out of the bottle a few years ago. I do not want to see that happen again.

I would just urge the gentleman to respect the agreement that the gentleman from Ohio (Mr. REGULA) and I have to oppose all amendments, no matter how meritorious we might find parts of them. We would both be happy to work with the gentleman in conference to try to accomplish what the gentleman is trying to accomplish.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for his comments and his willingness to work with me on this issue. His points, I think, are very well taken.

I personally have been very grieved over the years that I have worked here to see the tremendous amount of money that we spend on HIV and the relatively minimal amount of money we spend on autism. Actually the number of people with HIV and AIDS is about twice the number of autism, but if you look at the people who are actually falling into the AIDS category, it is about the same for both diseases. What is particularly grievous is that many private insurance companies do not cover the care that these kids need.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I agree that this is a concern. I had a conversation with the sponsor of the amendment, and I understand the need for this funding. We have a tough time balancing off all the different problems that afflict us in terms of disease and research. I do want to talk to the NIH folks and see if we could get a little more urgency on the part of NIH in doing research. Of course, we will also, in the conference, see if we cannot get some additional funding for this program.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my first order of business is to rise to support this legislation and to acknowledge the chairman of this committee, the gentleman from Florida (Mr. YOUNG); and the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY); and the subcommittee chair, the gentleman from Ohio (Mr. REGULA); as well the gentleman from Wisconsin (Mr. OBEY), the ranking subcommittee member on this legislation.

Allow me, Mr. Chairman, to first acknowledge that this is a monumental piece of legislation, so I rise to emphasize the issues that are important not only to Texas, but to my home community.

The increase in the education funding is of crucial concern in the fact that I just attended this past week a high school that had 3,042 students in one school. We are in need of assisting the education of our children, to create for them an opportunity, and I applaud the increase of the education funding generally.

We as well face an increasing epidemic in HIV-AIDS, particularly African-American and Hispanic women, the rising numbers, and the increase in dollars in the Ryan White treatment dollars will help reach in underserved communities as well as serve those who have been exposed or who are subject to the AIDS epidemic.

We have had an energy explosion or a concern with our energy needs, and the funding for LIHEAP is a very important addition.

Might I also say that I rise in support of the substance abuse and mental health funding as well. The increase that this committee has provided, along with the increased dollars for Medicare grants to States, is very important to the State of Texas. Even as we speak, there is a dispute in Texas as to whether public hospitals can be held liable for serving the indigents, who happen to be immigrants who may not be documented.

We know that our responsibility is to care for the ill. We want to use Federal funds responsibly. Texas needs those dollars, and as well we use our local funds to serve those who come to our doors who need good health care. We know that there is no grounds to hold these public hospitals liable, and we hope to resolve that matter very quickly.

I rise as well to indicate my concern with the issues of September 11, as so many of us have done, but to put particular emphasis on the children.

Tomorrow, the Congressional Children's Caucus, that I chair and that the gentlewoman from Florida (Ms. ROS-LEHTINEN) co-chairs, will hold a briefing on a very important issue; and that is the impact of September 11 on the children of those who died, a guardian, single parent, two parents, that may have been lost.

I was intending to offer two amendments to indicate the importance of focusing on the needs of those children. Right now we do not even have an accounting of those children. We know that there are about 500 children of police and fire parents who were lost, 500 children being impacted. We know that in one city in New Jersey, 25 dads were alleged to have been lost.

I had intended to offer an amendment of $375 million to fund the promoting safe and stable families. The primary goal of promoting safe and stable families is to prevent the unnecessary separation of children from their families.

We know that those children who lost parents cannot be reunited with their parents, their birth parents, but Congress can assist these children in obtaining appropriate living arrangements by targeting critical adoption services.

My other amendment was to add $20 million in grants to the States for adoption incentive programs to be able to help move those adoptions along faster.

I had intended also to put into this legislation the language of H. Con. Res. 228, a bipartisan sense of Congress bill supported by Republicans and Democrats to move to the front of the line those children who suffered the loss of a parent, a guardian, or two parents in the September 11 tragedy.

I want to applaud the organizations today who appeared at the Lincoln Memorial, child survival organizations, focusing on the loss and impact 1 month after this terrible impact of the children.

□ 1600

Mr. Chairman, I would hope that this Congress, and certainly I know the gentleman from Wisconsin (Mr. OBEY) has been a great champion of children and mental health needs, would support the idea of moving these children up so that they could utilize the Federal benefits that they might be eligible for and that this Congress would be sensitive to the needs of the terrible loss of September 11 with children as our concern.

I am not going to offer these amendments, because I would like to work with the leaders of this particular bill and work with them through the conference that the dollars that have been allotted, that they will be certainly available for these children as they are made eligible.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think the gentlewoman is addressing what is a serious problem. This is just one of the many fall-outs of September 11. There will be more yet to come, and I think we need to be sensitive to it. Probably as time flows along, the problems that the gentlewoman is discussing will become even more evident. It is an authorizing problem, as the gentlewoman realizes, and I am sure that the gentlewoman's amendment will be before the authorizing committee for a hearing. But we are well aware of it. Any portion that we deal with here, we have tried to put adequate funding in.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman. I would simply like to close, Mr. Chairman, by saying that there will be an important briefing tomorrow where we will hear from parents who are taking care of children who have lost one parent. I believe this bill is a strong bill, but it is very important that we look at those needs that impacted the children pursuant to the September 11 terrible tragedy.

Mr. Chairman, I rise to reject the spirit that animates both this rule and the larger debate we will hold here regarding Labor/HHS appropriations. While I appreciate the image of bipartisanship this open rule suggests, the actions of the rules committee allowing the Gentlelady from Pennsylvania to offer her controversial amendment casts a shadow over that image.

For the leadership to allow this controversial school spending provision as a ride to this spending package with full knowledge that the parties had previously agreed to waive the layover on the bill is the essence of divisiveness, and gives all too clear an indication as to the divisive directions the Leadership wishes to drive this country.

The Chairman of the committee has been quoted as saying that the structure for this rule "goes back to agreements that were struck several months ago." Mr. Chairman, I submit to you that this is precisely the wrong reason to go forward in this fashion. These are new times we live in, and we are faced with daunting struggles in the weeks ahead. Bipartisanship does not connote a carte blanche for those in authority to abuse their position. The work is supposed to invoke a spirit of cooperation that ought to animate our proceedings, conduct, and consciousness in this different time. This rule does not achieve this lofty, yet attainable goal.

In pursuit of this goal I will offer two amendments to this bill. The first calls for increased funding the Promoting Safe and Stable Families program under subpart 2 of part B of Title IV of the Social Security Act. The primary goals of Promoting Safe and Stable Families are to prevent the unnecessary separation of children from their families, and ensure permanency for children by reuniting them with their parents, by adoption or by another permanent living arrangement.

The children who have lost their parents or guardian in the September 11, 2001 tragedies cannot be reunited with their birth parents, but the Congress can assist these children in obtaining the appropriate living arrangements by targeting critical adoption services. These children are in need of foster care assistance, adoption assistance, medical, nutritional and psychological care. These service are needed now.

Under this amendment, states could determine the specific needs of children and families affected by these attacks, and use these funds to address those needs expeditiously, within the broad parameters of the existing program.

The second amendment increases by $20,000,000 the grants to the States for adoption incentive payments as authorized by Section 473 A of Title IV of the SSA (42 USC 670–679) and may be made for adoptions completed in FY 2001 and 2002.

Unlike the rider to this appropriations bill, these amendments are timely and promote both the immediate needs of children and families affected by the tragedies of September 11 and the spirit of cooperation our nation desperately needs.

Mr. Chairman, I rise in support of H.R. 3061, the Labor Health and Human Services and Education Appropriations Act for Fiscal Year 2002.

On October 2, the President sent a letter to the Republican and Democratic leaders of the House and Senate and the chairman and ranking member of the House and Senate Appropriations committees in which he stated that he supported the bipartisan agreement to set FY 2002 discretionary spending levels at $686 billion. Mr. Chairman, this is the first time in several years that the Labor, Health and Human Services and Education Appropriation bill reached a bipartisan agreement in the committee and with the administration.

I want to applaud the Chairman and Ranking member for their hard work on this bill.

The Labor Health and Human Services and Education Appropriations Act for Fiscal Year 2002 will touch the lives of many American citizens including our children. This legislation provides critical funding for Fiscal Year 2002 for a host of programs that improve the lives. At a time when our nation has been shaken through tragedy, this legislation is yet another sign of our strength and resolve to go forward with the American way of life.

Mr. Chairman, I want to point out some of the key provisions of this bill, which I believe to be critical during these difficult times.

Mr. Chairman, the bill language calls for $375,000,000 to fund the Promoting Safe and Stable Families program under subpart 2 of part B of Title IV of the Social Security Act. The primary goals of Promoting Safe and Stable Families are to prevent the unnecessary separation of children from their families, and ensure permanency for children by reuniting them with their parents, by adoption or by another permanent living arrangement.

The children who have lost their parents or guardian in the September 11, 2001 tragedies cannot be reunited with their birth parents, but the Congress can assist these children in obtaining the appropriate living arrangements by targeting critical adoption services. These children are in need of foster care assistance, adoption assistance, medical, nutritional and psychological care. These services are needed now.

Congress should target additional funds towards addressing the specific child welfare needs of children and families affected by the September 11 attacks.

The types of services that are offered under the Promoting Safe and Stable Families program are very broad. Those services include family preservation, family support, family reunification, adoption promotion and support. Further, states have wide discretion in the use of these funds.

Therefore, states could determine the specific needs of children and families affected by these attacks, and use these funds to address those needs expeditiously, within the broad parameters of the existing Promoting Safe and Stable Families program.

I encourage the adoption of report language in the bill that would urge the head of each federal agency responsible to put the highest possible priority on delivery, and to the maximum extent possible, to do so within 60 days of the date of the determination of the death of the child's parent or guardian.

Also, Mr. Chairman, this legislation provides additional funding for the fight against HIV/AIDs in developing countries. During the August recess, I lead a congressional delegation to Guatemala and Honduras, along with the Global Health Council and USAID. There, I visited health clinics and centers that are working to reduce malnutrition and improve the health of children in their communities. While I was impressed by the resourcefulness and commitment of our friends and neighbors as they work to care for the most vulnerable children, such progress will not continue without continued support from the U.S. Mr. Chairman, I am pleased that this legislation allows the transfer up to $75,000,000 to International Assistance programs through the "Global Fund to Fight HIV/AIDs, Malaria, and Tuberculosis." Mr. Chairman, these funds are to remain available until expended.

Mr. Chairman, this bill provides additional funding the Low Income Home Energy Assistance program in the amount of $300,000,000. The funds provided in this bill for the Low Income Home Energy Assistance program are needed because of the increase in unemployed Americans. Low-income households are having an increasingly difficult time paying their home energy bills. Last year, Mr. Chairman, the number of households receiving energy assistance increased by 30% from 3.9 million to almost 5 million. Twelve states reported increases of more than 40%.

EXPLANATION OF REPORT LANGUAGE: PAGE 42 OF THE BILL PROMOTING SAFE AND STABLE FAMILIES

The bill language calls for $375,000,000 to fund the Promoting Safe and Stable Families program under subpart 2 of part B of Title IV of the Social Security Act. The primary goals of Promoting Safe and Stable Families are to prevent the unnecessary separation of children from their families, and ensure permanency for children by reuniting them with their parents, by adoption or by another permanent living arrangement.

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Therefore, states could determine the specific needs of children and families affected by these attacks, and use these funds to address those needs expeditiously, within the broad parameters of the existing Promoting Safe and Stable Families program.

The report language in the bill should urge the head of each federal agency responsible to put the highest possible priority on delivery, and to the maximum extent possible, to do so within 60 days of the date of the determination of the death of the child's parent or guardian.

EXPLANATION OF THE AMENDMENT: #1

Explanation: this amendment increases by $20,000,000 the grants to the States for adoption incentive payments as authorized by Section 473A of Title IV of the SSA (42 U.S.C. 670–679) and may be made for adoptions completed in FY 2001 and 2002.

The offset is provided by reducing $20,000,000 from the Community Services Block Grant Act.

The additional $20,000,000 is targeted to assist the states with adoptions initiated after September 11, 2001 and where the child lost a parent as a result of the attack on America.

The CHAIRMAN. Are there additional amendments to title II?

The Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, and section 418A of the Higher Education Act of 1965, $12,547,900,000, of which $5,667,700,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $6,758,300,000 shall become available on October 1, 2002 and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $8,037,000,000 shall be available for basic grants under section 1124: *Provided further*, That $1,684,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That $779,000,000 shall be available for targeted grants under section 1125.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $1,130,500,000, of which $982,500,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $35,000,000 shall be for construction under section 8007, $55,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

AMENDMENT OFFERED BY MR. SCHAFFER

Mr. SCHAFFER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFFER:

In title III under the heading "EDUCATION FOR THE DISADVANTAGED", after the first dollar amount insert "(reduced by $50,000,000)".

In title III under the heading "SCHOOL IMPROVEMENT PROGRAMS", after the first dollar amount insert "(reduced by $410,000,000)".

In title III under the heading "BILINGUAL AND IMMIGRANT EDUCATION", after the first dollar amount insert "(reduced by $240,000,000)".

In title III under the heading "SPECIAL EDUCATION", after the first dollar amount insert "(increased by $1,100,500,000)".

In title III under the heading "VOCATIONAL AND ADULT EDUCATION", after the first dollar amount insert "(reduced by $154,000,000)".

In title III under the heading "HIGHER EDUCATION", after the first dollar amount insert "(reduced by $183,000,000)".

In title III under the heading "EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT", after the first dollar amount insert "(reduced by $63,500,000)".

Mr. REGULA. Mr. Chairman, I reserve a point of order, because we have not seen the amendment as yet.

Mr. OBEY. Mr. Chairman, could we have a copy of the amendment?

The CHAIRMAN. The Clerk will distribute copies.

The gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes on his amendment.

Mr. SCHAFFER. Mr. Chairman, the amendment that I offer is one that moves a little over $1 billion to the IDEA program, the Individuals With Disabilities in Education Act. This is a provision that almost all of us in the Congress, Mr. Chairman, have spoken about at one time or another and have professed our support for increasing this line item to eventual full funding.

Back in the 1970s when the IDEA statute was established by the Congress, the statute called for 40 percent funding at the Federal level, and that was a promise and a commitment that we made. Just over 6 years ago, that funding level was down as far as 12 percent, and this Congress in recent years has tried to bump that percentage up. Today, I believe we are around 13 or 14 percent.

This amendment would make a substantial jump in the right direction, but still leave us woefully short of the 40 percent obligation that this Congress has committed to and to which school districts around the country are expecting us to provide funding.

Since we have not done that, Mr. Chairman, what occurs is the mandates associated with the Individuals with Disabilities in Education Act cause every school administrator in the country to effectively steal funds from other important priorities within their budgets, to steal funds from funds that might be used, for example, for teacher pay raises, maybe for capital construction, for investments in technology, for new computers, to reduce class sizes. A number of priorities that might be identified by local administrators and local officials go unrealized because of the expensive Federal mandates associated with this law and the paltry percentage of Federal funding that is put forward to meet those mandates. Again, far under, far below the 40 percent promised by this Congress.

On three separate occasions in recent years, this House passed resolutions, sense of Congress resolutions expressing our support for full funding of IDEA. While we continue to say and vote and speak throughout the course of our campaigns, throughout the course of our business here on the floor that we are in favor of full funding of IDEA, we just do not seem to do it.

Well, this amendment is one that tests our sincerity. It is one that shows the world that we are serious about the promises that we have made and that in the end, schoolchildren matter more than the size and the comfort of bureaucracies here in Washington, D.C. This amendment moves $1.1 billion from seven or eight different line items in the remainder of title III, and it does so in a way that still leaves in more funds than even the administration has requested. In no case are the funds taken from any line item in a way that will render them underfunded according to the request made by the Government itself, by the administration, by those who represent the bureaucracy of our country.

This is an important undertaking, Mr. Chairman, once again, not only because of the growing need for IDEA resources and funds and those individuals who are directly affected by the programs, but, as I say, because our failure to fully fund our obligation and our commitment and, at the same time, leave the expensive mandates in place, causes all children and all schools to suffer; and that is why I offer the amendment. That is why I look forward to the broad-based bipartisan support that I expect based on previous comment and testimony on the amendment. I, on that basis, urge the adoption of the amendment.

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) insist on his point of order?

Mr. REGULA. Mr. Chairman, I withdraw my point of order.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of this amendment to increase IDEA funding by more than $1 billion. Year after year we pass resolutions asserting Congress's commitment to fully fund the Individuals with Disabilities in Education Act: Many of our fellow colleagues join with me at this podium and assert our responsibility to live up to our promise, to our school districts: We declare that the Individuals with Disabilities in Education Act is the highest priority among Federal elementary and secondary education programs, the highest priority. Yet year after year, we increase funding for other programs that are less vital to our local school districts.

My home State of Kansas can expect to see about one-fourth of the promised $69 million this year for IDEA mandates. Anyone who has spoken with school officials in their district knows that this is inadequate. While school districts are forced to rob Peter in order to pay Paul to meet IDEA mandates at the expense of both children with and without disabilities, Congress has increased funding for Department of Education programs that I consider are not vital to our children's education.

I do not know how many Members have toured special education facilities. I have. I have toured Levy Special Education Center in Wichita, Kansas, and seen the special education children. I have met with special education teachers and listened to their frustration about the lack of funding, combined with the burden of increased paperwork.

Twenty-five years ago with the passage of IDEA, the Federal Government mandated that our local school systems educate all children, even those with severe mental and physical disabilities. IDEA has placed an extreme financial burden on our public schools which could be partially alleviated by keeping our commitment to fully fund the 40 percent of the program, the 40 percent originally promised. To not do so we are completely ignoring the needs of our local school districts.

I challenge my fellow colleagues to live up to our responsibility and support the effort today to put more money in IDEA. I encourage my colleagues to support this amendment.

Mr. GOODE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for all that they have done for IDEA. They have increased funding significantly in this bill, but more is needed. So I am very happy to rise in support of the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

In the fifth district of Virginia, school superintendents and school board members have addressed the issue of funding for special education more than any other school issue. These additional funds would bring so much more flexibility to jurisdictions in the fifth district of Virginia and across the United States. I hope it will be the pleasure of this body to support this amendment and to help IDEA funding get closer to the 40 percent.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, reluctantly, I rise in opposition to this amendment. I think that the IDEA program is an excellent one; and I know that the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, had this discussed when they did H.R. 1. He said that we need to withhold until it is reauthorized. It will be up for reauthorization next year. I think there will probably be refinements made in the program that will enable it to even better serve those who are in need.

I want to point out that the committee was very sensitive to this. We increased the amount by $1.37 billion; it is a 22 percent increase over last year. The total is $7.739 billion. We were, in fact, $375 million over the President's request on the IDEA program.

So it is not a lack of sensitivity; and, of course, this tends to free up money that goes into the regular school program. I think adding money is not necessarily going to enhance the experience of the children in the IDEA program; it simply would free up money for the general school program that is now taken out of the regular school budget.

I have to say that the offsets here, I believe, have a substantial impact. It first takes money from the education for the disadvantaged, and in the President's statement he points out that there is a real need in this field as part of title I so that the students can profit from the efforts that will be taken under title I.

Likewise, it takes out money from immigrant education; and, again, if these individuals are going to be members of our society, they need an ability to get education through our system. Otherwise, they will be on the welfare rolls.

The school improvement programs, again, are something that are affected by the offsets in this program, and I think the one that I am concerned particularly about is vocational and adult education. We are finding a lot of people are having to refine their job opportunities because they are laid off from a factory; they are laid off from all different types of things. It is almost a daily occurrence to read in the newspaper where 5,000 are laid off by a major industry. These people need the ability to get new skills to participate in our economy in this Nation so that they can pay their mortgages, send their children to school, to universities and colleges.

To take money out of vocational and adult education I think is a misdirected priority at the moment, given what is happening in the economy. We need to give people the opportunity to participate in the economy, and the issues here that are being used to pay for this additional funding, which will go to the schools' budgets and not necessarily change the experience of any children in the IDEA program, is not as high a priority in my judgment as providing for the education for disadvantaged, as providing for vocational and adult education, and higher education.

□ 1615

We have increased the Pell Grants to help young people get a chance to get a college education.

We are living in a far more sophisticated society than was true many years ago. Therefore, people who want to participate effectively in our economy need higher education; they need retraining, as offered by vocational and adult education.

So I think, looking at the total sum of the priorities, that this is a balanced bill. I hope that the Committee on Education and the Workforce next year will take a look at this program in the reauthorization process and make sure it is even more effective than it is now in meeting the needs of the children that are part of the IDEA program.

For this reason, I would urge the Members to reject this amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. RYAN of Wisconsin. First of all, Mr. Chairman, I would like to thank the chairman and the ranking member for all their work on this fine piece of legislation. They have put in a lot of time and hours, and they have listened to a lot of Members with respect to this very complicated piece of legislation.

Mr. Chairman, I believe this is a wise amendment, and it is for this reason: In 1975, Congress passed a very important piece of legislation. That legislation is what we call special education, the Individuals with Disabilities Act.

But at that time, that legislation said the Federal Government would fund 40 percent of special education and the States would cover the rest of it. Well, Mr. Chairman, that has not occurred. We are, at best, funding 12 to 15 percent of special education, a Federal mandate on our local schools which now, since those days, has become the largest unfunded Federal mandate on our local school districts.

In the State of Wisconsin, from which I come and which I represent, we have a revenue cap. What that means in States like Wisconsin and other States across the country with the revenue cap, that means $1 that is used to chase an unfunded Federal mandate is $1 that is taken away from every other resource allocation made by a local school district. It is $1 taken away from all of these other programs.

It suffocates local control, it artificially props up property taxes, and it disallows us from having the ability at home in our districts, in our school districts, in our LEAs, from making the resource decisions to cater our needs and problems per the problems of our school districts.

So with that in mind, Mr. Chairman, I think it is very important that this Congress works very, very hard to try and meet that unfunded Federal mandate, because if we do so, our school districts can address all of these issues. They can address bilingual education, they can address all of the programs that are being used to pay for in this amendment. It will be up to the school districts.

These programs are important programs. This amendment does keep the funding of these programs at or above the President's request. So I think it is a very reasonable and commonsense amendment.

I just think it is very important, Mr. Chairman, that we finally recognize that Washington all too often penalizes our local decision-making. It forces unfunded mandates on our schools, and in States especially where we have revenue caps it basically makes a choice between higher property taxes or not or between taking money out of every other education program in a school district or putting it into special education.

We should not have to force school districts into that kind of decision-making. A vote for this amendment is a vote to elevate the percentage of special education from Washington from 15 percent to 21 percent, basically even half of the mandate, not even far enough. But it is a vote for local control, it is a vote for local resource allocation.

With that, I thank the chairman and the ranking member for all of their work on this. I just think it is important that we make a statement on behalf of local control. This is a great way of doing so.

Mr. SCHAFFER. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Colorado.

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

I appreciate those last remarks. It is within that context that I want to address some of the comments that the chairman made.

Mr. Chairman, without a doubt, we are moving $1.1 billion away from programs that are funded over and above the request of our President. Now, the characterization of these being cuts is one that I flatly dispute, because these programs are still receiving increases over and above what they are budgeted in the current fiscal year. In fact, we are, in many of these programs, increasing still above what the President had requested.

As to whether doing so causes some kind of harm or endangers students, I just do not think our President would do that. I think our President has suggested a funding level that is reasonable and just, and took into full consideration the impact that his funding increases would have on America's children.

The President did suggest on several occasions his support for moving toward full funding of IDEA. Although our promise to the American people, to America's schoolchildren, their teachers, their administrators, was that we would fund this Federal mandate at 40 percent, my amendment increases the amount the committee has suggested by $1 billion. That only gets us to 21 percent. We still have a long way to go to maintain the promises that we have made. I hope we can do that. But we are not hurting anyone in accomplishing the fulfillment of our obligations.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Chairman, I just want to point out or reiterate, since the President has been mentioned here, that we are $375 million above the President's request for IDEA, and this represents a 22 percent increase in this fund. So it is not as if we were not sensitive to the needs in IDEA.

But also, we were sensitive to the needs of the unemployed, of the economically handicapped and disadvantaged, and immigrant education. So it is a matter of balance here. We have tried to balance out all of these things in allocating the resources in the bill. I hope that the Members will support the bill and vote against this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. OBEY. Mr. Chairman, the gentleman from Wisconsin indicated that he wanted to thank the gentleman from Ohio (Mr. REGULA) and I for what we have done in the bill. I think the gentleman from Ohio (Mr. REGULA) and I would rather have less thanks and more support.

I have two things I would like to say, Mr. Chairman. First of all, with respect to the duty that I think individual Members owe the Committee, and vice versa. When the Committee produces a bill, there is a report, a printed report. The bill is printed. The House has several days' notice before the bill comes to the floor.

Yet, in contrast, I have seen at least four amendments offered today on which the Committee has essentially been blindsided. Individual Members keep amendments in their pockets until the last possible moment. Then they bring them to the floor with no notice to the Committee, so that we might work with them to fashion an amendment that might be acceptable to both sides.

It just seems to me if committees are expected to exhibit certain respect for individual Members, I think individual Members owe that same respect to the Committee. I would urge Members to respond accordingly.

Secondly, let me point out that this is one of those amendments that I suspect no matter what we had put in this bill for IDEA, we would have been told, oh, it is not enough. This Committee is one-upped every time we turn around.

I want to read to the Members. People have suggested that the Administration is in support of this amendment. That is most definitely not true. I want to read a statement from the Secretary of Education:

"We believe that solutions to these challenges; namely, in IDEA, should be addressed within the context of a thorough review of IDEA and as part of a comprehensive package of reforms." In other words, they do not think that we should be providing large amounts of money without reforms to the program.

I want to point out what this amendment does. This amendment cuts title I. We hear about how much IDEA is not reaching all the children that it is supposed to reach. I recognize that. It would cost $17 billion to fully fund IDEA. It would cost $27 million to fully fund title I, because title I is only reaching one-third of the children who are eligible for service. Yet, this bill would cut that program to finance a program which is already $375 million above the President.

I would point out that on IDEA, since 1996, this Committee has raised the funding for that program from $2.3 billion to $7.7 billion. That is not bad. That is not bad.

I would point out that only one-third of eligible kids in title I are now served. Why do we not have an amendment on the floor raising that to $27 billion? It seems to me it would be just as equitable.

I want to point out also that there are 8,200 schools in this country who have low-income kids at least 35 percent of their enrollment, low-income kids who do not get a dime in title I money. If we are going to start talking about inadequacies, we ought to raise that program, too.

I do not see why we ought to cut vocational education, why we ought to cut title I, why we ought to cut bilingual education when we have 3.6 million kids in this country who need to understand how to read English and speak English. I do not know why we should cut education research when there is still so much debate in this country about how children learn. It would be nice if all of us could get off our biases and get into some facts. The way we do that is with additional education research.

So I would say the amendment, in terms of what it wants to increase, is fine. But the source of money for that increase I think is ill-advised, to put it kindly. In my view, the Committee has struck a reasonable balance. There are people in the Senate, there are people in the Senate in my party who want to see IDEA increased far above this level, and who also want to see title I fully funded over the next 4 years so we pay for 100 percent of eligibility.

Is anybody here willing to put that $27 billion on the table? This Committee has tried to be responsible. We have held down the gentleman's wish list on that side of the aisle and our wish list on this side of the aisle.

I would much prefer that we be able to provide every dollar for IDEA that is suggested in this amendment, but not at the expense of title I, not at the expense of vocational education, not at the expense of educational research, not at the expense of TRIO programs.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I would urge Members again to recognize that we have hammered out over a 7-month period a bipartisan bill which does not meet anybody's idea of what is pluperfect, but represents a reasonable compromise between all of us. I urge Members to stick with that judgment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCHAFFER. Mr. Chairman, I demand a recorded vote.

THE CHAIRMAN. An insufficient number has apparently arisen. . . .

Mr. SCHAFFER. Mr. Chairman, I make a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

Evidently a quorum is not present.

Pursuant to the provisions of clause 6, rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 376]

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

□ 1652

The CHAIRMAN. Four hundred twelve Members have recorded their presence. A quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The Chair did not finally announce that a recorded vote had been refused. Therefore, under the circumstances, the gentleman's request is pending. The Chair will count for a recorded vote.

A sufficient number has arisen.

A recorded vote is ordered. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 349, not voting 5, as follows:

[Roll No. 377]

AYES—76

Akin
Armey
Bartlett
Barton
Bass
Brady (TX)
Brown (SC)
Bryant
Burr
Cannon
Cantor
Chabot
Cox
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Flake
Forbes
Gibbons
Gilman
Goode
Graham
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Harman
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Issa
Jenkins
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
Kerns
Largent
Manzullo
McInnis
Miller, Gary
Myrick
Norwood
Paul
Pence
Petri
Pitts
Pombo
Radanovich
Ramstad
Rehberg
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Simmons
Souder
Stearns
Sununu
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Toomey
Vitter
Weldon (FL)

NOES—349

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Blunt
Kingston
Meeks (NY)
Miller (FL)
Velázquez

□ 1701

Mr. HALL of Texas changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded

Mrs. CLAYTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this particular bill gives us an opportunity obviously to talk about many important issues, and the issue of AIDS obviously is very important. I want to bring to the attention of the House that those of us who live in rural areas are beginning to see an increased rise of AIDS in our areas, and the resources we have now allocated to this horrific disease are skewed more to urban areas. I am not proposing an amendment, I just want to bring to the committee's attention that the Ryan White program, which is a very good resource, is skewed to large populations.

Those of us who live in smaller communities, 50,000 and less, have far more difficulty in being able to get those resources. I ask the chairman if we could look for opportunities in the report language to be more fair in the distribution of those resources.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we have recognized the problem; and we have increased those programs, as the gentlewoman has probably noticed. It has been a difficult issue to balance out all of the demands that confront us in this bill. We have tried to be fair in beefing up that program.

Mrs. CLAYTON. Mr. Chairman, I am very appreciative of what the gentleman has done. I am only saying as a rural-urban allocation, those of us who live in rural communities do not benefit from the program in the same way. I urge the gentleman to work with us during the conference report language to correct some of that disparity.

Mr. REGULA. Mr. Chairman, if the gentlewoman would continue to yield, we are aware of that; and will work with the gentlewoman.

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I congratulate the gentleman from Ohio (Mr. REGULA), the subcommittee chairman, and the gentleman from Florida (Chairman YOUNG) in support of the bill. I appreciate the funding for the Community Access Program which was placed in the bill, the CAP program.

The Census Bureau estimates that for a second year running there has been a decline in the number of uninsured Americans, with 39 million Americans without health insurance. As the Census Bureau also reports, the slowing economy, higher levels of unemployment, and the uncertain future could cause significant growth in the number of uninsured Americans.

The CAP program is used to support a variety of programs to improve access for all levels of care, for the uninsured and the underinsured. CAP helps fill the gaps in our health safety net by improving infrastructure and communication among agencies to ensure that care is continuous.

With better information, agencies can provide preventive, primary, and emergency clinical health services in an integrated and coordinated manner. Each community designs a program which best addresses the needs of the uninsured and underinsured and the providers in their community.

For example, in Florida in Broward County, they use CAP funds to form an informational health line and referral system to publicize health care prevention and points of access for health care services. They purchased new software so that various providers could improve eligibility determinations for public services.

Chicago, Illinois, focused on a CAP grant which institutes disease management best practices because of the county's disproportionately high mortality rates from diabetes and cancer. The CAP program has worked, and is able to reach more than 300,000 residents in Chicago.

Mr. Chairman, in its two short years in existence, this program is very successful; 75 communities around the country have received these funds. I thank the chairman of the full committee and the ranking member, and also the subcommittee for including this provision in the bill.

The CHAIRMAN. Are there additional amendments to title III?

The Clerk will read.

The Clerk read as follows:

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles I-B, E and G, II, III-A, IV, V and VII-A of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; section 10105, part B of title IX and part A of title XIII of the Elementary and Secondary Education Act of 1965; and part B of title VIII of the Higher Education Act of 1965; $7,673,084,000, of which $2,178,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which $1,960,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title III, part A of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $123,235,000.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through title V be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the bill through title V is as follows:

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by title III–A of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $700,000,000.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $8,860,076,000, of which $3,516,885,000 shall become available for obligation on July 1, 2002, and shall remain available through September 30, 2003, and of which $5,072,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,942,117,000, of which $60,000,000 shall remain available through September 30, 2003: *Provided*, That the funds provided for title I of the Assistive Technology Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further*, That each State shall be provided $50,000 for activities under section 102 of the AT Act: *Provided further*, That $40,000,000 shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $13,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $55,376,000, of which $5,376,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $95,600,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act and the Adult Education and Family Literacy Act and title VIII–D of the Higher Education Act of 1965, as amended, $2,006,060,000, of which $1,191,310,000 shall become available on July 1, 2002 and shall remain available through September 30, 2003 and of which $808,750,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003: *Provided*, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $12,410,100,000, which shall remain available through September 30, 2003.

The maximum Pell Grant for which a student shall be eligible during award year 2002–2003 shall be $4,000: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2001 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $49,636,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, section 1543 of the Higher Education Amendments of 1992, and the Mutual Educational and Cultural Exchange Act of 1961; $1,908,151,000, of which $5,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That $10,000,000, to remain available through September 30, 2003, shall be available to fund fellowships for academic year 2003–2004 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $1,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $242,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; title II–B and C, title IV–A and title VII–A of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $445,620,000: *Provided*, That $77,500,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $427,212,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $79,934,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $38,720,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Education Appropriations Act, 2002".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,440,000, of which $9,812,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $324,450,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2004, $365,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That in addition to the amounts provided above, $25,000,000, to remain available until expended, shall be for digitalization, pending enactment of authorizing legislation.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $39,482,000, including $1,500,000, to remain available through September 30, 2003, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,939,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $168,078,000, of which $11,081,000 shall be for projects authorized by section 262 of such Act, notwithstanding section 221(a)(1)(B).

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $221,438,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,635,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,964,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $146,000,000, which shall include amounts becoming available in fiscal year 2002 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $146,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2003, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $97,700,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,042,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $434,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $332,840,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2003, $108,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $21,270,412,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $200,000,000, to remain available until September 30, 2003, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2003, $10,790,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $35,000 for official reception and representation expenses, not more than $7,035,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2002 not needed for fiscal year 2002 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $433,000,000, to remain available until September 30, 2003, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $100,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2002 exceed $100,000,000, the amounts shall be available in fiscal year 2003 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2001 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $19,000,000, together with not to exceed $56,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $15,000,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

The CHAIRMAN. Are there amendments to the open portion of the bill through title V?

The Clerk will read.

The Clerk read as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Mark-to-Market Extension Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

Sec. 601. Short title and table of contents.
Sec. 602. Purposes.
Sec. 603. Effective date.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

Sec. 611. Definitions.
Sec. 612. Mark-to-market program amendments.
Sec. 613. Consistency of rent levels under enhanced voucher assistance and rent restructurings.
Sec. 614. Eligible inclusions for renewal rents of partially assisted buildings.
Sec. 615. Eligibility of restructuring projects for miscellaneous housing insurance.
Sec. 616. Technical corrections.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

Sec. 621. Reauthorization of Office and extension of program.
Sec. 622. Appointment of Director.
Sec. 623. Vacancy in position of Director.

Sec. 624. Oversight by Federal Housing Commissioner.
Sec. 625. Limitation on subsequent employment.

Subtitle C—Miscellaneous Housing Program Amendments

Sec. 631. Extension of CDBG public services cap exception.
Sec. 632. Use of section 8 enhanced vouchers for prepayments.
Sec. 633. Prepayment and refinancing of loans for section 202 supportive housing.
Sec. 634. Technical correction.

SEC. 602. PURPOSES.

The purposes of this title are—

(1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (referred to in this section as "that Act");

(2) to ensure that properties that undergo mortgage restructurings pursuant to that Act are rehabilitated to a standard that allows the properties to meet their long-term affordability requirements;

(3) to ensure that, for properties that undergo mortgage restructurings pursuant to that Act, reserves are set at adequate levels to allow the properties to meet their long-term affordability requirements;

(4) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating expenses are sufficient to ensure the long-term financial and physical integrity of the properties;

(5) to ensure that properties that undergo rent restructurings have adequate resources to maintain the properties in good condition;

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development continues to focus on the portfolio of properties eligible for restructuring under that Act;

(7) to ensure that the Department of Housing and Urban Development carefully tracks the condition of those properties on an ongoing basis;

(8) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources for building the capacity of tenant organizations in furtherance of the purposes of subtitle A of that Act; and

(9) to encourage the Office of Multifamily Housing Assistance Restructuring to continue to provide participating administrative entities, including public participating administrative entities, with the flexibility to respond to specific problems that individual cases may present, while ensuring consistent outcomes around the country.

SEC. 603. EFFECTIVE DATE.

Except as provided in sections, 616(a)(2), 633(b), and 634(b), this title and the amendments made by this title shall take effect or are deemed to have taken effect, as appropriate, on the earlier of—

(1) the date of the enactment of this title; or

(2) September 30, 2001.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

SEC. 611. DEFINITIONS.

Section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new paragraph:

"(19) OFFICE.—The term 'Office' means the Office of Multifamily Housing Assistance Restructuring established under section 571.".

SEC. 612. MARK-TO-MARKET PROGRAM AMENDMENTS.

(a) FUNDING FOR TENANT AND NONPROFIT PARTICIPATION.—Section 514(f)(3)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking "Secretary may provide not more than $10,000,000 annually in funding" and inserting "Secretary shall make available not more than $10,000,000 annually in funding, which amount shall be in addition to any amounts made available under this subparagraph and carried over from previous years,"; and

(2) by striking "entities), and for tenant services," and inserting "entities), for tenant services, and for tenant groups, nonprofit organizations, and public entities described in section 517(a)(5),".

(b) EXCEPTION RENTS.—Section 514(g)(2)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "restructured mortgages in any fiscal year" and inserting "portfolio restructuring agreements".

(c) NOTICE TO DISPLACED TENANTS.—Section 516(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Subject to" and inserting the following:

"(1) NOTICE TO CERTAIN RESIDENTS.—The Office shall notify any tenant that is residing in a project or receiving assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) at the time of rejection under this section, of such rejection, except that the Office may delegate the responsibility to provide notice under this paragraph to the participating administrative entity.

"(2) ASSISTANCE AND MOVING EXPENSES.—Subject to".

(d) RESTRUCTURING PLANS FOR TRANSFERS OF PREPAYMENT PROJECTS.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 524(e), by adding at the end the following new paragraph:

"(3) MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding paragraph (1), the owner of the project may request, and the Secretary may consider, mortgage restructuring and rental assistance sufficiency plans to facilitate sales or transfers of properties under this subtitle, subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 17151 note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), which plans shall result in a sale or transfer of those properties."; and

(2) in the last sentence of section 512(2), by inserting ", but does include a project described in section 524(e)(3)" after "section 524(e)".

(e) ADDITION OF SIGNIFICANT FEATURES.—Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (c) (except that the striking of such subsection may not be construed to have any effect on the provisions of law amended by such subsection, as such subsection was in effect before the date of the enactment of this Act);

(2) in subsection (b)—

(A) in paragraph (7), by striking "(7)" and inserting "(1)"; and

(B) by adding at the end the following new paragraph:

"(2) ADDITION OF SIGNIFICANT FEATURES.—

"(A) AUTHORITY.—An approved mortgage restructuring and rental assistance sufficiency plan may require the improvement of the project by the addition of significant features that are not necessary for rehabilitation to the standard provided under paragraph (1), such as air conditioning, an elevator, and additional community space. The Secretary shall establish guidelines regarding the inclusion of requirements regarding such additional significant features under such plans.

"(B) FUNDING.—Significant features added pursuant to an approved mortgage restructuring and rental assistance sufficiency plan may be paid from the funding sources specified in the first sentence of paragraph (1)(A).

"(C) LIMITATION ON OWNER CONTRIBUTION.—An owner of a project may not be required to contribute from non-project resources, toward the cost of any additional significant features required pursuant to this paragraph, more than 25 percent of the amount of any assistance received for the inclusion of such features.

"(D) APPLICABILITY.—This paragraph shall apply to all eligible multifamily housing projects, except projects for which the Secretary and the project owner executed a mortgage restructuring and rental assistance sufficiency plan on or before the date of the enactment of the Mark-to-Market Extension Act of 2001."; and

(3) by inserting after paragraph (6) of subsection (b) the following:

"(c) REHABILITATION NEEDS AND ADDITION OF SIGNIFICANT FEATURES.—".

(f) LOOK-BACK PROJECTS.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end of the last sentence the following: "Notwithstanding any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (I) the project is assisted pursuant to a contract for project-based assistance under section 8 of the United States Housing Act of 1937 renewed under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project met the requirements of the first sentence of this paragraph for eligibility as an eligible multifamily housing project before the initial renewal of the contract under section 524.".

(g) SECOND MORTGAGES.—Section 517(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1)(B), by striking "no more than the" and inserting the following: "not more than the greater of—

"(i) the full or partial payment of claim made under this subtitle; or

"(ii) the"; and

(2) in paragraph (5), by inserting "of the second mortgage, assign the second mortgage to the acquiring organization or agency," after "terms".

(h) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon the following: ", or refinanced pursuant to section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note)".

SEC. 613. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new section:

"SEC. 525. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

"(a) In General.—The Secretary shall examine the standards and procedures for determining and establishing the rent standards described under subsection (b). Pursuant to such examination, the Secretary shall establish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

"(b) Rent Standards.—The rent standards described in this subsection are as follows:

"(1) Enhanced vouchers.—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

"(2) Mark-to-market.—The rents derived from comparable properties, for purposes of section 514(g) of this Act.

"(3) Contract renewal.—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.".

SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS.

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: "Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relating to the project as a whole (including costs incurred with respect to units not covered by the contract for assistance), but only (I) if inclusion of such costs is requested by the owner or purchaser of the project, (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii).".

SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended—

(1) by striking "under this Act: *Provided*, That the principal" and inserting the following: "under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

"(A) the principal";

(2) by striking "except that (A)" and inserting "except that (i)";

(3) by striking "(B)" and inserting "(ii)";

(4) by striking "(C)" and inserting "(iii)";

(5) by striking "(D)" and inserting "(iv)";

(6) by striking ": *Provided further*, That a mortgage" and inserting the following "; and

"(B) a mortgage";

(7) by striking "or" at the end; and

(8) by adding at the end the following new subparagraph:

"(C) a mortgage that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and is refinanced under this paragraph may have a term of not more than 30 years; or".

SEC. 616. TECHNICAL CORRECTIONS.

(a) Exemptions From Restructuring.—

(1) In general.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as if the amendment made by section 531(c) of Public Law 106–74 (113 Stat. 1116) were made to "Section 514(h)(1)" instead of "Section 514(h)".

(2) Retroactive effect.—The amendment made by paragraph (1) of this subsection is deemed to have taken effect on the date of the enactment of Public Law 106–74 (113 Stat. 1109).

(b) Other.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 511(a)(12), by striking "this Act" and inserting "this title";

(2) in section 513, by striking "this Act" each place such term appears in subsections (a)(2)(I) and (b)(3) and inserting "this title";

(3) in section 514(f)(3)(B), by inserting "Housing" after "Multifamily";

(4) in section 515(c)(1)(B), by inserting "or" after the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by capitalizing the first letter of the first word that follows the paragraph heading;

(B) in each of paragraphs (1) through (5), by striking the semicolon at the end and inserting a period; and

(C) in paragraph (6), by striking "; and" at the end and inserting a period;

(6) in section 520(b), by striking "Banking and"; and

(7) in section 573(d)(2), by striking "Banking and".

Subtitle B—Office of Multifamily Housing Assistance Restructuring

SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM.

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Repeals.—

"(1) Mark-to-market program.—Subtitle A (except for section 524) is repealed effective October 1, 2006.

"(2) OMHAR.—Subtitle D (except for this section) is repealed effective October 1, 2004.";

(2) in subsection (b), by striking "October 1, 2001" and inserting "October 1, 2006";

(3) in subsection (c), by striking "upon September 30, 2001" and inserting "at the end of September 30, 2004"; and

(4) by striking subsection (d) and inserting the following new subsection:

"(d) Transfer of Authority.—Effective upon the repeal of subtitle D under subsection (a)(2) of this section, all authority and responsibilities to administer the program under subtitle A are transferred to the Secretary.".

SEC. 622. APPOINTMENT OF DIRECTOR.

(a) In General.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (a) and inserting the following new subsection:

"(a) Appointment.—The Office shall be under the management of a Director, who shall be appointed by the President from among individuals who are citizens of the United States and have a demonstrated understanding of financing and mortgage restructuring for affordable multifamily housing.".

(b) Applicability.—The amendment made by subsection (a) shall apply to the first Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development appointed after the date of the enactment of this Act, and any such Director appointed thereafter.

SEC. 623. VACANCY IN POSITION OF DIRECTOR.

(a) In General.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (b) and inserting the following new subsection:

"(b) Vacancy.—A vacancy in the position of Director shall be filled by appointment in the manner provided under subsection (a). The President shall make such an appointment not later than 60 days after such position first becomes vacant.".

(b) Applicability.—The amendment made by subsection (a) shall apply to any vacancy in the position of Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development which occurs or exists after the date of the enactment of this Act.

SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

(a) In General.—Section 578 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

"SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

"All authority and responsibilities assigned under this subtitle to the Secretary shall be carried out through the Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner.".

(b) Report.—The second sentence of section 573(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Secretary" and inserting "Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner".

SEC. 625. LIMITATION ON SUBSEQUENT EMPLOYMENT.

Section 576 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "2-year period" and inserting "1-year period".

Subtitle C—Miscellaneous Housing Program Amendments

SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking "through 2001" and inserting "through 2003".

SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS.

Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting after "insurance contract for the mortgage for such housing project" the following: "(including any such mortgage prepayment during fiscal year 1996 or a fiscal year thereafter or any insurance contract voluntary termination during fiscal year 1996 or a fiscal year thereafter)".

SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING.

(a) In General.—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by striking subsection (e).

(b) Effectiveness Upon Date of Enactment.—The amendment made by subsection (a) of this section shall take effect upon the date of the enactment of this Act and the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), as amended by subsection (a) of this section, shall apply as so amended upon such date of enactment, notwithstanding—

(1) any authority of the Secretary of Housing and Urban Development to issue regulations to implement or carry out the amendments made by subsection (a) of this section or the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note); or

(2) any failure of the Secretary of Housing and Urban Development to issue any such regulations authorized.

SEC. 634. TECHNICAL CORRECTION.

(a) In General.—Section 101(a) of Public Law 100-77 (42 U.S.C. 11301 note) is amended to read as if the amendment made by section 1 of Public Law 106-400 (114 Stat. 1675) were made to "Section 101" instead of "Section 1".

(b) Retroactive Effect.—The amendment made by subsection (a) of this section is deemed to have taken effect immediately after the enactment of Public Law 106-400 (114 Stat. 1675).

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 102, line 2, be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to offer amendment No. 6 from the end of the bill at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. Traficant:

Page , after line , insert the following new section:

Sec. . No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

Mr. TRAFICANT. Mr. Chairman, this amendment is a straight limitation. None of the funds appropriated in the act may be made available to any person or entity that has violated the Buy American Act.

Mr. Chairman, the House should pay attention to something that concerns me, and the appropriators especially. A notice has been posted that the windows of the Capitol will have installed a protective covering because of the September 11 terrorist attack and the increased focus on terrorism. The company that made the product that will be installed on the Capitol windows is from Belgium.

One of the big contracts given for the rebuilding of the Pentagon is to a French company; and I might remind Members when we had a problem with Khadafi, France would not let us use their air space or their airports. Our military has bought boots from China, and probably most of the flags Members see waving throughout America as a symbol of American patriotism were made in Chinese sweatshops.

Mr. Chairman, the amendment makes sense. But I believe the leaders of the Committee on Appropriations should start looking at procurement. We certainly do not have to be an isolationist Nation or protectionist Nation; but on military procurement, especially, I think we should almost demand American products in the end that someday we may face a nation who we depend on for a product that may not be all that friendly to us.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment on our side.

Mr. TRAFICANT. Mr. Chairman, I want to compliment the chairman, who is my neighbor. The subcommittee has done a tremendous job.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Traficant).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Stearns:

At the end of title V, insert after the last section (preceding the short title) the following section:

Sec. 5 . Of the amounts otherwise made available in this Act to the Corporation for Public Broadcasting for fiscal year 2002, $12,000,000 is transferred and made available under the account for the Public Health and Social Services Emergency Fund as an additional amount to support activities of the Centers for Disease Control and Prevention.

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

□ 1715

Mr. STEARNS. Mr. Chairman, this is a very simple amendment. Basically it tries to help the Centers for Disease Control and Prevention that relates to biological disease and chemical threats to the civilian population and it essentially takes about 3 percent from the Public Broadcasting Corporation and moves it over to the Centers for Disease Control and Prevention.

Just this last week, our headline news has had two frightening what-ifs, particularly in Florida. Three individuals have come in contact with a manufactured form of anthrax. Of course, one person lost his life. Americans, of course, felt this, as a collective body, sort of a shiver upon hearing about this news. Early this week, we saw the case in the D.C. Metro where somebody sprayed the crowd, unsuspecting crowd. It turns out that about 35 people on the train, they had to evacuate. This whole process of what could happen if anthrax is used in our country in a large population is a great concern. And so I think the Centers for Disease Control and Prevention should have sufficient funds to study this. I do not believe the CDC has had sufficient funds, and so this is a very small amount, about 3 percent, from the Public Broadcasting Corporation. We take from them and give to CDC, particularly for biological disease and chemical threat prevention studies. I think it is a modest amount.

Mr. Chairman, on this debate can I control the balance of my time?

The CHAIRMAN. The gentleman must use his time or yield it back.

Mr. STEARNS. Let me conclude by saying that perhaps all of you saw recently in the newspaper that the FCC now has allowed the Corporation for Public Broadcasting to advertise as a means of getting more revenues to their budget. Surely if PBS is going to use tax dollars to support itself, a small amount could be contributed to the Centers for Disease Control and Prevention, because really public broadcasting has now asked the FCC if we can start to advertise to get revenue, much like private corporations. So the Public Broadcasting System is out there doing the same thing that the private corporations are going to do. The FCC is going to allow it, they are going to be able to advertise to collect revenue, and these revenues will go to help support the Public Broadcasting System, and I think this is good. I think the Public Broadcasting System should have a certain amount of revenues from advertising. However, I do not think they need to continue to be on the public dole, that the government has to support them with taxpayer-supported money.

So I think this is a small effort to say we need to help the Centers for Disease Control and Prevention and, more importantly, have them take this money and use it to study things like the proliferation of anthrax and to prepare this Nation for some of the pitfalls that might occur because of that.

Mr. Chairman, I ask my colleagues to vote "yes" on the Stearns amendment.

The CHAIRMAN. Does the gentleman from Wisconsin insist on the point of order?

Mr. OBEY. Mr. Chairman, my understanding is that the point in the bill at which this amendment would be in order has already been passed and so clearly, under the House rules, the gentleman's amendment is not in order at this time. However, as a courtesy to him and in an effort to save time, I will not insist on the point of order. I would simply move to strike the last word.

The CHAIRMAN. The gentleman does not insist on the point of order and is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, this amendment is not what it appears to be. It is a trojan horse amendment. We all are aware of the terrorism problem that has befallen this country and the world. This amendment, in essence, pretends to do something significant about it when, in fact, what it does about it is something that is minuscule and not at all long lasting. What this amendment really is is a subterranean attack on public television all over America.

The public television stations of this country are required by an FCC mandate to move to digital technology. This bill provides the money, at least the Federal share of the money, to help them do that. What this amendment would do is to cut in half the Federal money which is being provided in order to enable those stations to fulfill that Federal mandate. And what it does is it pretends that it is going to have a significant impact on programs run by the Centers for Disease Control by transferring $12 million to that agency.

In fact, this bill already contains $232 million for that agency, a 28 percent increase over last year, and by the time we have finished with the antiterrorism supplemental, there will be probably at least another $1 billion and maybe as much as $2 billion, not million but billion, for the very same purpose that this amendment purports to add money for this evening.

So I would suggest the real way, the real way, the effective way to deal with the problem of terrorist attacks on this country in the form of biological or chemical agents is to support the committee bill and to support the follow-on supplemental which will be provided to this House before the appropriation process is finished under the agreement that we have reached with the White House.

I would urge, under those circumstances, that Members not be deceived into thinking that this is a significant effort to deal with that problem. It is minuscule compared to the funding that will be needed and will be provided by Members on both sides of the aisle. And so I would urge rejection of the amendment, unless, of course, you want to insist on a Federal mandate without paying for it.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to this amendment because we have already added $100 million to the CDC on bioterrorism. Their total account is almost $400 million. In addition, the Secretary of Health and Human Services has been assured that CDC will receive a portion of the money in the $20 billion that we appropriated as a result of the events of September 11. So I think there is going to be a lot of money flowing to CDC for bioterrorism. In addition, we beefed up the public health account.

Now, public broadcasting, and it is public broadcasting, I do not always agree with what they do, but they have been required by FCC to go to digital. And, of course, eventually the public, as they purchase new television sets, will likewise be able to receive digital programming which will, of course, improve the quality of the broadcasting. While I may not be enthused about some of the things the Corporation for Public Broadcasting does, I think it is our responsibility since it is the FCC which is a Federal agency that has made this order, and since it is public broadcasting, to support them as this appropriation does.

If I thought there was a shortage in CDC, I would perhaps have a different approach. But, again, we have enormously beefed up the CDC money, plus the fact that they are going to get a very sizable sum from the $20 billion that we have already put in for emergency funding for national security.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me point out that the President will send to this Congress tomorrow a request for $2 billion, not 12 million dollars but $2 billion to combat disease-related potential attacks from any source.

I would urge the House not to fall into the trap of using our concern over the incident that happened a month ago to screw up every other program that the government is engaged in. I mean, that is essentially what would happen if this amendment is adopted with respect to our obligation to help finance the mandate that the Federal Government created with respect to digitalization.

If the Members want to support a real effort to help CDC prepare this country, they will support that $2 billion request. They will not cut in half what we are trying to do here for digitalization for public television in order to create the appearance that we have done something significant which, in fact, would be a thimbleful in an ocean in terms of its impact.

Mr. REGULA. Mr. Chairman, reclaiming my time, that is correct. I am advised by our leadership, also, that there will be a $2 billion request by the Administration in additional emergency funding for the Centers for Disease Control to deal with bioterrorism, and that is a lot of money. I do not believe we should cripple the ability of the Corporation for Public Broadcasting to move into the 21st century in their ability to transmit to the public effectively. Obviously the FCC would not have made this requirement if it were not an important element of their ability to serve the public.

I, therefore, oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

At the end of title V, insert after the last section (preceding the short title) the following section:

SEC. 5 . None of the funds made available in this Act for the Department of Health and Human Services may be used to grant an exclusive or partially exclusive license pursuant to chapter 18 of title 35, United States Code, except in accordance with section 209 of such title (relating to the availability to the public of an invention and its benefits on reasonable terms).

Mr. REGULA. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. SANDERS. Mr. Chairman, this is a very simple amendment to lower the cost of prescription drugs in this country. It is tripartisan and is cosponsored by the gentleman from California (Mr. ROHRABACHER), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Texas (Mr. PAUL) and the gentlewoman from New York (Mrs. MALONEY).

When I first introduced a version of this amendment in 1996, it received 180 votes. Last year, however, it passed 313–109. There is a lot of support for this amendment in this body. I offer it tonight again in the hope that the Senate will agree favorably to it and begin to lower the price of prescription drugs developed with the taxpayers' money through the National Institutes of Health. This amendment is supported by organizations representing millions of American citizens, including Families USA, the Alliance for Retired Americans, the National Committee to Preserve Social Security and Medicare, and Public Citizen.

Mr. Chairman, over the years, the taxpayers of this country have contributed billions of dollars to the National Institutes of Health for research into new and important drugs, and that research money has paid off. It has worked. Between 1955 and 1992, 92 percent of drugs approved by the FDA to treat cancer were researched and developed by the NIH. Today, many of the most widely used drugs in this country dealing with a variety of illnesses were developed through NIH research, and that is very good news for all of us.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, would the gentleman yield back the balance of his time if we said that we would accept the amendment?

Mr. SANDERS. If the gentleman would let me finish my statement, I have 2 more minutes. And he is going to accept it. I am happy to hear that.

□ 1730

Mr. OBEY. Mr. Chairman, what if we will not accept it if the gentleman finishes his speech?

Mr. SANDERS. Mr. Chairman, I will read fast. It will be done in a minute-and-a-half.

Mr. Chairman, I appreciate the chairman and ranking member agreeing to accept the amendment. But the point here is that the bad news, by and large, is that those drugs that were developed at taxpayer expense were given over to the pharmaceutical industry with no assurance that American consumers would not be charged outrageously high prices. The pharmaceutical companies constitute the most profitable industry in America, yet while their profits sore, millions of Americans cannot afford the prescription drugs they desperately need because of the high prices they are forced to pay. That is bad. But what is even worse is that many of these same drugs were developed with taxpayer dollars.

Imagine a situation where taxpayers contribute to develop a drug, and then the person who paid taxes to develop that drug cannot afford to buy it. That is an outrage.

There are many crises in terms of the high cost of prescription drugs in this country. This amendment deals with one narrow aspect of that problem. If taxpayers in America are going to contribute billions to develop drugs, then when those drugs are marketed by the pharmaceutical industry they must be sold at a reasonable price; and that is what this amendment does.

I could list, but I will not, the many, many drugs that receive Federal assistance that are now sold for outrageously high prices. It is time for the United States Congress to stand up to represent the taxpayers and consumers of this country and support this amendment.

Let me simply conclude by mentioning with gratitude that last year over 300 Members of this House overwhelmingly supported this amendment. I am very delighted and proud that the chairman and the ranking member are prepared to accept it and that I hope that we can go on tonight.

Mr. PAUL. Mr. Chairman will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding.

I am pleased that the amendment will be approved because I am a cosponsor of this amendment. I compliment the gentleman for bringing this to the floor.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I thank the gentleman from Texas (Mr. PAUL) for his strong support.

The CHAIRMAN. Is there further discussion on the amendment?

Does the gentleman from Ohio (Mr. REGULA) insist on his point of order?

Mr. REGULA. Mr. Chairman, we withdraw our reservation and are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amounts otherwise provided by this Act are revised by increasing the amount made available in the second sentence under the heading "Health Resources and Services" for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, reducing the aggregate amount made available under the heading "Disease Control, Research, and Training", and reducing the aggregate amount made available under the heading "Payments to States for the Child Care and Development Block Grant", by $33,000,000, $16,000,000, and $17,000,000, respectively.

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 5 minutes.

Mr. ISTOOK. Mr. Chairman, this deals with the matter that was offered earlier during the debate on this bill to make available an additional $33 million for Abstinence Education Grants.

The offset, of course, is different from what it was before. It is now under the Disease Control, Research, and Training program, which, among other things, provides funding for combatting sexually transmitted diseases, as well as other diseases.

Mr. Chairman, this is in response to the great crisis that we have had for decades regarding teen pregnancy, teen sexual activity, unwed births, and the tremendous catastrophic effect that it has had on America and on millions and millions of lives in America. For decades, since the 1970s, Mr. Chairman, we have been funding so-called safe sex programs, family planning programs, things using a euphemism for telling kids it is okay to have sex, as long as you are careful about it.

What has been the result during that time? Mr. Chairman, as Federal funding for these programs went up, teenage pregnancies and unwed births went up along with it. The more we sent a mixed message that says it is okay to have sex out of wedlock, it is okay, kids, just be safe about it, the more we undercut what Mom and Dad tell their kids, the more we undercut what they are taught at church, the more we found that we got more of the problem.

But only when first in private funding and then, in 1995, in Federal funding, did we start funding the abstinence programs that taught kids about waiting until marriage and upholding values, only then have we started to see this number come down in teenage unwed births.

That is what this is about, Mr. Chairman. We started funding that in 1995 at the rate of $50 million a year, and then, in the last year, we began adding to that at a rate of $70 million a year. To the chairman's credit, the bill in front of us would bring that number to $90 million, but it does not bring it to parity with what we have been spending to promote so-called safe sex, family planning. "It is okay to do it as long as you try to be careful," and teenagers are not able to be careful that way, Mr. Chairman.

This is bringing parity, as the President has proposed. As we have the supportive letter from OMB to support that, this is bringing parity to the funding, saying that we ought to be spending at least as much on the message of abstinence as we are on the other message.

We defined what we meant by abstinence. Teaching that has as its exclusive purpose the social, psychological, and health gains to be realized by abstaining from sexual activity. Teaching that abstinence from sexual activity for teens outside marriage is the expected standard, and it is the only way to prevent unwanted pregnancy and the only way to prevent sexually transmitted diseases that have exploded along with the explosion of teen pregnancies.

Mr. Chairman, this is just saying let us have parity. This does not attack the programs that we have been funding for years, but it does say that it is about time that the average American, the typical American, the normal values of everyday people in this country, receive the same emphasis from their government as we have put on other things.

I ask Members to join me, Mr. Chairman, in supporting this amendment; in supporting the $33 million which we calculated and the President calculated would bring parity. Frankly, Mr. Chairman, I have got to tell you, it is probably still about $15 million short of that parity, but I am not asking for a higher number.

We asked early on in this session for this amount, this $73 million for the grants on top of the $50 million that goes to the States to do this. And there is huge demand for it. When the first grants were awarded this year under the grant program, only $20 million was available. Applicants applied for seven times that amount. The Department of Health and Human Services was overwhelmed with the number of applications. They have never had such a response to a new program as they had for this.

Mr. Chairman, we need to put this funding in place. We have the hundreds of billions of dollars in this bill. We have the extra billions that were added in just the last week or two. It is not asking too much to say that we ought to be active in seeking the abstinence education.

Mr. Chairman, I move adoption of the amendment.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. OBEY. No, I do not, Mr. Chairman.

I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, the account that the gentleman is asking that we increase has been increased in this bill by 100 percent. The account that the gentleman would cut in order to finance the increase that he is asking for is the account that funds infectious disease control efforts at CDC; it is the account that funds the disease detectives who are right now at this very moment searching for anthrax; it is the account that funds breast and cervical screening; it is the account that funds TB control; it is the account that funds sexually transmitted diseases; and, in addition to that, the gentleman cuts the Child Care Block Grant account.

Now, I would point out that with respect to the item that the gentleman seeks to increase, he seeks to increase the funding that we are providing for abstinence programs. I fully support those programs. I voted for them in the past, and I have helped the gentleman get the funding for them. I would point out that the increase that the gentleman has gotten in this bill for those family planning programs is twice as high as the increase that we have provided in this bill for the traditional family planning programs.

So the gentleman has already gotten the better part of the deal. Now he is asking us to fund yet another increase. And I have no problem with that increase. I have no problem with it whatsoever. If the gentleman wants to cut back some tax cuts in order to pay for it, or if he wants to find some other reasonable accounts to cut, fine, I am all for it. But I am not for funding a greater than 100 percent increase in this account by reducing the other accounts before us.

I find it ironic that the previous amendment is trying to increase the activities that the gentleman is trying to cut with this amendment. This committee is being whipsawed. One minute we are being hit from the northeast, and the next minute we are being hit from the southwest.

We are in the center with this bill. We have got a bipartisan compromise, we have got reasonable increases for all of these programs, and I would urge that in the interests of maintaining the balance in this bill, that we oppose the gentleman's amendment.

If we can find some other way in conference to increase funding for this in a balanced way, I have no sweats about that. But I am certainly not interested in funding this increase at the expense of the decreases that I have just described.

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise in opposition because in part it takes money from very important programs, Child Care Development Block Grants. We are all concerned about child care. We have heard earlier today statements about the impact of September 11 on children, and that is just part of the needs that face this Nation.

Likewise, we have just had a discussion on the importance of the Center for Disease Control for research and training, again a response to the impact of events over the recent time.

I would want to point out that I do not quarrel with what the gentleman's goals are, and I think this program should be increased, and we recognize that. We went $10 million more than the President requested in his budget. We went $20 million more than last year.

It is not that we are ignoring this program. It is not that we do not think it has great potential. I talked to a lady in my district who is working with this program, and she pointed out to me a number of effective things that are being done in the schools. But I think it needs to be developed incrementally.

I believe that the money that we have put in, working to improve the program, will accomplish the goals; and I would hope that in the future we will have more evidence, such as what I have heard from one of my constituents, that will persuade us that we should have another sizable increase in the future.

But obviously if we are $10 million over the President and $20 million over last year, we are recognizing the value of this program, and when I have to balance this off against the Centers for Disease Control and all the items that the gentleman from Wisconsin mentioned that are part of the Child Care Development Block Grant, it just does not balance out in terms of equities.

We have tried to have a balanced bill here. We have tried to recognize all the different programs that are important. I think in adding $10 million over the President, $20 million over last year's budget, we are being fair in what is available for this program.

I would urge Members to vote against this amendment.

□ 1745

Mr. PENCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK), my friend and colleague; but I would begin my brief remarks on this bill by commending the chairman and the ranking member for their very sincere commitment to abstinence education and acknowledging the increases in the current bill, $20 million over last year, as the chairman said, and $10 million even over the President's request.

But I, nevertheless, rise today in support of that noble, right, pure, and true belief that we as a people should reconsider our approach to family planning and to sex education and treatment in America today. The truth is that we have a problem. Mr. Chairman, 3 million teenagers a year are catching sexually transmitted disease. The United States has, Mr. Chairman, the highest teenage pregnancy rate of all developed countries in the world, despite billions of dollars spent over decades in traditional methods of birth control. Mr. Chairman, 1 million teenagers become pregnant each year, and one-third of those pregnancies end tragically in abortion.

Not only do we have a problem, Mr. Chairman, but we have a solution. Abstinence education, as the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, just reflected passionately works. We know that it works. From the district that I serve in Indiana, we have seen church organizations and civic organizations come together to promote abstinence as an alternative. Here in Washington, D.C. where 15 percent of girls become sexually active in the eighth grade, according to statistics, there is a program known as the Best Friends Foundation, which has reduced that number to 5 percent in real terms. In the District of Columbia, 27 percent of girls age 15 to 19 become pregnant each year, but among the Best Friends girls in that age range, only 2.5 percent have ever become pregnant. Abstinence, as the gentleman from Oklahoma (Mr. ISTOOK) says and as the chairman and the ranking member reflect, abstinence works and we ought to be making a serious and concerted commitment.

Another example: in Rochester, New York, the Not Me Not Now program achieved remarkable results over a 4-year period. First intercourse incidents among 15-year-olds dropped from 47 percent to 32 percent, and among 17-year-olds it dropped from 54 percent to 40 percent. Mr. Chairman, these are real gains; these are real improvements. But we have a real need, despite the outstanding work of the committee on this important piece of legislation. I, along with the gentleman from Oklahoma (Mr. ISTOOK), believe that we can and should do more; that, in fact, by adding $33 million to the annual title V SPRANS Community Abstinence Education program, we will do much to meet what is a real need in America today.

The title V program received 359 applications last year in its first year of operation in funding abstinence programs around America. That was the largest number of applications for a single new grant program that anyone at HHS can even remember. It would have required $165 million in authorization to fund all of the applicants. This modest increase of $73 million still will not meet the need; but it will move us closer to a new vision, a balanced vision when it comes to sex education in America today.

So again, with great respect to the chairman and to the ranking member for their commitment to abstinence education, which I acknowledge today, Mr. Chairman, is real and is heartfelt and is genuine; and with appreciation for the increased commitment to abstinence education in this bill I, nevertheless, very respectfully stand with the gentleman from Oklahoma (Mr. ISTOOK) and others to say that we can and should do more.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, abstinence education. With all due respect to the good intentions of the author of the amendment, as far as this amendment and the priority-setting that produced this amendment on the floor, of Congress today, I think the whole matter is a true embarrassment.

The Pentagon held a memorial service this morning. It had a memorial service for the men and women that we lost on September 11. Their loved ones were not killed because of inadequate abstinence education; they were killed because of major security breaches in our airports, and it is high time that this Congress do something about it. Across our country, millions of Americans have honored the victims of September 11 with a moment of silence. Well, this House has acted with more than a moment; it has had a month of silence and inaction on the security issue that lies at the heart of this tragedy. We can talk about the pros and cons of abstinence education all night long, and I guess some would like to do that, but when are we going to talk about effective measures to ensure abstinence for terrorism?

I think that it is long past time to stop wasting our time talking about safe sex and start talking about safe flight. In the 30 days that have now passed since four airplanes were hijacked and crashed, the Congress has failed utterly to provide for airline security. This inaction borders on indifference, and it is a disgrace. If four crashes were not enough to make this body respond, what in the world will? Can we not devote at least as much time to this issue that every family in America is concerned about tonight as we devote to talking about abstinence?

One week after this attack, and this is part of a series of problems; it is not just this amendment, one week after this attack, what was this House doing? We were debating a family court in the District of Columbia. Two weeks after this attack, we were establishing National Character Counts Week. Three weeks after this tragedy, we were considering the farm bill and approving the Virgin River Dinosaur Footprint Preserve. This week, we are looking at Fast Track trading authority, more tax breaks for corporations, and abstinence.

When in the world is this Congress going to deal with what Americans are really concerned about: Will my wife get home safe tonight? Can the kids come home for Thanksgiving? Those are the issues that we ought to be establishing as our priorities.

We will not decrease terrorism by hoping that terrorists abstain from further attacks. We will not be able to trade our way into the hearts of the Taliban, and we will not make our families safer by spending millions of dollars on abstinence education instead of substituting skilled federal law enforcement on our airlines to search the bags and be there when we go through the screening process instead of some minimum-wage worker who could not get a job anywhere else. And of all times, on a day when we are more and more concerned about Anthrax, to fund this increased abstinence education by cutting the Centers for Disease Control borders on insanity in terms of the priorities of this Congress.

It has been 30 days, 30 days since September 11; and while most Americans would have said, if asked, and if they had been here on the floor of this Congress, do something about airline security, do something about bioterrorism, and leave all of this other stuff alone. This Congress is not doing it. This leadership will not permit us to debate the issue of aviation safety and the needs on bioterrorism tonight in this Congress because there is a hard-line idealogical commitment that if we add one worker to the federal workforce, even if they are to screen our bags, even if they are to screen the passengers, that that is somehow a bad thing.

Mr. Chairman, I think we need to put a stop to the old way of dealing with these problems and the old ideologies and recognize that we have a new world after September 11. It is time to reject those old ways. The failure to discuss airline security results from those old ways that some refused to abandon.

Mr. Chairman, at 4:28 this afternoon, another headline out: "FBI Issues Terrorist Strikes Warning," which says that either inside or outside the United States, during the next several days, we may face additional terrorist attacks. Whether they are through Anthrax or through airlines, this Congress ought to be dealing with these security issues are a top priority.

The fact that our National Guard, and now our border guards, are being pulled off the border and put into the airports, the fact that this is happening results from the inaction of this Congress. The failure of this Congress to act, which caused one Member of the other body, Senator MCCAIN from Arizona, to say it last night, this in his words "a farce"; and today is a continuation of that farce, resulting from our failure to deal with this security priority tonight.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that the last time I checked, the item before this Congress at the moment was the Labor-HHS bill. I totally and thoroughly disagree with the gentleman's characterization of the activity of this Congress. Twenty-four hours a day, 7 days a week for the last 30 days we have been working very hard to deal with the issues that he says we are ignoring.

Back to the bill. I want to thank the gentleman from Ohio (Mr. REGULA) and to the gentleman from Wisconsin (Mr. OBEY) for their consideration in increasing spending for a very crucial issue, which is abstinence-until-marriage funding. I do not know of too many things from a security standpoint that is any more important than the health of our young people today. As we look at ways to increase the funding which will improve health conditions for our young people, I appreciate their concern, their approval of the funds; and I hope if this is not the right place, I am sure that my colleagues will find the right place to do this.

In North Carolina we have a law that we worked very, very hard in a bipartisan fashion to pass; and that law says that we will have in our health education curriculum that abstinence until marriage is the expected standard of behavior. Young people, teenagers in particular, are very, very bright. They respond to proper leadership and good examples. If we tell them that this promiscuous behavior is going to happen, they cannot make the right choices, and then offer them contraceptives which have a 20 percent failure rate, we have not done our duty. We have not protected our young people. But if we say to them, abstinence until marriage is the healthy way to 100 percent provide protection from sexually transmitted diseases and unwanted pregnancies, then I say to my colleagues, we have done our job.

So I want to thank the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) for their attention to this matter. I commend the amendment, I support it very strongly, and I would love to work with my colleagues in any way to make sure we make this happen. By the way, the President in a recent letter does support funding at the $73 million level.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Istook amendment. The Labor-HHS bill contains many programs that are very important to the American people. At this time of crisis and increased concern about the public welfare, we have a greater obligation than ever before to prioritize. The chairman of the subcommittee and the ranking member have made an extraordinary effort to bring this good, balanced bill to the floor, and I thank them.

The Istook amendment, I believe, undermines the bipartisan commitment we have made to move this bill without unnecessary conflicts. It would increase funding for a single health education grant program by $33 million. Funding began 1 year ago at $20 million, and the chairman's mark already increased a promised $30 million by an additional $10 million. The gentleman from Oklahoma (Mr. ISTOOK) wants to go from this $40 million program, a 100 percent increase over last year, to $73 million. Not only would this increase eclipse that of any other program in the bill, the gentleman from Oklahoma (Mr. ISTOOK) offsets the cost of this excessive increase by cutting funds for the CDC, the Child Care Development Block grant. His cuts in CDC would force the CDC to make reductions in these areas: infectious diseases, chronic diseases, STDs, breast and cervical cancer. Which should we choose?

□ 1800

I will repeat it again, it means cuts in infectious diseases, chronic diseases, STDs, breast and cervical cancer. This is outrageous and irresponsible.

Equally disturbing, the gentleman from Oklahoma (Mr. ISTOOK) proposes to cut the child care development block grant. These funds are desperately needed to ensure that children receive quality child care, especially low-income families.

I want to make this clear to my colleagues: I know how important this program is to the gentleman from Oklahoma (Mr. ISTOOK). In fact, despite my strong reservations about the effectiveness of teaching abstinence only until marriage, I have worked with my colleague, I have worked with the gentleman from Oklahoma (Mr. ISTOOK) in designing these community-based grants, because I believe abstinence is an important message for our youth. We have worked together.

However, with the tremendous needs, Mr. Chairman, as a result of September 11, and I feel so privileged to serve on a committee that can meet these needs, and we cannot even find enough money for CDC. I know my good chairman, the gentleman from Ohio (Mr. REGULA), would like to do more. So now is not the time, in my judgment, to allocate a three-fold increase, and that means 200 percent, to one health education program.

Even if our Nation was not in the state of emergency, a drastic increase in this program is premature because it has only been in place 1 year. As part of our agreement, and the gentleman from Oklahoma (Mr. ISTOOK) and I had an agreement with the gentleman from Wisconsin (Mr. OBEY) and our former chair, Mr. Porter, to include rigorous evaluation in this program, an evaluation which would include a range of sexuality programs, not just abstinence-only programs, has not even begun.

Finally, our funding needs for CDC bioterrorism, the public health emergency fund, worker training, unemployment insurance, mental health counseling, to name just a few, are just enormous. They are great. While we each continue our interest and advocacy for particular programs, seeking an increase of this magnitude I feel is inappropriate at this time. So let us give this program some time before providing an even larger funding increase, especially considering our budgetary restraints.

I want to thank the Members again. I hope my colleagues will vote no on this Istook amendment, and I want to appreciate the good work of our Chair, the gentleman from Ohio (Chairman REGULA), for bringing us together working on a bipartisan agreement.

I really feel that it is unfortunate that one of our members of the subcommittee chooses to violate the agreement and ask for a 200 percent, 200 percent increase in this program, which has not been evaluated. It will not be evaluated until 2005.

I would be delighted to work with my colleague to make sure that we continue to look at this program very carefully.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to be associated with the comments and remarks of my colleague, the gentlewoman from New York (Mrs. LOWEY), and really every Member that has risen in opposition to the Istook amendment.

Mr. Chairman, since the September 11 attacks, the objectives of our Nation have changed dramatically. We are focused on combatting terrorism, enhancing intelligence, and upgrading our public health system. Each of these efforts costs money and deserves additional funding.

The Istook amendment would give $33 million, a three-fold increase, to a narrowly-focused program that puts teens at risk and is rooted in wishful thinking. Abstinence-only education works only when it is combined with comprehensive sexuality education. Evidence shows that comprehensive sexuality education helps delay sexual relations among young people, and increases contraceptive use among those who become sexually active.

Telling independent-minded teenagers what not to do and depriving them of information they might use to decide is a recipe for unplanned pregnancies and sexually-transmitted diseases.

Ninety-three percent of Americans support teaching sexuality education. We should follow the numbers and reject the Istook amendment.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I think it is very important that we give credit where credit is due. The gentleman from Wisconsin (Mr. OBEY) and the gentlewoman from New York (Mrs. LOWEY) earlier mentioned that they have helped get this program off the ground. Despite this opposition to this amendment, they deserve credit for that. I want to acknowledge that publicly.

However, as the gentleman from Wisconsin said when someone else was speaking earlier, I would rather have their support than their praise. I would like to have the gentlewoman's support now, not just her praise for getting the program under way but her support at this time, as well.

I hear people argue, well, we really cannot afford this extra $33 million. Mr. Chairman, this is in a bill with discretionary spending, not even counting the mandatory, discretionary spending of $123 billion, $11 billion more than last year, and $6.8 billion over the President's request. It has a half-a-dozen accounts in it that are more than $100 million over the President's request. It has over a dozen accounts in it that are more than $100 million over last year's amount.

Then we are told, on one of the major problems of our time, with teenage pregnancies and sexually-transmitted diseases, with 3 million young Americans each year getting sexually-transmitted diseases, 3 million teens, we are told with all this money in the bill, it is a good idea, but we really cannot afford it.

Give me a break. It is a question of where our priorities are. Do Members want to fund the things that reinforce America's values? Do Members want to fund the things that are having the first success in three decades in combatting teenagers who are involved sexually, get disease, get pregnant, drop out of school, turn to alcohol, turn to drugs, do not get their education, cannot support themselves, go on public assistance, raise kids in that environment? Is that what we want?

Mr. Chairman, if we had more of these abstinence education programs, we would not need all the other billions of dollars in this bill. Yet, I hear people say, it is a good idea, but we really cannot afford it, despite all the other billions of dollars in the bill. The real question is getting our priorities straight.

We had $2 billion that was added to this piece of legislation in the last week. Of course we can afford this.

The President's support? This is the letter dated September 24 from his office, the Executive Office of the President, Office of Management and Budget: "The President remains strongly committed to funding parity between abstinence education and teen contraception. With this in mind, the administration would support efforts in Congress to increase funding to $73 million for abstinence education activities under the administration's title V special programs of regional and national significance within the Health and Human Services Department."

That is what this amendment does. The President has talked to us about getting parity. That is what this amendment is about. In a bill with all these billions of dollars, we do not have $33 million to put into this high priority; $33 million that prevents disease, that prevents children being raised in poverty?

I heard someone say, well, we have not done enough evaluations on these abstinence education programs. These family planning programs, title X programs, we have had since 1971, for 30 years; they have never been evaluated. We spend over $200 million a year on them. We have not evaluated them. But we are told that is a reason for not promoting abstinence education, when teen pregnancy rates have only started coming down once these programs got under way.

It is time we put more support into them. I would like to have the support, not just the verbal support but the support in votes, of people that have indeed helped to get this program under way. It needs a little bit of nurture and nourishment right now. The demand is huge in the United States. They are overwhelmed with applicants for these grants. They cannot fill that demand.

Let us save some kids. Let us help people not get into this cycle of disease and poverty. Let us support this amendment. I move its adoption, Mr. Chairman.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) and any amendments thereto be limited to 40 minutes, to be equally divided and controlled by the proponent and myself, the opponent. We could have less.

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply ask if we could get an idea how many Members actually have a burning desire to speak on this. Then we might be able to shrink it to less than that, which I think everybody would appreciate.

Mr. REGULA. We have no further speakers on this side.

Mr. OBEY. There are three on this side. Would it be acceptable to have 3 minutes apiece?

Mr. REGULA. Mr. Chairman, strike my original unanimous consent request.

I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) and any amendments thereto be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Chairman, I yield my 10 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California (Ms. ESHOO), who has worked a long, long time on one of the issues involved in this amendment.

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member and the distinguished chairman of the committee for their work and for the bipartisan bill that they have brought forward. Mr. Chairman, this is never an easy bill for a ranking member and a chairman to work out, so I salute them, and I recognize the work that has gone into this.

But I rise in opposition to the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK). Let me tell the Members why. The amendment cuts the Centers for Disease Control. It is the account, not an account but the account that funds the CDC's disease detectives who are right now looking for anthrax in Florida.

It speaks to the dollars that are spent for controlling infectious diseases: tuberculosis control, research into birth defects and childhood disabilities, and asthma treatment and prevention.

Mr. Chairman, I want to zero in on another area of this budget, and what this amendment would essentially cut and really hurt, and really hurt. That is the issue of breast and cervical cancer screening.

In the last Congress, if there was one thing that I worked harder on than anything else with my Democratic and Republican colleagues, it was to come up with a bill that would take care of those women that are underinsured or not insured at all, because when the CDC screened for breast and cervical cancer, that was one part of it, but the part that the Congress had never finished, had never done, was the next chapter. That was that once there was detection, that we would help them.

We cannot afford to have that effort go down the drain. Mr. Bliley was the chairman of the committee. There were over 300 cosponsors to that bill. It was a great bipartisan effort. Everyone embraced it. They understood that we could in fact take the next step and make a difference for women and their families in this country. I think it is one of the great accomplishments of the last Congress.

This amendment hurts that. It does not have to be the case. The gentleman's amendment is not bragging about how much the 100 percent increase over last year is already taken care of in the bipartisan bill, going from $20 million to $40 million.

Maybe that is not my top priority, what the gentleman is doing, but I salute him for what he cares about. But do not do this at the cost of the anthrax cases that we need to look into, breast and cervical cancer screening, and the care of women that absolutely need it and depend upon it.

There is tuberculosis control. These are all things that the American people rise up and say, good job, Congress.

Vote against the amendment. It hurts. It is not necessary, and it is wrong.

□ 1815

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I simply want to point out, Mr. Chairman, that the account that is the offset of this is an account that has received an increase of $1.1 billion. It has received an increase in excess of the President's request. We are not sacrificing anything of value to make sure that we provide for abstinence education and fund it accordingly.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment and wish to commend my colleague, the gentleman from Oklahoma (Mr. ISTOOK), for his constant support on this issue. This amendment does not seek to address the constitutionality or morality questions inherent in the abstinence education debate. Rather, this amendment seeks to promote the health and safety of our children.

Each year, three million teens contract sexually transmitted diseases; and nearly one million become pregnant. These statistics, Mr. Chairman, are simply appalling. However, as appalling as these statistics are, we must note that these rates have declined in recent years. According to the Centers for Disease Control and Prevention, abstinence programs have played a role in the decline in teenage birth rates, which have dropped by 22 percent since 1991. As the CDC states, "Many initiatives have focused on the prevention of pregnancy through abstinence and many teenagers have heard this message."

Currently, the Federal Government spends more than $5 billion per year on HIV/AIDS, STD, and unintended pregnancy prevention combined.

Most of these dollars go towards the provision of services such as screening, pregnancy tests, free contraceptives and condoms and referrals. About $15 million goes towards promoting "safe sex" messages and education.

Federally funded abstinence education programs receive only about $80 million per year, practically all of it promoting the fact that sexual abstinence is the only method to be completely safe for preventing unwanted pregnancies and diseases.

The need to support abstinence education is significant. More than 700 State and community-based abstinence education programs are funded through title V. Much of this money is provided to volunteer organizations that have annual budgets of less than $20,000. A small grant of $2,500 or $5,000 means they can purchase some curriculum, some videotapes, maybe a combination VCR/TV, and devote instructors to serve and educate kids about how sex can wait and that many of the consequences of early sexual activity are incurable and deadly.

Mr. Chairman, Federal abstinence education funding is making a difference in my home State of Indiana. For example, the Peers Educating Peers, or PEP program educates adolescents about sexual health in nearly 20 Indiana counties serving more than 10,000 adolescents per year. PEP uses high school role models to educate junior high school age students about refusal skills, open communication, and responsible decision-making.

PEP has demonstrated its effectiveness as teen birth rates have dropped an average of 43 percent in the five counties where the program has been operating the longest.

Because of a SPRANS, or Special Projects of Regional and National Significance grant, the PEP program will expand their successful program to Evansville in my congressional district where the teen birth rate is 40 births per thousand, the second highest birth rate in Indiana.

This amendment, which would increase funding for abstinence education, makes both common sense and public health sense. It makes common sense because abstinence education works, and I have already highlighted the success of programs like PEP in Indiana.

It makes public health sense because Federal abstinence education funding goes towards prevention of sexual activity, just like public health messages like "wash your hands," "do not smoke," or "do not drink and drive" prevents communicable diseases, long-term disease, accidents and death.

Finally, it puts the money where it is needed. The CDC reports that about half of our children are sexually abstinent and about half of our children have become sexually active. If those are the proportions, according to CDC, then let Federal support reflect those proportions.

This amendment to increase abstinence funding is a good first step to achieve a fair distribution of resources based on the needs of young people.

As President Bush has stated, "For children to realize their dreams, they must learn the value of abstinence. We must send them the message that of the many decisions they will make in their lives, choosing to avoid early sex is one of the most important. We must stress that abstinence is not just about saying no to sex; it is about saying yes to a happier, healthier future."

I urge my colleagues to support the proposed amendment and provide increased funding for abstinence education.

Mr. OBEY. Mr. Chairman, I yield 2 minutes and 45 seconds to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, this is, I am sure, a sincere amendment; but it probably sets a record for ill timing. Because on the day where I just walked out of the cloak room and I saw CNN running a headline that the FBI is warning that we should be on the highest alert for terrorist attacks, on a day when the country is extremely concerned about our ability to deal with bioterrorism, we have a Member amendment on the floor of the House to cut money out of the CDC people whose job it is to find out if there is dangerous bacteria in our environment.

I cannot imagine a worse timed amendment, but I think there is a bigger problem with what we are considering on the floor of the House than just that. The fact of the matter is our House is on fire, and we are dealing with all these ideological issues. We should be dealing with the security of the United States of America now that we are 30 days past this tragedy.

Let me tell my colleagues why that is of concern. When my colleagues and I get on a plane next Friday or tomorrow to go back to our districts, did my colleagues know that almost all of the bags that go into the belly of the airplane we get on will not be screened for explosive devices? Over 90 percent of the bags that are going to be in the luggage compartment of the plane we get on on Friday will not have been screened for bombs.

Now, what are we doing about that problem today? Nothing, not a single thing for a month after this terrorist attack. We have not done a dang thing on this issue.

What have we done? We gave $15 billion to the airlines. Have we done anything to require employees to walk through magnetometers so they cannot carry bombs on to airplanes. We have not done anything.

The fact of the matter is these ideological concerns are trumping the security interest of the United States. We have got a bill to deal with airline security so that the people who guard the magnetometers will have some modicum of training, will get maybe a little more than minimum wage.

Many people think they ought to be Federal employees. I think they ought to be Federal employees like FBI, like Marshals, like fire department. But these ideological concerns are keeping even a vote on the floor of this House to do anything like that. I just hope that, number one, this amendment will fail; and I hope that the leadership of this House will bring to the floor of the House in quick order, starting at about noon tomorrow, some security bills so this House can vote on them because that ought to be the order of the day.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, this amendment does not take money out of the accounts for bioterrorism. I rise in support of the Istook amendment because I believe we should honor the President's pledge to increase funding for abstinence education to a level equal for funding for title X abortion counseling programs.

Mr. Chairman, over the past few decades, we have been subjected to the propaganda of the safe sex and the abortion lobbies. They would have us believe that more contraceptives are the answer to the problems of sexually transmitted disease and teen pregnancy despite evidence to the contrary. We need to start teaching our young people the truth. Sex outside of marriage is risky business, and it has physical and emotional consequences. There is no substitute for abstinence when it comes to avoiding problems associated with premarital sex.

We need to stop lying to our Nation's youth and stop assuming that promiscuity is an inherent part of adolescent life. Instead, through absence education, programs which have proven to be successful, we need to promote their health and safety. We need to encourage them to exercise self-control. We need to teach them about the benefits of saving sex until marriage. If we believe that children can exercise self-control to avoid smoking, what about premarital sex?

Our Nation's children deserve more than free contraception and abortion counseling. Our Nation's children deserve our love and our commitment that we will help them seek the best future for themselves, a future that is free of the emotional and the physical pitfalls that accompany premarital sex.

Mr. Chairman, I urge my colleagues to support the Istook amendment to increase the funding for abstinence programs.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. TIERNEY)

Mr. TIERNEY. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I want to say to my colleague who is presenting this motion that, in fact, he has already done well what he purports to represent. He has increased the amount of his package well over what it was last year. The base bill does that, and he can feel that he has had an accomplishment there. But when we talk about priorities, and I understand that is a priority of his, and as I said he has addressed it, America's priority right now is security.

If you walk down any street, any main street in my district or anyone else's district, people are talking about security. They want to make sure that they are safe in their homes, safe in their neighborhoods, their children are safe in their schools, that our water is safe, that our transportation is safe.

They are also talking about security of their income. Thousands and thousands of people have lost their employment as a result of what went on September 11; and those are issues which should, in fact, be a priority of this country.

We have done nothing about them since September 11. We had an opportunity when we bailed out the airline industry, excessively in my opinion, when they could only identify $2 billion worth of losses occasioned by the activities of September 11, but got $5 billion. We had an opportunity then to do something for people that became unemployed, to make sure they had health care for their families, to make sure they had an adequate income so they could sustain themselves and their families and their communities. We had an opportunity then to do something about security on our airlines, in particular, as well as other places.

The CDC does need money so it can make sure we are safe from anthrax and other problems like that. We need to know that the pilots are secure in their cockpit and that our luggage is getting checked. We need to know our water is safe and that we are being protected. These are going to be costly matters.

When you talk about the American people's priorities, rather than be debating on what we have been debating here, excessively over this bill's base amounts, we would better spend our time addressing what people want, a job or employment security or income security, a way to know they will have health care coverage for their family in a time of need, and a way to know that when they travel they will be safe.

Mr. Chairman, I suggest that that is what this Congress should have been doing over the past several weeks. It is a disgrace that we have not been doing it. We should get on to that business now. That is America's priority.

Mr. ISTOOK. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 3½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 2 minutes remaining.

Mr. ISTOOK. Mr. Chairman, does the gentleman from Wisconsin have the right to close?

The CHAIRMAN. That is correct.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here because we need to be here, because we are trying to take care of the things that we are responsible to take care of, not only the security of the United States of America but the welfare of its people. That is why we have this bill on the floor. Yes, we could spend all of our time talking about foreign affairs; but if we did, we would not be trying to have normalcy. And, yes, it is normal that we get on the floor of this House, we have debates, we have disagreements, and we have bills such as the annual appropriation bill for the Departments of Labor, Health and Human Services and Education.

If we did not have that, then things such as the Centers for Disease Control and public health programs would not have their funding and where would the welfare of the Nation be?

Right now the congressional authorizations for these measures expires unless we take action such as passing this bill. So of course we should be here. We should be talking about the issues that are timeless and timely, and this is among them.

We have, Mr. Chairman, according to the Centers for Disease Control that is charged with, among other things, trying to stop the sexually transmitted diseases which this amendment addresses. According to CDC and the Institute of Medicine, 12 million new cases are reported each year of sexually transmitted diseases, one-fourth of them among teenagers.

□ 1830

It is 89 percent of all reported diseases that constitute the top 10 in the whole U.S. of all diseases. Twenty-nine percent of those were infected with chlamydia, which causes sterility. Young women often do not find out until they reach their childbearing years they are not able to have kids now because they got involved in teenage sex, they got chlamydia, now they cannot have kids. Twenty-two percent had herpes, 32 percent had HPV, human papilloma virus, which causes 80 percent of all genital cancers.

The Institute of Medicine concluded public awareness and knowledge regarding STDs is dangerously low. It is unfocused. The disproportionate impact on young people has not been measured.

That is what we are trying to get at, Mr. Chairman. We are trying to make sure that kids get the message that "safe sex" does not stop these sexually transmitted diseases. They happen with or without use of contraceptives, with or without use of condoms or other devices trying to prevent pregnancy. The only sure message is to say, "wait until you are married."

That is what abstinence education is about. It is the best course; it is the safest course. And this Congress needs to get on course, not giving it just minor funding within a huge bill, with huge increases in so many other programs, with more than twice as much being spent to promote these safe sex programs, as they are called, as to promote abstinence.

Let us bring some equality into this. This amendment is what the Bush administration says is what we need to bring parity. I think they may have underestimated it. I think we probably need about $15 million more for parity, but I am not arguing that point, Mr. Chairman. I am arguing equal treatment, a level playing field, so that there is some reinforcement from Washington, D.C. and from groups that we help to fund to get the message out and reinforce what we teach our kids at school: wait until marriage.

It is the best course and the safest course. I move adoption of the amendment.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I appreciate the opportunity to speak against the Istook amendment.

Mr. Chairman, it is clear that the offsets to this amendment will hurt our counterterrorism effort, something most of us, all of us, feel passionately about. It is also unfortunate that an issue on which everyone agrees, the need to prevent teen pregnancy, is presented in this amendment in an ideological form that splits us and hurts achieving the goal.

As a mother of two daughters and two sons, I know that abstinence-only education does not work. What does work? One, basic accurate information on the risks of teen pregnancy; two, education on types of and proper use of contraception; and, three, the message that abstinence is the only 100 percent effective way to prevent teen pregnancy.

Preventing teen pregnancy still matters, even in the post-September 11 world, but this amendment is the wrong solution. Vote "no."

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have had some 14 amendments on this side of the aisle that we have discouraged from offering today. I do not believe we have offered a single one from this side of the aisle. I would urge that we have the same response from all quarters of the House.

When, in fact, we measure accurately the amount of money in title I which is aimed at teenagers, the resulting numbers will demonstrate that we spend at least as much on abstinence directed to teenagers as we provide in direct family planning services of the traditional variety aimed at teenagers. The gentleman has already achieved parity, and this bill gives him twice as large an increase in the programs he is for as we have in the other traditional family planning programs.

Mr. Chairman, I urge a "no" vote on the amendment. Let us keep this bill together and get out of here at a reasonable time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

At the end of the bill (before the short title, insert the following:)

SEC. (a) None of the funds made available in this Act may be used to implement, administer, or enforce Executive Order 13166.

(b) The limitation established in subsection (a) shall not apply to an agency that is subject to Executive Order 12866 after it has complied with the requirements of such Executive Order, which has been issued pursuant to law.

Mr. ISTOOK. Mr. Chairman, I might mention that I am certainly amenable to any unanimous consent request to limit total debate time on this measure.

Mr. Chairman, this amendment states that until the Office of Management and Budget issues a cost-benefit analysis of a series of Federal regulations, those regulations are to be held in abeyance. They are what is commonly called "limited English proficiency" regulations.

What is all this about? It is about an executive order that was issued last August and regulations that were issued pursuant to it mandating that not only Federal agencies but also State and local agencies, businesses, nonprofit groups, anybody who has received any funds to administer or handle or be involved with a Federal program must make all vital documents, it says, available in multiple translations; basically into any language group involving 3,000 people or more.

Mr. Chairman, there are over 200 language groups in the United States involving 3,000 people or more. If we are required to translate everything into each one of these languages, the average cost for billions of pages is $40 a page per language. Multiply $40 per page by over 200 languages, by billions of documents, and my colleagues can begin to see the nature of this problem, the huge unfunded mandate that this puts on businesses and on local governments. In fact, nine or 10 States officially have petitioned for these not to go into effect because of the unfunded mandate.

After all, Mr. Chairman, there are some large language groups; and we have plenty of efforts to try to accommodate them. This amendment does not restrict anyone from trying to accommodate a language group or to make something available in another language. It simply removes the Federal mandate that we have to do so in this unlimited number of languages. It lets common sense prevail instead. It follows what the U.S. Supreme Court ruled just April of this year is the law of the land: there is no right to force somebody to translate civil documents or civil activities for you.

Now, if an individual is charged in a court proceeding, yes, they will make sure they have a translation as a defendant. But we are not talking about that. There is no right, constitutional or statutory. Yet, usurping the powers of this Congress, of this body, this executive order and the regulations issued under it are putting that burden on people all over the country.

Imagine being called up for a violation of Federal law because you did not provide a translation, for example, into western Farsi, with a million people in the United States speaking it; or because you did not provide a translation into Kabuverdianu, that has hundreds of thousands of people that speak it. My colleagues can pick whatever language they want, I am not going to pick on any of them, but with over 200 languages, to be told, well, if there are more than 3,000 people affected, you have to translate all vital documents, anything that this person might need, any documents made generally available to the public.

Mr. Chairman, we have thousands of informational brochures, bits of information, guidance that go to people constantly. How much are we going to pay for this? We ought to wait until we have the cost-benefit analysis from the Office of Management and Budget. That is their job. They ought to be doing it. We should not go into this thing blind.

I realize there will be some people, Mr. Chairman, who talk about constituents they have that are not proficient in English. I understand that. But that does not mean that we go out and put this mandate out there to try to solve the problem.

The American Medical Association has said these will cause doctors to stop seeing Medicare patients and Medicaid patients because they cannot afford the cost of paying for a translator. The regulations even say it is not good enough if they have a family member come with them to the doctor to do a translation. Oh no, that is not permissible. The doctor has to go out and hire a translator at hundreds of dollars an hour that costs more than he is reimbursed, usually something about $30 or $40, more than he is reimbursed for seeing the patient in the first place. That is why the AMA, as well as so many States, wants us to pull back on this.

Let us make a common-sense test. Let us apply the law under an earlier executive order that says OMB is going to do cost-benefit analyses when we have legislation that is this far-reaching.

I move the adoption of the amendment, Mr. Chairman.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Oklahoma (Mr. ISTOOK), and any amendments thereto, be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

Mr. OBEY. Mr. Chairman, reserving the right to object, could I ask that the gentleman amend that to 12 minutes per side?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I will agree to 24 minutes.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to withdraw my original request and to amend it so that further debate on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK), and any amendments thereto, be limited to 24 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Ohio (Mr. REGULA) each will control 12 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield 12 minutes to the gentleman from Wisconsin.

The CHAIRMAN. Without objection, the gentleman from Wisconsin (Mr. OBEY) will control the time.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time; and once again I want to take the opportunity to commend our new chairman, the gentleman from Ohio (Mr. REGULA), for his first Labor-HHS bill on the floor; the ranking member of this subcommittee and the full committee, the gentleman from Wisconsin (Mr. OBEY); and the chairman of the full committee, the gentleman from Florida (Mr. YOUNG), for their great leadership in crafting this legislation and bringing it to the floor.

I rise in defense of the committee position and in opposition to the Istook amendment. Mr. Chairman, this guidance which is contain in the bill does not create any new requirements or place any new mandates on recipients of Federal funds. It simply clarifies the Department's long-standing policy so that recipients have clear, concise, and constructive information about their responsibilities under title IV.

This information helps grantees be sure that they are in compliance with the law, as it has been in effect for over 30 years. This guidance is intended to be flexible and recognizes that there are no one-size-fits-all solutions. The guidance on limited English proficiency also clarifies that recipients only have to undertake reasonable steps to ensure meaningful access and that recipients are not required to take steps that would incur unreasonable costs or burdens.

□ 1845

This amendment ignores the positive impacts of limited English proficiency. They ignore the Department of Justice's reasonable direction. Many limited-English proficiency persons work in some of the lowest paid jobs, are more subject to abusive employment situations, and need more help with complicated government bureaucracies.

For example, a Cambodian refugee worked as a landscaper to support his family of five children. After he was laid off, he made repeated attempts to file an unemployment claim. He could not communicate with his State agency, and often received contradictory information. For most of the winter, he was without income and unemployment insurance compensation.

The costs of providing assistance to persons who have limited English speaking abilities does not have to be expensive. In California, the limited-English speaking population is estimated to be over 3 million people. Since 1973, we have had a State law with more specific interpretation of translation requirements than title IV, which this guidance addresses; and this law has not created a burdensome financial strain on the State of California's Department of Social Services. That department spends a total of $648,312 to staff an internal team of 13 employees to translate documents into Spanish, Chinese, Cambodian, Russian and Vietnamese; and not that much more in outside contracts for vendors for translation into other languages.

This is a very small cost for an $18 billion social service budget. This guidance simply fulfills the goal that Secretary Chao expressed in her welcoming ceremony remarks, making sure that no worker gets left behind.

Mr. Chairman, I urge my colleagues to vote "no" on the Istook amendment and defend the committee's position.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I reluctantly rise in opposition to this amendment. The committee understands the concerns raised by the amendment, but now is not the time to proceed with this amendment. I understand that this executive order is under review by the administration.

Furthermore, the committee report accompanying the bill recommends that both Secretary Chao at the Department of Labor and Secretary Thompson at the Department of Health and Human Services, quote, "carefully review the guidance and revisit its implications, impacts and consequences both practically and fiscally."

I think we should give the administration time to address this in the regular order and not adopt the amendment of the gentleman to shut off funds. I might add that the administration will be able to address it with a subsequent executive order once they have had time to review it. I think out of courtesy we owe the administration time to review the implications of this order. Therefore, I think the amendment would be premature and should be rejected.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with all due respect to the gentleman from Ohio (Mr. REGULA), this amendment does give them time. It just says until they do their job, the rest of the country should not be put under this incredible burden.

Right now there are groups that are being pursued by HHS, pursued by Federal agencies for supposed noncompliance with these regulations. We ought to say you do not go after agencies pursuing these regulations until we do that cost-benefit analysis. That is exactly what the amendment does.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, Executive Order 13-166 issued by President Clinton is unwise, illegal and unconstitutional; and I urge the Bush administration to rescind it forthwith. We would be doing them a favor to avoid all of their complex review by simply adopting the Istook amendment.

We cannot possibly impose on counties and cities and local jurisdictions, States, and indeed on the Federal agencies the policy inherent in this executive order which on its face is unreasonable. There are 6,800 languages in the world today, many of these present in the United States. Even the U.N. only has six official languages; and here in the absence of congressional action, we already have the Federal agencies setting forth the requirements of this executive order and beginning to implement them.

For example, regulations applying Executive Order 13-166 have already been issued by the Department of Health and Human Services, the Department of Transportation, the Department of the Treasury, the Department of Justice, the Department of Labor, the Corporation for National Community Service, General Services Administration, Consumer Products Safety Commission, the National Aeronautics and Space Administration, the National Council on Disability, the National Science Foundation, and the Pension Benefit Guaranty Corporation.

Mr. Chairman, we need to bring this to a halt now. We can do something reasonable. In the absence of this executive order, something reasonable is already set in place. But requiring all of our States and localities to struggle to spend money they do not have, to produce materials in any language any person requests up to I suppose 6,800 languages, is unreasonable and outrageous on its face.

The gentleman from Oklahoma (Mr. ISTOOK) is to be commended for this amendment. We should have done this long ago, but I guess this is our first opportunity since it has come up on this appropriations bill. I urge Members to support his amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to this amendment. The first thought that comes to my mind, are we debating the same executive order? I have heard allegations and assertions made from the other side that truly are misrepresentative.

What we are talking about with this executive order, and the whole basis of the executive order was accountability and responsibility of those who are providing services and receiving Federal dollars in providing those services to make sure that they effectively deliver those services. This is what it is all about.

The other thing, the other matter that really stands out is where have we been. The census tells us much of what is going on in this country. While individuals are perfecting their ability to speak English, while we have these clustered groups of individuals from different countries, they still require services in a language that they would understand for their benefit. That is why we are providing it.

Mr. Chairman, prior to this amendment we were arguing abstinence and how we teach it, how we promote it. If my colleagues had their way, they would basically be espousing abstinence in a language never understood by the individual that Members seek to assist. This is what is so crazy about this whole debate.

There are other matters I think which have been misrepresented. The Sandoval case does not stand for the proposition that Americans do not have a legal right to have everything in a particular language. It simply states an individual citizen does not have a right to bring a cause of action, but that the Federal Government does.

The gentleman from Texas (Mr. RODRIGUEZ) and I met with the members and representatives of the American Medical Association who had certain concerns. Once we discussed it and they understood the intent of the executive order, it was something that was acceptable. It was something that was doable.

We are making it impossible by scaring individuals out there that they will never be able to comply with the intent of this executive order. That is an unfair characterization.

The executive order and the implementing guidance that follow it stress the importance of complying with title VI of the Civil Rights Act without unduly burdening the fundamental mission of the agency. That is the standard. This goes contrary to the whole motive behind it. Do not stand in the way now with misrepresentations. Face the facts. Face the reality of our society, and let us deliver those services in a meaningful way.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first mention, the gentleman from Texas (Mr. GONZALEZ) may or may not have read the executive order and all of the regulations that have been issued pursuant to it from a number of agencies. I have read them, and they get frightening in their impact.

Rather than being a reasonable effort to try to communicate with people that may be receiving Federal services, it puts an affirmative burden on groups that participate in a Federal program, such as the police department or county health center, whatever it may be. It puts an affirmative burden on them to take all documents that they make available to the public, as well as everything that may relate to an individual, and translate it into what becomes an unlimited number of languages. That is where the unlimited expense comes from.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, Executive Order 13–166 is essentially another attempt to construct an even higher level of the Tower of Babel. Not only is that executive order an unfunded mandate, it is incredibly wrongheaded.

To encourage non-English speakers to stay outside the mainstream of America and thereby indirectly condemn them to a life of impoverishment is essentially despicable. As the population of non-English speakers increases, so too will the pressure to divide this Nation along language lines. It will also contribute to the increased balkanization of the Nation. We do none of these folks a favor by encouraging their exclusion from the majority society.

Mr. Chairman, I urge support of the Istook amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute 55 seconds to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, contrary to what is being said, if what the gentleman was saying is accurate, I will be there for the gentleman.

When the gentleman from Texas (Mr. GONZALEZ) and I met with the medical association, we discovered what they were being told was not practical and it was not correct.

We are not saying that we ought to consider those 200 languages. That is not practicable. We are not saying if there is one person who is Spanish speaking they ought to be responsive to them. That is not what the law says. If Members look at the law, it is very specific. The law says specifically that the size of the limited English proficient population that is served needs to be considered. So allow the administration that opportunity.

Secondly, it says the frequency of the visits in terms of the hospitals. Most important, it also talks about the severity. If the person has tuberculosis, cancer, and it is serious, there has to be a real need to make sure that that person understands if it is a life-or-death situation, so depending on the severity of the case and the numbers of the population.

Mr. Chairman, I will again tell the gentleman that I will be with him if they start forcing agencies to do it in the number of languages that the gentleman says. That is not the intent. In addition, this is not new. It is the 1964 civil rights legislation. What this does is allows the Government, in this case the administration, an opportunity to establish the guidelines that allow them to put it into effect. It is nothing to get all bent out of shape over and to raise all of those contrary items because that is not the case. If it is, I promise the gentleman that I will be there for him in ensuring that the administration does not do that.

In addition, let me state that it is going to be very important that as we look at this, that we also consider the seriousness of the situation. I had a case of a person who was told in English that they were positive for AIDS, and that person understood positive as everything being okay.

□ 1900

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I would like the gentleman to be aware that the guidelines issued by the Department of Justice on the same day as this executive order, and the executive order expressly incorporated the DOJ guidelines, I quote from the DOJ's document they titled Commonly Asked Questions and Answers Regarding Executive Order 13166:

"Programs that serve a few, or even one LEP person are still subject to the title VI obligation."

If there is even one person that speaks some language other than English and wants things translated, the Department of Justice says that one person is enough to invoke this requirement. That is not common sense. That is not meeting a major public demand. That is going way overboard, when they require this multitude, these millions if not billions, of pages to be translated into an unlimited number of languages.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 1 minute and 55 seconds to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. I thank the gentleman for yielding me this time.

Mr. Chairman, this issue has been posed as one where we are going to subject the Federal Government and State and local governments and everyone else to a multitude of languages. I think we heard the number 6,800, all the remaining languages in the world that have speakers represented in this country.

I speak one of those very small languages. I think we number about 100,000 in the entire world, and about 50,000 inside the continental United States and I can assure everyone that under these guidelines, I have no ability to force anybody to produce documents in the Chamorro language. This is simply about access and the protection of civil rights. This is what this is all about.

We have lots of limited English proficient people in this country. Instead of spending our time trying to deny them access to health care, instead of putting forth more barriers to their exercise of their civil rights, we ought to be contemplating how to facilitate that while they are learning English, while they acquire the kind of English that is necessary to survive in this society. This is not about a right to use a certain language. This is about a time-honored, court-tested provision emanating from the 1964 Civil Rights Act which says that when national origin and the language that you use, if that can be used as a way to impede your access to the resources of this country, then the government is required to take a look at those processes in order to allow you that access. This is what this is about. It is about access.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, it has taken a lot of time to review that executive order and these regulations. I would submit, Mr. Chairman, that were this actually something that had been part of the civil rights acts adopted in the 1960s, it would not have taken until August of 2000 for someone to notice and start saying, now we have this new requirement. Because that is what happened, August 8 of 2000, when former President Clinton issued the executive order, had the guidelines of the Justice Department that were issued the same day incorporated into them, and set in motion a whole series of midnight actions. Most of the Federal agencies that adopted these did so on January 17, just before Inauguration Day. That is an inherited problem for the current administration and one they still have not come to grips with.

This simply says, do not put your multibillion-dollar unfunded mandate burden on the rest of the country until you get the cost-benefit study done on this. That is what you are supposed to do on major new initiatives and that is what this was, a major new initiative.

Mr. OBEY. Mr. Chairman, I yield 55 seconds to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, what I have is going to take a little bit more than the time allotted. It is interesting in this country, in America, we talk about diversity and understanding. We also talk about inclusion rather than exclusion. This amendment is exclusionary. What the executive order does from 1964, as the gentleman had explained, was that this is fine-tuning, and people need direction.

As an administrator myself, when I take a law, an administrative regulation, the right to be able to extend it even further is our prerogative. That is probably what that department did when you read that memo. That is all about service. That is about, client service. We in this office, we in our jobs, we understand client service and we want to extend ourselves the best that we can.

The real point of this in terms of language is comprehension. If you do not have comprehension, you are not going to be able to take medicine properly. You are not going to be able to understand things properly. As an educator, comprehensive input is key.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in support of this amendment for two reasons. First of all, in a former life, I was a small businessperson who did contract work with the Federal Government. The imposition of this on small business would just be devastating.

Secondly, and this is probably the best reason to support this amendment. English is the language of commerce in our country. To encourage people to not learn English does a great disservice to them. That is exactly what this executive order does. It tells people, "You don't have to learn English, because we'll communicate with you in your language." That just is not fair to them. If they are not conversant in English, they are not using the language which is the language of commerce in this country. As is so often the case when we try to help people, we really hurt them. What this does to those who are not fluent in English is really hurt them because we discourage them from learning English.

This is a very good amendment and it is especially good for those for whom English is not their primary language because they need to be encouraged to learn English, not discouraged from learning English because it is the language of commerce in this country. And the sooner they learn it, the better they will do in this country. It is unfair of us to discourage them from learning it.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 2½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 1¾ minutes remaining and the right to close.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, when these regulations were issued, when the executive order was issued and then regulations were issued by Federal agencies, we heard from a number of States, Michigan, that asked, quote, the policy should be held in abeyance until, at the very least, a cost-benefit analysis is conducted and adequate additional funding is provided.

New Jersey complained that they would have to be translating things into at least nine different languages and wrote, "It is respectfully requested that the published Department of Labor policy be temporarily suspended pending a cost-benefit analysis."

That is the normal way of proceeding. That is not the way we are proceeding. Right now, people are being placed at risk because they are being told, "You're not complying with this law." At the very time that people are concerned about bringing America together, we are being told that you have to translate what you do into a multitude of other languages as a condition of being involved in any sort of Federal program. That is not right. That is going to cause a huge amount of resentment.

There was a columnist that wrote in the New York Times, just wait until an Hispanic shopkeeper is told they have to translate what they do into Farsi. This hits everyone, Mr. Chairman, no matter what may be your primary language. But it is right that we need to ask people to focus on what brings us together. We spend billions of dollars that are supposed to be helping people to learn English. Are we not going to reinforce that with a policy that says we are not going to put billions of extra upon ourselves to translate things into you rather than helping you to learn English? That is a much better policy.

It is great to be bilingual, trilingual, however many languages you may be able to speak. But let us keep us unified. This is not the time to balkanize America and to say, you have to spend billions of dollars, private money and public money, translating everything you do into a multitude of dozens or scores of different languages.

We need to support the amendment, Mr. Chairman. We need to bring common sense into place. And until common sense is brought into place, until we have a cost-benefit analysis and they amend these proposals, we should not be imposing them upon the country.

I move the adoption of the amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong opposition to the Istook amendment.

Mr. Chairman, I would urge my colleagues to oppose Mr. ISTOOK's amendment to impede the implementation of the Executive order to "Improve Access to Services for Persons with Limited English Proficiency."

The Executive order is about fairness. Individuals with limited English proficiency should not be blocked from accessing vital services paid for by their, and their families', tax dollars.

The Executive order simply gives guidance on how the Federal Government and Federal Government contractors can comply with existing civil rights law that bars discrimination based on national origin.

Until this Executive order was issued, existing civil rights law to protect limited English proficient persons went largely ignored.

The Executive order is reasonable, flexible, and accommodating to small contractors and government agencies. It recognizes that only critical services, directly affecting health and livelihoods, are required to be translated. Implementing the Executive order makes sense.

Imagine what would happen if someone with weak English skills who has a communicable disease, like small pox or tuberculosis, is unable to understand the advise of health professionals. A public health hazard could ensue, harming many more people.

Mr. Chairman, I hope my colleagues will join me in opposing the Istook amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute and 10 seconds to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, we are all products of our own past, I suppose. I came to this country not understanding a word of English and I am still working on my limited English proficiency. But when I was in the fourth grade, my dentist, Dr. Sadao, my doctor, Dr. Linnertz, would say to me, "David, let me tell you something and then you translate it for your mother. And then your mother can tell you and then you can tell me."

To me, my mother spoke perfectly fine English and so did Dr. Linnertz and so did Dr. Sadao. What we are really talking about are all those people out there who do not have a little fourth-grade David to translate for them. I want to ask the gentleman from Oklahoma who he proposes to leave behind: My mother? Another little old lady from somewhere else in the world?

I would like to read something into the RECORD: "I believe that every right implies a responsibility, every opportunity an obligation, every possession a duty." Those are the words of John D. Rockefeller. I tell children all the time, you have got to learn the king's English. But if you are asking children to learn the king's English, for God sakes you cannot leave their parents behind. You cannot leave their grandparents behind.

I would like the folks on the other side of this argument to say, who are you leaving behind? Who will you cut out of the ability to participate in our self-governing democratic society?

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

There is an executive order which the gentleman from Oklahoma does not like. A Republican President, a Republican White House, is now reviewing that executive order. Let us have the Congress get out of the way and give him time to do it before we jump to conclusions.

As the gentleman has indicated, when you are in a doctor's office and you need help, you do not have time for an English lesson.

Ms. WOOLSEY. Mr. Chairman, I rise in opposition to the Istook amendment.

This abstinence-only amendment is a narrow and unrealistic approach to addressing adolescent sexuality. We're not saying that our young people should not be encouraged to abstain from sexual activity. We're just saying they also need to be informed about how to protect themselves from unintended pregnancy, HIV/AIDS, and other STDs.

The truth is, comprehensive sexuality education programs expose young adults to important information that they will not learn from an abstinence-only program.

To date, there is no real evidence that can defend the effectiveness of abstinence-only programs. Without such evidence, we cannot justify spending additional dollars on a program that's already well funded.

However, family planning and comprehensive sexuality education programs have clearly shown their effectiveness and ability to help curb teen pregnancy.

Let's protect our Nation's future by providing teens with the educational tools they need to be responsible.

I urge my colleagues to vote against the Istook amendment.

Mr. NADLER. Mr. Chairman, I rise to oppose the Istook amendment calling for a $33 million increase in abstinence-only education.

First, everyone should understand one thing—this program is already receiving a 100 percent increase in its funding over last year. That is without the Istook amendment.

To put that in perspective—the President's number one priority during his campaign (besides tax cuts) was education—and that receives a 17 percent increase.

So, make no mistake about it, the Congress is already spending large sums on the abstinence-only program, and we won't know the effectiveness and results of the program until the congressionally mandated report comes due in 2005.

What we do know is that publicly funded family planning has a significant effect on teen pregnancy. Each year, family planning services prevent an estimated 386,000 teenagers from becoming pregnant.

Title X funding plays a critical role in the lives of teens across America—in preventing unwanted pregnancy and in providing needed services to young people. Through title X teens receive gynecological exams, screening for breast and cervical cancer, STD treatment, HIV testing, contraceptive care, and counseling.

These services are desperately needed since we know that more than 750,000 teenagers become pregnant each year, and 80 percent of those pregnancies are unintended. We know that nearly 4 million teenagers acquire a sexually transmitted disease by age 24; and that an average of two young people are infected with HIV every hour of every day.

It takes a comprehensive approach to address these problems and that is why more than 120 national organizations support comprehensive sex education including: American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American Medical Association, American Public Health Association, National Education Association, National Medical Association, National School Boards Association, and Society for Adolescent Medicine.

Americans overwhelmingly support sex education—more than 8 in 10 Americans favor comprehensive sex education that includes information about contraception.

I urge my colleagues to heed their call and to continue to push for comprehensive education. This is not the time to increase funding even more than we already have for an untested program that is so limited in scope.

I urge my colleagues to reject the Istook amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) will be postponed.

The point of no quorum is considered withdrawn.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

□ 1915

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 68; and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 68) making further continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. YOUNG) to explain the resolution before us.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding to me just to explain briefly.

Mr. Speaker, this is a continuing resolution. The CR that we passed last week runs the government until the 16th of October. It is obvious we are not going to complete all of our conference reports by then. This would extend the present CR for an additional week, until the 23rd of October, by which time we will hope to have most, if not all, of the conferences on appropriations bills completed.

In addition, this CR does make a technical change to a provision in the previous CR relative to the Export-Import Bank. Also it allows the Defense Health Program to make payments under the TRICARE for Life program at rates that have already been authorized by the fiscal year 2001 National Defense Authorization Act.

In addition, Mr. Speaker, this provides authority to the agencies to begin the preparation of the benefit checks that will be mailed on the first of November in order to begin processing those payments. It is important that we include that in this CR.

Mr. OBEY. Mr. Speaker, under my reservation, I would simply say I agree with the gentleman on the need to pass this.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 68

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–44 is amended by striking "October 16, 2001" in section 107(c) and inserting in lieu thereof "October 23, 2001"; by adding the following before the semicolon in section 101(b)(1) ": *Provided*, That the rate for operations of the Defense Health Program may exceed the current rate as may be necessary to fund a pro rata share of the program expansion authorized by section 712(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398)"; by striking section 115 and adding the following: "Sec. 115. Notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103–428, the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through the date specified in section 107(c) of this joint resolution."; and adding the following new section: "Sec. 123. Notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1, 2001, may continue to be made.".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3061.

☐ 1918

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. GUTKNECHT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) had been postponed and the bill was open for amendment from page 82, line 17, through page 102, line 2.

Are there further amendments to this portion of the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment by Mr. STEARNS of Florida; the first amendment by Mr. ISTOOK of Oklahoma; the second amendment by Mr. ISTOOK of Oklahoma.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 312, not voting 11, as follows:

[Roll No. 378]

AYES—107

Aderholt
Akin
Armey
Bachus
Baker
Barr
Bartlett
Barton
Brady (TX)
Bryant
Burr
Burton
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Cubin
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Duncan
Emerson
Ferguson
Flake
Foley
Forbes
Gallegly
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
Largent
Lewis (KY)
Linder
LoBiondo
Manzullo
McCrery
Miller, Gary
Norwood
Otter
Oxley
Paul
Pence
Petri
Pickering
Pitts
Pombo
Putnam
Ramstad
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Shows
Smith (MI)
Smith (NJ)
Stearns
Stump
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Turner
Upton
Vitter
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wicker

NOES—312

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Buyer
Callahan
Calvert
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Ford
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Graham
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach

Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Traficant
Udall (CO)
Udall (NM)
Visclosky
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Blunt
Engel
Fossella
Gillmor
Kingston
McHugh
Meeks (NY)
Miller (FL)
Nadler
Towns
Velázquez

□ 1940

Messrs. FARR of California, JOHN, and EHRLICH, and Ms. DEGETTE changed their vote from "aye" to "no."

Messrs. COLLINS, CAMP, HOEKSTRA, DIAZ-BALART, and OTTER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 106, noes 311, not voting 13, as follows:

[Roll No. 379]

AYES—106

Aderholt
Akin
Armey
Barr
Bartlett
Barton
Bereuter
Brady (TX)
Brown (SC)
Bryant
Burton
Cannon
Cantor
Chabot
Combest
Costello
Crenshaw
Cubin
Culberson
Davis, Jo Ann
DeLay
DeMint
Doolittle
Duncan
Ehrlich
Everett
Ferguson
Flake
Forbes
Ganske
Goode
Goodlatte
Graham
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hayes
Hayworth
Hefley
Hilleary
Hostettler
Hunter
Hyde
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kerns
LaHood
Largent
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Manzullo
McIntyre
McKeon
Mica
Miller, Gary
Moran (KS)
Myrick
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tiberi
Vitter
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wolf

NOES—311

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hastings (WA)
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Blunt
Engel
Fletcher
Fossella
Gillmor
Kingston
McHugh
Meeks (NY)
Miller (FL)
Nadler
Sherman
Towns
Velázquez

□ 1948

Mr. SHIMKUS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHERMAN. Mr. Chairman, on rollcall No. 379, had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) on which further proceedings were postponed and on which the noes prevailed by voice-vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 262, not voting 12, as follows:

[Roll No. 380]

AYES—156

Aderholt
Akin
Armey
Bachus
Baker
Barr
Bartlett
Bereuter
Biggert
Bilirakis
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Forbes
Frelinghuysen
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Graham
Graves
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
LaHood
Largent
Latham
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McIntyre
Mica
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Osborne
Otter
Paul
Pence
Pickering
Pitts
Platts
Pombo
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Riley
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shows
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sununu
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker

NOES—262

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frost
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Blunt
Engel
Ferguson
Fossella
Gillmor
Kingston
McHugh
Meeks (NY)
Miller (FL)
Nadler
Towns
Velázquez

□ 1956

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there any further amendments?

If not, the Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002".

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, pursuant to the order of the House, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the order of the House, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 373, nays 43, not voting 14, as follows:

[Roll No. 381]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill
Hilleary
Hilliard

Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—43

Armey
Barr
Bartlett
Cantor
Chabot
Crane
Culberson
DeLay
DeMint
Doolittle
Duncan
Flake
Goodlatte
Hayworth
Hefley
Hoekstra
Hostettler
Hunter
Johnson, Sam
Jones (NC)
Kerns
Miller, Gary
Moran (KS)
Otter
Paul
Pence
Petri
Pitts
Pombo
Rohrabacher
Royce
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Smith (NJ)
Stenholm
Tancredo
Taylor (MS)
Toomey
Vitter
Weldon (FL)

NOT VOTING—14

Blunt
Engel
Fossella
Frank
Gillmor
Kingston
McHugh
Meeks (NY)
Miller (FL)
Nadler
Shuster
Towns
Velázquez
Waters

☐ 2014

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 2015

AUTHORIZING SPEAKER OR CHAIRMAN OF COMMITTEE OF THE WHOLE TO RECOGNIZE MEMBER AT 2 P.M. ON OCTOBER 12, 2001, TO LEAD HOUSE IN PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. COX. Mr. Speaker, I ask unanimous consent that on October 12, 2001, tomorrow, the Speaker or the Chairman of the Committee of the Whole be authorized to recognize a Member at 2 p.m. for the purpose of leading the House or the Committee in the Pledge of Allegiance to the Flag.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

Mrs. MYRICK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this is because Secretary of Education Paige has asked that all of the schools in the country say the Pledge of Allegiance at 2 p.m. tomorrow?

Mr. COX. Mr. Speaker, will the gentlewoman yield?

Mrs. MYRICK. I yield to the gentleman from California.

Mr. COX. Mr. Speaker, I would say to the gentlewoman that is exactly the purpose of the House taking this action tomorrow.

Tomorrow, Friday, October 12, America's schoolchildren, all of the schools across the country, are invited to join in delivering simultaneously the Pledge of Allegiance. This is a nationwide synchronized Pledge of Allegiance that will take place in schools across the country. It will be 2 p.m. here on the East Coast, 1 o'clock central time, noon mountain time, 11 a.m. in my home State of California, Pacific time, 10 a.m. in Alaska, 8 a.m. in Hawaii. Students and teachers will all join at that time in reciting those simple words, "I Pledge Allegiance to the Flag."

The President is also going to join in this national ceremony tomorrow at the precise time from the White House. It is going to be an unprecedented moment, and I think a poignant one, to honor our country, our dead, and our freedom.

I would add also that the Pledge across America is not a government program or a government initiative. We did not come up with the idea. It came from the people, from a grassroots effort started by one very determined woman. Her nonprofit organization, Celebration USA, was created to strengthen classroom instruction on the basic principles of American democracy.

It all started in a California classroom with this teacher named Paula Burton. She is an immigrant. When she was a schoolgirl, at the age of 9, she fled with her family from the Nazi occupation. She grew up here in America to realize her American dream of becoming a public school teacher and noticed one day, when her students were reciting the Pledge of Allegiance, that they seemed bored, uninterested or apathetic. She sensed they did not even understand the meaning of the words of the Pledge. So she went to the blackboard and she wrote down the word "indivisible." She wrote indivisible on the board and asked the class what it meant, and they said it means you cannot see it.

This started her educational campaign to teach students to understand the words of the Pledge and to stimulate pride in being an American. She discovered the Pledge of Allegiance was originally written for a national school celebration, a patriotic national observance in 1829, accompanied by a proclamation from the President. Now her nationwide program of informed patriotism is helping to lead our troubled Nation.

For 4 weeks, teachers in every community in America have been working with students to help them understand what happened on September 11 and to overcome their fears and concerns. They have also worked to teach them more about our national history and the foundations of our free society. Thanks to Paula Burton, whom I am proud to say is my constituent in the 47th Congressional District in California, our Nation will truly be united tomorrow.

I want to thank especially my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for her work on ensuring that Congress will participate in the Pledge Across America, and congratulate the leadership on the Democratic side, because this is truly a bipartisan national effort. As I said, President Bush will participate from the White House and Paula Burton will be in Orange California with her Catch the Spirit singing group and the boys and girls of Serrano Elementary School.

I thank the gentlewoman for permitting that explanation of this procedure on the House floor tomorrow.

Mrs. MYRICK. Reclaiming my time, Mr. Speaker, I would say that it is an exciting show of unity in this country.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GUNS, MONEY, AND A GREAT BIG BOOMERANG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, what has the al-Qaeda organization, a heavy 50-caliber sniper rifle designed for elite troops, and a firearms manufacturer in Tennessee got in common? Guns, money, and a great big boomerang.

Last Sunday, October 7, 2001, the Violence Policy Center issued a report entitled "Voting from the Rooftops," which detailed, among other things, the sale and supply of 25 50-caliber sniper rifles manufactured by a local gun manufacturer, Barrett Firearms Manufacturing, in Murfreesboro, Tennessee, to the al-Qaeda terrorist organization.

The report cites evidence given earlier this year in New York during the African Embassy bombings trial that Essam al Ridi testified that in about 1988 or 1989 he had purchased 25 Barrett 50-caliber sniper rifles for $150,000 and shipped them to al-Qaeda. The report went on to detail other sales of the special 50-caliber Barrett weapon to members of the IRA and other groups. Tragically, the report cited numerous incidents of British soldiers being shot and killed with sniper rifles.

The report said that there is no evidence yet available about whether Ronnie G. Barrett, the 1993 trading name of Barrett Firearms Manufacturing, actually knew that the 25 guns being sold to bin Laden's al-Qaeda, nor do we know whether the guns were sold directly from the factory or through a dealer or dealers. Jane's International Defense Review reported in 1989 that, "Barrett will not identify its weapons purchasers." But the unavailability of evidence is not reassuring.

The fact is we should know all of the people who were in this country buying and selling these kinds of specialist weapons to terrorists and the hands that these specialist weapons pass through before they left this country. The events of September 11 have now made that kind of information vital to showing the links between the al-Qaeda members.

The Barrett and M82A1 50-caliber sniper rifle is a tremendously powerful weapon providing heavy hitting power with high accuracy out to an estimated 1,800 yards. U.S. Marines used the Barrett 50-caliber in the Gulf War to knock out Iraqi armored vehicles from 1,750 yards away. Mr. Speaker, for those of us in Washington, D.C., that is roughly the distance from the Smithsonian Institute metro stop to the west front of the Capitol.

These weapons are state-of-the-art firearms and can be used against vehicle armor, fuel tanks, penetrating concrete walls, aircraft and helicopters. These weapons should not be in the hands of terrorists. These weapons should not be in the hands of civilians. These are specialist weapons which should be sold and supplied only to the military.

Barrett Firearms Manufacturing company's Web site ironically states that "long-range shooting competitors and large caliber rifle enthusiasts throughout the world rely on Barrett products." Well, Mr. Speaker, I can think of a lot of adjectives to describe members of al-Qaeda and the IRA, but large caliber rifle enthusiasts is not among them. Now, not only might our young servicemen and women be confronted by the stinger missiles sold by the CIA, but it appears that they might be confronted with sniper rifles from Tennessee.

I understand that Senator FEINSTEIN and other Members of the Senate have introduced a bill to curb the sale and supply of these specialist 50-caliber weapons and that the NRA has already come out against it. Mr. Speaker, the NRA and its followers are fond of saying that "guns don't kill, people do." Well, in this case, the boomerang of unbridled arms sales and bad public policy might just come back to hurt us in Afghanistan. Arms sales are a boomerang.

TRIBUTE TO PENTAGON VOLUNTEERS

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, soon after the tragic events of September 11, I went down to the Pentagon so that I could witness firsthand the destruction that was visited upon that spectacular building. As I made my way through the security lines and came to the perimeter that had been set up about 75 to 100 yards away from the actual destruction, I looked up and saw in full glimpse what a gaping hole that really was. The smoke and the ashes were still wafting from the rubble.

The next noticeable thing, which everyone had to observe who visited that scene, were hundreds of people still working in the rubble, sorting out different objects, pulling bodies and parts of bodies from the wreckage, and engaged in humanitarian efforts the like of which I hope we never see again but which were part of the normal scene at the Pentagon in that moment.

What was more amazing than anything was that in the second perimeter back of the immediate stage of recovery was something like a ring of covered wagons that we used to see in the Wild West movies, and these wagons were the American Red Cross, the Salvation Army, McDonald's, and different food and beverage outfits that had, in effect, set up what they called a unity village, where the workers, who were exhausted, could go back and lie down for an hour, they had rest areas, or they could get a cup of coffee, or a full meal at some of the places.

These people were there 24 hours a day, volunteers from various sectors of the country, to aid and to help the people who were helping the victims and who were sorting out the wreckage. This was an amazing site, one that requires us to make sure that it finds its way into the CONGRESSIONAL RECORD. That is why I am here tonight.

Among those outfits was a Salvation Army unit from Harrisburg, Pennsylvania, the heart of my district. I spoke with some of the Salvation Army people there and was informed that within minutes of the crash into the Pentagon, within minutes, there were people on the scene rendering assistance.

□ 2030

Within an hour, most of the governmental authorities were on the scene. Within 2 hours, most of the philanthropic and service organizations like the American Red Cross and the Salvation Army had established these extra perimeters. Out of this supreme tragedy, like in New York and the Pentagon, arose the American spirit which we still celebrate and which we have learned tonight will be further celebrated tomorrow with a nationwide Pledge of Allegiance coordinated at 2 p.m. eastern time. That is part of what has come out of rubble in real effect.

I will be providing for the RECORD the names of the people from central Pennsylvania, the 17th Congressional District, who did participate in the events of recovery in New York and at the Pentagon. The State of Pennsylvania Emergency Management Agency rushed to the scene with its volunteers. We had the National Guard from Pennsylvania and other entities eager to do what they could in the wake of those tragedies in New York and the Pentagon.

Mr. Speaker, I am very grateful to our fellow citizens for coming to the aid of their fellow citizens; and as we begin the work of amassing the recovery efforts with the help of the funding from the Congress and the volunteer work that is yet to be done, I think we can all be proud of the fact that tragic as it was, that tragedy bore fruit in the renewed spirit exhibited in our country.

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentlewoman from California (Ms. SÁNCHEZ) is recognized for 5 minutes.

(Ms. SANCHEZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ECONOMIC EFFECTS OF SEPTEMBER 11, 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today to offer a few brief comments about the continuing impact of the events that happened on the calendar 1 month ago today. As we, each of us in our own right, dwell on the devastation of the Pentagon and at ground zero, the World Trade Center, I think it is altogether fitting that we think about the impact that the events of September 11 have had on that part of the American economy where most of Americans get up and go to work every day, and that is small business America.

The largely rural and medium-sized city district that I serve across eastern Indiana is driven by businesses large and small, but truly by businesses that fall in the category of small business. Today I held a hearing in the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, where I have the privilege of serving as chairman, where we took a hard look at the impact of September 11 on small businesses. What we found out from witnesses who gathered from as far away as Iowa and Maine was truly disturbing.

The shutdown of aviation facilities known as general aviation facilities and businesses is the first place we looked for impact, and it was not a pretty picture.

A small charter flight that leaves St. Thomas in the United States Virgin Islands for Tortola in the British Virgin Islands, some 40 miles away, and then flies to the Bahamas to return to the Virgin Islands is just one example of the regulatory burdens that are being placed on charter businesses upon which many of the businesses that I serve depend, and many smaller communities around America rely.

Due to restrictions on general aviation in what is known as Class B air space, pilots cannot get their planes to avionic maintenance facilities, flight schools cannot provide flight instruction, and other aviation businesses are simply withering on the vine as we speak.

According to one witness, after the immediate grounding was lifted for general aviation facilities, while business has come back, business remains at 40 percent from levels of a year ago.

Even if the FAA removes restrictions from general aviation, the costs that they face may make it more difficult to continue. One proprietor of a general aviation business was quoted a war-risk insurance annual policy increase from $2,300 a year to $57,000 in a single year. In the airline bailout legislation, as the media has described it, wherein we rendered some $15 billion in assistance to major commercial airlines, we dealt with the issue of insurance for commercial airlines; but general aviation struggles similarly as well.

Of course the problems are not just among general aviation and small charter facilities, but they extend to small businesses that are affected by business travel all over America.

A travel agent from Lewiston, Maine, spoke with great emotion that despite all of the benefits that her creditors have allowed, her landlord giving her free rent for the next 3 months, she was in 3 weeks, according to her estimate, losing $4,000 a week; she was on track to lose her travel agency of 33 years' business. When I asked her how far in the future are people canceling their travel plans, she simply responded under oath, "I cannot see that far in the future."

Here in Washington, D.C., hotels are facing major losses of business due to the perception that National Airport and the Capital of the United States is not open for business. One small hotel lost $100,000 due to the cancellation of World Bank events. A hotel operator was one of 25 in the D.C. area that suffered similar losses. The question remains, what will Congress do?

Airport concessionaires also spoke of the fixed rent that they pay these small business operators, most of which come from the minority community, small business operators who have fixed rent payments at arenas and airports; and two of the over 400 airports in the United States have allowed some accommodation in the fixed rent payments of concessionaires.

Mr. Speaker, we are about to lose a plethora of small businesses in America. As we approach an economic stimulus package, let us keep in our hearts and minds small business America, and let us remember that 50 percent of those that file in the top marginal rate are actually small businesses filing as individuals under subchapter S. Let us bring relief to small business as well.

DUTY-FREE STATUS OF CANNED TUNA PRODUCTS FOR ANDEAN COUNTRIES SHOULD BE OPPOSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from America Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, the entire United States tuna industry, with the exception of StarKist, opposes granting duty-free status to capped tuna products from Andean countries as contemplated in the Andean Trade Preference Agreement. Shame on Charlie the Tuna. Shame on StarKist for threatening an American industry, American consumers, and even American workers.

Mr. Speaker, the fact of the matter is there is enough tuna production capacity in Ecuador to supply the entire U.S. market with canned tuna. Put another way, there is enough production capacity in Ecuador to wipe out the U.S. brands of tuna that our Nation has come to love and trust. No more Chicken of the Sea. No more Bumble Bee. If canned tuna is not exempted from the Andean trade agreement, the only thing America consumers will know is private-label tuna packed in Ecuador and other Andean countries.

How safe is it? Consider this: Ecuador and Colombia incurred more than 706 fishing violations in the years 1998 and 1999 and still counting. Of those violations, only three actions were taken. In other words, Ecuador goes unchecked. Ecuador keeps fishing beyond the closure of the fisheries, past the quota, and breaks the rules; but America lives by the rules, Mr. Speaker.

Our U.S. purse seining fleet, which conducts tuna fishing operations, also plays by the rules, our rules. Chicken of the Sea lives by the rules. Bumble Bee lives by the rules, but StarKist wants us to ignore the rules. I say to Charlie the Tuna, sorry, rules are important.

The Andean pact countries are not up to the same standards utilized by the U.S. canned tuna processors. How safe will canned tuna be if Ecuador is allowed to dump its products in the United States? What does this mean for the American consumer?

The fact of the matter is that canned tuna represents the third fastest moving product category in the entire U.S. grocery business. Canned tuna provides a high-quality affordable source of protein for 96 percent of U.S. families. Shame on Charlie the Tuna. Shame on StarKist and H.J. Heinz for putting the American consumers at risk and for putting Americans out of work.

Mr. Speaker, I wish to reiterate that the entire U.S. tuna industry with the exception of Heinz and its subsidiary, StarKist, is opposed to the inclusion of canned tuna in the Andean trade agreement. Every U.S. processor, with the exception of StarKist, is about the business of protecting America's tuna industry. I also wish to note that Bumble Bee is the only American company that has invested in the Andean pact region. Yet despite its presence in Ecuador, Bumble Bee does not support the inclusion of canned tuna in the Andean trade agreement. Chicken of the Sea does not support the inclusion of canned tuna in the Andean trade agreement. The U.S. fishing fleet does not support the inclusion of canned tuna in the Andean trade agreement.

Today, the Andean pact nations have the largest fleet in the eastern Pacific region controlling more than 35 percent of the total catch, growing from about 20 obsolete fishing vessels now to 87 large fishing vessels.

Mr. Speaker, Ecuador and others fail to adequately cooperate with international conservation and abide by the Inter-American Tuna Commission regulations. Elimination of duties will result in product dumping, threatening American consumers and American industry. The U.S. International Trade Commission conducted studies of the tuna industry for 5 years, verifying canned tuna is an import-sensitive product.

Mr. Speaker, if Ecuador is allowed to send its tuna into America duty free, canned tuna will become a foreign-controlled commodity instead of a branded product U.S. consumers have trusted for over 95 years. If Ecuador is allowed to send its tuna into the U.S. duty free, U.S. tuna operations in California, Puerto Rico, and American Samoa will be forced to close. I am talking about American workers losing 10,000 jobs if this industry closes.

Mr. Speaker, I say respectfully shame on Charlie the Tuna. Shame on StarKist. Shame on H.J. Heinz for threatening an American industry in a time of national crisis.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002, I submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations.

As reported to the House, H.R. 3061, the bill making appropriations for the Department of Labor, Health and Human Services, and Education, and Related Agencies for fiscal year 2002, includes an emergency-designated appropriation providing $300,000,000 in new budget authority for the Low Income Home Energy Assistance Program. Outlays totaling $75,000,000 are expected to flow from that budget authority in fiscal year 2002. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing emergency appropriations.

In addition, the bill contains appropriations for continuing disability reviews (CDRs) and adoption assistance payments. The CDR appropriation provides $433,000,000 in new budget authority and $381,000,000 in outlays in fiscal year 2002. The adoption assistance appropriation provides $20,000,000 in new budget authority and $3,000,000 in outlays this year. I also must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing appropriations for those purposes, up to the limits contained in the Budget Act. The amounts provided by the appropriations bill are within those limits.

To reflect these required adjustments, I hereby increase the 302(a) allocation to the House Committee on Appropriations to $663,499,000,000 for budget authority and $683,378,000,000 for outlays. The increase in the allocation also requires an increase in the budgetary aggregates to $1,628,687,000,000 for budget authority and $1,591,076,000,000 for outlays.

These adjustments apply while the legislation is under consideration and take effect upon final enactment of such legislation. Questions may be directed to Dan Kowalski at 67270.

AIRLINE BAGGAGE SCREENING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, several of us have come to the well of the House to address what is the most pressing national issue of the moment that unfortunately the U.S. Congress has not dealt with adequately, and that is the security of our families and our communities.

We just heard the President of the United States talking about the existence of threats in this regard, that it is appropriate to be on high alert for these particular threats. We have come to the House tonight with a message that basically the House needs to act and act quickly on measures designed to enhance our national security in our homeland.

Unfortunately, although we are now a month past this terrible attack, this Chamber has not had a significant vote on bringing a security package for adoption by the U.S. Congress. We are very disappointed by that. We think that the threat is real, that we have the ability to respond to these threats, but to date we have not had the House deal with these issues in a satisfactory fashion. We would like to talk about a few of those issues tonight.

First, an issue that was brought to my attention about a week and a half ago, Americans realize the threat we are under with airlines. We Americans have an expectation, for instance, that the luggage that goes into airlines will be screened for explosive devices. We in America have the technology, fortunately, and this is good news, we have very, very good technology that is available to screen 100 percent of the luggage that goes into the belly of our airplanes.

Unfortunately, that is not happening. In fact, the truth is the vast majority of bags that go into the luggage compartment of jets is not screened, is not screened by X-ray, CAT scan, sniffing, human eye or otherwise. A small percentage is.

□ 2045

Clearly, given the nature of the threat, this Chamber needs to adopt a law that will require 100 percent screening of our baggage that goes into the baggage compartment of airplanes. We do this now fortunately for carry-on baggage and we do it relatively effectively. But we have equipment that will screen very, very effectively for the baggage that goes into our aircraft. We need to make sure those are used with 100 percent of the baggage that goes into the aircraft.

I have introduced the Baggage Screening Act, with others, some of whom are here tonight to address this issue. Unfortunately, we have not had a vote on this. We have had votes on birth control issues, we have had votes on gay partners' rights, but we have not had a vote on security issues. We have come here tonight to urge the leadership of the House to bring to the floor, amongst others, the Baggage Screening Act so hopefully we can increase the security.

With that, I would like to yield to the gentleman from Ohio (Mr. STRICKLAND), a cosponsor of the Baggage Screening Act who has been very active in this regard.

Mr. STRICKLAND. I thank my friend from Washington for yielding. I think most Americans believe that when they go to an airport and they check their luggage, that that luggage will be screened for explosives before it is loaded on the plane that they are going to be flying on, with their families perhaps. I thought that was the case until a couple of years ago when one of my constituents, a young woman, went to Jamaica with two friends for a week's vacation. On the way back as they were screening her luggage in Jamaica, they discovered a handgun in that luggage and she was thrown in jail and remained in a Jamaican jail for several days. It cost her family a lot of money for legal help and so on to get her back to this country. As I was discussing this with her, I said, "Why did you take a gun with you to Jamaica?" She said, "I had no idea the gun was in the luggage. I borrowed the luggage from my mother," her mother who had gone on a camping trip the summer before. And I wondered how did this luggage get out of the airport in Columbus, Ohio with a handgun without that being recognized, and that is when I first discovered that luggage is not routinely examined for contraband and weapons and explosives when you check it.

As you know, only about, I think, 5 percent of the luggage is even checked today. The theory has always been, well, if someone checks luggage and then gets on the plane and is a passenger, that they certainly would not have put an explosive on the plane, otherwise they would end up killing themselves. We now know after September 11 that there are people who are willing to kill themselves in order to kill Americans. But even the theory that if you check your luggage and you are getting on the plane that it is not likely to have an explosive does not hold up because we do not even follow that procedure well.

Two weeks ago in Denver, I had some friends who were flying from Denver to Columbus, Ohio, a young man and his wife and a young child. They went to the Denver airport and they checked their luggage, and they waited to get on their plane. As they were waiting to get on the plane, they became increasingly nervous about flying. At the last minute they decided not to fly but to drive to Columbus, Ohio. But their luggage remained on that plane and a relative picked it up in Columbus, Ohio.

So even the procedures that we are supposed to have in place now are not being adequately followed through with. It is a serious thing. I think the American public, the traveling public, will demand that this luggage be screened, because I think that most people assume that it already is.

I am glad you are bringing this to our attention and I am really very, very pleased to be a cosponsor of this legislation with the gentleman from Washington.

Mr. INSLEE. I thank the gentleman from Ohio. The good news here is that Americans have the expectation that these bags will be screened for explosives. They have the current expectation. And the good news is we have very good technology to accomplish that. There are several machines, several new generations of technology which have a very, very high probability of finding an explosive device, any explosive material; in fact, it can distinguish the density essentially of explosive material and with a high degree of success they find if there is a bomb in the luggage.

The problem is that we do not have enough of those machines deployed in airports today and the ones that are deployed have not even been used fully. They have only been used in a very small percentage of passengers.

So we believe it is incumbent on the U.S. Congress to pass a requirement that 100 percent of these bags be screened, and it is also appropriate for the Federal Government to assist the airports in which these will be located with the significant costs of these machines. They are not cheap, but it is my belief that the airline flying public believes this is a very worthwhile investment that ought to be made and if it is a dollar or two on tickets, we believe it ought to be paid and we think it ought to be part of our security package.

I would now like to yield to another cosponsor of the Baggage Screening Act, the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Let me begin by thanking and congratulating the distinguished gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) for this very timely special order. I cannot think of an issue that is more pertinent and more relevant that the Congress of the United States should be addressing than airline and aviation security.

I came to Congress fighting for aviation issues when I was first elected in 1995. We have been fighting to expand capacity before the events of September 11. I used to always joke whenever I would fly with my brother Jonathan about flying coach. Jonathan would always argue that flying coach was so much cheaper than flying first class, and he would almost always quip, "The coach section of the aircraft gets there at the same time that the first class section does."

So now we have 100 percent security from the first class section to coach. That is looking at the aircraft from the nose of the aircraft to its tail section. But underneath the aircraft, while every American is now being subjected to an unusual and necessary amount of security and screening, the gentleman from Ohio indicated that only about 5 percent of baggage underneath the aircraft is being presently inspected. Not only do we support in this critical piece of legislation the 100 percent screening of all baggage on aircraft, in the interim we should allow manual inspection of all baggage on aircraft. If it requires more National Guardsmen, more national U.S. Marshals, more Air Marshals, the failure to inspect from one end of the aircraft to the other, including those bags up underneath the aircraft, at a 100 percent rate is the false illusion of security while we fly in our country.

To not inspect baggage, to give the illusion of security in the cabin but not underneath the aircraft is called Pan Am 103, and we are supposed to learn from our mistakes, having witnessed the tragic events of Pan Am 103.

So in the interim, I would argue that yes, we must pass this piece of critical legislation immediately. I talked with the ranking member of the committee, the gentleman from Illinois (Mr. LIPINSKI), who indicated that we may be 3 to 4 years away from being able to fully inspect every bag underneath the aircraft. But we are in a war against terrorism at this hour, with almost guaranteed reprisals. Even the FBI Director at 4:30 this afternoon said we can expect some reprisals from the al Qaeda organization in the not so distant future. But we need not repeat the mistakes of the past.

I would go one step further, because I fly like all Members of this institution. The Congress of the United States should not only be responsible for security above the aircraft but also security beneath the aircraft. The airline industry does not believe that it is feasible to inspect all aircraft, all baggage underneath the aircraft, except for here is the problem: If there is one domestic incident on an aircraft as a result of a device making it past our security screening measures, we are going to stop flying the planes anyway. They are going to bring them all to a halt again, with further erosion of confidence by the American people in the aviation system, and that is ultimately what this Congress must seek to avoid. We must save the lives of Americans by ensuring that from the nose of this aircraft to the rear of this aircraft, there is a complete inspection of that vehicle and all baggage that is allowed on it.

Presently the only inspection devices that we have are above the ground, that is, through the cabin security. I would make the argument that until we are able to provide 100 percent inspection and security for all aircraft in this Nation that the baggage compartment of these aircraft ought to be sealed and no baggage should be allowed on these aircraft unless it is physically inspected by marshals. That means that only baggage that we can carry above the aircraft must be carried on board and inspected at the point of entry of the aircraft, which we presently do. And until the Federal Government can guarantee that every bag on that aircraft is inspected, we should not allow baggage in those compartments whatsoever, regardless of what the airline industry says, regardless of what the airlines themselves are saying, until there is 100 percent inspection of this baggage. If it is 3 to 4 years away from the technology because we cannot produce the machines fast enough, then we are 3 to 4 years away from being able to have two bags per customer on these airplanes. I am for the traveling public, but I am also for the public interest above private interest. I thank the gentleman.

Mr. INSLEE. I thank the gentleman from Illinois. It is a very important point, it seems to me, that I think we are going to be successful without too much debate improving cockpit security in response to the last tragedy. There seems to be momentum here in Congress to do that. But we cannot just fight the last battle, the last act of terrorism. We have got to be thinking ahead of the terrorists. We have got to be ahead of the wave of terrorism. We have got to think about the next potential act. And if we are going to take away nail clippers from passengers, we certainly ought to be getting the bombs out of the baggage in the belly of the jets. That is what this bill will do. I really appreciate the gentleman from Illinois joining us tonight.

I now want to yield to the gentleman from Texas (Mr. DOGGETT). I want to note something before the Representative speaks. We did a $15 billion assistance, or bailout, depending on your perspective, of the airline industry a couple of weeks ago, and the gentleman from Texas asked some very, very good, salient questions about the use of that taxpayer money. It concerned many of us, because in that assistance package to the airline industry, and I believed some was appropriate given the nature of the need for this infrastructure, critical infrastructure, we did not require the airlines to do anything, to provide additional security. So now we are 30 days past this terrible attack on America, we are almost 2 weeks past a $15 billion package of taxpayer money to the airlines and we have not required one single additional security measure for the airlines yet. This Congress, this House, they have not allowed us a vote, the leadership, who schedules the agenda, unfortunately we are not setting the agenda at the moment, have not allowed a vote on these security measures.

I really appreciate the gentleman from Texas' leadership on this to insist that the Congress act for safety when the airlines will not, because the airlines have not because they have not wanted to spend a buck to do this. That has been a big, big mistake. It is penny-wise and pound foolish.

Mr. DOGGETT. I thank the gentleman for his leadership on this legislation, which is a very important part of the answer to the security concerns that millions of Americans have tonight, and for organizing this discussion for us to come together after hours and talk about this problem, because this is really the only forum we have to discuss this matter.

I reflect back, as I am sure my colleagues do, on the fact that only today they had a major memorial service at the Pentagon. I am sure there were similar ceremonies up in New York City. Thirty days have gone by: Across America at various times, I am sure, at events in your State, out in Illinois and Ohio, we have taken time from something we might be doing to have a moment of silence because of the tragedy that our country has endured. In this Congress, in this House of Representatives in particular, we have had not just a moment of silence, we have had a month of silence and inaction on the security concerns that are at the heart of this tragedy.

We know that somehow, and we do not have all the details yet, that some thugs with box cutters and other kinds of devices got past the minimum wage workers at the airports, at some of these airports being paid less to ensure the security of hand baggage and the passengers going through, being paid less to do that job than the people that clean the bathroom at the same airport, that those folks, without the training and without the pay that they need, because they have tremendous turnover in those positions, that we have not dealt with that problem, we have not dealt with the screening of baggage which the gentleman seeks to do, and the Congress, it is not that we have not had enough time, we could be here doing this tonight in regular order.

We have taken up everything from the farm bill to a debate about an issue in the District of Columbia that was a family court, to this afternoon having a debate about whether there should be additional millions spent on abstinence. I think we need abstinence from terror. Unless we adopt some of the constructive measures like you have suggested, like some of our other colleagues have advanced and get out here and debate them here on the floor of this House, the people of America are not going to have the confidence, with good reason, they need to have in our air security, in our defenses against bioterrorism, in knowing that a bag is going through and does not have something in it that it should not have that could be an explosive.

□ 2100

It is with some irony, I heard our colleague from Illinois a few minutes ago point to the recent alert from the FBI, that we could face another threat within days, that almost at the same time that that report came out I received another report that afternoon here in Washington that our colleague, the gentleman from Texas (Mr. DELAY), one of those who was eager to shovel that taxpayer money out to Continental Airlines almost before they asked for it, within hours of this tragedy, that he says that even if Senator McCAIN, who called this situation quite properly a farce that the Congress would sit here for 30 days and not act on this, he said that even if Senator McCAIN and the bipartisan majority over in the United States Senate send over a bill to take action to protect the American people at the airports and ensure that some of those folks that are out there doing these jobs have the training and the pay and the status really as a part of Federal law enforcement at O'Hare, at Dallas-Ft. Worth, in Cleveland and Cincinnati and Columbus and across the country, he says even if they do that, and they have a strong bipartisan majority for it, he is going to stop it here, because they have some kind of rigid, backward, old thinking before September 11, maybe before the 21st century, that if you add another worker to the Federal workforce, that that is an evil, even if that is a worker that is going to be there to protect your family and your family and mine and ensure that we can feel safe getting on and off a plane and that somebody is not going to be on there with some device that is going to cause another tragedy that has torn asunder thousands of families across this country.

So I think that we have our work cut out for us because we have not been given the opportunity to debate my colleague's, the gentleman from Washington (Mr. INSLEE), very appropriate measure, ideas that the gentleman from Illinois (Mr. JACKSON), the gentleman from Ohio (Mr. STRICKLAND), and our colleagues, Republican and Democrat alike, could offer, could work together in a bipartisan way, trying to cooperate and say what is the most effective way to work with our President and address this issue of security.

The baggage screen is important. The people that are out there, that are a part of Federal law enforcement, the cockpit doors, so many other ideas that we may have on not only airline safety but on dealing with the threat of bioterrorism and the other possible challenges we might have. But so long as we have a bunch of ideologues here who are more concerned in presenting some kind of ideological purity than dealing with whether someone's family is going to get home safe next weekend, we are not going to be able to do that.

I thank my colleague for his leadership on this.

Mr. INSLEE. I will yield to the gentleman from Illinois (Mr. JACKSON) in one second.

One comment following up on that. There is some good news here. We have bipartisan support for this bill for the Baggage Screening Act, the gentleman from Connecticut (Mr. SHAYS), who has been a great leader for some great reform efforts, the gentlewoman from Maryland (Mrs. MORELLA). We are going to pass this bill if we get a vote. We are going to have tons of Republicans vote for it if we can get a vote, because we have a bipartisan belief we do not want to be on airplanes with bombs in the baggage compartment. We feel very confident we are going to succeed on this if we can simply ask the leadership of the House to schedule a vote.

I will now yield to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. I thank the gentleman from Washington for yielding.

I just want to respond to the ideological point raised by my good friend the gentleman from Texas (Mr. DOGGETT). One of the beautiful things about this period in American history is we have beyond our State flags, beyond our corporate banners, beyond where we work, where we were elected, where we are from and the tragedy of September 11 for this moment in American history has forced all of us to seek security in that which makes us one, the ideals that we believe in fundamentally as Americans.

We have turned to our national flag. We have turned to our national government, and even our President is experiencing unparalleled approval ratings because the American people are rallying behind the concept that we can defend ourselves as a Nation from these attacks.

So when the gentleman from Texas (Mr. DOGGETT) raises the questions about petty ideology keeping us from moving forward on some of these critical issues, that is no small claim that the Member is advancing.

In order to provide inspection of every bag, in order to provide security of equal high quality at every airport, in order to ensure that there is an armed marshal on every flight, we would have to expand the Federal Government on the issue of security so that every single American can have some security, but no one in this Congress wants to be accused of being part of any effort that would expand the Federal Government. All of the American people at this hour on their cars, hanging out of their windows, hanging out of their buildings are waving the American flag because they expect their Federal Government for which they pay enormous taxes to be able to provide a response that provides ultimately then the kind of security they seek.

For ideological reasons, we want the airlines to be responsible for security. We want the local States to be responsible for airports. We want the local National Guard to be responsible. We do not want to support a big Federal Government aviation bill that might force every bag to be inspected on an aircraft because that would be a Federal mandate. And who is going to pay for it?

We are caught up in an ideological argument at the moment. The American people are expecting us as their Congress and as their representatives to do something about that.

I thank the gentleman for yielding.

Mr. INSLEE. I will yield to the gentleman from Ohio (Mr. STRICKLAND). Just one comment first.

This should not be a theoretical or a rhetorical argument. We had an experiment with private enterprise in the airlines making decisions about airline security. We had our experiment. It ended unsuccessfully on September 11, and there really should not be a debate here. We have had our test, and it failed.

The Federal Government needs to now mandate safety, and I will tell my colleagues some good news. I think we can get a 100 percent inspection a lot quicker than I think one of our fellows indicated. I will tell my colleagues why. We have already been talking to some of the manufacturers, and they can ramp up dramatically their production rate above what we have had when we put out a Federal contract to buy these machines, give them a guarantee.

We produced what, I do not know, 5,000 P51s in a year and a half in World War II. That is the same type of mobilization we need now. We need to mobilize the industrial resources in this country to build these machines and other things. I am very confident we can do it.

I now yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. I thank the gentleman for yielding. I think what we are dealing with here is a matter of honesty, honesty with the American people. I just heard the President in a press conference a few minutes ago urge the American people to go back to normal lives. And I want the American people to go back to normal living as well, but we also need to be honest. And we need to say to the flying public, when you get on a plane and the bags that are on that plane have not been screened for explosives, that plane is in danger. The people who travel and who fly need to know that information.

This argument about the training of those who do the inspection, I would like to share an incident that I had at Dulles airport last Saturday morning that I think my colleagues may find surprising. Saturday morning at 20 minutes after 6 I went to the ticket counter at Dulles airport to catch a flight from Dulles to Columbus, Ohio. I had one bag with me, and I put it there. And I said to the woman behind the counter I would like to check this bag.

She fixes my ticket and she gives me the seat assignment, and then she says, sir, your bag has been chosen at random to be further screened, certainly to be screened for explosives. She says this is what I would like you to do. I would like you to get your bag, and if you walk down this corridor about, I do not know, 40 feet, you turn to your left and then you come to the next corridor and you turn to your left, you will find the machine where they are doing the additional screening over to your right. I said to her, ma'am, with all due respect to whoever may have devised this system, what makes you think that if I have got an explosive device in that bag that I will willingly and voluntarily pick it up and carry it out of your sight to a place and have it screened? I would simply take that bag perhaps and leave the airport and come back another time and hope that it was not selected at random for further screening.

So even what we are doing now at least on my experience does not make sense. That is why we need, I think, a federalization of this effort. We need standards for training. We need to pay people a decent wage, and we need to hold them accountable as a Federal Government for providing this kind of safety and security to the traveling public.

It is just beyond belief that on the one hand we would be saying we want the traveling public to fly, we want to rescue the airline industry from the slump that it is in, we want to restore confidence to the American people. Well, we can do all of these things that we are talking about in terms of stronger cockpit doors, better screening devices for carry-on luggage, we can do all of that, but unless we deal with this giant loophole, unless we screen the baggage that is put into the bellies of these planes, we can never tell the traveling public that they are safe.

Just this week, my colleague and I and some others met with two fathers who lost their young sons in the flight that crashed at Lockerbie, Scotland. One father lost a 20-year-old son; one father lost a 24-year-old son. Those two fathers shared with us that for the last many years they have been trying to get this done, and they have just constantly been running up against roadblocks and brick walls.

The airline industry does not want to do this, but as was said in our press conference earlier this week, if there is another plane that is blown out of the sky, then the airline industry will suffer perhaps unimaginable devastation because if this happens again, and it is something that could have been prevented, people will give up flying. They will use the train, they will drive, or they will just simply not travel.

So, in the long run, it is in the best interest of the airline industries themselves to come on board and say we are going to do this. It is something that makes so much sense. It can be done technologically. It will cost some money, but I fly sometimes twice a week. I am willing to pay a little more if that is what it takes to make sure that when I get on that airplane it is safe, and it will never be safe to fly as long as the bags that are placed in the bellies of these planes are not checked and checked thoroughly.

I agree with the gentleman from Illinois (Mr. JACKSON). A person may choose to do it, they may choose to fly today, even though those bags are not being checked, but they deserve the truth and they deserve to know that those bags are not being checked. And until we check them, we will never be safe as this government is capable of making us.

Mr. INSLEE. I appreciate the gentleman's comments. I want to tell my colleagues I particularly appreciate his comment about maintaining the confidence in this industry. I represent thousands of Boeing workers, and let me tell my colleagues that if we do not act in this Chamber and if the majority leadership does not allow us to act in this Chamber for airline security and another plane goes down, I have got Boeing workers by the thousands that are going to be out of work more than already.

This is an economic issue, in addition to a safety issue, but I want to know what the coming debate will be in the next week in this House; and which I am, frankly, concerned about, one of the reasons I came here tonight.

The only reason that has been advanced not to give Americans this peace of mind when they ride in an airplane is some dollars. That is the only reason. There is no technical reason. There is no value reason. There is no constitutional issue. It is simply some dollars.

We are going to have a debate in this Chamber in this week because one side, predominantly the aisle, is going to want to take the dollars from a Federal Treasury, do about 60 to 120 billion dollar tax cut, most of which for large corporations, capital gains or something, and many of us believe the first dollar that is spent ought to be on security because security is the biggest demand for this Nation right now. We believe the money that it is going to take to mobilize the industrial base to build these machines, which are already designed, and there are four of them already at Seattle International Airport, I saw them in operation the other day, they are good machines that I know work, that ought to be the first dollar that we spend in this stimulus package that is going to come up.

If we are going to stimulate something, we should stimulate airline security because it creates jobs, it creates wealth, and it creates safety. With a known threat that we have right now, we are going to have debate with some of the Members across the aisle who want to give that money away in capital gains tax.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Texas.

Mr. DOGGETT. I serve on the Committee on Ways and Means, and we already have scheduled tomorrow morning bright and early an attempt to do just that. And I think our colleagues are aware that none of those people who suffered the loss of life in New York or out here at the Pentagon were killed because their taxes were too high. Rather, they were killed because one of the reasons was, immediate reason, we did not have the kind of security in our airline industry that we needed to have.

Instead of dealing with that airline security, it is amazing but the same old agenda that our Republican colleagues were advancing the morning of September 10, they are back with it again and talking about capital gains cuts. They are talking about cutting the tax for the biggest corporations in the country, cutting the taxes for the most wealthy people in America.

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That is something we have already done at least once this year, I believe. And instead of dealing with security, they want to talk about those old ideas. It is not going to help us get this job done of assuring the safety of this industry to cut taxes. There may be some legitimate changes in the Tax Code, but we ought to focus on the stimulative effect of raising the wages of the workers that are charged with the responsibility of protecting our lives on these airplanes and getting them the skills that they need to do the job effectively.

Putting those machines on the line and hiring the workers that will build the machines to scan the baggage, as the gentleman proposed; doing the other kinds of upgrades on security at our water systems, at our utilities, at our other places that could be endangered by a terrorist attack, those are stimulative effects that will cause people to be hired in good-paying jobs and help our economy move along and, at the same time, will give us the peace of mind that when we get on an airplane or when we get a drink of water, it is going to be safe from terrorists.

Mr. JACKSON of Illinois. Mr. Speaker, if the gentleman will continue to yield, the operative word here is "confidence," and the American people have to have confidence in our security; they must have confidence in our economy.

At the end of every aviation disaster, the National Transportation Safety Board starts looking for the black box. Let me show my colleagues just how irrational the present approach to security is. We are going to end up with a National Transportation Safety Board looking for a black box and a strong door, because that is going to be all that is left is a black box and a strong door if we do not pass the gentleman from Washington's bill in the event that a device, a foreign device is allowed to get into the cargo area of these aircraft. That is a fact.

What does the gentleman's legislation have to do with the economic stimulus? It has a lot to do with the economic stimulus. Because confidence in the aviation industry, which is confidence in tourism, which is confidence in the ability to stay in a hotel, which every cab driver in America needs, which every tourism board needs, which every convention center needs, is a factor in why the economy needs to be stimulated in the first place, because four aircraft were slammed, essentially, into buildings, and one in Pennsylvania.

So unless we are prepared to provide the American people with the security that they want, after this Congress votes and passes the stimulus package, if there is another disaster in the aviation industry, the Congress will have wasted the economic stimulus package, because the American people are not going to leave their homes, they are not going to travel, they are not going to go on vacations because of the failure to provide security.

So the gentleman's bill is the centerpiece of any economic security package or stimulus package for our Nation's economy.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, I was just listening to the gentleman here, and I thought of something that happened on the day of September 11 in the afternoon in Columbus, Ohio. There were gas stations that started charging $5 for a gallon of gasoline on that day. These were individuals who were obviously using what had been a national tragedy in order to enrich themselves.

Now, I have been watching what has happened around here over the last couple of weeks; and I have become concerned that there are those who are using the national tragedy that we have all experienced as a way of enacting a preexisting agenda. When the gentleman talked about people thinking on September 12 the way they did on September 10, I think that is exactly the case. What we are seeing here with some of these tax programs is an attempt to get these tax bills passed now when they could not have been passed before this tragedy and, somehow, tying the need for these tax breaks to what happened on September 11.

There is much we need to do as a result of the tragedy that has befallen us, and we may need to cut some taxes in a way that gets money to the consumer so that they can spend and get this economy jump-started, but to use this tragedy to advance tax benefits for corporations while leaving out the little guy and the working person and those who have lost their jobs as a result of what happened; we have yet to do anything for the airline workers who lost their jobs. We took care of the airline companies with a $15 billion bailout; but we have yet to step up to the plate and say, the individual men and women who lost their jobs as a result of what happened on September 11, they need our help too.

Mr. DOGGETT. Mr. Speaker, I yield back to the gentleman from Washington, because the gentlewoman from Texas has come; but I want to yield back with his words, because so much of what the gentleman just said, and he said it in words that are going to be long remembered in this body, when he posed the question during the airline bailout, "Why is it that in the Congress the big dogs always eat first?"

That is what has happened here and that is what is about to happen tomorrow. Because there are those, as the gentleman from Ohio just said, who want to exploit this tragedy for their own agendas and they are doing that instead of dealing with important legislation, like the gentleman has advanced tonight, to assure the safety of families across America who do not care whether we have a Republican or Democrat or right or left or upside down kind of solution. They just want to be sure their families are safe, and that is why we are here tonight demanding that this be made the top priority of this House.

I think it may come to a point where we have to say, until the House addresses this issue, we are going to see it addresses none other. Because unless we can get the kind of bipartisanship that has been occurring in the Senate and get people to come together to address the security concern, we are going to have to take additional steps to force that action on to the agenda of the House. I thank the gentleman for his leadership.

Mr. INSLEE. Mr. Speaker, I appreciate the aggressive advocacy of the gentleman from Texas in the Committee on Ways and Means, and we are going to need that. Because, unfortunately, the proposals we have seen are $60 to $120 billion worth of tax cuts, largely for corporate interests, and not a dollar to screen luggage from bombs in aircraft. So we need this message, and I appreciate the gentleman coming this evening to do that.

One other note and then I will yield to the gentlewoman from Texas. It is important that when we talk about security that we say we are not blaming the airlines for this tragedy. These evil, rank, low-lifes with no respect for human life are responsible for this tragedy. But it is incumbent on us to act reasonably as stewards for the safety of our people. Right now, until we get votes on these bills, we are not able to do that.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from Washington for the vision, and I thank my colleagues, because I cannot think of a more important discussion than what has been engaged in this evening.

Let me simply say to my colleagues that there were several memorials today. There was one in New York; there was one at the Pentagon led by the President. Many of my colleagues may not have been aware that there was one at the Lincoln Memorial, the U.S. Coalition for Child Survival. Its focus was "remember the children."

The gentleman is aware that I chair the Congressional Children's Caucus. The idea was, in this time, our children, some who have lost parents, guardians; as far as we know, we do not even have a count between the airplanes and the tragedies in Washington, New York and Somerset, Pennsylvania of how many children are impacted.

Now, this may seem that I am deviating from security issues, but I am not. The focus is on the people. The fact that people were the ones impacted on September 11, 2001, it is the people of America that we must say to them that we have your interests at heart. We want you to be secure in the highways and byways and the airways of America; we want you to be secure that we are taking care of the children who may have lost their parents, guardians. We do not even know if some are being taken care of by neighbors. We know that there were a lot of single parents that worked in those buildings. We know how the living structures in New York are apartment buildings; we do not know if some children are with neighbors or with relatives.

What should we be doing in this stimulus package? I think certainly we should be giving the extended benefits on health and unemployment benefits. I met with airline stewardesses on Monday, or whenever I was in the district, I guess on Monday, and tears were in their eyes, the fear, the need for security and those who were laid off, in addition to other employees. I would say to the gentleman that part of the legislation is, let us put the people first. Let us secure the airways of America.

I believe that in fact we can do some partnerships. I believe we can do some partnerships with the airlines maybe at the checkpoints. But I am familiar with the technology that the gentleman is talking about. I am familiar with the checking of what we call interline bags or check bags. That is a key element to the comprehensive approach to safety.

Mr. Speaker, I am not going to be the Department of Justice and put on the Web page fearful comments that I understand have been put on the Web page across the Nation. I am very disappointed in that, because I believe we have the responsibility that if we have something to say to the American people, let us make it a public announcement about the seriousness of their condition. I am concerned about that. That is another issue that we have to address. I am shocked that we are finding messages on the Web page telling Americans about possible incidences.

We should be here telling America how we are going to secure them. So I believe that legislation and emphasis on securing them economically, and tomorrow I will be in caucus to speak and raise the question of these tax cuts, not because I do not believe in business success as well, but because I believe that we do not have the focus.

I support the gentleman's legislation. I believe we should have this equipment. I heard the cost of it. It does not overwhelm me. We can begin step by step moving across the country with this equipment that requires the intensive checking or the technological X-ray type checking that is necessary to check these bags. I do not want to be a nay-sayer here, but I am familiar with Pan Am 103. How many of us are? I am very closely familiar with it. I am intimately familiar with it. I represented an individual tragically impacted by Pan Am 103. We know the story of what happened with that, an unaccompanied bag.

I do not want to leave this floor to the distinguished gentleman from Washington (Mr. INSLEE) with fear in our hearts and the distinguished gentleman from Ohio and the distinguished gentleman from Illinois and the distinguished gentleman from Texas. I do not think we are here trying to create hysteria. But what we are saying is, I want to work through the weekend, through October, through November, whatever it takes, to look the terrorists in the eye and tell them, no, we are not on the run; but we are the most powerful Nation in the world. We believe in our values, we believe in democracy; and what we are here to tell you is we are going to take care of our people.

The children who do not have parents at this point and need our assistance, nobody has been on the floor debating what do we do about children who have lost their parents. By the way, as I close, let me say we will be having a briefing tomorrow, if I may just add this, on the children who have lost their parents. We will have a family come in from New York, a man who lost his wife who had to leave his job and he has three children. We know these stories are all over the country, but this is a particularly unique situation. Has the Congress even dealt with his case, his mental anguish, the funding we need to support him? No. We need to put people first.

Mr. Speaker, I am gratified for the opportunity to join the gentleman from Washington, to applaud him for this initiative, and to be able to say to him that we have to roll up our sleeves and, as I have heard us say on some occasions in the past, work, work, work. I guess I am animated about this because I want to be able to say to the American people, I am concerned and I am leading. And how am I leading? I am putting you first, your security and your families and your children and your ability to be able to provide for your families.

I appreciate the gentleman's leadership, and I hope he will join me on my children's efforts as we work toward doing the people's work.

Mr. INSLEE. Mr. Speaker, I really appreciate the gentlewoman's comments, because our message tonight is not one of fear, but of confidence and of belief in ourselves. We believe we can screen 100 percent of these bags and the cost is about 1 percent of the stimulus package that we are going to adopt, about 1 percent, that is all we are talking about, about the billions of dollars that will be invested in this stimulus package. We are talking about 1 percent to make sure a plane does not get blown out of the sky.

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We do not think that is unreasonable.

The good news, the confident news, the positive news is we can do this. We have the technology and ability to do it. We just have to get the vote.

We have to get some of the bipartisan spirit that we have seen over in the Senate, where JOHN MCCAIN has agreed to this airline security bill, not this specific one but another one. But that has been blocked here in the House. We need some of that bipartisanship here, because Republicans and Democrats are going to vote for this, if we get a vote on this.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. I thank the gentleman from Washington for yielding, and I thank the gentlewoman for her critical and important comments.

We think there is a lot of hysteria out here. The hysteria is the illusion of security without ensuring that 100 percent of the bags underneath these aircraft have been inspected.

But the gentleman raised the question also about the stimulus package and what a real stimulus package in light of today's threats should be. Why not critical investments in the real needs of the American people?

Before the events of September 11, Jane Garvey, the head of the Federal Aviation Commission, said that we needed 10 new airports the size of O'Hare Airport. That is 10 new airports that could be in every region in the country.

The construction of these 10 new facilities alone would put hundreds of thousands of Americans back to work, regardless of the next series of events that this war might bring, even to our own shores.

How about high-speed rail? Every State in the Union could benefit from a stimulus package that included high-speed rail, including the steel industry, including the locomotive industry, including Amtrak, including putting millions of Americans to work laying the track for high-speed rail?

Regardless of the next series of events that this war might bring to our own shores, high-speed rail is a project that would continue, and is not subject to the fear factor associated with these events.

Before the events of September 11, we needed $322 billion to repair the critical infrastructure of our schools. How many carpenters and how many painters and how many teachers would we put to work if we had an economic stimulus package that was a downpayment on rebuilding the critical infrastructure for the 53 million kids in the 85,000 public schools in the 15,000 school districts across our country?

Health care for all Americans: Economic stimulus. But beyond aviation security, I know there are people in the country who think Congress is obsessed with airplanes these days, we need train security. We need security in our subways. The economic stimulus package must make every American feel more secure in going about their daily lives.

So I thank the gentleman for beginning this process by arguing about aviation security. But the broader economic stimulus should not be something that, because of fear, the Congress comes back in several more weeks or several more months needing an additional economic stimulus package, simply because we did not invest in the critical needs of the American people, which would be a long-term investment and stimulus package that would keep millions of Americans working even through this great war on terrorism.

Mr. INSLEE. Mr. Speaker, I appreciate the gentleman's remarks.

I hope people understand, this is not the only security issue that we are concerned about; it is one of many. Perhaps it is the most glaring omission in our entire security system, but there are many that we need to make sure of. That is a package that we should have been voting on tonight. Instead of just talking about it, we should have been talking about a security package to increase security at our borders.

We have had a porous border, both north and south. We now are trying to improve it, and as a result, we have lines that are 5 hours long for honest citizens to try to get across the Canadian border. This is killing the economics both of Canada and the State of Washington.

Instead of putting on additional security personnel and funding that out of our general funds, we are arguing about all these other things here instead of security. We need to talk about border security. It should be part of our stimulus package; not just $60 billion as a tax cut for corporations, but let us talk about security.

Public health. We know, and this is hardly a secret, that we are not where we should be and can be in dealing with biological and chemical threats in the United States. Our people are concerned about that. We do not want to be overly concerned. We want to respond in a rational, confident way of developing a public health system that can give Americans confidence that we can deal with this type of threat. We are not there yet.

But instead of proposing and giving us a vote on a security measure that will significantly increase our ability to respond to bioterrorism and chemical threats, we are going to see a stimulus package with $60 to $120 billion more tax cuts.

I have to tell the Members, when I go home to Edmonds and Bainbridge, Washington, people are coming up to me and saying, "Jay, what are you going to do about bioterrorism and making sure my airplane does not get blown out of the sky?" That is what they are asking me to do. That is what we should be doing.

We have been here for 30 days since this terrible attack and we have not had a chance to vote. The gentleman from Ohio (Mr. STRICKLAND) and the gentleman from Illinois (Mr. JACKSON) and myself, we have not had a chance to vote. This is our job.

The Speaker, the gentleman from Illinois (Mr. HASTERT), who has done I think a great job trying to help us find unity in the first several weeks since this tragedy, I think he has been very sincere in trying to find bipartisan consensus, and we have had other Republicans support us on this security effort.

But somewhere in there somebody is blocking bipartisanship here. We are very hopeful that the gentleman from Illinois (Speaker HASTERT) will be successful in an effort to free these security measures for a vote on this floor. We need to have a bipartisan vote, because I think we are going to pass these things.

I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I would just like to say that I think many of the security issues perhaps will be addressed in the bill. The one aspect of security that I am fearful will not be included is what we are talking about tonight specifically. That is the screening of all the luggage that is placed in an airplane.

For some reason, this has been something that the airlines have objected to for a long, long time. After we introduced the bill this past week, I got a call from a young man in New York City. He said that he had heard about the bill. He said, "I am outraged because I am going on a vacation in a few weeks with my wife and child, and I thought the plane I was flying on would have the luggage screened." He said, "What can I do to help get this bill passed?"

I said, "Well, the best thing you can do is contact your Senators and your Congressperson and urge them to sign on to this bill. I think the American people want this."

I have not talked to a single person in the last few weeks about this bill without encountering enthusiastic support for it. When people buy a ticket and they get on an airplane, they want to be sure that that airplane is not going to explode. It did over Lockerbie, Scotland. There was a suitcase bomb. That plane exploded and killed a lot of young people.

One of the fathers this week said that plane that exploded was like a traveling schoolbus, because so many of the people on that plane were very young, in their early twenties, most of them.

The fact is that the American public will never be able to feel as safe as they have a right to feel if we do not pass this bill. I have said something that I do not think is an extreme statement. I have said that if we pass this legislation, lives will be saved. If we fail to pass this legislation, it is inevitable, in my judgment, that lives will be lost.

What we are talking about tonight is something that is of critical importance to the American people.

Mr. INSLEE. I appreciate the gentleman's statement. His sentiment is shared in a lot of different places.

In my flight back to Seattle, a flight attendant came up and said, "Are you Congressman INSLEE?" And you never know when people ask you, you think they might bite your head off when they ask this question.

But she said, "I just kind of bless your efforts, because we have got to have this. We just have to have this." This is an expert talking. This is a person who spends her working life in the air. I am hearing that sentiment all across America.

I appreciate the support of the gentleman from Illinois (Mr. JACKSON) and the gentleman from Ohio (Mr. STRICKLAND) for this bill.

I want to leave this discussion on an upbeat and confident note. I believe if we get this word out to Americans and Americans contact their Representatives and their Senators, justice is going to prevail here. We are going to adopt or we are going to use these technologies, we are going to fund them so airports do not go bankrupt in doing it, we are going to have the Federal Government help local airports do this, and we are going to use the industrial and technological might of this country to put these machines in.

We are going to hire qualified, certified, well-trained, stable employees to make sure they are operated right. I believe this is in our ability to do, and I believe we are going to do it, and this is going to help us, that the American people know what is at stake here.

So I am very appreciative. Did the gentleman have a final comment?

Mr. JACKSON of Illinois. Mr. Speaker, I just want to congratulate the gentleman for his noble efforts on behalf of the American people. My wife and my 18-month old daughter are enormously grateful for the gentleman's efforts, and I am sure all of us who have family members, as much as Members of Congress travel, are very greatful for the gentleman's efforts.

But for the millions of Americans whom many of us have never met and still do not know, in the gentleman from Washington (Mr. INSLEE) they have the kind of leadership on the floor of the Congress that is thinking about them and that is going to make a significant difference.

Mr. INSLEE. Mr. Speaker, I appreciate that. Let me give a note, too, to thank the two gentlemen, for the families of the Lockerbie tragedy, that have helped us so much. The families of the Lockerbie tragedy for 13 years have been asking Members of the U.S. Congress to act. Tonight we are adding our voices to the effort. Let us make sure this happens for the flying public.

AMERICA'S DEFENSES IN THE CURRENT WAR

The SPEAKER pro tempore (Mr. SCHROCK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, obviously, I hope all of the Members have had the opportunity at 8 o'clock, so about an hour and a half ago, to listen to the President of the United States address the Nation. It was a press conference, but I think the President made several pertinent comments.

Let me begin by saying this: I think the President of the United States and his team, whether it is the Vice President, Dick Cheney, whether it is Condoleezza Rice, whether it is Don Rumsfeld, whether it is John Ashcroft, I think they are doing a heck of a job.

If this kind of horrible tragedy had to occur, I think that it could not have occurred with a better team in place than the team we have today. I think it was indicated and reflected by the President's comments during his press conference this evening.

Mr. Speaker, I want to go through a few of those comments and discuss them at length. I, of course, want to finish what I started yesterday, and that is a discussion, I think a good discussion, of missile defense and why this Nation needs missile defense, and why we as Congressmen have an inherent responsibility for the security of this Nation to provide missile defense. I want to talk about that tonight.

But let me talk, first of all, about a few comments that the President made. I also want to visit briefly about civil liberties. I also want to talk for a few moments about the great fight that we are involved in.

We have heard people use the term "war." That is exactly what this is. As the President very ably said tonight, "This is not a conventional war that we are fighting. This is a war unlike we have ever experienced in the past. First of all and foremost, we have been attacked by the enemy within the borders of the United States. We have suffered horrible losses in civilian casualties. These people, as the President said, they did not agitate this, they did not provoke this kind of thing. It was a blind attack of cold-blooded murder. There is no justification."

By the way, kudos to Mayor Rudolph Giuliani today, who received a $10 million check, a $10 million check from an individual. But that individual, in handing that check, issued a statement that said that the United States, as a result of this action, should reexamine its policies in regard to Israel.

Rudolph Giuliani in New York City today said "Look, you may have just given us $10 million for our recovery fund for New York City, but do not dare try and justify or say that perhaps there is some legitimacy; to take a message across, regardless of the merits of the message; do not try and legitimize this as a vehicle for communicating that message, the act of terrorism. It is not justified." These were the acts of evil men, as the President said this evening.

So Rudolph Giuliani gave the $10 million back and said, "We do not want the money. Do not come to us, no matter how much money you have, do not come to the United States, do not come to New York City and offer a lot of money, which was appreciated for the recovery effort, but to have a little string attached to it that says, hey, maybe if terrorists commit these kinds of acts against the United States of America, America will adjust its national policies as a response to that terrorist act."

That is the wrong thing to do. We should not let this kind of act that occurred on September 11 gain any kind of credibility whatsoever, zero credibility, because if we begin to give those kinds of attacks credibility; in other words, allow them to legitimize their cause, even a slight legitimization of their cause, we in fact are contributing, in my opinion, to the awful acts that are a result of terrorism. They should not do that. Thank goodness, the Mayor stood up to that tonight.

I thought the President's comments about this war, it was amazing to me. I thought the reporters on a couple of occasions tried to trap the President: "Can you give us an assurance, Mr. President, just how long we are going to be engaged in this?"

Of course the President did not fall for that trick. He said, "We are going to be engaged in it until we get the job done." Congratulations, Mr. President. That is exactly the response that the American people wanted to hear. That is exactly the response that the American people feel in their heart.

This country cannot afford to do this job half-heartedly. We cannot do the job halfway. We have to complete this job. We have to do everything we can to minimize the threat of terrorism anywhere in the world. Terrorism has no legitimate spot. Terrorism has no legitimate spot anywhere in this world with any country.

□ 2145

It must be eradicated, or as close to eradication as we can possibly get. And the President said he is committed; that as long as he is the President, he will stay the course. Did my colleagues hear that? He will stay the course.

And that is exactly the kind of commitment that the United States Congress has to give to the President as well. There will be lots of trials and tribulations that we ourselves as leaders in this country will come across, but we need to stay the course, keep her steady as she goes. Keep her steady as she goes. As the President said, slowly but surely, slowly but surely we are gaining ground; and we are gaining victory in this battle against these evil people.

Now, I say they are evil people. I compared them in comments I made yesterday and in comments I have made since the September 11 tragedy to a cancer. There is no way to justify a cancer, ever. There is no medical doctor in the history of the world that has come up with some kind of a justification for not the cause, but some kind of a justification to say that the cancer helps the human body. Cancer never helps the human body. It is a foreign agent inside the body, and it has one purpose in mind and that is to destroy the human body. That is what cancer is about, to destroy the human body. It has one mission: destruction, destruction, destruction.

There is no difference between bin Laden, between all of his followers and between other terrorists in this world; there is no distinction between those terrorists and cancer. They all are out for the same thing. They are out there, as the President said tonight very ably, and with a lot of credibility, he said what they have done is hijacked a religion. They are trying to cloak themselves in Islam. Islam does not allow terrorism. Islam does not permit the striking of innocent people. Certainly Islam does not preach striking down other people of the same faith, of those practicing Islam, that same faith.

Keep in mind that these terrorists, these evil people, when they hit that tower, they did not just kill Americans; they killed the citizens of 80 separate countries. They killed fellow Muslims, they killed people who practice the Islamic faith. They killed Irish, they killed black, they killed Canadians, they killed British, they killed Belgian, German. Eighty countries suffered. These terrorists did not discriminate amongst their victims, and now they have the audacity to cloak themselves in religion, one of the great religions, as President Bush said tonight, the religion of Islam.

Come on. We know that is a falsehood. And we have an obligation to continue to look through that falsehood. As the President said tonight again, and well said, I think, that bin Laden is just one part of the puzzle, just one part of the cancer. And there is more than one element to that cancer. Bin Laden is just one of the cells there. We have a number of cells that we have to eliminate to cure ourselves, to cleanse ourselves of this horrible cancer that has found its way to us.

So I thought the President spoke well. He spoke of our determination, our will and our patience. The President has been very methodical in his planning. He and his team have been very focused, and they are determined, and they are strong, and they are patient. And I think the President said it very well this evening.

I was very dismayed in the last week or so when one of our colleagues here criticized the President, saying how could the President launch an attack in 4 weeks; that he does not have enough preparation; he had not done enough planning. Well, that colleague of mine was out of order, in my opinion. Our constituents should know that we do not sit in the war room and help design the day-to-day combat activities of our military forces. Thank goodness, we do not. That is not our job. We are not military experts. A lot may think they are military experts, but the fact is we are not military experts. So to stand up at this point in time and criticize our President, saying the President did not do enough planning, when this colleague of ours did not spend 2 minutes in the assistance of that planning, how the heck does he know what went on down there?

What you do, as the President said tonight, you measure by performance. And you can go turn on the TV tonight and look at the performance. Slowly but surely, as the President said, we are gaining ground. Obviously, we are gaining ground, and we are going to gain ground every day. Now, some days we may get set back a little. But every time we are set back, the sun will come again and we will gain a little more the next day. The end game is that America will prevail. America and its allies will prevail.

This Nation is too great, its civil liberties are too strong, its freedoms mean too much to the world for the United States of America to fail, and it will not. Failure is not even an option. Failure is not even something to be discussed. The United States will be victorious at whatever the cost, at whatever the sacrifice, at whatever amount of time it takes. Mark my words, the United States of America will prevail over this evil cancer.

Now, I want to mention a good friend, a good colleague of mine, the gentleman from California (Mr. HERGER); and he and I were talking about missile defense. We were also talking about civil liberties. Now, the gentleman from California and I agreed, and we agree on most things; but we were talking about the fact that I want the American people to know that in our anti-terrorist bill, for example, that we bring up tomorrow on this House floor, that we need to let the people know that we are not out there violating the constitutional rights of privacy or the constitutional civil liberties guaranteed under the Bill of Rights. That is not what is going to happen in this Congress.

What is happening is this: we are saying, look, we all have to pitch in together. So what if they check our baggage a little more closely at the airport? In fact, the previous speakers were talking about how necessary that is. So what if someone decides they want to cross the borders where they have a computer, a television face measuring computer that will tell them whether or not an individual is wanted anywhere in the world? So what if someone is requested to give a fingerprint if they want to cross the borders into America? The fact is America is going to have to tighten its borders.

We cannot afford to have 2½ million students, students who are guests of the United States of America, we cannot afford to have 2½ million of them stay in our country after their visas expire. Of course, we have a huge gap in regards to our student visa program. And it was amazing to me the other day, even in my own State, that some of the colleges and universities in my own State said that we should not clamp down on student visas. The reason is because they need the money. They want the money. They may charge high fees for these foreign students to be educated in the United States. Well, it is about time the United States thought of the United States.

Our homeland security requires that we have a border policy that makes sense; that we have a border policy that protects America; that we have a border policy that lives within the philosophy of America. That philosophy of America is that America has always opened its arms to citizens of other parts of the world; but we have to do so within a system that is regulated. We just cannot open the borders and allow anybody in here that wants to come in here. As we have seen, unfortunately, on September 11, not everybody has good intentions in mind. Some of those people are cancerous; and they want to lay cancer on every woman, every child, and every man they can, regardless of their religion, regardless of their ethnic background. These people want to destroy.

We have every right, without violating the Constitution, to tighten up our borders. We have every right, and it is not a violation of our civil liberties, if someone wants to fly on an airplane and checks on baggage, they should expect that someone is going to look in their suitcase. They may even be looking through your nighties or your pajamas. The fact is there are certain inconveniences, not civil liberties, but there are certain inconveniences that all of us will now have to suffer to try to keep our country safe from this active cancer and the acts that these terrorists are trying to put upon us.

I think the President handled very well tonight this general threat, this seemingly high level of confidence of a legitimate threat against the United States. Obviously, the President and the law enforcement arms in our country, and by the way, kudos to our law enforcement people that are so dedicated and put themselves out there on the front line, and all of our emergency personnel, whether firemen, ambulance drivers, et cetera; but the President made it very clear he does not have specific information.

Obviously, if they did, if it was a train that was threatened or an airplane that was threatened, they would shut it down. They just have a general threat against the well-being of the United States.

I almost thought I heard criticism of the President not being more specific, when the President did not have more specific information as far as what the targets would be. The President made it very clear this evening that the targets were not specific. I think the President did an excellent job in his communication to the people that he leads, to the people that he has assumed a major responsibility, the ultimately responsibility for their security.

So the fact is, as the President said this evening, all of us have to be more aware of our surroundings, and that is not just for the next 2 or 3 days; that is kind of something we are going to have to permanently put into our minds. If we see something that looks odd, it probably is out of place; and it probably arouses enough suspicion we should call the authorities. The old saying, if it looks unusual, it probably is. That is the kind of thing that we are facing here.

I used to be a police officer, and we did not develop any sixth sense, as people say, that police officers develop. What we actually did is develop common sense. Common sense that if in the middle of the night you see somebody coming out of a window of a retail store that is locked up, you might think that is a little unusual, and you would then take appropriate action. That is what the President is cautioning the American people to do, to just use common sense. If it does not look like it makes sense, report it to the authorities. That is how we are going to get ahead in this ball game.

Let me move on from the President's comments, although I want to repeat once again that I thought the President did an excellent job. I think the President and his team, the Vice President, the Secretary of Defense, the national security advisers, Condoleezza Rice, this entire team, combined with all those young men and women that are serving in our military forces throughout the world, combined with our people like our volunteers in the Peace Corps, with the Government employees, with all the law enforcement agencies across this land, the firemen, et cetera, et cetera, we are all coming together as a team to provide the security that every citizen out there has a right to expect from their government.

And thank goodness we live in the strongest country in the history of the world. Thank goodness we have a country that has freedom of religion, that has freedom of speech, that allows its borders to be open to the world with reasonable regulations. That is what has made this country such a strong country. And the blow we suffered on September 11, and the blows that we will face in the future, if we stay together as a team, if we bring together as a group but act as one, we will survive this and come out of this stronger than we were before. Sadder than we were before, because of the friends and the family and the good people that were lost in this terrible tragedy, but stronger.

Let me visit about the question that the President was asked this evening, an area that I spend a lot of time on, and that is missile defense and the Anti-ballistic Missile Treaty. Let me put out the premise right now that I think every one of us in these Chambers, every Congressman, every Senator in Washington, all of us had better not live on a hope that we never get attacked by a missile. The far left in this country, the radical left, wants the American people to hope and believe that a missile will never be launched against the United States, and that a missile probably will not be just based on that hope. It is like hoping away cancer. It is not going to happen.

At some point in the future, the United States of America will face a missile attack. It may be one missile that is accidentally fired against the United States, or it may be a series of missiles that are intentionally fired against the United States.

□ 2200

Today we have time to prepare for it. That is exactly what we need to do. There are several steps that we need to do. First of all, this body has to stay together. We have to give the President the support that he has asked for in building a missile defense system for this country. Keep in mind what the country has today. This country has tremendous capabilities as far as detection of a missile launch is concerned. In fact, within moments after that missile was launched by accident by the Ukrainian military during military exercises and hit a commercial airliner one week ago, the United States of America, it was the United States of America that knew about the launch. We picked it up at NORAD in Colorado Springs.

We were within a couple of seconds able to figure out what kind of missile it was or at least a good guess, the direction, the target, et cetera. But once our NORAD defense system determines that a missile launch has taken place, and after they figure out what size missile it is and where its likely target is, all they can do is call up the victims of the likely target and say, say a prayer, it is over. You have an inbound missile. Its expected time of arrival is 15 minutes. Nothing we can do for you.

Mr. Speaker, we have an obligation. We are required to protect the American people, the American continent and our allies. How can we stand up in front of our constituents, colleagues, how can we stand in front of them and say that we have chosen not to provide an actual missile defense system. Instead we have chosen the policy of the far left which is let us hope it never happens, and it is crazy to think that someone will attack this country with a missile.

I think a lot of people have thought some crazy things that we never thought would happen, i.e., a terrorist attack would occur that would kill thousands and thousands of American citizens. It occurred on September 11. Who would imagine during a military exercise that a military, under strict discipline, under careful scrutiny, would accidentally launch a missile that brought down a commercial airliner. The concerns we have in the future are not entirely focused on an intentional launch of a missile against the United States. It could be an accidental launch.

Mr. Speaker, I think the likelihood of an accidental missile launch against the United States is pretty high. I think there is a good likelihood it could be as much accidental as it is intentional. That is why I think it is imperative that the Congress of the United States follow the lead of the President of the United States, and that is to deploy a missile defense policy in this country.

Let us go through the different arguments brought up. The gentleman from California (Mr. HERGER) and I talked about, we do not have the technology. That technology is almost there. We have the laser technology. We have the satellite technology. We have the detection technology. Two months ago we were able to intercept an incoming practice target missile. That technology is going to be there. Sure it is going to take some trial and error to get there.

People say what if we fail. One way you can guarantee failure is not to try at all. That guarantees it. So my colleagues in these Chambers who do not want to try at all to provide missile defense for this country, you have guaranteed failure to your constituents. We have the capability to come up with the technology. We have the resources to deploy a missile defensive system to protect the people of this country, and we ought to do it.

Some people will say what about the anti-ballistic missile treaty. That was the question tonight to the President. When you meet with President Putin from Russia, are you backing off, abandonment of the anti-ballistic missile treaty, and the President said that treaty is obsolete. It does no good for Russia or the United States.

Let me tell you a little history about the anti-ballistic missile treaty. A few facts about it. First of all, the anti-ballistic missile treaty is a treaty between two countries. Only two countries are signatories to the treaty, the United States of America and the Soviet Union. This treaty was signed in the 1970s. The treaty is well over 30 years ago. It went on a theory that was abandoned a long time, a theory whose premise was questioned from the very first day.

What is the theory? At the time of the Cold War, at the time the anti-ballistic missile treaty was drafted in the 1970s, there were only two countries capable of delivering such weapons in the world, the United States of America, and the Soviet Union.

Some people, that administration, thought it was logical for the United States and Russia to get together and say look, you are the only two in the world capable of delivering these types of missiles. Make a treaty that will give you the ultimate resistance to fire a missile in an offensive state against Russia or against the United States.

So the treaty they came up with is called the Anti-ballistic Missile Treaty, and it works like this: Russia agrees not to build a missile defensive system, and the United States agrees not to defend itself with a missile defensive system. The theory being if you do not have the capability to defend yourself, you would not fire a missile against the Soviet Union because you know the Soviet Union would retaliate, and your fear of retaliation would be enough incentive not to fire your missile in the first place.

Well, the one good thing they did when they drafted this treaty was they put a clause in there. The people that drafted this said, justifiably, Look, we are not smart enough to be able to read the future. We do not know what the future holds for the Soviet Union. We do not know what the future holds for the United States of America. So as we draft this treaty, the Anti-ballistic Missile Treaty, let us make a provision, let us put a right within the treaty for the treaty to be modified for either party, the Soviet Union or the United States, to withdraw from the treaty.

Let me show Members that specific language. This is it right here. Article XVI of the Anti-ballistic Missile Treaty. That treaty is called the ABM. This treaty shall be of unlimited duration. Each party, and look at this emphasis that I have put on here. This is a guaranteed right. The parties have a right to abrogate this treaty. This is not a breach of the treaty. It is not a breaking of the treaty. It is exercising a right contained within the four corners of the treaty. That is exactly what this language is. Let us go through it.

Each party, remember there are only two parties to the ABM, the Soviet Union and the United States of America. Each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty. See the word "right." It is not iffy. It is a guaranteed right of the treaty. The treaty has it within its provisions. Have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests.

So we know that the right to abandon the treaty is contained within the four corners of the treaty if in fact extraordinary events have occurred. So the argument here is have extraordinary events occurred to the extent that the supreme interests of the parties have been impacted? Of course they have. I am going to show Members that in just a moment.

It shall give notice of its decision to the other party 6 months prior to withdraw from the treaty. Such notice shall include a statement of the extraordinary events the notifying party regards as having jeopardized its supreme interests. What are extraordinary events.

Take a look at what has happened in the world in the last 30 years. This is ballistic missile proliferation. Remember at the time the treaty was drafted, there were two countries, the Soviet Union and the United States of America, that were capable of ballistic missile delivery against each other. Only two countries. That is why only two countries signed the Anti-ballistic Missile Treaty. Take a look at what has occurred in proliferation in countries throughout the world as indicated by the purple color on this chart. This is the proliferation of ballistic missiles. Ballistic missiles do not have to contain a nuclear warhead. They can, in fact, contain a warhead that has got a biological weapon. So these can be missiles with incoming biological weapons.

The fact is numerous countries throughout the world have acquired the capability to deliver a ballistic missile against the United States or against other countries or against allies of the United States or in fact against Russia. It is in Russia's best interests as well as the best interests of the United States that we acknowledge the fact that the world, that extraordinary events have occurred, and at the very top of that list is the capability to deliver a biological or nuclear weapon in either one of our countries by people who have not signed this treaty. That is the proliferation.

That is an extraordinary event. On that alone, this treaty should be abrogated. Let us look here. Remember again when we signed the treaty in the 1970s there were two countries with nuclear capability. Two of them, the Soviet Union and the United States. Now take a look. These are countries that now possess nuclear weapons: Britain, China, France, Pakistan, Israel, United States. I would add to that list North Korea. Of concern over here, I think North Korea has already accomplished it, Iraq, Iran, Libya.

Mr. Speaker, we are seeing, unfortunately, extraordinary events take place with the proliferation of countries, rogue countries, Third World countries, that are doing everything they can to acquire nuclear weapons. We stand back and say we should not build a missile defense. We are doing an injustice to future generations of this Nation. We see the disaster coming. We see the disaster coming. We have the opportunity today, the American people, the leaders of the American people, the government of the American people, we have the opportunity today to build a system that will stop missile delivery of nuclear weapons. That will stop missile delivery of biological weapons. That is our obligation. We can do it.

So any kind of argument that we see in these Chambers about the fact that the United States does not need missile defense are ill-founded on their face. Of course this Nation needs it. Thank goodness the President of the United States recognizes the fact that the Anti-ballistic Missile Treaty, which is the only thing standing in the way of an effective missile defense for this country, thank goodness that the President recognizes that extraordinary events which trigger the ability to leave the treaty have occurred.

The President's response tonight, which I thought was very eloquent, he talked about it is to Russia's benefit as well. The United States is not developing a missile defensive system to the exclusion of every other country in the world. It is our intent to develop a system that we can share with our close friends like the British, like Canada, and Mexico and frankly be willing to share with other countries. If we build the right kind of system, satellite laser system, we actually could assist any country in the world, friend or foe, from a missile attack against that country.

Just imagine for a moment if Russia, for example, by accident launched a missile on this country. A nuclear missile. Let us say that it hit Philadelphia or some city and wipes out a city. You know, the retaliation or the repercussions of the actual hit, the result of that missile, would be so significant none of us can even imagine. It is as hard to imagine those kinds of results as what we saw occur in New York City on September 11.

□ 2215

What would it mean? Would it mean a new world war? Would it mean such massive retaliation by the United States that Russia then would fire whatever they had left at the United States? We have an opportunity to avoid that disaster by providing this country with the capability to stop incoming missiles whether they are accidentally fired at the United States or whether they are intentionally fired against the United States.

Now, some people will say to you, "Well, now look, you know, Scott, this kind of missile thing is not going to happen. Let's hope it away."

And I just tell you 10 days ago, although the press has been very heavy on Afghanistan and our military theater of operations over there, consider the fact that about 10 days ago, a missile was fired by accident, and a missile did hit a target that no one intended for it to hit and it did in fact bring down a commercial airliner and killed everybody on board. That ought to tell you that accidents can happen. We are naive, and we are almost shameful if we do not think that in the future at some point this country is going to be challenged by a missile that is inbound, and we have the opportunity today to stop it. We have not only the opportunity today to stop it, we have the obligation to stop it. And we can do it.

So missile defense, I was so pleased that that question was asked of the President tonight. This President intends to lead this Nation not only to victory over the cancer of terrorism but he also intends to lead this country to victory in its defense of its homeland security. And a part of that is to build a missile defensive system that will give us the kind of security that a lot of us think we have right now. There are a lot of people out there that think we have the capability to stop these kind of things. So this President, as he is doing with other causes, is taking the leadership role. I for one am more than happy to stand tall behind him. As all of us are standing, most of us, tall behind his leadership against the cancer of terrorism, let us too be counted standing behind him for the missile defense system of this country.

Let me go back, leave this subject for a moment, and talk very briefly about the economy, because the President also covered the economy this evening, and I think his remarks were very important. This economy will recover. This economy has some very fundamental strengths to it. This economy has been bruised by the September 11 attacks. The economy was limping along prior to September 11. It happens. Our economy runs in cycles. It has run in cycles throughout the history of mankind. The economies of every country in the world run in cycles. We are in a cyclical state. The worst thing that can keep us in a downward cycle, the worst thing that can continue to propel us into the ground is loss of confidence. It is just like the worst thing that could work against us is the fear of fear. Our greatest fear is but fear itself. And it is the same thing, too, we should apply to our economy. We as Americans need to continue to go out and do what we can to bolster our economy, increase our job performance. Employers, you need to pay your employees what is necessary to keep them so that they can support their families. Our inventors, our capital investment, our inventors need to continue to invent the great products that this country is known for. We need to keep incentive in the system out there. I am very confident that the economy will continue through its cyclical correction but that the country will again see an uplift in our economy. So I urge people not to panic. I urge people that as the Christmas season approaches, go out and buy and spend as you would in a normal Christmas. I am not saying to do it unwisely. I am not saying to waste money. But I am saying that your consumer confidence, our constituents' confidence is the big engine that is driving this economy. And if we can, whatever we can do to sit down with our constituents and tell them just what the basic fundamentals of our economy are and how strong they are, we are not going to have a recovery tomorrow. We are not going to see the boom times with the stock market. People were actually writing and selling books about what happens when the Dow hits 30,000. We are not going to see that. But what we are going to see is a cyclical correction that also leads to the recovery of an economy. We here in the United States Congress will be acting on a stimulus package. In fact our fine chairman, the gentleman from California (Mr. THOMAS), will be chairing the Committee on Ways and Means upon which I sit tomorrow to consider debate and to report out a bill for some type of stimulus package. The government cannot do it all. I think our constituents understand that. We do not need to lecture our constituents. They understand the government cannot do it all, but the government can help. Alan Greenspan has helped by putting more money in, by lowering interest rates. Any of our constituents that are out there that are paying credit card interest that is at all above 10 percent in my opinion, I would consider it excessive. I mean, Greenspan has lowered those rates so dramatically that every American, every American that uses credit, whether it is on your credit card or whether it is for your house ought to be seeing the benefit. And if you are not seeing the benefit, if your constituents are not seeing the benefit of lower interest rates from their credit card companies, tell them to dump that company and go with a company that is going to be fair with them, that is going to give them a rate that fairly evaluates the risk that is involved in doing business with them.

There are a lot of things out there that are going to work in our favor. One of the things that I think that can come out of that stimulus package tomorrow is broad based tax cuts, not tax cuts for one specific individual or one specific industry but broad based. We need to get consumer confidence back in an upward mode. A stimulus package cannot do it all, as I said, but we can go a long ways, in putting incentive out there in the system so that once again our economic engine warms up and begins that climb up the hill. I know I can; I know I can. We know that that is going to happen. So I feel confident about our economy.

To wrap it up, I want to first of all thank my colleague the gentleman from California (Mr. HERGER) for the discussion, I thought a very thorough discussion we had this evening on missile defense. I think the President did a very commendable job. And I, like many, many hundreds of thousands of Americans, and I like most of my colleagues, if not all of my colleagues on this House floor, stand in gratitude for the leadership that the President has shown to this country, to the leadership that Dick Cheney and Donald Rumsfeld and Condoleezza Rice and the other Cabinet members and our national security team and our military leaders and our military personnel, all across this country, thank God we have got these kind of people that are dedicated, in many cases with their lives, are dedicated to the cause of the United States of America. Thank God we have got people who are willing to make it their entire focus, in a patient, strong but dedicated way to make sure that the United States of America continues to prevail for the next generation in the good way that it has prevailed for our generation. Thank goodness we have got a country that recognizes all types of different religions, that allows people of different ethnic backgrounds to thrive in this country. We are equal under our laws around here. There are some countries in this world that will not allow foreign people to come in and be citizens. Many countries do not have open borders at all. They have closed borders. There are a lot of countries in this world who discriminate very clearly against other religions. But in the United States of America, whether you practice Islam, whether you are a Catholic, whether you are a Methodist, Episcopalian, a Mormon, even being an atheist in this country is protected by our Constitution. It is the strength of that Constitution that will increase the strength of this country. It is being respected by this President and his team.

My final remark is that I stand tall with all my colleagues in backing the President and his team. Let us go out there and let us eradicate the cancer that has fallen upon us. We owe it to ourselves. We owe it to future generations. It is an obligation and a responsibility of our job. And, frankly, we can get the job done.

RECESS

The SPEAKER pro tempore (Mr. SCHROCK). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0857

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 8 o'clock and 57 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–237) on the resolution (H. Res. 263) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 6:15 p.m. and the balance of the week on account of illness in the family.

Mr. BLUNT (at the request of Mr. ARMEY) for today and the balance of the week on account of personal reasons.

Mr. GILLMOR (at the request of Mr. ARMEY) for today after 5:00 p.m. and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MCKINNEY) to revise and extend their remarks and include extraneous material:)

Ms. MCKINNEY, for 5 minutes, today.

Ms. SÁNCHEZ, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BEREUTER and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $780.00

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 58 minutes a.m.), the House adjourned until today, October 12, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4206. A letter from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges and Grapefruit (Texas and States Other Than Florida, California and Arizona); Grade Standards [Docket Number FV–00–304] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4207. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Changes to the Handling Regulation for Producer Field-Packed Tomatoes [Docket No. FV01–966–1 FR] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4208. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Papayas Grown in Hawaii; Suspension of Grade, Inspection, and Related Reporting Requirements [Docket No. FV01–928–1 FR] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4209. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP–301169; FRL–6801–5] (RIN: 2070–AB78) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4210. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyhalofop-butyl; Pesticide Tolerances for Emergency Exemptions [OPP–301167; FRL–6800–2] (RIN: 2070–AB78) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4211. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Truth in Savings—received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4212. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4213. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—California: Final Authorization of Revisions to State Hazardous Waste Management Program [FRL–7065–7] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4214. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Missouri: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7068–1] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4215. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Texas: Control of Emissions. From Existing Hospital/Medical/Infectious Waste Incinerators [TX–128–1–7466a; FRL–7067–6] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4216. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans: Maryland; Rate of Progress Plans and Contingency Measures for the Baltimore Ozone Nonattainment Area [MD057/71/98/115–3082 FRL–7066–3] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4217. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permits Program; Commonwealth of Massachusetts [AD-FRL–7065–9] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4218. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permits Program; State of Rhode Island [AD-FRL–7068–9] received September 25, 2001, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

4219. A letter from the Principal Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [CA 242–0294a; FRL–7066–8] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4220. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-from Rules: Direct Final Rule [FRL–7066–2] (RIN: 2050–AE07) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4221. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 13–01 which informs the intent to sign Amendment Number One to the Air Defense Command and Control Memorandum of Agreement (MOA) between the United States and the NATO Hawk Production and Logistics Organization (NHLPO) for the Fire Direction Operation Center (FDOC), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4222. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4223. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 135, "Food Regulation Temporary Amendment Act of 2001" received October 11, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4224. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–133, "Free Clinic Assistance Program Extension Temporary Amendment Act of 2001" received October 11, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 132, "National Capital Revitalization Corporation Temporary Amendment Act of 2001" received October 11, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 134, "Parental Kidnapping Extradition Amendment Act of 2001" received October 11, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4227. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures [Docket No. 010710169–1169–01; I.D. 060401B] (RIN: 0648–AP31) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKEEN: Committee of Conference. Conference report on H.R. 2217. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–234). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2559. A bill to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance (Rept. 107–235 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2975. A bill to combat terrorism, and for other purposes; with an amendment (Rept. 107–236 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on International Relations, Resources, and Ways and Means discharged from further consideration of H.R. 2975.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2975. Referral to the Committee on Intelligence (Permanent Select) extended for a period ending not later than October 12, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NUSSLE (for himself and Mr. Spratt):

H.R. 3084. A bill to revise the discretionary spending limits for fiscal year 2002 set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 and to make conforming changes respecting the appropriate section 302(a) allocation for fiscal year 2002 established pursuant to the concurrent resolution on the budget for fiscal year 2002, and for other purposes; to the Committee on the Budget.

By Mrs. KELLY:

H.R. 3085. A bill to authorize the Administrator of the Small Business Administration to make direct loans to small business concerns that suffered substantial economic injury as a result of the terrorist attacks against the United States that occurred on September 11, 2001; to the Committee on Small Business.

By Mr. McKEON (for himself, Mr. Boehner, Mr. George Miller of California, Mr. Armey, Mr. Watts of Oklahoma, Mr. Gephardt, Mr. Petri, Mr. Kildee, Mr. Hoekstra, Mr. Owens, Mr. Castle, Mr. Payne, Mr. Greenwood, Mrs. Mink of Hawaii, Mr. Graham, Mr. Andrews, Mr. Hilleary, Mr. Scott, Mr. Ehlers, Ms. Woolsey, Mr. Fletcher, Ms. Rivers, Mr. Isakson, Mr. Hinojosa, Mr. Goodlatte, Mrs. McCarthy of New York, Mrs. Biggert, Mr. Tierney, Mr. Platts, Mr. Ford, Mr. Tiberi, Mr. Kucinich, Mr. Keller, Mr. Wu, Mr. Osborne, Mr. Holt, Ms. Solis, Mrs. Davis of California, Ms. McCollum, Mr. Baker, Mr. Berman, Mr. Bilirakis, Mr. Boehlert, Mr. Buyer, Mr. Calvert, Mr. Crenshaw, Mr. Cunningham, Mr. Dreier, Mr. Evans, Mr. Filner, Mr. Forbes, Mr. Hall of Texas, Ms. Harman, Mr. Herger, Mr. Hunter, Mr. Jones of North Carolina, Mr. King, Mr. Kirk, Mr. Quinn, Mr. Sabo, Mr. Shows, Mr. Simpson, Mr. Skelton, Mr. Smith of New Jersey, Mr. Snyder, Mr. Stump, Mr. Taylor of Mississippi, Mr. Turner, Mr. Underwood, Mr. Walsh, Ms. Waters, and Mr. Waxman):

H.R. 3086. A bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President of the United States on September 14, 2001; to the Committee on Education and the Workforce.

By Mr. EVANS (for himself, Mr. Reyes, and Ms. Brown of Florida):

H.R. 3087. A bill to amend title 38, United States Code, to provide that veterans who are 65 years of age or older shall be eligible for pension benefits under laws administered by the Secretary of Veterans Affairs without regard to disability; to the Committee on Veterans' Affairs.

By Mr. GILMAN (for himself, Mr. Ackerman, Mr. Royce, Mr. Menendez, Mr. Rohrabacher, Mrs. Maloney of New York, Mr. Smith of New Jersey, Ms. Kaptur, Mr. Sam Johnson of Texas, Mr. Duncan, Mr. Jones of North Carolina, Mr. Hayworth, Mr. Gutknecht, and Mr. Sawyer):

H.R. 3088. A bill to contribute to the defense of the United States against future terrorist attack by providing for the removal from power of the Taliban regime in Afghanistan; to the Committee on International Relations.

By Mr. TERRY (for himself, Mr. Barton of Texas, Mr. Pickering, and Mr. Norwood):

H.R. 3089. A bill to amend the Federal Power Act to promote energy security, environmental protection, electricity price stability, and electric reliability by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS:

H.R. 3090. A bill to provide tax incentives for economic recovery; to the Committee on Ways and Means.

By Mr. BLAGOJEVICH:

H.R. 3091. A bill to combat terrorism and defend the Nation against terrorist; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H.R. 3092. A bill to amend part B of title XVIII of the Social Security Act to expand coverage of durable medical equipment to include physician prescribed equipment necessary so unpaid caregivers can effectively and safely care for patients; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO:

H.R. 3093. A bill to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CRANE (for himself and Mr. Manzullo):

H.R. 3094. A bill to amend title XVIII of the Social Security Act to exclude services of certain providers from the skilled nursing facility prospective payment system, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 3095. A bill to coordinate and expand United States and international programs for the conservation and protection of North Atlantic Right Whales; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLETCHER:

H.R. 3096. A bill to amend the Appalachian Regional Development Act of 1965 to add Nicholas County, Kentucky, to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself and Mr. McCrery):

H.R. 3097. A bill to repeal the Federal unemployment surtax; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. Ehlers, Mr. Upton, Mr. Camp, Mr. Knollenberg, Mr. Smith of Michigan, and Mr. Rogers of Michigan):

H.R. 3098. A bill to amend the Internal Revenue Code of 1986 to classify office furniture as 5-year property for purposes of accelerated depreciation; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 3099. A bill to provide for a Biofuels Feedstocks Energy Reserve, and to authorize the Secretary of Agriculture to make and guarantee loans for the production, distribution, development, and storage of biofuels; to the Committee on Agriculture.

By Mr. LaFALCE (for himself, Mr. Quinn, and Mr. Reynolds):

H.R. 3100. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Ways and Means.

By Mr. MATHESON (for himself and Mr. Honda):

H.R. 3101. A bill to direct the National Institute of Standards and Technology to ensure the development of standards and measures for effective aviation security technologies, to direct the Administrator of the Federal Aviation Administration to carry out a pilot program to test and evaluate new and emerging aviation security technologies, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON:

H.R. 3102. A bill to direct the Director of the Federal Emergency Management Agency to waive repayment requirements in connection with a grant made to Granada Hills Community Hospital in Granada Hills, California; to the Committee on Transportation and Infrastructure.

By Mrs. MINK of Hawaii (for herself, Mr. Abercrombie, and Mr. Hastings of Florida):

H.R. 3103. A bill to ensure that individuals scheduled for certain flights are not penalized for canceling or rescheduling such flights; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Minnesota (for himself, Mr. McHugh, Mr. Saxton, Mr. Green of Wisconsin, Mr. Pickering, and Mr. Walsh):

H.R. 3104. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Resources.

By Mr. ROYCE:

H.R. 3105. A bill to amend the Internal Revenue Code of 1986 to allow amounts elected for reimbursement of medical care expenses under a health flexible spending arrangements, as defined in Code Section 106(c)(2) and the regulations promulgated under Section 125, that are unused during a Plan Year to be carried over within the account to subsequent plan years for the reimbursement of future eligible medical expenses; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 3106. A bill to protect children from terrorism; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 3107. A bill to prohibit the importation for sale of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 68. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes; to the Committee on Appropriations. considered and passed.

By Mrs. BONO (for herself, Mr. Hunter, Mr. Rohrabacher, and Mr. Calvert):

H. Con. Res. 247. Concurrent resolution recognizing and honoring the service of the men and women who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country; to the Committee on Veterans' Affairs.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Goode, Mr. Wolf, Mr. Schrock, Mr. Forbes, Mr. Tom Davis of Virginia, Mr. Scott, Mr. Moran of Virginia, Mr. Cantor, and Mr. Goodlatte):

H. Res. 261. A resolution recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contributions to the construction of the Capital of the United States; to the Committee on Resources.

By Mr. OSE:

H. Res. 262. A resolution congratulating Barry Bonds for setting the record of 73 home runs in a single season; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

193. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to support the Secretary of State in recalling our delegation to the flawed United Nation's Conference on racism and commends him for his decisive action; to the Committee on International Relations.

194. Also, a memorial of the Senate of the State of Ohio, relative to Senate Resolution No. 1056 memorializing the United States Congress that the State Senate supports the President of the United States and the United States Congress in the actions they must take in order to seek justice for the devastation that our nation has suffered from terrorism and to protect our nation from further terrorist acts of aggression; to the Committee on the Judiciary.

195. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution Memorializing the United States Congress to enact H.R. 2374 to amend the Internal Revenue Code to consider certain transitional dealer assistance related to the phaseout of Oldsmobile as an involuntary conversion; to the Committee on Ways and Means.

196. Also, a memorial of the House of Delegates of the State of West Virginia, relative to House Resolution No. 1 memorializing the United States Congress to accept the House of Delegates expression of their deepest heartfelt sympathy to the families and friends of those killed and injured in the terrorist attacks of September 11, 2001 and the recovery efforts following the attacks; jointly to the Committees on the Judiciary and International Relations.

197. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 503 memorializing the United States Congress that the State Senate condemns the action of terrorists and their attack on the United States on September 11, 2001; and for other purposes; jointly to the Committees on the Judiciary and International Relations.

198. Also, a memorial of the House of Representatives of the State of Alabama, relative to Resolution No. 146 memorializing the United States Congress to enact appropriate laws which will result in reducing terrorist threats within our borders; and for other purposes; jointly to the Committees on the Judiciary, Transportation and Infrastructure, and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. Sweeney.

H.R. 51: Mr. Manzullo.

H.R. 97: Mr. Brady of Pennsylvania and Mr. Rush.

H.R. 162: Ms. Eddie Bernice Johnson of Texas and Mr. Lewis of Georgia.

H.R. 218: Mr. Quinn and Mr. Sweeney.

H.R. 292: Mr. Kucinich and Ms. Lee.

H.R. 437: Mr. Cantor.

H.R. 440: Mr. Bentsen.

H.R. 600: Mr. LoBiondo and Mr. LaTourette.

H.R. 606: Mr. Calvert.

H.R. 632: Mr. Wynn.

H.R. 680: Ms. Lee.

H.R. 684: Mrs. Napolitano, Mr. Ackerman, and Ms. Watson.

H.R. 688: Mr. Norwood.

H.R. 742: Mr. Brown of Ohio.

H.R. 914: Mr. Herger.

H.R. 952: Mr. Brown of Ohio.

H.R. 984: Mr. McCrery and Mr. Rehberg.

H.R. 1071: Mr. Oberstar, Mr. John, Mr. Pascrell, Mr. Rangel, Ms. Pelosi, Mr.

MCDERMOTT, Mr. UNDERWOOD, Mr. LEWIS of Georgia, Mr. WYNN, Mr. LANTOS, Mr. BLUMENAUER, and Mr. FATTAH.

H.R. 1073: Mr. DAVIS of Illinois.

H.R. 1084: Mrs. EMERSON.

H.R. 1086: Ms. CARSON of Indiana.

H.R. 1109: Mr. SCHAFFER, Mr. THUNE, and Mr. EHRLICH.

H.R. 1143: Mr. LEWIS of Georgia, Ms. NORTON, and Mr. SOUDER.

H.R. 1158: Mr. PICKERING.

H.R. 1178: Mr. BALDACCI.

H.R. 1254: Mr. BAIRD.

H.R. 1296: Mr. RYAN of Wisconsin, Mr. SPRATT, Mr. CLAY, and Mr. HONDA.

H.R. 1310: Mr. GEORGE MILLER of California.

H.R. 1351: Mr. BROWN of Ohio, Mr. MCHUGH, Mr. GEKAS, and Mr. UDALL of Colorado.

H.R. 1543: Mr. TIERNEY.

H.R. 1556: Mr. GEKAS.

H.R. 1582: Mr. SOLIS and Ms. LEE.

H.R. 1606: Mr. FALEOMAVAEGA, Mr. ACEVEDO-VILA, and Mr. RAHALL.

H.R. 1609: Mr. GREENWOOD.

H.R. 1645: Ms. DELAURO, Mr. JONES of North Carolina, and Mrs. NAPOLITANO.

H.R. 1672: Ms. BROWN of Florida, Mrs. CAPPS, Mrs. THURMAN, and Mr. ROSS.

H.R. 1680: Mr. KLECZKA and Ms. HART.

H.R. 1782: Mr. TANCREDO.

H.R. 1786: Mr. ROGERS of Michigan.

H.R. 1819: Mr. MCNULTY and Mr. LIPINSKI.

H.R. 1975: Mr. GRAHAM and Mr. HOEKSTRA.

H.R. 2284: Mr. LAHOOD, Mr. EVANS, Mr. BISHOP, and Mr. SCHROCK.

H.R. 2348: Ms. SCHAKOWSKY, Mr. SOUDER, and Mrs. TAUSCHER.

H.R. 2354: Mrs. CAPPS, Mr. SANDLIN, Ms. DELAURO, and Mr. WALSH.

H.R. 2357: Mr. TIBERI.

H.R. 2362: Mr. PASCRELL and Mr. KINGSTON.

H.R. 2374: Mr. BLUNT.

H.R. 2427: Ms. CARSON of Indiana.

H.R. 2466: Mr. GRAVES.

H.R. 2485: Mr. CANTOR.

H.R. 2515: Mr. OWENS and Mr. ETHERIDGE.

H.R. 2527: Mr. SHIMKUS and Mr. COSTELLO.

H.R. 2598: Mr. HILLIARD, Mr. STARK, and Mr. FROST.

H.R. 2623: Mr. PAYNE.

H.R. 2630: Mr. BONIOR.

H.R. 2638: Mr. BECERRA.

H.R. 2709: Mr. NEAL of Massachusetts and Mr. PORTMAN.

H.R. 2716: Mr. BILIRAKIS, Mr. MCKEON, Ms. CARSON of Indiana, Mr. UDALL of New Mexico, and Mr. SHOWS.

H.R. 2722: Ms. SOLIS, Mr. GONZALEZ, Mrs. CHRISTENSEN, and Mr. HINCHEY.

H.R. 2725: Mr. LANTOS and Mr. OWENS.

H.R. 2739: Mr. SMITH of New Jersey, Mr. SCHAFFER, Mr. BERMAN, Mr. FROST, Ms. PELOSI, and Mr. SOUDER.

H.R. 2768: Mr. LAMPSON.

H.R. 2781: Mr. CLEMENT and Mr. LATHAM.

H.R. 2792: Mr. SHOWS and Mr. THUNE.

H.R. 2804: Mr. PASTOR.

H.R. 2839: Mr. WAXMAN.

H.R. 2894: Mr. CROWLEY, Mr. BERMAN, and Mr. ENGLISH.

H.R. 2895: Mr. SOUDER.

H.R. 2899: Mrs. MINK of Hawaii.

H.R. 2908: Mr. WATT of North Carolina and Mr. BOUCHER.

H.R. 2935: Mr. FILNER.

H.R. 2940: Mr. CUMMINGS.

H.R. 2946: Mr. THOMPSON of Mississippi.

H.R. 2961: Mr. SMITH of New Jersey and Mr. FRANK.

H.R. 2965: Mr. SMITH of New Jersey.

H.R. 2969: Ms. NORTON and Mr. PASCRELL.

H.R. 2975: Mr. SMITH of Texas.

H.R. 2996: Mr. ENGLISH, Mr. THUNE, Mr. GOODE, Mr. REHBERG, and Mr. SCHAFFER.

H.R. 2998: Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. KERNS, Mr. SHIMKUS, Mr. ROTHMAN, Mr. WAXMAN, Mr. GREENWOOD, and Mr. ENGLISH.

H.R. 3003: Ms. MCKINNEY, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. OWENS.

H.R. 3006: Mrs. MYRICK.

H.R. 3007: Mr. INSLEE, Ms. DUNN, Mr. ISRAEL, and Mr. KIRK.

H.R. 3015: Mr. HASTINGS of Florida.

H.R. 3022: Ms. BROWN of Florida.

H.R. 3026: Mr. SHERMAN and Mr. BISHOP.

H.R. 3029: Mr. HOEFFEL, Mr. HASTINGS of Florida, Mr. HOLT, Mr. DOGGETT, and Mr. ISAKSON.

H.R. 3050: Mr. TOOMEY, Mr. DEMINT, Mr. TERRY, Mr. SCHAFFER, Mr. BARR of Georgia, Mr. DOOLITTLE, and Mr. PITTS.

H.R. 3067: Mr. HONDA, Mr. OWENS, Ms. LEE, Mr. LANTOS, and Ms. WATSON.

H.R. 3073: Mr. GRAVES.

H.R. 3077: Mr. NETHERCUTT, Mr. ENGLISH, and Mr. GUTKNECHT.

H. Res. 6: Mr. HOLDEN.

H. Con. Res. 104: Mr. CRAMER, Mrs. THURMAN, and Ms. CARSON of Indiana.

H. Con. Res. 164: Mr. WAXMAN.

H. Con. Res. 194: Mr. WEXLER, Mr. PENCE, Mr. DOYLE, Mr. ISSA, and Mr. SOUDER.

H. Con. Res. 211: Mr. SMITH of New Jersey, Mr. HOEFFEL, Mr. FARR of California, Mr. ENGEL, Mr. FLAKE, and Mr. WAXMAN.

H. Con. Res. 232: Mr. MCNULTY, Mr. ISAKSON, Mr. RAMSTAD, Ms. MCCOLLUM, Mr. KILDEE, Mr. GRAVES, Mr. MASCARA, Mr. LOBIONDO, and Mr. HILL.

H. Con. Res. 234: Mr. BONIOR, Mr. COSTELLO, and Mr. MOLLOHAN.

H. Con. Res. 240: Mr. ROTHMAN, Ms. MCCOLLUM, and Mr. HILLIARD.

H. Con. Res. 243: Mrs. THURMAN, Mr. FALEOMAVAEGA, Mr. BEREUTER, Ms. PRYCE of Ohio, Mr. KNOLLENBERG, Mr. EHRLICH, Mr. SHAW, Mr. CANTOR, Mrs. WILSON, Mr. BALDACCI, and Mr. SMITH of New Jersey.

H. Res. 243: Mr. SABO and Mrs. LOWEY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

33. The SPEAKER presented a petition of the Slidell City Council, Louisiana, relative to Resolution No. R01–21 petitioning the United States Congress to carefully consider any changes to the National Flood Insurance Program administered by the Federal Emergency Management Agency; to the Committee on Financial Services.

34. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 472 petitioning the United States Congress to oppose the granting of any discretionary economic benefit by the United States, New York State or Rockland County governments or public benefit corporations in an attempt to locate the siting of power plants in the Torne Valley in Rockland County; to the Committee on Energy and Commerce.

35. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 472 petitioning the United States Congress to request the New York State Legislature to amend Title X of the Public Service Law to require that no electrical generating facility other than hydroelectric shall be placed within one-half mile of a primary sole source aquifer or one-half mile from any abutting highly permeable soils as determined by the New York State Department of Environmental Conservation without the prior consent of the Governor of the State of New York after a finding by the Governor of an extrordinary need for said facility; to the Committee on Energy and Commerce.

36. Also, a petition of the City of Lauderdale Lakes Commission, Florida, relative to Resolution No. 01–232 petitioning the United States Congress that the Commission expresses confidence in the Nation, its citizens, the President of the United States, the Congress and the Administration, and encourages all Americans to join together and rededicate themselves to the Nation's underlying principles of the capitalist democracy established in the Constitution of the United States of America; to the Committee on the Judiciary.

37. Also, a petition of Forty-Three State Legislators, Minnesota, relative to a letter expressing profound sympathy to the citizens of New York City and Washington, DC; pledging unwavering support to the President and Congress; and expressing hope that the President and Congress will act decisively to counteract this terrorism; jointly to the Committees on the Judiciary and International Relations.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2975

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of Section 702 paragraph d of Title VII (page —, after —), insert the following new section:

SEC. 802. DESIGNATION OF POLICE OFFICERS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is amended—

(1) in section 1 by striking the section heading and inserting the following:

"SEC. 2 POLICE OFFICERS.";

(2) in section 1 and 3 by striking "special policemen" each place it appears and inserting "police officers";

(3) in section 1(a) by striking "uniformed guards" and inserting "certain employees"; and

(4) in section 1(b) by striking "Special policemen" and inserting the following:

"(1) IN GENERAL.—Police officers".

SEC. 803. POWERS.

Section 1(b) of the Act of June 1, 1948 (40 U.S.C. 318(b)), is further amended—

(1) by adding at the end the following:

"(2) ADDITIONAL POWERS.—Subject to paragraph (3), a police officer appointed under this section is authorized while on duty—

"(A) to carry firearms in any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

"(B) to petition Federal courts for arrest and search warrants and to execute such warrants;

"(C) to arrest an individual without a warrant if the individual commits a crime in the officer's presence or if the officer has probable cause to believe that the individual has committed a crime or is committing a crime; and

"(D) to conduct investigations, on and off the property in question, of offenses that have been or may be committed against property under the charge and control of the Administrator or against persons on such property.

"(3) APPROVAL OF REGULATIONS BY ATTORNEY GENERAL.—The additional powers granted to police officers under paragraph (2) shall become effective only after the Commissioner of the Federal Protective Service issues regulations implementing paragraph (2) and the Attorney General of the United States approves such regulations.

"(4) Authority outside federal property.—The Administrator may enter into agreements with State and local governments to obtain authority for police officers appointed under this section to exercise, concurrently with State and local law enforcement authorities, the powers granted to such officers under this section in areas adjacent to property owned or occupied by the United States and under the charge and control of the Administrator."; and

(2) by moving the left margin of paragraph (1) (as designated by section 202(4) of this Act) so as to appropriately align with paragraphs (2), (3), and (4) as added by paragraph (1) of this subsection).

SEC. 804. PENALTIES.

Section 4(a) of the Act of June 1, 1948 (40 U.S.C. 318c(a)), is amended to read as follows:

"(a) In General.—Except as provided in subsection (b), whoever violates any rule or regulation promulgated pursuant to section 2 shall be fined or imprisoned, or both, in an amount not to exceed the maximum amount provided for a Class C misdemeanor under sections 3571 and 3581 of title 18, United States Code.".

SEC 805. SPECIAL AGENTS.

"Section 5 of the Act of June 1, 1948 (40 U.S.C. 318d), is amended—

(1) by striking "nonuniformed special policemen" each place it appears and inserting "special agents";

(2) by striking "special policemen" and inserting "special agent"; and

(3) by adding at the end the following: "Any such special agent while on duty shall have the same authority outside Federal property as police officers have under section 1(b)(4).".

SEC. 806. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

"(a) In General.—The Act of June 1, 1948 (40 U.S.C. 318–318d), is amended by adding at the end the following:

"SEC. 7. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

"(a) In General.—The Administrator of General Services shall establish the Federal Protective Service as a separate operating service of the General Service Administration.

"(b) Appointment of Commissioner.—

"(1) In general.—The Federal Protective Service shall be headed by a Commissioner who shall be appointed by and report directly to the Administrator.

"(2) Qualifications.—The Commissioner shall be appointed from among individuals who have at least 5 years of professional law enforcement experience in a command or supervisory position.

"(c) Duties of the Commissioner.—The Commissioner shall—

"(1) assist the Administrator in carrying out the duties of the Administrator under this Act;

"(2) except as otherwise provided by law, serve as the law enforcement officer and security official of the United States with respect to the protection of Federal officers and employees in buildings and areas that are owned or occupied by the United States and under the charge and control of the Administrator (other than buildings and areas that are secured by the United States Secret Service);

"(3) render necessary assistance, as determined by the Administrator, to other Federal, State, and local law enforcement agencies upon request; and

"(4) coordinate the activities of the Commissioner with the activities of the Commissioner of the Public Buildings Service.

Nothing in this subsection may be construed to supersede or otherwise affect the duties and responsibilities of the United States Secret Service under sections 1752 and 3056 of title 18, United States Code.

"(d) Appointment of Regional Directors and Assistant Commissioners.—

"(1) In general.—The Commissioner may appoint regional directors and assistant commissioners of the Federal Protective Service.

"(2) Qualifications.—The Commissioner shall select individuals for appointments under paragraph (1) from among individuals who have at least 5 years of direct law enforcement experience, including at least 2 years in a supervisory position.".

"(b) Pay Level of Commissioner.—Section 5316 of title 5, United States Code, is amended by inserting after the paragraph relating to the Commissioner of the Public Buildings Service the following: "Commissioner, Federal Protective Service, General Services Administration.".

SEC. 807. PAY AND BENEFITS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

"SEC. 7. PAY AND BENEFITS.

"(A) Survey.—The Director of the Office of Personnel Management shall conduct a survey of the pay and benefits of all Federal police forces to determine whether there are disparities between the pay and benefit of such forces that are not commensurate with differences in duties of working conditions.

"(b) Pay Schedule.—The Director of the Office of Personnel Management shall in connection with the survey conducted in subsection (a) produce a pay and benefit schedule for employees of the Federal Protective Service to be contained in the findings and recommendations.

"(c) Report.—Not later than 6 months after the date of the enactment of this section, the Director shall transmit to Congress a report containing the results of the survey conducted under subsection (a), together with the Director's findings and recommendations.".

SEC. 808. NUMBER OF POLICE OFFICERS.

"(a) In General.—The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

"SEC. 8. NUMBER OF POLICE OFFICERS.

"After the 1-year period beginning on the date of the enactment of this section, there shall be at least 730 full-time equivalent police officers in the Federal Protective Service. This number shall not be reduced unless specifically authorized by law.".

SEC. 909. EMPLOYMENT STANDARDS AND TRAINING.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

"SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.

"(a) In General.—The Commissioner of the Federal Protective Service shall prescribe minimum standards of suitably for employment to be applied in the contracting of security personnel for buildings and areas that are owned or occupied by the United States and under the control and charge of the Administrator of General Services.".

"(1) Contract cost.—The Commissioner of the Federal Protective Service shall conduct a cost analysis on each security personnel supply contract to determine if the use of personnel directly employed by the United States would be more cost effective for use in buildings and areas that are owned or occupied by the United States and under the control and charge of the Administrator of General Services.".

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

"SEC. 1. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)) such sums as may be necessary to carry out this Act.".

TITLE II—FEDERAL FACILITY SAFETY ENHANCEMENT ACT

SEC. 1002. SHORT TITLE.

This title may be cited as the "Federal Facility Safety Enhancement Act."

SEC. 2. SAFETY AND SECURITY OF PERSONS IN FEDERAL FACILITIES

The Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by adding at the end the following:

"SEC. 22. SAFETY AND SECURITY OF PERSONS IN CHILDCARE FACILITIES.

"(a) Written Notice to Parents or Guardians.—

"(1) Initial notification.—Before the enrollment of any child in a childcare facility located in a public building under the control of the Administrator, the Administrator shall provide to the parents or guardians of the child a written notification containing—

"(A) an identification of the current tenants in the public building; and

"(B) the designation of the level of security of the public building.

"(2) Notification of new tenants.—After providing a written notification to the parents or guardians of a child under paragraph (1), the Administrator shall provide to the parents or guardians a written notification if any new Federal tenant is scheduled to take occupancy in the public building.

"(b) Written Notice to Federal Employees.—

"(1) Initial notification.—The Administrator shall provide Federal employees a written notification containing —

"(A) an identification of the current tenants in the public building; and

"(B) the designation of the level of security of the public building.

"(2) Notification of serious threats to safety or security.—As soon as practicable after being informed of a serious threat, as determined by the Administrator, that could affect the safety and security of Federal employees, members of the public and children enrolled in a childcare facility in a public building under the control of the Administrator, the Administrator shall provide notice of the threat to the contact person for each tenant in the facility and to the parents or guardians of each child in the facility.

"(c) Report to Congress.—

(1) In general.—Not later than 1 year after the date of the enactment of this section, the Administrator shall transmit to Congress a comprehensive report on childcare facilities in public buildings under the control of the Administrator.

"(2) Contents.—The report to be transmitted under paragraph (1) shall include—

"(A) an identification and description of each childcare facility located in a public building under the control of the Administrator;

"(B) an assessment of the level of safety and security of children enrolled in the childcare facility and recommendations on methods for enhancing that safety and security; and

"(C) an estimate of cost associated with recommendations furnished under paragraph (2)(B).

"(3) WINDOWS AND INTERIOR FURNISHINGS.—In conducting an assessment of a childcare facility under paragraph (2)(B), the Administrator shall examine the windows and interior furnishings of the facility to determine whether adequate protective measures have been implemented to protect children in the facility against the dangers associated with windows and interior furnishings in the event of a natural disaster or terrorist attack, including the deadly effect of flying glass.".

H.R. 3061

OFFERED BY: MR. CARSON OF OKLAHOMA

AMENDMENT NO. 10: Page 18, line 8, after the dollar amount, insert the following: "(reduced by $15,000,000)".

Page 34, line 23, after the dollar amount, insert the following: "(increased by $15,000,000)".

H.R. 3061

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 11: In title I, in the item relating to "Bureau of Labor Statistics—Salaries and Expenses", insert before the period at the end the following:

"*Provided*, That, of such amounts, $4,600,000 shall be available for enforcement of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) (including investigations related to such enforcement)".

SENATE—*Thursday, October 11, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Faithful Father, on this day of remembrance of the infamous terrorist attack on our Nation one month ago, we hear the words of the Psalmist sounding in our souls, "Wait on the Lord; be of good courage, and He shall strengthen your heart; wait, I say, on the Lord!"—Psalm 27:14. You alone are the source of our strength and courage. Continue to heal the aching hearts of those who lost loved ones and friends at the World Trade Center and the Pentagon.

Dear Lord of comfort, we intercede for the families of the police and firefighters who died seeking to save others. We feel the incredible grief of those who endure loneliness now for those gallant people who were aboard the airplanes that were turned into missiles of destruction. All across our Nation people are gripped by fear of future attacks. Replace that panic with Your peace. Bolster our broken hearts with relentless resolve to confront and conquer terrorism. Bless the women and men of our armed services. Keep them safe as they press on to victory. Without Your help we cannot succeed; with Your power we shall not fail. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 11, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate resumes consideration of S. 1477, the aviation security bill. It is my understanding that the managers are expecting to clear some more amendments this morning and are working with other Members who have indicated they have amendments to this important legislation.

The first vote—on the Daschle-Carnahan amendment—will be later today. After we vote on that, Senators may expect other votes to occur this afternoon and into this evening as we make every effort to complete action on this important legislation today and then turn our attention today, we hope—and we really need to do this—to another important matter, the counterterrorism bill, on which a unanimous consent agreement has been reached.

Because of some very important matters that some Members have, some of which are spiritual in nature, I ask unanimous consent that the previously scheduled cloture vote on the Daschle-Carnahan amendment occur at 1:35 p.m. today and that the other provisions remain in effect, with the time from 12:35 until 1:35 to be divided in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, as Senator HOLLINGS has indicated, he also believes we can finish this legislation. I just completed a conversation with him. He has worked on this legislation, along with Senator MCCAIN, for so long. We are anxious and happy we are on this legislation. It is important for the country. We ask everyone's cooperation. If they have an amendment, come and work on the amendment. In regard to this legislation, everyone should know we are not going to wait around for people to come in with amendments. If we arrive at a point where we have no amendments, we will move on to complete consideration of the bill in its entirety.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AVIATION SECURITY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1477, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1447) to improve aviation security, and for other purposes.

Pending:

> Daschle (for Carnahan) amendment No. 1855, to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.
>
> Gramm amendment No. 1859 (to amendment No. 1855), to provide for the exploration, development, and production of oil and gas resources of the Arctic Coastal Plains.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we all realize this morning that a month has passed since the disaster of September 11, and we still are confronted with the need for airline security, as the headlines in Roll Call state, "Airport Firms Form Alliance"; as well as, "Baggage Screening Companies Take Case to the Hill."

So one month after this fanatical killing of 5,000 to 6,000 Americans, thousands more casualties, and as many as 10,000 children left without a parent, some without 2 parents, we are being delayed by the contractors and the lobbyists. One of them particularly, cited in this case, has banded together in a lobbying drive that so far has succeeded—Argenbright.

There is also an article in the Miami Herald published Thursday, September 13 about their efforts. I ask unanimous consent that the article in full be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Sept. 13, 2001]

COMPANY PLEADED GUILTY TO PREVIOUS VIOLATIONS

(By Tyler Bridges)

ATLANTA.—The security company that provides the checkpoint workers at the airports breached by Tuesday's hijackers has been cited at least twice for security lapses. In its worst infraction, Atlanta-based Argenbright Security pleaded guilty last year to allowing untrained employees, some with criminal backgrounds, to operate checkpoints at

> Philadelphia International Airport. In settling the charges, Argenbright agreed to pay $1.2 million in fines and investigative costs. Argenbright also came under criticism in 1999 for security breaches that caused delays of Northwest Airline flights. Argenbright was also found to have committed dozens of violations of federal labor laws against its employees at Los Angeles International Airport, an adminsitrative law judge ruled in February 2000. The violations included 40 suspensions and final warnings stemming from a strike by the employees in April 1999. The violations also include the disciplining of another union activist and threats, both written and verbal, against the Argenbright employees. Among other disciplinary action, Argenbright was required to remove warnings from files related to the strike and give suspended workers back pay.
>
> Argenbright, a subsidiary of AHL Services, provides security workers at 17 of the nation's 20 largest airport hubs, including Newark, Logan and Dulles, where the hijacked flights originated. The company is hired by the airlines. There was a report Wednesday that two of the hijackers who flew out of Logan might have arrived there from Portland International Airport in Maine. A spokesman there said the airlines at the airport use another security firm, not Argenbright.
>
> Argenbright officials declined to speak with a reporter Wednesday. The company released a statement that expressed sorrow for the "tragic events" and said officials are "working closely with and providing full support to its airline customers as they deal with the aftermath of yesterday's major terrorist attack." Argenbright also provides checkpoint security at Miami International Airport. Gary Dellapa, the airport's former director, said the company got average marks for its work.
>
> In the Philadelphia case, Argenbright hired more than 1,300 untrained checkpoint screeners form 1995 through 1998 without checking their backgrounds. Among these employees were "dozens of criminals," according to the government's sentencing memorandum. Argenbright falsely certified that the company had done the background checks and fraudulently charged airlines for this work, the government said. U.S. Attorney Michael R. Stiles in Philadelphia said the violations of Federal Aviation Administration Regulations did not harm any passengers or the airlines. But his office said that "if corporations such as Argenbright Security Inc. fail to meet their obligations and responsibilities, then the millions of people who fly on commercial aircraft every day are put at risk." Edwin R. Mellett, vice chairman and co-chief executive officer of AHL Services, said at the time that the company fired the employees directly involved in the fraud and cooperated with the investigation.

Mr. HOLLINGS. Argenbright is a contractor at Logan Airport, at Newark Airport, and at Dulles, all three airports from which the planes on that disastrous day were taken over.

The article relayed how the firm was fined for misgivings and misdeeds at Philadelphia. It says Argenbright, a subsidiary of AHL Services, provides security workers at 17 of the Nation's 20 largest airport hubs, including Newark, Logan, and Dulles, where the hijacked flights originated.

The company is hired by the airlines. Incidentally, the major amendment we have is for airline worker benefits. I thought we passed a $15 billion package so we could stabilize the airlines so they could continue the health care and pay for their workers. But, no, we have to have an additional amendment to take care of the unemployed airline workers. I do not know what the $15 billion did, whether or not it took care of the airline bonuses that we all know about.

Let me read. In the Philadelphia case, Argenbright hired more than 1,300 untrained checkpoint screeners from 1995 through 1998 without checking their backgrounds. Among these employees were dozens of criminals. That is in quote marks—"dozens of criminals." According to the Government's sentencing memorandum, Argenbright falsely certified the company had done the background checks and fraudulently charged the airlines for this work. In other words, they lied about the background checks and charged the airlines for the background checks they lied about. Yet they hold us up for an entire month because we want to prevent further negligence. As has been stated, we had a pretty sobering lesson with Pan Am 103 and we knew how security was lax at that particular time, so we were working to strengthen it. We were going to have higher standards. We were going to have more training. We were going to have supervision and more pay.

And then in 1996, TWA 800. Guess what. We had all kinds of studies, commissions, hearings. All this debate about contracts has been ongoing now for 15 years. What did we come up with? More higher standards, more training hours, more supervision, and more pay. But you have to contract out.

No one would ever think contracting would help the Border Patrol. No one would think of contracting out the FBI. No one would ever think about contracting out the security and protection of the President, the Secret Service. No one would think about contracting out our security, the Capitol Police.

Walking into the Capitol today, I was asked, should we get the National Guard around the Capitol? We have the Capitol Police. They are not only adequate, they are more than adequate. They have been doing an outstanding job. We don't need any more National Guard troops running around and everything else of that kind. Terrorists would do better than getting a Senator or two or a bunch of them. They would be replaced by the Governor by sundown, so you couldn't get rid of them.

In any event, here we come. No one would think about contracting out the Customs agents or any of these other security workers or the 669,000 civilian workers in defense. They are Civil Service, they get health care. They get retirement benefits. They are stable. They are reliable. They are professional. They are accountable. That is what we are trying to do in a bipartisan fashion.

Who is holding the Senate up? The lying, thieving lobbyists who said contract, contract, contract out.

We have federalization in the bill. I want to see who comes to take it out of the bill. The unmitigated gall of that crowd running around here after learning what we've learned for 15 years, and particularly after the September 11 hijackings and terrorist killings, they have the unmitigated gall to say that is what we ought to do again.

They don't have any idea of security. They have an idea of their political issue and their reelection because they pledged to downsize, get rid of the Government—the Government is not the solution, the Government is the problem. So they can't viscerally, ideologically, or philosophically, even think in terms of security. They are like a chicken with the line in the sand: In my reelection, I pledged to get rid of the Government, and I'm not about to vote for 28,000 professionals.

If we get the bill to the House, we can negotiate what is necessary. The traveling public are ready, willing, and anxious to pay for it. Heavens above, we ought to at least take away the threat of being shot down. The day before yesterday, and yesterday again, somebody hands a note to the pilot, and good gosh, you have F-16s, A-10s, F-15s flying above ready to shoot you down. Who wants to get on a plane and get shot down?

This bill, S. 1447, will take care of that. We lock the cockpit door; it is never open. Let me emphasize, the chief pilot of El Al said: My wife can be assaulted in the cabin, but I don't open that door. The intended hijacker knows he will not be able to hijack the plane. He can start a fight. He can maybe kill some people. He is going to get killed himself.

You can see how the traveling public is ready to take them out. They did on the flight yesterday. They did on the flight the day before. More power to these patriotic Americans. The people understand. When is the Senate going to understand and cut out this dillying around and get together to pass security, safety? It is unheard of that they would resist, having learned from all of these other experiences, having learned from September 11 to not even give it a second thought, just bite their teeth and say: We are not going to have the Federal Government do anything. We don't trust government.

I think we were elected to get the Government to work. And we have tried the so-called contracting already. We can easily lock that door. That does away with the expense of everybody being on alert, flying planes around. No one put that cost down in defense, but we will get the Defense appropriations measure, and they will find out, as a result of our dillying around, we have a charge now for guard units that are alerted—to do what? To shoot down domestic flights. Why? Because of the Senate.

We should have gotten off our backsides and seen reality and been ready, by gosh, to get moving here on an airline security measure. Yes, we federalize. We are proud of it. It is taken care of. It is paid for. The pilots are for it. The executives are for it. The flight attendants are for it. The municipal association is for it. Everybody is for it except the lobbyists, who want to continue to cheat and continue to defraud. Isn't it grand? We have put up with it long enough.

There is no reason we can't get through this bill today. We have two or three amendments. I think we can temporarily set aside Carnahan. We have the final vote at 1:35, so that time has been changed because the distinguished cardinal is coming to town and we have a prayer service. So we will go along and put it off for another hour, but they can debate that amendment. Everyone knows its merit. Otherwise, we ought to have two or three amendments here this morning and move ahead this afternoon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, at 1:35 we will vote on the Carnahan amendment. I am proud to be a sponsor with Senator CARNAHAN. I thank Senator CARNAHAN for the thoughtful amendment she has proposed. I join in urging our colleagues to support that amendment.

As the opening prayer indicated, we all have a sense as we rise on the Senate floor about the momentous time this is, the 1-month anniversary of the terrorist attack. We are being summoned as a nation to give thoughtful prayer and consideration to those who lost their lives. Our colleagues are doing so at the Pentagon and other services throughout the day. We are all mindful of that, and supportive of it.

But we also want to carry on our Nation's business, and we are mindful of the actions that have been taken and will be taken in the very near future. We know that just after the attacks on the World Trade Center and the Pentagon that all the airlines effectively were grounded for a period of time, as a direct result of that. We found that the airline industry was compromised and was facing a very bleak and ominous future. Whether the industry itself was going to be able to survive was in question.

Those issues were talked about here, discussed, debated on the floor of the Senate. It is unusual that the Federal Government effectively closes down a particular industry, an industry that has very broad implications in terms of our economy. But, the federal government took that action and, therefore, we felt we had an additional responsibility to help, assist, and offset the losses of those airlines, particularly those losses that had been incurred as a result of the Federal action.

Of course it is a complicated issue because some of these airlines were facing difficult financial situations at best and those adverse situations were accelerated because of the actions of the Federal Government. But no one questions or doubts that the actions taken by the FAA and Department of Transportation were in the national interest. No one questions that. So we have a responsibility to address that.

In a matter of really 2 or 3 days here in the Senate we took action, some $15 billion to make sure the airline industry was going to be preserved and that there were a range of different financial supports for the airline industry. As a result, we took care of an industry and we took care of management personnel, but we failed, in a very serious way, to take care of the workers in that industry who were just as adversely impacted as those who fly the planes and the management personnel who supervise the industry, without which the airline industry would not be able to function. These workers were left out and left behind. That was a critical mistake.

The Carnahan amendment is an attempt to remedy that mistake. 120,000 workers were directly affected by the decision regarding the airline industry, which is trying to get back on its feet. As a direct result of the terrorist attack, those 120,000 workers have lost their jobs—the flight attendants, reservation clerks, baggage handlers, caterers, mechanics, those who make the spare parts and those who service and clean the aircraft—they would be working today. They would have a future of some hope and some opportunity. Now 120,000 of them have lost their jobs. The Carnahan amendment will not restore their jobs, but it will ease the pain that these workers are experiencing by extending unemployment compensation, to which they have indirectly contributed, maintaining their health insurance, and maintaining the opportunity for some training for these workers.

They lost their jobs, not because they didn't show up for work, not because they have not worked and had superior job performance over a period of years—one worker who I met on Sunday night before returning to Washington, had worked for the airline for 10 years. Yet they were cutting down, people who had worked there for 10 years—she lost her job. She had been an outstanding employee.

All this amendment is saying is, as we took care of the airline industry, as we took care of the management personnel, let us at least show some consideration for the 120,000 workers.

We know we have an important responsibility to pass this legislation. I am eager to vote for it and support the position of the Senator from South Carolina, in terms of the federalization of these workers at the airports. We can get through that today. No one is interested in undue delay.

We know we are also going to have the antiterrorism bill which we have every expectation will pass this week. Then we know we will have an opportunity to talk about the stimulus package, to try to meet our responsibility to the millions of workers who have been laid off, have lost their jobs and are suffering in all parts of our Nation. We have a responsibility to address those needs.

The Carnahan amendment basically addresses an issue of fairness. It is fairness to the workers. We are saying we took care of the industry in those emergency times in a few short days, but we left out the workers. That is unfair. Americans understand fairness. All we are saying, for those particular workers to whom we were unfair at that time when we passed the Airline Security Act, we are going to be fair to them to some extent. We are not going to restore their jobs, which would be something they would want and they would be eager to accept, but we are showing we are not forgetting them. That is why this Carnahan amendment is so important.

We have to speak for those workers. I supported the airline emergency legislation. It was important. But we recognize that at that time, as we were looking at the industry and also focused on the victims, those families who had gone through such extraordinary trauma and loss, the workers were left out and left behind. That was wrong. This amendment tries to redress that kind of injustice.

It is fair. It is sensible. It is responsible. It is a very moderate amendment in what it tries to do, in terms of the health insurance, training, and unemployment compensation. It would be wrong for this body to reject that proposal. I am hopeful that we will accept it and will vote on cloture and vote to accept this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I ask unanimous consent at this time to temporarily set aside the Carnahan amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1861

Mr. BREAUX. Mr. President, I rise to call up amendment No. 1861, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Louisiana [Mr. BREAUX] proposed an amendment numbered 1861.

Mr. BREAUX. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.

"(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

"(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

"(A) prescribe rules requiring that any such crew member to trained in the proper use of the weapon; and

"(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.".

Mr. BREAUX. Mr. President, it is absolutely, critically important that the bill before the Senate pass and be signed into law, and that it be passed and signed into law as quickly as possible.

One of the biggest concerns the American public have, ever since the tragic day of September 11, is the fear of getting back into airplanes in safety. That, certainly, by any measure, is an understandable fear.

If you look at some of the incidents that have occurred, even since September 11, you see a greater degree of concern than we have ever had since the Wright Brothers started flying airplanes about airplane safety.

Yesterday a plane had to make an emergency landing in Shreveport, LA, because of a disturbed, deranged passenger. We saw just a couple of days ago a passenger breaking into the cockpit of a commercial airliner—again a deranged passenger, not necessarily connected with any terrorist incident.

But all of this points to the fact that we can no longer do business as usual when it comes to airline security and safety. Our surface transportation subcommittee of the Commerce Committee, which I am privileged to chair, is also looking at the safety and security of not only airplanes, but also whether it is safe to ride on Amtrak passenger trains, whether it is safe to take a trip on a passenger cruise line with literally thousands of working people and crew on those ships as well as, literally, thousands of passengers. So all modes of transportation are being looked at as we have never before done in the history of this country. And that is good.

This Congress, in a bipartisan way so far, has been able to respond to those threats, has been able to produce legislation in a timely fashion, like the bill of the chairman, Senator HOLLINGS, that is before the Senate today. In a bipartisan fashion it says we are no longer going to be lackadaisical about airline security.

We are no longer going to give the job of making sure airlines are secure to the low bidder. We are not going to be worried about who can do it the cheapest but rather who can do it the best.

That is what this bill before the Senate, which I strongly support, is all about. It is must-do legislation, and it should be done as quickly as possible.

Along with that debate, a lot of people have made various suggestions about how we can further secure the flying public on airlines.

Some have suggested that every airline should have air marshals aboard. I think that is a good suggestion—people who are trained in order to prevent hijacking or disturbing the operations of the plane.

Some have suggested we ought to arm the pilot, the copilot, and the navigator, if there is one on a particular plane, so they can protect the cockpit.

Actually, I think the best way to protect the cockpit is to seal it off. If you can't get into the cockpit from the back of the plane, the plane cannot be hijacked to a different location. I think it is just that simple.

The security of the cockpit door so that it is completely inaccessible from the back of the cabin, unless the pilot and the copilot want it to be, is absolutely, essential. This bill would allow that to occur. That is a degree of safety that is very important.

Others have argued that the pilot and the copilot should be armed. I do not know if they want to arm them with AK-47s or .38 or .45 pistols or rifles or shotguns. But they have suggested various methods to arm the crew of a plane with lethal weapons that could be used in the event of a disturbance by passengers who are intent on bringing down the aircraft or doing bodily harm to the people on the plane. I think that goes a little further than I think most Members of Congress are willing to go.

Obviously, if you have lethal weapons in a plane, a number of things can happen. Just like when you throw a ball at a football game, only two things can happen: You can complete the pass, or have an interception; or, possibly three: You can have an incompleted pass. Only one of those is good for your team.

When you arm the cockpit, a number of things can happen. Many of them are not good: You can have those weapons get into the hands of the hijackers themselves. You can have those weapons do bodily damage to passengers or kill them on the plane, by mistake or by accident. Or you can have a lethal weapon with a high-powered bullet actually penetrate the skin of the airplane, causing decompression of the airplane and causing it to be in a very precarious position and in danger of crashing and killing everyone on the plane.

A lot of bad, unintended things can happen if you arm the pilot and the crew with lethal weapons on the plane.

Therefore, my amendment simply says that we want to take a look at other types of weapons which would be nonlethal and which also could be effective in disarming people who are intent on bringing down or hijacking the plane, thereby providing greater security to the captain and the copilot of the plane.

My amendment is relatively very simple. It requires the Institute of Justice to assess the range of nonlethal weapons for use by flight deck crew members that could temporarily incapacitate an individual who presents a clear and present danger to that aircraft and present those findings to the Secretary of Transportation within 90 days.

If the Secretary—after they get that recommendation and after it has been carefully considered—determines that nonlethal weapons are appropriate and necessary and would effectively serve the public interest, then the Secretary may authorize the flight deck crew in an airliner to carry that less-than-lethal weapon while the airline is engaged in providing transportation.

If the Secretary makes the determination that they want to go forward, the Secretary must prescribe the rules the crew members have to follow. And they also have to establish the rules that require the crew members be in fact trained in the proper use of the weapon and precise guidelines as to when those weapons can be used.

It is very interesting. I am sure the Presiding Officer, with his military background, has seen a lot of different weapons that are lethal and nonlethal, of course.

On the nonlethal weapons, I had a demonstration in my office. It is another story about how they got the nonlethal weapons into my office. They said they did not have much of a problem at all. They walked in with a suitcase full of very curious weapons and said they were bringing them to show me. And they got right in. I guess they were properly checked and that security was followed. I hope so.

The members of the Justice Department brought in a whole array of what they call nonlethal weapons that are available under current technology. They range from electronic shock weapons to stun guns. The brand name is Tasers. They are really interesting. They can incapacitate a person by merely touching them with the weapon. The new stun guns can actually deliver an electric shock to a disturbed or a terrorist individual from a distance of up to about 20 feet and incapacitate them with the stun gun in order for people to take control of those individuals while they are knocked semiconscious, not killing them but certainly incapacitating them so you can again control of the airplane. These are effective.

The technology is proven technology. And we are saying that the Department of Justice and the National Institute of Justice, which does that type of work within the Justice Department, should evaluate the potential for using these types of stun guns on airplanes. I think they can be very effective weapons in incapacitating someone who is trying to take over the airplane without doing deadly harm to other passengers and without danger of penetrating the walls of the airplane, decompressing the airplane, and causing severe problems.

These weapons can work. But I don't think I know enough about them—and I dare say most Members don't know enough about them—as to whether they can really be used on the airplane. That is why I am calling for this study and to report back to the Congress to let us know what they are doing. When the Secretary gets that report, he can authorize it if he thinks it is appropriate.

Other items that are nonlethal in addition to the stun guns are what they call chemical incapacitants, which is a fancy name for basically the pepper-spray-type system, which looks like a handgun or a pistol and shoots these little pellets that contain various pepper ingredients. They are very small.

When these pepper spray dispersants shoot these little pellets, they will hit the person in the chest. They don't break or explode violently, but they will burst open and spray the person who has been hit with it with a pepper-type ingredient which will incapacitate them temporarily and sufficiently to allow people to take control of that individual.

The anesthetizing darts are nonlethal projectiles which can anesthetize someone and incapacitate them at the same time. It is a little dart that cannot penetrate the cabin, but a dart would penetrate the individual to anesthetize and incapacitate them.

There are little things called impact projectiles, which are airfoil projectiles. They are hard plastic projectiles. If you get hit with them, you are going to get knocked down and not be able to continue doing what you were doing before you were hit by them; I guarantee it.

There are disabling devices called dazzling-laser-light devices, which are sort of interesting. They showed me these weapons in my office. You can hit a person in the face with this laser light, and the closer they come to the weapon, or the laser light, the less they can see because it really hits them with a laser light that absolutely temporarily blinds and they cannot see. This is a Flash Gordon-type of weapon that can incapacitate someone. It has a lot of possibilities.

Finally, physical entanglement devices: This is a small projectile that actually sends out a net. I have seen it used in wildlife reserves when wildlife officials try to capture a wild animal. This net covers the animal and allows the people to catch the animal for whatever purpose they are trying to catch it. It does not harm the animal, but it certainly incapacitates it. These same types of systems can be used in a plane and be very effective.

I do not know that any of these are the answer, but I do suspect one, or a combination of some of them, would be effective for the pilot, for the copilot, or for members of the flight crew, to give them extra protection.

I do not want to make a decision today in this Chamber that one of these is the best. That is why this amendment simply says we would require the Institute of Justice, within the Department of Justice, to assess the range of these weapons, and within 90 days—it is not going to take that long—to give a report to the Secretary of Transportation on their findings of whether one is good, one is better, one is not so good, or whether none of them is good, and make that recommendation to the Secretary.

Under my amendment, if the Secretary, after getting those recommendations, determines, with the approval of the Attorney General—and I have the approval of the Secretary of State—that it is appropriate and necessary and would effectively serve the public interest, then the Secretary can authorize the members of the flight deck to carry less-than-lethal weapons on board. I think it is in keeping with the chairman's desire to protect the passengers and crew.

This is a good bill. It should not be delayed. We should do it this week. It will be the added security that the American flying public will have, to give them the guarantee that, in fact, it is absolutely totally safe to get back in our planes to fly to whatever destination safely, and secure in the knowledge that everything has been done to protect them and the crew. I hope my colleagues will be in a position to realize this is the correct approach.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank our colleague from Louisiana, Senator BREAUX, for his thoughtful presentation.

The chief pilot of all the pilots of El Al, in his testimony, asked for stun guns at that particular time. I know there has been a suggestion about a Colt .45. I carried one of those for 3 years-plus, and other weaponry, in combat. But you do not want anybody with a Colt .45 on a plane. The distinguished Presiding Officer, as a great West Point graduate, knows you are liable to hit what you want to hit, but then the bullet could go through and ricochet around and hit two or three other people. That is just too much firepower.

This particular approach is deliberate and thoughtful. I would be ready to accept it on behalf of our side. We are checking with Senator MCCAIN and the other side right now to see what they desire. There could be further debate. I heard a moment ago that another Senator wishes to address the subject.

Let me commend Senator BREAUX for his leadership in this particular regard because this can be analyzed. Obviously, the Senators cannot analyze everything that is necessary to give the proper security. There is no doubt that some kind of added protection would be in order.

For my part, of course, when we close that secure cockpit door, we have pilots to fly, not to fight. So it is that even then, with a stun gun, fine, all right, so they cannot really kill someone, but even that would not be necessary in this Senator's view. But whatever the decision of the body is on this particular score, it seems to me that the Senator from Louisiana is on the right track.

It can be studied, analyzed, and provided for with this particular approach—not just for us, for wanting to have done something, to say, well, we are going to authorize a .45 caliber pistol or a Thompson submachine gun or an M–1, or anything else of that particular kind. We have to be far, far more careful in some of the security initiatives that we have undertaken.

I thank the distinguished Senator. We will check with our colleague who wants to be heard on this matter. Pending that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, in urging the adoption of the Breaux amendment, there is one colleague at the memorial exercise who would want to be heard and perhaps have an amendment. The adoption of the Breaux amendment will not forgo any consideration he may have, if he thinks it is an improvement. I wanted to say that publicly because we are not trying, on the one hand, to disregard the desire of all of us to be at that memorial service and at the same time overriding the duty we have here on the floor to move this legislation.

In that light, I then urge the adoption of the Breaux amendment.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 1861) was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that we set aside the Daschle-Carnahan amendment so that we can consider both the Inouye and the Rockefeller amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1865

Mr. HOLLINGS. Mr. President, the distinguished Senator from Hawaii, Mr. INOUYE, has an amendment that I send to the desk and ask the clerk to report.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. INOUYE, proposes an amendment numbered 1865.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Secretary of Transportation to grant waivers for restrictions on air transportation of freight, mail, and medical supplies, personnel, and patients to, from, and within States with extraordinary air transportation needs or concerns during national emergencies)

At the appropriate place, insert the following:

SEC. . MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. The Secretary may impose reasonable limitations on any such waivers.

Mr. HOLLINGS. Mr. President, this particular amendment has to do with waiver authority. At the time of the terrorism of 9/11, there were body parts in flight and prepared for flight in Hawaii to be used, of course, in life-saving organ operations. It was pointed out that those particular operations had to be stalled and set aside. This measure will provide emergency power to the Secretary to make a waiver for this reason in case planes have to be grounded, as was properly done on 9/11.

I urge for the adoption of that amendment. It has been cleared on both sides.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 1865) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1866, 1867, AND 1868, EN BLOC

Mr. HOLLINGS. Mr. President, with respect to the three Rockefeller amendments, one has to do with safety and security of onboard supplies that the flight personnel and pilots are concerned with.

The other Rockefeller amendment has to do with property and passengers. We have prescribed, everyone can see it on page 18 of the managers' amendment, whereby every bit of passenger luggage, cargo, and property will be screened. This provision would guarantee that all objects are checked, as I read it, by adding language on page 18, insert "cargo, carry-on, and checked baggage, other articles." The other articles would be anything else. So there would be no dispute on that particular amendment.

With the third amendment, the reference is to the Secretary ensuring that the training curriculum is developed in consultation with Federal law enforcement. The Federal law enforcement has the expertise necessary. We want to make sure of this. The distinguished Senator and chairman of our Aviation Subcommittee, the Senator from West Virginia, Mr. ROCKEFELLER, wants to make sure of it.

I send these three amendments to the desk and ask the clerk to report each.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. ROCKEFELLER, proposes amendments en bloc numbered 1866, 1867, and 1868.

The amendments are as follows:

AMENDMENT NO. 1866

(Purpose: To establish minimum requirements for the antihijack training curriculum)

On page 17, line 16, after the period insert "The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.".

AMENDMENT NO. 1867

(Purpose: To require screening of carry-on and checked baggage and other articles carried aboard an aircraft)

On page 17, line 23, insert "**AND PROPERTY**" after "**PASSENGER**".

On page 18, line 5, after "mail," insert "cargo, carry-on and checked baggage, and other articles,".

AMENDMENT NO. 1868

(Purpose: To ensure that supplies carried aboard an aircraft are safe and secure)

At the appropriate place, insert the following:

SEC. . SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) IN GENERAL.—The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.b)

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for supplies and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

Mr. HOLLINGS. I yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I urge the adoption of each of the three amendments.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1866, 1867, and 1868) were agreed to.

Mr. ROCKEFELLER. I thank the Chair. They have been cleared on both sides.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1855

Mr. DASCHLE. Mr. President, I have come to the floor to speak to the Carnahan amendment. As everyone knows, the vote will be cast in a couple of hours. Today, it is 1 month since the terrorist attacks on America. In the days following September 11, we saw unbearable loss and unmatched heroism.

Now, as we take on those who perpetrated these attacks abroad, we have the opportunity—we have the duty—to prevent the economic aftereffects from rippling farther outward here at home.

For America's aviation workers and their families, the economic impact of the crisis is real, it is immediate, and it is devastating. Every day we see more reports of more layoffs. It is now estimated that 150,000 workers have lost their jobs in the airline industry alone. Many of these workers and their families have no income and no health insurance. What they face is not a recession; for them, it is a depression.

I think we all agree it was right for Congress to act quickly to stabilize the airline industry. It is long past the time for us, however, to help those aviation workers who got no help from that bill we passed a couple of weeks ago. That is what the Carnahan amendment would do. It is a fair, balanced, and temporary package of assistance to aviation workers.

There are those who say helping workers isn't relevant to this bill. Some are suggesting that we should again put off helping those working families. Let me ask you, how could you possibly say to 150,000 workers, who had good jobs one day and no jobs the next, that they are not relevant? How could you possibly tell 150,000 people, whose families have lost their source of income and, in many cases, their health care, that they should wait a little longer?

This is not a vote about relevance or timing. Let's be very clear about what this vote is. A vote against cloture is a vote against 150,000 aviation workers who lost their jobs as a direct result of the September 11 attacks. It is a vote against giving workers unemployment insurance. It is a vote against helping those workers and their families maintain health insurance. It is a vote against giving workers who lost their jobs training so they can find new jobs that will allow them to support themselves and their families.

A month ago today, America suffered the worst terrorist attack in all of history. All over the country, people are remembering the more than 6,000 innocent men and women who lost their lives on that terrible day. We need to remember that the people who died on September 11 were the terrorists' first victims. They were not their last. There are hundreds of thousands of other Americans who didn't lose their lives, but they did lose their livelihoods. They are the economic victims of the September 11 attack.

Right now, they are looking to us for help. They don't expect this Congress to solve all their problems. All they want is a little help to make it through one of the worst times in their lives.

Just days after September 11, when we passed that $15 billion airline bailout package, many of us wanted, even then, to include this help for displaced workers; but we were told: "This is not the time. There will be another chance soon. We are going to consider an airline security bill. We can help the workers then."

We reluctantly agreed to wait because we were told if we didn't get that airline bill done that Friday, the airlines would be grounded on Monday and we would see hundreds of thousands of additional workers out of work. So we passed that bill to keep our airlines flying, and keep those workers working.

After a week of delay, we are finally debating that airline security bill. Now what are we hearing? "This is not the time. There is another bill coming, an economic stimulus package. We can help workers then." It is always "then." It is never "now."

Senator CARNAHAN and others have put together a good, fair, affordable, and extremely limited assistance package for these workers. They have been remarkably flexible. They have made concession after concession. They have compromised and they have compromised.

They have cut the costs of the package by more than $1 billion. They have done everything anyone can do to build bipartisan support for this package.

It is time for Congress to show its commitment not only to the airline industry, but also to its workers. The time has come to move this package. We must not put these workers on hold yet again.

This issue is about values. We all espouse the importance of values. I have heard those speeches countless times here in the Senate Chamber how we hold our values so dear. Of all those values, I do not know of a value of greater import than the value of family, than the value of ensuring that we, as Americans, help one another. We built a country on those values—values of family, values of neighbor helping neighbor. This, too, is about values.

This is about preserving the integrity and the economic viability of those families who are the economic victims of September 11. This is about the values of people helping people in this country in a time of need.

The response since September 11th has been remarkable. Our country has responded in ways that make me proud to be an American. To watch those rescuers climb that rubble in the days following the attacks, as I did, to watch those Red Cross workers come to the site and work 20, 22-hour days as I did, to see people all over the country respond by putting up their flags, as they have, and, yes, to see Congress work together as closely as we have now for these last 4 weeks, makes me proud.

How sad it would be if we say, yes, we will help New York; yes, we will help the airlines; yes, we will try to do as many things as possible to put this country right again, but we will say no to those aviation workers.

Does that reflect our values? Is that in keeping with what we have done for these last 4 weeks? I do not think so.

I mentioned the word "hope." The one thing we need to do, above and beyond anything else in our capacity as leaders in this country, is to give people hope. They need a reason for hope. That is what we are talking about this morning. That is why it is important we allow this legislation to pass. That is why we have to vote for cloture.

I hope every Member of this Senate, when they vote on cloture this afternoon, will imagine themselves sitting in the living room of one of those unemployed families. You are sitting in the armchair, and they are sitting on the sofa across the room, and they are asking you to vote. I would like you to look in their eyes and say no. No one could do that.

We have to look in their eyes in that living room. We have to say: We understand all of your anxiety and all of your pain and all of the economic concern you have for your family. And then we must say, in the context of values, and in the belief that neighbor helps neighbor in this country, we are going to help you, just as we helped the airlines, just as we, indeed, needed to help the people of New York. We are going to give you hope. We are going to say yes to you, too.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I rise today to speak in strong support of S. 1447, the Aviation Security Act. I, first of all, extend my appreciation to the chairman of the Commerce Committee, Senator HOLLINGS, for the brilliant work he has done on this matter, and to the ranking member, Senator McCAIN, for his persistence and ability to work as a team with Senator HOLLINGS.

I see in the Chamber today somebody who has worked hard on this measure, and that is the Senator from Texas, Mrs. HUTCHISON. She also has done an outstanding job in working on a bipartisan basis to make sure airports are safe. I appreciate her help.

This bill is crucial to enhance aviation safety. It is critical, in fact, to enhance aviation safety and security for America, for the State of Nevada, for the State of Nebraska, for all States. This Aviation Security Act represents a well-crafted bill that provides a modern and effective aviation security program for our country.

This bill establishes, among other things, a Deputy Secretary for Aviation Security within the Department of Transportation; it mandates cockpit doors and locks to protect our flight crews. This is not something that is a choice; it is mandatory. And it federalizes airport screening of passengers and cargo.

This is so important. We have a system that is unique to this country where we have airlines putting out to the lowest bidder the job of protecting and ensuring our safety. It does not work. We all have been through airport security around the country. We know they are well-meaning people, but their average term of employment is 90 days, and then they are off doing something else. They are not trained well, they are not paid well, and they do not do a good job, as hard as they might try.

Democrats and Republicans alike have drawn the same conclusions: We must pass this very important legislation to protect the traveling American public. Why? Because we need to get America flying and flying a lot again.

The airline industry is a key component in our Nation's economy. My State is very dependent on our Nation's air transportation system. McCarran Airport in Las Vegas provided service for 34 million passengers last year. That is a lot of people. We expected more to come this year. We hope that still will be the case.

We are building another airport terminal. We are building a new airport in Las Vegas, one of the few places in the country where a new airport is being built. We received permission from Congress to use Federal land to build another airport about 35 miles outside of Las Vegas. That is now being done. So the airline industry is a key component of our Nation's economy. It is a key component of Nevada's economy.

The legislation we are considering today will bring our airport security system into the new century by reducing the risks that a commercial airliner will again be turned into a weapon of mass destruction. This is a goal on which we can all agree. This can never happen again.

I stress to my colleagues the need for this aviation security legislation is widely supported by the American people, and we must move forward now. The bill we are considering will allow the United States to move forward and provide our Nation the aviation security that is necessary to address this new century. It is a good bill for America.

This bill, we understand, is controversial in some people's minds. One of the reasons it is controversial is the amendment upon which we are going to vote at 1:35 p.m. today, and that is the Carnahan amendment. I applaud Senator CARNAHAN for her work on this legislation.

No one better among us can ever understand the loss in New York than Senator CARNAHAN, whose husband and son were killed in an airplane crash a short time ago. I am sure Senator CARNAHAN, being the sensitive person she is, was compelled to offer this legislation because she better understands how people feel after a loss such as this.

What does her amendment do? Her amendment would provide financial assistance, training, and health care coverage to employees of the aviation industry who lost or will lose their jobs as a result of the attack on September 11. The benefits would be distributed within the framework created by the Trade Adjustment Assistance Act. Based on preliminary estimates by the Congressional Budget Office, the cost is expected to be $2.8 billion, but this amendment is pared down. As the majority leader said, in an effort to work this through the process, we have pared this down, and rightfully so. It is not the full amount needed, but it certainly will be a tremendous shot in the arm for these people.

Who is eligible? Employees of airlines, commercial aircraft manufacturers, suppliers of airlines, and airports. Only those employees who lose their jobs as a direct result of the attacks on September 11, or security measures taken in response to the attacks as determined by the Secretary of Labor, will be eligible.

What are the benefits we are begging the Senate to approve? Provide an additional 52 weeks of unemployment insurance to people who no longer are working as a result of this incident. Fifty-two weeks of unemployment insurance benefits and training for those workers who lose their jobs. This training would allow workers who have permanently lost their jobs to receive income assistance and training to assist them in moving into a new industry or job.

There is also a provision to supplement unemployment insurance gaps; that is, provide 26 weeks of unemployment insurance-like benefits for those workers who would not otherwise qualify for unemployment insurance. They were working but maybe they had not worked long enough to qualify. This would include workers who have been recently hired, who had been working less than 6 months, part-time workers, low-wage workers, and workers with intermittent employment; for example, single parents who have had to take time off to care for their children.

This legislation would provide Federal reimbursement of COBRA health insurance premiums for eligible workers for up to 18 months and provide States the option to provide medicaid coverage for those workers who do not qualify for COBRA benefits. This would include new hires, low-wage, part-time, or intermittent workers as well as those workers whose employers did not provide health insurance or are independent contractors; for example, workers who load luggage or other cargo on the planes.

This legislation is important for the country, and this specific amendment is important for people who have been directly hurt, harmed, and damaged by this terrible act of September 11. People who step down into the well of this Chamber to vote should understand today this is more than political philosophy. It is a philosophy directed to say that this country cares, this country is concerned and wants to help those people who have been directly impacted, workers who have been directly impacted as a result of this incident of September 11.

I hope everyone will vote to invoke cloture.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I also rise as a cosponsor of the Carnahan amendment to help those who are most hurt by the economic impact of the terrorist attacks of September: the unemployed airline and airplane manufacture workers.

Thousands of American workers have lost their jobs during this economic downturn. These workers need our help. That's why we need to act quickly on a robust stimulus package targeted at workers.

No workers have been hit as hard as those in the airline and aviation industry; 140,000 thousand of these workers have been laid off since the terrorist attacks of September 11. Unemployment is steadily rising. Last week the largest number of people in 9 years filed for unemployment, over 528,000 people. That's nearly the population of Baltimore City; 650,000 people live in Baltimore.

These are the pilots, the flight attendants, the baggage handlers, the concessionaires, and the aircraft builders. These workers have: lost their paychecks, lost their health care and could lose their homes. They need help immediately, just as we've helped their former employers with a $15 billion stabilization package of grants and loan guarantees.

I am confident that the airline industry and the U.S. economy will recover; But help is needed today. How would the Carnahan amendment help the airline workers?

Senator CARNAHAN's amendment would provide financial assistance, training, and health care coverage to employees of the airline industry who lose their jobs as a result of the attacks on September 11, 2001.

The Carnahan amendment would provide income support by extending the number of weeks eligible individuals can receive unemployment insurance from 26 weeks to 79 weeks. That's a year and a half. These cash payments would not create a strain on state budgets because they would be funded entirely by the Federal Government.

For many workers do not meet their States' requirements for unemployment insurance would not be left out. They would receive 26 weeks of federally financed unemployment insurance.

Some workers may not return to their jobs within the airline industry. These people would be eligible for retraining benefits. Others may find alternative jobs within the airline industry. These workers would be eligible for training to upgrade their skills.

The amendment would enable laid off workers to keep their health care by expanding the COBRA program which helps people who've lost their jobs to keep their health insurance. The amendment enables the Federal Government to fully reimburse for COBRA premiums. Yet about half of those who lose their jobs are not eligible for COBRA, so the amendment would make these families eligible for Medicaid for up to 18 months, with the Federal Government covering 100 percent of the premiums.

I strongly support the Carnahan amendment. It's a thoughtful and comprehensive airline workers relief package. It's a good starting point to address the needs of working families. It also provides a good model for a broader economic stimulus package that Congress should consider soon.

Mr. LIEBERMAN. Mr. President, I rise today to support the Carnahan amendment.

All of America was shaken by the horrendous events of September 11. America's heart still aches for the thousands of people who lost their lives and whose lives have been altered permanently in one way or another.

And now, as we watch America valiantly begin to recover, we are just starting to realize the economic impact of this terrible tragedy. As we are all too well aware, people are losing their jobs and futures are at risk.

I cannot imagine living through the tremendous stress of the past several weeks only to be told that I have now lost my job or I am being laid off because my company cannot afford to keep running at full speed. Unfortunately, the numbers of layoffs are increasing and the unemployment rate is trending upward.

One of the industries hardest hit by the economic downturn is the airline industry. In the short span of just a few weeks, hundreds of thousands of workers at airlines, airports, aircraft manufacturers and at the companies that supply the airlines, have lost their jobs. Workers from commonly known companies like Boeing, Pratt and Whitney, American and United Airlines, to name but a few, are losing their jobs and being laid off, their futures are less than certain.

The effects have been devastating. Hundreds of thousands of men and women who support the airline industry are losing their family's primary source of income and health insurance.

But we can help. We can lend a helping hand to the thousands of displaced workers at these companies. We can restore their hope. We can make a difference.

That is why I support and I ask my colleagues to support Senator CARNAHAN's displaced worker relief amendment. This amendment would provide income support, job training and health care benefits for those airline industry workers affected by the aftermath of the events of September 11. It would extend State unemployment benefits to provide income, establish job re-training or job upgrade benefits to those who permanently lose their jobs in the airline industry, and provide critical health care coverage for the workers and their families. These initiatives will go a long way to restore the economic security of airline industry workers and their families.

No one expected the events of September 11, and no one envisioned these terrible events would have such devastating repercussions in our country's most critical transportation industry. I urge my colleagues to support this amendment and help airline industry workers get back on their feet and back to work.

Mr. TORRICELLI. Mr. President, today I rise in strong support of the Carnahan amendment to provide much needed assistance to airline industry employees.

Almost a month later, we are still sorting through the aftermath of September 11th. Thousands of people from New York and New Jersey were among those lost or injured on that terrible day. And now thousands more across the country are beginning to feel the economic impact of the tragedy.

A few weeks ago, this Congress did the right thing when we passed legislation to help the airline industry. As a result of the attacks, the airlines lost billions of dollars in the days that planes were grounded.

And so many people have decided not to fly, the airlines have cut the number of flights by 20 percent since September 11th.

In my State, that has meant 300 fewer daily flights out of Newark International Airport.

This Nation's economy depends on healthy airlines to keep people and goods moving, and Congress was right to help.

And now this Congress must continue to do right by passing this amendment to help the people who work for the airlines and related industries who have lost their jobs and health insurance as a result of this slowdown.

So far, more than 140,000 airline industry workers across the nation have lost their jobs and their healthcare. Virtually all of the airlines have laid off workers:

American Airlines—20,000 people; United Airlines—20,000 people; Delta Airlines—13,000 people; US Airways—11,000 people; Continental Airlines—11,000 people; Northwest Airlines—10,000 people; America West—2,000 people; Midway—1,700 people; and American Trans Air—1,500 people.

Airlines are a crucial employer in my state, more than 19,000 people in New Jersey are employed by the major airlines. Continental Airlines has one of its hubs at Newark International Airport.

But just a few weeks ago, 2,000 of those Continental workers at Newark were laid off.

And it is not just airline workers who are feeling the cuts. The people who provide the meal services and run the airport concessions have also suffered thousands of lay-offs.

We cannot continue to delay. We must pass this amendment to help these workers who have bills to pay and children to care for but who don't know where they will be getting their next paycheck.

This amendment provides critical assistance in three ways.

Income support: Under current law, laid-off workers are eligible for 26 weeks of State unemployment insurance. Under this amendment, they would be eligible for an additional 20 weeks of federal benefits.

Training: No one knows when these airline jobs will come back or in what other industries these laid-off workers will find work. Under this amendment, individuals who did not return to the airline industry would be eligible for retraining benefits; those who find alternative jobs within the airline industry would be eligible for upgrade training.

Health Care: For up to a year, the Federal Government would fully reimburse eligible individuals for their COBRA premiums. Individuals who do not qualify for COBRA and are otherwise uninsured would be eligible for Medicaid, with the Federal Government covering 100 percent of the premiums.

We have waited long enough. It is time to make good on our obligation to provide for the airline industry workers who have lost their jobs and health care. I urge passage of the Carnahan amendment.

Mr. FEINGOLD. Mr. President, this Nation is still reeling from the horrific events of September 11. During the past month, our country has come together to mourn those we have lost, to help those who have been injured, and to comfort the many families involved. We continue to honor those who rushed selflessly to the aid of the victims and those who still work tirelessly in the rubble. We support our men and women in uniform who are making a bold strike against terrorism half the world away.

The ripple effects of the terrorist attacks of one month ago are being felt across the country. One of those effects is the tightening of security measures around the country, perhaps most visibly at our Nation's airports. I commend the thousands of National Guard personnel who are patrolling our airports, including seven airports in Wisconsin.

The impact that these vicious attacks have had on the airline industry is undeniable. There is certainly a legitimate need to provide some kind of assistance to our Nation's airlines in this time of crisis, and for that reason I supported the airline relief package that the Senate adopted last month.

But this assistance should not stop at the board room door. We should not forget about airline employees and their families, including many Wisconsinites. In the past month, more than 100,000 layoffs have been announced by the airlines, and thousands more workers in related industries have been or will be laid off in the coming months. These massive layoffs are a double blow to an already shocked country.

Midwest Express Airlines, which is based in Oak Creek WI, has announced that it will lay off 450 workers, or 12 percent of its work force. Another Wisconsin-based airline, Air Wisconsin of Appleton, which is affiliated with United Airlines, has announced 300 layoffs, or 10 percent of its workforce.

These airline workers are not just statistics. They are our neighbors, our friends, and our constituents. It is past time that we act to ensure that those who work for our Nation's airlines and their families receive adequate relief, including continued access to health care and unemployment and job training assistance. The amendment offered by the Senator from Missouri, Mrs. CARNAHAN, will provide these workers with this crucial assistance.

I disagree with the argument that this amendment is not relevant to the underlying airport security legislation. The financial well-being of all Americans is a vital part of our national security.

I urge my colleagues to vote for cloture on the Carnahan amendment and to support its passage.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I say to our colleagues who have suggestions or amendments on this bill, that we want to encourage them to come down because we have the cloture vote on the Carnahan amendment scheduled, and once that is disposed of we hope we can move to the relevant amendments that people have to offer and finish this bill today.

I think it is the intention of the majority leader, and the minority leader as well, to have an aviation security bill passed today. I think we can do it because we only have a few amendments, and there are qualified legitimate differences of opinion and we can take those up and go forward. So I hope everybody will come down.

What we have is 95-percent agreement on the basics of this bill. The Carnahan amendment has a lot of positives, and I think we will pass something for our airline workers who have been laid off and workers in other industries who have been laid off because of the economic downturn. I do not think it should go on this bill because, frankly, I do not think we are ready yet. I do not think we have all of the relevant information we need to know about what is not covered in unemployment compensation and COBRA to determine how much the Federal Government needs to step in. So I hope we would not go to the Carnahan amendment. I hope we would be able to go to the rest of the bill and the legitimate differences on the aviation security issues so we can move down the road.

We will deal with the employees who have been laid off, and it is my hope that many of the people who have been laid off in one industry will be able to go into the areas where we know we are going to increase employment. We are going to increase employment in the defense area. We are going to increase employment in airline security and airport security. That is the bill we are trying to pass right now, which we think will create many new jobs.

The way we are trying to pass this bill is as a quality aviation security package that assures we have a qualified workforce to do this law enforcement responsibility, and we are trying to make sure there is a clear standard in every airport. We need a uniform standard. That is why our bill tries to make sure we have screeners who have the qualifications and standards that would be required to have this uniformity.

I think we are making great progress. I am very pleased that we are. I hope everybody will cooperate. I hope we can keep extraneous amendments off, even if they have a lot of merit, because we have not finished passing emergency legislation yet from what happened on September 11.

Sad to say, we are now memorializing the 1-month anniversary of this terrible tragedy to our country, but I would also say we are making great progress since September 11. We have already passed $40 billion in authorization for emergency expenditures to help clean up New York and the Pentagon and to help the victims in their earliest needs. We have already allocated money for emergency needs for our Department of Defense, and I can not think of anything more relevant and more urgent than the needs of our military today as we know we are in a mobilization that is required to win this war on terrorism.

We have already allocated the billions of dollars that will be required for that. At the same time we are also trying to take care of the Afghan people, who are fleeing their homes, by trying to make sure we have humanitarian aid for them.

We need to add aviation security as an accomplishment. We need to add the aid to the terrorism bill that gives our intelligence agencies the capabilities they need to continue their extraordinary investigation of the terrorist cells that have tentacles throughout our country and throughout other countries around the world. So I hope the antiterrorism bill and the aviation security bill will be passed by the Senate this week. We could be very pleased with that accomplishment on the 1-month anniversary of this tragedy. That, coupled with progress on aviation security and antiterrorism would be the right approach to continue moving down the road and meeting our responsibility to deal with this emergency.

What has come out every day since September 11 is the spirit of the American people. From the horrible tragedy of September 11, we are seeing extraordinary heroism displayed every day by the American people—a spirit seen especially when you go home. I have gone home every single weekend since September 11. The flags are flying in people's homes, the flags are flying in people's businesses, the flags are flying on people's cars and people are doing added things for their neighbors and friends. All of these things have certainly bonded Americans.

In 1 month, we have come of age in our generation. We are dealing with a crisis that has not presented itself to our generation in our live time's, and now we have it. I think we are responding very well. I am proud of the progress we are making.

I look forward to continuing work on aviation security and antiterrorism this week. I hope we will then go on to the economic stimulus package, dealing with the displaced employees, for next week's accomplishments. We are making progress, and I am proud of America today. I think we are going to be filled with pride as we move down the road to see how America is coming together to meet the crisis of our generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to express my support and commend the President's back-to-work relief package.

From the workers in New York whose offices now lie in rubble to the workers on the opposite coast who have lost their jobs in a massive layoff, the terrorist attacks of September 11 have had a devastating impact on our Nation's workforce. Just as we must rebuild the structures damaged or destroyed, we must help to rebuild the lives of workers who have been displaced because of the attacks.

As the ranking member of the Subcommittee on Employment, Safety, and Training, I am particularly concerned with providing effective and immediate assistance to workers affected by the terrorist attacks. To do so, the President's package must:

1, be targeted to individuals directly impacted by the September 11 attacks;

2, build upon existing programs, not create new ones. That is a major point. We are doing a lot of things well already. We don't need a new Federal bureaucracy to do it;

3, provide State and local flexibility to address needs;

4, enable individuals to return to the workforce as quickly as possible through job training and job search assistance.

The President's back-to-work relief package is, indeed, based on these principles. He deserves our unyielding support for a proposal that is based on what works best for workers.

To enhance existing assistance programs available to displaced workers, the President's proposal will extend unemployment benefits by 13 weeks for Americans who have lost their jobs as a result of the terrorist attacks. It will provide $3 billion in special national emergency grants to States to help displaced workers maintain health coverage, to supplement their income, and to receive job training. It makes $11 billion available to States to help low-income displaced workers receive health insurance. And, finally, it encourages displaced workers to take advantage of the more than $6 billion in existing Federal programs that provide job search, training, and placement services.

While the President's package is targeted to workers directly impacted by the terrorist attack, it is not restricted to employees of the airlines and related industries. That is an important point. There are many workers in other industries who have also lost their jobs as a consequence of the attacks. It is inequitable to deny them relief provided only to employees in certain industries.

I am especially pleased to see that the President's proposal will utilize national emergency grants under the Workforce Investment Act to provide additional assistance to those communities and populations hardest hit by the terrorist attacks. I have been a strong supporter of the Workforce Investment Act and the fundamental principles upon which this landmark legislation was based.

Under the Workforce Investment act, States and localities have increased flexibility to meet the needs of the local and regional labor markets. Today, in the wake of the tragic events of September 11, it is even more critical that States have the flexibility to effectively respond to the needs of their dislocated workers.

States affected by the terrorist attacks will be able to receive national emergency grants. The States may in turn use these funds to help ensure that dislocated workers maintain health insurance coverage, that they receive income support during the recovery period, and they return to the workforce through training and job search assistance.

Both the Workforce Investment Act and the President's package recognize that decisions regarding worker assistance should be made by those closest to the problem and, therefore, closest to the solution. State and local governments—not the Federal Government—are best positioned to respond to workforce needs. That is the way our system is set up.

Under the President's package, national emergency grants may be used to provide training and job search assistance. In addition, displaced workers are encouraged to take advantage of the $6 billion in existing Federal programs that provide training and placement services. Rather than waste precious time and resources on creating new Federal programs, displaced workers can immediately access one-stop centers and receive job assistance services. In fact, New York, Massachusetts, and Minnesota have already applied for national emergency grants in the wake of the attacks.

Finally, the President's proposal is termed a relief package. It is designed to provide supplementary, temporary work to displaced workers during the recovery period after the terrorist attacks. Now is not the time to create widespread new Federal programs and entitlements. Now is the time to address the immediate needs of workers who have lost their jobs as a result of the tragic events of September 11 while utilizing existing programs to help these people return to the workforce as quickly as possible. Ultimately, this approach, which the President has taken, will best serve these workers and the American economy.

The question we must all answer is, How do we define success? The answer is, Getting everybody back to work. How do we achieve that? We activate proven, existing, and therefore immediate programs administered by those closest to the people. I trust Mayor Giuliani and I trust Governor Pataki to be responsive, just as I trust the mayor of Boston and the Governor of Minnesota. A lot of that is because these people have already been dealing with these existing programs. We don't need to be creating something new just to throw money at them.

In closing, I say to my colleagues, the President's back-to-work relief package is aptly named. It is designed to return to the workforce those who lost their jobs as a result of the events of September 11. The best way to help stimulate our economy is to get these people working again as soon as possible.

To recap, I am in opposition to the cloture motion filed. We will vote on it at 1:35. I commend the President for taking a broader look and particularly commend the President for his willingness and desire to use those existing programs and existing people who are already in place, use the talents that have already been built and trained to do it, to provide the necessary recovery we need, without winding up with an additional bureaucracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I appreciate the remarks of my distinguished colleague from Wyoming, and I agree with him 100 percent that there is no need for an additional program in which to dispense these funds that we wanted to get to our airline workers so quickly. That is why my amendment is set up to service needs under the Trade Adjustment Assistance Act, already in place, that has worked so well at the Department of Labor. I appreciate his concern for that, but I would like to reassure him that we have taken that into consideration.

Mr. President, I would like to start by thanking my colleagues who have risen in support of this amendment. I am heartened by their efforts on behalf of the airline industry. I am also very pleased to ask unanimous consent that Senator SPECTER be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CARNAHAN. The amendment provides assistance to airline industry employees who are laid off from their jobs as a result of terrorist attacks that occurred on September 11. It brings assistance to those who had been employed by airlines, airports, aircraft manufacturers, and suppliers to airlines. For those workers, this legislation would provide three basic benefits.

First, it extends unemployment compensation for an additional 20 weeks after employees have exhausted their State benefits. This provides a safety net to help them make their mortgage payments, to feed their families for a few extra months while they are trying to get new jobs.

Second, this legislation provides training assistance to workers who will not be able to return to their former jobs, training that is so essential today in a changing economy.

Third, this legislation helps workers maintain health insurance for themselves and for their families. As my colleagues know, many workers who were laid off are eligible to purchase health insurance from their former employer. The average cost of these premiums is $500 per month. People who have been abruptly laid off will not have an extra $500 a month to spend on health insurance. Without help, they will be without health coverage.

This legislation reimburses the cost of those health insurance premiums for 12 months. For those workers who are not eligible to purchase health benefits, this legislation enables States to provide Medicaid benefits. This is an important step for Congress to take to prevent even more children from joining the ranks of the uninsured in America.

Some have suggested the benefits I propose are out of line with what has been provided to other workers who have lost their jobs. Let me respond by pointing out that I modeled my legislation after an existing program, the Trade Adjustment Assistance Act. The Trade Adjustment Assistance Act provides help to those workers who have lost their jobs as a result of trade agreements. That program provides extended unemployment compensation for 52 weeks—much longer than the 20 weeks that I propose. That program also provides training for 18 months, while I have proposed providing training for less than 12 months.

The Trade Adjustment Assistance Program has been a lifeline for many workers. Between 1994 and 2000, over 1 million workers received these payments. I am glad they did. But let's be clear; these workers get more generous benefits than all other workers who lost their jobs during that time period.

The State with the most workers receiving unemployment and training benefits under TAA is Texas. Texas has 8 percent of all the workers in this program, about 86,000 people. Workers from Texas companies such as Big Dog Drilling, Tubby's Auto Service, and Rio Grande Cutters participate in this program. These workers qualify for enhanced benefits because they lost their jobs due to trade. Why shouldn't airline workers who lost their benefits when they lost their jobs due to terrorism qualify?

My legislation provides one thing that the Trade Adjustment Assistance Act does not, and that is health coverage. I have added this because I believe it is important that these workers and their families be able to maintain their health coverage. I am pleased that President Bush has recognized this need as well.

Last week, the President laid out some options for how the Government can help provide health coverage to unemployed workers. Today is our chance to rise to that occasion.

My amendment will also be an economic stimulus. It will put money into the pockets of Americans who need it most. We know these families will spend the money. They need it to pay their bills. That is what we need to get the economy going. We need consumer spending.

Finally, some have argued that this amendment has no place on an airline security bill. I respectfully disagree. Right now we are passing legislation in response to the terrorist attacks. These airline industry workers were laid off as a result of these attacks. The linkage is direct.

We must act today. There is no reason to delay assistance any longer. We acted quickly to provide $40 billion in response to the terrorist attacks and the cleanup of Manhattan. That was the right thing to do. And we acted quickly to shore up the airlines with $15 billion, and that was the right thing to do. Now is the time to do something for workers. A vote at 1:35 this afternoon is the first opportunity since the terrorist attack that we will have to invest in our workers, the heart and the soul of America. I have collaborated with my colleagues on both sides of the aisle drafting this amendment. We have come up with a reasonable proposal. Now I am asking simply that my colleagues allow the Senate to vote on this proposal. This amendment deserves an up-or-down vote. I hope the Senate does the right thing this afternoon.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to respond to the Senator from Missouri by saying, first of all, I don't think this is a question of whether we are going to respond to people who have been affected by the events of September 11. The question is how best to respond to that. As she noted, the President has a proposal that is going to broadly deal with the problems of unemployment associated with the attacks on September 11. But the question here is whether we are going to focus on extending unemployment benefits, as the proposed amendment does, or are we going to get people back to work? It seems to me these people would much prefer to get their jobs back, to get back to the routines they enjoyed prior to September 11, rather than focusing for a long time on extending unemployment benefits, having to buy health insurance under COBRA, and having to be retrained for a different job.

My guess is these people would be very happy just to get the old job back doing the same work they were doing before. That is why I think we have the focus wrong.

I have proposed, and I am going to be urging my colleagues to very seriously consider, as part of the economic stimulus package a tax credit to get people traveling again. The problem is people are not traveling. If we had as much travel today, 1 month after this event, as we did on the day of September 11, all of the people we are concerned about under this amendment would have their jobs. We would not be worried about unemployment benefits. We would not be worried about training them to do a different kind of job. They would have the same job they had exactly a month ago. So shouldn't we be trying to get the American public back to the habits it had prior to September 11? And that specifically relates to travel. There is no question that of all of the economy, the travel industry is the most hard hit by the attack. That should be obvious to everyone. It seems to me it should also be obvious, if we are going to talk about benefiting that segment of the economy, either to help the people who were unemployed as a result of it or to stimulate the economy, what we need to do is focus on the air, where the patient is hurting the most.

The patient was hurting on September 11. Our economy was not in good shape. You could say we had a case of pneumonia. We were going to be getting better over time, of course. We were going to be treating it with antibiotics, but that was the condition then. Since then what has happened, if you want to have a gruesome analogy, is we had an accident in which the arm was practically cut off. We are bleeding to death, and we have to stop the bleeding in that the part of the body that is hurting the most and that is the travel industry.

So why aren't we focusing our efforts on getting that industry back going again? That will save the jobs of the people who want nothing more than to go back to work. My proposal gives a tax credit for the people to travel. It says if you make a financial commitment to travel before the end of this year, you get a tax credit of $500 on your 2001 taxes; if it is a joint filing, $1,000. That is enough to stimulate people to get back into the habits they had prior to September 11. All you have to do is make that financial commitment. It can be air travel, automobile, or bus. It can be a reservation at the hotel. We have people who are hurting far more than just people who worked at airports—from the maid who makes up the bed in the hotel to someone who, frankly, was working at Boeing aircraft making airplanes; they are not making them because nobody is buying them and because people aren't traveling—all the way from A to Z. We have people throughout our economy—about one in seven jobs in the civilian sector—who are adversely affected by the events of a month ago. Throughout the economy, the ripple effect of these attacks is incredible.

I talked to the CEO of Phelps-Dodge Corporation, a copper company in Arizona. They had a big contract with Boeing to supply a special alloy metal used in making airplanes. We need to think about the impact of what occurred throughout the economy. It is not just people who work at airports on whom we ought to be focusing; we ought to be focusing on the economy broadly and on everybody affected by the travel industry.

How do you directly deal with that problem in the quickest way that gets the people their jobs back? You do that by providing some kind of incentive for people to resume the habits they had exactly a month ago.

I haven't heard a better idea than the one I proposed with this tax credit. When you file your taxes for 2001 and calculate your tax liability to the Government, and you subtract $1,000, that is a pretty good incentive. You wouldn't have to travel before the end of the year as long as you made your financial commitment to do so. You could be traveling next Easter. It could be tourism; it could be business; it could be just going to visit somebody; it could be visiting a sick relative—whatever it is.

People are now disinclined to travel primarily because they are unsure of the safety of the airline industry. They are unsure generally of what is in our future. Frankly, they need to get back into the habit of doing what they did before September 11 or terrorists will have won. The purpose of terrorism is to demoralize. It is to change for all of America the way we conduct our society and our culture. That is their effort. They are going to succeed in that if we simply throw up our hands and say, well, for all of the people who are out of work, we might as well find something else for them to do because we will never get back to the way we were before September 11.

I reject that. We can get back to the way it was before September 11. A lot of things are going to change. We have to convince the American public that it is safe to travel. If we can't do that, we are not doing our jobs.

I have been on six separate commercial air trips since the events on September 11—flying back home and then back to Washington. I believe it is safe to travel. I think it is safer to travel than prior to a month ago.

We have to pass legislation that convinces the American public that they can travel safely. Then I think we have to provide them some financial incentive because of our general economic conditions. That incentive would be to get them to go back to traveling, and to do so quickly. If we wait for all of this work throughout the system for a couple of years, then everybody is going to be the loser. We will have all of these people unemployed. We will have to pay additional benefits in health care and retrain them to do something else. It would be far easier, less disruptive, better for the economy, and, frankly, better for the psyche of the Nation to get back to the place we were a month ago where people who lost jobs could go back to doing what they were doing before.

It seems to me that instead of hastily acting on the proposal that only applies to a narrow segment of our society—frankly, a minority of the people who have been harmed by the attacks on September 11, a minority of the people who have been harmed as a direct result of the American public traveling less—let's do two other things: Let's take a look at what the President proposed in the way of benefits for people who have lost their jobs but is broader based in approach; second, let's get the American public traveling again.

I urge my colleagues, as we are putting together this so-called stimulus package, to differentiate between all of those wonderful ideas that have been trotted out and proposing all kinds of things to spend money for or cutting taxes that we think will have some long-term effect on the economy—distinguishing between those proposals, on the one hand, and others which can immediately and directly stimulate the economy in the precise areas where it is needed the most.

What area needs it the most? The travel industry. What area was hit the hardest by the attack last month? The travel industry. What area, therefore, should we be focusing on? The travel industry. If we do that, we are not going to have to worry about extending unemployment benefits because we will get these people back to work.

Isn't that far better than focusing and, in effect, saying there is nothing we can do about it and we might as well decide right now to extend all of these unemployment benefits and retrain people to do some different job? I think they would rather go back to the job they were doing a month ago. That is what I propose we do.

Two things: No. 1, defeat this amendment. I think we ought to focus on the President's proposal instead; and, No. 2, we ought to agree that we have to have in the stimulus package something that will stimulate trade quickly.

If somebody can come up with better idea than a tax credit proposal, I welcome it. In the meantime, that is what is on the table.

I urge my colleagues to support this as a way of stimulating travel, of getting people back to work again, and of denying the terrorists the victory they sought of demoralizing the American people.

We will not be demoralized. We will not be defeatists and say we are going to have to change our way of doing things by putting people on the unemployment rolls and retraining them to do something else. I reject that. We have to deny the terrorists the victories they sought. I think the way I propose to do it is the best way.

With all due respect of my friend from Missouri, I think her proposal—I understand why it is being put together—is not the best medicine for what we are facing today.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I am pleased to rise today to support the amendment offered by my distinguished colleague from Missouri, Senator CARNAHAN.

I have been listening to some of the discussion this morning. Frankly, I believe there is much value on both points of view to commend. I think we err if we consider some of these proposals to be either/or propositions.

This last Monday, the senior Senator from Minnesota, PAUL WELLSTONE, arranged a hearing in Minnesota on the effects of the September 11 disasters on people of our State. It was an excellent hearing. It lasted for about 3 hours. We had representatives from the business community testify about their needs, including the head of the Carlson corporation, one of the largest travel firms in America, headquartered in Minnesota. Marilyn Carlson Nelson spoke very eloquently about the need for the kind of assistance that my good friend and colleague, Senator KYL from Arizona, just described. We also heard from a number of the workers who were affected in Minnesota by the events and the aftermath of the events of September 11.

As you may know, in my home State of Minnesota, Northwest Airlines is one of the largest employers within the State. It employs over 21,000 Minnesotans. It has operations worldwide. It has an enormous impact on our State's economy. In the immediate aftermath of the September 11 bombings, they announced the layoff of over 4,500 Minnesotans. These are men and women from all backgrounds and walks of life—corporate executives to mechanics, to airline attendants, to stewardesses. It also affected people in the ancillary businesses that relate to the airline industry: Carpet cleaners, food processors, delivery men and women.

The hearing underscored the urgency and the precariousness of many of these people's situations. People want to be working; there is no question about that. They don't want to be out of a job. They don't want to be drawing unemployment benefits or receiving other kinds of assistance. But the hard reality is they are out of work today. Their prospects of being called back to work tomorrow are somewhere in between slim and none.

I agree with the Senator from Arizona that the object here is to get these people back into their previous employment. I think we have taken some important steps in that direction.

We provided emergency aid to the airline industry in the form of immediate cash assistance and in the form of loan guarantees which the Senator from West Virginia and the Senator from South Carolina and other colleagues have been marshaling through this body. But that is not going to get these people back to work tomorrow. It is not going to meet their need for emergency assistance until they do.

We heard from, particularly women, including one I remember distinctly. I remember on Monday, an Ethiopian woman—the mother of eight children—who works, along with her husband. She works in the sector providing food services to airplanes. She lost her job. Because she worked there an insufficient length of time, she is not eligible to receive unemployment benefits from the State of Minnesota. She lost her health coverage for herself and her family of eight children when she was laid off of work. She is not receiving any unemployment assistance today. She receives no health care assistance for herself and her family.

So my question to those who oppose this amendment is, what happens to them? What happens to people who at this point are not even receiving any unemployment assistance or any health care assistance? It is bad enough that we are going to deprive those who do qualify today for an abbreviated period of 26 weeks, at which point they are going to lose a continuation of their unemployment benefits, of their health care coverage, but what about the people—and I was amazed at this hearing last Monday to realize that there are a great number of people in Minnesota, and I assume then across the country, since we are one of the best States in the Nation of covering people and making people eligible for these assistances—what is going to happen to this woman with eight children, and to others like her—thousands of others across this country—who are not even today receiving any unemployment benefits, who today do not have any health care coverage? What is going to happen to them if we do not take this action today?

I must say, I am also, frankly—"disappointed" would be a mild word—I am really shocked that this body is suddenly so stingy when it comes to providing the help and assistance that real people, working people, people who are among the hardest working strivers in our society—suddenly when it is their turn to receive some necessary help, the cupboard is bare or the budget does not provide for assistance, or we just do not have enough money to provide help for them.

Two weeks go, my colleagues and I in the Senate joined—I believe it was almost unanimous—together to provide help to bail out the airline industry. Prior to that vote, we were told there was not enough time to come to an agreement on the Carnahan amendment to add assistance for the workers to the assistance we were providing to the corporations who run these airlines.

As I said, I am very sympathetic to their plight because Northwest Airlines is one of the largest and most important employers in the State of Minnesota. But it was my understanding—and in hindsight, I guess I was maybe mistaken to have relied upon the assurances that were given to us prior to that vote—I relied on those assurances that there would be a subsequent package that would have bipartisan support sufficient to pass it that would be in support of the Carnahan amendment.

On that basis, I, and most of the Senate, if not all of the Senate, voted in favor of that legislation. And I am glad I did. But now, frankly, I am shocked to find out that agreement does not suffice, and that even after we have taken this Carnahan amendment—and I commend the distinguished Senator from Missouri for her hard work on this, along with others, and for the dialogue that they have had across the aisle—but the fact is, this has gone from over a $3 billion price tag—I think close to $5 billion initially; after costed out, to $3 billion—and now I am told it is $1.9 billion. We continue to pare it back. Yet we, possibly, do not have sufficient support today to adopt it.

That means I go back to that Ethiopian mother of eight children and say: Sorry, you just have to make it somehow without any benefits. You have to make it somehow without any health coverage for your family. We don't have enough money to do that, but we have enough money to provide loan guarantees and financial assistance to the corporations.

We also, according to what I am reading today, have the debate upcoming on economic stimulus. We are going to have an administration proposal supported by many of the very people who oppose this assistance for workers. According to the Washington Post today, that is going to cost revenue between $90 billion and $120 billion in the year 2002. This includes a provision allowing business to write off 30 percent of the value of their new assets. It would reduce revenue by $48 billion in this year.

They want to speed up the phasing in of the tax reductions, passed last spring, for the very wealthiest people in this society, bring those rates down, accelerate the elimination of the estate tax, as though encouraging people to—what?—die sooner, and that is going to stimulate our Nation's economy?

We hear, on the one hand, we have all this extra money available for these kinds of very questionable tax breaks that are certainly going to benefit the wealthy. They are going to benefit already profitable corporations, who are maybe going through a difficult period of time but, frankly, are still going to do just fine; but there isn't enough money here to provide for that mother back in Minnesota with eight children because it is not that we do not have the money, but that we do not have the heart to do it.

So again, I say to Senator CARNAHAN, congratulations on a job very well done. I hope the amendment will receive the kind of consideration from our colleagues today that enables it to be adopted because I, frankly, think if we do not do so, if we do not even follow suit with what the President, to his credit, is supporting, that we are going to go back to a very serious divide in this body and in this country between those who somehow qualify for these additional considerations at this point in time and the real people, people who are really down and out, through no choice or fault of their own.

Are we going to say, sorry, we are not going to help you, not because we do not have the money to do so but because we do not have the will to do so? I think that would be cruel and unusual punishment for them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I believe it would be appropriate to ask unanimous consent that I may introduce an amendment, two amendments on the Aviation Security Act. It may be necessary to set aside the Carnahan amendment for an opportunity to introduce two amendments.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, if the Senator will withhold, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold?

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may introduce one amendment that I don't believe is controversial. It covers the issue of allowing pilots to continue to fly until the age of 63.

Mrs. HUTCHISON. Mr. President, the Senator from New Hampshire is asking that we object to every unanimous consent request regarding offering of amendments. Will the Senator withhold to let me see if I can get a procedure by which the Senator from Alaska can offer the amendment.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I call up amendment No. 1863, which is at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ROCKEFELLER. Reserving the right to object, this amendment, as I understand it, is the first amendment that will be unrelated to the bill. I don't want to comment further on that. We are going to have our cloture vote at 1:35. I object, at least for this period of time.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI. Mr. President, I wonder if I may ask unanimous consent that I be allowed to speak as in morning business for about 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE NEED FOR PILOTS TO HAVE GUNS IN THE COCKPIT

Mr. MURKOWSKI. Mr. President, it was my intent to call up two amendments. But there is objection. As a consequence, I will use this opportunity to discuss the merits since I will not be offering the amendments now. They have already been filed at the desk. It is my intent, at the appropriate time, without objection, to ask for a recorded vote on the amendments. I want to speak on the application of the amendments and the importance of the amendments.

One of the amendments seeks to address the issue of what we do with our commercial aviation safety relative to the reality that we do put our lives in the hands of the pilot in command—and the copilot, to a degree, depending on who has control of the aircraft. With the limited knowledge that we have relative to the two aircraft that went into the World Trade Center, and looking back at the apparent effort by passengers and, perhaps, some members of the crew, to try to take over the aircraft that went down in Pennsylvania, one clearly can project what the outcome might have been had the captain of any of those aircraft had a handgun in the cockpit, available for such a set of circumstances.

It reminds me of an occasion with a little different circumstance. I will try to put it in the vein in which it was communicated to me. It is not an exact parallel, but it represents a reality associated with a handgun emergency. My wife and I were in New York a number of years ago and had been to the theater and were going back to our hotel in the financial district. As the taxicab came to a stoplight with several other cabs, there was a policeman with his baton tapping on the windows.

The cabbie rolled down the window and the policeman said: How is your fare?

He said: Fine. And then the window was rolled up and the taxicab went on.

I asked the cabbie: What was that all about?

He said: We have had a number of robberies and a couple of taxicab drivers have been murdered in New York, so we are tightening up security.

We went on for a while, and I casually said: Have you ever had a problem?

He said: Only once.

I asked him what the problem was. He said he was taking a couple somewhere and felt a little uneasy because they didn't seem to know where they were going. He took them to an area, and he decided the best thing he could do would be to let the fares out. There were two women and a man. As he told them to get out of the cab, suddenly he felt a razor at his neck. They said: Turn over your wallet, and all the money you have.

He said: I can't until I get out of the cab. They had to move at that time so they could get out of the back seat and he could get out of the front seat. As he did, he reached under the seat and pulled out a pistol. The next time they confronted him, they were looking right at the end of his barrel.

I asked him: What did you do then?

This is the part of the story that is really not apropos.

He said: I lined them up to the fence and robbed them.

I thought that was an interesting turn of events.

I said: Did you report it?

He said: Well, no, I didn't have a permit for the gun.

That is a little story that I think applies, at least in the sense that had the pilot in command had the availability of a gun, things might have been entirely different. One of my amendments seeks to arm pilots of commercial aircraft with handguns, and I think the justification for that speaks for itself.

We put our lives in the hands of a pilot. Aviation security is of vital importance to our Nation's security, our economy, and we have learned a lot since the tragic events since September 11 about how much our Nation depends on our freedom to move about our country. We also rely, obviously, on our lifeline of shipments and products. Most importantly, our citizens rely upon the airlines for safe transit around the country and throughout the world.

I think it is our duty to ensure that they are traveling safe and secure, and their confidence by our efforts will decide the future of air travel in our Nation and, in turn, the health of our country. Throughout this debate, we must remember that, as each passenger boards a commercial airliner, they first look toward the cockpit. They look toward the cockpit and the flight crew for their immediate security, because we all know that they, indeed, have our lives in their hands and they are trained and competent. When the plane rises into the sky and the wheels tuck away into the underbelly of the aircraft, it is the pilot, copilot, and sometimes the navigator—the entire flight crew—who serve as the last line of defense and security for that aircraft and the passengers therein.

So we as legislators, and as passengers, trust the flight crew with our safety and security. We must ensure that they have the tools to compete, if you will, and to complete the task. For this reason, I have an amendment at the desk, which I will not call up at this time, but I intend to do so when there is no objection. This amendment would be to the Aviation Safety Act, and it would allow pilots, copilots, and in the case of navigators on commercial aircraft the ability and authority to carry a handgun while in flight for the defense of the plane.

We are talking about putting air marshals on the aircraft, aren't we? We are talking about allowing them to be armed. The authority of an air marshal currently on an aircraft indeed suggests that that individual is armed. You can't put air marshals on all flights, but you can provide the authority for the captain and copilot to carry a handgun in the cockpit.

I think this is, first and foremost, really an effort to increase the level of safety aboard our commercial fleets. It is intended to give crew members the weapons and the necessary skills to thwart future hijacking attempts and to assist Federal sky marshals assigned to commercial aircraft.

I don't take this amendment lightly. My amendment does not cavalierly attempt to hand out guns to flight crews and simply wish them the best. Because of the September 11 tragedy, and the tactics used by the hijackers that day, we must change the way aircraft and passengers are protected, and I believe my amendment contributes to that effort because it provides for strict and thorough background checks on all individuals who would be armed under this provision.

Secondly, it would require that flight deck personnel attend a training program approved by the Secretary of Transportation in consultation with other appropriate Federal agencies.

My amendment also requires annual recertification to ensure that flight deck personnel maintain a high level of training.

Third, this amendment deputizes flight deck personnel who have passed training certification. This is a critical component, and this amendment is necessary because it is imperative to keep the crew protected and in control of the craft, but it is carefully tailored to limit authority to cockpit protection.

As many in this Chamber are aware, there is a large percentage of pilots who have served in the military. Many have served in law enforcement. In fact, many also serve as Reservists in different branches of the military. These pilots have been trained in the use of weaponry. Why not utilize the trained personnel we already have?

I am not alone in this. The Airline Pilots Association supports this concept. They have written to the FBI requesting a program to train cockpit personnel, and I have heard from many pilots, particularly in my State of Alaska and around the country, who support it.

Frankly, many of our aircraft in Alaska fly in the bush and carry guns on the aircraft in control of the captain. It is done for a number of reasons, primarily not associated with terrorism, but simply the reality if you have an accident, if you go down in an isolated area, you damn well better have a gun for your own survival and that of your passengers. Why not further enhance the chances of passenger and aircraft survival.

I applaud the administration and this Congress for moving quickly to secure the cockpit cabins and adding the sky marshals who, obviously, will have guns, improving airport perimeter security, training screening personnel, and increasing flight deck security. But we must also afford passengers the utmost security after the plane has cleared the runway. Arming pilots is not the only solution, but it is an important component because it might have resulted in those aircraft not reaching the tragic end they did.

The pilots know what they need. The pilots have spoken. The passengers certainly will support it, and the Congress should pass it. I encourage my colleagues to support this amendment when it does come up and is not objected to and the entire Aviation Security Act.

There is one other amendment I wish to talk about but which I am not prepared to offer because of the objection, but I plan to offer an amendment that would repeal the Federal Aviation Administration rule which requires pilots who fly under part 121 to retire at age 60. It might be a good thing if we had to retire around here at age 60, but obviously there is no check and balance on the Senate, but there is on pilots.

If you are 60, you are through. How ridiculous is that? This was something that was done many years ago. I would much rather fly with an experienced pilot who has lived to 60, and the fact that suddenly he turns 60 and he is no longer fit to fly is totally unrealistic. The hours gained and the experience gained provides a level of safety with which we all feel more comfortable.

If you fly with a person who has limited hours, who may be very young and very quick, they may not have the experience to know what to do under certain conditions, mechanical, weather, or otherwise.

This amendment seeks to end blatant age discrimination against our Nation's commercial pilots. Under the amendment I propose, pilots who pass the physical and are in excellent health will be allowed to continue to pilot commercial aircraft until their 63rd birthday. This is optional. They do not have to. They can retire at 60. We are offering an extension.

The amendment will also allow the FAA to require pilots to undergo additional medical and cognitive testing for certification as well as established standards for crew pairings. In many European countries you can fly until 65. What is the difference?

This measure was the subject of a full Commerce Committee hearing and was voted out of committee by a majority in March of this year. This issue has had a hearing.

Why does the FAA mandate pilots retire at 60? Good question. According to the agency, it is because of "medical uncertainties concerning pilot health after the age of 60." That was a long time ago. We live longer. We are in better health. We have regular physicals.

There are other theories. While public comments were accepted, no public hearing to debate the issue was ever held. Think of that. While public comments were accepted by the FAA, no public hearing to debate the issue was held. Despite broad industry, pilot and union opposition, the rule went into effect in 1960. The union supported it then. They wanted the pilots to be allowed to fly longer.

Since that time, we have seen studies sponsored by the FAA. None produced concrete evidence that pilots over 60 years of age are a threat to the flying public. In fact, the studies have not even included pilots over 60. Why? The FAA believes it lacks scientific consensus, whatever that means, in favor of changing the age 60 rule. The argument exists that there is no test that can determine the medical and psychological fitness of a pilot to fly after 60. However, advanced physiological and neurobehavioral testing methods do exist to test pilots of any age.

Today, simulator training data estimates the risk of incapacitation due specifically to cardiac complaint as only one event in more than 20 million flight hours. Sudden in-flight incapacitation is clearly a far less threat to aviation safety than are mishaps due to, what? Inexperienced pilot error, those pilots who are younger and who simply do not have the time, experience and know-how to recover from situations that can occur.

Medical science has vastly improved since 1959 with improvements in diagnosis which include early detection, prevention, health awareness, exercise, and diet. All of these factors have increased life expectancy since 1959.

Airline pilots consistently demonstrate superior task performance across all age groups when compared to age-matched nonpilots. Pilots are also subjected to comprehensive medical examinations, when? Every 6 months.

In the 42 years since the rule was promulgated, there has not been any evidence shown that pilots over age 60 are not fully capable of handling their flight responsibilities. As many of my colleagues are aware, up until the end of 1999, pilots were allowed to fly past the age of 60 in commuter operations.

This amendment also brings to mind several other pieces of legislation. During the debate on the Senior Citizens' Right to Work Act of 2000, Senators supported the notion that workers today live longer, are healthier, and live more productive lives, and that senior workers are an invaluable resource to our Nation.

When enacting the Experienced Pilot Act of 1978, Congress stated that the age 60 rule is arbitrary and discriminatory on its face. It deprives qualified individuals of the right to continue in their occupation and, at the same time, deprives the airlines of their most qualified and experienced employees.

The time has come for Congress to repeal the age restrictions for commercial pilots. We have had the hearings, and we have the need. Years of medical and safety data have failed to support the position that the chronological age of 60 represents a passenger safety concern. Therefore, as long as pilots can pass the rigorous medical exam, he or she should be allowed to fly.

We are proposing this only until age 63. We will evaluate the program, obviously, after that time. Air service is critical, as we know, to keeping commerce alive. Experienced airmen are especially critical in rural States. In my State of Alaska, we have a huge land mass, one-fifth the size of the United States. Many of our smaller carriers provide the training ground for pilots and then suddenly those pilots leave to go work for the larger airlines. We are constantly experiencing a level of experience that lends itself occasionally to accidents as a consequence of the inexperience. We want to keep pilots, and if we could even bring some back who are over 60 and want to keep flying in the commuter area, I think it would be beneficial.

It is time we end age discrimination once and for all and keep experience in the cockpit. I recognize some of the unions are a little jumpy on this one, but those pilots in the right seat, the copilots, are going to want to fly a little longer when they get a little older, too. So this thing can all level out.

The difference between the unions on this issue and the airlines is it is a business decision, a matter of retirement. What we are talking about is a need for these pilots to fly. They are healthy. Give them another 3 years, evaluate the program, and get the benefit of experience.

I thank the Chair for the attention and the courtesies of allowing me to finish, and at an appropriate time I want to advise the floor managers I intend to offer the amendments that are at the desk for a formal introduction and ask for rollcall votes at that time.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated October 1, 2001, from Alaska Airlines pilot Carroll John Campbell.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHUGIAK, AK, *October, 1, 2001.*

Hon. Senator ROBERT SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: I am writing in response to a conversation I had with one of your staff members concerning aviation safety. My name is Carroll John Campbell. I am an airline pilot with Alaska Airlines. The recent change in the tactics of hijackers aboard our aircraft have necessitated a change in our response as an airline crew and as a traveling public. Today, one has to believe that if a terrorist breaches the cockpit, which is easy, they are going to kill everyone on board the aircraft and any number of people on the ground. Our current security procedures lack the ability to stand in the way of these atrocities. New, stronger cockpit doors are a must, and even those may be compromised. In this event, the only thing standing between the airplane and our friends and families on the ground is the flight crew.

Lethal weapons are the surest means of defense. Handguns are our best option. Non-lethal weapons such as stun guns are of limited value in a phone booth sized compartment when fighting a knife. I would much rather have the knife.

Current FAR's (108.11) authorize crews to be armed. However, the FAA and airline policy double team the pilot to keep us unarmed. We need new fool proof legislation that guarantees any pilot who wants to be armed, can be armed.

I will be happy to work with your office to draft this legislation. The public is finally demanding our incapable security system be fixed after these horrendous attacks on Sept. 11, 2001. Please don't let them down.

Sincerely,

CARROLL JOHN CAMPBELL.

AVIATION SECURITY ACT—Continued

The PRESIDING OFFICER. The Senator from Nevada, the assistant majority leader, is recognized.

Mr. REID. Mr. President, during the next 55 minutes we are under controlled time, controlled by the majority and minority leaders. So if anyone desires to speak on this very important matter which will occur, as I said, in 55 minutes—each side has an equal amount of time—I will yield to whomever wants to speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. We have plenty of time. I ask the Senator from New York, how much time does the Senator wish to use?

The PRESIDING OFFICER. There are 25 minutes 48 seconds remaining on the Democratic side.

Mrs. CLINTON. Mr. President, I expect to consume 5 minutes or less.

Mr. REID. On behalf of the majority leader, Senator ROCKEFELLER will yield the time until the vote occurs, or if Senator HOLLINGS comes in, he will yield the time.

Mrs. CLINTON. Mr. President, I do not want to impinge upon the time of my good friend, Senator ROCKEFELLER.

Mr. REID. No. Please go ahead.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise again in support of the amendment offered by Senator CARNAHAN to provide immediate assistance to the over 100,000 airline workers and those in aviation-related industries who have been laid off and lost their jobs as a direct result of the terrorist attacks of September 11.

I just came from a very moving ceremony of commemoration at the Pentagon, where the lives of those military and civilian employees at the Pentagon, as well as the lives of the crew and passengers of the airplane that was mercilessly driven into the Pentagon, were honored.

I know we are working on other kinds of relief, and I am grateful to the President, the administration, and my colleagues for the work that is being done on the economic stimulus package and for the work that is being done with respect to unemployment insurance and dislocated workers' assistance, but I believe we have an obligation to move quickly with respect to the workers who have been laid off through no fault of their own or of their industry, and we cannot wait for the larger packages to be put together and negotiated.

Just as we must provide security to all Americans who are flying in our skies, we also should provide economic security to those who have supported us in the hundreds of thousands and millions of flights that were a matter of course before September 11. They were doing an important job in maintaining our free travel and supporting an important economic activity, and now they are confronting the cruelest kind of questions: How will they make their next car payment? How will they be able to afford the clothes their children might need? How will they know whether to go out and look for another job or hope and wait that business picks up on our airlines? I do not think we should be leaving our workers who have already been laid off. They need our help right now. I do agree we have to address the need to help all workers.

In New York, for example, the State labor department is estimating that 285,000 workers throughout New York will lose their jobs as a result of the attack we suffered. I do not think we should leave any of these workers behind. If we are trying to build confidence—confidence in consumers, confidence in citizens—then we should address the needs of those people who have been economically harmed by these attacks. I respect the work that others are undertaking. I will support that.

I ask this Chamber to send a message by voting in favor of Senator CARNAHAN's amendment that we are not going to just bail out airlines; we are not just going to protect the traveling public. We are going to help protect economically those who we hope will be back in the skies, back behind the counters, handling the baggage.

I met yesterday with a group of executives from the travel and tourism industry. Stories from them about the low occupancy rates, the fact that people are not traveling for business or pleasure, were very disturbing to me. Everyone knows we have real economic challenges. The last thing in the world we need is people who are scared to go about their daily business, who are scared to take that long-planned trip to Disney World, who are scared to fly across the country to show off their new baby to their mother or grandmother.

Until we can get that confidence up—and I applaud our wonderful leadership of Chairman HOLLINGS and Ranking Member McCAIN on the aviation security bill—until we can get that confidence once again moving forward so people will fly, we can't turn our backs on those men and women who were the backbone of this airline industry.

I hope every Senator will support the Carnahan amendment and do everything possible to demonstrate our concern and commitment to those who were on the front lines and lost their jobs and livelihood because of the terrorist attacks.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I commend the Senator from New York for her statement.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia controls the time.

Mr. ROCKEFELLER. Mr. President, I yield 10 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from West Virginia for yielding time and commend my colleague from New York for her statement. What she has heard in traveling about her State and the Nation I have heard in Illinois. During the last 2 weeks I had roundtables across my State, from the city of Chicago to major cities downstate, bringing in business and economic leaders and saying, what can we do at this moment to breathe life back into this economy? They have said, restore consumer confidence. We have to get people back into the stores and making decisions for purchases.

The Carnahan amendment which we are going to consider today takes an unfortunate group of people related to the aviation industry, who have been disadvantaged by being laid off or terminated, and says we are going to try to give them a hand to get back on their feet as quickly as possible.

A few weeks ago when President Bush suggested we help the aviation industry, I was happy to do it. We have 50,000 people in the Chicagoland area who work in aviation in some way, shape, or form. We are proud to be the home of United Airlines, a major hub for American Airlines, and now the business headquarters for Boeing aircraft. With that sensitivity, I voted for that bill, understanding that unless we got the airlines back on their feet, it was unlikely the economy would respond. So we gave some $5 billion in grants and $10 billion in loans to the industry.

The sad part was the bill was passed in a hurry and didn't include everything that should have been included. It did not include the Carnahan amendment. Senator JEAN CARNAHAN of Missouri has rightfully stated that if we are going to help the companies, if we are going to help the airlines, don't forget the employees. She notes, in preparing for this bill, that some 140,000 people related to airlines and the aviation industry may find themselves laid off as a result of the September 11 terrorism attack against the United States.

I met with several flight attendants today who worked for Trans World Airlines, now part of American Airlines. They were concerned about the fact that 20 percent of their flight attendants have been laid off already. We have seen 20,000 employees at United and American laid off, and perhaps even more.

The heartening thing is people are flying again. I notice it in the airports. I am glad to see it. We want to encourage more and more people to take that trip, whether it is for business or for pleasure. But in the meantime, over 100,000 of our fellow Americans in jobs related to the aviation industry are struggling to survive.

Senator CARNAHAN's amendment addresses three particular areas that need to be changed in the law to help these people. First and foremost, eligibility for unemployment compensation. The 26-week eligibility certainly may be enough, but Senator CARNAHAN suggests we give them eligibility for an additional 52 weeks, if necessary. Most of them will either be back at work or find another job before that, but giving them the peace of mind that they will have unemployment compensation is appropriate.

Second, she talks about training. Some of the people in the industry may decide to go into another field—for one thing, into security. We have talked about aviation security. We will need some of the best and brightest working in our airports and all across this country to protect the people and the traveling public. She includes in her amendment a training provision. I think that makes sense as well.

The last point is one that not only makes sense for 140,000 aviation industry employees, but it makes sense for every American. Senator CARNAHAN wants to make certain that we help these laid-off employees pay for their health insurance. When I was in Chicago, I talked to some administrators of hospitals. They said if we reach a point where more and more people are out of work and lose their health insurance, these folks will turn up at the hospital sick, and they will be treated, but the cost of their treatment will have to be absorbed by the hospital and generally by everyone else paying health insurance premiums. It makes sense, under the Carnahan amendment, to be sensitive to this, to help the laid-off aviation and airline industry employees pay for their health insurance.

A lot of Members have talked about how to get the economy moving again. Believe me, by taking this group of employees and saying to them, we are going to give you a helping hand, it has to help them, their families, and our economy in general. Having said that, I will vote for the Carnahan amendment. I hope my colleagues on both sides of the aisle will join me.

I suggest further that there are many people in many other industries who are also losing their jobs. A friend of mine who has a number of hotels told me about the necessary cutbacks in employment at those hotels. Many know that the people working in hotels, whether in food service or working in room service, or trying to do the housekeeping, have startup jobs. They are low paying jobs. And these folks are being laid off. Many of them are facing very difficult times. I am glad the President has suggested extending unemployment insurance. But we as a Congress should be sensitive to this as well.

If you want to know how to stimulate America's economy, it is not by leaving our friends, neighbors, and relatives by the side of the road as we press forward. Bring them along on this journey. Bring them along to see the economy's rebirth, which I believe will take place. It means that Congress has to do something about it.

Frankly, let me tell you, a few of my colleagues, and only a few, think the way to get the economy moving again is not to pay attention to the unemployed and the laid off but rather those who are doing well and are prosperous. They are suggesting we should, again, give tax cuts to the wealthiest people in America. That is just incredible to my mind, to suggest at this moment in our history we would show less sensitivity to those who are out of work and more generosity to those who are already doing extremely well.

I think if we are going to have tax cuts, they should be focused on those in the lower and middle-income categories, the millions who have been left behind by the original tax cut package which Congress passed a few months ago, and others who need a helping hand. It is by invigorating our economy in this way that I think we will see the restoration of consumer confidence.

I hope this Congress not only passes the Carnahan amendment to help the specific employees but goes on to pass an economic stimulus package which can be helpful as well. How can we do it? One suggestion is a moratorium on the FICA tax, a holiday on the FICA tax. It means a 7 or 8 percent increase in pay for every employee in America. That means more money to take home when it is payday, more money to spend. I hope, to get this economy moving. That is something that can be done quickly and across the board.

The one thing Congress usually fails to do is come up with a solution in a timely fashion. Sadly, we don't have time on our side. We have started the holiday buying season and purchasing season across America. We need to do something this month, in October, or early November that will tell people they are going to have more resources to deal with meeting the needs of their family and planning for the holidays. That means doing something immediately. Putting a moratorium on the FICA tax is one of those things. It will be seen in the next paycheck. People will know it instantly.

There are also suggestions of State sales tax holidays. That is something we ought to explore. Of course, the Federal Government would compensate the State and local governments for the loss of revenue from sales tax, but it would mean a reduction in price of many products which people might turn around and buy.

These are reasonable suggestions. I also think we ought to consider in the economic stimulus package tax benefits to businesses which are now making necessary investments in security. These investments are important. They are absolutely critical in light of the September 11 attack, and we ought to help these businesses—whether it is in surveillance cameras or additional security personnel. Unfortunately, those acquisitions do not add to productivity; they just take from the bottom line. If we can help businesses get through this, then they may not be forced to lay off people because of the pressures they face as a result of the recession we are currently experiencing.

So I say to my colleagues, as you consider all the possibilities of what we might do this week, don't forget the people on the front line. Don't forget the aviation and airline employees. We were good to their companies when we should have been. I was happy to cast my vote that way. But I believe we should not forget the men and women who make up the employee workforce of the aviation and airline industry. I am going to support the Carnahan amendment and recommend all my colleagues do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER: Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mrs. BOXER. May I ask my friend, would he be willing to yield me 3 minutes following completion of the remarks of my colleague? Would he yield me 3 minutes once the Senator finishes?

Mr. ROCKEFELLER. I say to the Senator from California, there are at least one, perhaps two Senators on this side of the aisle who wish to speak.

Mrs. BOXER. Would they be willing to yield me the 3 minutes?

Mrs. HUTCHISON. I will agree to that if following the 8 minutes I will have the opportunity to give Senator ALLARD 10 minutes, and then I will take the rest of my time according to—let me just ask how much time is remaining on my side?

The PRESIDING OFFICER (Mr. JOHNSON). There remains 23 minutes 48 seconds.

Mrs. HUTCHISON. If I could have some time following the Senator from California, I agree to that.

Mrs. BOXER. I thank my friend from Texas.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I can do this in less than 5 minutes because it feels as if every day, day after day after day, week after week after week, I have been on the floor to speak to the question of simple justice, which is to make sure we provide help to aviation employees.

I am starting to regret that I just didn't hold up the $15 billion package for the industry. I want to support the industry. I think it was the right thing to do. But I knew then—I have been here long enough—that this was some leverage that we had to make sure the employees were included.

I don't think the aviation industry was exaggerating their difficulty. We were very worried about what was going to happen, but I knew we would have some leverage for employees. But on the basis of commitments that had been made from other Senators that surely we were going to help the employees, I thought: Let's go forward and help the aviation industry. Surely there will not be any opposition to helping the employees.

We have 4,500 Northwest employees out of work. There is also Sun Country; there is Mesaba Airlines. There are other aviation employees out of work as well. I find it hard to believe that we do not have enough heart here to provide the help for them.

We have an aviation airline safety bill on the floor with Senator HOLLINGS providing great leadership. It is an important piece of legislation and must be passed. It makes all the sense in the world to support the Carnahan amendment. For people who are in a lot of economic pain, the Carnahan amendment says do three things: No. 1, extend the unemployment benefits up to a year; No. 2, since the economy is fluid and some people may want to get skills for other jobs that are available, make sure you have the workforce development; No. 3, and I argue most important of all, since it is terrifying not only to be out of work but to know in a couple of months you are not going to have any health care coverage for yourself and your loved ones, provide up to 12 months of helping these families afford health care coverage for themselves and their children.

Is this too much to support now? Instead, we have a second-degree amendment. I will not get into ANWR. Some of my colleagues are so much in a rush to help the oil industry, so much in a rush to do something that is environmentally reckless—it doesn't have a heck of a lot to do with what we need to do by way of having an independent energy policy—anything that can be done to block help for hard-pressed employees who are out of work. This doesn't make sense.

I was convinced 2 weeks ago when we passed this package for the companies that there would not be any resistance at all. I said yesterday—I will say it again—99.9 percent of the people in Minnesota believe that we should not only help the industry, but we should be helping the employees. Mr. President, 99 percent of the people in Minnesota believe it is a matter of elementary justice and fairness. Apparently too many Senators do not get it, and they are blocking this assistance.

If this is the dividing line between Democrats and Republicans, I am proud to be a Democrat. Better yet would be if we had the support of every single Senator, which would be the right thing to do, but apparently we have an all-out effort to block this package.

I wish my colleagues had such passion and had such a heart not to oppose helping people who are flat on their backs but to help them instead. And the Senator from Illinois is right. Actually the sooner we do this the better because the fact is, we are in a recession in our country. It is a deep recession. It has cut across a broad section of the population—certainly in Minnesota, way beyond the aviation industry. There are lots of small businesses and lots of other employees—tourism, you name it—and the fact is, we need to pass an economic stimulus package. We need to pass an economic stimulus package that puts the purchasing power back into the hands of working families—whether it be tax rebates vis-a-vis payroll tax that helps them or whether it be a massive school construction program where we repair buildings that have been crumbling and create jobs; whether it be affordable housing and we create jobs; whether it be extending unemployment benefits; getting the health care benefits; whether or not we do a lot of other things that will help employees support their families and buy in this economy.

The sooner the better. We ought to be supporting the Carnahan amendment as an important first step.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mrs. BOXER. Mr. President, this country gives trade adjustment assistance to workers when they lose their jobs due to trade. I support that. We all seem to support that. But it is shocking to me that a number of people in this Senate today do not support such assistance because of terrorism, an attack on our country, on our people, on our workers. It is stunning to me.

You will hear every excuse in the book about why it doesn't belong on this bill. People cannot pay their mortgages; they have been laid off. They cannot pay their health insurance; they have been laid off.

Let me read to you simply a letter that went out from one of my airlines, American Eagle:

> Unfortunately, due to the circumstances of this national emergency which are beyond our control, it may be necessary to close or reduce the size of some of our business locations. This will cause some or all American Eagle personnel at those locations to be laid off. Because American Eagle's future rests on how well we can rebound from our current situation, we cannot say at this time how long these layoffs may last.

We gave the airlines a huge package. I supported it. I still support it. But I assumed we would follow it up to help those people who make those airlines run. I am shocked, stunned, and in disbelief that we are not here as patriotic Americans, both sides of the aisle, standing up for the patriotic workers who lost their jobs because of an attack on the United States of America.

I will look at this vote very carefully. It will hurt my heart if we don't win this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield 10 minutes of my remaining time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Thank you, Mr. President, I thank the Senator from Texas.

(The remarks of Mr. ALLEN pertaining to the introduction of S. 1532 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. Mr. President, I support the Carnahan amendment which addresses the issues faced by employees who have been dislocated as a result of the September 11 terrorist attacks against the United States. While we have not yet determined the full impact of the events of September 11 on our economy, the preliminary information from the Department of Labor estimates that over 200,000 U.S. jobs were eliminated in September. This includes a first-time unemployment claim increase of over 7,700 jobs in my own State of Michigan. Expectations are that the October unemployment claim numbers will be even higher. Many of these workers were individuals employed in the airline and travel related industries. The Carnahan amendment will help these workers by providing extended income support, training benefits and health care benefits.

The issue of assisting dislocated workers should have been addressed last month when we passed legislation to assist the airline industry at a price tag of $15 billion. But over the objections of many of us, provisions to assist workers in the airline and travel industry were taken out of the airline industry assistance bill. We cannot continue to sit by idly while thousands of American workers lose their jobs because of the actions of terrorists. We now have an opportunity to assist workers who have been devastated economically by the tragic events of September 11. Senators who oppose assisting those workers should at least allow the Senate to debate the issue openly and vote quickly on the bill on its merits.

The Carnahan amendment specifically addresses the current economic situation of employees of airlines, commercial aircraft manufacturers, suppliers to airlines and airports. This bill currently has bipartisan support and over 35 cosponsors. I would like to commend Senator CARNAHAN for her tireless efforts to assist dislocated workers.

The Carnahan amendment would provide individuals who exhaust their 26-week eligibility for State unemployment insurance an additional 20 weeks of cash payments funded entirely by the Federal Government. The bill would also allow individuals who do not meet their States' requirements for unemployment insurance to receive 26 weeks of federally financed unemployment insurance.

The bill would also allow individuals who would not be expected to return to their jobs within the airline industry to become eligible for retraining benefits. Individuals who would not be expected to return to their jobs, but who may find some alternative job within the airline industry, would be eligible for upgrade training.

Finally under the provisions of the Carnahan amendment, the Federal Government would fully reimburse eligible individuals for their COBRA premiums so they can continue to be fully insured. Individuals who do not qualify for COBRA and are otherwise uninsured would be eligible for Medicaid with the Federal Government covering 100 percent of the premiums. These health care benefits would last for a maximum of 12 months.

I can't stress enough the importance of assisting these dislocated workers. The tragedy of September 11 has brought American families closer together and given us all an opportunity to help those who have been directly affected by the terrorist attacks. I hope that in the Senate's newly found spirit of bipartisanship, we can agree to help those American workers who urgently need our assistance.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Two minutes.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that I be allowed to speak for 3 additional minutes, for a total of 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. CARNAHAN. Mr. President, this Senate has acted swiftly and with unity in response to the September 11 terrorist attacks. We provided $40 billion to begin the relief effort. We authorized the President to use force in pursuing the terrorists and the nations that harbor them. And we created a $15 billion relief package to help stabilize our Nation's airlines.

I have been very proud of the manner in which this body has acted over the last month, but we have not yet acted on behalf of the tens of thousands of Americans who have lost their jobs as a result of these attacks. Now is the time to do something for the workers.

Before we passed the airline stabilization bill, I came to this Chamber on several occasions to argue on behalf of including assistance to displaced workers as part of that package, but in an effort to pass the bill expeditiously, I was asked to withhold my amendment. So I did. That was the right thing to do.

We cannot delay any longer. Some of my colleagues have spoken in opposition to my amendment, by arguing that we have already helped airline workers by providing assistance to airlines. That is only half right. By helping the airlines avoid bankruptcy, we saved many jobs. However, we have not done anything for the families of the 140,000 airline industry employees who are losing their jobs despite the airline stabilization package.

The $15 billion we gave to the airlines is not helping those families pay their mortgage. That money is not helping them put food on the dinner table. And that money certainly is not helping them pay for health insurance for their families. The modest assistance provided in this amendment will help these families deal with a tough situation.

There are hundreds of thousands of Americans who are losing their jobs. Some of my colleagues have asked why we should provide special assistance to airline workers.

First, let me say, I am eager to work with President Bush and my colleagues to provide assistance to all displaced workers as a part of the economic stimulus package. This vote is not a choice between my plan and the President's plan. We can do both. I believe we must address airline workers separately, and now.

Furthermore, current law already treats some displaced workers differently than others. The Trade Adjustment Assistance Program provides special benefits to workers who have lost their jobs as a result of increased imports. Over 1 million workers have benefitted from this program. I am glad they did. But let's be clear; they received a better benefit package than other laid off workers. If we can provide these benefits to aid workers who lost jobs due to trade, can't we do so for workers who lost their jobs due to terrorism?

The amendment we are about to vote on would provide similar benefits to airline industry workers who have lost their jobs as a result of the September 11 attacks.

The more than 140,000 airline industry employees who are being laid off have been dealt a terrible blow. I don't know how many Members of this body know what it is like to be a child in a family with a laid off worker. I do. My grandparents, with whom I lived for many years, when my parents worked, lived in this very city. I can recall a time when my grandfather, a carpenter, came home and sat in the kitchen and said to my grandmother: I have been laid off. I remember her tears, and I remember their fears, as they did not know what the future held for them.

It is time we gave to these workers of America's airlines a sense of confidence that their future is assured. This is our chance to send a message to the workers of America that we know they are facing hard times, we want to help, and this Senate stands ready to take action.

It is not enough to say, wait for the next piece of legislation, and the next after that. It is not enough to say that we have to move on to other pressing business. This measure deserves an up-or-down vote on its merits, not a filibuster.

I urge my colleagues to let the Senate vote on this amendment, and I urge a vote in favor of cloture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank Senator CARNAHAN for her amendment. I congratulate her and express my appreciation for her efforts on behalf of employees of the airlines who have suffered directly as a result of Federal action.

I am sympathetic to the needs of the displaced workers who she and so many of our colleagues want to address. I say this to the Senator: I believe this issue has to be addressed. There are people who, as a result of Federal action, were put out of work. That is a fact.

I cannot support this amendment. For one reason, Senator HOLLINGS and I made a commitment; and we made that commitment because, if we allow one amendment that is not germane to this bill, then there is no reason why we should not allow numerous others, which is the same reason why I will oppose any other amendment, including the Murkowski-Smith amendment.

But I hope we can work together. I think Senator CARNAHAN's amendment needs to be narrowed dramatically. I think it can be addressed to specific individuals who have been affected by Federal action. I believe in the Senator's amendment there are some employees who are not directly impacted who would receive help that may not be necessary.

I also submit that both the airlines and the employees needed to be helped. We did give financial assistance to the airlines, and we do need to move forward. I know the chairman shares my views that we need to move forward on that issue.

I agree that we still need to provide assistance to workers who have been laid off as a result of these attacks. The appropriate amount, nature, and recipients of Federal assistance for the unemployed is a difficult and inevitably contentious issue.

Last night Senator GRAMM criticized the Carnahan amendment for being unfairly narrow because it only helps certain industry sectors where workers have been laid off as a result of the September 11 attacks and does not address hotel workers, restaurant workers, transportation service workers, travel agents, and many others whose layoffs can be attributed to terrorist actions. I do not agree with that comment.

I understand that the benefits provided under the expanded trade adjustment assistance model are over and above traditional unemployment assistance available to other displaced employees.

In addition to concerns about the scope of the amendment—which may be overinclusive in some respects and underinclusive in others—I think there are very significant practical problems that render the amendment fundamentally unworkable.

The Carnahan amendment charges the Department of Labor with paying 100 percent of eligible workers' COBRA premiums and suggests these premiums be made directly to insurance providers. I understand, however, that Labor simply has no mechanism in place for doing this. Determining COBRA eligibility; verifying the amounts that are owed to insurers on behalf of tens of thousands of workers; to whom it is owed; and how it is to be paid is not something that can be turned around overnight. If the intention is to provide laid off workers with benefits in the near term, the Carnahan COBRA compensation mechanism does not seem very workable to me.

But having addressed some of the concerns I have with it, let me reiterate again, however, that I agree with what Senator CARNAHAN and others are doing in trying to provide assistance to workers who have been laid off as a result of the terrorist attacks.

I look forward to working with her and others.

I say to Senator CARNAHAN, no matter how this amendment is taken care of—and I believe that the required 60 votes will not be obtained by the sponsor of the amendment—the issue is not going away. I know that Senator HOLLINGS and I are committed to working with the Senator. We have taken care of the shareholders and the airline executives and the airlines themselves. Now we need to take care of the unfortunate victims of this terrorist attack.

I hope Senator CARNAHAN recognizes that it is not out of a lack of sympathy, but we simply have to move forward because the safety and security of Americans on airliners is the most important and paramount factor, and the reason why this legislation is on the floor, as we speak—safety and security. That is why this amendment has to be rejected at this time, in my opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, is there time remaining on our side?

The PRESIDING OFFICER. There are 10 minutes remaining.

Mrs. HUTCHISON. Mr. President, I agree with my colleague, Senator McCAIN. I support much of what is in the Carnahan amendment, but this is not the right vehicle for it. It has not yet been determined how much we need to do and how we should do it. We need to work that out.

I will be working with Senator ALLEN, Senator CARNAHAN, and others to assure we have the help we need for displaced workers. Right now, if we are going to keep jobs in the aviation industry, we need to pass the Aviation Security Act. If something is going to keep the bill from having the strong support of the Senate, then we will get bogged down in that amendment.

Let's get these people back to work. The way we get them back to work is for people in America to be secure in flying again. That is what our bill will do. It is going to provide a security system that gives people confidence that they will be safe when they fly. If we can bring the people back to flying again, we will bring the jobs back on the market. That is what these people want. They want to work for the same airline, the aircraft manufacturing company or the hotel that they left. The way to keep those jobs is to bring the public back to flying again.

We want business as usual in our country. We want the economy to stabilize. We want to get those people back on the job. They would rather work than collect unemployment benefits. We can put them to work if we can pass this aviation security bill. We are very close. If we can keep from starting a process of having extraneous amendments on this bill, we will be able to pass it because we will be able to take amendments, vote on them, and pass the bill. I hope we will be able to do that tonight.

I thank everybody who has cooperated so much on the bill. I look forward to working on passage of the bill after we have taken the stand that we will not allow extraneous amendments.

I ask the distinguished Senator from Arizona if it would be proper to yield back the time and start the vote.

Mr. McCAIN. Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER (Mrs. LINCOLN). All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle amendment No. 1855 to S. 1447, the Aviation Security bill:

Harry Reid, Bob Graham, Bob Torricelli, Jean Carnahan, Jeff Bingaman, Maria Cantwell, Richard J. Durbin, John Kerry, Jay Rockefeller, Mark Dayton, Ben Nelson, Evan Bayh, Tim Johnson, Russell Feingold, Kent Conrad, Tom Daschle, Bill Nelson, Edward M. Kennedy, Barbara A. Mikulski, and Paul Wellstone.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1855 to S. 1447, a bill to improve aviation security, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—44

Allard
Allen
Bennett
Bond
Bunning
Burns
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The PRESIDING OFFICER (Ms. CANTWELL). On this vote, the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Madam President, it is clear a majority of the Senate wants to act in favor of taking some action for those directly affected by the shutdown of America's airlines after September 11. So if a majority of the Senate has expressed their will, I strongly suggest we sit down and negotiate a reasonable package. We did take care of the airlines in a very generous package. Now we need to move forward with an agreement that would get at least 60 votes so we can address the needs and plight of 100,000 employees, at least, who have been rendered unemployed by the September 11 events.

I voted to not invoke cloture on this amendment. I intend to work with my colleagues on both sides of the aisle so we can come up with a reasonable package to compensate individuals who were directly affected by an act of the Federal Government. That is what we are talking about. That is what we are talking about. I always thought one of the obligations of government was to care of those who were affected by events and decisions beyond their control. It was a decision of the Federal Government, and a right one, to shut down the airlines of America, including 3 weeks at Reagan National Airport.

I want to work with my colleagues and get this legislation in a package that can be agreed to by, hopefully, all, including the administration. I believe very strongly we need to act on it. I don't want to be repetitive except to say we should have a sense of urgency about 100,000 employees who were rendered unemployed just as we did over the plight of the airlines and their shareholders and executives, as well as the American flying public.

Very shortly we will hopefully move to an amendment from Senator SMITH and Senator MURKOWSKI. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, with the consent of the two managers of the bill, we have three people who wish to speak on the vote that just took place. I ask unanimous consent Senators DODD, CANTWELL, and REID be allowed to speak for a total of up to 15 minutes, and prior to that, Senator MURKOWSKI will introduce his amendment. As soon as we finish with the three speeches, we will move to the Smith-Murkowski amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I failed to acknowledge we still have pending the Carnahan amendment. So what I would ask in the consent is we temporarily set aside the Carnahan amendment; that we go to the Murkowski amendment, but at such time as the majority leader, who offered the amendment on behalf of Senator CARNAHAN, comes to the floor, that he be recognized to take whatever appropriate action on the underlying amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska.

AMENDMENT NO. 1863

Mr. MURKOWSKI. Madam President, it is my intention to propose amendment No. 1863, about which I have already spoken at some length. This particular amendment allows, under the circumstances, the extension to commercial airline pilots the right to fly beyond the age of 60 to the age of 63. It is my intention to ask for a recorded vote on the amendment.

I ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1863.

Mr. MURKOWSKI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish age limitations for airmen)

At the appropriate place, insert the following:

SEC. . AGE AND OTHER LIMITATIONS.

(A) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 6 months after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term "certificate holder" means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(c) RESERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who has reached the age of 60, including its authority—

(1) to require such a pilot to undergo additional or more stringent medical, cognitive, or proficiency testing in order to retain certification; or

(2) to establish crew pairing standards for crews with such a pilot.

Mr. MURKOWSKI. Madam President, it is my understanding at a time agreed upon by the floor leaders, Senator SMITH will be recognized to offer a first-degree amendment for himself as well as Senator MURKOWSKI regarding cockpit security, and no second-degree amendments will be in order.

I further ask consent that there be 20 minutes for debate equally divided in the usual form; that upon the use or yielding back of the time, the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, is this the amendment we anticipated coming up?

I have no objection.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1855

Mr. DODD. Madam President, if I may, I want to take a couple of minutes to express my disappointment at the Senate's failure to invoke cloture and to allow for the consideration of the Carnahan amendment. I am saddened, in the midst of this otherwise harmonious relationship we have been developing, that we would deny the opportunity to have a vote, an up-or-down vote, where 51 votes would win, 50 or fewer would cause the amendment to fail. We are not even going to have a chance for a straight vote on the amendment being offered by the Senator from Missouri.

Let me tell you why I am disappointed. First, I think the country has, with almost unanimity, watched the Congress of the United States and the President of the United States work in a fashion unprecedented for those of us who are today serving here. There are some whose service goes back many years. But I suggest even for those with the longest service in the Senate, they could not recall a time during their service when we have been as united as a people and as united as public servants as we are today.

With that as a backdrop, it was terribly disappointing to me to see us walk away from those individuals who every day go to work and try to make our airlines work as well as they can. We all stood together here—with the exception of 1 vote—when the airline industry came up and said, we need some help. We did not get involved in filibusters or demanding 30 hours of debate. Democrats and Republicans, with the exception of one of our colleagues, raised their hands and cast their votes "aye" to help out this industry.

The suggestion was made during that debate that we could not do anything to help out the workers right away but we would do it as soon as we could. So we said: Fine, with that kind of a general assurance, we will vote to bail out the shareholders—in effect. That is what we did. I voted for that bill, and I am glad I did. I think it was necessary because not just the airlines but other industries that depend upon a healthy airline service would be adversely affected as well.

But to turn around and say to the thousands of people who have lost their jobs, whose home mortgages, car payments and health care benefits are in jeopardy—you must go find a meaningful level of employment in an economy that was already in trouble before September 11. Mr. President, I do not understand this Chamber that could find in its pockets enough money to bail out a shareholder and yet couldn't find the small change to bail out innocent people.

This has been tough enough on our country over the last month. We have seen today at the Pentagon, and elsewhere, memorial services to recognize the contribution of those who lost their lives. That is appropriate and proper.

I listened to the eloquent words of the Secretary of Defense, and the eloquent speech of the President to the employees at the Pentagon, and to the world, for that matter.

But it is our obligation as well, not only to recognize those who have given their lives but to also recognize the living and what they are going through. The idea that you cannot have a simple vote on whether or not you are going to extend unemployment insurance for an additional number of weeks; that you are not going to provide for COBRA continuation coverage for individuals—I do not understand that.

What happened to us in the last couple of weeks? When it comes to those at the very top of the income spectrum, with all due respect, they are not the ones suffering from the airline industry problems. But the idea that the majority of people who lose their jobs have little or no value is something I do not understand.

My hope is that we have a vote on this issue and those who did not vote for cloture would cast a vote in favor of the thousands who have lost their jobs and find themselves and their families in a very precarious situation.

Individuals who do not qualify for extended health insurance under COBRA and who are otherwise uninsured would be eligible for Medicaid, with the Federal Government covering 100 percent of the premiums. For a few weeks, to get people back on their feet, could we not find it in our hearts to extend to them the kind of help they need?

Mrs. BOXER. Will my friend yield for a question?

Mr. DODD. I am happy to yield.

Mrs. BOXER. I took to the floor earlier, in a brief moment that I had, and I made the connection between trade adjustment assistance and this bill.

The PRESIDING OFFICER (Mr. REID). The time of the Senator from Connecticut has expired.

Mrs. BOXER. I ask for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I made the connection between trade adjustment assistance and this bill, which Senator CARNAHAN based on the Trade Adjustment Assistance Act. I ask my friend, doesn't he think if we can help people when they lose their job because of trade, we should help people when they lose their job because of a terrorist attack on this country? I ask him, doesn't it seem ironic that somehow, when you lose your job because of trade, you get the help, but not if it is a result of a terrorist attack?

Mr. DODD. I think the Senator from California raises a very good question, and one that she provides the answer for in her question.

Obviously, over the years, we have said to people, if you lose your job because of trade policies—which we think have a long-term beneficial effect on the country and we see something good come out of that—if you lose your job because we are trying to achieve a greater good, we will step into that breach and provide some assistance to you and your family.

How ironic that when something terrible happens and you lose your job, we can't provide benefits to help you and your family during difficult times.

I am stunned by this. I thought this was going to be a non-issue. I could see where people might want to modify this a bit. Instead of 52 weeks, make it 45 weeks; instead of 100 percent of Medicaid, we will make it 90 percent.

I can understand people making a case that we need to modify the Carnahan amendment. But not to provide for any kind of alternative is something that just gets away.

We have to finish the bill. I know the distinguished chairman of the committee has an awful burden to get this done. He has argued very persuasively that we have a responsibility to meet the security needs.

Mr. President, I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I understand the sense of urgency to get this done. I am sure my friend from South Carolina would not argue with that coming up rather quickly as we did with the airline bailout. That didn't take long. We managed to find the time around here to come up with the time to debate it, discuss it, and work it out. Again, I voted for that bill. I would again today. I don't argue with that at all.

But I am stunned that we can't find the time somehow to say to those thousands of workers—baggage handlers, flight attendants, and mechanics—who have lost their jobs and are wondering how they are going to make ends meet—we have time for everybody but you. Everybody else got in line. But you don't. We are sending the message that we don't have enough time to take care of you.

I am terribly disappointed that our colleagues have decided to reject this cloture motion. But I tell you that people out there have lost their jobs. Millions of other Americans are watching this vote to see what we did to average people out there on this day, 1 month later. We memorialize those who lost their lives but this Chamber couldn't find in its heart to come up with a few extra dollars to help some people who have lost their work.

That is a sad day. That is not the way to commemorate those who gave so much 1 month ago. I am deeply disappointed in my colleagues.

The PRESIDING OFFICER (Mrs. BOXER). Under the previous order, the Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I also rise with a great deal of frustration over the last vote where the majority of my colleagues in the Senate want to act to help workers who have been impacted by the acts of September 11 and the emergency that has prevailed; that we do something to help those who have been most impacted by job layoffs by cutbacks in major industries related to transportation; and that we act immediately.

I am very frustrated, even though a majority of my colleagues want to see such legislation passed to help workers who are going to be laid off, who are going to have to struggle with how to pay for health insurance, who will not have the assistance for job training that might put them back in the economy sooner, that they are going to be without assistance. They are going to be without that assistance, even though a majority of my colleagues wanted to see that legislation passed, because we could not get this cloture vote in the Senate today.

I ask, if not now, when?

We were told after the events of September 11, when everybody wanted to work in a bipartisan fashion to expedite the decisionmaking in the Senate, that we needed to band together. We did. We acted quickly on legislation to help and assist the airline industry. I think the vote was 98 to 0.

At that same time, we were told we need to act now to help the industry. We will come back to help workers. So with earnest, Senator CARNAHAN, Senator KENNEDY, myself, and Senator MURRAY from Washington have been working diligently on this proposal.

Today we are sending the wrong message to the American people. We are sending the message that this body thinks it is more important to help the corporate executives and the shareholders of the airline industry than it is to help the American workers. That is absolutely the wrong message.

When you think about it, consumer confidence counts for about two-thirds of our economy. In the past month of September, consumer confidence has been at its all-time low since 1996.

This is an economic issue. Just as the assistance package for the airlines was an economic issue, this assistance to the workers is an economic issue. Instead of working together in a bipartisan fashion, we showed our partisan colors today by not allowing this vote to take place. The majority of Senators wish this legislation would have passed.

In Washington State, where 20,000 to 30,000 workers could be laid off by the end of next year, the impact will be real. Some estimates are that a $1.29 billion loss will be felt by our local economy. That is quite significant in the State of Washington where we have already been feeling the impact of the downturn in the economy.

When you think about the individual workers, yes, they will receive some unemployment benefits. What about health care? When you think about it, a typical worker in the aerospace industry might make $40,000 to $50,000. Yet the impact of losing that income and having unemployment insurance is not being able to pay for health care benefits. An average worker with a family might pay as much as $850 a month for the loss of health care benefits, on top of other bills they have to pay—for their mortgage, for their food, and for their children's education.

We are sending a terrible message that it is more important to help corporate executives and shareholders than to care about the educational needs of the airline workers in our country. That is the wrong message.

We need to move ahead in a bipartisan fashion to think about the ripple effect on our economy. It is not just the airline manufacturing industry, as I said, with 20,000 to 30,000 layoffs, but the hundred-plus thousand layoffs in the airline industry overall. That impact on our economy at a time when our economy is already seeing a downturn is not the kind of message we need to be sending.

It is very important that we move ahead. If not now, when will we act to support workers in this country in their time of need?

I yield the floor.

Mr. REID. Madam President, the majority leader is now in the Chamber. I am not going to use the 5 minutes allocated to me under the previous order. I ask unanimous consent that the time be given to the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I come to the floor to express my grave disappointment at what the Senate has just done.

This is the first time we have said no to any of the victims of disaster of 1 month ago. It is the first time we have said no to working families struggling to put their lives back together.

I am troubled, disappointed, and disillusioned.

I will say this: We will not give up. We will not quit. We will not allow those workers to in any way believe that this country is going to turn its back on them when they need it the most. We will help them. We will find a way to do this. We will keep the fight. We are committed, as people determined to help all of those who are hurting so badly, including those who have no job, including those who have no health insurance, including those who need training today—including all of those victims. We cannot say no to these people. We will be back. We will not give up.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, under the previous order, it is now my understanding we are going to go to the Smith-Murkowski amendment on a 20-minute time agreement; is that right?

Mr. HOLLINGS. That is right.

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Hampshire.

AMENDMENT NO. 1874

Mr. SMITH of New Hampshire. Madam President, I have amendment No. 1874 at the desk, and I ask for its immediate consideration as described under the previous order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. MURKOWSKI, Mr. BURNS, and Mr. THURMOND, proposes an amendment numbered 1874.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To further provide for the safety of American aviation and the suppression of terrorism)

At the appropriate place, add the following:

SEC. . FLIGHT DECK SECURITY.

(a) Title.—This Section may be cited as the 'Flight Deck Security Act of 2001'.

(b) Findings.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorists by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) Aviation Safety and the Suppression of Terrorism by Commercial Aircraft.—

(1) Possession of firearms on commercial flights.—The FAA is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of section (c)(2) of this Act, who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary, to ensure the safety and integrity of flight.

(2) Federal pilot officers.—

(A) In addition to the protections provided by the section (c)(1) of this Act, the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this Act.

(E) The FAA may prescribe regulations for purposes of this section.

(d) Reports to Congress.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.".

Mr. SMITH of New Hampshire. Madam President, I say to my colleagues, I will be very brief. If there are others who wish to speak, they may want to come to the Chamber. We have only, as I understand it, 20 minutes equally divided.

This amendment, I say to my colleagues, is the one that has been known as the gun-in-the-cockpits amendment. I am pleased to report that, to the best of my knowledge, the Senate has agreed to accept this amendment, which I think is good news for the airline industry and good news for all of us who fly across America, and all over the world, as a matter of fact.

First of all, I thank my colleagues, Senator MURKOWSKI and Senator BURNS, for their leadership, and also Senator THURMOND for working with me to put this amendment together. Also, Senator MCCAIN and Senator HOLLINGS were very helpful as we worked out the compromise so we could offer this amendment without a lot of rancor.

The motto of my legislation is that armed pilots are the first line of deterrence and the last line of defense—the first line of deterrence because terrorists will know that armed pilots will be able to defend the cockpit and defend the aircraft from a hijacking; the last line of defense because when all else fails, including the air marshals and perhaps even a reinforced cockpit door, an armed pilot will be in the cockpit to defend that cockpit from terrorist hijackers.

I think it is important for us to think and reflect back on what has happened in the past month. We all know what happened on September 11. Those terrorists got in that cockpit, and the pilots had no defense once that door was kicked in, except their bare hands. We have had another——

Mrs. BOXER. The Senate is not in order, and I am extremely interested in hearing about the content of this amendment. I hope the Senate can be in order.

The PRESIDING OFFICER. The Senator is correct. Senators will take their conversations to the back of the Chamber.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Senator from California for her courtesy.

In the last week, we have had another incident—not a terrorist incident but one where a person got into the cockpit and caused the plane to be destabilized momentarily.

I think it is important to understand, after all of the events of September 11, and all of the efforts we have made to encourage and bring people back to flying again, we still had another incident where a person actually got into the cockpit.

Now we know—and we are working on all of this—we are going to reinforce the cockpit doors; there will be armed marshals; we are going to increase security on the aircraft. All of these things are being done. But I would ask my colleagues to reflect for a moment as to what would happen if, in spite of all of that—in spite of all three of those things: The marshals, the reinforced cockpit doors, and increased security around the aircraft—somebody got into that cockpit again. They could bring that plane down.

If, in fact, a pilot had a gun, that pilot would have the opportunity to stop that hijacker or person coming into that cockpit to cause damage. If the pilot could not do it, if the pilot did not have a weapon, and that person got into the cockpit, the worst of all things could be that the hijacker would commandeer the plane and do some terrible destruction using the aircraft as a weapon of mass destruction. But what might happen, and what could have happened last time, were it not for the brave passengers on Flight 93, we could have to shoot down our own commercial aircraft with our own American citizens in that aircraft.

It is far preferable to have the pilot shoot the hijacker and maintain control of the cockpit than it is to have the hijacker get control of the cockpit and have the President of the United States have to make that god-awful, gut-wrenching decision to shoot down a commercial aircraft to save the lives of thousands, killing perhaps a couple hundred American citizens. So this is the right thing to do.

The Senator from California mentioned that she wants to know the content of the amendment. The content of the amendment, I say to the Senator, is very reasonable. It says that the FAA is authorized to permit, if the airlines and the pilots would agree to do it—if they did agree; no one is forced to carry a weapon into the cockpit. That is the pilots' and the airlines' decision.

So I think it is reasonable. I have met with dozens of pilots on this issue, many from New Hampshire and Massachusetts, some here, from most of the airlines. I know there are very few who disagree with this amendment, but the vast, overwhelming majority of the pilots, probably 95 percent of them, agree with it. It is the right thing to do, and not only for safety reasons but also, if we are going to bring back the airline industry and get those people back to work who have lost their jobs, we have to bring passengers back to the airplanes; we have to restore their confidence.

I am going to feel a lot more confident knowing that pilot is going to have the opportunity to stop that hijacker when that hijacker comes through that cockpit door, if he gets through the cockpit door in spite of all the other things we are doing.

So remember, this is not an amendment that is just hanging out there with nothing else. This is an amendment that is working in conjunction with increased airport and aircraft security, reinforced cockpit doors, and perhaps a Federal marshal—at least spot-checked on flights. It goes with all of that. And this is the final stop, so that pilot can have the assurance, with that TV camera or monitor, so he or she can see what is going on in the back of that aircraft, in the cabin. At that point, the pilot can turn and be prepared to face that hijacker who could cause unbelievable destruction.

So I am pleased and proud to offer the amendment on behalf of myself, Senator BURNS, Senator MURKOWSKI, and Senator THURMOND. I know there are others who support it as well.

Madam President, I know other people would like to speak, so I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I support this amendment.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. SMITH of New Hampshire. I yield the Senator whatever time she wishes to consume.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend.

Madam President, as someone who for a long time has taken the opposite position on guns, I think this amendment makes sense.

We are working toward having air marshals on our airplanes. We will also be working—and I want to announce here my support of the Burns amendment—to really move security into the Department of Justice where it belongs.

Until we do all this, I think this amendment makes sense. It gives the FAA a chance to decide if they think it is prudent for a pilot, who is trained, and who wants to, and who is willing to, to be able to defend the aircraft.

I just want to remind my colleagues that every single plane that was hijacked was going to my State of California. I want you to know that every time I think about this, I think of how many people are suffering. I think we need to do everything we can to prevent any more of these hijackings from occurring.

Therefore, I believe this amendment is right. I believe it is prudent. It also was supported in front of our Commerce Committee—I see my chairman in the Chamber—by the gentleman who represented the pilots at the last hearing we had.

So I thank my friend. I am supporting this amendment, as well as the Burns amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Madam President, I yield whatever time he may consume to the Senator from Montana.

The PRESIDING OFFICER. Two minutes remain to the sponsor.

Mr. SMITH of New Hampshire. Before I yield, however, I ask unanimous consent to have three letters of support printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GUN OWNERS OF AMERICA,
Springfield, VA, October 3, 2001.

DEAR SENATOR: Senator Bob Smith will be introducing an amendment to the Aviation Security Act. I urge you to vote in favor of his amendment.

The Smith amendment will provide the opportunity for pilots to use firearms to defend their passengers and planes, as well as provide for reinforcing the cockpit doors on commercial aircraft.

I urge you to vote for the Smith amendment, as it can help save the lives of pilots, crew members, and passengers—not to mention the lives of thousands of citizens on the ground.

Sincerely,

JOHN VELLECO,
Director of Federal Affairs.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,
Washington, DC, October 3, 2001.

DEAR SENATOR: In the aftermath of the tragedy that occurred on September 11th, various proposals have been offered to deal with airline security. As the United States Senate begins debate on the Aviation Security Act, S. 1147, amendments may be offered relating to pilot and passenger security.

One proposal, sponsored by Senators Bob Smith and Conrad Burns, addresses pilot safety by allowing—not requiring—properly trained commercial pilots, co-pilots, and flight engineers to carry firearms. On behalf of the 4 million members of the National Rifle Association, I urge you to support this common sense and well-balanced measure.

Armed pilots with proper training and suitable equipment will be the last line of defense against hijackers and terrorists in providing cockpit and aircraft security. Obviously, proper training is an essential component of this legislation. Along with the possibility of U.S. Air Marshals accompanying commercial flights, this measure would send a strong message to potential attackers that self-defense exists in the air as well as on our land.

The National Rifle Association stands with the Air Line Pilots Association and the Allied Pilots Association in supporting this amendment. This measure will provide both deterrence to hijackers and terrorists and safety to airline employees and the traveling public. Please vote "yes" on the Smith/Burns amendment to S. 1147.

Sincerely,

CHARLES H. CUNNINGHAM,
Director, NRA Federal Affairs.

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL,
Washington, DC, October 3, 2001.

Hon. ROBERT C. SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: On behalf of the 67,000 members of the Air Line Pilots Association, International, I want to offer our most sincere thanks and our support for your amendment to S. 1447, which would provide for armed federal pilot officers.

The Administration, Congress, and the industry are all heavily involved in activities and discussions aimed at improving security. Many of the proposed security initiatives and proposals will take months, even years to implement; some of them are also very expensive.

We have learned, in a most tragic fashion, that the occupants of the cockpit must be protected in the event of a cockpit door breach in order to prevent further loss of life to passengers, crew, and those on the ground. Provision of armed air marshals and enhanced cockpit doors will help. However, not all flights will have the protection of air marshals, and new, more secure cockpit doors will not be installed overnight.

For those reasons, it is our strong belief that the last line of defense must be a method of training, deputizing and arming those pilots who both volunteer and qualify to carry a means of lethal self-defense. Not all pilots will want to carry a weapon, and some who do may not qualify under the FBI's strict screening and training criteria, but there will be thousands of our members who can meet both criteria. Once the cost of training these pilots is complete, there would be virtually no other expense for providing an FBI-trained federal officer in the cockpit who is capable of administering lethal force.

In addition to adding a genuine security enhancement in the very near term, the creation of a federal pilot officer program would also generate a tremendous amount of confidence among pilots to protect themselves and, thereby, their passengers. We believe that your proposal, if implemented, should also translate into greater confidence in air travel security by the traveling public and help the airlines return to profitability much sooner than they could otherwise.

In summary, we believe that your proposed federal pilot officer program is a most reasonable, practical, cost-effective, and efficient means of enhancing airline security. ALPA supports it and we urge its enactment.

Sincerely,

DUANE E. WOERTH,
President.

Mr. SMITH of New Hampshire. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my friend from New Hampshire.

Madam President, I want to say to all those folks who would be critical, this does not make it mandatory for a weapon to be on the flight deck. This says they are able to take one if they are comfortable with one.

I point to American Airlines Flight 11, which was the first plane to hit the north tower. The pilot was a Vietnam veteran and the copilot was a Navy Top Gun pilot. On American Airlines Flight 77, Charlie Burlingame was a graduate of the U.S. Naval Academy and a Top Gun pilot. On United Airlines 175, which was the second plane to hit the south tower, both the pilot and copilot were veterans, one a Navy pilot, one a Marine Corps veteran.

What we are saying is, if these men and women who operate the flight deck are comfortable with a weapon, they should be allowed to have a weapon. That is what this amendment says.

I thank the Senator from New Hampshire for his leadership and the Senator from California for her support.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the following letter from the Allied Pilots Association be printed in the RECORD in support of amendment No. 1874.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALLIED PILOTS ASSOCIATION,
Fort Worth, TX, October 7, 2001.

Hon. ROBERT SMITH,
United States Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Allied Pilots Association, which represents the 11,500 pilots of American Airlines, I wish to express our strong support for the "Flight Deck Security Act of 2001."

We must take immediate action to enhance our nation's aviation security. We believe the "Flight Deck Security Act," S. 1463, will help ensure the safety of both airline flight crews and the flying public.

APA supports allowing qualified pilots to carry firearms. The majority of our pilots have served in the military, where they received weapons training, and many are already qualified to handle small arms. Armed pilots will help deter terrorists from attempting to hijack an aircraft. Furthermore, they would provide a last line of defense to resist the hijacking of commercial aircraft.

The Allied Pilots Association urges the Senate to pass the "Flight Deck Security Act." We believe S. 1463's voluntary firearm program should be enacted immediately.

Sincerely,

Captain JOHN DARRAH,
President,

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Madam President, how many minutes would the Senator want?

Ms. MIKULSKI. I know there is an amendment. I want to make some general comments about the bill. What would be the appropriate way?

Mr. McCAIN. I ask unanimous consent that we temporarily set aside the amendment and the Senator from Maryland be allowed to speak for 5 minutes on the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Senator from Arizona, the national leader on this topic.

Madam President, we just came from the Pentagon memorial for all of those who died at the Pentagon on the fateful day, 9/11, one month ago.

We have been going to several memorials. They have been heartfelt. Whether it was at Emmitsburg for the National Fallen Firefighters Memorial, today at the Pentagon, joining with Senators LOTT and DASCHLE, having the resolution on a national day of remembrance, all of these are very special to me because on that fateful day, I lost 60 Maryland constituents: 54 at the Pentagon, those who were working at the Pentagon and who were on that fateful flight. Six others, who we currently know of, lost their lives at other sites.

I know the Chair knows we feel a great debt of gratitude to the gallant people on Flight 93 who probably saved our lives. I support the memorials. I was honored to be there.

I am pleased to join in a resolution for a national day of remembrance. I think we need a permanent way of remembering those people who died on that very fateful, grim, horrific day. The way we honor their memory is to make sure it never, ever can happen again.

This is why I am so passionate about our moving our aviation security bill, why I am very firm in terms of trying to make our railroads safe and also ensuring that those people who work in the field of transportation and in airports and airlines are not doubly victimized, first by the terrorists and then by an economic compensation system that leaves them without jobs, without incomes, without future training, and a bleak future. We should not doubly punish them by leaving them without an economic security safety net.

I plead to my colleagues today: Let us put aside our ideologies on how we think Government should be this size or Government should be that size. We need to think about what is the right thing to do for the American people. I want to get America moving again. I want them to be on the rails. I want them to be in planes. I want them to feel free to travel. This is why I am so passionate about the need to have an aviation security bill that also federalizes our security operations.

It ensures that we have the best to guard us. We have the best to guard us at the military; God bless them. We have the best to help rescue us in our fire and police departments; God bless them. Let's have the very best and the best trained at our airports.

While we are making our airports safe, let us look at other areas of vulnerability, and then that goes to our railroads. We need, again, passenger screening. We need baggage screening. We need to assure the safety of our tunnels, of which we have many in the Northeast corridor. I know the Chair is from a railroad corridor State. Last but not at all least, I am concerned about those 528,000 people who filed for unemployment last week. That is just a little bit less than the size of my great city of Baltimore. A half million people are on unemployment, not because they were laggards, not because they don't want to work, not because they don't want to show up for duty, but because of circumstances outside of their control.

We have it within our control to make an economic safety net for them. I say to my colleagues, we have clotured this; we have bargained that; we have negotiated that. Let us get back to the spirit we had a few weeks ago when we were not a Republican Party or a Democratic Party. We were the red, white, and blue party. Let's do right for airline security. Let's do right for railroad security. Let's do right for the people who have lost their jobs because of terrorist attacks. That will be the best permanent memorial we could make to those who have fallen because of this horrific deed.

Madam President, four civilian airliners from three of our Nation's airports were used as weapons of war on September 11. As we're debating this legislation, our military is taking action against those who were responsible. One way to support our troops is to improve safety for all Americans. That's the goal of this legislation. This bill enables us to take three concrete actions to improve the safety of our skies.

Security is a high skill job. Yet airport screeners in this country are low paid—$6.00 an hour or less. Fast food restaurant employees are paid better.

They are poorly trained. The FAA requires 12 hours of classroom training. Other countries do a better job. France requires 60 hours of training. Belgium requires at least 40 hours. Often, those who perform the training have had only a few hours of training themselves.

They are inexperienced. Turnover rates are alarming: 126 percent from May 1998 through April 1999 at our nation's 19 largest airports; as high as 416 percent in some instances.

They have low morale which leads to poor performance.

FAA inspection reports reveal significant weaknesses in the performance of our airport screeners. Security inspectors showed that BWI ranked fifth among major airports in the number of bombs, grenades or other weapons that went undetected in federal inspections.

This is not a new problem. The GAO reports that in 1987 airport screeners missed 20 percent of the potentially dangerous objects used in tests and it's been getting worse over the past few years.

Part of the solution is to federalize our airport security workforce. We have Federal officials protecting our borders and protecting our President. We also need Federal officials protecting our flying public. Why federal workers? They can be fully trained and monitored. Their primary goal would be safety, not the economic bottom line. The Hollings bill does this by Federalizing airport security operations, by requiring extensive training—40 hours of classroom training, 60 hours of on-the-job instruction—by deploying law enforcement personnel at each airport, including armed personnel at airport security screening locations.

The safety of our pilots is critical to ensuring the safety of the passengers. The tragedies of September 11 showed that we need to strengthen the cockpit door and locks to prevent entry by non-flight deck crewmembers.

In a hijacking situation, we've always focused on deterrence, that pilots and copilots should negotiate with hijackers until the aircraft is safely on the ground. September 11 shattered that idea.

This bill prohibits access to the flight deck cockpit by any person other than a flight deck crew member. It requires the strengthening of the cockpit door and locks to prevent entry by non-flight deck crew members and requires commuter aircraft that do not have doors to get doors.

On September 11, some heroic Americans on United Airlines flight 93 lost their lives as they confronted the terrorists. They prevented the plane from flying into the Capitol or the White House. These brave citizens lost their lives, yet they saved many others—perhaps even those of us in this chamber.

Yet we can't ask American citizens to risk or lose their lives. We need Federal air marshals on our airplanes to protect our citizens.

The Sky Marshal Program dates back to the Kennedy Administration when the concern of hijackings to Cuba was prevalent. In 1970, the program was greatly expanded to include 1,500 U.S. Customs officers, 800 military personnel. Two years later, the U.S. Customs Sky Marshal Program was phased out.

Then, in 1985, a 727 TWA flight from Athens was diverted to Beirut where terrorists murdered Robert Dean Stetham of Maryland. The highjackings of 1985 prompted Congress to reinstate the Air Marshal program, but it is spartan and skimpy.

This legislation would require a marshal on every flight. That's about 25,000 flights a day, pre-September 11, on all domestic flights and on all international flights originating in the U.S.

The events of September 11 were an attack against America and against humanity. We are a nation that is grief stricken, but we are not paralyzed in our determination to rid the world of terrorism. In the mean time, we must act to make transportation safer in the United States. We must have a sense of urgency and pass this legislation immediately.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Madam President, unless the Senator from New Hampshire would like to speak again, we yield back the remainder of our time and urge adoption of the amendment.

The PRESIDING OFFICER. If all time is yielded back, without objection, the amendment is agreed to.

The amendment (No. 1874) was agreed to.

Mr. McCAIN. Madam President, I move to reconsider the vote.

Mr. SMITH of New Hampshire. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1875

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I have an amendment and I send it to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. McConnell, Mr. DEWINE, and Mrs. BOXER, proposes an amendment numbered 1875.

Mr. BURNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the Attorney General responsible for aviation safety and security)

On page 4, strike lines 10, 11, and 12.

On page 4, line 13, strike "(B)" and insert "(A)".

On page 4, line 18, strike "(C)" and insert "(B)".

On page 4, line 22, insert "and" after the semicolon.

On page 4, beginning with line 23, strike through line 5 on page 5.

On page 5, line 6, strike "(E)" and insert "(C)".

On page 5, between lines 13 and 14, insert the following:

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council. On page 5, line 14, strike "(b)" and insert "(c)".

On page 6, line 4, strike "(c)" and insert "(d)".

On page 10, between lines 6 and 7, insert the following:

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

On page 10, line 7, strike "(a) IN GENERAL.—" and insert "(b) DEPLOYMENT.—".

On page 10, line 23, strike "(b) DEPLOYMENT.—" and insert "(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—".

On page 11, line 14, strike "(c)" and insert "(d)".

On page 11, line 20, strike "(d)" and insert "(e)".

On page 12, line 3, strike "(e)" and insert "(f)".

On page 12, line 4, before "Secretary" insert "Attorney General and the".

On page 12, line 22, before "Secretary" insert "Attorney General and the".

On page 12, line 24, strike "the Secretary" and insert "they".

On page 13, line 3, strike "(f)" and insert "(g)".

On page 18, beginning in line 2, strike "Secretary of Transportation, in consultation with the Attorney General," and insert "Attorney General, in consultation with the Secretary of Transportation,".

On page 18, line 11, strike "Secretary" and insert "Attorney General".

On page 18, beginning in line 17, strike "Secretary of Transportation, in consultation with the Attorney General" and insert "Attorney General".

On page 18, line 25, strike "Secretary" and insert "Attorney General".

On page 19, line 4, strike "Secretary" and insert "Attorney General".

On page 19, line 7, strike "Secretary" and insert "Attorney General".

On page 19, beginning in line 12, strike "Secretary of Transportation, with the approval of the Attorney General," and insert "Attorney General".

On page 20, line 9, strike "Secretary" and insert "Attorney General".

On page 20, beginning in line 12, strike "Secretary, in consultation with the Attorney General," and insert "Attorney General, in consultation with the Secretary of Transportation,".

On page 20, beginning in line 14, strike "Secretary" and insert "Attorney General".

On page 21, beginning in line 3, strike "Secretary and".

On page 21, line 12, strike "Administrator" and insert "Attorney General".

On page 21, line 19, strike "Administrator" and insert "Attorney General".

On page 21, line 23, strike "Administrator" and insert "Attorney General or the Secretary of Transportation".

On page 22, line 4, strike "Administrator" and insert "Attorney General".

On page 22, beginning in line 7, strike "Secretary of Transportation" and insert "Attorney General".

On page 22, line 9, strike "the Attorney General or".

On page 22, strike lines 13 through 22.

On page 22, line 23, strike "(c) TRANSITION.—The Secretary of Transportation" and insert "(b) TRANSITION.—The Attorney General".

On page 23, line 3, strike "Secretary" and insert "Attorney General".

On page 23, line 6, strike "Secretary" and insert "Attorney General".

On page 23, beginning in line 18, strike "Secretary of Transportation, in consultation with the Attorney General," and insert "Attorney General, in consultation with the Secretary of Transportation,".

On page 23, line 23, strike "Secretary" and insert "Attorney General".

On page 24, line 20, strike "Secretary" and insert "Attorney General".

On page 24, beginning in line 21, strike "Secretary" and insert "Attorney General".

On page 25, line 3, strike "Secretary" and insert "Attorney General".

On page 25, line 11, strike "Secretary" and insert "Attorney General".

On page 25, beginning in line 14, strike "Secretary" and insert "Attorney General".

On page 26, line 3, strike "Secretary" and insert "Attorney General".

On page 26, line 15 strike, "Secretary" and insert "Attorney General".

On page 29, beginning in line 1, strike "Secretary" and insert "Attorney General".

On page 29, line 20, strike "Secretary" and insert "Attorney General".

On page 29, beginning in line 23, strike "Secretary of Transportation" and insert "Attorney General".

On page 29, beginning in line 25, strike "the Attorney General, or".

On page 30, line 6, strike "Secretary" and insert "Attorney General".

On page 30, line 14, strike "Secretary" and insert "Attorney General".

On page 30, beginning in line 21, strike "Secretary" and insert "Attorney General".

On page 31, beginning in line 5, strike "Secretary of Transportation" and insert "Attorney General".

On page 31, line 9, strike "Secretary" and insert "Attorney General".

On page 31, line 22, strike "Secretary" and insert "Attorney General".

On page 31, line 25, strike "Secretary" and insert "Attorney General".

On page 32, line 1, strike "Secretary of Transportation" and insert "Attorney General".

On page 32, beginning in line 4, strike "Secretary" and insert "Attorney General".

On page 32, line 7, strike "Secretary" and insert "Attorney General".

On page 32, line 11, strike "Secretary of Transportation" and insert "Attorney General".

On page 33, line 3, strike "Secretary of Transportation" and insert "Attorney General".

On page 33, beginning in line 5, strike "Secretary" and insert "Attorney General".

On page 33, line 9, strike "Secretary" and insert "Attorney General".

On page 33, line 13, strike "Secretary" and insert "Attorney General".

On page 33, line 16, strike "Secretary" and insert "Attorney General".

On page 33, line 19, strike "Secretary" and insert "Attorney General".

On page 33, line 22, strike "Secretary" and insert "Attorney General".

On page 34, line 15, strike "Transportation" and insert "Justice".

On page 34, line 17, strike "Secretary" and insert "Attorney General".

On page 34, line 21, strike "Secretary" and insert "Attorney General".

On page 34, line 22, strike "Secretary" and insert "Attorney General".

On page 35, line 4, insert "(a) IN GENERAL.—" before "Section".

On page 35, between lines 19 and 20, insert the following:

(b) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.".

Mr. BURNS. Madam President, Senator DEWINE of Ohio and Senator MCCONNELL of Kentucky are cosponsors of this amendment. It has been a subject of conversation for the last week. The events of September 11 changed a lot of things—where we place emphasis and how we do business in this town. We are changing who is directly responsible and directly accountable for airport security.

When I first looked at the legislation as it was being drafted, there was one glaring fault. That was that the enforcement of security and safety of America's traveling air passengers was still in the Department of Transportation. I have believed since September 11 that something had to be changed. In other words, we had to do something that would give the flying public a sense of security and safety and the rules would be made outside of the Department of Transportation. I believe it should be in the Department of Justice.

If you look at what we have to do and the areas in which we have to do it, the argument that the chairman of the full committee made, which is when you take those areas of intelligence and passengers lists, which we are going to have to scrutinize a little bit better and more in the future than we have in the past, when we take a look at the outside of the airport or the peripherals and the security of the airport security itself, when you look at security in the check-in area and also the area known as the departure gate, then we shift our emphasis to cargo, that which is shipped on regularly scheduled flights and also among the people who are in the air freight business, also the area in which we park our aircraft overnight or aircraft that has been parked for some length of time, and the aircraft itself—those are distinct areas where we have responsibilities for security and safety—no other agency in the Government is better equipped to do the job in all those areas than the Department of Justice.

So what my amendment says is that we give a bright line of authority to the Attorney General, who is accountable and responsible for the security and safety of air traffic. That does not say that the Department of Transportation, or even the FAA, doesn't have a little say about what goes on in their business. They should be able to set some of the rules and make sure aircraft are certified to fly and pilots are certified to fly, and those things. But on the security end of it, America is telling me they want law enforcement powers just for the sense of security when they travel.

I have often used this analogy with folks who like football and those folks who like baseball and basketball: they are great sports, but you never see the teams refereeing or umpiring themselves. It has to be done by an entity that understands the rules or the mission of safety, and security. So that is where we are.

That is what this amendment is all about. It allows a setting of standards. It allows the checking of employees, if they work in sensitive areas, such as bag handling, and they are near the aircraft. Those employees are going to have to stand the scrutiny of the Justice Department in order to get a job on the ramp, so to speak.

When I came out of the Marine Corps, I worked for the airlines for about 3 years. I understand what goes on out there. They are not doing many things differently today than they did 35 or 40 years ago. They have better equipment. They don't have to lift as much as we used to in the old days, but there is more security.

What this amendment does is it says the Department of Justice, the Attorney General of the United States of America, will be responsible for setting up the apparatus through the Justice Department to make sure that our areas are secure and people are safe when they fly.

So I offer this amendment. I ask for your support as we move forward. I think we have worked out just about all of the kinks. We have people who want to make statements. I say to my ranking member and my boss on the Commerce Committee that they want to speak a little bit on this amendment. Then I will turn it over to him.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I say to my friend from Montana, who I have had the privilege of working with for many years on the Commerce Committee, I think this is a good amendment. One of the reasons I think it is a good amendment is because we are trying to address a major issue with this legislation, and that is to restore confidence on the part of the American people in the belief that they can fly on airliners and be in airports with a sense of security.

I think the Senator's amendment, by putting these responsibilities into the Department of Justice, will increase that confidence factor rather dramatically. I don't think right now that most Americans know who is in charge of the airport screening procedures. I have often asked that question myself. I don't think Americans believe that one agency that is in charge has done a very good job, whoever is responsible for it. We see continued breaches of airport security—even after September 11. So I think the amendment of the Senator from Montana is a good one. I think it will move the process in the direction we are seeking for this legislation.

I thank Senator BURNS for his active participation and involvement in this issue. I know Mr. MCCONNELL, the Senator from Kentucky, wants to speak on this amendment as well. If the chairman wants to speak, perhaps we can wait a few minutes for Senator MCCONNELL after he finishes.

I yield the floor.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Arizona has pointed out the main concern that we have, and that is that airline travelers have complete confidence in the security, safety, and normalcy of our airlines—as we are all pleading with the people of the country to get back to normal travel. The best way to do that is to have law enforcement immediately connected to personnel in and around the facility, and out on the tarmac, that they are all aware of security threats—specifically, to be on the lookout for people on a watch list.

The overall security effort would be developed, no question, by the FBI domestic homefront security office. They are the ones that would have immediate knowledge of anyone on a watch list, communicating immediately, of course, with their screeners and others working in the airport and its facility.

I think it is a well-considered measure. The Senator from Montana recommended this when we approached this subject 3 or 4 weeks ago. We talked back and forth. We are trying to get things done. In order to get things done, sometimes your own personal choice is subjugated to the good of the body generally. The good of the body and the White House, for that matter, was to put responsibility for airport security under the Department of Transportation's purview.

But there is no question, as the Senator from Arizona says, this amendment would facilitate the enactment and passage of this legislation. I support it.

Mr. BURNS. Mr. President, the bill we are discussing today would help to ensure the safety of flying for passengers on the planes as well as innocent civilians on the ground.

However, I am concerned that the bill will broadly expand the law enforcement authority of the Department of Transportation and the Federal Aviation Administration. I believe we should let experienced law enforcers set the standards to protect the safety of commercial air operations.

The mission of the DOT is to:

> serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future.

The mission of the U.S. Marshall Service under the oversight of the Attorney General is to:

> enforce federal laws and provide support to virtually all elements of the federal justice system by providing for the security of federal court facilities and the safety of judges and other court personnel; apprehending criminals; exercising custody of federal prisoners and providing for their security and transportation to correctional facilities; executing federal court orders; seizing assets gained by illegal means and providing for the custody, management and disposal of forfeited assets; assuring the safety of endangered government witnesses and their families; and collecting and disbursing funds.

The key phrase is to "enforce Federal laws." The Justice Department is a law enforcement body. That agency is tasked to protect the American people through the enforcement of laws set by Congress.

Prior to 9/11, the primary responsibility for aviation security was shared by the FAA, airports and the carriers.

The FAA set the standards and regulations that were followed by the airports and carriers. The FAA was responsible to provide threat information obtained from the intelligence community to the security apparatus protecting our airports and carriers.

The Air Marshall program, although active, was relatively non-existent as there were fewer than 50 security personnel enlisted to secure our passenger airplanes.

Airports remain responsible for the physical security of airport facilities, law enforcement and security personnel. In Montana, our Governor has temporarily deployed the Montana National Guard to protect our airports while a threat remains significant. I have discussed airport security with Montana's airport managers and they have informed me of their current practices.

Airlines and cargo carriers are responsible for implementing those security activities that directly affect the flow of passengers, baggage and cargo aboard aircraft.

Since 9/11 we have entered a new era. The last hijacking of a U.S. airline using a weapon was in 1989, when a passenger used a starter pistol and two folding knives to hijack an American Airlines plane.

Prior to that, a Pacific Southwest Airline jet crashed in 1987 after a former ticket agent for the airline smuggled a gun aboard and broke into the cockpit, killing the flight crew. All 43 people aboard were killed.

But is was the bombing of Pan Am flight 103 on Dec. 21, 1988 over Lockerbie, Scotland that turned the attention of security officials from guns to bombs, which can be relatively small and made of plastic.

While we have upgraded our equipment to detect bombs, we have not addressed concerns about uniform standards used to detect potential human threats in a plane.

At airport security checkpoints, walk-through metal detectors currently screen passengers. If the detector alarms, screeners use metal-detecting hand wands. Nonmetallic objects, including plastic and ceramic weapons, will generally not be found by either procedure.

At the same checkpoints, carry-on bags are screened by equipment that displays an x-ray image of bag contents. An operator who sees a suspicious object in the image, or whose view is blocked by a concealing object, may hand search a bag as a backup procedure. Nonmetallic objects may be visible in the checkpoint x-ray image, but less clearly than metal items, and operator training has, up to now, been focused on identifying metal items.

The checkpoint screeners who work for these private security companies have rapid turnover, more than 100 percent per year at many airports. The pay is low and is largely attributed to this high rate of turnover.

Until directed otherwise by the Secretary of Transportation on September 12, 2001, many small knives, such as pocketknives, were permitted on board aircraft, even if detected by security personnel.

I have concerns about unsecured access to the plane. There were several reports about finding box cutters and other potential weapons on planes that had landed on 9/11/01. These findings could lead one to believe there were other planned attacks during that fateful day.

Prior to 9/11, several people had access to an aircraft and could, perhaps, leave a weapon in a hidden location for use by someone else. These people include the flight crew, maintenance personnel, cleaners, caterers, and baggage handlers.

The DOT Inspector General reported his office was able to gain unauthorized access to secure areas of airports 68% of the time in tests during 1998 and 1999 and has found in audits that background checks of airport personnel are ineffective and are frequently not conducted as required.

I encourage my colleagues to support this amendment. We need to establish a national standard that protects American citizens. I believe the Justice Department is the proper authority to set that standard.

I thank the chairman, and I yield the floor.

AMENDMENT NO. 1855, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent, on behalf of Senator DASCHLE, that the Carnahan amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

AMENDMENT NO. 1875

Mr. DEWINE. Mr. President, I rise to support the Burns amendment. First, I congratulate my colleague for his work on this amendment. He has been very diligent in explaining in meeting after meeting off the floor of the Senate for the last week or 10 days why his amendment should pass. I congratulate him on his amendment. I congratulate him on his diligence and his perception of what we should be doing.

This is a simple amendment, one that I believe makes a very big statement. The statement says we believe our Justice Department is best suited to manage particular aspects of security at our airports. The reality is we need accountability. We need to know there is an agency in charge that knows how to manage security. That agency, I believe, is the Justice Department of the United States.

I say that because the Justice Department is in the business of law enforcement, and it is in the business of security in the Marshal Service. Protecting our airports and protecting the traveling public is a law enforcement and a security function. It is a function, I believe, best handled by the Department of Justice.

The fact is, those in charge of law enforcement have a different way of looking at things. I first understood that when I became an assistant county prosecuting attorney at the age of 25. I could not believe how the police officers in Xenia, OH, or the sheriff's office in Fairborn, OH, saw things differently than I saw them.

They saw things through the eyes of a trained officer. They saw things from the law enforcement point of view. They saw things from a security point of view. We would go to crime scenes, and they would explain what they saw. We would look at situations where we were worried about security, and they would see things that I would never see.

It is not just training. It is not just experience. It also is a culture. I guess we use the word "culture" when we do not know another word to explain it, but it is a fundamental way of approaching things.

I believe it makes eminent sense to take an agency that is concerned every single day about the security of Americans—that is what they get paid to do—and say we are going to put you in charge of the flying public's security while they are on the ground. We are going to leave it up to the FAA, the experts, about how to fly, when those planes fly, when they do not fly, and things that go on in the air. But when we are talking about ground security, we are going to leave that up to other experts, and those experts are in the Justice Department.

We have an example of how this is done. Justice really does two things: They do law enforcement, but they also do security. The Marshal Service does security every single day. They break it down. They make a distinction between the sworn officers and the contract employees. Later on in this debate, before final passage, I am going to have a little more to say about that.

When you go in, for example, to a Federal courthouse, or when you go into a Federal building, it is the U.S. Marshal Service that is in charge of that security. So there is precedent for doing this. There is an experience level that exists in the Justice Department.

I do not want to take a lot of the time of my colleagues, but I again congratulate my colleague, Senator BURNS, for this idea. I think it is the right idea. It basically says the whole issue of security on the ground—not just the checking of the baggage, not just the checking of the passengers, but the whole view and concept of what should be done in regard to each individual airport in this country—should be in the hands of the experts. And I believe those experts are in the Justice Department.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment in order to address some amendments that have been agreed to on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1876

Mr. McCAIN. Mr. President, on behalf of Senator DOMENICI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. DOMENICI, proposes an amendment numbered 1876.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To further enhance research and development regarding aviation security)

At the appropriate place, insert the following:

( ) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

"(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

"(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

"(i) progress made in engineering, research, and development with respect to security technology;

"(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

"(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.".

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

"(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

"(ii) the disruption of civil aviation service, including by cyber attack;".

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

"(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

"(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

"(i) the development and testing of effective explosive detection systems;

"(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

"(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

"(iv) other scientific and technical areas the Administrator considers appropriate.

"(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

"(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

"(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.".

Mr. McCAIN. Mr. President, for the information of my colleagues, this amendment provides for the appointment of an advisory board which would make recommendations concerning the best way to ensure the best technology is available to increase security, especially at airports, but also at other vital installations around the country. It is a good amendment. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1876) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1877

Mr. McCAIN. Mr. President, on behalf of the Senator from Georgia, Mr. CLELAND, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. CLELAND, proposes an amendment numbered 1877.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To expand the registration requirements with respect to airmen)

At the appropriate place, insert the following:

SEC. . AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "pilots" and inserting "airmen"; and

(B) by striking the period and inserting "and related to combating acts of terrorism."; and

(2) by adding at the end, the following new paragraphs:

"(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

"(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.".

Mr. McCAIN. Mr. President, this amendment by the Senator from Georgia has been agreed to on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1877) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Will the Senator from Arizona yield for a very brief statement?

Mr. McCAIN. It will be my pleasure.

Mr. REID. Mr. President, I withdrew the Carnahan amendment. One reason it was withdrawn is because of the statements made by the Senator from Arizona that on the next vehicle moving through here, we can look to help the employees we are trying to help, and he said he would help us. He has been very good on this legislation, and his statements regarding these displaced workers and people who need help so badly is very much appreciated.

Mr. McCAIN. I thank the Senator from Nevada. We are in the process of continuing negotiations. I think we are very close to an agreement between myself and the principals.

AMENDMENT NO. 1878

Mr. McCAIN. Mr. President, on behalf of Senator THOMPSON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. THOMPSON, proposes an amendment numbered 1878.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Aviation Security Act to ensure that those responsible for security meet performance standards, and for other purposes)

Insert at the appropriate place the following:

SEC. . RESULTS-BASED MANAGEMENT.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end of the following:

§ Performance Goals and Objectives

(a) SHORT TERM TRANSITION.—

(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

(1) PERFORMANCE PLAN AND REPORT.—

(A) PERFORMANCE PLAN.—

(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a non-public appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

(B) PERFORMANCE REPORT.—

(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a non-public appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

§ Performance Management System.

(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(i) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

(ii) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

(i) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

(i) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement this act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

Mr. THOMPSON. Mr. President. The attacks of September 11 demonstrated that we had not done all we could to prevent or mitigate them. But even these events weren't necessary to show us that. We have known for some time that airport security was less than acceptable, and we all agree that the system used to screen airline passengers and baggage needs to be overhauled. However, in the rush to fix the problem by "federalizing" the security workforce, I am concerned that not enough attention is being given to a critical flaw in existing security operations, that is, the failure to set and insist on performance standards. It doesn't matter who does this work, if we continue to fail to hold those responsible for security, from top to bottom, accountable. In the past, some fines were levied, but no one was held accountable for improvement.

Passenger and baggage screeners and their employers, whether civil servants or contractors, must be required to meet performance standards, and then must be subject to meaningful sanctions if those standards are not met. This has not occurred in the past. The General Accounting Office has issued several reports that document the Federal Aviation Administration's failure to hold airlines accountable for the declining performance of their baggage screeners over the last decade. Note that I said detection rates have declined virtually every year over the last decade.

It's important to note that we have been trying to implement performance-based management in the Federal Government for some time. Since 1994, agencies of the Federal Government have been required to set goals for what they do and report to Congress and the American people on whether agencies are meeting those goals. Oddly, the Department of Transportation has been a leader in setting goals. It's just that in the area of aviation security, they haven't been meeting them.

In 1997, we asked the Department of Transportation Inspector General to identify the Department's worst management challenges. Since that time, the Inspector General has routinely identified aviation security as the Department's greatest management challenge. And since 1999, I've been asking the Department of Transportation to set goals to address and improve aviation security. The Department did set a goal for the rate at which screeners detect dangerous objects, and it reported as recently as April of this year that it failed to meet its goal.

Let me read to you from the Department of Transportation's Performance Report, which it issued this spring:

> DOT did not meet this year's performance target [for aviation security, which specifically measures the detection rate for explosives and weapons that may be brought aboard aircraft.] The technology is functioning well and provides superior security protection, but screener performance has not improved enough.

The report states further: FAA may face a greater challenge than expected to meet the FY 2001 performance targets in some areas of screening.

Like so many things in Washington, we have known this was a problem for some time. Detection rates at the Nation's airports have been declining steadily since 1993. But clearly, we weren't holding those responsible for aviation security accountable for their performance. So, I have to ask; what assurances do we have that the Department of Transportation will hold new screeners, under this bill, more accountable?

Lax enforcement of standards inevitably leads to lax security, regardless of who hires those screeners. This amendment will ensure that results-oriented management is a key component of whatever changes are made to our airport security system. We can not afford more business as usual. We have to insist that the traveling public is safe from those who would perpetrate evil deeds like those of September 11.

First, my amendment requires the Federal Government to set and enforce goals for aviation security. It requires the head of aviation security, within 60 days of enactment, to establish acceptable levels of performance and provide Congress with an action plan to achieve that performance. Over the long-term, the head of aviation security must establish a process for performance planning and reporting that informs Congress and the American people about how the Government is meeting its goals. By creating this process, we will be constantly assessing the threats we face and ensuring that we have the means to measure our progress in preparing for those threats. This is a new, detailed method for ensuring that performance management is in place specifically in the Government's aviation security programs.

I firmly believe that good people, well managed, can substantially improve our aviation security. So this amendment gives those responsible for aviation security enhanced tools to regain the confidence of America's flying public. We employ a good mix of carrots and sticks to drive performance. For instance: This amendment establishes an annual staff performance management system that includes setting individual, group, and organizational performance goals consistent with an annual performance plan. Managers and employees would be eligible for bonuses for good performance. The amendment allows management to hold employees, whether public, private, or a mix thereof, accountable for meeting their performance standards.

This approach is not new. Agencies like IRS, the Patent and Trademark Office, and the Office of Student and Financial Assistance, have performance-based management systems. But this will be the first time that performance-based management has been used to better government performance at every level of a government agency.

I've been trying for many years to get agencies to set goals and strive to meet them. It seems so commonsensical, but for so many years, the Federal Government did not do that. And we in the Congress, admittedly, have not really held agencies' feet to the fire as far as performance goes.

There has never been, in my opinion, a clearer example of good goals, but poor performance, as in the area of aviation security. This amendment will restore confidence in air travel. With my amendment, we will say, if you are not meeting your goals, whether it be detecting dangerous objects that people try to get on planes or preventing access to secure areas of an airport or airplane, you can be held accountable. And those who meet their goals can be rewarded.

This amendment makes sense. I hope we can assure the American people that we are doing all we can, remaining vigilant, by strictly enforcing standards for the safety and security of the Nation's airports and airplanes. I urge the adoption of this simple, but critical, performance-based amendment.

Mr. McCAIN. Mr. President, this is an important amendment. It deserves a couple minutes of explanation.

One of the difficulties we have had in the past is we passed legislation and authorized certain activities, and then we forgot about them as a Congress. We do not pay enough attention to the performance of the bureaucracies that we either create or designate to carry out certain programs.

Senator THOMPSON's amendment is basically results-based management. It is going to require reporting. It is going to require performance reports. It is going to require performance plans. It is going to establish a system for measuring staff performance, management accountability for meeting performance goals, compensation, the Deputy Secretary for Transportation Security, et cetera.

It is comprehensive performance-based management and results-based management. I believe it is an important amendment in making sure this legislation is accountable to the American people as well as the Congress. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1878) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1879

(Purpose: To require expanded utilization of current security technologies, establish short-term assessment and deployment of emergency security technologies, and for other purposes)

Mr. MCCAIN. Mr. President, finally, on behalf of Senator LIEBERMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. LIEBERMAN, for himself, and Mr. DURBIN, proposes an amendment numbered 1879.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senator DURBIN to offer an amendment to S. 1447, the Aviation Security Act, to improve airport and aircraft safety through heightened screening of passengers, carry-on luggage, checked baggage, and those entering secure areas of airports. The overriding purpose of my amendment is to put our superior technological knowledge to better, more accurate, more widespread, and, therefore, more effective use.

In the wake of the horrific attacks of September 11, the Nation's confidence in the safety of our skies has been deeply shaken. Apart from the thousands of lives lost, public trust in airport security has suffered a severe blow, which in turn has had a devastating impact on the fortunes of the airline sector as well as the general economy. Three weeks ago, Congress approved a $15 billion bailout plan for the airline industry, which we all hope will keep the nation's carriers financially and operationally viable for at least the immediate future. Ultimately, however, the long-term recovery of air commerce will require nothing less than developing ironclad confidence in the safety of our airports and air carriers. My amendment and the bill now under discussion are first steps toward achieving that goal.

On September 25, the Governmental Affairs Committee, which I chair, held a joint hearing with the Subcommittee on Oversight of Government Management, chaired by Senator DURBIN, to explore the adequacy of airline and airport screening. Witnesses from the airline industry, the aviation security industry, major airports, the Federal Aviation Administration, the Department of Transportation Inspector General's Office, and the General Accounting Office provided sobering testimony on shortcomings in our current airport security system. The amendment I am offering today is derived in large part from the expert advice and recommendations the Committee received at the hearing.

The amendment has three general aims: First, to expand the use of current security technologies and procedures; second, to improve upon and upgrade those existing technologies and procedures; and, third, to fund development of newer, better, and more cost-effective technologies and procedures.

The very first step that must be taken in order to accomplish these ends must be to ensure that those working in and around airports are beyond reproach, because the best technologies and procedures are, frankly, useless if the people employing them cannot be trusted. My amendment, therefore, would require completion of intensive background checks on all airport personnel who have access to secure areas at commercial airports. This includes FBI criminal checks for all workers, not just for new hires but for current employees as well.

Next, the amendment would require the Federal Aviation Administration to expand the use of bulk explosive detection technology already being deployed at most major airports. We would require the technology to be used more precisely, more cost effectively, and more often than is currently the case. To ensure that every link in the chain of security is strong, the FAA would also be asked to establish goals for the purchase of additional detection machines for certain mid-sized airports.

Carriers would be required to increase the number of checked bags that are positively matched with a boarded passenger, until airports are scanning 100 percent of checked baggage with explosive detection technology. The purpose here is to prevent a situation in which a terrorist loads explosives onto a plane in his baggage, without actually boarding the plane himself.

The measure would require carriers to build upon the Computer-Assisted Passenger Pre-Screening System, (CAPPS), which now uses a range of criteria to identify passengers who may present a threat. The way it works now, baggage checked by selected passengers is subjected to scanning for possible explosives. Under this amendment I am offering, passengers identified under this system would be subject to additional security checks of their persons and their carry-on luggage, whether or not they had checked baggage.

Additionally, to improve and upgrade existing procedures, the amendment focuses on the ease with which people may obtain unauthorized access to restricted areas within airports. This is a widespread and potentially lethal problem that can be easily remedied. In 1998 and 1999, undercover investigators working for the Department of Transportation Inspector General's office were able to access secure areas in airports a whopping 68 percent of the time. Once the investigators entered the secure areas, they were able to board aircraft in 117 cases, an astonishing number.

The amendment calls on the Department of Transportation to recommend ways to prevent unauthorized access to restricted areas—for example, by employing so-called biometrics systems, systems that employ retinal, facial, and hand identification technologies or similar scanning methods, that are currently in use at several U.S. airports; or by increasing surveillance at access points; upgrading card- or keypad-based access systems; improving airport emergency exit systems; and eliminating the practice commonly referred to as "piggy-backing," where an unauthorized person follows an authorized person through a security access point.

Further, the amendment calls for better coordinating the distribution of information about passengers on law enforcement "watch lists." And, it requests a review of options for improving the positive identification of passengers, through biometrics and smart cards.

Finally, the amendment would set aside $50 million for researching and developing new technologies to improve aviation safety in the future; and, $20 million for research and development of longer-term security improvements, including further advances in biometrics, advanced weapons detection, and improved systems for the sharing of information among law enforcement entities.

I believe that these provisions together represent a substantial improvement on the present state of passenger and baggage screening and other elements of the aviation security system. In conjunction with the larger changes contemplated in the underlying bill, I am confident that the measures I call for in this amendment will take us along the path toward real and measurable safety and security for our airways. Like all Americans, I look forward to the day when each of us can once again enter an airport, and board an airplane, knowing that terror has been banished from our skies.

Mr. President, I urge my colleagues to support this amendment.

Mr. McCAIN. Mr. President, on behalf of Senator LIEBERMAN, this amendment requires expanded utilization of current security technologies, establishes short-term assessment and deployment of emergency security technologies, and for other purposes.

This has been agreed to by both sides. I think it is a good amendment and, again, along with the amendment on the part of Senator THOMPSON, I think it would give an efficient reporting and accountability aspect to this amendment which was lacking in its original form.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1879) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1880

Mr. HOLLINGS. Mr. President, on behalf of Senator MURRAY, Senator SHELBY, Senator BYRD, myself, and the managers, I send an amendment to the desk with respect to the language clarification subjecting, of course, the fees and amounts under this particular measure to the appropriations process. I think it is clear in the bill but we wanted to make it absolutely clear, and on behalf of Senator MURRAY, Senator BYRD, and Senator SHELBY, we are pleased to present the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mrs. MURRAY, for herself, Mr. BYRD, and Mr. SHELBY, proposes an amendment numbered 1880.

Mr. HOLLINGS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the user fee funding mechanism)

On page 43, line 19, add the words "annual appropriations for" after the word "offset";

On page 43, line 20, strike the sentence beginning with the word "The" and ending with the word "expended." on line 23;

On page 43, at the end of line 25, insert the following new subsection:

(c) USER OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.

Mr. HOLLINGS. Mr. President, I urge adoption of the amendment.

Mr. McCAIN. Mr. President, I ask for a voice vote on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1880) was agreed to.

Mr. HOLLINGS. I move to reconsider.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1881

Mr. McCAIN. Mr. President, on behalf of myself, I send a technical amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1881.

The amendment is as follows:

(Purpose: To authorize the employment, suspension, and termination of airport passenger security screeners without regard to the provisions of title 5, United States Code, otherwise applicable to such employees)

On page 32, beginning with line 9, strike through line 2 on page 35 and insert the following:

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Secretary of Transportation may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of such a number of individuals as the Secretary determines to be necessary to carry out the passenger security screening functions of the Secretary under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

Mr. McCAIN. Mr. President, this amendment has to do with the management of the programs and the terms of employment. It has been discussed by both sides. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1881) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1875

Mr. McCAIN. Mr. President, I understand the Senator from Kentucky, Mr. MCCONNELL, is on his way over to speak on the pending amendment. I ask that we return to the pending amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I announce on behalf of Senator HOLLINGS and myself we are now down to just a couple or three amendments. If there are Senators who have amendments, we would like for them to come to the Chamber and offer them because I think we are about ready to wrap up. I understand there may be at least two amendments on this side but we would like to get them considered and disposed of.

It would be very helpful if we could move from this legislation to the antiterrorism legislation.

Mr. REID. Will the Senator yield?

Mr. McCAIN. I am glad to yield.

Mr. REID. As I announced today on behalf of Senator DASCHLE, there are some really important things to do. This bill is extremely important. The two managers of this bill have been talking about its importance for 1 week. It seems at least people with amendments could come and offer them. If they do not, the majority leader and the minority leader are going to move from this legislation, finish it, because we have waiting in the wings the very important antiterrorism legislation which the Attorney General and the President of the United States and all of us think is vitally important. So people do not have the luxury of finishing their appointments or whatever else they are doing. The business of the Senate is proceeding and we are going to move to third reading.

Mr. McCAIN. I thank the Senator from Nevada. If it is agreeable, in about 20 minutes—it is now 25 after 3—we will move that no further amendments be considered. That gives Senators 20 minutes to come over and propose their amendments.

Mr. HOLLINGS. Very good.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1875

Mr. McCONNELL. Mr. President, it is my understanding the amendment of my good friend from Montana, Senator BURNS, has been agreed to on both sides. It is that amendment to which I want to speak for a few moments prior to its adoption.

Immediately after the terrorist attacks of September 11, airline security suddenly became a national law enforcement priority, shedding its former status as a routine administrative function of the airlines. Once this occurred, it became imperative that we enlist the expertise of our Nation's top law enforcement agencies to prevent further attacks on America through our aviation system.

Three weeks ago, and before Senators HOLLINGS and McCAIN introduced their first comprehensive airline security bill, I also introduced S. 1444, the Federal Air Marshal and Safe Sky Act. My bill had two important objectives that I felt strongly about. One, to make airport security a national priority by having Federal standards, Federal training, and Federal oversight of all airport security functions and, two, to make airport security a law enforcement responsibility in the hands of the Attorney General, our Nation's top law enforcement official.

Since I introduced my bill, which was cosponsored by Senators BROWNBACK, GREGG, THURMOND, and HELMS, we have worked closely with both the chairman and ranking member of the Commerce Committee, as well as Senator BURNS and Senator DEWINE, on these important issues. That is why I am proud to be a cosponsor of Senator BURNS' amendment, which would transfer airport screening and armed personnel to the Department of Justice and allow the Department of Justice to set standards of training for Federal air marshals.

For a comprehensive air marshal program to be most effective, we need to relieve the obligations of airport security from the FAA and the airlines, where the primary purpose is to facilitate the managed air travel, and entrust that responsibility to the Department of Justice, whose primary mission is to enforce Federal law and, most importantly, to safeguard and protect us from further acts of terrorism.

The Justice Department already has a model in place for Federal security. That model is our Federal courthouses which are currently secured by the U.S. marshals who employ court security officers, commonly referred to as CSOs, to provide security around the perimeter of the building, at each point of entry, and in the courtrooms themselves. These court security officers are themselves retired Federal, State, and local law enforcement personnel.

Part of the reason our courthouses enjoy such security today is that this unified system provides for layers of security far before when one enters the actual courtroom. Our democracy demands, in the interests of our national security, that we make sure our airports are every bit as secure as our courthouses.

Finally, I would add that it is important both substantively and symbolically for the American people to know that one of our nation's top law enforcement priorities will now be handled by our nation's top law enforcement agency.

Mr. President, I thank the Senator from Montana, Mr. BURNS, for his leadership and hard work on this amendment. I also thank the chairman and ranking member for their hard work on this important piece of legislation and express my enthusiastic support for the Burns amendment and indicate my pride in being added as a cosponsor. I enjoyed working with the Senator from Montana on this matter and am glad the amendment will be accepted. It is an outstanding amendment and will add substantially to the goal of ensuring we have airports that are as safe as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my good friend, the Senator from Kentucky. I also thank him for his legislation issuing war bonds to pay for this operation, this antiterrorism effort, and to bring fugitives to justice and to fulfill this operation.

Since he introduced that legislation—and I was a cosponsor of it—I have been getting mail from all over the State of Montana wanting to know where to buy a war bond because they want to participate in the security of this country. Since September 11, we as a society have changed a lot of our priorities and agenda.

Mr. McCONNELL. As Senator BURNS pointed out, this legislation has now passed the Senate and was added as an amendment to the Treasury-Postal appropriations bill. We are optimistic that the conferees will keep that amendment since it was not in the House version and it could be on the way, hopefully, for the President's signature downtown. We are optimistic that the Treasury Department will pick up this device which gives Americans a great opportunity.

One hears the question, What can I do? As the Senator from Montana pointed out, this is the answer to that.

Mr. BURNS. It was a great amendment. Americans want to participate. They want to do their share. Knowing we are in a crisis in this country, this is a way to help.

The operations we have going on are very expensive. This is a way we ask Americans to help us get the job done, help this President who has dedicated himself to getting this job done.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I don't believe there is further debate on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1875) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. I thank the leadership for their courtesy and their staffs who worked with my staff closely in passing this amendment. It does enhance the legislation. We hope what we have done gives a bright line of accountability. I appreciate the leadership of the chairman of the Commerce Committee, the ranking member, and their staffs.

Mr. HOLLINGS. I thank the Senator from Montana for his leadership and help in enhancing security with respect to airline travel.

Mr. BURNS. I yield the floor.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I know the manager and the Senator McCAIN are working very hard to resolve the final issues on this legislation. I take the floor again to say thank them for their hard work on this legislation. It has been a long, tortured trail to get this aviation security bill to the floor of the Senate; and, second, to begin to resolve all of the difficulties and hopefully get it passed as quickly as possible.

I mention one issue that will not hang up the bill for me. I will strongly support this bill because of the work they have done. The one issue I talked to both Senator HOLLINGS and Senator McCAIN about is something that they have agreed to discuss in conference to see if we can make some adjustments.

Here is the situation with respect to the enplanement fee of $2.50. If you are flying in this country from one of the spokes in the system and fly from the spoke to a hub and to another hub—for example, from Bismark you go to Minneapolis, get on another plane, fly to Washington, DC, and then you fly back—you are going to pay four enplanement fees totaling $10.

The problem with respect to that enplanement fee is one in which if you start at a spoke in this system and fly to a hub and then to another hub, which many people do, they are going to always pay $10, because they will have taken four segments at $2.50 per segment.

Those who live in the big cities that fly to another major city will pay $5. If you are from a small airport and go to a hub and then another big city, which most travelers do—I do for every trip to North Dakota; I fly from here to Minneapolis, and either from there to Minot, or Grand Forks, or Fargo—for every one of those tickets, my constituents will always pay four $2.50 enplanement fees. Someone who lives in Chicago or Minneapolis and flies to Washington, DC will always pay a $5 fee. They will pay a fee when they leave Chicago, then a fee when they leave Washington, DC because they do not have to change planes. They only have two segments, not four. We have a circumstance where the current fee will double for those who are on the spokes part of the hub in the spoke system. That is just not fair.

So I visited just in this Chamber today with Senator HOLLINGS and Senator McCAIN and described that circumstance. They have agreed to take a look at that in conference. I understand we cannot modify that at this moment, but they have said, yes, they understand that circumstance, and they would be willing to take a look at that in conference. I appreciate that.

It is just a circumstance where, in one more situation, those at the end of the line, those in the smaller airports who have to fly to a hub and then change planes to go someplace are going to end up paying more. They already pay too much, in my judgment.

Those who have the satisfaction of flying between pairs of the largest cities in the country have the wonderful treat of being able to see multiple carriers competing around price for those seats; and they get a pretty good deal under deregulation. That has not been the case for a lot of other consumers.

When we add to the airline tickets some fee to recover the charge for aviation security, we must do it in a manner that is fair. I submit, as I have indicated to Senator HOLLINGS and Senator McCAIN, it is not, in my judgment, good policy for us to say to all of those who live out on the end of a spoke in the hub-and-spoke system pay twice as much as those who live in the hub. That is not something that would make sense, not something that would be fair to a lot of folks around this country who fly from the smaller airports.

So let me again say, I wanted to call this to the attention of my colleagues today. I did today, with a discussion with Senator HOLLINGS and Senator McCAIN. They have agreed to take a good look at that in conference. That is all I can ask at this point.

Let me conclude, as I started, by saying this bill has an urgency to it. It has been frustrating that it has taken so long to get to the floor, but it is here. I will take great satisfaction in the work that my colleague from South Carolina, Senator HOLLINGS, has done; my colleague from Arizona, Senator McCAIN, has done; along with many others—Senator ROCKEFELLER, Senator HUTCHISON, myself, and so many others who worked on this bill in the Commerce Committee. Thanks to their good work, we will pass an aviation security bill now—I hope today—and get to conference, make the changes necessary, and get this bill to the President's desk.

This country needs this bill. The airline industry needs it. This economy needs it. It is much more than just this piece of legislation. It is about confidence. This economy and this country, and especially the airline industry at this point, desperately need that cushion of confidence that a number of steps, including this piece of legislation, will offer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1863

Mr. MURKOWSKI. Mr. President, I now offer the amendment that I spoke of earlier in the afternoon, which would allow pilots under Part 121—who are now required to retire at the age of 60—to continue to pilot commercial airlines until the age of 63.

It is my intention, at the end of my statement, to ask for the yeas and nays on the amendment. My understanding is that the floor managers are reviewing the amendment.

If procedure allows, I would like to speak on the amendment at this time.

The PRESIDING OFFICER. The Senator's amendment is currently pending.

Mr. MURKOWSKI. I am sorry; I did not hear the Presiding Officer.

The PRESIDING OFFICER. The Senator's amendment is currently pending.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, earlier today I spoke of an amendment that I planned to offer that would repeal the Federal Aviation Administration's rule which requires pilots who fly under Part 121 to retire at the age of 60. This is a mandatory retirement.

It is kind of interesting to note that foreign airlines—Lufthansa, and others—allow pilots to fly beyond age 60; in some cases 65, in some cases longer.

Under the amendment, pilots in excellent health—and I mean subject to not just the regular physical exams which they have to undergo now to fly under age 60—but, as a consequence of extending this to age 63, would be allowed to continue to pilot commercial airlines. It would allow the FAA to require those pilots to undergo additional medical and cognitive testing for certification as well as establish standards for crew pairings.

I live in Alaska. I fly a great deal. To suggest that suddenly, when an experienced pilot reaches age 60, he or she is no longer fit to fly, flies in the face of age discrimination certainly. It flies in the face of the value that an experienced pilot has.

Some might suggest that this is not germane to aviation safety. Well, if anything is germane to aviation safety, it is an experienced pilot. How do you get experience? You get experience in aviation by flying, you gain experience in what to do during mechanical difficulties, you gain experience in what to do during weather difficulties. It is experience, Mr. President. And it is germane to this legislation, which is airline safety.

I do not want to fly, necessarily, in adverse weather, under IFR conditions, in an unpressurized aircraft in my State of Alaska without an experienced pilot.

The former Speaker of the House of Representatives, Hale Boggs, and the Representative for the State of Alaska in the House of Representatives, Nick Begich, were flying in adverse weather in an unpressurized aircraft. It was the largest aerial search ever undertaken. They have never found any remains, any evidence of where the aircraft crashed.

My point is, experience counts. This particular amendment is germane. This particular amendment has had a hearing in the Commerce Committee. The protections that we provide, by requiring commercial airline pilots to undergo additional medical and cognitive testing for certification covers the exposure.

As I look around this Chamber, with the exception of a few of our colleagues who happen to be in the candy drawer right now, virtually everyone is over 60 years old. Suddenly, at their 60th birthday, are they no longer fit to represent their constituents? They are certainly experienced. And this measure is applicable here.

There is an objection from the unions, and I recognize their objection, but it is a matter of retirement. That is an agreement between the unions and the airlines. What we are talking about is airline safety. We are talking about experience. You have a legitimate complaint about the unions wanting to move these pilots out, to make room for others.

But what we are doing in this country today is, we are calling our pilots back to the military because we have a crisis. We need them. For all practical purposes, we have a pilot shortage in this country.

The European airlines recognize reality. Experience counts. Experience counts in my State. This measure was subject to a full Commerce Committee hearing. It was voted out of committee by a majority in March of this year. We had numerous studies sponsored by the FAA. None have ever produced concrete evidence that pilots over 60 years of age are a threat to the flying public. In fact, the studies have not even included pilots over 60. So where is this coming from?

Experience does count. If you are in good physical condition—you live longer; you take better care of yourself; you have a better health provider—what is wrong here? We have age discrimination against pilots who are 60 years old; you do not let them fly anymore. That is discrimination of the worst kind. If they can pass a physical, why not?

Advanced psychological and neurobehavioral testing methods do exist to test pilots of any age. More importantly, we have simulator training that can estimate the risk of any number of things—such as cardiac complaints as evidence shows that there is one event in more than 20 million hours of flight time. Sudden flight incapacitation is clearly less a threat to aviation safety than are mishaps due to inexperienced pilot error.

Let's go through the list of accidents. We recognize that most accidents associated with aviation in the area of qualifications under pilot error are due to inexperienced pilots, not experienced pilots. That can only come with time and age. That is why it is so important to recognize that when a pilot becomes 60 years of age, he or she should not be simply eliminated from commercial aviation.

The European countries recognize this and take experience into consideration and allow pilots to fly until the age of 65. My amendment would allow them to fly until age 63.

Medical science has vastly improved since 1959—improvements in diagnosis, which include early detection, prevention, health awareness, and diet. All of these factors have increased life expectancy since 1959.

Our airline pilots consistently demonstrate superior task performances across all age groups when compared to age-matched non-pilots. Pilots are subjected to comprehensive medical examinations every 6 months. In the 42 years since the rule was promulgated, there has not been any evidence that pilots over age 60 are not fully capable of handling their flight responsibilities.

As an example, pilots who flew in commuter operations were allowed to fly past the age of 60 until the end of 1999. This practice ended with the 1995 commuter rule. It mandated that any airline company which offered scheduled service using aircraft with nine or more seats had to fly under part 121 operations. However, this rule made special provisions to allow pilots who were then flying over 60 to continue to fly for 4 more years as pilots in command and allowed companies to continue to hire pilots 60 and older for 15 months. There were over 100 pilots over 60 years of age flying at that time. A study of 31 determined that they flew without a single accident or a single incident.

In 1999, 69 current and former airline captains organized and underwent extensive medical testing and petitioned the FAA to drop this antiquated mandatory retirement. They were tested by a panel of nationally and internationally recognized experts in the field of aerospace medicine, cardiology, internal medicine, geriatrics, and neuropsychological medicine. The panel determined that they were all qualified to perform airline captain and command duties beyond 60. Do you know what happened? The FAA denied their exemption request.

In supporting documents to their petition, they showed that the FAA had relaxed its medical requirements to allow pilots to fly with various medical problems, including hypertension, diabetes, alcoholism, spinal cord injury, defective vision, liberalized height and weight restrictions. They allowed that. It was an exemption. They were under 60. But if you were 60 and in good health, you couldn't fly the next day.

In the area of cardiovascular special issuances, the American Medical Association applauded the FAA as having demonstrated an understanding of the advances in diagnostic treatment and rehabilitation. So we have the American Medical Association applauding the FAA for allowing exemptions for those under 60, but if you are in perfect health and you are over 60, you can't fly.

In 1999, the FAA granted medical certificates to 6,072 airline pilots under the age of 60 who had sufficient medical pathology permitting them to operate as airline crewmen.

How does the FAA derive its medical consensus that it is safe for those pilots to continue to fly and not those who have been flying for 41 years without such medical pathology who happen to just arrive at the age of 60? It is rather interesting. You can go down to the FAA and see who is flying, who is giving check rides. Most of them are over 60 because they are exempt. Where is the logic in this, if the FAA can keep its pilots on over 60, have them checked out, then you have a regulation here that is absolutely inconsistent with reality?

Twenty-five countries belonging to the European Joint Aviation Authority raised the mandatory retirement age to 65, joining many Asian countries that increased the age to 63 or 65. I know of no evidence that those foreign pilots have a worse safety record than pilots under the age of 60.

The time has come for Congress to repeal the age restriction on commercial pilots. This is age discrimination. Years of medical and safety data have failed to support the position that the chronological age of 60 represents a passenger safety concern. Therefore, as long as a pilot can pass the rigorous medical exam, he or she should be allowed to fly.

We must, as a legislative body, eliminate age discrimination against pilots who can and should be flying our commercial aircraft.

To suggest that somehow this is not germane to this bill flies in the face of reality. This is an aviation safety bill. What is more basic to aviation safety than having experience? And how do you get experience? It comes with age, whether you like it or not.

I think it is time we end this age discrimination once and for all. We need experience in the cockpit. I know that I appreciate it when I am flying with a pilot who has seen more than a few thousand hours in the air as well as simulator time. We value the aspects certainly associated with life and maturing, but we should not be hypocritical in how we treat pilots.

I urge my colleagues to support the amendment and ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER (Mrs. CLINTON). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, only a month ago, our Nation faced a terrible tragedy. We learned loud and clear that we need to improve aviation security and safety, not decrease it, which is what this amendment would do. At a time that we need to protect the American public, Congress should not be decreasing safety standards. Even the FAA opposes this amendment because of safety concerns.

This amendment would eliminate the current rule that commercial pilot must retire at age 60. It was put into place to help ensure safety in the air. It should only be changed if research can prove the effects of aging do not impact a pilot's ability to fly a commercial jet at age 60.

The "Age 60 Rule" for retirement of airline pilots was implemented by the Federal Aviation Administration, FAA, based on safety concerns that medical evidence showed that as a group pilots begin to demonstrate the affects of aging around age 60.

Here is what the medical evidence of aging shows: there is a progressive deterioration of physiological and psychological functions and this increases more rapidly as people age; sudden incapacity from heart attacks or strokes become more frequent in any group reaching age 60; there is a the loss in ability to perform highly skilled tasks rapidly; it becomes harder to maintain physical stamina; it is more difficult to perform effectively in a complex and stressful environment and to apply experience, judgment and reasoning rapidly in new, changing and emergency situations; and, there is an increased difficulty to learn new techniques, skills and procedures.

While it is recognized that such losses generally start well before age 60, it determined that beyond age 59, the risks associated with these losses become unacceptable for pilots in airline operations.

Additionally, the Airline Pilots Association, the largest pilot union, does not support raising the mandatory retirement age. In fact, they oppose it.

Also, older pilots with seniority fly the largest, highest performance aircraft that carry the greatest number of passengers with the longest nonstop flights into the highest density air traffic. These are concerns as pilots age.

Additionally, a mandatory retirement age is not unique in the airline field. For example, air traffic controllers have a congressionally mandated retirement age of 56 years old.

Yes, I am sure that there are a few pilots who can fly past 60. But, our decision should be made to protect the safety of the American flying public.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I know the good intentions of the Senator from Alaska. I have spoken to him on many occasions about this issue. There likely is a time and place for this amendment. It is not on this bill.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Madam President, I ask unanimous consent for the consideration of several amendments that have been agreed to prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1886

Mr. McCAIN. On behalf of Senators ENZI and DORGAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. ENZI and Mr. DORGAN, proposes an amendment numbered 1886.

Mr. McCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 2, after the period insert the following:

"The Federal Aviation Administration, in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport."

Mr. McCAIN. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1886) was agreed to.

AMENDMENTS NOS. 1887 AND 1888, EN BLOC

Mr. McCAIN. Madam President, I send two amendments on behalf of Senator HUTCHISON of Texas to the desk, en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mrs. HUTCHISON, proposes amendments numbered 1887 and 1888, en bloc.

Mr. McCAIN. Madam President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1887

(Purpose: To apply present law background and fingerprinting requirements to existing, as well as new, airport employees with access to security-sensitive areas)

On page 35, between lines 2 and 3, insert the following:

(e) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code is amended—

(A) by inserting "is or" before "will" in subsection (a)(1)(B)(i); and

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

AMENDMENT NO. 1888

(Purpose: To require screening of all airport and airport concessionaire employees)

On page 18, line 1, strike "passengers" and insert "passengers, individuals with access to secure areas,".

On page 18, line 10, after the period, insert "The Secretary, in consultation with the Attorney General, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Secretary.

The screening of airport, air carrier, foreign air carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Secretary may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport.".

Mr. McCAIN. Madam President, the first amendment requires background checks for existing aviation security employees over a time certain. The other one requires screening of all employees prior to entering the secure areas.

I want to take a moment to thank Senator HUTCHISON for her wonderful work on this bill and on these amendments.

I urge adoption of the amendments.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments (Nos. 1887 and 1888) were agreed to, en bloc.

AMENDMENTS NOS. 1889 THROUGH 1893 AND 1873 AS MODIFIED, EN BLOC

Mr. McCAIN. Madam President, I ask unanimous consent that it be in order for me to send to the desk a couple more amendments; that they be agreed to, en bloc, the motions to reconsider be laid upon the table, and that any modifications of the filed amendments be in order with respect to these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes amendments en bloc numbered 1889 through 1893 and 1873, as modified.

Mr. McCAIN. Madam President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1889

(Purpose: To require the Assistant Administrator for Civil Aviation Security to establish an employment register)

At the end of the bill, insert the following:

SEC. . USE OF FACILITIES.

(a) EMPLOYMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities to design, develop, or conduct training of security screening personnel.

AMENDMENT NO. 1890

(Purpose: To require a report on any air space restrictions put in place as a result of the September 11, 2001, terrorist attacks that remain in place)

Strike the section heading for section 14 and insert the following:

SEC. 14. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 15. DEFINITIONS.

AMENDMENT NO. 1891

(Purpose: To facilitate the voluntary provision of emergency services during commercial air flights)

Strike the section heading for section 14 and insert the following:

SEC. 14. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44939. Exemption of volunteers from liability

"(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

"(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"44939. Exemption of volunteers from liability.".

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 15. DEFINITIONS.

AMENDMENT NO. 1892

(Purpose: To make minor and technical corrections in the managers' amendment)

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike "hiring and training" and insert "hiring, training, and evaluating".

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after "(1)" the second place it appears.

On page 10, line 20, insert opening quotation marks before "(3)".

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike "EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—" and insert "AIRPORT SECURITY PILOT PROGRAM.—".

On page 18, line 9, strike "an" and insert "a".

On page 18, line 10, strike "215" and insert "2105".

On page 21, beginning with line 22, strike through line 6 on page 22 and insert the following:

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking "purpose of" in subsection (b)(1)(A) and inserting "purposes of (i)";

(2) by striking "transportation;" in subsection (b)(1)(A) and inserting "transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;";

(3) by striking "NOT FEDERAL RESPONSIBILITY" in the heading of subsection (b)(3)(b);

(4) by striking "shall not be responsible for providing" in subsection (b)(3)(B) and inserting "may provide";

(5) by striking "flight." in subsection (c)(2) and inserting "flight and security screening functions under section 44901(c) of title 49, United States Code.";

(6) by striking "General" in subsection (e) and inserting "General, in consultation with the Secretary of Transportation,"; and

(7) by striking subsection (f).

On page 31, line 20, strike "(2)Section" and "(2) Section".

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert "under section 44901 of title 49, United States Code," after "screener".

On page 32, strike line 23, and insert "5, United States Code.".

On page 33, line 2, insert "any other" before "provision".

On page 36, line 8, after "alien" insert "or other individual".

On page 38, line 25, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 39, line 6, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 41, between lines 8 and 9, insert the following:

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert "to the maximum extent practicable" before "the best".

On page 48, line 9, strike "to certify" and insert "on".

In amendment No. 1881, on page 1, line 5, insert "Federal service for" after "of".

AMENDMENT NO. 1893

(Purpose: To require the Assistant Administrator for Civil Aviation Security to have certain detection technologies in place by September 30, 2002)

At the appropriate place, insert the following new section:

SEC. . IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) TECHNOLOGIES DESCRIBED.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

AMENDMENT NO. 1873 AS MODIFIED

At the appropriate place, insert:

SEC. . ENHANCED SECURITY FOR AIRCRAFT.

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security

screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 13 of this Act.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term "alien" has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

Mr. MCCAIN. These amendments have been agreed to on both sides. I urge their adoption.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1889 through 1893 and 1873, as modified) were agreed to en bloc.

Mr. MCCAIN. Madam President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to table was agreed to.

VOTE ON AMENDMENT NO. 1863

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Murkowski amendment No. 1863.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Chafee
Cleland
Clinton
Cochran
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Gramm
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Stabenow
Torricelli
Wellstone
Wyden

NAYS—47

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The motion was agreed to.

Mr. REID. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I yield to my friend from Alaska for 1 minute without losing my right to the floor.

Mr. MURKOWSKI. Madam President, I share with Members the transcribed words of our President from a few moments ago in an open Cabinet meeting.

He urges the Senate to "move a bill that will help Americans find work and also make it easier for all of us around this table to protect the security of this country. The less dependent we are on foreign sources of crude oil, the more secure we are at home.

"We spend a lot of time talking about homeland security. An integral piece of homeland security is energy independence. I ask the Senate to respond to the call to get an energy bill moving."

Mr. BIDEN. Madam President, I was about to introduce, along with the Presiding Officer in the chair, the Senator from New York, as well as about 12 other colleagues, an amendment to this legislation for security needs for Amtrak. They are at a minimum of $1.8 billion. Just the six tunnels that go into New York City carry 350,000 people per day. They are antiquated, built around 1910, and need significant upgrading to protect the safety and security of the people traveling on those rails. I could go down the list. I will not, in the interest of time.

The managers of the bill have made an agreement with me and with the Presiding Officer and many others to do the following: We will withhold that amendment on this aviation safety bill. The chair and the ranking member of the Commerce Committee are going to attempt to mark up an Amtrak security bill and possibly a port security bill in their committee as early as next Tuesday. God willing and the creek not rising, as my grandfather would say, there is a possibility they will be able to report that to the floor sometime next week. I have spoken to the leadership on our side and have not had a chance to speak with the leadership on the Republican side. It is our hope to bring that bill up and vote on that piece of legislation.

In addition to that, I have had an opportunity to speak with the chairman of the Appropriations Committee and others who have indicated there would be an attempt as we deal with the appropriated money for this legislation we are about to pass, as well as other security needs, that Amtrak would be considered in that process. I particularly thank my friend from Arizona who is all for safety but not so much all for Amtrak. He has been very helpful here and has indicated if we are not able to get—I ask him to correct me if I am wrong—if for some reason we are prevented from getting the authorizing legislation up before the appropriators do their job, he will not object to the appropriators going forward, notwithstanding his long-held view, as I have as chairman of the Foreign Relations Committee, of not wanting the appropriators to do the work of the authorization committee.

I ask my friend, is that basically correct?

Mr. McCAIN. No.

The Senator from Delaware is correct, but I would like to emphasize that we do have a safety and security problem with the railway system in America. It isn't just Amtrak; it is railway, railroad stations, it is railway centers and hubs all over America. So we need to take care of security and safety requirements so that people can ride on railroads just as we are attempting with this aviation legislation so that people can ride on airplanes in safety and security.

Yes, I am sorry to say, the Senator from Delaware is correct. I would support an appropriation for safety and security, but I certainly would, as usually has been my custom, resist the appropriations that would have to do with other matters, including additional track, rail, salary, pay, union, and almost anything that can ever be imagined is usually proposed on one of these bills.

I thank the Senator. I thank my dear friend from Delaware.

Mr. BIDEN. I think it is more appropriate to refer to this as rail safety. To give an example, the 350,000 people who go through the tunnels are not all on Amtrak trains. They are on the Long Island Railroad, they are on the New Jersey transit, using the Baltimore tunnel, for example, the Maryland transit, et cetera. It is rail safety. It is not just Amtrak. But Amtrak is responsible for the rail safety provisions of that. That is the reason I refer to it as Amtrak.

I thank Members on behalf of my 11 other colleagues. I see my colleague from Delaware, a former board member of Amtrak. I am delighted to yield to him for a few moments if he would like to make comments on why we are not moving forward.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I thank the senior Senator for yielding. To Senator BIDEN, to Senator MCCAIN, to Senator HOLLINGS, and others who have been part of getting us to this rather extraordinary compromise and position to go forward on the authorizing track and on the appropriations track as well: Well done.

Mario Cuomo, when he was Governor of New York, would talk about campaigning and governing. He used to say:

> We campaign in poetry, we govern in prose.

Here in the Senate, here in Congress, we authorize in poetry, but we appropriate in prose.

As important as this authorization is, and it is important that we get the authorization for work on the tunnels, for work on having more security onboard our trains and in our stations, and I think some help in refurbishing some of the older rolling stock, locomotives and cars that are needed to carry the extra people who are riding the trains now, as important as the authorizing is, the appropriations is where the rubber hits the road.

I pledge to work with Senator BIDEN and Senator HOLLINGS and Senator MCCAIN and Senator HUTCHISON and others to make sure we get the work done, not just on the poetry side but the hard work on the prose side as well.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me affirm the exchange between the distinguished Senator from Delaware and our ranking member, the Senator from Arizona. The fact is, a railroad infrastructure enhancement bill was introduced today, with some 10 cosponsors. The reason I mention that is because we have been working long before September 11 on that need of the Nation.

With respect to stimulus, there is no better stimulus than construction, and there is no more needed construction than to refurbish the Amtrak line itself. Extend that: America needs high-speed rail.

Of course my distinguished colleague from Arizona, our ranking member, is disposed at the moment only for safety. We will call up the bill and we will mark up what we can, facilitate, if necessary, and try to separate perhaps a bill. But I hope to move next week in committee on this matter, as was indicated in our previous conversations, on Tuesday morning at 10 o'clock when we can get a quorum and mark that bill up and report authorization out here so we will not be confronted later on with obstacles. I think long before any passage of an authorization bill we are going to be hitting appropriations on the stimulus bill or some other bill because we need to immediately take care of safety and rail transportation.

The frustration of both Senators from Delaware is well understood. When we adjourned last year, we had everybody running around—Republican, Democrat, leader and plebeians like myself—saying: Oh, the first thing we are going to do next year, the first thing we are going to do is take up Amtrak. It is now October.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I hope my distinguished friend and colleague from South Carolina did not include me in that group.

Mr. HOLLINGS. No.

Mr. McCAIN. I again thank the Senator from Delaware. I believe we can mark up a bill on Tuesday with the chairman's leadership. I think we also need to address seaport security as well. I believe seaport security is a very serious issue as well as rail security. I hope we will understand those are priority items that need to be addressed.

Senator HOLLINGS is far more knowledgeable than I am. But some of the information we have about the amount of cargo, the amount of shipping, the people and trafficking that goes in and out of the seaports in America is also a very important issue that we need to address.

Mr. HOLLINGS. I appreciate the Senator's leadership and support. Arizona obviously doesn't have very many seaports. But Senator GRAHAM of Florida and myself have been on this issue for at least 2 years. We have had all kinds of hearings long before September 11, and we have produced a seaport security bill that we have been trying to fashion because it is a many-splendored thing. You have to get the entities, namely the Port Authorities, to connect with the Customs, Drug Enforcement Administration, the Coast Guard, and the captain of the port, who really has legal authority and responsibility. We have to get them all working together rather than just moving, moving, moving cargo but actually having as a primary concern, safety and security.

We will be moving that.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I will just take another second. I note the Senator from South Carolina said the distinguished Senator from Arizona doesn't have a port.

I am reminded when I first got here as a young Senator, I went to Senator Eastland, who I served under on the Judiciary Committee. Sitting in his office one day, as I often did, with Senator THURMOND, asking him anything a young kid, a 30-year-old Senator would ask, I asked: Who is the most powerful man you ever served with?

He said: Senator Kerr.

I said: Senator Kerr, Senator Kerr of Oklahoma?

He said: Yeah—in his southern drawl which I will not attempt to imitate on the floor as I often do off the floor.

He said: Who in the heck else could bring up the Gulf of Mexico in the middle of his State if he wasn't powerful?

I think, as the Senator's power continues to increase, he may bring the

Pacific Ocean to Arizona, but I am not sure how he will do it.

Mr. McCAIN. The most entertaining man I ever knew was Morris Udall, who often was heard saying: We in Arizona eagerly await the next earthquake so Arizona would be a coastal State.

That is not as amusing as it was once, since there was one out there. But perhaps the Port of Yuma will still be a place the Senator from Delaware can help us with.

In case our colleagues are wondering what we are doing, we are hoping to resolve one remaining issue before final passage. Negotiations are going on as we speak so we would be able to move to final passage. We hope within minutes that we will have that issue resolved.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1894

Mr. HOLLINGS. Mr. President, on behalf of the Senator from Vermont, the chairman of the Judiciary Committee, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. LEAHY, proposes an amendment numbered 1894.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 49, United States Code)

At the appropriate place, insert the following:

SEC. . REPORT.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this Act.

Mr. HOLLINGS. Mr. President, it has been cleared on both sides. This is just to conform the Burns amendment relative to the Department of Justice having certain authorities. This is to conform, then to report back to the Judiciary Committees of both Houses.

I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1894) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1895

Mr. HOLLINGS. Mr. President, on behalf of myself and the distinguished Senator, Mr. MCCAIN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. MCCAIN, proposes an amendment numbered 1895.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike "hiring and training" and insert "hiring, training, and evaluating".

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after "(1)" the second place it appears.

On page 10, line 20, insert opening quotation marks before "(3)",

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike "EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—" and insert "AIRPORT SECURITY PILOT PROGRAM.—".

On page 18, line 9, strike "an" and insert "a".

On page 18, line 10, strike "215" and insert "2105".

On page 21, beginning with line 22, strike through line 6 on page 22 and insert the following:

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking "purpose of" in subsection (b)(1)(A) and inserting "purpose of (i)";

(2) by striking "transportation;" in subsection (b)(1)(A) and inserting "transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;";

(3) by striking "NOT FEDERAL RESPONSIBILITY" in the heading of subsection (b)(3)(b);

(4) by striking "shall not be responsible for providing" in subsection (b)(3)(B) and inserting "may provide";

(5) by striking "flight." in subsection (c)(2) and inserting "flight and security screening functions under section 44901(c) of title 49, United States Code.";

(6) by striking "General" in subsection (e) and inserting "General, in consultation with the Secretary of Transportation,"; and

(7) by striking subsection (f).

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert "under section 44901 of title 49, United States Code." after "screener".

On page 32, strike line 23, and insert "5, United States Code.".

On page 33, line 2, insert "any other" before "provision".

On page 36, line 8, after "alien" insert "or other individual".

On page 38, line 25, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 39, line 6, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 41, between lines 8 and 9, insert the following:

(5) the use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert "to the maximum extent practicable" before "the best".

On page 43, line 9, strike "to certify" and insert "on".

In amendment no. 1881, on page 1, line 5, insert "Federal service for" after "of".

Mr. HOLLINGS. This amendment is a technical amendment, a final wrapup, change of the ands and ifs and buts and what have you. It has nothing to do with the substance but to conform various technicalities in the other amendments that we agreed upon in the course of consideration of this particular bill.

I urge its adoption.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 1895) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that following disposition of the Warner amendment no further amendments be considered, and that we go to third reading and final passage.

Mr. REID. Mr. President, I have to object. I know how hard the Senator worked on this, but I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent, on this bill now before the Senate, that there be three amendments in order, one by the Senator from Virginia, Mr. WARNER, and two by the Senator from Vermont, Mr. JEFFORDS, and that no other amendments be in order.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. And that then the Senate will move to third reading and final passage.

Mr. REID. Yes. That goes without saying, Mr. President. As soon as we finish these, we move to third reading and final passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 1896

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of myself and Senator ALLEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. ALLEN, proposes an amendment numbered 1896.

Mr. WARNER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide payment for losses incurred by the Metropolitan Washington Airports Authority and businesses at Ronald Reagan Washington National Airport for limitations on the use of the airport after the September 11, 2001, terrorist attacks)

At the appropriate place, insert the following:

SEC. . PAYMENT FOR LOSSES RESULTING FROM LIMITATIONS ON USE OF RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOLLOWING TERRORIST ATTACKS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available immediately by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) that are available for obligation, $65,648,183 shall be available to the Secretary of Transportation for payment to the Metropolitan Washington Airports Authority (MWAA) and concessionaires at Ronald Reagan Washington National Airport for losses resulting from the closure, and subsequent limitations on use, of the airport following the September 11, 2001, terrorist attacks and subsequent reopening of other United States airports after September 13, 2001.

(b) ALLOCATION OF FUNDS.—The amount available under subsection (a) shall be allocated as follows:

(1) $37,816,093 shall be available for payment for losses of the Metropolitan Washington Airports Authority that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(2) $27,832,090 shall be available for payment for losses of concessionaires at Ronald Reagan Washington National Airport that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(c) APPLICATION.—A concessionaire at Ronald Reagan Washington National Airport seeking payment under this section for losses described in subsection (a) shall submit to the Secretary an application for payment in such form and containing such information as the Secretary shall require. The application shall, at a minimum, substantiate the losses incurred by the concessionaire described in subsection (a).

Mr. WARNER. Mr. President, my colleague from the State of Virginia and I do this on behalf of the Metropolitan Washington Airports Authority. It is all very clear to each and every one of us in the Senate that for reasons which are justifiable—because of security considerations—this airport had to be closed the longest of all. As a consequence, the Airports Authority has an extensive financial package that has been in place for several years. The ability to gain revenue to service that package has been taken away from it.

We have a number of small businesses and others associated with conducting, in the physical plant, the airport itself, their business activities; they have suffered just irreparable injury. We all know that. And we all want to help. There are various ways by which this can be done.

I am prepared to hear from the distinguished manager, who I believe will be speaking on behalf of the leadership, about how this serious financial situation at this particular airport—mind you, all other airports were able to open shortly afterwards. I am not quarreling at all with the justification for closing it, but this one remained closed, and also it is functioning at somewhere between 15 and 25 percent of flight capacity as of now. The projections are, as we go to additional phases, that capacity will be increased, but we have no assurance at what point we reach 50 percent, 60 percent, and are able to gain the revenue to service the necessary financial requirements.

So if I might, for the moment, yield the floor in hopes that the managers, who have been very helpful to me and to others on this question, will address this issue. I would be happy to consider that before proceeding.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I say to the Senator from Virginia, I appreciate his cooperation on this issue, particularly his appreciation of the fact that this is an airport/airline security bill, and the issue, as compelling as it is, that the Senator from Virginia raises is related to the compensation—well-deserved compensation—of the people who live and work at National Airport and who, because of an order of the Federal Government, have been deeply harmed economically and, unfortunately, in other ways as well.

So I appreciate the sensitivity of the Senator from Virginia to the parameters of this bill. The distinguished chairman and I have had to turn back a number of amendments because they were not related—liability, and a number of others—to airport security.

But that does not change the fact that there is still a compelling problem out there. It is an issue that must be addressed. I believe the stimulus package is a place where it would be very appropriate. I do not think anyone who is aware of what happened at National Airport—a 3-week shutdown by direct order of the Federal Government—does not realize that we have some responsibility. The size of that responsibility, and how, I think can be the subject of negotiations and discussion with the administration, the Finance Committee, members of the Appropriations Committee, et cetera.

But I do not know of a Member of this body who isn't totally sympathetic and appreciative of the leadership of the Senator from Virginia—in fact, both Senators from Virginia—in their commitment on this issue. Since this has happened, I know both Senators have made it their highest priority to address this issue, so that these people who are innocent—innocent of any wrongdoing, and are victims in a very real way of a terrorist attack on America, and who need to receive compensation—receive compensation and help.

I am very grateful for your leadership, as I am sure the people in the northern part of Virginia are very appreciative of the Senators' efforts.

So I would like to join with all of my colleagues in saying we want to help, we want to assist, and we think there are ways that must be implemented—not later, but sooner rather than later—to address this compelling problem.

I thank the Senator from Virginia and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, if the distinguished Senator from Virginia will yield, not only as chairman of the Commerce Committee but also as a former member of the Metropolitan Washington Airports Authority, I was vitally interested in the whys and wherefores of holding back Reagan National Airport.

We had the Secretary of Transportation 2 days after this particular tragic event. We were allowing, say, Dulles, and other airports, to function. There was no reason, once we secured the cockpit—I realize you had the general security problems—but once you secured that cockpit—and Boeing said they could retrofit immediately sufficient planes to be landing and taking off at Reagan National—that we at least ought to start back the shuttles to New York and then on to Boston.

So I have been down the path of the Senator from Virginia on this particular score. I endorse his idea 100 percent. It is just that kind of situation on airport security. As you know, the junior Senator, Mr. ALLEN, has been vitally interested in it. He is a member of our committee. He and I have been working on this particular bill, moving as much as we possibly can.

So in any way I can possibly promise you that you will have my support on the amounts, and everything else of that kind, I would be glad to help.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, those are very reassuring comments from my two long-time friends and associates here in the Senate, colleagues I trust and colleagues who, when they make commitments, follow through.

Given that, and the fact that you have entertained the petitions of other Senators with respect to facilities in their States——

Mr. HOLLINGS. Right.

Mr. WARNER. And that there has been a uniform practice here between the chairman and the distinguished ranking member as to how to deal with those amendments, I am prepared, at this time, to withdraw the amendment, with those assurances that at the stimulus package juncture, this body will study that.

Mr. HOLLINGS. Very definitely we will be supporting that on the stimulus package, or some other bill that comes up that is appropriate and germane.

Mr. WARNER. I thank the Senator.

AMENDMENT NO. 1896 WITHDRAWN

Mr. President, at this time I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Arizona.

AMENDMENT NO. 1897

Mr. McCAIN. Mr. President, I believe we have one Jeffords amendment to which we have agreed. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. JEFFORDS, proposes an amendment numbered 1897.

Mr. HOLLINGS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To give retired pilots the same preference as law enforcement officers to be air marshals)

In amendment No. 1858, on page 1, line 8, insert "or an individual discharged or furloughed from commercial airline cockpit crew position" after "age,".

Mr. McCAIN. Mr. President, the amendment is going to give pilots the same preference as law enforcement officers to be air marshals. I think it is a good amendment. I think many of our pilots, including those who are required to retire at age 60, would make excellent air marshals. This amendment would give them the same preference as law enforcements officers. I think it is a good amendment.

I urge adoption of the amendment.

Mr. HOLLINGS. Mr. President, we support the amendment on this side. It has been cleared. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1897) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AIR MARSHALS FUNDING

Mrs. FEINSTEIN. Mr. President, I am concerned that the $2.50 user fee in this bill is not sufficient to provide all of the air marshals we need. The $2.50 user fee would only provide between $1.3 billion and $1.7 billion annually, in my opinion, enough to fund Federal security screeners at our airports, but not enough to provide additional air marshals.

Today, I intended to offer an amendment to give the Secretary of Transportation discretion to raise this fee to $5, which would raise over $3 billion annually to devote to aviation safety.

To ensure that the bill on the Floor passes quickly and we provide increased aviation security as soon as possible, I have decided not to proceed with my amendment. I still believe, however, that people are willing to pay more to feel safe on airplanes and the more air marshals we have, the better.

I want to thank the Members of the Commerce Committee for their hard work on this bill, and especially the Chairman and Ranking Member of the Committee, Senator HOLLINGS and Senator McCAIN.

Mr. McCAIN. Thank you Senator FEINSTEIN. I too am concerned about airline safety and want to be sure we have provided enough funding for marshals. The Senator from California has my full assurance that if more air marshals are needed, I will support providing more funding to the Department of Transportation and the Federal Aviation Administration to accomplish that goal.

Mr. HOLLINGS. I too am in agreement with the Senator from Arizona and stand with him in support of funding the needed air marshal program.

AIRLINES HONORING AIRLINE TICKETS

Mr. BAYH. Mr. President, because of the events of September 11, tens of thousands of airline passengers who bought airline tickets before and after that date will find that the flight they wanted is unavailable. How do these ticket holders get another flight or get their money back?

If they paid cash for their tickets, then, they are out of luck if the airline goes bankrupt. There is no guarantee that another airline will honor the ticket.

If they bought their ticket using a credit card, then as I understand it, Federal law protects them, but at a tremendous cost to those few banks who process airline tickets. The ticket holder has the right under Federal law, the Truth in Lending Act and Regulation Z, to seek a refund from their credit card issuing bank. If the airline is unable to cover such charge-backs, the loss is borne by the acquiring or processing bank. The burden on the banking system as a result of the events of September 11, and the requirements of Regulation Z, is not small. About $5 billion of advanced ticket sales by credit card exist at any given time. I doubt that anyone anticipated that Regulation Z would be used in this manner after an act of war shut down the entire air transportation system and caused the failure of perhaps several airlines.

There is a simple and equitable way to protect these passengers who paid cash and have no recourse. It can also relieve some of the burden that the law puts on a very few banks. I have a letter from Consumers Union that proposes the solution. It says, "Consumers Union believes that carriers that receive federal funds under H.R. 2926 should be obligated to honor the tickets of other carriers, where due to service changes or discontinuation, the issuing carrier is unable to provide the contracted service."

In short, if an airline has empty seats, then let the passengers who would otherwise be denied service use those seats.

I intended to offer an amendment to this effect. Instead, I would ask the distinguished floor manager a question.

Does he agree that in light of the aid this Congress has provided to the airlines, it is not too much to ask them to honor, to the extent practicable, the tickets of other carriers that are unable to provide the contracted service?

Mr. HOLLINGS. I think that is entirely reasonable. This could be done by regulation or even by an explicit gentleman's agreement from the airlines. I do not think it is too much to ask.

Mr. INOUYE. Mr. President, I am pleased that the Administration has taken the first step toward an important safety initiative by limiting carry-on bags to one bag plus one personal item such as a purse or a briefcase.

In this context, I would like to mention a special issue that has arisen concerning the safety procedures we promulgate, and the impact they might have on the practice of many musicians and musical artists carrying their instruments with them. I know that many of us have heard from the American Federation of Musicians, ASCAP, the Music Educators National Conference, the National Association of Music Education, and the Recording Industry Association of America, among others, about this issue. These organizations have expressed concerns, in light of recent security enhancements, about the ability of their members to continue carrying musical instruments aboard airplanes.

Rules promulgated by the Federal Government or by air carriers that would prohibit musicians from traveling with instruments in-cabin would, among other things, severely limit the ability of orchestras to present guest artists, audition musicians, and tour within the United States and internationally, and put at risk valuable, historical musical instruments. Limitations on carry-on bags should not put an undue burden on musicians, consistent with the requirements of safety. I am certain we can make it clear to those charged with the detailed administration of air safety policies that there is obviously a rule of reason and practicality to be observed.

Mr. BAUCUS. Mr. President, I rise today to commend Senators HOLLINGS and McCAIN for this much awaited, much needed piece of legislation and to urge my colleagues to help pass it.

It is critical to our Nation's economy that we restore the flying public's confidence in the safety of the aviation system. We need to get more planes in the air and we need to make sure they are full. Legislation that improves and expands security at our airports and on planes is essential to getting citizens back in the air.

While it is safer to fly today than it ever has been before, this package, which improves our Nation's aviation security, shows that the Senate is making an aggressive and firm commitment to America's aviation security and America's economy.

Two weeks ago I was on a flight from Montana back to Washington. By chance, I sat next to a gentleman who I appointed to the Air Force Academy in Colorado Springs 20 years ago. He was an F-16 fighter pilot. And is now a commercial airline pilot.

In the wake of the tragic events of September 11, he had a bunch of ideas to increase security on airplanes and airports. I asked him to write his ideas down. He found a scrap of paper and jotted them down. This is the paper he gave me. I am so pleased to see many of his ideas in S. 1447.

From Federal marshals on domestic flights to protecting our pilots in the cockpit. From vastly improving airport security measures to better screening of airport employees, this legislation takes a giant step forward in securing our flying public.

And securing our flying public is a giant step closer to securing our economy.

I would like to specifically address three items in the bill that I believe are of vital importance:

First, as chairman of the Finance Committee, I am pleased to say that there is no ticket tax levied on airline passengers. I don't believe that this is the time to raise taxes. In my State of Montana, people believe they pay enough to fly around the country. Since we are relieving the airlines of their security responsibilities, it makes perfect sense that the $2.50 per passenger user fee be assessed to the airlines, not the passengers.

Second, I am pleased to see a temporary expansion of the Airport Improvement Program and Passenger Facility Charge funds for use on security operations. This flexibility will surely help defray some of the costs for smaller airports.

I have been hearing from many airports back home. They are desperate for financial relief. These small, rural airports are faced with significant increased costs in order to comply with new FAA security standards. These new costs alone would be enough to tap their already paltry resources. However, like all airports around the country they are also facing declining revenues including landing fees, parking lot fees, car rental fees, bars and restaurants and gift shop fees. We need to help them, just like we helped the airlines.

I enthusiastically supported the airline relief package Congress passed 2 weeks ago. We needed to assist the airlines for the good of our traveling public and the good of our economy.

But relief to the airlines won't do anyone any good, if they don't have airports to land in. We are in danger of many of our airports closing their doors and their gates and their runways because they are out of money.

The flexibility provided in this bill will make a real dent in the airport's economic situation.

Third, I am also pleased to see a reimbursement program for these airports for completed security-related projects. This program, along with the AIP/PFC flexibility are extremely helpful, but are only a temporary life preserver for the airports. Discussions need to continue about how we can really save them from drowning.

I would like to close by once again commending the work done on this bill by both staff and Senators and to urge my colleagues to vote in favor of S. 1447. The public needs it and our economy needs it. Folks at home will thank you for it.

Ms. SNOWE. Mr. President, I rise today in support of the legislation before the Senate which is designed to overhaul aviation security in this Nation.

This is an issue of vital national importance during these dark days in America's history, and as a member of the Senate Committee on Commerce, Science, and Transportation, I believe it is critical that we pass the strongest possible enhancements to our existing system and do so as soon as possible.

The fact of the matter is, the images of the unspeakable horrors of September 11, 2001, will be etched in our minds forever. When the "devil incarnate" hit the United States, he attacked not only America, but freedom-loving nations everywhere. We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage this fight against terrorism. For it is a fight we must win, and will win.

But there should be no mistake, victory will not come overnight. We are here today debating this bill because, as we mourn the tremendous loss of life both of those in the air and on the ground, we also know that our transportation system must endure and must be secure if we are to move the Nation forward.

We must leave no stone unturned in the effort to preserve this Nation's transportation infrastructure, so that we might both carry on the business of the Nation and ensure our continued economic viability, and also ensure that we are in a position of strength to be able to wage the kind of war necessary to eradicate terrorism. And, we cannot remain strong if we cannot remain mobile.

Specifically, we are here today to improve our aviation security infrastructure and policies, to instill the kind of confidence that is vital to the health of our country's commercial airline industry. Clearly, our way of life, our freedom to travel and do so with relatively minimal encroachment, was used against us in the most horrific way imaginable. And it is vital that we take the necessary steps now to prevent such catastrophes from recurring.

The debate on this legislation is so critical because aviation security will only be addressed with a comprehensive, exhaustive approach that recognizes we are dealing with interlocking rings of issues, from perimeter security to on-site airport security to on-board aircraft security to a range of other issues, and that the entire aviation security system is only as strong as the weakest ring.

That is why I have cosponsored Senator HOLLINGS's comprehensive legislation to improve aviation security. This bipartisan legislation takes critical steps to safeguard the security of our airports and aircraft. It includes provisions to strengthen cockpit doors, increase the number of sky marshals, which is a critical issue also addressed in Senator HUTCHISON's bill, S. 1421, of which I am a cosponsor, to increase the number of sky marshals, federalize security, and improve training and testing for screening personnel.

Federalizing security, in particular, is an issue I feel very strongly about. The fact of the matter is, if the flying public does not have confidence in airport security, they will remain reluctant to fly, and this will have severe long-term repercussions in the aviation sector and in our economy. Imposing stringent Federal control and oversight over airport security will go a long way to helping instill confidence in the flying public, and will enable the government to exercise much greater control over the quality of screening.

This is a problem that was identified long ago. In September 1996, the White House Commission on Aviation Safety and Security recommended that FAA was, in fact, poised, at the time of the terrorist attacks, to issue a final rule, as directed by Congress last year in the Airport Security Improvement Act of 2000, establishing training requirements for screeners and requiring screening companies to be certified.

And in its January 18, 2001, Top DOT Management Challenges Report, the Department of Transportation Inspector General noted that, to close this critical gap in security, the Government ". . . needs to have a means to measure screener performance, and methods of providing initial and recurrent screener training as well as ensuring that the screeners maintain their proficiency through actual experience with the machines in the airport environment." The IG also concluded that the ". . . FAA must complete deployment of equipment that will help in the testing and training of screeners."

Quite frankly, I am not convinced that we can ever have full confidence in our airport security without stringent Federal controls, which is why it is vital we resolve the issue of federalization once and for all.

In addition to addressing the issue of airport security, the Hollings' legislation:

Establishes a Deputy Administrator within the U.S. DOT for Transportation Security,

Establishes an Aviation Security Council, comprised of representatives from FAA, DOJ, DOD, and the CIA to coordinate national security, intelligence, and aviation security information and make recommendations;

Stipulates hijack training for flight crews;

Requires background checks on students at flight schools; and

Increases perimeter security.

I would note I am particularly pleased that the legislation before us includes my amendment directing a new Deputy Secretary for Transportation Security within U.S. DOT, which is established in the underlying bill, to focus on the critical mission of better coordinating all modes of transportation nationwide during a national emergency, such as the tragic events that unfolded on September 11. And I thank Senators HOLLINGS and McCAIN, in particular, for working with me and for their support on this important issue.

I am also very pleased that the Hollings bill addresses the issue of background checks on students at flight schools. On September 21, I introduced legislation, S. 1455, to regulate the training of aliens to operate certain aircraft. Under S. 1455, background checks would be required before any alien would be permitted to receive jet flight training.

I also commend the President for his leadership. The President's proposal addresses many of the same core issues. His air travel security plan would expand the sky marshal program. It urges Governors to deploy the National Guard at Federal expense at all commercial airports. It would provide oversight and control of airport screening by the Federal Government. And it would provide $500 million to help airlines fortify cockpit doors, install surveillance cameras and install aircraft tracking devices that cannot be turned off.

Under the President's plan, contractors would continue to perform screening. The Federal Government would set standards, supervise operations, conduct background checks and training, purchase and maintain equipment, and oversee airport access control.

I believe the administration's proposal would be a major step in the right direction. And I understand that some have concerns that federalizing the screener workforce could make it difficult to remove employees who are not performing their important duties.

It is my hope and my expectation that we will find common ground on this point while coming together to ensure that Americans have complete confidence in the men and women who form the last line of defense when it comes to preventing weapons from getting on our aircraft. And I am very pleased that S. 1447 includes provisions to exert federal control over security screening once and for all.

One way or the other, this issue must be worked out so there is no doubt about the quality of this critical workforce, this has got to happen if we are to restore the American public's confidence in flying and, by extension, the health of America's commercial airline industry. At the end of the day, we must have a screening system with stringent Federal controls and oversight, so that the government will control hiring standards, compensation, training, and re-training. We need a reliable, professional force of screeners.

We must move heaven and earth to make flying safe. That is our mission here today. One national poll, CNN/USA Today/Gallup, found that 43 percent of Americans are less willing to fly, with the majority of their concerns centering on the adequacy of airport security. They are also willing to sacrifice convenience for safety, with the same poll finding widespread support for new measures, even if it means checking in two to three hours before a flight, or paying more to cover the increased security costs.

The failure to correct the existing deficiencies in the aviation security system has already cost us dearly, and we no longer have the luxury to postpone action. Accordingly, we must pass this bill now.

It is critical that we come together, as we did on a resolution supporting the use of force to combat terrorism, as we did on legislation providing emergency funding for the recovery and relief effort after the tragic attacks of September 11, as we did on a financial relief package for the airline industry, and pass legislation promptly to address the gaps in aviation security and restore the confidence of the American people in our aviation system.

Mr. SHELBY. Mr. President, I rise to make a few comments and observations about the September 11 attacks and about some of the aviation security issues facing the Senate in the pending legislation.

To put these issues in perspective, I'd like to recall the extraordinary actions of the passengers on United Flight 93 on September 11, the ill-fated flight that crashed in Pennsylvania. In the ultimate act of self-sacrifice and heroism, a group of passengers rushed the cockpit and thwarted the terrorists aboard that flight from inflicting additional damage and loss on this great Nation.

Without doubt, those fathers, mothers, husbands, and wives, patriots one and all, saved the lives of hundreds of Americans wherever that aircraft was targeted. They understood what was happening, that they would probably never again see their loved ones, but they acted heroically and, in sacrificing their own lives and dreams, probably saved the lives of hundreds of their fellow citizens.

This Nation, and perhaps this Congress on an even more personal level, owes them a debt of honor and gratitude that is hard to articulate.

They deserve our recognition and our commitment that we will meet, address, and repel the threat that forced them to pay so great a price.

They were among the many Americans in New York, Virginia, Pennsylvania, and around the Nation who acted courageously during and in the aftermath of the terrorist attack on September 11. They brought honor to all who love this country and what it represents, they are what America is all about.

These were not warriors or law enforcement officials. You might say that they were neighbors, members of parishes, or people we might meet in our grocery stores. They were just "average" Americans. And the world should wonder and our enemies should tremble at their mettle.

As devastating as the heinous act of September 11 was, and as incalculable as the pain, disruption, and loss inflicted upon the victims at the World Trade Center, the Pentagon, and onboard the four hijacked United and American flights was. America and our very way of life we cherish will endure.

No one can make right the loss that the families, the coworkers, the friends and loved ones of the victims suffered because of these despicable acts. I know that all of us here in the Senate and across this great Nation continue to reflect and pray every day for the aggrieved and the fallen.

We must take every step to assure the Nation that this tragedy cannot be repeated. That is a tall order. I commend to your attention the comments made by the pilot of United Flight 564 on Saturday, September 15 to the passengers aboard that flight after the door closed and as they prepared to depart from Denver International Airport. He is reported to have said:

> I want to thank you brave folks for coming out today. We don't have any new instructions from the Federal government, so from now on we're on our own.

He continued:

> Sometimes a potential hijacker will announce that he has a bomb. There are no bombs on this aircraft and if someone were to get up and make that claim, don't believe him.
>
> If someone were to stand up, brandish something such as a plastic knife and say "This is a hijacking" or words to that effect, here is what you should do: Every one of you should stand up and immediately throw things at that person, pillows, books, magazines, eyeglasses, shoes, anything that will throw him off balance and distract his attention.
>
> If he has a confederate or two, do the same with them. Most important: get a blanket over him, then wrestle him to the floor and keep him there. We'll land the plane at the nearest airport and the authorities will take it from there.
>
> Remember, there will be one of him and maybe a few confederates, but there are 200 of you. You can overwhelm them.
>
> The Declaration of Independence says, "We, the people . . ." and that's just what it is when we're up in the air: we, the people, vs. would-be terrorists. I don't think we are going to have any such problem today or tomorrow or for a while, but some time down the road, it is going to happen again and I want you to know what to do.
>
> Now, since we're a family for the next few hours, I'll ask you to turn to the person next to you, introduce yourself, tell them a little about yourself and ask them to do the same.

That pilot's guidance is serious—but these are serious times. Americans are a people who empower themselves to do great things. Clearly, the actions of the passengers and the crew on the American airlines flight earlier this week illustrate that the flying public, the pilots and the crews are willing and committed to maintaining the safety and security of our airways.

We should not delude ourselves into thinking that simple pronouncements from the FAA, with all due respect, or tweaking the Federal Aviation Regulations, will allow us to sleep comfortably on transcontinental flights.

It is all of our responsibility to ensure the safety of our airways. The passengers aboard United Flight 93 knew that instinctively, the pilot on the United flight out of Denver merely reminds us of it.

Accordingly, as we review and reform our safety and security procedures, we must ask a simple question: would the actions and initiatives we propose to undertake have prevented the recent terrorist attacks and will they prevent future acts. Unfortunately, I'm concerned that the bill as currently drafted may fall short of meeting that standard.

Our actions must be meaningful, effective, and they must restore the confidence of the American public in the integrity and safety of our transportation systems.

If there ever were a time for bold and aggressive steps to improve the safety of our transportation systems, now is that time. I believe, no, I know, that this Congress and the American people will accept and embrace meaningful steps toward that end.

We only need look at the full measure of sacrifice made by the passengers aboard United Flight 93 to know the depths of our responsibility and I am heartened by the fact that I know that same spirit is aboard every plane in the sky.

I believe that it all starts with our intelligence capability, we have to have the best possible intelligence about potential or imminent threats in order to constantly focus and modify security procedures and efforts. Intelligence is the first line of offense in our war against terrorism.

The principle that should guide us is that through human scrutiny and technological screening, we should put passengers through sufficient security procedures to identify potential threats;

For the passenger, that might mean answering computer generated and tailored questions at the ticket counter which might be followed by interviews with security personnel; passage through a metal detector which might be followed by a thorough physical search of carry-on baggage, and perhaps passage through another magnetometer or wanding before boarding the aircraft.

For checked baggage, that should mean passage through various and increasingly sophisticated explosive detection systems followed by thorough physical search for any bag that requires further scrutiny, there should also be random physical searches for all bags to improve proficiency and to raise the security penetration.

In addition, we should accelerate our research into emerging technologies to improve our ability to detect weapons carried by people or explosives secreted away in baggage. We also may need to consider stronger limitations on both hand carried and checked bags.

For the aircraft, that should mean armed air marshals on flights and hardening the cockpit door, as Delta Airlines has already begun, revising access procedures to the cockpit, and increasing the security training of pilots and crews, including allowing pilots the option of defending themselves.

We should require background checks of everyone who has access to the aircraft: whether pilots, crew, ground personnel, baggage handlers, caterers, and other contract personnel, with regular and periodic reviews.

For the airport, it entails a more substantial armed police force, conspicuously and constantly present in the public areas and concourses. In addition, we need to improve the airport access procedures and technologies to make sure that people are where they are supposed to be and not in places that could present a threat to the aircraft or passengers.

Simply put, we need to expeditiously pursue security technologies and procedures at airport access points that cannot be defeated by even well organized and clever terrorists.

And so, we come full circle back to intelligence, without a robust and aggressive intelligence effort that is constantly questioning where, how, and who may plan the next attack, our security measure will not evolve to meet the challenge. Unfortunately, if that is the case, we're merely waiting for the next attack.

Clearly, we must approach airline, airport, and aircraft security issues in complementary and overlapping ways to establish a security "net" around our aviation system. What do I mean by a "net?" If we are suspicious about a bag or a passenger, that information is relayed and additional, more extensive security measure like I've described would be employed.

The increased tempo and breadth of security operations pose dramatic cost increases for airlines and airports and for the Federal Government. I note that the legislation before the Senate contains an authorization to reimburse airports for the direct costs of increased law enforcement requirements mandated by the FAA.

I think this is a legitimate and reasonable approach. The Federal Government should not place unfunded Federal mandates on our airports or any other unit of local government.

Clearly, the FAA mandated security directive requiring airports to increase the law enforcement presence is necessary. I intend to work with my colleagues on the appropriations committee to provide funding to help defray these costs and I commend the authorizing committee for providing that authorization in this bill.

However, notwithstanding that there are some useful provisions in this bill, I'm concerned that this legislation and this debate has gotten bogged down about whether we should "federalize" the aviation screening functions. I doubt that "federalizing" is the panacea that some would have you believe.

For some, it is an instinctive response to turn to the Federal Government in the wake of a crisis without ever questioning if it is the responsible action to take or if the federal bureaucracy will be any better. So, "federalization" may be a bad idea whose time has come.

We're missing the point if we misinterpret the mandate from the American people to improve aviation security with a public desire that the people searching our bags or manning the security checkpoint must be receive a paycheck from the U.S. Treasury.

Keep in mind, the weapons that the terrorists carried on the aircraft were legal to carry on the aircraft. What failed was intelligence, our response time, and the lack of security on board the aircraft. Let's fix those things. Until September 11, it was legal to take a 4-inch knife on board an aircraft, and metal knives were commonplace in first class meal service.

The price tag for full Federal assumption of airport security is not small, in excess of $2 billion annually and that cost will only rise. And that's forever.

We must weigh that commitment of taxpayer dollars against whether it would result in either improved security, or the perception of improved security. There are a lot of things that the Federal Government does well, I would argue that this is not one of them.

Let's not mislead the public into interpreting "federalization" to mean that baggage screening is going to be conducted by law enforcement officers.

Not even the supporters of full federalization are contemplating having Federal law enforcement officers search passengers or carry-on baggage.

In a federalized world, the metal detectors and bag searches would be conducted by Federal bureaucrats. I don't think that over time, the American taxpayer is going to look at a bureaucrat bag screener and say, "I feel safer because a Federal employee is checking my bags."

Remember, the money we spend on replacing private sector employees with government bureaucrats means we will have that much less money for other security improvements, and we're talking about hiring as many as 30,000 new Federal employees. That's three Army divisions.

I'm also concerned about the concept of a two-tier airport security construct. Some have advocated that we "federalize" at the largest airports while not "federalizing" at other smaller airports. That logic is inconsistent with its proponents' other flawed reasoning that security will somehow be magically improved and tightened by virtue of "federalization."

The simple fact is we must improve aviation security at all airports. We cannot have weaker points and stronger points in the system. Instead, we must tailor our security architecture to stop terrorists no matter where they attempt to get into the system.

Further, I fail to see how creating a new Deputy Administrator at the FAA or a new Deputy or Assistant Secretary at the Department of Transportation moves the aviation security ball down the field.

Since both the past administration and this administration have had such difficulty in filling the Deputy Administrator of the FAA position, I'm concerned that we're unnecessarily confusing and complicating the Federal bureaucracy.

I can't remember a case where an additional layer of bureaucracy led to the swift, decisive leadership I believe is necessary, especially in regards to safety and security. I'm also not certain that either the DOT or the FAA are the only, or the best place, for any new security function to reside.

I would hope that the relevant committees of jurisdiction would explore whether these responsibilities wouldn't be better executed at the Department of Justice, the Department of the Treasury, or in the new Office of Homeland Security.

Personally, I believe that the President got it right in his proposal. The Federal Government would assume management and oversight of the security function. It is imperative that we have standards for personnel, background checks, and training, as the President proposed, to improve the security net.

That is the appropriate role of the Federal Government. I'm disappointed that the bill before us today seems to be taking this issue in a different direction.

When we addressed the imminent financial crisis facing the airline industry 2 weeks ago, we acted expeditiously to restore the confidence of the financial markets that Congress and the administration had confidence in the future of air travel in America.

Congress and the administration must move expeditiously, but deliberately, to augment the interim security procedures already instituted by the Administration. This is not a one time infusion of capital or liquidity as was necessary in the Airline Stabilization legislation.

Make no mistake, we must get this done and get it right before the end of this Congress. Taking a few more weeks as this bill moves through conference will not shake the confidence of the American public.

The American people will live with our decisions on aviation security for a long time. It is critical that we address the problems in the system without rushing to judgment. If we act precipitously we run the risk of failing to address security in a thoughtful and comprehensive fashion, and, we may well lose the opportunity to make the meaningful improvements that are essential to provide a system worthy of the American public's confidence.

In the extreme, we run the risk of perpetrating a fraud on the American public by misleading them into a false sense of comfort that we have met the security challenge in this bill.

Congress has time to get this right. This is a complicated and crucial issue and we should take the time to get it right. The administration has taken the interim steps to restore public confidence and to bolster security at airports; our actions should augment and complement those steps, not quibble over organization charts and who mans the security checkpoints.

Clearly, the airlines, the airports, and pilots, such as the United Airline captain I quoted earlier, are taking responsible and meaningful steps to improve safety and security. We should follow their example.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate will pass the Aviation Security Act. This bill will help restore our Nation's confidence in commercial aviation by boosting the security in our skies and our airports. The strengthening of cockpit doors and the deployment of sky marshals, among other security measures in this bill, are meaningful and worthwhile steps in making air travel safer.

This bill also includes a safety provision based on a bill I recently introduced. The idea is from a couple of Wisconsinites. When I held one of my listening sessions following the vicious attacks on September 11, Fire Chief James Reseburg and Deputy Police Chief Charles Tubbs of Beloit, WI, suggested an idea that they thought would help make our skies safer. Part of their idea was to create a registration system through which law enforcement officials, firefighters, and emergency medical technicians could register voluntarily to serve in the event of an emergency on a commercial airplane.

For example, if an official was going on vacation on an airplane, he would simply register with the airline beforehand to notify them that they would have a public safety official on that flight. Like the sky marshals, only authorized airline personnel would know when one of these volunteers was on the plane. In many cases, these public servants already notify the crew when they board that they are trained for emergencies and are willing to help out in the event they are needed. They are trained to respond calmly during emergencies and can be of great assistance to an airline crew.

As many of my colleagues have stated, if the airline industry is to recover fully from the events of September 11, 2001, we must make the flying public feel safe once again in our skies. The Aviation Security Act will help us do just that.

Ms. MIKULSKI. Mr. President, I rise in support of the Aviation Security Act.

On September 11, four civilian airliners from three of our nation's airports were used as weapons of war. As were debating this legislation, our military is taking action against those who are responsible. One way to support our troops is to improve safety for all Americans. That is the goal of this legislation. This bill enables us to take three concrete actions to improve safety in our skies.

First, it federalizes airport security operations. Security is a high skill job, yet airport screeners in this country are low paid, poorly trained, and inexperienced. Many of our airport screeners make $6.00 to $7.00 an hour. That is a lower wage than many of our fast food workers receive. Our airport screeners receive minimal training. The FAA currently requires 12 hours of classroom training for our airport screeners, while France requires at least 60 hours of training. Turnover rates are also abysmal. From May 1998 through April 1999, turnover rates for workers at our nation's nineteen largest airports averaged 126 percent, and as high as 416 percent in some instances. When morale and incentive are low, poor performance follows. FAA inspection reports reveal significant weaknesses in the performance of our airport screeners. Security inspections showed that B.W.I. ranked fifth among major airports in the number of bombs, grenades or other weapons that went undetected in federal inspections. This is not a new problem, however. The GAO reports that in 1987 airport screeners missed 20 percent of the potentially dangerous weapons used in tests, and it's been getting worse over the past decade. That is why this legislation is so important. We have Federal officials protecting our borders and protecting our President. We also need federal officials protecting our flying public. Federal workers can be fully trained and monitored. Their primary goal would be safety, not the economic bottom line. The Hollings bill does this by federalizing airport security operations, requiring extensive training and deploying law enforcement personnel at airport security screening locations.

The second item this bill addresses is the safety of our pilots. We all know that the safety of our pilots is critical to ensuring the safety of our passengers. The tragedies of September 11 showed that we need to strengthen the cockpit doors and locks to prevent entry by non-flight deck crew members. This bill prohibits access to the flight deck cockpit by any person other than a flight deck crew member and requires the strengthening of the cockpit door and locks to prevent entry by non-flight deck crew members.

The third critical item this bill addresses is the expansion of the Federal Air Marshal program. On September 11, some heroic Americans on United Airlines flight 93 lost their lives as they confronted the terrorists. They prevented the plane from possibly flying into the Capitol or the White House. These brave citizens lost their lives, yet they saved many others. Perhaps they saved the lives of those of us in this chamber. We can't ask American citizens to risk or lose their lives on airplanes. We need federal air marshals on our airplanes to protect our flying public. The Sky Marshal Program dates back to the Kennedy Administration when the concern of highjackings to Cuba was prevalent. In 1970 the program was greatly expanded to include U.S. Customs and military personnel. Two years later the program was phased out. Then, in 1985 a 727 flight from Athens was diverted to Beirut, where terrorists murdered Robert Dean Stetham of Maryland. The highjackings of 1985 prompted Congress to reinstate the Federal Air Marshal program, but it's skimpy and spartan. This bill would allow a federal air marshal on every domestic flight and every international flight originating in the United States.

The events of September 11 were an attack against America and an attack against humanity. We are a nation that is grief stricken, but we are not paralyzed in our determination to rid the world of terrorism. In the mean time we must act to make transportation safer in the United States. We must exhibit a sense of urgency and pass this legislation immediately.

Airline security is a crucial part of transportation security, but we can't stop there. We must also improve the safety of our railroads and our ports. We must ensure the safety of all components of our rail system, including: tunnel security, terminal safety, bridge safety and protection of our track switchboards. Over 22 million people a year ride our railroads and forty percent of all freight is transported on our rails. A terrorist attack on our rails could result in catastrophic loss of life and paralyze our economy. Amtrak is ready and willing to improve passenger rail safety in this country, but it also must address its critical infrastructure needs. For example, the tunnels that run through Washington, Baltimore, and New York accommodates trains that carry roughly 350,000 people a day. These tunnels don't meet minimum safety standards, they don't have proper ventilation, and there is not adequate lighting. Rail safety requires federal help, but annual appropriations for Amtrak is frozen at $521 million, about half of its $955 million authorization in TEA-21. The Amtrak emergency package would improve safety and security on our trains by: hiring more police officers to patrol trains, stations and railroads; provide anti-terrorism training for employees; install cameras to monitor facilities; improve the safety of tunnels, especially in the aging tunnels that run through Maryland, Washington, and New York.

The Amtrak emergency package would also provide additional rail capacity to accommodates increased ridership. In the days following the September 11th tragedy, Amtrak employees worked around the clock to provide a safe, viable option to our traveling public. Daily ridership from September 12 to September 17 jumped 17 percent, and that doesn't include all of the airline tickets that Amtrak honored to keep America on the move. On the Northeast Corridor, Amtrak added roughly 30 percent more seating capacity, or 2,000 more seats per day on unreserved trains. Amtrak responded to our national crisis in many ways: they helped carry our mail, they delivered thousand of emergency relief kits to New York, and they provided transportation to firefighters, police and medical personnel. Some may argue that now is not the time to discuss Amtrak. I would argue there's never been a better time. Now is the time to give Amtrak the support it needs to keep America moving quickly and safely. The simple truth is that we have a National Passenger Railroad System in this country that needs our immediate help with security and capacity upgrades. It is our duty to respond.

I would also like to take this opportunity to rise as a cosponsor of the Carnahan amendment. This important amendment would help those who are most hurt by the economic impact of the terrorist attacks of September 11. Thousands of American workers have lost their jobs during this economic downturn. These workers need our help. We need to act quickly on a economic stimulus package that targets the American worker. Airline and aviation employees have been especially hard hit. 140,000 thousand of these workers have been laid off since the terrorist attacks. Unemployment is steadily rising in the industry. Last week, 528,000 people filed for unemployment. That is the nearly the population of Baltimore City, and a figure we haven't seen in nine years. These people are our pilots, our flight attendants, baggage handlers, concessionaires and aircraft builders. These workers have lost their paychecks, lost their health care and could lose their homes. They need our immediate help, just as we helped their former employers with a $15 billion stabilization package of grant and loan guarantees.

I am confident that the airline industry and the U.S. economy will recover, but help is needed today. Senator CARNAHAN's amendment would provide financial assistance, training and health care coverage to employees of the airline industry who lose their jobs as a result of the attacks on September 11. The Carnahan amendment would provide income support by extending the number of weeks eligible individuals can receive unemployment insurance, from 26 weeks to 79 weeks. These cash payments would not create a strain on state budgets, because they would be funded entirely by the Federal Government. Workers who don't meet their states' requirements for unemployment insurance would not be left out. They would receive 26 weeks of federally financed unemployment insurance.

This amendment also addresses job training. Workers who may not return to their jobs within the airline industry would be eligible for retraining benefits. Other workers would be eligible for training to upgrade their skills. This amendment would enable laid off workers to keep their health care by expanding the COBRA program. This would enable people who have lost their jobs to retain their health insurance. Madame President, I strongly support the Carnahan amendment. It is a thoughtful and comprehensive airline workers relief package. It's also a good starting point to address the needs of working families in America, and provides a good model for a broader economic stimulus package.

Mr. McCAIN. Mr. President, I believe in just a minute we will move to final passage.

Mr. HOLLINGS. Mr. President, if there are no further amendments, we are ready for third reading.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 25

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of S. 1447, the aviation safety bill, the Senate proceed to the consideration of S.J. Res. 25, the joint resolution designating September 11 as a day of remembrance; that there be 20 minutes for debate on the resolution, equally divided between the two leaders or their designees; that no amendments or motions be in order; and that upon the use or yielding back of the time, the Senate vote without any intervening action on final passage of the joint resolution.

Mr. McCAIN. Reserving the right to object, I ask the Senator from Nevada, could he include in there that immediately after the vote, Senator VOINOVICH be given 15 minutes to speak as in morning business on the legislation just passed?

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. That would be fine. The Senator from Ohio would speak immediately following the vote on final passage. I am wondering: Everyone will be here. If consent is granted, we are going to have, immediately following that, two more votes on judges. It would appear to me the Senator from Ohio has to be here anyway. Perhaps we could have him give his speech then.

Mr. McCAIN. I would ask in modification that both Senators from Ohio would like to speak for 10 minutes and it would take place following the election of the judges.

Mr. REID. Mr. President, could I have my first unanimous consent request approved; that is, we are going to take care of the resolution dealing with the day of remembrance?

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that immediately following the disposition of the joint resolution establishing a day of remembrance, the Senate proceed to executive session and vote on the nominations of Barrington Parker to be a circuit court judge and Michael Mills to be a Federal district court judge; that any statements thereon appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that we now order the yeas and nays on both of these nominations with one show of seconds. I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. I further ask unanimous consent that following these votes, Senator VOINOVICH and Senator DEWINE be recognized for up to 10 minutes each as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I alert all Members, Senator DASCHLE has the right, under the order previously entered, to call up the antiterrorism legislation. It is my understanding, having spoken to the leader not too long ago, that that is his intention. Following all this, we would take up tonight the antiterrorism legislation, so everyone should be aware of that. We have four amendments in order. We have some time for general debate. It could be a long evening.

AVIATION SECURITY ACT—Continued

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the distinguished chairman of the committee for his leadership and effort on this very important legislation, and all the staff who have been involved. I also thank Senator ROCKEFELLER, particularly, and Senator HUTCHISON, as well, for her incredible efforts on this legislation.

This is an appropriate day for this legislation and the antiterrorism legislation, given that it has been 1 month since the terrorist attack. We in the Senate are taking a major step in ensuring that this kind of thing can never happen again. All of us in this body can be pleased at the effort that has been put forth on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank our distinguished ranking member, Senator MCCAIN, for his total cooperation and leadership on this measure, along with Senator HUTCHISON of Texas and Senator ROCKEFELLER of West Virginia who lead our Aviation Subcommittee. It is not only an important safety measure but, in a sense, an airport and airline stimulus bill because now, if the House can take this up in judicious fashion, we can move forward and everyone can be assured immediately of security in air travel.

For example, the American people will know once and forever that a domestic airliner is never going to be used as a weapon of mass destruction because we will have that cockpit secured, never to be opened in flight, so then we can economize on our requirements for the military patrolling over flights, ready to shoot down a domestic airline because it cannot be hijacked in the sense of taken over and directed anywhere, beyond a particular discord or disruption in the cabin itself. Once that occurs, the pilots will be informed, they will land, law enforcement will be there, and that will end hijacking in America, as it has in Israel.

It is a very important measure with which we move forward promptly. I am delighted and pleased, particularly with the cooperation I mentioned, the staffs on both sides. But the whip, Democratic whip, HARRY REID, Lord knows—I have been here 35 years; I am still 20 years younger than STROM; he was here a minute ago—he is the best whip I have seen.

I yield the floor.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The bill (S. 1447) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. HOLLINGS. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the Senate has done a terrific job of doing something on the 1-month anniversary of this tragedy for America that will begin to rehabilitate the economy of our country, and that is with aviation security we can begin to assure the American public they can fly in safety.

The Senate has passed its bill. I think it is a terrific bill. It will augment the cockpit. It will give better quality screening. It will put air marshals in the air.

The American public needs to know the flying system is safe, and this aviation bill is a good start in that direction. I hope the House will follow suit and pass its bill. I know there are some differences, but I hope they will act expeditiously so we can send a bill to the President that will begin to rehabilitate the whole aviation industry and the industries that depend on it.

So I thank the distinguished chairman of the committee, Senator HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, my counterpart on the Subcommittee on Aviation. We could not have done it without the total support and the total bipartisanship that produced the 100–0 vote.

The PRESIDING OFFICER (Mr. CARPER). The Senator from South Carolina.

Mr. HOLLINGS. Let me thank, once again, the distinguished Senator, Mrs. HUTCHISON of Texas. It is bipartisan, mainly because of her leadership.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DASCHLE. I, too, compliment the distinguished chair, the ranking member, the subcommittee chair, and the ranking member for their outstanding work in getting us to this point.

A few days ago people would have been very skeptical about any prediction that this bill would have been passed 100–0, but it has been passed in large measure because of their leadership, and we are grateful.

The next vote, as I think our colleagues are aware, is the resolution on the day of remembrance.

I notify Senators there are three additional votes. There will be a vote on the National Day of Remembrance. There will be two additional rollcall votes on two judges.

I ask unanimous consent that the third and fourth vote in this next sequence be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, it is my hope and expectation we will take up the counterterrorism legislation tonight following these votes. It is my hope we could finish the work tonight. If we cannot, of course, we will finish the work tomorrow morning. If there is the possibility we could finish it tonight, it would be my desire not to have any votes tomorrow. So we will leave that to Senators who wish to speak and wish to debate the bill, but we will go to counterterrorism immediately following the votes to which we have just referred.

We have a lot of work yet to do tonight, and I urge Senators to stay close to the Chamber.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, with regard to the schedule, I support what Senator DASCHLE is trying to do. I think we have done the right thing by moving the aviation security bill. We will have an opportunity to work on it further in conference, for those who do have concerns, but we have to say to the American people—in fact, we have to be assured we can tell the American people we have addressed this aviation security question as soon as possible. Next week hopefully we will be able to get into conference and produce a bill.

It is very important that as soon as possible we move this counterterrorism legislation. Good work has been done in the Senate. We have pointed the way in this effort, and so I hope our colleagues will work to complete the bill as soon as possible. I hope all of the general debate time will not necessarily be used, although it is up to 4 hours. We also have as many as four amendments in order under the agreement that was reached. I hope we can get through that at a reasonable hour and complete the work tonight, but if it becomes evident it is going to take 4 or 5 hours to do this, then we will have to have the votes in the morning.

Even then, I presume the votes would begin at a relatively early hour, 9 or 9:30 a.m. Certainly Senator DASCHLE will announce that. Whether there are two or three votes, whatever it would be, we will be completed after that.

Having said that, at the end of this week, if we complete action on these two bills, I think we will have done a great deal to move toward restoring the confidence of the American people. I am proud of the progress I am seeing made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I understand it is the intention, then, of the leadership to complete the counterterrorism bill this evening; is that correct?

Mr. DASCHLE. If the Senator will yield, I will phrase it by saying it is my hope to finish it. We know what the time parameters are. We have already agreed to that. If we are compelled to go through all of the votes and it gets to be too late, we may have to move it into tomorrow. So I am not going to say definitively tonight at this moment we will finish our work on the counterterrorism bill, but that would be my hope.

Mr. SARBANES. As I understand it, if we can complete work on the counterterrorism bill this evening, then we will not be in tomorrow, or at least we will not be transacting business that requires votes tomorrow. Is that correct?

Mr. DASCHLE. That is correct. We would not have votes tomorrow. We would have completed our work. I assume we could be in for morning business to accommodate Senators who may wish to speak, but it is my intention not to have any rollcall votes tomorrow.

Mr. SARBANES. I thank the leader.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I express the hope our leadership on both sides of the aisle can help to press hard to get the remaining appropriations bills completed and sent to the President singly and not as an omnibus bill. The Appropriations Committee in the Senate today reported out the D.C. appropriations bill and the Labor-HHS appropriations bill. This makes 12 of the 13 appropriations bills that the Appropriations Committee in the Senate has reported out.

The House, I understand, is working on the Defense appropriations bill and will soon act on it and will shortly send over the conference report on the Department of the Interior.

We will have to have another CR. That will be coming along probably today. In any event, our committee and our chairmen and ranking members on all the subcommittees have worked diligently and hard, and I hope the leadership will help us to bring pressure on both sides of the Capitol to move these appropriations conferences. The staffs have done the preliminary work, a good bit of it in many instances.

It is absolutely necessary we show the American people that this Congress can do its work, is doing its work, but it is going to take some effort on the part of all of us, I say to the distinguished minority leader and the majority leader, to bring these remaining conference reports to the floor. We shouldn't have to have another continuing resolution after this next one. We ought to complete these appropriations bills in the remaining days of this month.

Let's go home, for Heavens' sake, and see our families and constituents and not delay further. I don't think it is intentional, but it amounts to delay.

I thank both leaders for the efforts they made. We have some work yet to be done. We can do it.

Mr. DASCHLE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. DASCHLE. I say to the distinguished Chairman, I share his determination to complete our work on the appropriations bills. He and I have had many private conversations, and if I recall, even considerations on the floor.

I informed him and our colleagues on Monday there will be a vote on an appropriations bill, either the Interior conference report or on cloture on the motion to proceed to foreign operations. I share his determination to continue to plow through these bills and to accomplish as much as we can in the next 2 weeks.

As I understand it, the next continuing resolution will be for 1 week. If that is the case, we have 2 weeks within which to complete our work so as not to pass yet another continuing resolution. We have a lot to do. I appreciate very much his willingness to call attention again to that fact tonight.

Mr. BYRD. I thank the distinguished majority leader. We must show the American people that we can pass these bills. We owe it to ourselves, we owe it to the country, we owe it to the President of the United States to send him individual appropriations bills, no omnibus bill. Let him have his opportunity to sign or veto the bills as he sees fit.

Mr. LOTT. If I might say briefly—I don't want to drag this out—obviously we need to be able to move our appropriations bills.

I must say, of course, how quickly we do that depends on several things: One, how many controversial issues are in these bills when they come out of the committee. I don't know what happened, for instance, on the D.C. appropriations bill, but it had difficult and time-consuming issues in it. There may not be now.

The other thing is several of the bills, including Labor-HHS, often take a week or two; Defense quite often takes 3 or 4 days. Part of it depends on the willingness of Senators to withhold controversial amendments to move the process along. We have been doing that magnificently over the past month. Hopefully, we can do that even with appropriations bills—even though these are big bills, important bills, and Senators may want to be heard and offer amendments.

We also have to continue to work together on other issues that become problematic, such as getting judicial confirmations moving because there is a need for that, too.

Senator DASCHLE and I are working on this on all fronts. I talked to Senator STEVENS about it. I want to get the appropriations bills completed. It will take a lot of cooperation. We are prepared to give it that cooperation and time.

Mr. BYRD. I thank both leaders.

NATIONAL DAY OF REMEMBRANCE

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Joint Resolution 25.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 25) designating September 11, 2001, as a National Day of Remembrance.

Mr. DASCHLE. Mr. President, one month ago today, more than 6,000 innocent men and women had their lives stolen from them in an act of terrorism so hideous and cruel that it still almost defies belief.

In the days since, we have come together—not as Democrats or Republicans—as Americans, to honor the memory of all those who died at the World Trade Center, the Pentagon and in that lonely field in western Pennsylvania.

We have come together to tell their families they are not alone. They are part of our American family and we are with them—now in their hour of grief, and in the days and years to come.

And we have also come together to say, in the strongest possible terms, that we stand with President Bush in his determination to find those who committed these hideous attacks and hold them accountable, and to destroy their global network of hate and terror.

I had the opportunity to join many of my Senate colleagues in the days after the attack to visit Ground Zero in New York City. There, in a mountain of rubble and wreckage that is beyond my ability to describe, I saw a sign scrawled on a wall. It read simply: "We will never forget."

That is true. Whether we live another hundred months, or another hundred years, we will never forget the thousands of innocent victims who lost their lives on September 11th.

We will never forget the heartbreak of those they left behind, or the stunning bravery of those who tried to save them.

And we will never forget our responsibility to find those who committed these evil acts and stop them.

That is our promise.

In the aftermath of the attacks, America has searched for words to describe the enormity of what happened.

Every description has fallen short—and so we simply refer to the day: September 11th.

This day has become hallowed in our memories, and in our history.

Today, Senator LOTT and I are introducing a resolution to honor it on our calendars, as well.

This resolution designates September 11 as our national day of mourning and remembrance.

We ask that each year on September 11, the President issue a proclamation, the flags be lowered to half-mast, and that America observe a moment of silence.

It is yet another guarantee that as years pass, and wounds heal, that we will never forget what happened on that day.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Is all time yielded back?

Mr. DASCHLE. I yield back the remainder of my time.

Mr. LOTT. Mr. President, I yield back the remainder of our time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The resolution having been read the third time, the question is, Shall the resolution pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The resolution (S.J. Res. 25) was passed to, as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Day of Remembrance Act of 2001".

SEC. 2. NATIONAL DAY OF REMEMBRANCE.

(a) DESIGNATION.—September 11 is National Day of Remembrance.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation—

(1) remembering those who tragically lost their lives as a result of the terrorist attacks on the United States on September 11, 2001, and honoring the police, firefighters, and emergency personnel who responded with such valor on September 11, 2001;

(2) calling on United States Government officials to display the flag of the United States at half mast on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001;

(3) inviting State and local governments and the people of the United States to observe National Day of Remembrance with appropriate ceremonies; and

(4) urging all people of the United States to observe a moment of silence on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, all Senators should know that the next two votes are 10-minute votes. When we finish these two votes, we will go on to the antiterrorism legislation. The majority leader said we are going to finish that night. We will stick to the 10-minute votes. If Members are not here at or near that time, we will close the vote.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION OF BARRINGTON D. PARKER, JR., OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

NOMINATION OF MICHAEL P. MILLS, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI

Mr. LEAHY. Mr. President, when the Senate confirms Barrington Parker to the Second Circuit, we will have confirmed more Court of Appeals judges since July of this year than were confirmed in the entire first year of the Clinton administration. When the committee completes its consideration of Edith Brown Clement and she is confirmed to the Fifth Circuit, we will match the total confirmed Court of Appeals judges for the entire first year of the first Bush administration.

When we confirmed Judge Roger Gregory to the Fourth Circuit on July 20, the Senate had confirmed more Court of Appeals judges than a Republican-controlled Senate was willing to confirm in all of the 1996 session—a year in which not a single nominee to the Courts of Appeals was confirmed, not one all session.

Until I became chairman and began holding hearings in July, no judicial nominations had hearings or were confirmed by the Senate this year. We are now ahead of the pace of confirmations for judicial nominees in the first year of the Clinton administration and the pace in the first year of the first Bush administration.

In the first year of the Clinton administration, 1993, without all the disruptions, distractions and shifts in Senate majority that we have experienced this year through July and without the terrorist attacks of September 11, the first Court of Appeals judge was not confirmed until September 30, the third was not confirmed until November and, as I have noted, the Senate never confirmed a fourth Court of Appeals nominee.

In the entire first year of the first Bush administration, 1989, without all the disruptions, distractions and shifts of Senate majority that we have experienced this year through July and without the terrorist attacks of September 11, the fourth Court of Appeals nominee was not confirmed until November 8. Today, on October 11, the Senate will confirm its fourth Court of Appeals nominee since July 20 of this year. Thus, in spite of everything we are more than one month ahead of the pace in 1989.

During the more than 6 years in which the Republicans most recently controlled the Senate schedule, there were 34 months with no hearing at all, 30 months with only one hearing and only 12 times in almost 6½ years did the Judiciary Committee hold as many as two hearings involving judicial nominations during a month. I held two hearings in July involving judicial nominations and two unprecedented hearings in August, during the traditional recess. I held a fifth hearing in September, the sixth last week, and have scheduled a seventh hearing and second for October for next week. Thus, during the 4 months that I have been chairman with a reconstituted Judiciary Committee we will have held seven hearings involving judicial nominees and held two hearings in three of those 4 months.

A fair assessment of the circumstances of this year—in this shortened time frame of only a few months in session, with the obstruction in reorganization, the Republican objection that required all judicial nominations to be returned to the White House over the August recess, the President's unprecedented change in the process that shunted ABA peer review to the back end after the nomination, and now with the aftermath of the September 11 terrorist attacks—the committee and the Senate should be commended, not criticized, for our efforts to out pace the confirmations in the first years of the Clinton administration and the first year of the first Bush administration. Although we have redirected much of the committee work and attention to hearings and a legislative response following the terrible terrorist attacks on September 11, I have continued to hold confirmation hearings for judicial nominations at a pace far in excess of that maintained by my Republican predecessor.

In spite of unfair and unfounded criticism, I have continued to proceed with additional hearings and press onward as best I can to have the committee work to fulfil its role in the confirmation process. With cooperation from the White House and all Senators, both Republican and Democratic, I have no doubt that we can match and likely better the confirmation totals for the first year of the first Bush administration in 1989 by the end of the month.

I was encouraged to hear the White House sound a different tune recently when its spokesperson suggested that the point at which to assess our progress on judicial nominations will be at the end of the session. That is a far cry from the predictions earlier that there would be no confirmations by the Democratic majority and the subsequent White House prediction, which we have already topped, that there would be only five confirmations all year. I think that is a sensible thought and that we would be in position to compare apples with apples at the end of the first year of this administration.

Some Republican Senators have worked with me to expedite consideration of judicial nominees needed for their States and I appreciate their courtesy and have tried to accommodate them and the needs of the Federal courts in their States at the earliest opportunity. Others will carp and criticize no matter what we are able to achieve. I only wish those who now are rushing forward in the first weeks of my chairmanship to "champion" the cause of the Federal judiciary and see the current vacancies as a crisis would have sounded the call during the slowdown over the last 7 years. Had they joined with me in my efforts when they were in the majority, we would not have the vacancies we have now around the country. Many more would have been filled more quickly. I welcome them to the cause of the administration of justice but have to wonder whether their conversion is one of principle or partisanship. With few exceptions—Senator SPECTER comes to mind as someone who urged prompt action on nominees over the course of his Senate career including during the last several years—today's critics were comfortable defenders of slower confirmation hearings, long-delayed action on scores of nominees and no action on many others. Given that none of the current critics has yet admitted that Republicans did anything wrong over the last 7 years and has steadfastly defended the pace at which the Republican majority chose to act then, I would think they would be praising our current efforts that exceed the confirmation pace and hearing schedule that Republicans maintained when they held the Senate majority.

When I became chairman in June, I expressed my commitment to improving upon the inefficiency and lack of bipartisanship displayed by the committee in recent years. With respect to judicial nominations, our first hearing was noticed within 10 minutes of the adoption of the reorganization resolution and within a day of the committee's membership being set on July 10. I have alluded to the two unprecedented August recess hearings I chaired last month involving judicial nominations.

Indeed, at the first on August 22, no Republican member of the committee even attended. In addition to taking place during the August recess, those August hearings were unusual in that they were held without having nominations pending before the committee.

Just before the Senate recessed in early August, the Senate leadership requested that nominations, including all pending nominations for judicial appointment, be retained through the August recess. This proposal was made by the Democratic leadership notwithstanding the Senate rule that nominations should be returned to the President when the Senate recesses for a period of more than 30 days.

It was the objection of the Republican leader to that unanimous consent request that resulted in the return of all nominations, including all judicial nominations, to the President in early August. That Republican objection has resulted in the strict application of the Senate rules which has required needless paperwork and occasioned more unnecessary delay.

Given the objection by the Republican leader, no nominations were pending before the Senate or the Judiciary Committee on August 22 or August 27 when we convened our recess hearings. In order to proceed last month, we did so in a highly unusual manner. I did so with a high level of concern about that unusual procedure and noting the exceptional nature of those hearings.

Like the month-long delay in reorganizing the Senate, the objection of the Republican leader to the Senate retaining pending nominations through the August recess served to complicate and delay consideration of nominations. The bumps in the road created by the other side are especially frustrating. Similarly, President Bush's decision to delay the American Bar Association's evaluation of a judicial nominee's qualifications until the nomination is made public, has forced delays in the rest of the process as well.

As a result of this administration's break with the 50-year-old precedent established under President Eisenhower, the confirmation process of even the least controversial and most qualified candidates is necessarily delayed by several weeks after nominations are received by the Senate. There were no District Court nominees who had been evaluated in time for the confirmation hearing I convened on July 24.

With the return to the President of the District Court nominees the President sent to the Senate in early August and the delay in ABA peer review that results from the White House's decision to change the process that had worked for more than 50 years for Republican and Democratic Presidents alike, we have continued to have a limited pool of District Court nominees available for consideration at hearings.

Likewise, this administration's failures early on to consult with Senators from both parties and to seek nominees who would enjoy broad bipartisan support remains a source of concern. We have nominees pending whom the home State Senators do not know, and with whom they are not familiar and have never met.

In spite of these difficulties, we continue to move forward and exceed the pace set by both the Bush administration in 1989 and the Clinton administration in 1993. Under Democratic leadership, the Judiciary Committee is making important strides toward replenishing our Federal judiciary. I have adhered, and will continue to adhere, to a rigorous schedule, despite the terrorist attacks of September 11, and despite the limited opportunities provided by my not assuming the chairmanship until mid-session.

The Federal courts remain a symbol of justice to our citizens and to believers in peace and democracy throughout the world, and therefore, I will work diligently to keep the judicial nominations process on track.

Judge Parker will be a good addition to the Second Circuit. He is universally praised by the Senators from New York and Connecticut. He has been an outstanding District Court Judge. He is another from among the first group of nominees sent to the Senate by President Bush in May and resubmitted in September. He was reported unanimously by the Judiciary Committee, received the highest possible review from the ABA, and comes from a distinguished family of jurists.

Justice Mills is strongly supported by his home State Senators. He literally went the extra mile and drove from Mississippi to his confirmation hearing on September 13 when the air travel system in the country was still recovering from the terrorist hijackings of September 11. I was gratified to hear Justice Mills testify that he will follow the time-honored principles of stare decisis and respect the settled law establishing a woman's right to choose.

I had been concerned about his interpretation of binding precedent and the law given his dissent in McMillan v. City of Jackson. In his dissent he concluded that a protester convicted of trespassing at a family planning clinic should have been permitted to present a defense of necessity—in other words to justify his unlawful conduct by arguing that the protester had a reasonable belief that such action was necessary to prevent a significant evil.

Having heard Justice Mills state at his hearing that he will have the utmost respect for judicial precedent as a judge on the federal bench, I am prepared to support his nomination in spite of his dissent in McMillan and out of respect for Senator COCHRAN and Senator LOTT.

In addition to the judicial nominees the Senate is considering, we are also considering the nominations of 14 men and women to become United States Attorneys across the country, as well as the nomination of Benigno Reyna to be the Director of the United States Marshals Service.

Earlier this year I raised the problem created by the administration being so slow to nominate United States Attorneys after calling upon those holding those critical law enforcement posts to tender their resignations. I am glad that the White House took those observations to heart and began sending us nominees to be the Justice Department representatives in districts in each of our States all across the country.

The President did not nominate anyone to be a United States Attorney until July 31, just before the August recess. Unfortunately, due to the objection of the Republican leader even those few nominations were required under Senate rules to be returned to the White House during the recess. In essence, we are working through nominees effectively received on September 5 and thereafter.

Since that time the Judiciary Committee has already reported almost half of the nominations received between September 5 and September 19 and will continue to press the administration to complete the paperwork requirements on these nominations as soon as possible. The paperwork on the first group of nominees was not completed until the second week of September. They were then reported out and confirmed.

This second large group of 14 United States Attorneys will bring to 26 the United States Attorneys confirmed in the period between September 14 and October 11. I am proud of our record. We have managed to work through almost half of the 54 nominations for United States Attorney in a short period. Of course, the President has yet to nominate as many as 40 United States Attorneys. We will continue to try to work with the administration to make progress on these nominations.

I remain disturbed that the administration has yet to nominate a single United States Marshal for the 95 Districts across the country. The Marshals Service is older than the Department of Justice itself and has long been an essential component in Federal law enforcement. Yet here we are in mid-October without a single nominee. It was created by the first Congress in the Judiciary Act of 1789.

When we are calling upon the Marshal Offices and their deputies to help with security at airports, to contribute to the sky marshal program, to provide security at Federal buildings and for the Federal courts and to protect us in so many ways, we need to take these matters seriously and move forward.

I know that Deputy Marshals from Vermont, for example, are helping with operations in Vermont and in other parts of New England to ensure airport security and to protect government operations and all Americans. Senators can be helpful to the administration in the selection of United States Marshals and trust that the administration will begin consulting with Senators so that we can move forward to fill these vital positions.

Today the Senate does have before it the nomination of Benigno Reyna to head the United States Marshals Service as its new Director. He will direct a crucial component of our Federal law enforcement family, the United States Marshals Service. In this difficult time for America in the wake of the attacks on September 11, I am pleased that we have been able to expedite his consideration by the Senate.

Having received his nomination on September 12, we proceeded to include him in a confirmation hearing on September. Even though we did not receive his nomination until September 12, we were able to move him quickly to a hearing within a week and he is being considered by the Senate less than one month after his nomination.

I thank the Acting Director of the United States Marshals Service, Louie T. McKinney, and all of the acting United States Marshals and Deputy Marshals from around the country for their service in the past difficult days and for their continuing dedication and sacrifice.

I wish Director Reyna, as well as the 14 new United States Attorneys around the country success in their new challenges.

I am proud of the hard work the Judiciary Committee has been doing to confirm these and others of the President's nominees to the Department of Justice. Since the committee was reassigned members on July 10, we have held ten nomination hearings for executive branch nominees.

We have proceeded expeditiously with hearings for the FBI Director, the Administrator of the Drug Enforcement Administration, the Commissioner of the Immigration and Naturalization Service, the Assistant Attorney General for the Tax Division, the Assistant Attorney General for the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Assistance, the Director of the Office for Victims of Crime, the Director of the United States Marshals Service, the Associate Attorney General, and the Assistant Attorney General for the Office of Legal Counsel.

Further, we have proceeded to confirm Assistant Attorneys General to head the Civil Rights, Antitrust, Civil and Tax Divisions.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let me just say, if I may, in the first year of the Clinton administration the committee was controlled by Democrats. In the last year of the Bush administration the committee was controlled by Democrats. I have to say—when the all-time champion, with 382 confirmed judges, was Ronald Reagan—that it seems to me the moaning should quit at this point because we confirmed 377, 5 fewer than Reagan, including the time Senator BIDEN was chairman; and he did a good job. There were five fewer than Reagan during the Clinton years. In my opinion, they would have had at least three more than Reagan, had it not been for Democratic holds and objections to their own nominees.

So let's just understand something: We are not putting these judges through anywhere near as fast as we should be putting them through. Most of the statistics show that the judges who were nominated in the first year of a President, up to August 1st, basically went through.

When we have had confirmation of these two judges, there will be eight who will have gone through, three of whom are Democrats, whom I support. I think we have to do a better job because the Federal judiciary is one-third of the separated powers of this country. We now have 110 vacancies. With these 2, it will be 108. We have 51 judges, nominees, sitting here, not getting hearings.

I happen to appreciate the work the distinguished Senator from Vermont has done with the ones who have gone through, but we have not done nearly what we should do before the end of this particular session of Congress. I hope we can do a better job in the last week or so of this Congress to get more judges confirmed.

It isn't a matter of politics; it is a matter of doing what is right for a third of the separated powers of our Government. I have to say, I do get a little tired of hearing that we put through as many as the first year of the Clinton administration and the last year of the Bush administration, both of which were controlled by Democrats.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Thank you, Mr. President.

First, let me say to Senator LEAHY from Vermont, for those who have been confirmed and those who are going to be reported out, I say thank you very much. We do appreciate that sincerely. I am convinced that Senator LEAHY, as chairman of the Judiciary Committee, and the Judiciary Committee, working with the leadership, will be having more hearings and will be reporting out additional judges. I certainly hope that is the case.

Our concern, though, is some of the statistics that I think are not disputable. For instance, since the August recess, I believe we have only confirmed two judges—one circuit, one district. I understand there have been two more reported, and we will be voting on those two. So that is four.

I understand there has been a hearing, and maybe five more may be reported out this week, and then that they would be voted on, I assume, next week. But it is a fact that there are 110 vacancies, and there are 49 nominees pending before the committee. I believe that is right.

Mr. HATCH. Fifty-three.

Mr. LOTT. Well, I keep hearing different numbers. The fact is, there is a large number pending. But here is what really does concern me. Of the judges whose names were submitted as far back as May and June, of that group of circuit judges, which included 19 of them, and including Judge Gregory, who clearly is a Democratic nominee, only 3 have been confirmed. One more has been reported. And there has been 1 hearing, leaving 14 of the 19 circuit judges' names submitted in May or early June. I understand the ABA reports are completed. They have had no hearing and have not been reported.

On the circuit judges, of those who were reported in May and June, three have been confirmed. None is on the calendar. Two hearings have been completed. And there are two on which there has been no action.

So there are 16 judges—circuit and district—who have been there since May and June.

Having said that, I know the chairmanship changed in June, and it took time to get organized in July, and we were out in August, and we had an incident on September 11 that affected our schedule, and the Senator from Vermont and the committee have been involved in the counterterrorism.

But that is as it is.

What I have asked Senator DASCHLE and Senator LEAHY is to give me some indication of how the hearings will proceed, how the reports will proceed throughout the rest of October and into November.

You know, it is so funny. One final point.

Mr. LEAHY. Would the Senator like an answer?

Mr. LOTT. I would. One final point: It is amazing how history repeats itself. What you were saying last year we are saying this year. I guess before that, we were saying it or you were saying it.

So I would like to submit for the RECORD—and I ask unanimous consent to have this printed in the RECORD—quotes that were being offered just 1 year ago on this same subject. There were complaints from me that the intelligence authorization bill was being held up, appropriations bills were being delayed, not enough judges were being moved. So this is not new. But I just ask that we continue to work together to try to move the judicial nominations forward.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A YEAR AGO, IT WAS DEMOCRATS PUSHING FOR JUDICIAL CONFIRMATIONS

"I was in the Minority for a number of years in my present position and . . . I worked very hard in moving legislation, and we did not hold up legislation based on judges. We did not do that. . . . We did not hold up legislation based upon judges . . . we had a right to do so, but I felt, and Senator Daschle felt as minority leader that we had an obligation to move legislation. . . ."—Senator Harry Reid, Congressional Record, 10/10/2001, S10405

Compare the Majority Whip's remarks yesterday with the following statements he and the then Minority Leader made a year ago when they were in the minority and their party's president was in the White House.

EXHIBIT NO. 1: On July 21, 2000, while objecting to Majority Leader Lott's attempt to proceed to S. 2507, the Intelligence Authorization Bill, Minority Leader Daschle stated: "I hope we can accommodate this unanimous consent request for the intelligence authorization. As [does] Senator Lott, I recognize that it is important, and I hope we can address it. I also hope we can address the additional appropriations bills. There is no reason we can't. We can find a compromise if there is a will, and I am sure there is. But we also want to see the list of what we expect will probably be the final list of judicial nominees to be considered for hearings in the Judicial Committee this year. I am anxious to talk with him and work with him on that issue. All of this is interrelated, as he said, and because of that, we take it slowly." [Congressional Record, S7426]

EXHIBIT NO. 2: On July 24, 2000, while objecting to Senator Lott's repeated attempt to proceed to S. 2507, the Intelligence Authorization Bill, Minority Whip Reid stated: "I think it is unfortunate that we have been unable today to deal with [Judiciary Committee Chairman] Hatch. . . . I hope this evening or tomorrow we can sit down and talk. For example, I believe the judge's name is White . . . who has been before the committee and has not had a hearing. . . . In short, we hope in the meeting with Senator Hatch, either tonight or tomorrow, we will be in a position where we can expedite the rest of the work this week and move on to other things." [Congressional Record, S7469]

EXHIBIT NO. 3: On July 25, 2000, while discussing with Senator Domenici the delays in proceeding to the Energy and Water Appropriations Bill, Senator Reid stated: "We believe there should be certain rights protected. Also under [the] Constitution, we have a situation that was developed by our Founding Fathers in which Senators would give the executive branch—the President—recommendations for people to serve in the judiciary. Once these recommendations were given, the President would send the names back to the Senate and we would confirm or approve those names. One of the problems we are having here is it is very difficult to get people approved, confirmed. This has nothing to do with the energy and water bill. It does, however, have something to do with the other bills. We could have moved forward on the energy and water bill on Friday until this glitch came up." [Congressional Record, S7525]

EXHIBIT NO. 4: On July 25, 2000, while discussing with Senator Wellstone the need to "do the Senate's business" and the then-current status of bills under the Republican-lead Senate, Senator Reid stated: "We have a very simple situation here. We in the minority believe we have had the right to have a few judges approved by the Senate. . . . We also believe we have some appropriation bills that need to move forward, and there are some strings on that. We want to work, but there are some things that we think, in fairness, we deserve. As a result of that, things have slowed down, which is too bad." [Congressional Record, S7504]

Mr. LOTT. Mr. President, I understand that a judge whose name was submitted in June, and had his ABA rating of "excellent" in July, has not had a hearing. But, as a matter of fact, he is going to have one next week. So the process is moving. I hope we will continue to get that done. But we have a lot of them who have been here since May and June on whom we do need action. I hope we can get a commitment to get that action soon.

With that, I yield for a question or comment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. The distinguished Republican leader and I have been friends for over 20 years. He is a year younger, so I think of him as still a good friend. I must admit that he is ahead of me in one area, especially: He has two grandchildren now, and will be happy to show any Senators pictures. I only have one.

But he asked where we are going to go. I will tell him there is a couple things we will not do. We had 34 months the Republicans controlled the Senate during the Clinton years where there were no hearings at all. I have no idea how many months or years I might be chairman of this committee, but I have no intention of having a record like that.

In fact, when we reorganized committees, we actually had a committee within 10 minutes of the time—10 minutes—and the notice of the first hearing in a matter of days. When Senators have told me there was a problem—the Senator from Mississippi had no problem getting his judges up. We are going to vote on one in just a few minutes. There were earlier objections because of rulings that judge made. I helped clear those objections. I believe the Senator from Mississippi has another judge up for a hearing next week.

So, one, I will not go 34 months; two, I have been trying to accommodate Senators when they have told me they have had a problem. I even had hearings in the August recess to help out with this.

Now the Republicans did control the Senate for a while this year. They did not have any hearings. I had 2 days of hearings during the August recess. Ironically enough, no Republican even showed up for one of them, for judges; and one Republican member of the committee issued—actually two members criticized us for even holding the hearings in August on President Bush's nominees.

So I think you are kind of in a "damned if you do, damned if you don't" situation. One Republican Senator announced to the whole Senate that I had announced in the press that one of these nominees would never get a hearing. When I asked him where that was in the press, he said, well, maybe somebody else said it; but he did nothing to retract that, of course.

So it is kind of a difficult thing, I tell my good friend. But I am not going to do as the Republicans did in 1996, where we had no courts of appeals hearings. I do recognize there are some vacancies. Of course, there were nominees for those vacancies. Some sat here for 3 or 4 years without having any hearing or vote under the Republican administration of the Senate; 3 or 4 years unable to even get a hearing or vote.

We are moving. We will have more hearings next week. I will probably continue to have hearings during recesses. I will probably continue to have complaints from Republican Senators or their offices when I have those hearings during a recess, and some will probably not bother to show up. But because I have told my friend from Mississippi we will keep moving, we will. He should rest assured that, as tonight, when his judge is here, in a couple more weeks, his judge will be here again. I don't know if that helps as an answer to him.

I also suspect, I say to my friend from Mississippi, we have a terrorism bill to go to tonight. He would probably like us to get to votes on his judge and another judge so we can get to terrorism.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will take another couple minutes. I want to set the record straight. During the first year of the Clinton administration, only five court of appeals nominees were nominated during the first year. Of those five nominees, three were reported out the same year. That is 60 percent of President Clinton's court of appeals nominees in his first year that were reported. In contrast, President Bush has nominated 25 circuit court nominees, and the committee has reported 4. That is 16 percent. There were only two circuit court nominees at the end of President Clinton's first year left in the committee. There are currently 21 of President Bush's circuit court nominees pending in committee and who will be left at the end of his first year if the committee does not act soon.

It is an unfair comparison when you take into account the fact that President Bush has chosen to nominate 20 more circuit court nominees than President Clinton did in his first year.

The fact is, most of these circuit court nominees have well-qualified ratings, meaning they have the highest ratings the American Bar Association can give. I can point to a lot of instances where the ABA has not done a fair job. You have to presume they really have to be good to get well-qualified ratings. It is absolutely wrong that we are not moving on those circuit court nominees as well as the district court nominees. I hope we can get that done in the near future.

I will work with Senator LEAHY to try to get it done. We have to do better than we are doing.

Mr. LEAHY. Mr. President, I agree, we want to do better than we did in the last 6 years. I will certainly try to move faster on these than the Senator from Utah did when he was chairman.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, in light of the conversations just ensued, I say to the Senator from Vermont that he has done an absolutely superb job over the last month since September 11 in being able to put together the antiterrorism bill we will be considering later this evening. I, for one, think this should have been clearly the first and only priority of the committee over that period of time.

We have had this long discussion. Certainly for the period since September 11, the accomplishments of the chairman of the Judiciary Committee and his colleagues on that committee in shaping that legislation and getting it before us tonight were splendid.

I yield the floor.

Mr. DODD. Mr. President, I rise in support of the nomination of Judge Barrington Parker to be United States Circuit Judge for the Second Circuit. It is a distinct pleasure for me to recommend Judge Parker to the Senate.

I would like to point out that this is not the first time that the Senate has been called upon to confirm Judge Parker. On September 14, 1994, he was unanimously confirmed by the Senate to serve as judge for the United States District Court for the Southern District of New York.

Judge Parker is a distinguished jurist. He has proven that the Senate's trust in his abilities were well placed. He has accumulated a superb record as a Federal jurist. His career on the bench has been marked by the same character of excellence and the same principled work ethic that marked his career as a lawyer first at the New York law firm of Sullivan & Cromwell, Parker Auspitz Neesemann & Delehanty and finally at the firm of Morrison & Foerster.

I suppose we shouldn't be surprised that Judge Parker has made such great contributions to the legal community in New York and to the Federal bench. After all, he was educated at an extraordinary college and law school in the great state of Connecticut. The time he spent at Yale equipped him to serve with distinction. And incidentally, his choice of residence in the State of Connecticut further demonstrates, at least to me, that he possesses excellence judgement.

Members of law enforcement sometimes refer to themselves as the "thin blue line." In a similar way, members of the judicial branch can be considered the "thin black line." Judges stand as the critical bulwarks in our society against forces that can break down a society, against injustice, against prejudice and against the neglect of individual rights. They take the high and lofty principles upon which our republic is founded and hand them down to all, the rich and the poor, the high and the low, all alike.

It has been said that the Constitution and the laws that are enacted under the Constitution comprise living, breathing documents. That is, of course, true. But it's also true that it is the labor of people who live, professionally speaking, in the law, the students, the practitioners, and especially the adjudicators of the law, that constantly breath new life into what would otherwise be fine but ineffectual words on a page.

The rights and freedoms that we each enjoy as Americans are an inheritance, not an entitlement. They exist for us only to the degree that we are willing to struggle to retain them and to constantly define what they mean for our times.

Judges are indispensable actors in this struggle. In Judge Parker I believe we have a jurist whose experience and temperament will prove a valuable asset to the Second Circuit and the great and enduring cause of equal justice under law. Especially now, when that cause has come under unprecedented attack from acts of terror, our nation needs the commitment and service of people like Barrington Parker. Based on everything I know about Judge Parker, he meets the highest standards of judicial professionalism.

I hope and trust that the Senate will reach the same conclusion that I have reached and will confirm Judge Parker as United States Circuit Judge for the Second Circuit.

Mr. HATCH. Mr. President, I would like to respond to three points raised earlier this evening concerning judicial nominations. The first is the assertion that the Judiciary Committee has acted on as many nominations this year as it did during President Clinton's first year in office. That assertion is not only incorrect, but also ignores several important facts.

President Clinton nominated 32 judges before October 31, 1993, his first year in office. Twenty-eight were confirmed that year. That's an 88 percent confirmation rate. It's similar to the confirmation rate during the first year of President G.H.W. Bush's presidency—89 percent—and compares to President Reagan's 100 percent rate of confirmation for nominees sent to the Senate before October 31, 1981.

Compare these rates to where we are under President Bush and Chairman LEAHY. President Bush has nominated 59 judicial nominees. Only eight have been confirmed—including the two the Senate confirmed tonight. That's a rate of 13.5 percent. If the Senate completes this session without raising this rate to the range of 88 to 100 percent, it will be a dramatic break with precedent and a great embarrassment to this entire body. This is especially true because today we have 108 vacancies in the federal judiciary. That means that 12.6 percent of federal judgeships are unfilled. These empty seats should especially concern us in light of the enormous law enforcement effort underway to investigate the recent terrorist attacks and to prevent any future terrorist events.

Today's 12.6 percent vacancy is atypical. Compare it to the rates at the conclusion of the three Congresses when Bill Clinton was President and I was Chairman of the Judiciary Committee. At the end of the 104th Congress, the vacancy rate was 7.7 percent. At the end of the 105th, it was 5.9 percent. And last year at the end of the 106th Congress, it was 7.9 percent. Ironically, some of the same people who constantly bemoaned the judicial vacancies when Bill Clinton was President are silent today despite the much larger number of vacancies.

Mr. President, the second point to which I want to respond is the implication that the lack of a Senate organizational resolution in June of this year precluded the Judiciary Committee from holding confirmation hearings on judicial nominees during the three weeks that elapsed between June 5, the date our Democratic colleagues assumed control of the Senate, and June 29, the date the Senate reached an agreement on reorganization. That implication arises from the statement that the Committee scheduled a hearing within minutes of the Senate reorganization. I am puzzled by these remarks, because I see no reason why the Committee could not have held confirmation hearings under Democratic control prior to reorganization.

The lack of an organizational resolution did not stop other Senate committees from holding confirmation hearings. In fact, by my count, after the change in Senate control, nine different Senate Committee Chairmen held 16 different nomination hearings for 44 different nominees before reorganization. One of these committees—Veterans' Affairs—even held a mark-up on a pending nomination. But in the same period of time, the Judiciary Committee did not hold a single confirmation hearing for any of the then 39 judicial and executive branch nominees pending before us—despite the fact that some of those nominees had been waiting nearly two months.

What's more, the lack of an organizational resolution did not prevent the Judiciary Committee from holding five hearings in three weeks on a variety of other issues besides pending nominations. Between June 5 and June 27, the Committee held hearings on the Federal Bureau of Investigation, the faith-based initiative, and death penalty cases. There were also subcommittee hearings on capital punishment and on injecting political ideology into the Committee's process of reviewing judicial nominations.

Although several members were not technically on the Committee until the Senate reorganization was completed, there was no reason why Senators who were slated to become official members of the Committee upon reorganization could not have been permitted to participate in any nomination hearings. This was successfully accomplished in the case of the confirmation hearing of Attorney General John Ashcroft, which was held when the Senate was similarly situated in January of this year. So, while I appreciate the Chairman's efforts, I am compelled to clarify that neither the lack of an organizational resolution nor any other factor prevented this Committee from holding confirmation hearings in June. Consequently, there is simply no significance to the fact that the scheduling of a hearing occurred in proximity to the adoption of the resolution.

Mr. President, the third point to which I want to respond is the use of a statistic: the number of months during my chairmanship in which no nominations hearings were held. I am not going to quibble over that particular number here tonight because I disagree with the whole idea that such a statistic could be relevant to any analysis of whether the Senate is performing its constitutional advice and consent function sufficiently.

Perhaps an analogy would help. Say you had a fire that is going to require 108 gallons of water to extinguish. And say that the person in charge of supplying you the water prefers to count in "containers" rather than gallons—but won't tell you how big the containers are or how much water is in them. Every time you say "I need 108 gallons of water," he responds, "I've already delivered several containers."

My point is that, with 108 judicial vacancies in our courts, and only 8 of 59 nominees confirmed this year, it is not particularly useful to measure progress in terms of the number of hearings held. I suppose the Committee could hold 8 hearings to confirm 8 nominees if it wanted to, but the result would be no different than having a single hearing with 8 nominees. Although we cannot have confirmations without hearings, hearings are not an end in themselves. What matters is the number of judges confirmed to the bench.

The bottom line of the Chairmanship is that the Senate confirmed essentially the same number of judges for President Clinton as it did for President Reagan—only 5 fewer. This proves the Republicans were fair—especially because it was a six-year Republican-controlled Senate that confirmed 382 Reagan nominees, and a six-year Republican controlled Senate that confirmed 377 Clinton nominees. Some Democrats avoid discussing this bottom-line fairness because they know there is no partisan retort. So instead of working toward their own bottom-line number proving fairness to President Bush, some are focusing instead on the number of hearings held. In the end, the only statistic that matters is the number of confirmations. I urge the Democrats to get to work.

Mr. GRAMM. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination of Barrington D. Parker, Jr.

The legislative clerk read the nomination of Barrington D. Parker, Jr., of Connecticut, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Barrington D. Parker, Jr., of Connecticut, to be United States Circuit Judge for the Second District? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 297 Ex.]

YEAS — 100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The nomination was confirmed.

VOTE ON NOMINATION OF MICHAEL P. MILLS

The PRESIDING OFFICER. The clerk will report the nomination Michael P. Mills.

The legislative clerk read the nomination of Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Vermont (Mr. JEFFORDS) was necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 298 Ex.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Dodd
Jeffords

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President is notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Under the previous order, the Senator from Ohio is recognized.

FEDERALIZATION OF AVIATION SECURITY

Mr. DEWINE. Mr. President, let me first thank Senator HOLLINGS and Senator MCCAIN for their hard work and diligence in getting the aviation security bill passed this evening. I congratulate them for this accomplishment.

Let me also thank and commend my colleague from Montana, Senator BURNS, for his contribution to this bill. I cosponsored and I spoke earlier today in support of his amendment to put certain aspects of aviation security in the hands of the Justice Department.

I support this effort because the Justice Department is in the law enforcement and security business. The Department has a law enforcement mindset, a security mindset, and that is the mindset, a way of thinking, that is essential to making sure our airports and aircraft are safe and our people are secure.

Having said that, the bill we passed today, though it has some very good and very important provisions, also has, in my opinion, a very significant problem. That problem is the bill as currently written mandates all security functions at the Nation's major airports be handled exclusively by Federal employees. I believe this is a problem because this provision does not allow for the hiring flexibility necessary to protect the traveling public. How can this Congress say with absolute certainty that a 100-percent federalized security force will in every case do the best job in carrying out security measures? I do not think we really can say that.

The reality is we do not know right now. Yes, we do know we need the Federal Government to be in charge at our airports, and this bill, thank Heavens, does that. I also believe strongly that flexibility is key to determining the best makeup of the security workforce. Flexibility in hiring between Federal workers and private contractors is absolutely essential.

At the same time, we need the Government to establish and enforce higher, more stringent security standards. That is clear. The Government must set the security standards. The Government must be in charge. The Government must assess the risks, set the standards, and then test compliance with those standards. The standards, yes, must be strict and they must be tough and they must be comprehensive.

The public demands we do this, and the public is right. That does not necessarily mean a 100-percent federalized security workforce at our airports is in every case going to be the best security; that somehow a Federal takeover and full Government presence at our airports will restore the public's confidence in air travel. Rather, higher standards and enforcement of those standards by our Government will give the public back its trust in the system.

There are certainly gaps in our current airport security system. The way security works now is the airlines that have the biggest presence at a given airport usually are the ones responsible for hiring contract security employees. Not surprisingly, the jobs normally go to the lowest bidders. It should come as no shock that current security is not what it should be. Screeners of baggage are low-skilled, low-paid employees. Turnover is subsequently often as high as 100 percent in a given year, with the average employee today staying no longer than 6 months in that job.

The fact is, unless there is accountability, unless there is a way to ensure the security personnel are doing their jobs, we cannot protect the traveling public. If private sector personnel are not doing the job, we will and can cancel their contract. It is that simple. They have a very real and very practical incentive to do a good job.

Further, it is difficult for the Government to be in the business of "regulating security" and carrying out its actual operation. Other nations around the world don't do it that way. Israel, with one of the best security records and one of the most dangerous terrorist-ridden parts of the world, does not do it that way. They do not do what this bill mandates.

Most nations in Europe had total federalization, and now they have changed to a mixed system. Most of the countries in Europe, as the chart indicates, contract out well over a majority of the security operations while the government maintains the regulatory role.

The average Federal private personnel split in airport security across Europe is 85-percent private employees, mostly handling screening; 15 percent are government employees, performing the main law enforcement duties. The chart clearly shows this. European passenger screening is the responsibility of the government, not the airlines, but the European governments, in turn, have the flexibility to use either civil servants or private contractors to do the job. This works and it works very well. It is a public-private mix.

A recent FAA study found airport screeners in an unnamed European country were twice as likely as their American counterparts to spot dangerous items in scanned baggage. Additionally, in European airports they have a 2.5 times greater personnel outlay than in the United States. They pay more. The cost is 2½ times for security in Europe than in the United States. We see the results.

The fact is, privately contracted security personnel in Europe are seen as professionals. They take their jobs very seriously and the public respects that. It is no secret that there is a perception problem at home at our airports about the image of the current airport screening workforce. I understand that. But the way to repair that image is by setting better standards, repair that by raising the bar.

Like the U.S. Marshals I spoke about earlier today, the men and women tasked with protecting our Federal buildings and our courtrooms, we respect them. They do a fine job. The Marshal Service is able to do this great job largely because it sets high standards and then contracts out many of the functions of its security in the protection of our courtrooms and courthouses. For example, the Federal Marshal Service hires and manages about 3,300 contracted court security officers, CSOs. They are mostly, as we would expect, former law enforcement personnel who assist with the court security. They get the job done. They do it well. That blend works very well. The Marshal Service stays in charge, they are the professionals, but they contract out a portion of what they do.

There is no question we need to pay people better. We need to train them better, and we need to make this a professionalized workforce, one that gets respect and reflects the importance of the work they do. We need to think about things differently. The first step in doing so involves improving and enhancing security measures at our airports. That means we need better standards; we need better enforcement.

I hope by the time this bill reaches the President, we will have given the executive branch more flexibility. What we really need to do is to say to the executive branch and through our legislation, set higher standards. Then give them the job. Whether that is the Justice Department, the FAA, give the administration the job to get that job done and then hold them accountable.

When you give someone a job; when you say you are going to hold them accountable and when you set high standards but give them the obligation to get the job done, it only makes sense to allow them some flexibility in deciding how best to get that job done. Judge them by the results but give them the flexibility.

I hope we will look at this again, and by the time this bill finally reaches the President of the United States, we will give the President the tools he needs to get the job done for our security.

I yield the floor.

CARNAHAN AMENDMENT NO. 1855

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. VOINOVICH. Mr. President, I rise today to speak about fiscal responsibility. Before I begin, I take a moment to discuss the Carnahan amendment to the aviation security bill. First, I congratulate Senator McCAIN and Senator HOLLINGS for the passage of the airport security bill. The passage of that bill is long overdue. It is needed to secure our airports and aviation and to build confidence in the American public.

One of the things that has gone unmentioned is most economists agree one of the best things we can do to get the economy off the ground is to get our airlines into the air.

My constituents in Ohio have a significant stake in this bill because Ohio has a significant aviation presence. In fact, with no disrespect to my good friends from North Carolina, Ohio is the birth place of aviation since the Wright brothers hailed from Dayton and honed their skills in Ohio. They just happened to test out the "flyer" at Kitty Hawk.

Today, a number of airlines have hubs in Ohio: Continental in Cleveland, Delta in Cincinnati, America West has a big presence in Columbus.

Thousands of men and women working in the airline industry are hurting. I greatly appreciate the effort of my colleague from Missouri to aid them. There is no question the aviation sector has suffered particularly hard from this economic downturn and was hit right in the eye with the terrorist attack on September 11. However, as my colleagues well know, there are tens of thousands around the country who have lost their jobs in the past few months. There are tens of thousands more who are facing tough times, particularly in manufacturing States such as Ohio. There are thousands of Ohioans who lost their jobs in the steel mills, in the polymer industry, and in the auto plants. According to the most recent statistics from the Ohio Department of Jobs and Family Services, 250,000 Ohioans today are unemployed. This figure is before September 11. Now, undoubtedly that number is larger. The vast majority of these workers would not benefit from the provisions of the Carnahan amendment.

It is very important that whatever assistance Congress renders to the workers of this Nation, it is not just restricted to a set of workers.

I would have offered an amendment to the airport security bill, but I felt it would delay the bill and I also felt it would be more properly a part of the economic stimulus package. I intend to offer an amendment to that package when it comes before the Senate. I hope that happens quite soon.

ALTERED FISCAL PRIORITIES

Mr. VOINOVICH. Mr. President, discussions of the budget that once dominated the news headlines have been eclipsed since the world was forever changed by the horrendous events of September 11, and no one knows more about those events than the Presiding Officer.

Perhaps one of the most significant changes resulting from the terrorist attacks is how significantly our fiscal priorities have been altered. Almost instantly the debate shifted from how to protect the Social Security surplus to how we should spend it to pay for counterterrorism and homeland defense efforts and stimulate the economy.

By necessity, this dramatic change in our fiscal situation calls for Congress to sort out our top priorities between those that existed before September 11 and which continue to demand our attention and our new priorities, defending our homeland, fighting terrorism, and boosting the economy. We will commit the resources that are needed to succeed in this challenge and we will obtain those resources in whatever way is necessary.

Some of my colleagues will remember that prior to the events of September 11 I was working closely with the administration and several of my colleagues on a bill designed to protect the Social Security surplus, control spending, and ensure debt reduction. That legislation had two exceptions: recession and war. If it had been in place, both of these exceptions would apply.

Having said that, I emphatically say to my colleagues that the need for fiscal discipline is greater now than ever before. It must not be a casualty of September 11. We still need to prioritize our spending and we still need to make hard choices. As I said, the events of September 11 changed everything, and they have also changed our fiscal outlook for years to come.

Over the past few fiscal years, sustained by peace, prosperity, and assuredness, our Nation has had record budget surpluses. Unfortunately, the existence of surpluses has had an undesirable effect. Congress has expanded the Government, created new programs, and dramatically increased spending in others. The speed at which the fiscal fortunes of the Federal Government have shifted is astounding. Almost 8 months ago, CBO projected we would run an on-budget surplus for fiscal year 2001 of $125 billion, as well as a $156 billion Social Security surplus—a total of $281 billion that was supposed to be used for debt reduction.

However, on September 26, the CBO released its monthly budget review and revealed a much different story. According to the CBO, when all is said and done the total unified budget surplus in fiscal year 2001 will be $121 billion, a change of $160 billion from the January estimate. This means Congress used $40 billion of the Social Security surplus to fund the general Government activities.

The news for fiscal year 2002 is equally sobering. Last week the Senate Budget Committee, working in a bipartisan manner, released new figures on the budget outlook for fiscal year 2002 through fiscal year 2011. The committee predicts that we are on track to spend the entire Social Security surplus in the 2002 fiscal year, and most or part of the Social Security surplus in the following year.

We see that on this chart. We show a $52 billion surplus, but the fact is, we are truly in deficit because we will be using $122 billion of Social Security in 2002, $125 billion in 2003, and so forth. So we are going to be using the Social Security surplus, according to this chart, all the way out to the year 2006.

I remind my colleagues the projected $52 billion unified surplus is a gross exaggeration of the possible surplus this year because we have pledged we are going to use $60 to $75 billion to stimulate the economy, which means we are going to wipe out this $52 billion surplus in 2002. In fact, we are going to have to borrow the money from the public to pay for the things we want to do.

I would like to remind my colleagues the bleak budget outlook I described goes way out into future years. The Senate Budget Committee projected we will spend significant portions of Social Security surpluses, as I mentioned, in 2003 to 2006.

I further remind my colleagues that these figures on this chart, as bad as they are, do not tell the whole story. These we are showing are based on a cost-of-living increase in spending based on inflation. Remember Congress spent 14.5 percent more in fiscal 2001 on nondefense discretionary spending than they did in fiscal year 2000. We should have no illusions that Congress is going to spend at the rate of inflation. I don't know of any time that Congress has spent money at the rate of inflation. As to these numbers on this chart, you might as well forget them. They are gone because the projections are based on inflationary increases and we know that is not going to be the case.

Our current crisis should not be used as an excuse to run up the tab for programs and projects not related to the war on terrorism or stimulating our economy. Now more than ever before we have to prioritize our funding and make tough choices. Do our spending choices put the safety of American lives at home and abroad front and center? Will they truly boost the economy? These are the questions that should be applied to every dollar Congress spends. Our current fiscal position does not allow for any unnecessary spending. Domestic needs must be reprioritized. Those of us who have been concerned about fiscal responsibility have to recommit ourselves to fiscal discipline. We have to make the tough choices to keep in check the urge to spend, keeping in mind we are spending the Nation's Social Security money with every additional dollar that goes out the door. Once it has gone out the door, we are then going to borrow that money from the public.

I am concerned that some proposals being considered in this Senate are inappropriate, given the long-term budget pressures we face. You will be hearing from me and hopefully many others about some of those proposals. If the stimulus package we put in place results in chronic budget deficits, it is going to drive up interest rates. And make no mistake about it, the financial markets are closely watching what we do. If they see Congress taking actions that will steer the Federal Government towards persistent deficits, they will drive interest rates higher. Higher interest rates will have exactly the opposite effect on the economy from what we want. They would put a brake on the economy by raising consumers' interest payments and discouraging economic activity.

Remember, low interest rates are important to the economy. In fact, Federal Reserve Chairman Alan Greenspan has been quite clear about this as he has highlighted this to many of us.

I think this is very important. This is not merely an academic exercise. The recent rise in long-term interest rates is attributed to the deteriorating budget condition of the Federal Government in the past few weeks. As my colleagues know, Congress will consider a true stimulus package in the near future. Helping America's workers, all workers, should be and will be a part of that package and should be our No. 1 priority.

The stimulus package can only be so big. So it is critical that we touch as many Americans as possible. All of them should participate in that economic stimulus package. That same message applies to the money we allocate to fight terrorism at home and abroad. We need to prioritize and we need to get the biggest bang for our buck, literally and figuratively.

We in this body must never lose sight that the day of reckoning with the baby boomer retirement has not been put off by our current crisis. Like it or not, the baby boomers will begin to retire in about 10 years, and if we fail to act, we will put an unacceptable burden on our children and grandchildren. We face an important challenge in preparing for that day. Our goal should be to fund our war on terrorism at home and abroad, respond to the needs of the victims of the terrorist attack in New York and here in Washington, get our economy going, and as soon as possible end deficit spending. We owe it to our children and grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation under the unanimous consent request?

The PRESIDING OFFICER. There is nothing pending before the Senate.

Mr. LEAHY. Mr. President, I yield to the Democratic leader.

Mr. REID. Mr. President, I appreciate the Senator yielding.

On behalf of Senator DASCHLE, I now ask that the Senate consider S. 1510.

UNITING AND STRENGTHENING AMERICA ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 1510) to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

Mr. LEAHY. Mr. President, what is the time agreement that we are now operating under?

The PRESIDING OFFICER. There are 4 hours equally divided. In addition, there are 40 minutes on each of the four amendments to be offered by the Senator from Wisconsin, Mr. FEINGOLD.

Mr. LEAHY. I thank the distinguished Presiding Officer.

I cannot help but think in looking at our distinguished Presiding Officer, the senior Senator from New York, how much his State has suffered. Both he and his distinguished colleague, Senator CLINTON, have spoken so eloquently, both on the floor and elsewhere, about that. I know in my own private conversations with the distinguished Presiding Officer I felt the depth of his grief and emotion for a city that he obviously and unabashedly loves. His references to New York City over the years are almost similar to the kind of comments I make about Vermont. But I do note the accent is somewhat different. I assume it is because of the Vermont accent.

But I think the Senators from New York, and the Senators from New Jersey and Connecticut have especially spoken of the effect on families and loved ones in the New York City area. People who work there are from New York, New Jersey, and Connecticut. I know how sad they feel.

I think of the people who died in Pennsylvania in an airplane that was probably planning to strike the very building we are in—this symbol of democracy. Only with a great loss of life did it not happen. But there would be an enormous disruption in our Government. The next day, the view that most people around the world have—our symbol of democracy—would be gone.

I think of the brave men and women who died, as the President and others have said, doing their duty at the Pentagon, and the hundreds—even thousands—of children who went to school happily in the morning and came home to find that they were orphans.

It was a terrible, terrible day.

I think back to what happened in Oklahoma City in 1995 and the actions we took then. We are moving, of course, much faster now than we did at that time, and I hope perhaps with more care on legislation.

We have before us the USA Act of 2001. I worked with Chairman SENSENBRENNER and Congressman CONYERS and Republican and Democratic leaders in the House because I hope Congress can act swiftly to enact this measure.

Some may be concerned if we have a conference—because the House is somewhat different than the Senate—that we could take a year or more to resolve these issues. That happened after Oklahoma City. That legislation took nearly a year to reconcile.

I believe the American people and my fellow Senators, both Republican and Democratic, deserve faster final action.

I assure the Senate, when we go to conference, we will complete that conference very quickly. We have demonstrated the ability in this body—and also Senators who have worked with me on both sides of the aisle and our staff—that we can work around the clock.

The distinguished senior Senator from Utah, Mr. HATCH, and I have been working together in constant communication with our staffs.

Last Thursday, October 4, I was pleased to introduce, along with the majority leader, Senator DASCHLE, and the Republican leader, Senator LOTT, also the chairmen of the Banking and Intelligence Committees, Senator SARBANES, Senator GRAHAM of Florida, Senator HATCH, and Senator SHELBY, the USA Act.

I must say this bill is not the bill I would have written if I were the only one writing it. I daresay it is not the bill the distinguished Presiding Officer, one of the brightest and most accomplished people I know, would have written, if he were writing it. It is not the bill the distinguished chairman of the Banking Committee would have written if he were writing it. It is not the bill the distinguished ranking member, Mr. HATCH, would have written when he was chairman, if he was solely writing the bill. It is really not the bill that any one of the other Members would have written. We can't pass 100 bills.

We have tried to put together the best possible bill. Of course, Republican and Democratic colleagues must come together, and that is what we did.

I should point out that this is not the bill the administration, through the Attorney General, delivered to us and asked for immediate passage. We actually did the administration a favor because rather than take the bill they dropped in our laps and said pass immediately, we did something that apparently they had not done. We read it and were able to refine and supplement their proposal in a number of ways. We were able to remove a number of unconstitutional parts. The administration accepted a number of practical steps that I proposed to improve our security on the Northern Border to assist our State, Federal, and local law enforcement officers and provide compensation to the victims of terrorist acts and to the public safety officers that gave their lives to protect us.

It also provides proposed checks on Government powers—checks that were not contained in the Attorney General's initial proposal.

In negotiations with the administration, I have done my best to strike a reasonable balance between the need to address the threat of terrorism, which we all keenly feel at the present time, and the need to protect our constitutional freedoms. Despite my misgivings, I have acquiesced in some of the administration's proposals because it is important to preserve national unity in this time of national crisis and to move the legislative process forward.

We still have room for improvement. Even after the Senate passes judgment on this bill—I believe it will tonight—the debate is not going to be finished because we have to consider those important things done in the other body.

What I have done throughout this time is to remember the words of Benjamin Franklin—when he literally had his neck on the line because if the Revolution had failed, he and the others would have been hanged—when he said: A people who would trade their liberty for security deserve neither.

We protected our security, but I am not going to give up the liberties that Americans have spent 220 years to obtain.

Moreover, our ability to make rapid progress was impeded because the negotiations with the Administration did not progress in a straight line. On several key issues that are of particular concern to me, we had reached an agreement with the Administration on Sunday, September 30. Unfortunately, within two days, the Administration announced that it was reneging on the deal. I appreciate the complex task of considering the concerns and missions of multiple federal agencies, and that sometimes agreements must be modified as their implications are scrutinized by affected agencies. When agreements made by the Administration must be withdrawn and negotiations on resolved issues reopened, those in the Administration who blame the Congress for delay with what the New York Times described last week as "scurrilous remarks," do not help the process move forward.

Hearings. We have expedited the legislative process in the Judiciary Committee to consider the Administration's proposals. In daily news conferences, the Attorney General has referred to the need for such prompt consideration. I commend him for making the time to appear before the Judiciary Committee at a hearing September 25 to respond to questions that Members from both parties have about the Administration's initial proposals. I also thank the Attorney General for extending the hour and a half he was able to make in his schedule for the hearing for another fifteen minutes so that Senator FEINSTEIN and Senator SPECTER were able to ask questions before his departure. I regret that the Attorney General did not have the time to respond to questions from all the Members of the committee either on September 25 or last week, but again thank him for the attention he promised to give to written questions Members submitted about the legislation. We have not received answers to those written questions yet, but I will make them a part of the hearing whenever they are sent.

The Chairman of the Constitution Subcommittee, Senator FEINGOLD, also held an important hearing on October 3 on the civil liberties ramifications of the expanded surveillance powers requested by the Administration. I thank him for his assistance in illuminating these critical issues for the Senate.

Rule 14. To accede to the Administration's request for prompt consideration of this legislation, the Leaders decided to hold the USA Act at the desk rather than refer the bill to the Committee for mark-up, as is regular practice. Senator HATCH specifically urged that this occur and I support this decision. Indeed, when the Senate considered the anti-terrorism act in 1995 after the Oklahoma City bombing, we bypassed

Committee in order to deal with the legislation more promptly on the floor.

Given the expedited process that we have used to move this bill, I will take more time than usual to detail its provisions.

Victims. The heart of every American aches for those who died or have been injured because of the tragic terrorist attacks in New York, Virginia, and Pennsylvania on September 11th. Even now, we cannot assess the full measure of this attack in terms of human lives, but we know that the number of casualties is extraordinarily high.

Congress acted swiftly to help the victims of September 11th. Within 10 days, we passed legislation to establish a Victims Compensation Program, which will provide fair compensation to those most affected by this national tragedy. I am proud of our work on that legislation, which will expedite payments to thousands of Americans whose lives were so suddenly shattered.

But now more than ever, we should remember the tens of thousands of Americans whose needs are not being met—the victims of crimes that have not made the national headlines. Just one day before the events that have so transformed our nation, I came before this body to express my concern that we were not doing more for crime victims. I noted that the pace of victims legislation has slowed, and that many opportunities for progress had been squandered. I suggested that this year, we had a golden opportunity to make significant progress in this area by passing S. 783, the Leahy-Kennedy Crime Victims Assistance Act of 2001.

I am pleased, therefore, that the antiterrorism package now before the Senate contains substantial portions of S. 783 aimed at refining the Victims of Crime Act of 1984 (VOCA), and improving the manner in which the Crime Victims Fund is managed and preserved. Most significantly, section 621 of the USA Act will eliminate the cap on VOCA spending, which has prevented more than $700 million in Fund deposits from reaching victims and supporting essential services.

Congress has capped spending from the Fund for the last two fiscal year, and President Bush has proposed a third cap for fiscal year 2002. These limits on VOCA spending have created a growing sense of confusion and unease by many of those concerned about the future of the Fund.

We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. Section 621 of the USA Act replaces the cap with a self-regulating system that will ensure stability and protection of Fund assets, while allowing more money to be distributed to the States for victim compensation and assistance.

Other provisions included from S. 783 will also make an immediate difference in the lives of victims, including victims of terrorism. Shortly after the Oklahoma City bombing, I proposed and the Congress adopted the Victims of Terrorism Act of 1995. This legislation authorized the Office for Victims of Crime (OVC) to set aside an emergency reserve of up to $50 million as part of the Crime Victims Fund. The emergency reserve was intended to serve as a "rainy day" fund to supplement compensation and assistance grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victim compensation program and crime victim assistance services. Last month's disaster created vast needs that have all but depleted the reserve. Section 621 of the USA Act authorizes OVC to replenish the reserve with up to $50 million, and streamlines the mechanism for replenishment in future years.

Another critical provision of the USA Act will enable OVC to provide more immediate and effective assistance to victims of terrorism and mass violence occurring within the United States. I proposed this measure last year as an amendment to the Justice for Victims of Terrorism Act, but was compelled to drop it to achieve bipartisan consensus. I am pleased that we are finally getting it done this year.

These and other VOCA reforms in the USA Act are long overdue. Yet, I regret that we are not doing more. In my view, we should pass the Crime Victims Assistance Act in its entirety. In addition to the provisions that are included in today's antiterrorism package, this legislation provides for comprehensive reform of Federal law to establish enhanced rights and protections for victims of Federal crime. It also proposes several programs to help States provide better assistance for victims of State crimes.

I also regret that we have not done more for other victims of recent terrorist attacks. While all Americans are numbed by the heinous acts of September 11th, we should not forget the victims of the 1998 embassy bombings in East Africa. Eleven Americans and many Kenyan and Tanzanian nationals employed by the United States lost their lives in that tragic incident. It is my understanding that compensation to the families of these victims has in many instances fallen short. It is my hope that OVC will use a portion of the newly replenished reserve fund to remedy any inequity in the way that these individuals have been treated.

Hate crimes. We cannot speak of the victims of the September 11 without also noting that Arab-Americans and Muslims in this country have become the targets of hate crimes, harassment, and intimidation. I applaud the President for speaking out against and condemning such acts, and visiting a mosque to demonstrate by action that all religions are embraced in this country. I also commend the FBI Director for his periodic reports on the number of hate crime incidents against Arab-American and Muslims that the FBI is aggressively investigating and making clear that this conduct is taken seriously and will be punished.

The USA Act contains, in section 102, a sense of the Congress that crimes and discrimination against Arab and Muslim Americans are condemned. Many of us would like to do more, and finally enact effective hate crimes legislation, but the Administration has asked that the debate on that legislation be postponed. One of my greatest regrets regarding the negotiations in this bill was the objections that prevented the Local Law Enforcement Enhancement Act, S. 625, from being included in the USA Act.

State and local law enforcement. The Administration's initial proposal was entirely focused on Federal law enforcement. Yet, we must remember that state and local law enforcement officers have critical roles to play in preventing and investigating terrorist acts. I am pleased that the USA Act we consider today recognizes this fact.

As a former State prosecutor, I know that State and local law enforcement officers are often the first responders to a crime. On September 11th, the nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These New York public safety officers, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local law enforcement partners. The USA Act provides three critical measures of Federal support for our State and local law enforcement officers in the war against terrorism.

First, we streamline and expedite the Public Safety Officers' Benefits application process for family members of fire fighters, police officers and rescue workers who perish or suffer a disabling injury in connection with prevention, investigation, rescue or recovery efforts related to a future terrorist attack.

The Public Safety Officers' Benefits Program provides benefits for each of the families of law enforcement officers, firefighters, and emergency response crew members who are killed or disabled in the line of duty. Current regulations, however, require the families of public safety officers who have fallen in the line of duty to go through a cumbersome and time-consuming application process. In the face of our national fight against terrorism, it is important that we provide a quick process to support the families of brave Americans who selflessly give their lives so that others might live before, during and after a terrorist attack.

This provision builds on the new law championed by Senator CLINTON, Senator SCHUMER and Congressman NADLER to speed the benefit payment process for families of public safety officers killed in the line of duty in New York City, Virginia, and Western Pennsylvania, on September 11.

Second, we have raised the total amount of Public Safety Officers' Benefit Program payments from approximately $150,000 to $250,000. This provision retroactively goes into effort to provide much-needed relief for the families of the brave men and women who sacrificed their own lives for their fellow Americans during the year. Although this increase in benefits can never replace a family's tragic loss, it is the right thing to do for the families of our fallen heroes. I want to thank Senator BIDEN and Senator HATCH for their bipartisan leadership on this provision.

Third, we expand the Department of Justice Regional Information Sharing Systems Program to promote information sharing among Federal, State and local law enforcement agencies to investigate and prosecute terrorist conspiracies and activities and authorize a doubling of funding for this year and next year. The RISS Secure Intranet is a nationwide law enforcement network that already allows secure communications among the more than 5,700 Federal, State and local law enforcement agencies. Effective communication is key to effective law enforcement efforts and will be essential in our national fight against terrorism.

The RISS program enables its member agencies to send secure, encrypted communications—whether within just one agency or from one agency to another. Federal agencies, such as the FBI, do not have this capability, but recognize the need for it. Indeed, on September 11, 2001, immediately after the terrorist attacks, FBI Headquarters called RISS officials to request "Smartgate" cards and readers to secure their communications systems. The FBI agency in Philadelphia called soon after to request more Smartgate cards and readers as well.

The Regional Information sharing Systems Program is a proven success that we need to expand to improve secure information sharing among Federal, State and local law enforcement agencies to coordinate their counterterrorism efforts.

Our State and local law enforcement partners welcome the challenge to join in our national mission to combat terrorism. We cannot ask State and local law enforcement officers to assume these new national responsibilities without also providing new Federal support. The USA Act provides the necessary Federal support for our State and local law enforcement officers to serve as full partners in our fight against terrorism.

I am deeply troubled by continuing reports that information is not being shared with state local law enforcement. In particular, the testimony of Baltimore Police Chief Ed Norris before the House Government Reform Committee last week highlighted the current problem.

Northern borders. The unfolding facts about how the terrorists who committed the September 11 attack were able to enter this country without difficulty are chilling. Since the attacks many have pointed to our northern border as vulnerable to the entry of future terrorists. This is not surprising when a simple review of the numbers shows that the northern border has been routinely short-changed in personnel. While the number of border patrol agents along the southern border has increased over the last few years to over 8,000, the number at the northern border has remained the same as a decade ago at 300. This remains true despite the fact that Admad Ressam, the Algerian who planned to blow up the Los Angeles International Airport in 1999, and who has been linked to those involved in the September 11 attacks, chose to enter the United States at our northern border. It will remain an inviting target until we dramatically improve our security.

The USA Act includes my proposals to provide the substantial and long overdue assistance for our law enforcement and border control efforts along the Northern Border. My home state of Vermont has seen huge increases in customs and INS activity since the signing of NAFTA. The number of people coming through our borders has risen steeply over the years, but our staff and our resources have not.

I proposed—and this legislation authorizes in section 402—tripling the number of Border Patrol, INS inspectors, and customs Service employees in each of the States along the 4,000-mile Northern Border. I was gratified when 22 Senators—Democrats and Republicans—wrote to the President supporting such an increase, and I am pleased that the Administration agreed that this critical law enforcement improvement should be included in the bill. Senators CANTWELL and SCHUMER in the Committee and Senators MURRAY and DORGAN have been especially strong advocates of these provisions and I thank them for their leadership. In addition, the USA Act, in section 401, authorizes the Attorney General to waive the FTE cap on INS personnel in order to address the national security needs of the United States on the northern border. Now more than ever, we must patrol our border vigilantly and prevent those who wish America harm from gaining entry. At the same time, we must work with the Canadians to allow speedy crossing to legitimate visitors and foster the continued growth of trade which is beneficial to both countries.

In addition to providing for more personnel, this bill also includes, in section 402(4), my proposal to provide $100 million in funding for both the INS and the Customs Service to improve the technology used to monitor the Northern Border and to purchase additional equipment. The bill also includes, in section 403(c), an important provisions from Senator CANTWELL directing the Attorney General, in consultation with other agencies, to develop a technical standard for identifying electronically the identity of persons applying for visas or seeking to enter the United States. In short, this bill provides a comprehensive high-tech boost for the security of our nation.

This bill also includes important proposals to enhance data sharing. The bill, in section 403, directs the Attorney General and the FBI Director to give the State Department and INS access to the criminal history information in the FBI's National Crime Information Center (NCIC) database, as the Administration and I both proposed. The Attorney General is directed to report back to the Congress in two years on progress in implementing this requirement. We have also adopted the Administration's language, in section 413, to make it easier for the State Department to share information with foreign governments for aid in terrorist investigations.

Criminal justice improvements. The USA Act contains a number of provisions intended to improve and update the federal criminal code to address better the nature of terrorist activity, assist the FBI in translating foreign language information collected, and ensure that federal prosecutors are unhindered by conflicting local rules of conduct to get the job done. I will mention just a few of these provisions.

FBI translators. The truth certainly seems self-evident that all the best surveillance techniques in the world will not help this country defend itself from terrorist attack if the information cannot be understood in a timely fashion. Indeed, within days of the September 11, the FBI Director issued an employment ad on national TV by calling upon those who speak Arabic to apply for a job as an FBI translator. This is a dire situation that needs attention. I am therefore gratified that the Administration accepted by proposal, in section 205, to waive any federal personnel requirements and limitations imposed by any other law in order to expedite the hiring of translators at the FBI.

This bill also directs the FBI Director to establish such security requirements as are necessary for the personnel employed as translators. We know the effort to recruit translators has a high priority, and the Congress should provide all possible support. Therefore, the bill calls on the Attorney General to report to the Judiciary

Committees on the number of translators employed by the Justice Department, any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

Federal crime of terrorism. The Administration's initial proposal assembled a laundry list of more than 40 Federal crimes ranging from computer hacking to malicious mischief to the use of weapons of mass destruction, and designated them as "Federal terrorism offenses," regardless of the circumstances under which they were committed. For example, a teenager who spammed the NASA website and, as a result, recklessly caused damage, would be deemed to have committed this new "terrorism" offense. Under the Administration's proposal, the consequences of this designation were severe. Crimes on the list would carry no statute of limitations. The maximum penalties would shoot up to life imprisonment, and those released earlier would be subject to a lifetime of supervised release. Moreover, anyone who harbored a person whom he had "reasonable grounds to suspect" had committed, or was about to commit, a "Federal terrorism offense"—whether it was the Taliban or the mother of my hypothetical teenage computer hacker—would be subject to stiff criminal penalties. I worked closely with the Administration to ensure that the definition of "terrorism" in the USA Act fit the crime.

First, we have trimmed the list of crimes that may be considered as terrorism predicates in section 808 of the bill. This shorter, more focused list, to be codified at 18 U.S.C. §2332(g)(5)(B), more closely reflects the sorts of offenses committed by terrorists.

Second, we have provided, in section 810, that the current 8-year limitations period for this new set of offenses will remain in place, except where the commission of the offense resulted in, or created a risk of, death or serious bodily injury.

Third, rather than make an across-the-board, one-size-fits-all increase of the penalties for every offense on the list, without regard to the severity of the offense, we have made, in section 811, more measured increases in maximum penalties where appropriate, including life imprisonment or lifetime supervised release in cases in which the offense resulted in death. We have also added, in section 812, conspiracy provisions to a few criminal statutes where appropriate, with penalties equal to the penalties for the object offense, up to life imprisonment.

Finally, we have more carefully defined the new crime of harboring terrorists in section 804, so that it applies only to those harboring people who have committed, or are about to commit, the most serious of federal terrorism-related crimes, such as the use of weapons of mass destruction. Moreover, it is not enough that the defendant had "reasonable grounds to suspect" that the person he was harboring had committed, or was about to commit, such a crime; the government must prove that the defendant knew or had "reasonable grounds to believe" that this was so.

McDade fix. The massive investigation underway into who was responsible for and assisted in carrying out the September 11 attacks stretches across state and national boundaries. While the scope of the tragedy is unsurpassed, the disregard for state and national borders of this criminal conspiracy is not unusual. Federal investigative officers and prosecutors often must follow leads and conduct investigations outside their assigned jurisdictions. At the end of the 105th Congress, a legal impediment to such multi-jurisdiction investigations was slipped into the omnibus appropriations bill, over the objection at the time of every member of the Senate Judiciary Committee.

I have spoken many times over the past two years of the problems caused by the so-called McDade law, 28 U.S.C. §530B. According to the Justice Department, the McDade law has delayed important criminal investigations, prevented the use of effective and traditionally-accepted investigative techniques, and served as the basis of litigation to interfere with legitimate federal prosecutions. At a time when we need federal law enforcement authorities to move quickly to catch those responsible for the September 11th attacks, and to prevent further attacks on our country, we can no longer tolerate the drag on federal investigations and prosecutions caused by this ill-considered legislation.

On September 19th, I introduced S. 1437, the Professional Standards for Government Attorneys Act of 2001, along with Senators HATCH and WYDEN. This bill proposes to modify the McDade law by establishing a set of rules that clarify the professional standards applicable to government attorneys. I am delighted that the Administration recognized the importance of S. 1437 for improving federal law enforcement and combating terrorism, and agreed to its inclusion as section 501 of the USA Act.

The first part of section 501 embodies the traditional understanding that when lawyers handle cases before a Federal court, they should be subject to the Federal court's standards of professional responsibility, and not to the possibly inconsistent standards of other jurisdictions. By incorporating this ordinary choice-of-law principle, the bill preserves the Federal courts' traditional authority to oversee the professional conduct of Federal trial lawyers, including Federal prosecutors. It thus avoids the uncertainties presented by the McDade law, which potentially subjects Federal prosecutors to State laws, rules of criminal procedure, and judicial decisions which differ from existing Federal law.

Another part of section 501 specifically addresses the situation in Oregon, where a state court ruling has seriously impeded the ability of Federal agents to engage in undercover operations and other covert activities. See In re Gatti, 330 Or. 517 (2000). Such activities are legitimate and essential crime-fighting tools. The Professional Standards for Government Attorneys Act ensures that these tools will be available to combat terrorism.

Finally, section 501 addresses the most pressing contemporary question of government attorney ethics—namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective Federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the Federal judiciary traditionally is responsible for overseeing the conduct of lawyers in Federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

The problems posed to Federal law enforcement investigations and prosecutions by the McDade law are real and urgent. The Professional Standards for Government Attorneys Act provides a reasonable and measured alternative: It preserves the traditional role of the State courts in regulating the conduct of attorneys licensed to practice before them, while ensuring that Federal prosecutors and law enforcement agents will be able to use traditional Federal investigative techniques. We need to pass this corrective legislation before more cases are compromised.

Terrorist attacks against mass transportation systems. Another provision of the USA Act that was not included in the Administration's initial proposal is section 801, which targets acts of terrorism and other violence against mass transportation systems. Just last week, a Greyhound bus crashed in Tennessee after a deranged passenger slit the driver's throat and then grabbed the steering wheel, force the bus into the oncoming traffic. Six people were killed in the crash. Because there are currently no federal law addressing terrorism of mass transportation systems, however, there may be no federal jurisdiction over such as case, even if it were committed by suspected terrorists. Clearly, there is an urgent need for strong criminal legislation to deter attacks against mass transportation systems. Section 801 will fill this gap.

Cybercrime. The Computer Fraud and Abuse Act, 18 U.S.C. §1030, is the primary federal criminal statue prohibiting computer frauds and hacking. I worked with Senator HATCH in the last Congress to make improvements to this law in the Internet Security Act, which passed the Senate as part of another bill. Our work is included in section 815 of the USA Act. This section would amend the statute to clarify the appropriate scope of federal jurisdiction. First, the bill adds a definition of "loss" to cover any reasonable cost to the victim in responding to a computer hacker. Calculation of loss is important both in determining whether the $5,000 jurisdictional hurdle in the statute is met, and, at sentencing, in calculating the appropriate guideline range and restitution amount.

Second, the bill amends the definitions of "protected computer" to include qualified computers even when they are physically located outside of the United States. This clarification will preserve the ability of the United States to assist in internal hacking cases.

Finally, this section eliminates the current directive to the Sentencing Commission requiring that all violations, including misdemeanor violations, of certain provisions of the Computer Fraud and Abuse Act be punished with a term of imprisonment of at least six months.

Biological weapons. Borrowing from a bill introduced in the last Congress By Senator BIDEN, the USA Act contains a provision in section 802 to strengthen our federal laws relating to the threat of biological weapons. Current law prohibits the possession, development, or acquisition of biological agents or toxins "for use as a weapon." This section amends the definition of "for use as a weapon" to include all situations in which it can be proven that the defendant had any purpose other than a peaceful purpose. This will enhance the government's ability to prosecute suspected terrorists in possession of biological agents or toxins, and conform the scope of the criminal offense in 18 U.S.C. §175 more closely to the related forfeiture provision in 18 U.S.C. §176. This section also contains a new statute, 18 U.S.C. §175b, which generally makes it an offense for certain restricted persons, including non-resident aliens from countries that support international terrorism, to possess a listed biological agent or toxin.

Of greater consequence, section 802 defines another additional offense, punishable by up to 10 years in prison, of possessing a biological agent, toxin, or delivery system "of a type or in a quantity that, under the circumstances," is not reasonably justified by a peaceful purpose. As originally proposed by the Administration, this provision specifically stated that knowledge of whether the type or quantity of the agent or toxin was reasonably justified was not an element of the offense. Thus, although the burden of proof is always on the government, every person who possesses a biological agent, toxin, or delivery system was at some level of risk. I am pleased that the Administration agreed to drop this portion of the provision.

Nevertheless, I remain troubled by the subjectivity of the substantive standard for violation of this new criminal prohibition, and question whether it provides sufficient notice under the Constitution. I also share the concerns of the American Society for Microbiology and the Association of American Universities that this provision will have a chilling effect upon legitimate scientific inquiry that offsets any benefit in protecting against terrorism. While we have tried to prevent against this by creating an explicit exclusion for "bona fide research," this provision may yet prove unworkable, unconstitutional, or both. I urge the Justice Department and the research community to work together on substitute language that would provide prosecutors with a more workable tool.

Secret Service jurisdiction. Two sections of the USA Act were added at the request of the United States Secret Service, with the support of the Administration. I was pleased to accommodate the Secret Service by including these provisions in the bill to expand Electronic Crimes Task Force and to clarify the authority of the Secret Service to investigator computer crimes.

The Secret Service is committed to the development of new tools to combat the growing areas of financial crime, computer fraud, and cyberterrorism. Recognizing a need for law enforcement, private industry and academia to pool their resources, skills and revision to combat criminal elements in cyberspace, the Secret Service created the New York Electronic Crimes Task Force (NYECTF). This highly successful model is comprised of over 250 individual members, including 50 different Federal, State and local enforcement agencies, 100 private companies, and 9 universities. Since its inception in 1995, the NYECTF has successfully investigated a range of financial and electronic crimes, including credit card fraud, identify theft, bank fraud, computer systems intrusions, and e-mail threats against protectees of the Secret Service. Section 105 of the USA Act authorizes the Secret Service to develop similar task forces in cities and regions across the country where critical infrastructure may be vulnerable to attacks from terrorists or other cyber-criminals.

Section 507 of the USA Act gives the Secret Service concurrent jurisdiction to investigate offenses under 18 U.S.C. §1030, relating to fraud and related activity in connection with computers. Prior to the 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate any an all violations of section 1030, pursuant to an agreement between the Secretary of Treasury and the Attorney General. The 1996 amendments, however, concentrated Secret Service jurisdiction on certain specified subsections of section 1030. The current amendment would return full jurisdiction to the Secret Service and would allow the Justice and Treasury Departments to decide on the appropriate work-sharing balance between the two. This will enable the Secret Service to investigate a wide range of potential White House network intrusions, as well as intrusions into remote sites (outside of the White House) that could impact the safety and security of its protectees, and to continue its mission to protect the nation's critical infrastructure and financial payment systems.

Counter-terrorism Fund. The USA Act also authorizes, for the first time, a counter-terrorism fund in the Treasury of the United States to reimburse Justice Department for any costs incurred in connection with the fight against terrorism.

Specifically, this counter-terrorism fund will: (1) reestablish an office or facility that has been damaged as the result of any domestic or international terrorism incident; (2) provide support, to counter, investigate, or prosecute domestic or international terrorism, including paying rewards in connection with these activities; (3) conduct terrorism threat assessments of Federal agencies; and (4) for costs incurred in connection with detaining individuals in foreign countries who are accused of acts of terrorism in violation of United States law.

I first authored this counter-terrorism fund in the S. 1319, the 21st Century Department of Justice Appropriations Authorization Act, which Senator HATCH and I introduced in August.

Enhanced surveillance procedures. The USA Act provides enhanced surveillance procedures for the investigation of terrorism and other crimes. The challenge before us has been to strike a reasonable balance to protect both security and the liberties of our people. In some respects, the changes made are appropriate and important ones to update surveillance and investigative procedures in light of new technology and experience with current law. Yet, in other respects, I have deep concerns that we may be increasing surveillance powers and the sharing of criminal justice information without adequate checks on how information may be handled and without adequate accountability in the form of judicial review.

The bill contains a number of sensible proposals that should not be controversial.

Wiretap predicates. For example, sections 201 and 202 of the USA Act would add to the list of crimes that may be used as predicates for wiretaps certain offenses which are specifically tailored to the terrorist threat. In addition to crimes that relate directly to terrorism, the list would include crimes of computer fraud and abuse which are committed by terrorists to support and advance their illegal objectives.

FISA roving wiretraps. The bill, in section 206, would authorize the use of roving wiretaps in the course of a foreign intelligence investigation and brings FISA into line with criminal procedures that allow surveillance to follow a person, rather than requiring a separate court order identifying each telephone company or other communication common carrier whose assistance is needed. This is a matter on which the Attorney General and I reached early agreement. This is the kind of change that has a compelling justification, because it recognizes the ease with which targets of investigations can evade surveillance by changing phones. In fact, the original roving wiretap authority for use in criminal investigations was enacted as part of the Electronic Communications Privacy Act (ECPA) in 1986. I was proud to be the primary Senate sponsor of that earlier law.

Paralleling the statutory rules applicable to criminal investigations, the formulation I originally proposed made clear that this roving wiretap authority must be requested in the application before the FISA court was authorized to order such roving surveillance authority. Indeed, the Administration agrees that the FISA court may not grant such authority sua sponte. Nevertheless, we have accepted the Administration's formulation of the new roving wiretap authority, which requires the FISA court to make a finding that the actions of the person whose communications are to be intercepted could have the effect of thwarting the identification of a specified facility or place. While no amendment is made to the statutory directions for what must be included in the application for a FISA electronic surveillance order, these applications should include the necessary information to support the FISA court's finding that roving wiretap authority is warranted.

Search warrants. The USA Act, in section 219, authorizes nationwide service of search warrants in terrorism investigations. This will allow the judge who is most familiar with the developments in a fast-breaking and complex terrorism investigation to make determinations of probable cause, no matter where the property to be searched is located. This will not only save time by avoiding having to bring up-to-speed another judge in another jurisdiction where the property is located, but also serves privacy and Fourth Amendment interests in ensuring that the most knowledgeable judge makes the determination of probable cause. The bill, in section 209, also authorizes voice mail messages to be seized on the authority of a probable cause search warrant rather than through the more burdensome and time-consuming process of a wiretap.

Electronic records. The bill updates the laws pertaining to electronic records in three primary ways. First, in section 210, the bill authorizes the nationwide service of subpoenas for subscriber information and expands the list of items subject to subpoena to include the means and source of payment for the service.

Second, in section 211, the bill equalizes the standard for law enforcement access to cable subscriber records on the same basis as other electronic records. The Cable Communications Policy Act, passed in 1984 to regulate various aspects of the cable television industry, did not take into account the changes in technology that have occurred over the last fifteen years. Cable television companies now often provide Internet access and telephone service in addition to television programming. This amendment clarifies that a cable company must comply with the laws governing the interception and disclosure of wire and electronic communications just like any other telephone company or Internet service provider. The amendments would retain current standards that govern the release of customer records for television programming.

Finally, the bill, in section 212, permits, but does not require, an electronic communications service to disclose the contents of and subscriber information about communications in emergencies involving the immediate danger of death or serious physical injury. Under current law, if an ISP's customer receives an e-mail death threat from another customer of the same ISP, and the victim provides a copy of the communication to the ISP, the ISP is limited in what actions it may take. On one hand, the ISP may disclose the contents of the forwarded communication to law enforcement (or to any other third party as it sees fit). See 18 U.S.C. §2702(b)(3). On the other hand, current law does not expressly authorize the ISP to voluntarily provide law enforcement with the identity, home address, and other subscriber information of the user making the threat. See 18 U.S.C. §2703(c)(1)(B),(C) (permitting disclosure to government entities only in response to legal process). In those cases where the risk of death or injury is imminent, the law should not require providers to sit idly by. This voluntary disclosure, however, in no way creates an affirmative obligation to review customer communications in search of such imminent dangers.

Also, under existing law, a provider (even one providing services to the public) may disclose the contents of a customer's communications—to law enforcement or anyone else—in order to protect its rights or property. See 18 U.S.C. §2702(b)(5). However, the current statute does not expressly permit a provider voluntarily to disclose non-content records (such as a subscriber's login records) to law enforcement for purposes of self-protection. See 18 U.S.C. §2703(c)(1)(B). Yet the right to disclose the content of communications necessarily implies the less intrusive ability to disclose non-content records. Cf. United States v. Auler, 539 F.2d 642, 646 n.9 (7th Cir. 1976) (phone company's authority to monitor and disclose conversations to protect against fraud necessarily implies right to commit lesser invasion of using, and disclosing fruits of, pen register device) (citing United States v. Freeman, 524 F.2d 337, 341 (7th Cir. 1975)). Moreover, as a practical matter providers must have the right to disclose the facts surrounding attacks on their systems. When a telephone carrier is defrauded by a subscriber, or when an ISP's authorized user launches a network intrusion against his own ISP, the provider must have the legal ability to report the complete details of the crime to law enforcement. The bill clarifies that service providers have the statutory authority to make such disclosures.

Pen registers. There is consensus that the existing legal procedures for pen register and trap-and-trace authority are antiquated and need to be updated. I have been proposing ways to update the pen register and trap and trace statutes for several years, but not necessarily in the same ways as the Administration initially proposed. In fact, in 1998, I introduced with then-Senator Ashcroft, the E-PRIVACY Act, S. 2067, which proposed changes in the pen register laws. In 1999, I introduced the E-RIGHTS Act, S. 934, also with proposals to update the pen register laws.

Again, in the last Congress, I introduced the Internet Security Act, S. 2430, on April 13, 2000, that proposed (1) changing the pen register and trap and trace device law to give nationwide effect to pen register and trap and trace orders obtained by Government attorneys and obviate the need to obtain identical orders in multiple federal jurisdictions; (2) clarifying that such devices can be used for computer transmissions to obtain electronic addresses, not just on telephone lines; and (3) as a guard against abuse, providing for meaningful judicial review of government attorney applications for pen registers and trap and trace devices.

As the outline of my earlier legislation suggests, I have long supported modernizing the pen register and trap and trace device laws by modifying the statutory language to cover the use of these orders on computer transmissions; to remove the jurisdictional limits on service of these orders; and to update the judicial review procedure, which, unlike any other area in criminal procedure, bars the exercise of judicial discretion in reviewing the justification for the order. The USA Act, in section 216, updates the pen register and trap and trace laws only in two out of three respects I believe are important, and without allowing meaningful judicial review. Yet, we were able to improve the Administration's initial proposal, which suffered from the same problem as the provision that was hastily taken up and passed by the Senate, by voice vote, on September, 13, 2001, as an amendment to the Commerce Justice State Appropriations Act.

Nationwide service. The existing legal procedures for pen register and trap-and-trace authority require service of individual orders for installation of pen register or trap and trace device on the service providers that carried the targeted communications. Deregulation of the telecommunications industry has had the consequence that one communication may be carried by multiple providers. For example, a telephone call may be carried by a competitive local exchange carrier, which passes it at a switch to a local Bell Operating Company, which passes it to a long distance carrier, which hands it to an incumbent local exchange carrier elsewhere in the U.S., which in turn may finally hand it to a cellular carrier. If these carriers do not pass source information with each call, identifying that source may require compelling information from a host of providers located throughout the country.

Under present law, a court may only authorize the installation of a pen register or trap device "within the jurisdiction of the court." As a result, when one provider indicates that the source of a communication is a carrier in another district, a second order may be necessary. The Department of Justice has advised, for example, that in 1996, a hacker (who later turned out to be launching his attacks from a foreign country) extensively penetrated computers belonging to the Department of Defense. This hacker was dialing into a computer at Harvard University and used this computer as an intermediate staging point in an effort to conceal his location and identity. Investigators obtained a trap and trace order instructing the phone company, Nynex, to trace these calls, but Nynex could only report that the communications were coming to it from a long-distance carrier, MCI. Investigators then applied for a court order to obtain the connection information from MCI, but since the hacker was no longer actually using the connection, MCI could not identify its source. Only if the investigators could have served MCI with a trap and trace order while the hacker was actively on-line could they have successfully traced back and located him.

In another example provided by the Department of Justice, investigators encountered similar difficulties in attempting to track Kevin Mitnick, a criminal who continued to hack into computers attached to the Internet despite the fact that he was on supervised release for a prior computer crime conviction. The FBI attempted to trace these electronic communications while they were in progress. In order to evade arrest, however, Mitnick moved around the country and used cloned cellular phones and other evasive techniques. His hacking attacks would often pass through one of two cellular carriers, a local phone company, and then two Internet service providers. In this situation, where investigators and service providers had to act quickly to trace Mitnick in the act of hacking, only many repeated attempts—accompanied by an order to each service provider—finally produced success. Fortunately, Mitnick was such a persistent hacker that he gave law enforcement many chances to complete the trace.

This duplicative process of obtaining a separate order for each link in the communications chain can be quite time-consuming, and it serves no useful purpose since the original court has already authorized the trace. Moreover, a second or third order addressed to a particular carrier that carried part of a prior communication may prove useless during the next attack: in computer intrusion cases, for example, the target may use an entirely different path (i.e., utilize a different set of intermediate providers) for his or her subsequent activity.

The bill would modify the pen register and trap and trace statutes to allow for nationwide service of a single order for installation of these devices, without the necessity of returning to court for each new carrier. I support this change.

Second, the language of the existing statute is hopelessly out of date and speaks of a pen register or trap and trace "device" being "attached" to a telephone "line." However, the rapid computerization of the telephone system has changed the tracing process. No longer are such functions normally accomplished by physical hardware components attached to telephone lines. Instead, these functions are typically performed by computerized collection and retention of call routing information passing through a communications system.

The statute's definition of a "pen register" as a "device" that is "attached" to a particular "telephone line" is particularly obsolete when applied to the wireless portion of a cellular phone call, which has no line to which anything can be attached. While courts have authorized pen register orders for wireless phones based on the notion of obtaining access to a "virtual line," updating the law to keep pace with current technology is a better course.

Moreover, the statute is ill-equipped to facilitate the tracing of communications that take place over the Internet. For example, the pen register definition refers to telephone "numbers" rather than the broader concept of a user's communications account. Although pen register and trap orders have been obtained for activity on computer networks, Internet service providers have challenged the application of the statute to electronic communications, frustrating legitimate investigations. I have long supported updating the statute by removing words such as "numbers . . . dialed" that do not apply to the way that pen/trap devices are used and to clarify the statute's proper application to tracing communications in an electronic environment, but in a manner that is technology neutral and does not capture the content of communications. That being said, I have been concerned about the FBI and Justice Department's insistence over the past few years that the pen/trap devices statutes be updated with broad, undefined terms that continue to flame concerns that these laws will be used to intercept private communications content.

The Administration's initial pen/trap device proposal added the terms "routing" and "addressing" to the definitions describing the information that was authorized for interception on the low relevance standard under these laws. The Administration and the Department of Justice flatly rejected my suggestion that these terms be defined to respond to concerns that the new terms might encompass matter considered content, which may be captured only upon a showing of probable cause, not the mere relevancy of the pen/trap statute. Instead, the Administration agreed that the definition should expressly exclude the use of pen/trap devices to intercept "content," which is broadly defined in 18 U.S.C. 2510(8).

While this is an improvement, the FBI and Justice Department are shortsighted in their refusal to define these terms. We should be clear about the consequence of not providing definitions for these new terms in the pen/trap device statutes. These terms will be defined, if not by the Congress, then by the courts in the context of criminal cases where pen/trap devices have been used and challenged by defendants. If a court determines that a pen register has captured "content," which the FBI admits such devices do, in violation of the Fourth Amendment, suppression may be ordered, not only of the pen register evidence but any other evidence derived from it. We are leaving the courts with little or no guidance of what is covered by "addressing" or "routing."

The USA Act also requires the government to use reasonably available technology that limits the interceptions under the pen/trap device laws "so as not to include the contents of any wire or electronic communications." This limitation on the technology used by the government to execute pen/trap orders is important since, as the FBI advised me June, 2000, pen register devices "do capture all electronic impulses transmitted by the facility on which they are attached, including such impulses transmitted after a phone call is connected to the called party." The impulses made after the call is connected could reflect the electronic banking transactions a caller makes, or the electronic ordering from a catalogue that a customer makes over the telephone, or the electronic ordering of a prescription drug.

This transactional data intercepted after the call is connected is "content." As the Justice Department explained in May, 1998 in a letter to House Judiciary Committee Chairman Henry Hyde, "the retrieval of the electronic impulses that a caller necessarily generated in attempting to direct the phone call" does not constitute a "search" requiring probable cause since "no part of the substantive information transmitted after the caller had reached the called party" is obtained. But the Justice Department made clear that "all of the information transmitted after a phone call is connected to the called party . . . is substantive in nature. These electronic impulses are the 'contents' of the call: They are not used to direct or process the call, but instead convey certain messages to the recipient."

When I added the direction on use of reasonably available technology (codified as 18 U.S.C. 3121(c)) to the pen register statute as part of the Communications Assistance for Law Enforcement Act (CALEA) in 1994, I recognized that these devices collected content and that such collection was unconstitutional on the mere relevance standard. Nevertheless, the FBI advised me in June, 2000, that pen register devices for telephone services "continue to operate as they have for decades" and that "there had been no change . . . that would better restrict the recording or decoding of electronic or other impulses to the dialing and signaling information utilized in call processing." Perhaps, if there were meaningful judicial review and accountability, the FBI would take the statutory direction more seriously and actually implement it.

Judicial review. Due in significant part to the fact that pen/trap devices in use today collect "content," I have sought in legislation introduced over the past few years to update and modify the judicial review procedure for pen register and trap and trace devices. Existing law requires an attorney for the government to certify that the information likely to be obtained by the installation of a pen register or trap and trace device will be relevant to an ongoing criminal investigation. The court is required to issue an order upon seeing the prosecutor's certification. The court is not authorized to look behind the certification to evaluate the judgment of the prosecutor.

I have urged that government attorneys be required to include facts about their investigations in their applications for pen/trap orders and allow courts to grant such orders only where the facts support the relevancy of the information likely to be obtained by the orders. This is not a change in the applicable standard, which would remain the very low relevancy standard. Instead, this change would simply allow the court to evaluate the facts presented by a prosecutor, and, if it finds that the facts support the government's assertion that the information to be collected will be relevant, issue the order. Although this change will place an additional burden on law enforcement, it will allow the courts a greater ability to assure that government attorneys are using such orders properly.

Some have called this change a "rollback" in the statute, as if the concept of allowing meaningful judicial review was an extreme position. To the contrary, this is a change that the Clinton Administration supported in legislation transmitted to the Congress last year. This is a change that the House Judiciary Committee also supported last year. In the Electronic Communications Privacy Act, H.R. 5018, that Committee proposed that before a pen/trap device "could be ordered installed, the government must first demonstrate to an independent judge that 'specific and articulable facts reasonably indicate that a crime has been, is being, or will be committed, and information likely to be obtained by such installation and use . . . is relevant to an investigation of that crime." (Report 106-932, 106th Cong. 2d Sess., Oct. 4, 2000, p. 13). Unfortunately, the Bush Administration has taken a contrary position and has rejected this change in the judicial review process.

Computer trespasser. Currently, an owner or operator of a computer that is accessed by a hacker as a means for the hacker to reach a third computer, cannot simply consent to law enforcement monitoring of the computer. Instead, because the owner or operator is not technically a party to the communication, law enforcement needs wiretap authorization under Title III to conduct such monitoring. I have long been interested in closing this loophole. Indeed, when I asked about this problem, the FBI explained to me in June, 2000, that:

> This anomaly in the law creates an untenable situation whereby providers are sometimes forced to sit idly by as they witness hackers enter and, in some situations, destroy or damage their systems and networks while law enforcement begins the detailed process of seeking court authorization to assist them. In the real world, the situation is akin to a homeowner being forced to helplessly watch a burglar or vandal while police seek a search warrant to enter the dwelling.

I therefore introduced as part of the Internet Security Act, S. 2430, in 2000, an exception to the wiretap statute that would explicitly permit such monitoring without a wiretap if prior consent is obtained from the person whose computer is being hacked through and used to send "harmful interference to a lawfully operating computer system."

The Administration initially proposed a different formulation of the exception that would have allowed an owner/operator of any computer connected to the Internet to consent to FBI wiretapping of any user who violated a workplace computer use policy or online service term of service and was thereby an "unauthorized" user. The Administration's proposal was not limited to computer hacking offenses under 18 U.S.C. 1030 or to conduct that caused harm to a computer or computer system. The Administration rejected these refinements to their proposed wiretap exception, but did agree, in section 217 of the USA Act, to limit the authority for wiretapping with the consent of the owner/operator to communications of unauthorized users without an existing subscriber or other contractual relationship with the owner/operator.

Sharing criminal justice information. The USA Act will make significant changes in the sharing of confidential criminal justice information with various Federal agencies. For those of us who have been concerned about the leaks from the FBI that can irreparably damage reputations of innocent people and frustrate investigations by alerting suspects to flee or destroy material evidence, the Administration's insistence on the broadest authority to disseminate such information, without any judicial check, is disturbing. Nonetheless, I believe we have improved the Administration's initial proposal in responsible ways. Only time will tell whether the improvements we were able to reach agreement on are sufficient.

At the outset, we should be clear that current law allows the sharing of confidential criminal justice information, but with close court supervision. Federal Rule of Criminal Procedure 6(e) provides that matters occurring before a grand jury may be disclosed only to an attorney for the government, such other government personnel as are necessary to assist the attorney and another grand jury. Further disclosure is also allowed as specifically authorized by a court.

Similarly, section 2517 of title 18, United States Code provides that wiretap evidence may be disclosed in testimony during official proceedings and to investigative or law enforcement officers to the extent appropriate to the proper performance of their official duties. In addition, the wiretap law allows disclosure of wiretap evidence "relating to offenses other than specified in the order" when authorized or approved by a judge. Indeed, just last year, the Justice Department assured us that "law enforcement agencies have authority under current law to share title III information regarding terrorism with intelligence agencies when the information is of overriding importance to the national security." (Letter from Robert Raben, Assistant Attorney General, September 28, 2000).

For this reason, and others, the Justice Department at the time opposed an amendment proposed by Senators KYL and FEINSTEIN to S. 2507, the "Intelligence Authorization Act for FY 2001 that would have allowed the sharing of foreign intelligence and counterintelligence information collected from wiretaps with the intelligence community. I deferred to the Justice Department on this issue and sought changes in the proposed amendment to address the Department's concern that this provision was not only unnecessary but also "could have significant implications for prosecutions and the discovery process in litigation", "raises significant issues regarding the sharing with intelligence agencies of information collected about United States persons" and jeopardized "the need to protect equities relating to ongoing criminal investigations." In the end, the amendment was revised to address the Justice Department's concerns and passed the Senate as a free-standing bill, S. 3205, the Counterterrorism Act of 2000. The House took no action on this legislation.

Disclosure of wiretap information. The Administration initially proposed adding a sweeping provision to the wiretap statute that broadened the definition of an "investigative or law enforcement officer" who may receive disclosures of information obtained through wiretaps to include federal law enforcement, intelligence, national security, national defense, protective and immigration personnel and the President and Vice President. This proposal troubled me because information intercepted by a wiretap has enormous potential to infringe upon the privacy rights of innocent people, including people who are not even suspected of a crime and merely happen to speak on the telephone with the targets of an investigation. For this reason, the authority to disclose information obtained through a wiretap has always been carefully circumscribed in law.

While I recognize that appropriate officials in the executive branch of government should have access to wiretap information that is important to combating terrorism or protecting the national security, I proposed allowing such disclosures where specifically authorized by a court order. Further, with respect to information relating to terrorism, I proposed allowing the disclosure without a court order as long as the judge who authorized the wiretap was notified as soon as practicable after the fact. This would have provided a check against abuses of the disclosure authority by providing for review by a neutral judicial official. At the same time, there was a little likelihood that a judge would deny any requests for disclosure in cases where it was warranted.

On Sunday, September 30, the Administration agreed to my proposal, but within two days, it backed away from its agreement. I remain concerned that the resulting provision will allow the unprecedented, widespread disclosure of this highly sensitive information without any notification to or review by the court that authorizes and supervises the wiretap. This is clearly an area where our Committee will have to exercise close oversight to make sure that the newly-minted disclosure authority is not being abused.

The Administration offered three reasons for reneging on the original deal. First, they claimed that the involvement of the court would inhibit Federal investigators and attorneys from disclosing information needed by intelligence and national security officials. Second, they said the courts might not have adequate security and therefore should not be told that information was disclosed for intelligence or national security purposes. And third, they said the President's constitutional powers under Article II give him authority to get whatever foreign intelligence he needs to exercise his national security responsibilities.

I believe these concerns are unfounded. Federal investigators and attorneys will recognize the need to disclose information relevant to terrorism investigations. Courts can be trusted to keep secrets and recognize the needs of the President.

Current law requires that such information be used only for law enforcement purpose. This provides an assurance that highly intrusive invasions of privacy are confined to the purpose for which they have been approved by a court, based on probable cause, as required by the Fourth Amendment. Current law calls for minimization procedures to ensure that the surveillance does not gather information about private and personal conduct and conversations that are not relevant to the criminal investigation.

When the Administration reneged on the agreement regarding court supervision, we turned to other safeguards and were more successful in changing other questionable features of the Administration's bill. The Administration accepted my proposal to strike the term "national security" from the description of wiretap information that may be shared throughout the executive branch and replace it with "foreign intelligence" information. This change is important in clarifying what information may be disclosed because the term "foreign intelligence" is specifically defined by statute whereas "national security" is not.

Moreoever, the rubric of "national security" has been used to justify some particularly unsavory activities by the government in the past. We must have at least some assurance that we are not embarked on a course that will lead to a repetition of these abuses because the statute will now more clearly define what type of information is subject to disclosure. In addition, Federal officials who receive the information may use it only as necessary to the conduct of their official duties. Therefore, any disclosure or use outside the conduct of their official duties remains subject to all limitations applicable to their retention and dissemination of information of the type of information received. This includes the Privacy Act, the criminal penalties for unauthorized disclosure of electronic surveillance information under chapter 119 of title 18, and the contempt penalties for unauthorized disclosure of grand jury information. In addition, the Attorney General must establish procedures for the handling of information that identifies a United States person; such as the restrictions on retention and dissemination of foreign intelligence and counterintelligence information pertaining to United States persons currently in effect under Executive Order 12333.

While these safeguards do not fully substitute for court supervision, they can provide some assurance against misuse of the private, personal, and business information about Americans, that is acquired in the course of criminal investigations and that may flow more widely in the intelligence, defense, and national security worlds.

Disclosure of grand jury information. The wiretap statute was not the only provision in which the Administration sought broader authority to disclose highly sensitive investigative information. It also proposed broadening Rule 6(e) of the Federal Rules of Criminal Procedure to allow the disclosure of information relating to terrorism and national security obtained from grand jury proceedings to a broad range of officials in the executive branch of government. As with wiretaps, few would disagree that information learned in a criminal investigation that is necessary to combating terrorism or protecting the national security ought to be shared with the appropriate intelligence and national security officials. The question is how best to regulate and limit such disclosures so as not to compromise the important policies of secrecy and confidentiality that have long applied to grand jury proceedings.

I proposed that we require judicial review of requests to disclose terrorism and foreign intelligence information to officials in the executive branch beyond those already authorized to receive such disclosures. Once again, the Administration agreed to my proposal on Sunday, September 30, but reneged within two days. As a result, the bill does not provide for any judicial supervision of the new authorization for dissemination of grand jury information throughout the executive branch. The bill does contain the safeguards that I have discussed with respect to law enforcement wiretap information. However, as with the new wiretap disclosure authority, I am troubled by this issue and plan to exercise the close oversight of the Judiciary Committee to make sure it is not being abused.

Foreign intelligence information sharing. The Administration also sought a provision that would allow the sharing of foreign intelligence information throughout the executive branch of the government notwithstanding any current legal prohibition that may prevent or limit its disclosure. I have resisted this proposal more strongly than anything else that still remains in the bill. What concerns me is that it is not clear what existing prohibitions this provision would affect beyond the grand jury secrecy rule and the wiretap statute, which are already covered by other provisions in the bill. Even the Administration, which wrote this provision, has not been able to provide a fully satisfactory explanation of its scope.

If there are specific laws that the Administration believes impede the necessary sharing of information on terrorism and foreign intelligence within the executive branch, we should address those problems through legislation that is narrowly targeted to those statutes. Tacking on a blunderbuss provision whose scope we do not fully understand can only lead to consequences that we cannot foresee. Further, I am concerned that such legislation, broadly authorizing the secret sharing of intelligence information throughout the executive branch, will fuel the unwarranted fears and dark conspiracy theories of Americans who do not trust their government. This was another provision of which the Administration reneged on its agreement with me; it agreed to drop it on September 30, but resurrected it within two days, insisting that it remain in the bill. I have been able to mitigate its potential for abuse somewhat by adding the same safeguards that apply to disclosure of law enforcement wiretap and grand jury information.

“Sneak and peek” search warrants. Another issue that has caused me serious concern relates to the Administration's proposal for so-called “sneak and peek” search warrants. The House Judiciary Committee dropped this proposal entirely from its version of the legislation. Normally, when law enforcement officers execute a search warrant, they must leave a copy of the warrant and a receipt for all property seized at the premises searched. Thus, even if the search occurs when the owner of the premises is not present, the owner will receive notice that the premises have been lawfully searched pursuant to a warrant rather than, for example, burglarized.

Two circuit courts of appeal, the Second and the Ninth Circuits, have recognized a limited exception to this requirement. When specifically authorized by the issuing judge or magistrate, the officers may delay providing notice of the search to avoid compromising an ongoing investigation or for some other good reason. However, this authority has been carefully circumscribed.

First, the Second and Ninth Circuit cases have dealt only with situations where the officers search a premises without seizing any tangible property. As the Second Circuit explained, such searches are “less intrusive than a conventional search with physical seizure because the latter deprives the owner not only of privacy but also of the use of his property.” United States v. Villegas, 899 F.2d 1324, 899 F.2d 1324, 1337 (2d Cir. 1990).

Second, the cases have required that the officers seeking the warrant must show good reason for the delay. Finally, while the courts have allowed notice of the search may be delayed, it must be provided within a reasonable period thereafter, which should generally be no more than seven days. The reasons for these careful limitations were spelled out succinctly by Judge Sneed of the Ninth Circuit: “The mere thought of strangers walking through and visually examining the center of our privacy interest, our home, arouses our passion for freedom as does nothing else. That passion, the true source of the Fourth Amendment, demands that surreptitious entries be closely circumscribed.” United States v. Freitas, 800 F.2d 1451, 1456 (9th Cir. 1986).

The Administration's original proposal would have ignored some of the key limitations created by the caselaw for sneak and peek search warrants. First, it would have broadly authorized officers not only to conduct surreptitious searches, but also to secretly seize any type of property without any additional showing of necessity. This type of warrant, which has never been addressed by a published decision of a federal appellate court, has been referred to in a law review article written by an FBI agent as a “sneak and steal” warrant. See K. Corr, “Sneaky But Lawful: The Use of Sneak and Peek Search Warrants,” 43 U. Kan. L. Rev. 1103, 1113 (1995). Second, the proposal would simply have adopted the procedural requirements of 18 U.S.C. §2705 for providing delayed notice of a wiretap. Among other things, this would have extended the permissible period of delay to a maximum of 90 days, instead of the presumptive seven-day period provided by the caselaw on sneak and peek warrants.

I was able to make significant improvements in the Administration's original proposal that will help to ensure that the government's authority to obtain sneak and peek warrants is not abused. First, the provision that is now in section 213 of the bill prohibits the government from seizing any tangible property or any wire or electronic communication or stored electronic information unless it makes a showing of reasonable necessity for the seizure. Thus, in contrast to the Administration's original proposal, the presumption is that the warrant will authorize only a search unless the government can make a specific showing of additional need for a seizure. Second, the provision now requires that notice be given within a reasonable time of the execution of the warrant rather than giving a blanket authorization for up to a 90-day delay. What constitutes a reasonable time, of course, will depend upon the circumstances of the particular case. But I would expect courts to be guided by the teachings of the Second and the Ninth Circuits that, in the ordinary case, a reasonable time is no more than seven days.

FISA. Several changes in the Foreign Intelligence Surveillance Act (FISA) are designed to clarify technical aspects of the statutory framework and take account of experience in practical implementation. These changes are not controversial, and they will facilitate the collection of intelligence for counterterrorism and counterintelligence purposes. Other changes are more significant and required careful evaluation and revision of the Administration's proposals.

Duration of surveillance. The USA Act, in section 297, changes the duration of electronic surveillance under FISA in cases of an agent of a foreign power, other than a United States persons, who acts in the United States as an officer or employee of a foreign power or as a member of an international terrorist group. Current law limits court orders in these cases to 90 days, the same duration as for United

States persons. Experience indicates, however, that after the initial period has confirmed probable cause that the foreign national meets the statutory standard, court orders are renewed repeatedly and the 90-day renewal becomes an unnecessary procedural for investigators taxed with far more pressing duties.

The Administration proposed that the period of electronic surveillance be changed from 90 days to one year in these cases. This proposal did not ensure adequate review after the initial stage to ensure that the probable cause determination remained justified over time. Therefore, the bill changes the initial period of the surveillance 90 to 120 days and changes the period for extensions from 90 days to one year. The initial 120-day period provides for a review of the results of the surveillance or search directed at an individual before one-year extensions are requested. These changes do not affect surveillance of a United States person.

The bill also changes the period for execution of an order for physical search under FISA from 45 to 90 days. This change applies to United States persons as well as foreign nationals. Experience since physical search authority was added to FISA in 1994 indicates that 45 days is frequently not long enough to plan and carry out a covert physical search. There is no change in the restrictions which provide that United States persons may not be the targets of search or surveillance under FISA unless a judge finds probable cause to believe that they are agents of foreign powers who engage in specified international terrorist, sabotage, or clandestine intelligence activities that may involve a violation of the criminal statutes of the United States.

FISA judges. The bill, in section 208, seeks to ensure that the special court established under FISA has sufficient judges to handle the workload. While changing the duration of orders and extensions will reduce the number of cases in some categories, the bill retains the court's role in pen register and trap and trace cases and expands the court's responsibility for issuing orders for records and other tangible items needed for counterintelligence and counter terrorism investigations. Upon reviewing the court's requirements, the Administration requested an increase in the number of federal district judges designated for the court from seven to 11 of whom no less than 3 shall reside within 20 miles of the District of Columbia. The latter provision ensures that more than one judge is available to handle cases on short notice and reduces the need to invoke the alternative of Attorney General approval under the emergency authorities in FISA.

Agent of a foreign power standard. Other changes in FISA and related national security laws are more controversial. In several areas, the bill reflects a serious effort to accommodate the requests for expanded surveillance authority with the need for safeguards against misuse, especially the gathering of intelligence about the lawful political or commercial activities of Americans. One of the most difficult issues was whether to eliminate the existing statutory "agent of a foreign power" standards for surveillance and investigative techniques that raise important privacy concerns, but not at the level that the supreme Court has held to require a court order and a probable cause finding under the Fourth Amendment. These include pen register and trap and trace devices, access to business records and other tangible items held by third parties, and access to records that have statutory privacy protection. The latter include telephone, bank, and credit records.

The "agent of a foreign power" standard in existing law was designed to ensure that the FBI and other intelligence agencies do not use these surveillance and investigative methods to investigate the lawful activities of Americans in the name of an undefined authority to collect foreign intelligence or counterintelligence information. The law has required a showing of reasonable suspicion, less than probable cause, to believe that a United States person is an "agent of a foreign power" engaged in international terrorism or clandestine intelligence activities.

However, the "agent of a foreign power" standard is more stringent than the standard under comparable criminal law enforcement procedures which require only a showing of relevance to a criminal investigation. The FBI's experience under existing laws since they were enacted at various time over the past 15 years has been that, in practice, the requirement to show reasonable suspicion that a person is an "agent of a foreign power" has been almost as burdensome as the requirement to show probable cause required by the Fourth Amendment for more intrusive techniques. The FBI has made a clear case that a relevance standard is appropriate for counterintelligence and counterterrorism investigations, as well as for criminal investigations.

The challenge, then, was to define those investigations. The alternative proposed by the Administration was to cover any investigation to obtain foreign intelligence information. This was extremely broad, because the definition includes any information with respect to a foreign power that relates to, and if concerning a United States person is necessary to, the national defense or the security of the United States or the conduct of the foreign affairs of the United States. This goes far beyond FBI counterintelligence and counterterrorism requirements. Instead, the bill requires that use of the surveillance technique or access to the records concerning a United States person be relevant to an investigation to protect against international terrorism or clandestine intelligence activities.

In addition, an investigation of a United States person may not be based solely on activities protected by the First Amendment. This framework applies to pen registers and trap and trace under section 215, access to records and other items under section 215, and the national security authorities for access to telephone, bank, and credit records under section 506. Lawful political dissent and protest by American citizens against the government may not be the basis for FBI counterintelligence and counterterrorism investigations under these provisions.

A separate issue for pen registers and trap and trace under FISA is whether the court should have the discretion to make the decision on relevance. The Administration has insisted on a certification process. I discussed this issue as it comes up in the criminal procedures for pen registers and trap and trace under title 18, and my concerns apply to the FISA procedures as well.

The purpose of FISA. The most controversial change in FISA requested by the Administration was the proposal to allow surveillance and search when "a purpose" is to obtain foreign intelligence information. Current law requires that the secret procedures and different probable cause standards under FISA be used only if a high-level executive official certifies that "the purpose" is to obtain foreign intelligence formation. The Administration's aim was to allow FISA surveillance and search for law enforcement purposes, so long as there was at least some element of a foreign intelligence purpose. This proposal raised constitutional concerns, which were addressed in a legal opinion provided by the Justice Department, which I insert in the record at the end of my statement.

The Justice Department opinion did not defend the constitutionality of the original proposal. Instead, it addressed a suggestion made by Senator Feinstein to the Attorney General at the Judiciary Committee hearing to change "the purpose" to "a significant purpose." No matter what statutory change is made even the Department concedes that the court's may impose a constitutional requirement of "primary purpose" based on the appellate court decisions upholding FISA against constitutional challenges over the past 20 years.

Section 218 of the bill adopts "significant purpose," and it will be up to the courts to determine how far law enforcement agencies may use FISA for criminal investigation and prosecution beyond the scope of the statutory definition of "foreign intelligence information."

In addition, I proposed and the Administration agreed to an additional provision in Section 505 that clarifies the boundaries for consultation and coordination between officials who conduct FISA search and surveillance and Federal law enforcement officials including prosecutors. Such consultation and coordination is authorized for the enforcement of laws that protect against international terrorism, clandestine intelligence activities of foreign agents, and other grave foreign threats to the nation. Protection against these foreign-based threats by any lawful means is within the scope of the definition of "foreign intelligence information," and the use of FISA to gather evidence for the enforcement of these laws was contemplated in the enactment of FISA. The Justice Department's opinion cites relevant legislative history from the Senate Intelligence Committee's report in 1978, and there is comparable language in the House report.

Immigration. The Administration initially proposed that the Attorney General be authorized to detain any alien indefinitely upon certification of suspicion to links to terrorist activities or organizations. Under close questioning by both Senator KENNEDY and Senator SPECTER at the Committee hearing on September 25, the Attorney General said that his proposal was intended only to allow the government to hold an alien suspected of terrorist activity while deportation proceedings were ongoing. In response to a question by Senator SPECTER, the Attorney General said: "Our intention is to be able to detain individuals who are the subject of deportation proceedings on other grounds, to detain them as if they were the subject of deportation proceedings on terrorism." The Justice Department, however, continued to insist on broader authority, including the power to detain even if the alien was found not to be deportable.

I remain concerned about the provision, in section 412, but I believe that it has been improved from the original proposal offered by the Administration. First, the Justice Department must now charge an alien with an immigration or criminal violation within seven days of taking custody, and the Attorney General's certification of an alien under this section is subject to judicial review. Second, if an alien is found not to be removable, he must be released from custody. Third, the Attorney General can only delegate the power to certify an alien to the Deputy Attorney General, ensuring greater accountability and preventing the certification decision from being made by low-level officials. Despite these improvements, I would have preferred that this provision not be included, and I would urge the Attorney General and his successors to employ great discretion in using this new power.

In addition, the Administration initially proposed a sweeping definition of terrorist activity and new powers for the Secretary of State to designate an organization as a terrorist organization for purposes of immigration law. We were able to work with the Administration to refine this definition to limit its application to individuals who had innocent contacts with non-designated organizations. We also limited the retroactive effect of these new definitions. If an alien solicited funds or membership, or provided material support for an organization that was not designated at that time by the Secretary of State, the alien will have the opportunity to show that he did not know and should have known that his acts would further the organization's terrorist activity. This is substantially better than the administration's proposal, which by its terms, would have empowered the INS to deport someone who raised money for the African National Congress in the 1980s.

Throughout our negotiations on these issues, Senator KENNEDY provided steadfast leadership. Although neither of us are pleased with the final product, it is far better than it would have been without his active involvement.

Trade Sanctions. I was disappointed that the Administration's initial proposal authorizing the President to impose unilateral food and medical sanctions would have undermined a law we passed last year with overwhelming bipartisan support.

Under that law, the President already has full authority to impose unilateral food and medicine sanctions during this crisis because of two exceptions built into the law that apply to our current situation. Nevertheless, the Administration sought to undo this law and obtain virtually unlimited authority in the future to impose food and medicine embargoes, without making any effort for a multi-lateral approach in cooperation with other nations. Absent such a multi-lateral approach, other nations would be free to step in immediately and take over business from American firms and farmers that they are unilaterally barred from pursuing.

Over 30 farm and export groups, including the American Farm Bureau Federation, the Grocery Manufacturers of America, the National Farmers Union, and the U.S. Dairy Export Council, wrote to me and explained that the Administration proposal would "not achieve its intended policy goal."

I worked with Senator ENZI, and other Senators, on substitute language to give the Administration the tools it needs in this crisis. This substitute has been carefully crafted to avoid needlessly hurting American farmers in the future, yet it will assure that the U.S. can engage in effective multilateral sanctions.

This bipartisan agreement limits the authority in the bill to existing laws and executive orders, which give the President full authority regarding this conflict, and grants authority for the President to restrict exports of agricultural products, medicine or medical devices. I continue to agree with then-Senator Ashcroft who argued in 1999 that unilateral U.S. food and medicine sanctions simply do not work when he introduced the "Food and Medicine for the World Act."

As recently as October 2000, then-Senator Ashcroft pointed out how broad, unilateral embargoes of food or medicine are often counterproductive. Many Republican and Democratic Senators made it clear just last year that the U.S. should work with other countries on food and medical sanctions so that the sanctions will be effective in hurting our enemies, instead of just hurting the U.S. I am glad that with Senator ENZI's help, we were able to make changes in the trade sanctions provision to both protect our farmers and help the President during this crisis.

Money Laundering. Title III of the USA Act consists of a bipartisan bill that was reported out of the Banking Committee on October 4, 2001. I commend the Chairman and Ranking Member of that Committee, Senators SARBANES and GRAMM, for working together to produce a balanced and effective package of measures to combat international money laundering and the financing of terrorism.

I am pleased that the Chairman and Ranking Member of the Banking Committee agreed to our inclusion in the managers' amendment of a small change to a provision of title III, section 319, relating to forfeiture of funds in United States interbank accounts. As reported by the Banking Committee, this provision included language suggesting that in a criminal case, the government may have authority to seek a pretrial restraining order of substitute assets. In fact, as all but one of the circuit courts to consider the issue have held, the government has no such authority. The managers' amendment strikes the offending language from section 319.

Another provision added as part of the Banking Committee title—section 351—is far more troubling. Section 351 creates a new Bank Secrecy Act offense involving the bulk smuggling of more than $10,000 in currency in any conveyance, article of luggage or merchandise or container, either into or out of the United States. The obvious purpose of this section is to circumvent the Supreme Court's decision in United States v. Bajakajian, 118 S. Ct. 2029 (1998), which held that a "punitive" forfeiture violates the Excessive Fines Clause of the Eighth Amendment if it is grossly disproportional to the gravity of the offense it is designed to punish.

In fact, the crime created in section 351—willfully evading a currency reporting requirement by "concealing" and transporting more than $10,000 across a U.S. border—is no different than the crime at issue in Bajakajian—willfully evading a currency reporting requirement by transporting more than $10,000 across a U.S. border. A forfeiture that is "grossly disproportional" with respect to the latter will inevitably be found "grossly disproportional" with respect to the former. The new element of "concealment" does little or nothing to bolster the government's claim to forfeiture of the unreported currency, since this element is already implicit in the current crime of evasion: It is hardly likely that a person who is in the process of willfully evading the currency reporting requirement will be waiving his currency around for all the world to see.

Conclusion: I have done my best under the circumstances and want to thank especially Senator KENNEDY for his leadership on the Immigration parts of the bill. My efforts have not been completely successful and there are a number of provisions on which the Administration has insisted with which I disagree. Frankly, the agreement of September 30, 2001 would have led to a better balanced bill. I could not stop the Administration from reneging on the agreement any more than I could have sped the process to reconstitute this bill in the aftermath of those breaches. In these times we need to work together to face the challenges of international terrorism. I have sought to do so in good faith.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, I enjoyed the remarks of my distinguished colleague from Vermont. I compliment him for the work he has done on this bill and for the hard work, over the last 3 weeks, that he and his staff have put into this bill, as well as other members of the Judiciary Committee as a whole, and, of course, people on my side as well.

Mr. President, I do not intend to take very long. I know our colleagues are tired, and I know they would like to go home. I also know that we have a distinguished colleague in the Chamber who has some amendments on which we may have to vote.

Four weeks ago we were a relatively tranquil nation, but on September 11, in what amounted to a dastardly attack, an unprovoked attack of war, the World Trade Center was destroyed, along with almost 6,000 people, or maybe more. Our Pentagon was struck by a volitionary act of terrorism.

As a result of the acts of heroes, one of the planes was downed in Pennsylvania, killing all aboard, including those heroes who made sure that that plane did not strike either the Capitol or the White House. I want to pay special tribute to those people who were so heroic as to give up their own lives to protect the lives of so many others.

There have been so many acts of heroism and self-sacrifice—the firefighters who gave their lives, the firefighters who worked day and night, the volunteers who have gone in there, the mayor of New York City, the Governor, and so many others who deserve mention.

This bill, hopefully, will help to at least rectify and redeem some of the problems, problems that have existed ever since September 11.

We did not seek this war; it was thrust upon us. It was an unprovoked attack by people who claim that they represent a religious point of view when, in fact, what they represent is a complete distortion of the religion of Islam.

Islamic people do not believe in murder, murdering innocent civilians. The Koran does not teach that. They do not believe in suicide. The Koran does not teach that.

This is not a war against Islam; this is a war against terrorism and people who have so little regard for human life that they would do something against innocent civilians that was unthinkable before September 11.

Therefore, we live in a dangerous and difficult world today. It is a different world. And we are going to have to wake up and do the things we have to do to protect our citizenry and, of course, to protect the rest of the world to the extent this great Nation can, with the help of other nations, a number of which have become supportive of our efforts. We are very grateful to them.

But a lot of people do not realize we have terror cells in this country—that has been in the media even—and there are people in this country who are dedicated to the overthrow of America. There are people who are dedicated to terrorism right here within our Nation. And some of these people who have participated in this matter may very well be people who were rightfully in our Nation—or at least we thought were rightfully in our Nation.

The responsibility of redeeming and rectifying this situation is the responsibility of the Congress, the Justice Department, the FBI, the INS, and the Border Patrol. It is our job to provide the tools, and for them to first identify and then eradicate terrorist activity within our borders. And our President has taken the extraordinary step of saying we are going to go after terrorists worldwide and those who harbor them.

I agree with the President. I think it is time to do it. It is time to hit them where it hurts. It is time to let them know we are not going to put up with this type of activity.

A few weeks ago, the Justice Department sent up its legislative proposal. It was a good legislative proposal. They had a lot of ideas in there that literally we have been trying to get through for years. When we passed the 1996 antiterrorism, effective death penalty act, a number of us tried to get some of these provisions in at that time, but we were unsuccessful for a variety of reasons, some very sincere.

The fact is, a lot of the provisions we have in the bill are not brand new; a lot of them have been requested for years. And had they been in play, who knows but we might have been able to interdict these terrorists and have stopped what happened and have stopped the loss of civil liberties for approximately 6,000 or more people.

In the past several weeks, after the Justice Department sent up its bill, Senator LEAHY and I, Justice Department officials, White House officials, staff members from both of our staffs, and staff members from other members of the committee have worked day and night to come up with this particular bill.

I congratulate my partner and my colleague, Senator LEAHY, for his hard work on this bill, and his staffers' for the work they have done on this bill, and, of course, my own staffers, and, of course, those others I have named.

This has been a very difficult bill to put forward because there are all kinds of cross-pressures, all kinds of ideas, all kinds of different thoughts, all kinds of differing philosophies. We believe, with all kinds of deliberation and work, we have been able to put together a bill that really makes sense, that will give the Justice Department the tools it needs to be able to work and stamp out terrorist activity within our country. At least we want to give them the very best tools we possibly can.

We have tried to accommodate the concerns of Senators on both sides of the aisle. We have worked very hard to do so. We cannot accommodate everybody's concerns. As Senator LEAHY has said, this is not a perfect bill. Nothing ever seems to be perfect around here. But this is as good a bill as can be put together, in a bipartisan way, in this area in the history of the Senate. I really feel good about it, that we have done this type of a job.

As I say, a lot of these provisions have been requested by the Justice Department and both Democrat and Republican White Houses for years. We took into consideration civil liberties throughout our discussions on this bill. I think we got it just right. We are protective of civil liberties while at the same time giving the tools to the law enforcement agencies to be able to do their jobs in this country.

I might mention that this bill encourages information sharing, that would be absolutely prohibited under current law, among various agencies of Government, information sharing that should have been allowed a long time ago, at least in my view.

It updates the laws with regard to electronic surveillance and brings those laws into the digital age, and brings them into an effective way so that we can, in a modernized way, protect our society, at least to the extent we can, from these types of terrorist activities.

Of course, little things, such as pen registers, trap-and-trace authority—we have been able to resolve these problems after years of problems.

I would like to make a few comments regarding the process for this legislation. Although we have considered this in a more expedited manner than other legislation, my colleagues can be assured that this bill has received thorough consideration. First, the fact is that the bulk of these proposals have been requested by the Department of Justice for years, and have languished in Congress for years because we have been unable to muster the collective political will to enact them into law.

No one can say whether these tools could have prevented the attacks of September 11. But, as the Attorney General has said, it is certain that without these tools, we did not stop the vicious acts of last month. I say to my colleagues, Mr. President, that if these tools could help us now to track down the perpetrators—if they will help us in our continued pursuit of terrorist activities within our national borders then we should not hesitate any further to pass these reforms into law. As long as these reforms are consistent with our—Constitution and they are—it is difficult to see why anyone would oppose their passage.

Furthermore, I would like to clearly dispel the myth that the reforms in this legislation somehow abridge the Constitutional freedoms enjoyed by law-abiding American citizens. Some press reports have portrayed this issue as a choice between individual liberties on the one hand, and on the other hand, enhanced powers for our law enforcement institutions. This is a false dichotomy. We should all take comfort that the reforms in this bill are primarily directed at allowing law enforcement agents to work smarter and more efficiently—in no case do they curtail the precious civil liberties protected by our Constitution. I want to assure my colleagues that we worked very hard over the past several weeks to ensure that this legislation upholds all of the constitutional freedoms our citizens cherish. It does.

Mr. President, I will submit for the RECORD my extended remarks describing this legislation; but I would like to take a minute to explain briefly a few of the most important provisions of this critical legislation.

First, the legislation encourages information-sharing between various arms of the federal government. I believe most of our citizens would be shocked to learn that, even if certain government agents had prior knowledge of the September 11 attacks, under many circumstances they would have been prohibited by law from sharing that information with the appropriate intelligence or national security authorities.

This legislation makes sure that, in the future, such information flows freely within the Federal government, so that it will be received by those responsible for protecting against terrorist attacks.

By making these reforms, we are rejecting the outdated Cold War paradigm that has prevented cooperation between our intelligence community and our law enforcement agents. Current law does not adequately allow for such cooperation, artificially hampering our government's ability to identify and prevent acts of terrorism against our citizens.

In this new war, terrorists are a hybrid between domestic criminals and international agents. We must lower the barriers that discourage our law enforcement and intelligence agencies from working together to stop these terrorists. These hybrid criminals call for new, hybrid tools.

Second, this bill updates the laws relating to electronic surveillance. Electronic surveillance, conducted under the supervision of a federal judge, is one of the most powerful tools at the disposal of our law enforcement community. It is simply a disgrace that we have not acted to modernize the laws currently on the books which govern such surveillance, laws that were enacted before the fax machine came into common usage, and well before the advent of cellular telephones, e-mail, and instant messaging. The Department of Justice has asked us for years to update these laws to reflect the new technologies, but there has always been a call to go slow, to seek more information, to order further studies.

This is no hypothetical problem. We now know that e-mail, cellular telephones, and the Internet have been principal tools used by the terrorists to coordinate their atrocious activities. We need to pursue all solid investigatory leads that exist right now that our law enforcement agents would be unable to pursue because they must continue to work within these outdated laws. It is high time that we update our laws so that our law enforcement agencies can deal with the world as it is, rather than the world as it existed 20 years ago.

A good example of way we our handicapping our law enforcement agencies relates to devices called "pen registers." Pen registers may be employed by the FBI, after obtaining a court order, to determine what telephone numbers are being dialed from a particular telephone. These devices are essential investigatory tools, which allow law enforcement agents to determine who is speaking to whom, within a criminal conspiracy.

The Supreme Court has held, in Smith v. Maryland, that the information obtained by pen register devices is not information that is subject to any constitutional protection. Unlike the content of your telephone conversation once your call is connected, the numbers you dial into your telephone are not private. Because you have no reasonable expectation that such numbers will be kept private, they are not protected under the Constitution. The Smith holding was cited with approval by the Supreme Court just earlier this year.

The legislation under consideration today would make clear what the Federal courts have already ruled—that Federal judges may grant pen register authority to the FBI to cover, not just telephones, but other more modern modes of communication such as e-mail or instant messaging. Let me make clear that the bill does not allow law enforcement to receive the content of the communication, but they can receive the addressing information to identify the computer or computers a suspect is using to further his criminal activity.

Importantly, reform of the pen register law does not allow—as has sometimes been misreported in the press—for law enforcement agents to view the content of any e-mail messages—not even the subject line of e-mails. In addition, this legislation we are considering today makes it explicit that content can not be collected through such pen register orders.

This legislation also allows judges to enter pen register orders with nationwide scope. Nationwide jurisdiction for pen register orders makes common sense. It helps law enforcement agents efficiently identify communications facilities throughout the country, which greatly enhances the ability of law enforcement to identify quickly other members of a criminal organization, such as a terrorist cell.

Moreover, this legislation provides our intelligence community with the same authority to use pen register devices, under the auspices of the Foreign Intelligence Surveillance Act, that our law enforcement agents have when investigating criminal offenses. It simply makes sense to provide law enforcement with the same tools to catch terrorists that they already possess in connection with other criminal investigations, such as drug crimes or illegal gambling.

In addition to the pen register statute, this legislation updates other aspects of our wiretapping statutes. It is amazing that law enforcement agents do not currently have authority to seek wiretapping authority from a Federal judge when investigating a terrorist offense. This legislation fixes that problem.

Moving on, I note that much has been made of the complex immigration provisions of this bill. I know Senators SPECTER, KOHL and KENNEDY had questions about earlier provisions, particularly the detention provision for suspected alien terrorists.

I want to assure my colleagues that we have worked hard to address your concerns, and the concerns of the public. As with the other immigration provisions of this bill, we have made painstaking efforts to achieve this workable compromise.

Let me address some of the specific concerns. In response to the concern that the INS might detain a suspected terrorist indefinitely, the Senator KENNEDY, Senator KYL, and I worked out a compromise that limits the provision. It provides that the alien must be charged with an immigration or criminal violation within seven days after the commencement of detention or be released. In addition, contrary to what has been alleged, the certification itself is subject to judicial review. The Attorney General's power to detain a suspected terrorist under this bill is, then, not unfettered.

Moreover, Senator LEAHY and I have also worked diligently to craft necessary language that provides for the deportation of those aliens who are representatives of organizations that endorse terrorist activity, those who use a position of prominence to endorse terrorist activity or persuade others to support terrorist activity, or those who provide material support to terrorist organizations. If we are to fight terrorism, we can not allow those who support terrorists to remain in our country. Also, I should note that we have worked hard to provide the State Department and the INS the tools they need to ensure that no applicant for admission who is a terrorist is able to secure entry into the United States through legal channels.

Finally, the bill gives law enforcement agencies powerful tools to attack the financial infrastructure of terrorism giving our Government the ability to choke off the financing that these dangerous terrorist organizations need to survive. It criminalizes the practice of harboring terrorists, and puts teeth in the laws against providing material support to terrorists and terrorist organizations. It gives the President expanded authority to freeze the assets of terrorists and terrorist organizations, and provides for the eventual seizure of such assets. These tools are vital to our ability to effectively wage the war against terrorism, and ultimately to win it.

There have been few, if any, times in our nation's great history where an event has brought home to so many of our citizens, so quickly, and in such a graphic fashion, a sense of our vulnerability to unexpected attack.

I believe we all took some comfort when President Bush promised us that our law enforcement institutions would have the tools necessary to protect us from the danger that we are only just beginning to perceive.

The Attorney General has told us what tools he needs. We have taken the time to review the problems with our current laws, and to reflect on their solutions. The time to act is now. Let us please move forward expeditiously, and give those who are in the business of protecting us the tools that they need to do the job.

Mr. President, I think most people understand this is an important bill. All of us understand it needs to be done. All of us understand that these are tools our law enforcement people deserve and need to have. And, frankly, it is a bill that I think can make a real difference with regard to the interdiction of future acts of terrorism in our society.

Nobody can guarantee, when you have people willing to commit suicide in the perpetration of these awful acts, at all times that we can absolutely protect our Nation. But this bill will provide the tools whereby we might be able—and in most cases should be able—to resolve even those types of problems.

So with that, I am happy to yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). Who yields time?

The Senator from Maryland.

Mr. SARBANES. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. SARBANES. Mr. President, I rise in very strong support of S. 1510, the Uniting and Strengthening America Act of 2001, and in particular, Title III of S. 1510, the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001.

Title III was reported out of the Committee on Banking, Housing, and Urban Affairs, which I am privileged to chair, a week ago today by a unanimous vote of 21 to 0.

President Bush said on September 24: "We have launched a strike on the financial foundation of the global terror network."

Title III of our comprehensive antiterrorism package supplies the armament for that strike. Osama bin Laden may have boasted that "al-Qaeda [includes] modern, educated youth who are aware of the cracks inside the western financial system, as they are aware of the lines in their hands." With Title III, we are sealing up those cracks.

Title III contains, among other things, authority to take targeted action against countries, institutions, transactions, or types of accounts the Secretary of the Treasury finds to be of "primary money-laundering concern." It also contains requirements for due diligence standards directed at corresponding accounts opened at U.S. banks by foreign offshore banks and banks in jurisdictions that have been found to fall significantly below international anti-money laundering standards.

It contains a bar on the maintenance of U.S. correspondent accounts for offshore shell banks—those banks that have no physical presence or employees anywhere, and that are not part of a regulated and recognized banking company. There is also a requirement that all financial institutions establish anti-money laundering programs.

Title III also contains several provisions that should enhance the ability of the Government to share more specific information with banks, and the ability of banks to share information with one another relating to potential terrorist or money-laundering activities, and a large number of important technical improvements in anti-money laundering statutes, as well as, mandates to the Department of the Treasury to act or formulate recommendations to improve our anti-money laundering programs.

The problem of money laundering is not a new one. There have been significant efforts for some time in Congress to cut the financial lifelines on which criminal operations depend. Senator JOHN KERRY'S exhaustive investigation nearly a decade ago into the collapse of a shady institution called BCCI, which he found was established with "the specific purpose of evading regulation or control by governments," led him to introduce anti-money laundering legislation. A bill similar to his was approved last year by the Banking Committee of the House of Representatives on a 31 to 1 vote.

Recent investigations by Senator CARL LEVIN'S Permanent Subcommittee on Investigations produced two excellent reports on the ways criminals use financial institutions to launder funds and how we can counter these activities. Senator LEVIN'S reports demonstrated dramatically how correspondent banking facilities and private banking services impede financial transparency and hide foreign client identity and activity, thereby contributing to international money laundering.

Senator CHARLES GRASSLEY has also advocated for stronger money laundering legislation, and sponsored the Money Laundering and Financial Crimes Strategy Act of 1998, which mandates the development of an annual national money laundering strategy.

Two weeks ago we held our own hearings in the Banking Committee. We heard from a number of expert witnesses and from Under Secretary of the

Treasury Gurule; Assistant Attorney General Chertoff; and Ambassador Stuart Eizenstat, the former Deputy Secretary of the Treasury.

On October 4, the Banking Committee marked-up and reported out our own bill. The committee print was built, in a sense, on the foundation given to us by Senators KERRY, LEVIN, GRASSLEY, and by others in this institution.

Before describing the provisions of Title III in greater detail, I want to thank all members of the Banking Committee for their contributions to this legislation. As I indicated, it came out of the committee on a vote of 21 to 0. The Ranking Member, Senator GRAMM, provided crucial support. He raised certain issues which were addressed in the course of the mark-up involving, among other things, important due process protections. Senators STABENOW and JOHNSON were instrumental in producing a compromise to resolve a dispute over one of the package's most important provisions. Senator ENZI contributed his experience as an accountant in refining another critical provision.

Senator SCHUMER, who has been involved in past efforts to address money laundering activities, played an important role, as did Senators ALLARD, BAYH, CORZINE, and CRAPO, who offered amendments and contributed important improvements to various parts of the subtitle.

I am deeply grateful to all of the members of the committee for their strong, positive, and constructive contributions and for their willingness to work day and night. It is my understanding that the committee staff went three consecutive nights without any sleep in order to prepare this legislation. This is carefully considered legislation because it reflects and builds upon efforts which have been made over a number of years.

Earlier today, our colleagues on the Financial Services Committee in the House of Representatives marked-up a bill, many of the provisions of which are identical or virtually identical to those contained in Title III of the package now before us.

Public support across the country for anti-money laundering legislation is extremely strong. Jim Hoagland put it plainly in the Washington Post:

> This crisis offers Washington an opportunity to force American and international banks to clean up concealment and laundering practices they now tolerate or encourage and which terrorism can exploit.

Terrorist attacks require major investments of time, planning, training, practice, and financial resources to pay the bills. Money laundering is the transmission belt that gives terrorists the resources to carry out their campaigns of carnage. We intend, with Title III of this legislation, to end that transmission belt and its ability to bring resources to the networks that enable terrorists to carry out their campaigns of violence.

Title III addresses all aspects of our defenses against money laundering. Those defenses generally fall into three parts. The first is the Bank Secrecy Act, "BSA", passed in 1970. It requires financial institutions to keep standardized transaction records and report large currency transactions and suspicious transactions and mandates reporting of the movement of more than $10,000 in currency into or out of the country. The statute is called the "bank secrecy act," because it bars bank secrecy in America, by preventing financial institutions from maintaining opaque records, or discarding their records altogether. Secrecy is the hiding place for crime, and Congress has barred our institutions from allowing those hiding places. The financial institutions covered by that act include banks, broker-dealers, casinos, and non-bank transmitters of funds, currency exchangers, and check cashers—all financial services businesses through which our citizens—and criminals hiding as legitimate citizens—can move funds into and through our economy. Unfortunately, reporting regulations covering some of these institutions have not yet been promulgated.

The second part of our money laundering defenses are the criminal statutes first enacted in 1986 that make it a crime to launder money and allow criminal and civil forfeiture of the proceeds of crime. The third part is the statutory framework that allows information to be communicated to and between law enforcement officials. Our goal must be to assure—to the greatest extent consistent with reasonable privacy protections—that the necessary information can be used by the right persons in "real time" to cut off terrorism and crime.

Title III modernizes provisions in all three areas to meet today's threats in a global economy. Its provisions are divided into five subtitles, dealing, respectively, with "international counter-money laundering measures"—sections 311-328—"Bank Secrecy Act improvements"—sections 331-342—bulk cash smuggling—section 351 and anti-corruption measures—sections 361-363.

There are 39 provisions in Title III. At this time, I want to summarize some of the bill's most important provisions.

Section 311 gives the Secretary of the Treasury, in consultation with other senior government officials, authority to impose one or more of five new "special measures" against foreign jurisdictions, entities, transactions or accounts that the Secretary, after consultation with other senior federal officials, determines to pose a "primary money laundering concern" to the United States. The special measures all involve special recordkeeping and reporting measures—to eliminate the curtains behind which launderers hide. In extreme cases the Secretary is permitted to bar certain kinds of interbank accounts from especially problematic jurisdictions. The statute specifies the considerations the Secretary must take into account in using the new authority and contains provisions to supplement the Administrative Procedure Act to assure that any remedies—except certain short-term measures—are subject to full comment from all affected persons.

This new provision gives the Secretary real authority to act to close overseas loopholes through which U.S. financial institutions are abused. At present the Secretary has no weapons except Treasury Advisories—which don't impose specific requirements—or full economic sanctions that suspend financial and trade relations with offending targets. President Bush's invocation of the International Economic Emergency Powers Act (IEEPA) several weeks ago was obviously appropriate. But there are many other situations in which we will not want to block all transactions, but in which we will want to do more than simply advise financial institutions about underregulated foreign financial institutions or holes in foreign counter-money laundering efforts. Former Deputy Secretary Eizenstat testified before the Committee that adding this tool to the Secretary's arsenal was essential.

Section 312 focuses on another aspect of the fight against money laundering, the financial institutions that are on the front lines making the initial decisions about what foreign banks to allow inside the United States. It requires U.S. financial institutions to exercise appropriate due diligence when dealing with private banking accounts and interbank correspondent relationships with foreign banks. With respect to foreign banks, the section requires U.S. financial institutions to apply appropriate due diligence to all correspondent accounts with foreign banks, and enhanced due diligence for accounts sought by offshore banks or banks in jurisdictions found to have substandard money laundering controls or which the Secretary determines to be of primary money laundering concern under the new authority given him by section 311.

The section also specifies certain minimum standards for the enhanced due diligence that U.S. financial institutions are required to apply to accounts opened for two categories of foreign banks with high money laundering risks—offshore banks and banks in jurisdictions with weak anti-money laundering and banking controls. These minimum standards were developed from, and are based upon, the factual record and analysis contained in the Levin staff report on correspondent banking and money laundering.

Section 312 is essential to Title III. It addresses, with appropriate flexibility, mechanisms whose very importance for the conduct of commercial banking makes them special targets of money launderers, as illustrated in Senator LEVIN's extensive reports and hearings. A related provision, in section 319, requires foreign banks that maintain correspondent accounts in the United States to appoint agents for service of process within the United States and authorizes the Attorney General and the Secretary of the Treasury to issue a summons or subpoena to any such foreign bank seeking records, wherever located, relating to such a correspondent account. U.S. banks must sever correspondent arrangements with foreign banks that do not either comply with or contest any such summons or subpoena, and if the Attorney General or the Secretary of the Treasury asks them to sever the arrangements.

These provisions send a simple message to foreign banks doing business through U.S. correspondent accounts: be prepared, if you want to use our banking facilities, to operate in accordance with U.S. law.

Section 313 also builds on the factual record before the Banking Committee to bar from the United States financial system pure "brass-plate" shell banks created outside the U.S. that have no physical presence anywhere and are not affiliated with recognized banking institutions. These shell banks carry the highest money laundering risks in the banking world because they are inherently unavailable for effective oversight—there is no office where a bank regulator or law enforcement official can go to observe bank operations, review documents or freeze funds.

Section 327 permits the Secretary to deal with abuse of another recognized commercial banking mechanism—concentration accounts that are used to commingle related funds in one place temporarily pending disbursement or the transfer of funds into individual client accounts. Concentration accounts have been used to launder funds, and the bill permits the Secretary to issue rules to bar the use of concentration accounts to move client funds anonymously, without documentation linking particular funds to their true owners.

Section 332 requires financial institutions to establish minimum anti-money laundering programs that include appropriate internal policies, management, employee training, and audit features. This is not a "one size fits all" requirement; in fact its very generality recognizes that different types of programs will be appropriate for different types and sizes of institutions.

A number of improvements are made to the suspicious activity reporting rules. First, technical changes strengthen the safe harbor from civil liability for institutions that report suspicious activity to the Treasury. The provisions not only add to the protection for reporting institutions; they also address individual privacy concerns by making it clear that government officers may not disclose suspicious transaction reports information except in the conduct of their official duties. The Act also requires the issuance of suspicious transaction reporting rules applicable to brokers and dealers in securities within 270 days of the date of enactment.

Sections 341 and 342 of the Title deal with underground banking systems such as the Hawala, which is suspected of being a channel used to finance the al Qaeda network. Section 341 makes it clear that underground money transmitters are subject to the same recordkeeping rules—and the same penalties for violating those rules—as aboveground, recognized, money transmitters. It also directs the Secretary of the Treasury to report to Congress, within one year, on the need for additional legislation or regulatory controls relating to underground banking systems. Section 342 authorizes the Secretary of the Treasury to instruct the United States Executive Director of each of the international financial institutions to use such Director's "voice and vote" to support loans and other use of resources to benefit nations that the President determines to be contributing to efforts to combat international terrorism, and to require the auditing of each international financial institution to ensure that funds are not paid to persons engaged in or supporting terrorism.

Section 351 creates a new Bank Secrecy Act offense involving the bulk smuggling of more than $10,000 in currency in any conveyance, article of luggage or merchandise or container, either into or out of the United States, and related forfeiture provisions. This provision has been sought for several years by both the Departments of Justice and Treasury.

Other provisions of the bill address relevant provisions of the Criminal Code. These provisions were worked out with the Judiciary Committee and are included in Title III because of their close relationship to the provisions of Title 31 added or modified by Title III.

The most important is section 315, which expands the list of specified unlawful activities under 18 U.S.C. 1956 and 1957 to include foreign corruption offenses, certain U.S. export control violations, offenses subject to U.S. extradition obligations under multilateral treaties, and misuse of funds of international financial institutions.

Section 316 establishes procedures to protect the rights of persons whose property may be subject to confiscation in the exercise of the government's anti-terrorism authority.

Section 319 treats amounts deposited by foreign banks in interbank accounts with U.S. banks as having been deposited in the United States for purposes of the forfeiture rules, but grants the Attorney General authority, in the interest of fairness and consistent with the United States' national interest, to suspend a forfeiture proceeding based on that presumption. This closes an important forfeiture loophole.

Section 321 allows the United States to exclude any alien that the Attorney General knows or has reason to believe is or has engaged in or abetted certain money laundering offenses.

A third important set of provisions modernize information sharing rules to reflect the reality of the fight against money laundering and terrorism.

Section 314 requires the Secretary of the Treasury to issue regulations to encourage cooperation among financial institutions, financial regulators and law enforcement officials and to permit the sharing of information by law enforcement and regulatory authorities with such institutions regarding persons reasonably suspected, based on credible evidence, of engaging in terrorist acts or money laundering activities. The section also allows banks to share information involving possible money laundering or terrorist activity among themselves—with notice to the Secretary of the Treasury.

Section 335 permits, but does not require, a bank to include information, in a response to a request for an employment reference by a second bank, about the possible involvement of a former institution-affiliated party in potentially unlawful activity, and creates a safe harbor from civil liability for the bank that includes such information in response to an employment reference request, except in the case of malicious intent. Given its different focus, it is not my intention to similarly limit a bank's safe harbor from civil liability for the filing of suspicious activity reports under the Bank Secrecy Act.

Section 340 contains amendments to various provisions of the Bank Secrecy Act, the Right to Financial Privacy Act, and the Fair Credit Reporting Act, to permit information subject to those statutes to be used in the conduct of United States intelligence or counterintelligence activities to protect against international terrorism.

The modernization of our money laundering laws represented by Subtitle III is long overdue. It is not the work of one week or one weekend, but represents years of careful study and a bipartisan effort to produce a piece of prudent legislation. The care taken in producing the legislation extends to several provisions calling for reporting on the legislation's effect and a provision for a three-year review of the legislation's effectiveness.

Title III responds, as I've indicated, to the statement of Assistant Attorney

General Chertoff, the head of the Department of Justice's Criminal Division, at the Banking Committee's September 26 hearing that "[w]e are fighting with outdated weapons in the money laundering arena today." Without this legislation, the cracks in the system of which bin Laden boasted will remain open. We should not, indeed we can not, allow that to happen, any more than we can delay dealing with the financial aspects of the terrorist threat.

Title III is a balanced effort to address a complex area of national concern. I strongly urge my colleagues to follow the unanimous recommendation of the Banking Committee and support this important component of the anti-terrorism package.

I ask unanimous consent that a section-by-section summary of Title III be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Title III—International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001—Section-by-Section Summary

Sec. 301. Short title and table of contents.

Sec. 302. Findings and purposes.

Sec. 303. Provides that the provisions added and amendments made by Title III will terminate after September 30, 2004, if the Congress enacts a joint resolution to that effect, and that such joint resolution will be given expedited consideration in each Houses of Congress.

SUBTITLE A. INTERNATIONAL COUNTER-MONEY LAUNDERING AND RELATED MEASURES

Sec. 311. Gives the Secretary of the Treasury, in consultation with other senior government officials, authority (in the Secretary's discretion) to impose one or more of five new "special measures" against foreign jurisdictions, entities, transactions and accounts that the Secretary, after consultation with other senior federal officials, determines to pose a "primary money laundering concern" to the United States. The special measures include: (1) requiring additional recordkeeping or reporting for particular transactions, (2) requiring the identification of the foreign beneficial owners of certain accounts at a U.S. financial institution, (3) requiring the identification of customers of a foreign bank who use an interbank payable-through account opened by that foreign bank at a U.S. bank, (4) requiring the identification of customers of a foreign bank who use an interbank correspondent account opened by that foreign bank at a U.S. bank, and (5) after consultation with the Secretary of State, the Attorney General, and the Chairman of the Federal Reserve Board, restricting or prohibiting the opening or maintaining of certain interbank correspondent or payable-through accounts. Measures 1–4 may not be imposed, other than by regulation, for a period in excess of 120 days; measure 5 may only be imposed by regulation. Also requires the Secretary of the Treasury, in consultation with the appropriate Federal banking agencies, to submit to Congress, within 180 days of the date of enactment, recommendations for the most effective way to require foreign nationals opening a U.S. bank account to provide identification comparable to that required when U.S. citizens open a bank account.

Sec. 312. Requires a U.S. financial institution that maintains a correspondent account or private banking account for a non-United States person to establish appropriate and, if necessary, enhanced due diligence procedures to detect and report instances of money laundering. Creates a minimum anti-money laundering due diligence standards for U.S. financial institutions that enter into correspondent banking relationships with banks that operate under offshore banking licenses or under banking licenses issued by countries that (a) have been found non-cooperative with international counter money laundering principles, or (b) have been the subject of special measures authorized by Sec. 311. Creates minimum anti-money laundering due diligence standards for maintenance of private banking accounts by U.S. financial institutions.

Sec. 313. Bars depository institutions and broker-dealers operating in the United States from establishing, maintaining, administering, or managing correspondent accounts for foreign shell banks, other than shell bank vehicles affiliated with recognized and regulated depository institutions.

Sec. 314. Requires the Secretary of the Treasury to issue regulations to encourage cooperation among financial institutions, financial regulators and law enforcement officials and to permit the sharing of information by law enforcement and regulatory authorities with such institutions regarding persons reasonably suspected, based on credible evidence, of engaging in terrorist acts or money laundering activities. Allows (with notice to the Secretary of the Treasury) the sharing of information among banks involving possible terrorist or money laundering activity.

Sec. 315. Expands the list of specified unlawful activities under 18 U.S.C. 1956 and 1957 to include foreign corruption offenses, certain U.S. export control violations, and misuse of funds of the IMF.

Sec. 316. Establishes procedures to protect the rights of persons whose property may be subject to confiscation in the exercise of the government's anti-terrorism authority.

Sec. 317. Gives United States courts "long-arm" jurisdiction over foreign persons committing money laundering offenses in the United States, over foreign banks opening United States bank accounts, and over foreign persons seizing assets ordered forfeited by a U.S. court.

Sec. 318. Expands the definition of financial institution for purposes of 18 U.S.C. 1956 and 1957 to include banks operating outside the United States.

Sec. 319. Treats amounts deposited by foreign banks in interbank accounts with U.S. banks as having been deposited in the United States for purposes of the forfeiture rules, but grants the Attorney General authority, in the interest of justice and consistent with the United States' national interest, to suspend a forfeiture proceeding based on that presumption. Requires U.S. financial institutions to reply to a request for information from a U.S. regulator relating to anti-money laundering compliance within 120 hours of receipt of such a request. Requires foreign banks that maintain correspondent accounts in the United States to appoint agents for service of process within the United States and authorizes the Attorney General and the Secretary of the Treasury to issue a summons or subpoena to any such foreign bank seeking records, wherever located, relating to such a correspondent account. Requires U.S. banks to sever correspondent arrangements with foreign banks that do not either comply with or contest any such summons or subpoena. Authorizes United States courts to order a convicted criminal to return property located abroad and to order a civil forfeiture defendant to return property located abroad pending trial on the merits. Authorizes United States prosecutors to use a court-appointed Federal receiver to find a criminal defendant's assets, wherever located.

Sec. 320. Permits the United States to institute forfeiture proceedings against the proceeds of foreign criminal offenses found in the United States.

Sec. 321. Allows the United States to exclude any alien that the Attorney General knows or has reason to believe is or has engaged in or abetted certain money laundering offenses.

Sec. 322. Extends the prohibition against the maintenance of a forfeiture proceedings on behalf of a fugitive to include a proceeding by a corporation whose majority shareholder is a fugitive and a proceeding in which the corporation's claim is instituted by a fugitive.

Sec. 323. Permits the government to seek a restraining order to preserve the availability of property subject to a foreign forfeiture or confiscation judgment.

Sec. 324. Increases from $100,000 to $1,000,000 the maximum civil and criminal penalties for a violation of provisions added to the Bank Secrecy Act by sections 311 and 312 of the Act.

Sec. 325. Directs the Secretary of the Treasury, in consultation with the Attorney General, the Federal banking agencies, the SEC, the CFTC and other appropriate agencies to evaluate operation of the provisions of Subtitle A of Title III of the Act and recommend to Congress any relevant legislative action, within 30 months of the date of enactment.

Sec. 326. Directs the Secretary of the Treasury to report annually to the Senate Banking Committee and House Financial Services Committee on measures taken pursuant to Subtitle A of Title III of the Act.

Sec. 327. Authorizes the Secretary of the Treasury to issue regulations concerning the maintenance of concentration accounts by U.S. depository institutions to prevent an institution's customers from anonymously directing funds into or through such accounts.

Sec. 328. Provides criminal penalties for officials who violate their trust in connection with the administration of Title III.

SUBTITLE B. CURRENCY TRANSACTION REPORTING AMENDMENTS AND RELATED IMPROVEMENTS

Sec. 331. Clarifies the terms of the safe harbor from civil liability for financial institutions filing suspicious activity reports pursuant to 31 U.S.C 5318(g).

Sec. 332. Requires financial institutions to establish anti-money laundering programs and grants the Secretary of the Treasury authority to set minimum standards for such programs.

Sec. 333. Clarifies that penalties for violation of the Bank Secrecy Act and its implementing regulations also apply to violation of Geographic Targeting Orders issued under 31 U.S.C. 3526, and to certain recordkeeping requirements relating to funds transfers. Otherwise clarifies and updates certain provisions of 31 U.S.C. 5326 relating to Geographic Targeting Orders.

Sec. 334. Adds "money laundering related to terrorist funding" to the list of subjects to be dealt with in the annual National Money Laundering Strategy prepared by the Secretary of the Treasury pursuant to the

"Money Laundering and Financial Crimes Strategy Act of 1998."

Sec. 335. Permits (but does not require) a bank to include information, in a response to a request for an employment reference by a second bank, about the possible involvement of a former institution-affiliated party in potentially unlawful activity, and creates a safe harbor from civil liability for the bank that includes such information in response to an employment reference request, except in the case of malicious intent.

Sec. 336. requires the Bank Secrecy Act Advisory Group to include a privacy advocate among its membership and to operate under certain of the "sunshine" provisions of the Federal Advisory Committee Act.

Sec. 337. Directs the Secretary of the Treasury and the Federal bank regulatory agencies to submit reports to Congress, one year after the date of enactment, containing recommendations on possible legislation to conform the penalties imposed on depository institutions for violations of the Bank Secrecy Act with penalties imposed on such institutions under section 8 of the Federal Deposit Insurance Act.

Sec. 338. Directs the Secretary of the Treasury, after consultation with the Securities and Exchange Commission and the Federal Reserve Board, to promulgate regulations, within 270 days of the date of enactment, requiring broker-dealers to file suspicious activity reports. Also requires the Secretary of the Treasury, the SEC, Federal Reserve Board, and the CFTC to submit jointly to Congress, within one year of the date of enactment, recommendations for effective application of the provisions of 31 U.S.C. 5311–30 to both registered and unregistered investment companies.

Sec. 339. Directs the Secretary of the Treasury to submit a report to Congress, six months after the date of enactment, on the role of the Internal Revenue Service in the administration of the Bank Secrecy Act, with emphasis on whether IRS Bank Secrecy Act information processing responsibility (for reports filed by all financial institutions) or Bank Secrecy Act audit and examination responsibility (for certain non-bank financial institutions) should be retained or transferred.

Sec. 340. Contains amendments to various provisions of the Bank Secrecy Act, the Right to Financial Privacy Act, and the Fair Credit Reporting Act, to permit information to be used in the conduct of United States intelligence or counterintelligence activities to protect against international terrorism.

Sec. 341. Clarifies that the Bank Secrecy Act treats certain underground banking systems as financial institutions, and that the funds transfer recordkeeping rules applicable to licensed money transmitters also apply to such underground systems. Directs the Secretary of the Treasury to report to Congress, within one year of the date of enactment, on the need for additional legislation or regulatory controls relating to underground banking systems.

Sec. 342. Authorizes the Secretary of the Treasury to instruct the United States Executive Director of each of the international financial institutions (for example, the IMF and the World Bank) to use such Director's "voice and vote" to support loans and other use of resources to benefit nations that the President determines to be contributing to United States efforts to combat international terrorism; and to require the auditing of each international financial institution to ensure that funds are not paid to persons engaged in or supporting terrorism.

SUBTITLE C. CURRENCY CRIMES

Sec. 351. Creates a new Bank Secrecy Act offense involving the bulk smuggling of more than $10,000 in currency in any conveyance, article of luggage or merchandise or container, either into or out of the United States, and related forfeiture provisions.

SUBTITLE D. ANTI-CORRUPTION MEASURES

Sec. 361. Expresses the sense of Congress that the United States should take all steps necessary to identify the proceeds of foreign government corruption that have been deposited in United States financial institutions and return such proceeds to the citizens of the country to whom such assets belong.

Sec. 362. Expresses the sense of Congress that the United States must continue actively and publicly to support the objectives of the 29-country Financial Action Task Force Against Money Laundering.

Sec. 363. Expresses the sense of Congress that the United States, in its deliberations and negotiations with other countries, should promote international efforts to identify and prevent the transmittal of funds to and from terrorist organizations.

SUBTITLE E. MISCELLANEOUS

Sec. 371. Expands the SEC's emergency order authority.

Sec. 372. Creates uniform protection standards for Federal Reserve facilities.

Mr. LEAHY. Mr. President, I thank the distinguished chairman of the Banking Committee, the senior Senator from Maryland, Mr. SARBANES. He did unbelievable work in this committee to pass out a money-laundering bill—a very complex and difficult subject. He did it unanimously, I believe, in a committee that probably has as diverse a membership—that is an understatement—as one might find. I compliment him and thank him for his kind words.

I reserve the remainder of my time. I see the chairman of the Senate Intelligence Committee here, who wishes to give his opening statement.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I conferred with Senator DASCHLE a few minutes ago. It is his desire—so there is no misunderstanding of the Members—that a number of opening statements be given: The Senator from Florida, the chairman of the Intelligence Committee, and we understand Senator STABENOW wishes to speak, and there may be a couple of other opening statements.

As soon as that is done, we are going to turn to Senator FEINGOLD to offer the first of his amendments. After that, there will be a vote on the first Feingold amendment.

Mr. LEAHY. Mr. President, I yield 10 minutes to the senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. GRAHAM. Mr. President, I wish to commend Senators DASCHLE and LOTT for their leadership in bringing this critical piece of legislation to the Senate just 1 month after the horrific events of September 11. Senators LEAHY and HATCH also deserve credit for moving quickly to shape the judiciary components of this bill and choreograph other provisions, including those affecting the intelligence agencies.

My remarks will focus on title IX of this legislation, which is entitled "Improved Intelligence," as well as the other provisions in the bill that directly affect the mission of the agencies of the intelligence community.

Title IX is derived from S. 1448, legislation which was developed within the intelligence community, entitled "Intelligence to Prevent Terrorism Act of 2001."

Since long before September 11, I have been working with members of the committee, particularly Senators FEINSTEIN and KYL, on comprehensive counterterrorism legislation. Most of the provisions of our bill, with some changes requested by the administration, have now become title IX of S. 1510.

The provisions in title IX, as well as other provisions in the bill, are designed to accomplish a daunting but not impossible task. That task is to change the cultures within the Federal law enforcement and intelligence agencies—primarily the FBI and the CIA—so they work seamlessly together for the good of the American people.

Both the FBI and the CIA are very good. They are the standards of the world in their own missions. But those missions are very different. The Federal Bureau of Investigation is goal oriented. A criminal case has a beginning, a middle, and an end. In a case that has developed the guilty party, the end is a conviction for the crime committed. The information collected during a criminal case is very closely held. It is held closely because its purpose is to result in the successful prosecution of an event that occurred in the past—not to inform thinking about what may happen now or in the future.

The Central Intelligence Agency, on the other hand, as well as its other companions in the intelligence community, has a global approach, literally and figuratively. The CIA is restricted to activities outside the United States of America. The CIA collects information on a worldwide basis, and it processes that information, analyzes that information, and it places it in the hands of its customers. Its customers are other Federal agencies and senior policymakers, including the President of the United States. The purpose of that information is to allow those senior policymakers to make more informed decisions.

Given the threats we now face, the cultures growing out of these different missions must be melded. We cannot fight terrorism by putting yellow tape around a bomb site, calling it a crime scene, collecting evidence, and proceeding to trial frequently years later.

We must put the evidence collected after such an event to work for us in real time so we can predict and prevent the next attack. If there is a single goal of the intelligence components of this antiterrorism bill, it is to change the focus from responding to acts that have already occurred to preventing the acts which threaten the lives of American citizens in this country and abroad.

It is critical that all information lawfully available to the Federal Government be used efficiently and effectively to fight terrorism. We cannot continue to use critical information only in a criminal trial. Any information collected must be available to intelligence officials to inform their operational initiatives so as to prevent the next attack.

Along these lines, several provisions of S. 1510 are designed to change the way information is handled within the Federal Government. For example, section 203 permits law enforcement to share information collected in grand jury proceedings and from title III criminal wiretaps with intelligence agencies. Current law, as it has been interpreted, prevents that sharing, except in very limited circumstances.

Section 905 then complements section 203 in that it requires law enforcement officers, FBI agents, and the Justice Department prosecutors to provide foreign intelligence derived in the course of a criminal investigation, including grand juries, criminal wiretaps, FBI interviews, and the like, to the Central Intelligence Agency and to other intelligence agencies.

A "permissive" approach is not good enough under current circumstances. Too many lives have been lost, too many lives are at risk. Law enforcement sharing of information with the intelligence agencies must be mandatory.

Section 908 further complements this legislation by providing the training of law enforcement officers at the Federal, State, and local agencies so they will be better equipped to recognize foreign intelligence information when they see it, and to get it to the right place on a timely basis.

Let me give a couple of hypothetical but eerily-close-to-reality examples. It is likely that there are, tonight, grand juries meeting at various places in the United States to deal with issues related to the events of September 11. Witnesses may be providing information—information about training camps in Afghanistan, ground warfare techniques used by al-Qaida and the Taliban, the types and quantity of weapons available. This type of information will be critical for the military—critical for the military now, not 2 years from now when these cases might go to trial.

Another example is in the area of wiretaps. Let me just take two wiretaps. One has been issued under the Foreign Intelligence Surveillance Act because there was a finding by a Federal judge that there was credible evidence that the telephone was being used by an agent of a foreign power.

In the course of listening to the wiretap, this conversation comes across: I am planning to fly from a specifically designated site in Central America to a city in Texas. I am going to take my flight a week from Monday. My intention is, once I arrive over that city, to distribute chemical or biological materials that will terrorize the people of that city by creating havoc due to the illnesses that will be provoked.

But how are you going to pay for this? You don't have the money to buy a plane, chemicals, or get the expertise necessary to do that?

I am going to do that because I am going to rob a bank next Monday in order to get the money that I need to pay for this operation. The bank is going to be located at the corner of First and Main, and I am going to do it 3 hours after the bank closes next Monday.

The person listening to that conversation with a foreign intelligence wiretap is under a legal obligation to make known to the appropriate law enforcement officials that there is about to be a bank robbery at a specific location on a specific date and time in a certain Texas city.

Conversely, if that exact conversation had taken place under a criminal wiretap under title 3, the person listening to that conversation would be prohibited from telling the foreign intelligence agencies that there was about to be a terrorist attack on a date certain against a specific Texas city originating at a specific site in Central America.

Try to convince the American people that makes sense. It clearly does not in today's reality. This legislation is going to make the same requirement of mandatory sharing when the information is gathered under a criminal wiretap that involves foreign intelligence information, as is the case today when information gathered under a Foreign Intelligence Surveillance Act wiretap must be made available to appropriate law enforcement officials.

Another provision of title 9 addresses the role of the Director of Central Intelligence in the process of collecting foreign intelligence under the Foreign Intelligence Surveillance Act. It recognizes the need to target limited resources, including personnel and translators against the highest priority targets.

I ask if I can have an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I have about 11 minutes left that has not been committed which I thought I might use to answer some questions. I give the Senator 2 of my 11 minutes.

Mr. GRAHAM. I appreciate the Senator's limitations.

Mr. LEAHY. We just had one Senator ask me for 30 minutes. I am looking at my 11. How can I give him 30? But I will give you 2 of the 11.

Mr. GRAHAM. Mr. President, I thank the Senator from Vermont.

We have a provision that the Director of Central Intelligence, the DCI, will set the overall strategic goals for the collection of foreign intelligence so that we can use our limited resources as effectively as possible.

In order to complement that, we also have a provision that will establish a national virtual translation center as a means of increasing our woefully limited linguistic capabilities to translate the material which we are gathering.

We will also provide for additional capability with human intelligence. We have become very reliant on technology—eavesdropping, satellite imagery, to the exclusion of the use of human beings. If we want to gain information about the bin Ladens of the world, we cannot just take a picture of bin Laden.

Today it is increasingly difficult to eavesdrop on bin Laden. What we need to do is get a human being who is able to get close enough to bin Laden to learn his intentions and capabilities. This gets to the difficult issue of what kind of assets, human beings, we hire to work for us to gather such information?

We would all like to employ the purist of people, all choir boys to do this type of work. Unfortunately, they are not the type of people who are likely to be able to get close to the bin Ladens of the world. Thus, we have a provision in this legislation in the nature of a sense of Congress which we hope will send a strong message to the intelligence community that we are encouraging them to overcome some previous messages from Congress and to proceed to recruit the persons who they find to be necessary to gain access to terrorists so that we can have the best opportunity of protecting ourselves.

With the adoption of this legislation, we have not reached the end of our task or responsibilities to protect the American people. We are taking a substantial step in that direction.

To reiterate, another provision of title 9 addresses the role of the Director of Central Intelligence in the process of collecting foreign intelligence under the Foreign Intelligence Surveillance Act. It recognizes the need to target limited resources—e.g. translators—against the highest priority targets.

In order to ensure that scarce resources are effectively used, the DCI—in his role as head of the Intelligence community, not as CIA Director—will set overall strategic goals for FISA collection.

He will work with the Attorney General to ensure that FISA information is distributed to the intelligence operators and analysts who need it government-wide.

Of course, the operational targeting and collection using wiretaps will be conducted by the FBI, as it has in the past; the DCI will perform no role in those decisions.

One of the scarce resources that has plagued the Intelligence Community, as well as law enforcement, is translation capability.

Section 907 of this bill requires the FBI and CIA to work together to create a "National Virtual Translation Center."

Such a center would seek to remedy the chronic problem of developing critical language abilities, and matching those resources to intelligence collected by the wide range of techniques available.

It is not enough to be able to listen to the conversations of terrorists and their supporters.

Those conversations must be translated, often from difficult languages such as Urdu, and analyzed, all in a timely fashion.

Our intelligence services collect vast amounts of data every day. It is possible that we may find that a critical clue to the September 11 attacks may have been available, but untranslated, days, weeks, or even months before the hijackings.

We must address this problem before another specific threat is overlooked.

Finally, I would like to mention a problem that has received a great deal of attention in recent weeks. There has been criticism of the intelligence agencies for placing too great a reliance on technical intelligence collection—laws dropping, satelite photograph—in recent years at the expense of human sources, or spies.

A corollary of this criticism is that CIA officers are to risk-averse and that they do not aggressively recruit sources overseas that may have access to terrorist groups because the sources may have engaged in human rights violations or violent crimes.

As to the first problem, the Intelligence authorization bill for fiscal year 2002, which may come to the floor next week, provides greater resources for human source recruitment—and it is part of a 5-year plan to beef up this method of collection.

With respect to the second problem, we in the Congress simply must accept some of the responsibility for creating a risk-averse reaction at CIA, if needed there is one.

The internal CIA regulations addressing the so-called "dirty asset" problem grew out of the criticisms by Congress in the mid-1990s about the recruitment of sources in Guatemala with sordid pasts.

We address this issue in S. 1510, section 903, by sending a strong message to CIA Headquarters and CIA officers overseas that recruitment of any person who has access to terrorists or terrorist groups should be of the highest priority.

There is no place in times like these for timidity in seeking every method available to learn the capabilities, plans, and intentions of terrorists.

Congress needs to send a strong message that we value such efforts to recruit sources on terrorism, even those with pasts we would not applaud.

Section 903 sends that message.

I urge passage of S. 1510.

I again commend the Members of the Senate who have played such an effective role.

I also thank the staff: Al Cumming, Bob Filippone, Vicki Divoll, Steven Cash, Bill Duhnke, Paula DeSutter, Jim Hensler, and Jim Barnett.

They have been working for the past many months to bring us to the point of this legislation being available for adoption by the Senate tonight and for the safety of the American people.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Vermont.

Mr. LEAHY. I ask the distinguished Senator from Utah—I see the distinguished senior Senator from Pennsylvania is here—perhaps after the senior Senator from Utah, and then after the senior Senator from Pennsylvania speaks, whether it might be possible to go to the Senator from Wisconsin for the purpose of bringing up his amendments, and we can then debate and vote on them. Will that be agreeable to everybody?

Mr. HATCH. It is agreeable.

Mr. LEAHY. I ask unanimous consent that after the Senator from Utah, and the Senator from Pennsylvania, we go to the Senator from Wisconsin for the purpose of bringing up his amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, in my opening remarks, I was remiss in not mentioning the tremendous work of the distinguished chairman and vice chairman of the Intelligence Committee. They have done a tremendous amount of work on the intelligence aspect of this bill. As a member of the Intelligence Committee, I express my high regard for the both of them and the work they have done.

I also express my regard for my friend from Maryland, Senator SARBANES, who came to the Senate with me, for the work he has done on the money-laundering section of this bill. He and Senator GRAMM and the Banking Committee have done yeoman's service on this, and I hope we are able to have that as part of the final bill.

I would be remiss if I did not acknowledge the great work that has been done—also, Senator KYL and so many others. I felt I needed to say that. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, parliamentary inquiry, that I have 30 minutes under the unanimous consent request?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition and asked for this reservation of time to express my concerns about the record which the Senate is creating so that whatever legislation we pass will pass constitutional muster.

The Supreme Court of the United States has handed down a series of decisions in the past decade which question the constitutionality and, in fact, invalidate acts of Congress because there has been an insufficient record compiled. So I make these statements and review the record so far with a view to urging my colleagues to create a record in this Chamber, in conference, or wherever that opportunity may present itself.

In 1989, in the case of Sable v. FCC, the Supreme Court of the United States struck down an act of Congress saying, "no Congressman or Senator purported to present a considered judgment." I thought it was a remarkable statement by the Supreme Court since Congressman Tom Bliley in the House of Representatives had established a very comprehensive record.

The Supreme Court in 1997, in a case captioned Reno v. ACLU, again invalidated an act of Congress noting, "the lack of legislative attention to the statute at issue in Sable suggests another parallel with this case."

It was surprising to me that the Supreme Court of the United States would invalidate an act of Congress on the ground that no Senator or Congressman had purported to present a considered judgment, when that is the view of the Supreme Court which is contrary to Congress.

Under our doctrine of separation of powers, it seemed to me an act of Congress should stand unless there is some specific provision in the Constitution which warrants invalidating it or for vagueness under the due process clause of the fifth amendment.

The Supreme Court of the United States, in January of last year, did it again in a case captioned Kimel v. Florida Board of Regents, a case which involved the Age Discrimination in Employment Act. There the Court said, "our examination of the act's legislative record confirms that Congress' 1974 extension of the Act to the States was an unwarranted response to a perhaps inconsequential problem." Again, a remarkable holding that the Congress had an unwarranted response and that it was an inconsequential problem, totally contradicting the judgment of the Congress of the United States.

Then the Court went on in the Kimel case to say, "Congress had no reason to believe that broad prophylactic legislation was necessary in this field."

Those are only a few of the cases where the Supreme Court of the United States has invalidated acts of Congress. There is no doubt there is a need for legislation to expand the powers of law enforcement to enable us to act against terrorists. My own experience in 8 years on the Intelligence Committee, 2 years of which was as chairman, and my work as chairman of the Judiciary Subcommittee on Terrorism have convinced me without a doubt of the scourge of terrorism which we have seen many times but never with the intensity which we observed on September 11 of this year.

The act of Congress in expanding law enforcement has to be very carefully calibrated to protect civil liberties and be in accordance with the Constitution of the United States. Attorney General Ashcroft met with a number of us on Wednesday, September 19, just 8 days after the incident of September 11, and asked that we enact legislation by the end of the week. My response at that time was I thought it could not be done in that time frame, but I thought we could hold hearings in the remainder of that week, perhaps on Thursday the 20th, or Friday the 21st, or Saturday the 22nd, to move ahead, understanding the import of the administration's bill, and legislate to give them what they needed, consistent with civil rights.

The Judiciary Committee then held a hearing on September 25 where the Attorney General testified for about an hour and 20 minutes. At that time, as that record will show, only a few Senators were able to ask questions. In fact, the questioning ended after my turn came, and most of the Judiciary Committee did not have a chance to raise questions.

On September 26, the following day, I wrote to the chairman of the committee saying:

I write to urge that our Judiciary Committee proceed promptly with the Attorney General's terrorism package with a view to mark up the bill early next week so the full Senate can consider it and hopefully act upon it by the end of the week. I am concerned that some further act of terrorism may occur which could be attributed to our failure to act promptly.

I then found out on October 3 that the Subcommittee on the Constitution was having a hearing. By chance, I heard about it in the corridors. Although we were having a hearing with Health and Human Services Secretary Thompson on bioterrorism, I absented myself from the bioterrorism hearing and went down the hall to the Judiciary subcommittee hearing and participated there and expressed many of the reservations and concerns I am commenting about today.

On that date, I again wrote to Senator LEAHY. I ask unanimous consent that the full text of my letter to him and the full text of his reply to me of October 9 be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I quote only from the first sentence of Senator LEAHY's response to me:

I thank you for your letters of September 26 and October 3 and for your participation in the September 25 hearing regarding antiterrorism legislation. On October 3, you wrote that you were concerned about the lack of hearings. I share that concern and have tried to notice prompt hearings on a number of aspects of the legislative proposals at the earliest possible time.

On this state of the record, which I hope can yet be perfected, I am concerned about our meeting the standards of the Supreme Court of the United States for a sufficient deliberative process.

When Attorney General Ashcroft appeared before the Judiciary Committee on September 25, he said the only detention he wanted on aliens was those who were subject to deportation proceedings. I then pointed out, as the record will show, that the legislation submitted by the Attorney General was much broader and did not limit detention simply or exclusively to those who were subject to deportation proceedings. So my comment was that it was necessary to analyze the bill very carefully, not do it hurriedly, and give the Attorney General of the Department of Justice what he needed, consistent with constitutional rights.

The other issue which I had an opportunity to raise in the very brief period of time I had—some 5 minutes—involved modifications to the Foreign Intelligence Surveillance Act, where the issue was to change the law from "the purpose," being the gathering of intelligence, to "a purpose." Ultimately the legislation has been modified to read "a significant purpose."

At that hearing, the Attorney General said he did not look to obtain content from electronic surveillance unless probable cause was established. But in the draft bill, which the Department of Justice had submitted at that time, that was not what the bill provided. So that on this state of the record, I think the Congress has some work to do, tonight in conference or perhaps by other means, to see to it we have a record which will withstand constitutional scrutiny.

On our Judiciary Committee, we have many Members who have expertise in this field. This bill, as the RECORD will show, was negotiated by the chairman and ranking member with the Department of Justice, with the participation of the committee only to the extent of the hearing of the full committee on September 25 and the subcommittee on October 3.

We have on our Judiciary Committee a number of Members who have had experience as prosecuting attorneys. We have a number of lawyers who are learned in law. We have other Members who have extensive experience on the Judiciary Committee and a great deal of common sense which may top some of us who have prosecutorial experience or extended experience with probable cause and search warrants or surveillance of some sort or another.

I express these concerns so whatever can be done by the Congress will be done to meet the constitutional standards.

How much of the 15 minutes have I used?

The PRESIDING OFFICER. The Senator has 3 minutes 37 seconds remaining.

Mr. SPECTER. I reserve the remainder of my time, and I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, September 26, 2001.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR PAT: I write to urge that our Judiciary Committee proceed promptly with the Attorney General's terrorism package with the view to mark up the bill early next week so the full Senate can consider it and hopefully act upon it by the end of next week.

I am concerned that some further act of terrorism may occur which could be attributed to our failure to act promptly.

Sincerely,
ARLEN SPECTER.

U.S. SENATE,
Washington, DC, October 3, 2001.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR LEAHY: I am very much concerned about the delay in acting on the anti-terrorism legislation and also about the absence of hearings to establish a record for the legislative package.

In recent decisions, the Supreme Court of the United States has declared acts of Congress unconstitutional when there has been an insufficient record or deliberative process to justify the legislation.

On the anti-terrorism legislation, perhaps more than any other, the Court engages in balancing the needs of law enforcement with the civil rights issues so that it is necessary to have the specification of the problems to warrant broadening police power.

In my judgment, there is no substitute for the hearings, perhaps in closed session, to deal with these issues.

As you know, I have been pressing for hearings. I am now informed that Senator Hatch has convened a meeting of all Republican senators to, in effect, tell us what is in a proposed bill where Judiciary Committee members have had no input.

We could still have meaningful hearings this week and get this bill ready for prompt floor action.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 9, 2001.

Hon. ARLEN SPECTER,
711 Hart Senate Office Building, Washington, DC.

DEAR ARLEN, I thank you for your letters of September 26, 2001 and October 3, 2001 and for your participation in the September 25, 2001 hearing regarding anti-terrorism legislation. On October 3, 2001, you wrote that you were concerned about the lack of hearings. I share that concern and have tried to notice prompt hearings on a number of aspects of the legislation proposals at the earliest possible time.

As you know, the Attorney General consented to appear at our September 25, 2001 hearing for only an hour and we had to prevail upon him to stay a few extra minutes so that Senator Feinstein and you could have a brief opportunity to ask the Attorney General a single question. I invited him to rejoin us the following Tuesday to complete the hearing and I continue to extend such invitations, but he has not accepted any of my follow up invitations. In addition, although Members of the Committee submitted questions in writing to the Attorney General following the September 25, 2001 hearing, they have yet to be answered. I agree with you that these are important matters that justify a more thorough record than we have been able to establish.

Last week, Senator Feingold chaired an important hearing on civil liberties concerns before the Constitution Subcommittee. This week Senators Schumer, Feinstein and Durbin each are working to organize hearings on these matters and Senators Kennedy and Biden are working on possible hearings next week.

At the same time, we have continued to work nonstop to prepare for Senate action on legislative proposals. We suffered a setback last week when after weeks of intensive negotiations the White House reneged on agreements reached on Sunday, September 30, 2001, and we had to spend much of last week renegotiating a legislative package. Finally, last Thursday S. 1510 was introduced by the Majority Leader, the Republican Leader, the Chairmen of the Judiciary, Banking and Select Intelligence Committees and by Senators Hatch and Shelby as Ranking Members. I am seeking to work closely with the Senate leadership to be prepared to proceed to that legislation at the earliest opportunity. The House is on a similar track and may well consider its version of legislation later this week, as well.

You and I both know that no legislation can guarantee against future terrorist attacks. Nonetheless, I have expedited work on anti-terrorism legislation, within which the Administration has insisted on including general criminal law measures not limited to terrorism, in order to allow the Senate to act promptly in response to the unprecedented attacks of September 11, 2001.

Sincerely,

PATRICK LEAHY,
Chairman.

Mr. LEAHY. I understand the distinguished Senator from Wisconsin is willing to have the distinguished Senator from Michigan recognized for 5 minutes. I ask unanimous consent she be allowed to proceed preceding the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. I thank our distinguished chairman and my friend from Wisconsin for allowing me to proceed before he presents his amendments.

I rise this evening to congratulate all involved in this effort. As has been said on so many occasions, it is not perfect but we have come together with a very positive, important step forward that we can all celebrate this evening on a bipartisan basis.

As the Senator from Michigan, along with my colleague, Senator LEVIN, we certainly celebrate the efforts along the northern border and the important authorizations for dollars that allow us to continue to protect and strengthen the efforts at the border. I thank my chairman of the Banking Committee, Senator SARBANES, for his efforts to put into this important bill language dealing with the critical issue of money laundering which essentially allows us to follow the money.

My colleague, Senator LEVIN, has been extremely involved in helping to lead efforts to lay out the case for this. Senator KERRY and Senator GRASSLEY have been involved in important work. I thank them.

The antiterrorism bill before the Senate takes a significant step forward in cutting the flow of terrorist money. As the President has repeatedly said, stopping the flow of money is key to stopping terrorism. That is what we are doing this evening. In particular, we are establishing important new responsibilities, both for our Government and for our financial institutions. The bill authorizes the Treasury Secretary to take special measures to stop suspected money-laundering activities. This anti-money-laundering language is significant because it requires financial institutions to set up their own due diligence to combat money laundering, particularly for private and corresponding banking situations. This is a key provision of which I was proud to be a part. I am pleased we were able to come up with language that allows that.

Another important provision I was pleased to offer in the Banking Committee, which is now part of the bill, was clear authority for the Treasury Secretary to issue regulations to crack down on abuses related to concentration accounts. These accounts are administrative accounts used by financial institutions to combine funds from multiple customers, various transactions. They do not require any identification or accountability of who is involved or how much money we are talking about.

The amendment I advocated urges the Treasury Secretary to issue regulations ensuring these concentration accounts identify by client name all of the client funds moving through the account to prevent anonymous movement of the funds that might facilitate money laundering. This is a classic case of why this is so important: Raul Salinas, brother of former Mexican President Carlos Salinas, transferred almost $100 million to Citibank administrative accounts in New York and London without any documentation indicating the ownership of these funds. The wire transfers sent the funds to Citibank and asked each transfer be brought to the attention of a specific private banker. Later, the private banker transferred the funds to private accounts controlled by Mr. Salinas. The origin of this money—$100 million—was never satisfactorily identified.

Allegations of drug money or other corporate sources persist to this day. We know, through Senator LEVIN's exhaustive documentation at his hearings, that other private banks use this practice as well. Although financial regulators have cautioned against this practice over and over again, they have not yet issued regulations to stop this loophole. That is why the language in this bill is so important.

The use of these anonymous concentration accounts breaks the audit trail associating specific funds with specific clients. Again, the goal, as the President said, is to follow the money. We have to have information if we are going to follow the money.

It should now be abundantly clear to Treasury that they have the authority to stop this practice. I hope it is also abundantly clear it is a serious problem. I am very concerned that the administration act quickly on these anonymous accounts.

I congratulate everyone involved in this effort. I think the effort regarding the anti-money-laundering language is a critical part of making sure we have an effective antiterrorism bill. I thank my colleagues for their work.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired. Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will give a brief statement before I start my amendments, and I ask unanimous consent the time be equally divided amongst the time I have on each of my four amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, 1 month ago, we all were viciously attacked. I am pleased and grateful that both the domestic and international effort to respond to these attacks is fully underway. As we recall, almost as soon as the attacks of September 11 ended, our public discussion turned to two issues: how the United States will respond to these terrorist acts and how we can protect ourselves against future attacks.

Almost immediately, discussion of that second issue raised the question of how our efforts to prevent terrorism will affect the civil liberties enjoyed by all Americans as part of our constitutional birthright.

I was encouraged by many of the reactions that our leaders and Members of this body had, but especially encouraged by the words of our colleague, Senator GEORGE ALLEN of Virginia who represents one of the States struck by terrorism. On the day after the attacks he said:

> We must make sure that as we learn the facts, we do not allow these attacks to succeed in tempting us in any way to diminish what makes us a great nation. And what makes us a great nation is that this is a country that understands that people have God-given rights and liberties. And we cannot—in our efforts to bring justice—diminish those liberties.

I agree with Senator ALLEN. I believe that one of the most important duties of this Congress is in responding to the terrible events of September 11, in order to protect our civil liberties, which, of course, derive from our Constitution. That is why I am pleased that we did not take the Attorney General's advice to enact an anti-terrorism bill immediately without any deliberation or negotiation. I commend Senator LEAHY for all his efforts to improve this bill. It is certainly a better and more comprehensive bill than the one the administration originally proposed. I think even the administration recognizes that.

But I still believe we needed a more deliberative process on this bill, and more careful consideration of the civil liberties implication of it. I held a hearing in the Constitution Subcommittee at which many serious and substantive concerns about the bill were raised by commentators and experts from both sides of the political spectrum.

As the chairman of the subcommittee, I took many of those concerns very seriously. That is why I would not consent on Tuesday night to bringing up this bill and passing it without any amendments being considered. I am pleased that we were able to reach agreement on a process that will allow some of my concerns with this bill to be debated and voted on through the amendment process.

That is not to say that no measures to strengthen law enforcement should be enacted. They should be. We need to do it. We need to do some very serious updating of a number of these laws. This bill does many things to assist the Department of Justice in its mission to catch those who helped the terrorists and prevent future attacks. We can and we will give the FBI new and better tools. But we must also make sure that the new tools don't become instruments of abuse.

There is no doubt that if we lived in a police state, it would be easier to catch terrorists. If we lived in a country where the police were allowed to search your home at any time for any reason; if we lived in a country where the government was entitled to open your mail, eavesdrop on your phone conversations, or intercept your email communications; if we lived in a country where people could be held in jail indefinitely based on what they write or think, or based on mere suspicion that they were up to no good, the government would probably discover and arrest more terrorists, or would be terrorists, just as it would find more lawbreakers generally. But that would not be a country in which we would want to live, and it would not be a country for which we could, in good conscience, ask our young people to fight and die. In short, that country would not be America.

I think it is important to remember that the Constitution was written in 1789 by men who had recently won the Revolutionary War. They did not live in comfortable and easy times of hypothetical enemies. They wrote the Constitution and the Bill of Rights to protect individual liberties in times of war as well as in times of peace.

There have been periods in our nation's history when civil liberties have taken a back seat to what appeared at the time to be the legitimate exigencies of war. Our national consciousness still bears the stain and the scars of those events: The Alien and Sedition Acts, the suspension of habeas corpus during the Civil War, the internment of Japanese-Americans during World War II and the injustices perpetrated against German-Americans and Italian-Americans, the blacklisting of supposed communist sympathizers during the McCarthy era, and the surveillance and harassment of antiwar protesters, including Dr. Martin Luther King, Jr., during the Vietnam war. We must not allow this piece of our past to become prologue.

Preserving our freedom is the reason we are now engaged in this new war on terrorism. We will lose that war without a shot being fired if we sacrifice the liberties of the American people in the belief that by doing so we will stop the terrorists.

That is why this exercise of considering the administration's proposed legislation and fine tuning it to minimize the infringement of civil liberties is so necessary and so important. And this is a job that only the Congress can do. We cannot simply rely on the Supreme Court to protect us from laws that sacrifice our freedoms. We took an oath to support and defend the Constitution of the United States. In these difficult times that oath becomes all the more significant.

There are quite a number of things in this bill that I am concerned about, but my amendments focus on a small discreet number of items.

At this point, I would like to turn to one of the amendments.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1899

Mr. FEINGOLD. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1899.

Mr. FEINGOLD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make amendments to the provisions relating to interception of computer trespasser communications)

On page 42, line 25, insert "or other" after "contractual".

On page 43, line 2, strike "for" and insert "permitting".

On page 43, line 8, insert "transmitted to, through, or from the protected computer" after "computer trespasser".

On page 43, line 20, insert "does not last for more than 96 hours and" after "such interception".

Mr. FEINGOLD. I ask this time now be charged to the first amendment.

The PRESIDING OFFICER (Ms. STABENOW). The time will be charged.

Mr. FEINGOLD. Madam President, this amendment simply clarifies the provision in the bill dealing with computer trespass, section 217, so that it more accurately reflects the intent of the provision, as frequently expressed by the administration. Section 217 is designed, we have been told, to permit law enforcement to assist computer owners who are subject to denial of service attacks or other episodes of hacking. As currently drafted, however, this provision could allow universities, libraries, and employers to permit government surveillance of people who are permitted to use the computer facilities of those entities. Such surveillance would take place without a judicial order or probable cause to believe that a crime is being committed. Under the bill, anyone accessing a computer "without authorization" is deemed to have no privacy rights whatsoever, with no time limit, for as long as they are accessing the computer at issue. Basically, the way I read this, this provision completely eliminates fourth amendment protection for a potentially very large set of electronic communications.

The danger that this amendment tries to address is that "accessing a computer without authorization" could be interpreted to mean a minor transgression of an office or library computer use policy. Let's take an example. A working mom uses an office computer to purchase Christmas presents on the Internet. Company policy prohibits personal use of office computers. This person has potentially accessed a computer without authorization and her company could give permission to law enforcement to review all of the e-mails that she sends or receives at work, monitor all the instant messages she sends, and record every website she visits: No warrant, no probable cause, no fourth amendment rights at all. My amendment makes clear that a computer trespasser is not someone who is permitted to use a computer by the owner or operator of that computer.

This amendment also limits the length of this unreviewed surveillance to 96 hours, which is a longer time frame than that placed on other emergency wiretap authorities. Again, if this provision is aimed solely at responding to cyber-attacks, there is no need to continue such surveillance beyond 96 hours—which is the time we put in our amendment—because that time is sufficient to allow the government to obtain a warrant to continue the surveillance. It is not as if they cannot continue it, they simply have to get a warrant after 4 days. Warrants based on probable cause are still the constitutionally preferred method for conducting surveillance in America. The need for immediate and emergency assistance during a denial of service attack or hacking episode, which I certainly think is a legitimate concern, cannot justify continued surveillance without judicial supervision.

Finally, this amendment prevents law enforcement from abusing this authority in investigations unrelated to the actual computer trespass. The current provision potentially allows law enforcement to intercept wire and electronic communications in many investigations where they may not want, or be able, to secure a court order. If the government suspects a person of committing a crime but does not have probable cause to justify monitoring of the suspect's work computer, it could pressure the owner or operator of the computer to find some transgression in the suspect's computer use, allowing the government carte blanche access to email and internet activity of the suspect. I suspect that few small business owners will be anxious to stand up to federal law enforcement requests for this information.

Now the administration was apparently willing to add language to deal with employees using office computers, but it refused to recognize that in our society many people use computers that they do not own, with permission, but without a contractual relationship. People who don't own their own home computers use computers at libraries. Students use computers at school in computer labs or student centers. Without my amendment, these innocent users could become subject to intrusive government surveillance merely because they disobeyed a rule of the owner of the computer concerning its use. I have been told that this is not the administration's intent, but they would not fix this provision. So I think it is fair to ask why. Why does the administration insist on leaving open the possibility that this provision will be abused to entirely eliminate the privacy of students' and library patrons' computer communications? Is there a hidden agenda here? I sincerely hope not, but I was very disappointed in the administration's unwillingness to address this concern. I remain willing to negotiate on this amendment, but if there is no further movement on it, I hope my colleagues will recognize that this amendment will leave the publicly expressed purpose of the computer trespass provision untouched and fix a potentially disastrous case of overbreadth.

I reserve the remainder of my time.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Madam President, how much time do I have remaining on my side?

The PRESIDING OFFICER. Eighteen and one-half minutes on this amendment.

Mr. FEINGOLD. Madam President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I rise to support my colleague, Senator FEINGOLD, and his amendment to section 217. I think the Senator has done a tremendous job in outlining the issues related to this bill and the fact that haste can sometimes make waste. Haste in some instances on very well crafted language to uphold our rights under the Constitution can be infringed upon.

Section 217 is intended to allow computer system owners and operators to fully engage Federal law enforcement where someone hacks or intrudes into their system. As Senator FEINGOLD mentioned, that could be a business owner, or it could be a library system, or it could be a university system.

Unfortunately, as drafted, there are few limits on what communications the Government could intercept without showing probable cause that a crime has been committed and without having the opportunity for judicial review of those intercepts.

The provisions do not even limit the scope of the surveillance. Once authorized, the Government could intercept all communications of a person who is allegedly a trespasser. Again, let me be clear: Without meeting the fourth amendment requirement to show probable cause.

Further, there is no time limit on the surveillance under the provision of this legislation. For those who may be reviewing this legislation for the first time, and understanding that as they go to their workplace, or as they go to their educational institution, or as they go to their library to enhance their education, they could be under surveillance for a very long and indefinite period of time without their knowledge.

Thus, once authorized by a computer system operator, the Government could intercept all communications of a person forever without a proper search warrant. Even a court order wiretap expires after 30 days.

This amendment would remedy some of the defects in this bill. It would do that by requiring that the surveillance be only of communications associated with the trespass and that the length of the surveillance be limited to 96 hours, which, by the way, is twice as long as the time limit placed on emergency wiretap authority. If the problem continues, investigators could easily obtain additional warrant time for the surveillance to continue.

This is a very important time in our country's history. It is a time in which we want to act in unity and support the administration. It is a time in which we want to act to give law enforcement the tools they need to apprehend those who have been responsible and may be responsible for future acts of terrorism. But we also must preserve the right of citizens of this country when it comes to the fourth amendment.

I encourage my colleagues to support the Feingold amendment. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Madam President, first, I want to say how important it is to have on the committee the Senator with expertise in this area as well as her own background. I appreciate very much her help on this matter.

Madam President, how much time do I have remaining on my side?

The PRESIDING OFFICER. The Senator has 14½ minutes.

Mr. FEINGOLD. I am happy to yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, my colleague from Washington I think speaks within a framework of expertise that she brings to this particular amendment. I speak from the framework of a layperson who has been trying to understand this bill's pluses and minuses.

I say to Senator FEINGOLD and all colleagues, since I think there is kind of a rush to table all of the Feingold amendments, that this amendment is eminently reasonable. The Senator from Wisconsin is saying: Let's put a time limit on this. That is good. Let's have some judicial oversight. That is good as well.

There are international terrorists who have killed many Americans and want to kill more Americans. There are a lot of provisions in this bill which I think are right on the money, including northern border protection which is relevant to the Chair, relevant to the Senator from Washington, and certainly relevant to the people I represent. But I also think there is no reason, in this rush to pass the bill, that we can't make some changes. These are minor changes the Senator wants to make. This just gives this piece of legislation more balance.

I will say this: There is a lot that is good in this bill and a lot that is attractive to me as a Senator. When you add some of the additional security provisions that help all the people we are asked to represent in addition to the benefits—the financial help to all of the rescue workers and all of the innocent people's families, people have been murdered—there is much in this bill that is commendable. The Senator from Wisconsin is just trying to give it more balance.

I say to my colleagues that I hope you will support this amendment. I want to say one other thing as well. I really believe what is good about this bill is the provisions that focus on the people whom the terrorists are basically trying to kill—Americans. What is not as good is when the reach of the bill goes too far beyond that and is too broad.

The sunset provision that passed in the House is so important, so that we can continue to monitor this legislation as we move forward.

I think this amendment that the Senator from Wisconsin has submitted is a step to give this piece of legislation a little more balance, and it will be more vigilant of people's civil liberties. I think it is the right step.

I thank the Senator for his amendment.

Mr. FEINGOLD. I thank the Senator from Minnesota for his help, especially for making this point: All this amendment is about is making sure that it is about the problem we face with the terrorism that is threatening our country and our freedoms. That is all we are trying to do—make sure it doesn't go broadly into people's rights, and into their privacy, and into their own lives.

At this point, I am simply going to reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Madam President, let me talk a little bit about the provision of today's legislation that has been referred to as the "computer trespasser" exception.

This provision is a perfect example of how our laws dealing with electronic surveillance have become outdated, and nonsensical as applied to modern technology.

Imagine the following scenario. A terrorist decides to wreak havoc in a major U.S. city by shutting down an electrical power grid. He uses a computer to hack into the mainframe computer of a regional utility company, which he plans to use to bring down the power grid. Before the terrorist can accomplish his goal, the utility company recognizes that an intruder is attempting to access their computer. The company quickly calls the FBI for assistance in repelling the intruder.

Guess what? Under current law, even with the permission from the utility company, the FBI is not permitted to monitor the terrorist's activity on the utility company's computer, because current law perversely grants the terrorist privacy rights with respect to his communications on the computer he has invaded.

It is as if police could not investigate a burglary, even when invited into the house by the victim of the burglary, because the burglar had established privacy rights inside the home he has invaded.

It is anomalies such as this, in our current laws regarding electronic surveillance, that today's legislation is designed to fix.

As it stands, the computer trespasser provision is defined in such a way that the owner or operator of a computer network cannot arbitrarily declare the user of the network at trespasser, and then invite law enforcement in to monitor that user's communications.

The provision, as written, provides that a person is not considered a computer trespasser if the person has an "existing contractual" relationship for access to all or part of the computer network.

Senator FEINGOLD's amendment would broadly amend the negotiated exception, including within its scope anyone with a contractual or "other" relationship to the owner or operator of a computer network. What is meant by "other" relationship? Any hacker could make the argument that they have a relationship with a computer operator. Indeed, were I a defense counsel, I would argue that the mere fact that the hacker has accessed the computer has created some form of relationship. Clearly, the proposed amendment would broadly and unwisely give immunity from our cyber-crime laws. This amendment creates an exception to the criminal laws and puts law enforcement back in the same position they currently are—that is, powerless to investigate hacking incidents where the owner of the computer network wants the assistance of law enforcement.

Madam President, we should not tie the hands of our law enforcement to assist the owners of our computer networks. We should not help hackers and cyberterrorists to get away.

If you are a victim of a burglary, shouldn't you have the right to ask the police to investigate your house, to come to your house and investigate?

Why should the owners of the computer not have the right to ask the police to investigate a commuter-hacking incident, especially where it appears it is terrorist oriented?

This act applies, as written, only to people without authorization to be on the computer. Why should the law protect people who have invaded a computer they have no right to be on?

Let me say one last comment about this. The proponents of this amendment argue it will apply to students using a university computer. That is true, but only if such students use that university computer to hack into a place where they do not belong.

Either we have to get serious in this modern society, with these modern computers, about terrorism or we have to ignore it. I, for one, am not for ignoring it. I believe we need to have this language in here—so does the Justice Department; so does the White House and the White House Counsel's Office—in order to do what cannot be done today to protect people in our society, and to protect our powerplants, our dams, and so many important facilities in our society that are vulnerable to cyber-terrorists. This law, the way it is currently written, will help to do that.

That is all I care to say about it. But I believe we should vote down the Senator's amendment. I know it is well intentioned. I have great respect for the Senator from Wisconsin. He is one of the very diligent members of our committee, and I appreciate him very much, but on this amendment I believe we have to keep the language of the bill the way it is written in order to give our law enforcement people the tools to be able to stop terrorist hacking into computers.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank my friend for his kind words.

Madam President, in response to the points he made, first, let me respond that I accept the premise of this basic provision in terms of updating the ability to get at computer hackers. That is an update. We did not know what this was a few years ago. We did not know what risks it posed. Nobody opposes that very important part of this bill.

But what the Senator claims is that the phrase "contractual relationship" somehow makes sure that people are protected from being subject to this who really should not be subject to this; but it does it.

I can think of at least three categories of people who do not come within the category of "contractual relationship." One is in the context employment. It is nice if you have a contract, but a lot of employees do not.

They do not fall within the protection of a contractual relationship.

The same goes for people who would go and use a computer at a library. They do not have a contractual relationship to protect them in this situation.

And finally, as the Senator conceded here, in his last example, that certainly students, students at all our universities across the country, are not protected by that language. And that is all we want to do, to make it clear that this amendment is related to the problem of computer hackers, not moms who might be buying Christmas presents on a computer at work, even though they are not supposed to, or students who maybe are gambling on a university computer. Of course they should not do that, but should that subject them to extraordinary, unprecedented intrusion by Government law enforcement authority? Of course not.

The Senator attempts to suggest that the provision in here having to do with our desire to have the language say "contractual" or "other" relationship would somehow allow a hacker to claim that he is protected. The notion that a hacker would be considered as somebody who has a relationship with the company under this amendment is an absurd interpretation of the amendment's intent, so that clearly is not what this amendment would do.

And finally, let me get back to the students, the example the Senator from Utah mentioned. It is simply an unprecedented intrusion into individual rights for a university to be able to allow—because of a minor use that is not within university rules—that person to be completely subject to this kind of intrusion.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FEINGOLD. Yes.

Mr. DURBIN. I have followed this debate closely. I commend the Senator for the hearing he had on the constitutional rights part of this debate. But I want to make sure I understand exactly what his amendment sets out to do.

Is my understanding correct that under the Feingold amendment there could be surveillance of a computer for 96 hours before there is any court approval, so that in the example given by the Senator from Utah, the law enforcement authorities could, in fact, monitor the communications of someone using this computer for 96 hours before ever going to a court and asking for a warrant for that search?

Mr. FEINGOLD. That is correct. And that even troubles me for the length of time that it is allowed—but it is far better than an infinite position. Law Enforcement should be required to seek a warrant as soon as possible, within reason, given the fact that what the amendment tries to get at is emergency situations involving hackers. As soon as possible, they should have to meet the standards that are normally met.

But, yes, the amendment does permit that, in my view, rather extraordinary period of time before the requirement would have to be made.

Mr. DURBIN. And that period of time, I ask the Senator from Wisconsin, is roughly twice the amount currently given under emergency wiretap authority; is that correct?

Mr. FEINGOLD. That is correct.

Mr. DURBIN. One last question. I want to try to understand. I ask the Senator do you not say, in your amendment, that a trespasser does not include someone who is permitted to use a computer by the owner or operator of the computer?

Mr. FEINGOLD. Correct.

Mr. DURBIN. And the difference, of course, is whether it is a contractual relationship or just a permission to use; you are including permission to use as well as contractual relationship?

Mr. FEINGOLD. That is correct.

Mr. DURBIN. The examples you have given are of people going to a library, who may not have a contractual relationship with the library but use the computer, who would be subjected to this warrantless search of their computer communications for an indefinite period of time.

Mr. FEINGOLD. That is right, exactly. This is exactly the problem. All we asked of the committee and of the administration yesterday was to make it clear that they did not want to reach these people. That is what we have been told. The purpose of this is to get at the threat of computer hackers.

The Senator from Illinois has just illustrated, with those examples—and he is, of course, correct—that this could be interpreted and could be understood to include situations that not only have nothing to do with the problem but represent a very serious departure from the individual rights people should have in our country.

Mr. DURBIN. I thank the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Illinois and reserve the remainder of my time.

Mr. LEAHY. Madam President, I have been concerned about the scope of the amendment carving an exception to the wiretap statute for so-called "computer trespassers." This covers anyone who accesses a computer "without authorization" and could allow government eavesdropping, without a court order or other safeguards in the wiretap statute, or Internet users who violate workplace computer use rules or online service rules.

I was unable to reach agreement with the administration on limiting the scope of this amendment, and the Feingold amendment makes further refinements. It is unfortunate that the administration did not accept this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin has 4 minutes 47 seconds; the managers have 9 minutes 14 seconds.

Mr. HATCH. I am prepared to yield back whatever time we have, if it is all right with the distinguished Senator from Vermont, with the understanding that we are just trying to stop unauthorized hacking that could be done by terrorists and others who are criminals that currently cannot be stopped. I am prepared to yield back the time, if the distinguished Senator from Vermont is.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I ask the chairman of the committee, after listening to the presentation by the Senator from Wisconsin, what is the chairman's view of the incursion on law enforcement by the limitation of 96 hours?

Mr. LEAHY. The incursion of law enforcement by the 96 hours?

Mr. SPECTER. The principal thrust of what the Senator from Wisconsin seeks to do is to broaden the definition of a contractual relationship to someone who may otherwise have permission. What I am trying to do is to understand the administration's position, the law enforcement position as to how law enforcement is adversely impacted by what the Senator from Wisconsin seeks to do.

My concern, as expressed earlier, is that, especially in the face of the challenge by the amendment, this is a complicated bill.

The reality is, it is hard to know all of it without the normal hearing process. Now we have a specific challenge. What I would like to know is, how does it inhibit law enforcement? What about the broader definition gives problems to law enforcement? And then, what is the difficulty in having 96 hours, which is 4 days, to see what is going on to find some basis for seeking a warrant with probable cause?

Mr. LEAHY. Frankly, I don't have a problem with the Feingold amendment as it is written. I do have a problem, however, with keeping a bill together. The initial administration request had no limitations whatsoever. It was so wide open we were concerned that someone who might be using a computer at work to add up their accounts for the month would be trapped by this because the company said you couldn't use the computer to add up your checking account, for example, to use a farfetched example, because they would be accessing the computer without authorization and the Government could just step in and go forward.

The administration moved partly our way. We actually ended up with a compromise on this. I suspect what they would say to the Senator from Pennsylvania is that these attacks last more than 96 hours and that they would be unable to go after them if they were limited to the 96 hours.

We saw this recently 2 or 3 weeks ago where we had a continuous roving attack on a number of Government computers. As I recall—I didn't pay that much attention at the time—they were attacking them one week and when we came back the following week, they were still attacking them. So you had more than 96 hours.

Frankly, it is a case where we have reached a compromise. The distinguished ranking member, speaking on behalf of the administration, said this is not acceptable to them. Had this been part of the original package, I wouldn't have found it acceptable.

Mr. HATCH. Will the Senator yield?

Mr. SPECTER. Yes.

Mr. HATCH. Basically, what the administration is after here is that if a burglar is coming into your home and the police come to investigate, they don't have to report to a judge within 96 hours. The police have to act on these terrorist matters. If they find that a terrorist has infiltrated a computer controlling an electrical grid system, they want to get right on the ball and do something about it. That is what they are trying to do with this provision.

There are no fourth amendment rights implicated because you have people who have hacked into a computer that they don't have any right to be in.

We want to give law enforcement the power to stop that. This provision upsets that power and basically puts us back where we are when we can't do anything in a modern digital age to stop terrorists from stopping power grids and damaging dams and a whole raft of other things.

Mr. SPECTER. Madam President, if the Senator from Utah will yield for a question?

Mr. HATCH. Surely.

Mr. SPECTER. The Senator from Wisconsin makes the point that people may have standing to use a computer even without a contractual relationship. He uses the example of a student. Does the Senator from Utah believe or does the administration represent that there are no relationships other than contractual which give a person the legitimate standing to use the computer?

Mr. HATCH. Under this provision, you do not have a right to hack into another private computer, whether you are a university student or anybody else. It only applies, the law we have written, to unauthorized access. It does not apply to authorized access. But unauthorized access, yes, it applies to that. If we don't put it in there, we will be leaving a glaring error that currently exists in our laws that prohibit us from solving some of these problems. It would be a terrible thing to not correct at this particular time, knowing what we know about how these terrorists are operating right now.

Mr. SPECTER. So is the Senator from Utah saying that if you have permission, that is a form of a contractual relationship?

Mr. HATCH. I am saying that if you have permission, you are not covered by this provision as written. In other words, you would not be considered a hacker.

Mr. SPECTER. On its face you would seem to, unless there is a contractual relationship?

Mr. HATCH. It comes down to authorized or unauthorized access. If it is authorized, it is not covered under the computer trespasser provision.

Mr. SPECTER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, did the Senator yield back his remaining time?

Mr. HATCH. Yes, we are prepared to yield.

Mr. LEAHY. We are prepared if the Senator from Wisconsin is.

Mr. FEINGOLD. I want to clarify a couple points, then I will be prepared to yield the remaining time.

These were helpful exchanges on a couple of points. First of all, it became very clear from Senator SPECTER's excellent questioning that, of course, there is no guarantee, under the way this language is set up, under the words "contractual relationship," that the provision would not apply to students or to people who would use a computer at a library. I can't understand why, if that is the intent of the administration, the intent of the legislation, why they don't just agree to language that would say so. That is all we asked for yesterday. It could have resolved the problem. For some reason, they won't agree to it.

Second, is this notion that a hacker could somehow get in under our language. There is no way that a hacker has a relationship with the computer owner that permits the use of the computer. The hacker is, obviously, the antithesis, the opposite of an individual with a relationship that permits use of the computer.

Finally, I am amazed at this notion that this amendment, even under our version of it, would allow only 96 hours for surveillance when under the example of the Senator from Utah, an ongoing hacker attack is occurring.

Is it the Senator's contention that at the end of 96 hours, the FBI would not have probable cause to get a warrant, when all it has been dealing with for 4 days is this hacking of the computer? Of course, it would. It would be the easiest thing in the world.

Section 217 is a very dramatic exception to the usual rule as derived under our system, and expressed in the fourth amendment. Normally, you have to come up with probable cause and a warrant. There are exceptions because we have difficult problems sometimes. But 96 hours? At the end of that time, with clear evidence of a hacking attempt, a warrant could easily be obtained. Obviously, our amendment takes care of the need for emergency authorization. In fact, I think it is too generous. I am trying to put some kind of a time limit on this so we can have some semblance of the normal rules that protect our citizens.

If the other side yields their time, I will yield my remaining time as well.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, I have listened to this debate with great interest, and I appreciate very much the arguments made by the Senator from Wisconsin. As the Senator from Vermont and, I believe, the Senator from Pennsylvania, have noted, there are circumstances where I can easily see that we could be sympathetic to his amendment. He makes an argument.

My difficulty tonight is not substantive as much as it is procedural. There is no question, all 100 of us could go through this bill with a fine-tooth comb and pinpoint those things which we could improve. There is no doubt about that. I have looked at this bill, and there are a lot of things, were I to write it alone, upon which I could improve. I know the chairman of the committee believes that too.

I think we also have to recognize that this is the product of a lot of work in concert with our Republican colleagues, in concert with the administration, in concert with civil liberties groups, and in concert with law enforcement. We have come up with what I would view as a delicate but, yes, successful compromise.

Now, if we had opened the bill to amendment, I have no doubt there are many colleagues who would offer amendments with which I would vehemently disagree—in fact, so much so that I might want to filibuster the bill. I would probably lose. I think there is a realistic expectation that on a lot of these issues, my side would lose. I think you could make the same case for the other side. So, we made the best judgment we could, taking into account the very delicate balance between civil liberties and law enforcement that we had to achieve in bringing a bill of this complexity to the floor.

I have to say, I think our chair and ranking member and all of those involved did a terrific job under the most difficult of circumstances. What we did was to say: Let's take this product and work with it; let's review it; if we have to make some changes, let's consider them; but let's recognize that if we were to take this bill open-ended, there would be no end to the amendments—that is the result that would most likely occur in such a circumstance.

While I may be sympathetic to some amendments offered tonight, had it been an open debate, there would have been a lot of amendments for which I would not have been sympathetic.

Given those circumstances, my argument is not substantive, it is procedural. We have a job to do. The clock is ticking. The work needs to get done. We have to make our best judgment about what is possible, and that process goes on.

I hope my colleagues will join me tonight in tabling this amendment and tabling every other amendment that is offered, should he choose to offer them tonight. Let's move on and finish this bill. Let's work with the House and come up with the best product between the Houses. Then, let's let law enforcement do its job, and let's use our power of oversight to ensure that civil liberties are protected.

I make a motion to table.

Mr. LEAHY. Will the Senator withhold that motion to table for a moment?

Mr. DASCHLE. Yes.

Mr. LEAHY. Madam President, I have served with over 250 Senators here, and I have been proud to serve with all of them. I know of no Senator who has a stronger commitment to our individual rights and personal liberties than the senior Senator from South Dakota, our majority leader. But I also know that were it not for his commitment and efforts, we would not be here with a far better bill than the one originally proposed by the administration. It has been because of his willingness to back us up as we try to improve that bill, to remove unconstitutional aspects of it, because of his willingness, we were able to get here.

As the Senator from South Dakota, the dearest friend I have in this body, has said, he could find parts he would do differently, and he knows there are parts I would do differently—even on this one. I have high regard for the Senator from Wisconsin, and I would have loved to have had his amendment. Actually, I would have done it probably differently than that. But we had a whole lot of places where we won and some where we lost.

I can tell you right now, if we start unraveling this bill, we are going to lose all the parts we won and we will be back to a proposal that was blatantly unconstitutional in many parts. So I join, with no reluctance whatsoever, in the leader's motion.

Mr. DASCHLE. Madam President, I move to table.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, on this bill there was not a single moment of markup or vote in the Judiciary Committee. I accepted that because of the crisis our Nation faces. This is the first substantive amendment in the Senate on this entire issue, one of the most important civil liberties bills of our time, and the majority leader has asked Senators to not vote on the merits of the issue. I understand the difficult task he has, but I must object to the idea that not one single amendment on this issue will be voted on the merits on the floor of the Senate.

What have we come to when we don't have either committee or Senate deliberation on amendments on an issue of this importance?

I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DASCHLE. Madam President, I move to table the amendment.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. THURMOND), and the Senator from Mississippi (Mr. LOTT) are necessary absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 13, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—83

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wyden

NAYS—13

Bingaman
Boxer
Cantwell
Collins
Corzine
Dayton
Durbin
Feingold
Harkin
Levin
Specter
Stabenow
Wellstone

NOT VOTING—4

Domenici
Helms
Lott
Thurmond

The motion was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, so we understand where we are, there is still a fair amount of time on the bill that the Senator from Utah and I have and we have committed to Senators on both sides of the aisle who need time. The remaining time is for the Senator from Wisconsin who has three more amendments with the same time as he had in the last amendment.

The Senator from Massachusetts has asked for 5 minutes. I understand we have three more amendments that would take probably an hour or so per amendment with the vote if the Senator from Wisconsin wishes to use all his time, and he has a right to do that.

Once those are disposed of, the Senator from Utah and I are probably prepared to yield back our time.

I yield 5 minutes to the Senator from Massachusetts.

Mr. KERRY. Madam President, it was depending entirely on what the Senator from Wisconsin was doing. I reserve that now and see where we are heading.

Mr. LEAHY. I yield the floor.

Mr. FEINGOLD. Madam President, it is my intention to offer two more amendments, not the third amendment. I believe the time for each of these amendments could be less than the full time allotted. We have a fair amount of interest, but I didn't expect as much debate. I think the last two could be expedited, and I am prepared to proceed, if that is what my colleagues desire.

AMENDMENT NO. 1900

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1900.

Mr. FEINGOLD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 14, insert "except that, in such circumstances, the order shall direct that the surveillance shall be conducted only when the target's presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained by the person implementing the order and that the electronic surveillance must be directed only at the communication of the target," after "such other persons".

Mr. KERRY. For the purpose of planning, could the Senator give us a sense of both amendments and how long he thinks he will talk.

Mr. FEINGOLD. I have about 12 minutes on this amendment subject to any response to that and approximately the same on the second amendment.

Mr. KERRY. I thank the Chair.

Mr. FEINGOLD. Madam President, this amendment has to do with what is called roving wiretap, or multipoint surveillance authority. This is one of the first things Attorney General Ashcroft asked for in the first days after the September 11 attack and gave the example of a terrorist using throwaway cell phones and the need for continued roaming wiretap authority to allow the FBI to keep up with the ready availability of this new technology.

First, let me say I have a lot of sympathy for the idea of updating this area of the law. Obviously, it is needed in light of changes in technology. It is vitally important for Members of the Senate to understand that roving wiretap authority is already available for criminal investigations under title III. It is in title 18, section 2518(11) and (12). The Attorney General doesn't need nor has he asked for any new roving wiretap authority for criminal investigations. He already has it.

What the bill does in Section 206 is provide similar authority in investigations under the Foreign Intelligence Surveillance Act, known as FISA. I am not opposed to expanding existing roving wiretap authority to include FISA investigations, but I am very concerned that Section 206 does not include a key safeguard that was part of the roving wiretap authority when it was added to title III in 1986. That protection minimizes the possible misuse of the authority, whether intentional or unintentional, to eavesdrop on the conversations of individuals who are not the subject of the investigation.

Let me read from the Senate Judiciary Committee's report on the legislation that granted roving wiretap authority:

> Proposed subsection 2518(12) of title 18 provides, with respect to both "wire" and "oral" communications, that where the federal government has been successful in obtaining a relaxed specificity order, it cannot begin the interception until the facilities or place from which the communication is to be intercepted is ascertained by the person implementing the interception order.

In other words, the actual interception could not begin until the suspect begins or evidences an intention to begin a conversation.

It further reads:

> It would be improper to use this expanded specificity order to tap a series of telephones, intercept all conversations over such phones and then minimize the conversations collected as a result. This provision puts the burden on the investigation agency to ascertain when the interception is to take place.

It seems to me that Congress struck the right balance in that provision. It recognized the needs of law enforcement, but also recognized that rights of innocent people were implicated and designed a safeguard to protect them.

When Congress passed FISA in 1978 it granted to the executive branch the power to conduct surveillance in certain types of investigations without meeting the rigorous probable cause standard under the Fourth Amendment that is required for criminal investigations. Investigations of agents of foreign powers were different. There is a lower threshold for obtaining an order from the FISA court. But I don't think that roving wiretap authority under FISA should be less protective of the constitutional rights of innocent people who are not the subject of the investigation than the authority that Congress intended to grant in a standard criminal investigation.

My amendment takes the safeguard from Title III—from current law—and includes it in the FISA roving wiretap authority provision. The amendment simply provides that before conducting surveillance, the person implementing the order must ascertain that the target of the surveillance is actually in the house that has been bugged, or using the phone that has been tapped.

Let me give a few examples of how this would work, which should also show why it is necessary. Indeed, it may be constitutionally required. If the government receives information that the target of the FISA investigation is making phone calls from a particular bank of pay phones in a train station, it may set up wiretaps at all the phones in that bank, but may only listen in on a particular phone that the subject is using. Before beginning the actual surveillance it must know that the suspect is using a particular phone. Otherwise, on the basis of a report that a terrorist has been using a particular bank of pay phones, the private conversations of innumerable innocent Americans with absolutely no connection to the investigation would be subject to government scrutiny. That violates their Fourth Amendment rights. Similarly, the Government should not be able to conduct surveillance on all payphones in a neighborhood frequented by a suspected terrorist or on a particular payphone all day long while innocent people use it.

Another example. Suppose a target of a FISA investigation has the practice of using a neighbor's or relative's phone. Under my amendment, the Government would not be able to listen in on all calls from that phone, but only those taking place when the target is in that person's home. Likewise, if the government believes that the target uses computers in a library, it can only monitor the one that the terrorist is actually using, not all the computers in that facility even when the terrorist is not there.

I don't believe this amendment should affect the Government's authorization to monitor a new cell phone obtained by the target. If the phone is in the possession of the target or is registered to the target, then the person implementing the surveillance has ascertained that the facility is being used by the target. They could do it, and I support that.

Now, it has been pointed out to me that in 1999 this safeguard was removed from Title III with respect to wiretaps but left in place with respect to bugs. The change was made in the conference report of an intelligence authorization bill, without consideration by the Senate Judiciary Committee.

I remind my colleagues again that my amendment was part of the roving wiretap authority that Congress granted federal law enforcement in criminal investigations in 1986. It contains a standard that as far as we know served law enforcement adequately in conducting effective surveillance on very sophisticated criminal organizations, including the mafia and drug importation and distribution organizations. I submit that if this standard is not sufficient, we would have seen an open effort to change it, but we didn't. Even after the change made in 1999 without discussion or debate, the standard remains in effect for bugs placed in homes or businesses. Without this protection, Section 206 threatens the rights of innocent people.

If law enforcement has been significantly impaired in conducting effective surveillance in criminal investigations under the roving wiretap provision in current law, we should be shown specific evidence of its shortcomings. But if it has not been impaired, then there is no reason not to include a similar safeguard in the roving wiretap authority under FISA.

I urge my colleagues to take a close look at this amendment. It is reasonable, it appropriately reflects current law, but it also allows for updating to face the reality of new technology and all the technologies that are implicated here. And it protects the constitutional rights of people who are not the subjects of an investigation.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FEINGOLD. Yes.

Mr. WELLSTONE. Again, I am not a lawyer. I do not think I understood exactly all the argument you were making.

Are you saying there has to be some standard of proof? That before conducting surveillance, law enforcement has to make sure? In other words, before you actually wiretap a phone or bug a house or a home, the target of the surveillance has to be in that home you are bugging?

Mr. FEINGOLD. No. Let's say somebody goes to their neighbor's house to use their phone. They do that once or twice or whatever it might be. Our amendment makes sure this new provision doesn't open up that house and everybody in it and every phone call they have in the house to unlimited Government surveillance. It requires what has been normally required under the law, that the law enforcement people ascertain that the person is in the house at the time so it is credible that they would be using that phone again.

Mr. WELLSTONE. In other words, other people who are in the house who have nothing to do with the target of surveillance, their conversations could be—

Mr. FEINGOLD. Their conversations could and undoubtedly would be, without some protection.

Mr. WELLSTONE. And the same thing for the bugging?

Mr. FEINGOLD. Exactly.

Mr. WELLSTONE. So you are trying to minimize the misuse of authority. It might be unintentional?

Mr. FEINGOLD. Absolutely. There are standards, as I indicated in my statement. There have been rules about how law enforcement has to ascertain, whether it be at a phone bank or in somebody else's home, that there is a reasonable belief that the individual is actually there. Without that kind of rule, what we are doing is not just extending this authority to the reality that people have cell phones and move around and use different phones of their own, but it takes us into an area that, frankly, prior to September 11 we would never have dreamed of allowing.

Mr. WELLSTONE. Madam President, if I could take 2 minutes —I ask the Senator from Wisconsin, might I have 2 minutes?

Mr. FEINGOLD. Yes. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield 2 minutes.

Mr. WELLSTONE. My colleague is saying we have to be very careful about not eavesdropping on the conversations of innocent individuals.

Again, we all are painfully aware of September 11. I personally think there is much in this bill that is good, that we need to do. But I think all the Senator from Wisconsin is trying to do is achieve some balance and make sure we do not go above and beyond going after terrorists who are trying to kill Americans and instead end up eavesdropping on innocent people in our country.

I think the vast majority of the people in the country, if they understood what this amendment was about, would support this amendment. I do not think passing this amendment does any damage whatsoever to much of what is in this bill, which is so important.

So, again, I hope Senators will support this amendment on the merits. I think it is a very important amendment. I thank the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Minnesota very much for his help, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, under current law, law enforcement has so-called-roving or multi-point surveillance authority for criminal investigations under title III, but FISA does not have comparable provisions for agents investigating foreign intelligence. Roving interceptions are tied to a named person rather than to any particular communications facility or place. Today's bill adds this vital authority to FISA.

This authority is critical for tracking suspected spies and terrorists who are experts in counter-surveillance methods such as frequently changing locations and communications devices such as phones and computer accounts.

It simply makes no sense that our wire-tapping statute recognizes this problem, and provides roving wiretap authority for surveillance of common criminals, but makes no provision for roving authority to monitor terrorists under the FISA statute.

The proposed amendment would not succeed in its stated goal of harmonizing the standard between title III wiretaps and FISA wiretaps. The proposed amendment would put a requirement on the interception of wire or electronic communications under a FISA warrant that does not exist in the title III context—a requirement that the law enforcement officer implementing the wiretapping order personally ascertain that the target of the order is using a telephone or computer, before the monitoring could begin.

This requirement is operationally unworkable. The way that roving orders are implemented, requires that law enforcement officers have the ability to spot check several different telephones in order to determine which one is being used by the target of the order. The language proposed in this amendment does not give law enforcement officers the ability to do so. In fact, they would be worse off under this proposal than they are under current law.

The goal of the roving wiretap provision is to give counter-terrorism investigators as much authority to conduct wiretaps as their counterparts have in conducting criminal investigations. This amendment defeats that goal by putting new, significant obstacles in the path of investigators attempting to investigate and prevent terrorist activities.

Mr. LEAHY. Madam President, Senator FEINGOLD provided invaluable assistance to the committee during our consideration of this legislation. He also held a hearing in his Constitution Subcommittee last week on the critical civil liberties issues raised by the Administration's anti-terrorism bill. I fully appreciate the depth of his concern and his desire to improve this bill.

The Attorney General and I agreed in principal that the roving, or multipoint, wiretap authority for criminal cases should be available under FISA for foreign intelligence cases. The need for such authority is especially acute to conduct surveillance of foreign spies trained in the art of avoiding surveillance and detection.

Senator FEINGOLD's amendment simply assures that when roving surveillance is conducted, the Government makes efforts to ascertain that the target is actually at the place or using the phone, being tapped. This is required in the criminal context. It is unfortunate that the Administration did not accept this amendment.

I hope all time could be yielded back on both sides.

Mr. FEINGOLD. It is my understanding the opponents have yielded all time.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. If the Senator is going to yield his.

Mr. FEINGOLD. I yield my time.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I will just use a minute of my leader time to respond.

I have already made my argument on the first amendment. I, in the interest of time, am not going to repeat it. As I said before, I am sympathetic to many of these ideas, but I am much more sympathetic to arriving at a product that will bring us to a point where we can pass something into law. The record reflects the compromises that have been put in place, the very delicate balance that we have achieved. It is too late to open up the amendment process in a way that might destroy that delicate balance. For that reason, I move to table this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. THURMOND), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—90

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stabenow
Stevens
Thomas
Torricelli
Voinovich
Warner
Wyden

NAYS—7

Cantwell
Corzine
Feingold
Levin
Specter
Thompson
Wellstone

NOT VOTING—3

Domenici
Helms
Thurmond

The motion was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent to have printed in the RECORD a Statement of Administration Policy on the USA Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies)

S. 1510—UNITING AND STRENGTHENING AMERICA (USA) ACT OF 2001

The Administration commends the Senate leadership and the Chairman and Ranking Member of the Senate Judiciary Committee on reaching agreement on S. 1510. This bill contains, in some form, virtually all of the proposals made by the Administration in the wake of the terrorist attacks perpetrated against the United States on September 11th. The Administration strongly supports passage of this bill.

The Administration's initial proposals, on which S. 1510 is based, were designed to provide Federal law enforcement and national security officials with the tools and resources necessary to disrupt, weaken, and counter the infrastructure of terrorist organizations, to prevent terrorist attacks, and to punish and defeat terrorists and those who harbor them. S. 1510 includes the provisions proposed by the Administration in three main areas: (1) information gathering and sharing; (2) substantive criminal law and criminal procedure; and (3) immigration procedures. The Administration strongly supports passage of these provisions. The Administration also supports valuable provisions, introduced by the Chairman of the Senate Judiciary Committee, aimed at improving the Nation's border protection.

Information Gathering and Sharing

Existing laws fail to provide national security authorities and law enforcement authorities with certain critical tools they need to fight and win the war against terrorism. For example, technology has dramatically outpaced the Nation's statutes. Many of the most important intelligence gathering laws were enacted decades ago, in and for an era of rotary telephones. Meanwhile, the Nation's enemies use e-mail, the Internet, mobile communications and voice mail.

S. 1510 contains numerous provisions that address this problem by helping to make the intelligence gathering and surveillance statutes more "technology-neutral." Specifically, the bill updates the pen-register, trap-and-trace, and Title III-wiretap statutes to cover computer and mobile communications more effectively, while ensuring that the scope of the authority remains the same.

The bill also provides for nationwide scope of orders and search warrants, and other practical changes that will enable law enforcement to work more efficiently and effectively. In addition, the bill contains important updates of foreign intelligence gathering-statutes, with the identical goal of making the statutes technology-neutral. Even more important, the bill contains provisions to reduce existing barriers to the sharing of information among Federal agencies where necessary to identify and respond to terrorist threats. The ability of law enforcement and national security personnel to share this type of information is a critical tool for pursuing the war against terrorism on all fronts.

Substantive Criminal Law and Criminal Procedure

S. 1510 contains important reforms to the criminal statutes designed to strengthen law enforcement's ability to investigate, prosecute, prevent, and punish terrorism crimes. The bill would remove existing barriers to effective prosecution by extending the statute of limitations for terrorist crimes that risk or result in death or serious injury. The bill also creates and strengthens criminal statutes, including a prohibition on harboring terrorists and on providing material support to terrorists, and provides for tougher penalties, including longer prison terms and higher conspiracy penalties for those who commit terrorist acts. These provisions will help to ensure that the fight against terrorism is a national priority in our criminal justice system.

Border Protection and Immigration Procedures

S. 1510 also contains a number of provisions that would enhance the ability of immigration officials to exclude or deport aliens who engage in terrorist activity and improve the Federal government's ability to share information about suspected terrorists. Under the bill, those who contribute to or otherwise support terrorist organizations and terrorist activities would be denied admission to or deported from this country, and the Attorney General would be authorized to detain deportable persons who are suspected of terrorist activities pending their removal from the United States. In addition, the bill provides for access by the Department of State and the Immigration and Naturalization Service to criminal history records and related information maintained by the Federal Bureau of Investigation.

Money Laundering

Title III of S. 1510 includes money laundering and other financial infrastructure provisions, arising from a separate legislative proposal from the Administration. These provisions were added to this bill after unanimous approval was reached on these provisions in the Senate Banking Committee. The Administration supports the effort to strengthen the money laundering statutes to help combat terrorism, and supports virtually all of the proposals that are now included in S. 1510.

Pay-As-You-Go Scoring

Any law that would increase direct spending is subject to the pay-as-you-go requirements of the Balanced Budget and Emergency Deficit Control Act. Accordingly, S. 1510, or any substitute amendment in lieu thereof that would also increase direct spending, will be subject to the pay-as-you-go requirement. OMB's scoring estimates are under development. The Administration will work with Congress to ensure that any unintended sequester of spending does not occur under current law or the enactment of any other proposals that meet the President's objectives to reduce the debt, fund priority initiatives, and grant tax relief to all income tax paying Americans.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I know the Senator from Wisconsin has another amendment. I have had requests for time on our side of the aisle from the distinguished Senator from Washington State, Ms. CANTWELL, for 7 minutes; the distinguished Senator from Massachusetts, Mr. KERRY, for 5 minutes; the distinguished Senator from Minnesota, Mr. WELLSTONE, for 5 minutes; the distinguished Senator from Michigan, Mr. LEVIN, for 2 minutes.

I mention that, not to lock that in, because the time is there, but just to give people an idea of where we are.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, is the Senator from Vermont proposing a time agreement?

Mr. LEAHY. No. I am just saying what people are requesting for time. I am trying to get some idea. A number of Senators have asked the distinguished leader and myself how much longer we are going to be here tonight.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, let me just say, anybody who wishes to speak on this bill is certainly welcome to do so, but we will be here after the vote for anybody who wishes to accommodate any other Senator who would like to go home.

The hour is late. We have one more amendment, and then we have final passage. It is my hope that we can complete our work on the bill and certainly leave open the opportunity for Senators to express themselves. We will stay just as long as that is required. I hope, though, we can accommodate other Senators who may not feel the need to participate in further debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I had spoken earlier this evening at some length about my concerns as to the procedures on the bill. I want to make a very few brief comments at this time.

I am concerned about the procedures on establishing a record which will withstand constitutional scrutiny. I shall not repeat the citations from decisions of the Supreme Court of the United States which I cited earlier, except to say that the Supreme Court has invalidated acts of Congress where there is not a considered judgment.

I understand the position of the majority leader in wanting to get this bill finished. Earlier this evening, I went through an elaborate chronology as to what has happened here. Nine days after September 11, the Attorney General submitted a bill. I had suggested hearings that week. The bill was submitted on September 20. We could have had hearings on September 21 and even on September 22, a Saturday. The Judiciary Committee had one hearing, a very brief one, on September 25.

I wrote the chairman of the committee two letters urging hearings, and there was ample time to have hearings to find out about the details of this bill. There was a Judiciary subcommittee hearing on October 3.

This bill was negotiated between the chairman and ranking member and the White House. The Judiciary Committee did not take up the bill. We have had ample time. This bill should have been before the Senate 2 weeks ago. If we had moved on it promptly after it was submitted on the 20th, we could have had hearings, perhaps some in closed session. We could have had a markup. We could have had an understanding of the bill.

When the Senator from Wiscohsin has offered two amendments, which I have supported, I am inquiring as to what is the specific concern about law enforcement to preclude the adoption of the amendments of the Senator from Wisconsin and on the possible invasions of privacy that may result from the amendments not being adopted.

This is a very important bill. I intend to vote for it. I served 8 years on the Intelligence Committee, 2 years as chairman. I chaired the Subcommittee of Judiciary on Terrorism. I have been through detailed hearings and understand the problem we face, especially in light of the warning which was put out today, and I understand, with the approval of the President, that a terrorist act may happen in the United States or overseas in the next several days.

We do need adequate law enforcement powers. We should have finished this bill some time ago. But when the majority leader says he is concerned about procedure and not about substance, we are regrettably establishing a record where we have not only not shown the deliberative process to uphold constitutionality, but we are putting on the record a disregard for constitutionality and elevating procedure over substance, which is not the way you legislate in a constitutional area where the Supreme Court of the United States balances law enforcement's needs with the incursion on privacy.

I feel constrained to make these comments. I hope yet that we can create a record which will withstand constitutional scrutiny.

Again, I intend to vote for the bill, but say again that this body ought to be proceeding in a way to establish the record. The worst thing that would happen is if we try terrorists, having used these procedures, and have the convictions invalidated. I have had experiences as a prosecuting attorney and know exactly what that means.

I want my concerns noted for the record. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I have 5 minutes, but I will not use it. I want to make two very quick points.

One, as a former prosecutor, I am sympathetic to the comments of the Senator from Pennsylvania. I think all of us ought to be respectful of what the Senator from Wisconsin has been talking about this evening.

I will vote for the bill. I am particularly sensitive to what the majority leader has said about the delicacy and the balance. Even within that delicacy, there are some very legitimate concerns.

It is my hope that when this goes to conference, some of the positions of the House will be thought about carefully and respected and that the Senate may even be able to improve what we have by taking those into account.

The second point is that there is within this legislation for the first time a very significant effort on money laundering. I will say to my colleagues that of all the weapons in this war and for all of our might militarily, the most significant efforts to ferret out and stop terrorists are going to come from the combination of information, intelligence that we gather and process, and from our ability to take unconventional steps, particularly those such as the money-laundering measures.

Senator LEVIN has done an outstanding job of helping to frame that, as has Senator SARBANES. The truth is, there are banking interests that even to this moment still resist living up to the standards of the Basel convention and the international standards about knowing your customer and being part of the law enforcement effort rather than a blockade to it.

We are told there may be some effort through the House to try to strip this out. It is my hope that the Senate will stand firm and hold to the full measure of what President Bush has asked us to do.

This will be a long effort, a painstaking effort. If we are serious about it, we have to have the law enforcement tools to make this happen.

One of the most critical ones is empowering the Secretary of the Treasury to do a reasonable, ratcheted, sort of geared process of addressing the concerns of ferreting out money laundering and taking the money away from these illicit interests around the globe. They are not just in terrorism. They are linked to money laundering, to illegal alien trafficking. They are all part of the same network which also funds the terrorists themselves.

We recognize that three-quarters of the heroin that reaches the United States comes from Afghanistan. The Taliban and al-Qaida were both trafficking in that heroin. These networks and the interconnectedness of them to the banking institutions, the financial marketplace, are absolutely essential for us as we fight a war on terrorism.

I hope this money-laundering component will be part of the final terrorism bill.

I yield whatever remaining time I have.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I thank Chairman LEAHY, Chairman SARBANES, and members of their committees, for including our very strong anti-money-laundering provisions in the antiterrorism bill. The antiterrorism bill is simply incomplete unless it has anti-money-laundering provisions. Our provisions are strong provisions. They will help prevent terrorists and other criminals from using our banks to get their money into this country to fund their activities which are terrorizing this country.

There apparently is going to be a continuing effort in the House of Representatives to strip the anti-money-laundering provisions, which we have worked so hard on, from the antiterrorism bill. It is my understanding the White House will support keeping those provisions in the bill. Our committees have worked very hard to keep our anti-money-laundering provisions in the antiterrorism bill. Unless these provisions are in there, we are providing the executive branch with only half a tool box in the fight against terrorism.

Three years ago, the minority staff of the Permanent Subcommittee on Investigations which I now chair, began its investigation into money laundering using U.S. banks. Three years, three sets of hearings, two reports and a five-volume record on correspondent banking and money laundering was the result.

We found, not surprisingly, that U.S. banks have accounts for foreign banks and that the customers of those foreign banks can then use the U.S. banks to move their money. But if foreign banks do a poor job of screening their customers, criminals and terrorists can end up using U.S. banks for their criminal purposes.

We found that U.S. banks do a poor job in screening the foreign banks they accept as correspondent customers. Banks told us "a bank is a bank is a bank" but that's not true. There are good banks and bad banks. We found numerous banks where the bank was engaged in criminal activity or had such poor banking practices any criminal could be a customer. If a bad bank has a correspondent account with a U.S. bank, customers of that bad bank have access to U.S. financial system. Then criminals, including drug traffickers and terrorists, are able to use our financial systems to carry out their crimes.

In response to what we learned, we developed a bill—S. 1371, the Money Laundering Abatement Act introduced in early August.

It's a bipartisan bill, and I would like to recognize my cosponsors—in particular, Senator CHUCK GRASSLEY who has helped to lead the fight for including this money laundering legislation on this anti-terrorism bill. The cosponsors in addition to Senator GRASSLEY are: Senators SARBANES, KYL, DEWINE, BILL NELSON, DURBIN, KERRY and STABENOW. The provisions of this bill have been included in the legislation we are now considering.

We now know that the September 11 terrorists used our financial institutions and systems to help accomplish their ends. They used checks, credit cards, and wire transfers involving U.S. banks in Florida, New York, Pennsylvania. We've seen the photos of two of the terrorists using an ATM machine. Osama bin Laden has bragged about it. There are reports of large, unpaid credit card bills.

We know that current law is not tough enough in area of correspondent banking—the mechanism used to transfer money around the globe. There are too many holes that let in bad banks and bad actors, and we need to close them.

Look at what we've learned just in the last few days about bin Laden and al-Qaida. Several U.S. banks have had correspondent accounts for a Sundanese bank called the al Shamal Islamic Bank.

A 1996 State Department fact sheet states that bin Laden helped finance the bank in the amount of $50 million. A respected international newsletter on intelligence matters, Indigo Publications in March 16, 2000, said bin Laden remains a leading shareholder, although the al Shamal Bank apparently denies that.

Testimony in the February 2001 criminal trial of the 1998 terrorist bombings of U.S. embassies in Kenya and Tanzania, revealed that a bin Laden associate who handled financial transactions for al-Qaida testified al-Qaida had a half dozen accounts at al Shamal bank, one of which was in bin Laden's name. The witness at that trial said in 1994 a bin Laden associate took $100,000—in cash, U.S. Dollars—out of the Shamal Bank gave it to the witness and told him to deliver it to an individual in Jordan, which he did.

Another bin Ladin associate testified at the same trial that he received $250,000 by a wire transfer from the Shamal Bank to his account in a U.S. bank in Arlington, Texas, to purchase a plane in the United States for bin Laden. He said he personally delivered the plane to bin Laden.

Why did this bank have a correspondent account with a U.S. bank? Why should we allow that to happen?

Even today, when you look at the al Shamal bank website, the bank is still active and advertises an extensive correspondent bank network. Three U.S. banks are listed. One of those banks has closed its account, but the two other banks continue to have accounts, although the accounts are frozen. Those accounts are now inactive because Sudan, home country of al Shamal, is on the list of terrorist countries and any business with the government of those countries has to be approved. But the accounts were operational at one point in time. Moreover, al Shamal bank has correspondent accounts with other foreign banks which have accounts with U.S. banks.

That means al Shamal bank can still be using the U.S. financial system through an account with a foreign bank that has a correspondent account with a U.S. bank. We call this nesting and it's a serious problem. It means the al Shamal bank and its customers can still use the U.S. banking system.

The bill before us would require U.S. banks to do a lot more homework on the banks they allow to have correspondent accounts. Under the anti-terrorism bill, it is my belief and my hope that a bank like al Shamal would never be granted a correspondent account at a U.S. bank.

The bill would also allow U.S. law enforcement to capture any illicit funds in a U.S. correspondent account. Now, if a criminal or terrorist has money in a foreign bank that has an account at U.S. bank and illicit money is being held in a U.S. account, law enforcement can't freeze that money unless the person is on the terrorist list or can prove that the foreign bank with the correspondent account is part of a criminal or terrorist act. That's an excessively hard threshold. This legislation would allow law enforcement to freeze money in correspondent accounts to the same extent they can freeze money in regular, individual accounts.

We need all the tools possible in our arsenal to fight the financial network of terrorism. The money laundering provisions in this bill close the loopholes in existing law and provide additional tools for law enforcement to use.

I thank Chairman SARBANES and the other members of the Banking Committee for including so much of the Levin-Grassley anti-money laundering bill, S. 1371, in the Committee's bill. I also thank Chairman LEAHY and the other Judiciary Committee members for including anti-money laundering provisions in title 3 of S. 1510, the anti-terrorism bill. Strengthening our anti-money laundering laws will strike a blow against terrorism by making it harder for terrorists to get the funds they need into United States; an anti-terrorism bill without these anti-money laundering provisions would be providing U.S. law enforcement with only half a toolbox against terrorism.

I would like to take a few minutes to discuss a few key provisions from the Levin-Grassley bill that have been incorporated into S. 1510. These provisions are based on an extensive record of hearings and reports issued in connection with investigations conducted over the past few years by the Permanent Subcommittee on Investigations, which I chair, into money laundering in the correspondent and private banking fields.

The four provisions I want to focus on are provisions that would ban foreign shell banks from the U.S. financial system; require U.S. financial institutions to exercise due diligence; add foreign corruption offenses to the crimes that can trigger a U.S. money laundering prosecution; and close a major forfeiture loophole involving foreign banks.

First is the shell bank ban in Section 313 of S. 1510. This provision is a very important one, because it attempts to eliminate from the U.S. financial system one category of foreign banks that carry the highest money laundering risks in the banking world today. Those are foreign offshore shell banks which, as defined in the bill, are banks that have no physical presence anywhere and no affiliation with any bank that has a physical presence. Our Subcommittee investigation found that these shell banks carry the highest money laundering risks in the banking world, because they are inherently unavailable for effective oversight. There is no office where a bank regulator or law enforcement official can go to observe bank operations, review documents, talk to bank officials, or freeze funds. Only a few countries now issue licenses for unaffiliated shall banks;

they include Nauru, Vanuatu, and Montenegro. Nauru alone is believed to maintain licenses for somewhere between 400 and 3,000 offshore shell banks, none of which are being actively supervised, and some of which are suspected of laundering funds for Russian organized crime. A staff report that we issued in February of this year includes four detailed case histories of offshore shell banks that were able to open correspondent accounts at U.S. banks and used them to move funds related to drug trafficking, bribe money and financial fraud money. The possibility that terrorists are also using shell banks to conduct their operations is real and cannot be ignored. That is why this provision seeks to exclude shell banks from the U.S. financial system.

The provision flat-out prohibits U.S. financial institutions from opening accounts for shell banks. Period. It also requires U.S. financial institutions to take reasonable steps to make sure that other foreign banks are not allowing shell banks to use their U.S. accounts to gain entry to the U.S. financial system. The point is to prevent shell banks from getting direct or indirect access to U.S. financial accounts. The shell bank ban applies to both banks and securities firms operating in the United States, so that it is as broad and as effective as possible.

The provision directs the Treasury Secretary to provide regulatory guidance to U.S. financial institutions on the reasonable steps they have to take to guard against shell banks using accounts opened for other foreign banks. One possible approach would be for U.S. financial institutions to include a new section in the standard language they use to open accounts for foreign banks asking the foreign bank to certify that it will not allow any shell bank to use its U.S. accounts. The U.S. financial institution could then rely on that certification, unless it encountered evidence to the contrary indicating that a shell bank was actually using the account, in which case the financial institution would have to take reasonable steps to evaluate that evidence and determine whether a shell bank was, in fact, using the U.S. account.

The provision contains one exception to the shell bank ban, which should be narrowly construed to protect the U.S. financial system to the greatest extent possible. This exception allows U.S. financial institutions to open an account for a shell bank that is both affiliated with another bank that maintains a physical presence, and subject to supervision by the banking regulatory of that affiliated bank. This exception is intended to allow U.S. financial institutions to do business with shell branches of large, established banks on the ground that the regulator of the established bank can and does oversee all of that bank's branches, including any shell branch.

This exception could, of course, be abused. It is possible that an established bank in a jurisdiction with weak banking and anti-money laundering controls could open a shell branch in another country with equally weak controls and try to use that shell branch to launder funds in ways that are unlikely to be detected or stopped by the bank regulator in its home jurisdiction. In that case, while the shell bank ban exception would not flat-out bar U.S. financial institutions from opening an account for the shell branch, another provision would come into play and require the U.S. financial institution to exercise enhanced due diligence before opening an account for this shell bank. I would hope that U.S. financial institutions would not open such an account—that they would exercise common sense and restraint and refrain from doing business with a shell operation that is affiliated with a poorly regulated bank and inherently resistant to effective oversight.

Many U.S. financial institutions already have a policy against doing business with shell banks, but at least one major U.S. bank, Citibank, has a history of taking on shell banks as clients. In order to keep those clients, Citibank tried very hard to expand the exception in this section to also allow U.S. accounts for shell banks affiliated with financial service companies other than banks, such as securities firms or financial holding companies. The broad exception was firmly and explicitly rejected by both the Senate Banking Committee and the House Financial Services Committee, because it would have opened a gaping loophole in the shell bank ban and rendered the ban largely ineffective. All a shell bank would have had to do to evade the ban was establish an affiliated shell corporation and call it a financial services company in order to be eligible to open a U.S. bank account. The Citibank approach would, for example, have allowed a shell bank established by bin Laden's financial holding company, Taba Investments, to open accounts at U.S. banks and securities firms. That would perpetuate the very problem that the Senate investigation identified in two of its shell bank case histories involving M.A. Bank and Federal Bank, each of which opened Citibank accounts in New York and used those accounts to deposit suspect funds associated with drug trafficking and bribery.

The exception to the shell bank ban is intended to be narrowly construed, and U.S. financial institutions will hopefully use great restraint in doing business with any shell bank that is not affiliated with a well known, well regulated bank. The shell bank ban is intended to close the U.S. financial marketplace to the money laundering risks posed by these banks, and it is my hope that other countries and the Financial Action Task Force on Money Laundering will follow the U.S. lead and take the same action in other jurisdictions.

The next provision is the due diligence requirement in Section 312 of S. 1510. This is another critical provision that tightens up U.S. anti-money laundering controls by requiring U.S. financial institutions to exercise due diligence when opening and managing correspondent and private banking accounts for foreign banks and wealthy foreign individuals.

The provision targets correspondent and private banking accounts, because these two areas have been identified by U.S. bank regulators as high risk areas for money laundering, and because Congressional investigations have documented money laundering abuses through them. For example, two weeks ago, I testified before the Banking Committee about a high risk foreign bank in Sudan that was able to open accounts at major banks around the world, including in the United States and, in 1994, used these accounts to funnel money to a bin Laden operative then living in Texas. On one occasion, he used a $250,000 wire transfer from the Sudanese bank to buy an airplane capable of transporting Stinger missiles, fly it to Sudan and deliver the keys to bin Laden. Six months earlier, we released a staff report with ten case histories of high risk foreign banks that used their U.S. accounts to transfer illicit proceeds associated with drug trafficking, financial fraud and other crimes. A year earlier, another staff report presented four case histories of senior foreign government officials or their relatives opening U.S. private banking accounts and using them to deposit millions of dollars in suspect funds. The bottom line is that U.S. banks need to do a much better job in screening the foreign banks and wealthy foreign individuals they allow to open accounts in the United States.

The due diligence provision would address that problem. It would impose an ongoing, industry-wide legal obligation on all types of financial institutions operating in the United States to exercise greater care when opening accounts for foreign banks and wealthy foreign individuals. Its due diligence requirements are intended to function as preventative measures to stop dubious banks and as well as terrorists or other criminals from using foreign banks' U.S. accounts to gain access to the U.S. financial system.

The general obligation to exercise due diligence with respect to all correspondent and private banking accounts is contained in paragraph (1). Paragraphs (2) and (3) then provide minimum standards for the enhanced due diligence that U.S. banks must exercise with respect to certain correspondent and private banking accounts. Paragraph (4)(B) gives the Treasury Secretary discretionary authority to issue regulatory guidance to further clarify the due diligence policies, procedures and controls required by paragraph (1).

The regulatory authority granted in this section is intended to help financial institutions understand what is expected of them. The Secretary may want to issue regulations that help different types of financial institutions to understand their obligations under the due diligence provision. However, one caveat needs to be made with respect to the Secretary's exercise of this regulatory authority, and that involves how it is to be coordinated with Section 5318(a)(6), which authorizes the Secretary to grant "appropriate exemptions" from any particular money laundering requirement. There are going to be many efforts made by various groups of financial institutions to win an exemption from the due diligence requirements in this section—from insurance companies, to money transmitters, to offshore affiliates of large foreign banks. But the Committee's and the Senate's clear intention is to cover all major financial institutions operating in the United States. That is why Chairman SARBANES changed the language in my bill, S. 1371, so that the due diligence requirement did not apply just to banks, but to all financial institutions as that term is defined in Section 5312(a)(2) of title 31. That broad coverage is exactly what is contemplated by this statute. The bottom line, then, is that the Secretary is intended to apply the due diligence requirements broadly to U.S. financial institutions, and not to grant an exemption without a very compelling justification.

This same reasoning also applies to the shell bank ban. There will be some that will seek one exemption or another from the ban, asking the Treasury Secretary to use the authority available under Section 5318(a)(6). Again, the intent of the Committee and this Senate is to enact as comprehensive a shell bank ban as possible to protect the United States from the money laundering threat posed by shell banks. That means that the Secretary should refrain from granting any exemption to the shell bank ban without a very compelling justification.

The third provision I want to discuss is the provision in Section 315 adding new foreign corruption offenses to the list of crimes that can trigger a U.S. money laundering prosecution. This is another important advance in U.S. anti-money laundering law. Right now, because foreign corruption offenses are not currently on the list of crimes that can trigger a U.S. money laundering prosecution, corrupt foreign leaders may be targeting U.S. financial institutions as a safe haven for their funds. This provision will make it clear to those who loot their countries, or accept bribes, or steal from their people, that their illicit money is not welcome here. Our banks do not want that money, and if it is deposited in U.S. banks, it is subject to seizure and the depositor may become subject to a money laundering prosecution.

The fourth provision would close a major forfeiture loophole in U.S. law involving foreign banks. This provision is in Section 319(a) of S. 1510. It would make a depositor's funds in a foreign bank's U.S. correspondent account subject to the same civil forfeiture rules that apply to depositors funds in other U.S. bank accounts. Right now, due to a quirk in the law, U.S. law enforcement faces a significant and unusual legal barrier to seizing funds from a correspondent account. Unlike a regular U.S. bank account, it is not enough for U.S. law enforcement to show that criminal proceeds were deposited into the correspondent account; instead, because funds in a correspondent account are considered to be the funds of the foreign bank itself, the government must also show that the foreign bank was somehow part of the wrongdoing.

That's not only a tough job, that can be an impossible job. In many cases, the foreign bank will not have been part of the wrongdoing, but that's a strange reason for letting the foreign depositor who was engaged in a wrongdoing escape forfeiture. And in those cases where the foreign bank may have been involved, no prosecutor will be able to allege it in a complaint without first getting the resources needed to chase the foreign bank abroad.

Take, for example, the case of Barclays Bank which has frozen an account because of suspicious activity suggesting it may be associated with terrorism. If that account had been a correspondent account in the United States opened for Barclays Bank, U.S. law enforcement could have been unable to freeze the particular deposits suspected of being associated with terrorism, because the funds were in the Barclays correspondent account and Barclays itself was apparently unaware of any wrongdoing. That doesn't make sense. U.S. law enforcement should be able to freeze the funds.

Section 319(a) would eliminate that quirk by placing civil forfeitures of funds in correspondent accounts on the same footing as forfeitures of funds in all other U.S. accounts. There is just no reason foreign banks should be shielded from forfeitures when U.S. banks would not be.

Section 319 has many other important provisions as well, including provisions dealing with Federal Receivers, legal service on foreign banks and more.

I want to again thank Senator SARBANES and Senator LEAHY and their staffs for their hard work and cooperative spirit in bringing this bill to the floor and including the provisions of our bill in it.

I need to add that the hard work in passing this bill will be for naught if some of the banks have their way in the House and in Conference Committee. I'm very concerned with reports that there is an effort in the House to separate the money laundering and anti-terrorism bills, so money laundering will be considered separately. The banks should be working with us to figure out even more ways in which the money flow of terrorists can be shut down.

Madam President, I ask unanimous consent to print letters of support for this legislation and testimony from the FBI in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF DENNIS M. LORMEL, CHIEF, FINANCIAL CRIMES SECTION, FEDERAL BUREAU OF INVESTIGATION, BEFORE THE HOUSE COMMITTEE ON FINANCIAL SERVICES, WASHINGTON, DC, OCTOBER 3, 2001

Correspondent banking is another potential vulnerability in the financial services sector that can offer terrorist organizations a gateway into U.S. banks just as it does for money launderers. As this Committee well knows, the problem stems from the relationships many U.S. Banks have with high risk foreign banks. These foreign banks may be shell banks with no physical presence in any country, offshore banks with licenses limited to transacting business with persons outside the licensing jurisdiction, or banks licensed and regulated by jurisdictions with weak regulatory controls that invite banking abuses and criminal misconduct. Attempts to trace funds through these banks are met with overwhelming obstacles. The problem is exacerbated by the fact that once a correspondent account is opened in a U.S. Bank, not only the foreign bank but its clients can transact business through the U.S. bank. As Congress has noted in the past, requiring U.S. banks to more thoroughly screen and monitor foreign banks as clients could help prevent much of the abuse in correspondent bank relationships.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 18, 2001.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY,
Co-Chairman, Senate Drug Caucus, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND MR. CO-CHAIRMAN: We are writing in response to your recent letter to Attorney General Ashcroft concerning S. 1371, the Money Laundering Abatement Act. We appreciate your continued commitment to addressing the serious problem of money laundering in this country and abroad, as demonstrated by your introduction of S. 1371. As you indicated in your letter, the Attorney General has expressed the need to strengthen our money laundering laws. In his August 7th speech, the Attorney General stated: "The Department of Justice has identified several areas in which our money laundering laws need to be updated to more effectively combat organized crime and to better serve the cause of justice."

We were very pleased to see that one of the areas highlighted in the Attorney General's speech—the need to add to the list of foreign offenses that constitute predicate crimes for money laundering prosecutions—is included in S. 1371. This and other provisions in your bill would greatly improve our money laundering laws.

As the Attorney General also indicated in his speech, the Department of Justice has been developing its own proposal to update our money laundering laws and we hope to provide Congress with our own recommendations in the near future. We look forward to working with you in pursuing our mutual goal of strengthening and modernizing our money laundering laws to meet the challenges of this new century.

Thank you for your attention to this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, September 20, 2001.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for requesting our views on S. 1371, the "Money Laundering Abatement Act," which is designed to combat money laundering and protect the United States financial system by strengthening safeguards in private and correspondent banking.

We greatly appreciate your initiative in this important area and believe that several provisions of S. 1371 would be of particular benefit to DEA's efforts to combat money laundering. In addition, as Assistant Attorney General Bryant recently indicated in his letter to you, the Administration has been working for some time on a package of additional suggested money laundering amendments, which we hope to be able to share with you shortly.

We look forward to working with you to strengthen and improve the Nation's money laundering laws. If I can be of any further assistance, please do not hesitate to contact me. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

ASA HUTCHINSON,
Administrator.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, September 7, 2001.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to comment on S. 1371, the Money Laundering Abatement Act. The Federal Deposit Insurance Corporation shares your concern about the damage to the U.S. financial system that may result from money laundering activities and we congratulate you for your leadership in this area.

As deposit insurer, the FDIC is vitally interested in preventing insured depository institutions from being used as conduits for funds derived from illegal activity. As you may know, in January of this year, the FDIC, together with the Department of the Treasury, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Department of State, issued Guidance On Enhanced Scrutiny For Transactions That May Involve The Proceeds Of Official Corruption. The FDIC is also an active participant in other working groups that seek more effective ways to combat money laundering.

S. 1371 is an important step in trying to preclude foreign entities from laundering money through U.S. financial institutions. S. 1371 would, in several ways, require U.S. financial institutions to identify foreign parties who open or maintain accounts with U.S. banks, such as through correspondent accounts or private banking accounts. The bill would also prohibit customers from having direct access to concentration accounts, and make it a crime to falsify the identity of a participant in a transaction with or through U.S. financial institutions. Correspondent and concentration accounts have the potential to be misused so as to facilitate money laundering, and the bill appropriately addresses these concerns.

One point we would like to raise is in relation to Section 3 of the bill. Section 3 provides for consultation between the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, both in regard to devising measures to combat money laundering and defining terms relating to anti-money laundering measures. The FDIC believes that such consultation requirements should include the FDIC as well as the other Federal banking agencies.

Thank you again for the opportunity to provide our views on S. 1371. Please do not hesitate to contact Alice Goodman, Director of our Office of Legislative Affairs, at (202) 898-8730 if we can be of any further assistance.

Sincerely,

DONALD E. POWELL,
Chairman.

STATE OF MICHIGAN,
DEPARTMENT OF ATTORNEY GENERAL,
Lansing MI, September 25, 2001.

Hon: CARL LEVIN,
U.S. Senator, Russell Senate Office Bldg., Washington, DC.
Hon. CHUCK GRASSLEY,
U.S. Senator,
Hart Senate Office Bldg., Washington, DC.

DEAR SENATORS LEVIN AND GRASSLEY: I write to express my strong support for SI371, the Money Laundering Abatement Act. This is a prevalent problem that has allowed the criminal element to secrete the proceeds of criminal activity and to generate funds needed to facilitate and underwrite organized crime.

The bill will make it harder for foreign criminals to use United States banks to launder the proceeds of their illegal activity and allow investigators to detect, prevent, and prosecute money laundering. In particular, the bill strengthens existing anti-money laundering laws by adding foreign corruption offenses, barring U.S. banks from providing banking services to foreign shell banks, requiring U.S. banks to conduct enhanced due diligence, and making foreign bank depositors' funds in U.S. correspondence banks subject to the same forfeiture rules that apply to funds in other U.S. bank accounts.

Recent events highlighting the activities of foreign terrorists have demonstrated the necessity for his law. My colleagues in the U.S. Justice Department indicate that this and similar laws are essential if we are to succeed in our fight against organized crime, drug dealers, and terrorism. This bill is the result of lengthy hearings and congressional fact-finding that concluded that the regulations set forth in the bill are needed. The bill has my support, and I would urge its passage as soon as possible.

Sincerely yours,

JENNIFER M. GRANHOLM,
Attorney General.

STATE OF ARIZONA,
OFFICE OF THE ATTORNEY GENERAL,
Phoenix, AZ, August 2, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
U.S. Senate, Washington, DC.
Hon. CHUCK GRASSLEY,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATORS LEVIN AND GRASSLEY: I write to express my views on the Money Laundering Abatement Act you are planning to introduce soon. This bill would provide much needed relief from some of the most pressing problems in money laundering enforcement in the international arena. The burdens it places on the financial institutions are well considered, closely tailored to the problems, and reasonable in light of the public benefits involved.

The bill focuses on the structural arrangements that allow major money launderers to operate. These include the use of shell banks and foreign accounts, abuse of private banking, evasion of law enforcement efforts to acquire necessary records, and of safe foreign havens for criminal proceeds. The approach is very encouraging, because efforts to limit the abuse of these international money laundering tools and techniques must come from Congress rather than the state legislatures, and because such measures attack money laundering at a deeper and more lasting level than simpler measures.

The focus on structural matters means that this bill's effects on cases actually prosecuted by state attorneys general are a relatively small part of the substantial effects its passage would have on money laundering as a whole. Nevertheless, its effects on money laundering affecting victims of crime and illegal drug trafficking would be dramatic. I will use two examples from my Office's present money laundering efforts.

My Office initiated a program to combat so-called "prime bank fraud" in 1996, and continues to focus on these cases. Some years ago, the International Chamber of Commerce estimated that over $10 million per day is invested in this wholly fraudulent investment scam. The "PBI" business has grown substantially since then. To date, my Office has recovered over $46 million in these cases, directly and in concert with U.S. Attorneys and SEC. Prime bank fraudsters rely heavily on the money movement and concealment techniques that this bill would address, particularly foreign bank accounts, shell banks, accounts in false identities, movement of funds through "concentration" accounts, and impunity from efforts to repatriate stolen funds. One of our targets was sentenced recently in federal court to over eight years in prison and ordered to make restitution of over $9 million, but without the tools provided in this bill, there is little hope that the victims will even see anything that was not seized for forfeiture in the early stages of the investigation.

My Office is now engaged in a program to control the laundering of funds through the money transmitters in Arizona, as part of the much larger problem of illegal money movement to and through the Southwest border region. This mechanism is a major facilitator of the drug smuggling operations. Foreign bank accounts and correspondence accounts, immunity from U.S. forfeitures, and false ownerships are significant barriers to successful control of money laundering in the Southwest.

Your bill is an example of the immense value of institutions like the Permanent Subcommittee of Investigations, because this type of bill requires a deeper understanding of the issues that comes from long term inquiries by professional staff. We who are involved in state level money laundering control efforts should be particularly supportive of such long term strategies because they are most important to the quality of life of our citizens.

I commend your efforts for introducing this important legislation and will assist you in anyway I can to gain its passage.

Yours very truly,

JANET NAPOLITANO,
Attorney General.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I tell the distinguished Senator from Michigan and the distinguished Senator from Massachusetts, who made such strong and valid points on money laundering, we just received from the administration their statement of policy saying: This includes money laundering, other financial infrastructure provisions arising from separate legislative proposals. These provisions were added to this bill after unanimous approval to have these provisions in the Senate Banking Committee. The administration supports the effort to strengthen this—

And so on. They are extremely important, and I can assure both Senators that I will strongly support retention of this in conference.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1901

Mr. FEINGOLD. Mr. President, I call up amendment No. 1901, which is at the desk.

The PRESIDING OFFICER (Mr. MILLER). The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1901.

Mr. FEINGOLD. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the provisions relating to access to business records under the Foreign Intelligence Surveillance Act of 1978)

Strike section 215 and insert the following:

SEC. 215. ACCESS TO BUSINESS RECORD UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(A) IN GENERAL.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a), by striking "authorizing a common carrier" and all that follows through "to release records" and inserting "requiring a business to produce any tangible things (including books, records, papers, documents, and other items)";

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting: "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) the records concerned are not protected by any Federal or State law governing access to the records for intelligence or law enforcement purposes."; and

(3) in subsection (d), by striking "common carrier, public accommodation facility, physical storage facility, or vehicle rental facility" each place it appears and inserting "business".

(b) CONFORMING AMENDMENT.—The text of section 501 of that Act (50 U.S.C. 1861) is amended to read as follows:

"SEC. 501. In this title, the terms 'agent of a foreign power', 'foreign intelligence information', 'international terrorism', and 'Attorney General' have the meanings given such terms in section 101.".

Mr. FEINGOLD. Mr. President, this amendment has to do with section 215 in the bill. It allows the Government, under FISA, to compel businesses to turn over records to assist in an investigation of terrorism or espionage. The provision makes two significant changes from current law. Under current law, the FBI can seek records from only a limited set of businesses—from public accommodations, such as hotels and motels, car rental companies, storage facilities, and travel records, such as those from airlines.

Current law also requires the FBI to demonstrate to the FISA court that the records pertain to an agent of a foreign power. The FBI cannot go on a fishing expedition of records of citizens of this country who might have had incidental contact with a target of an investigation. But under section 215 of this bill, all business records can be compelled to be produced, including those containing sensitive personal information such as medical records from hospitals or doctors, or educational records, or records of what books someone has taken out of the library.

This is an enormous expansion of authority, compounded by the elimination of the requirement that the records have to pertain to an agent of a foreign power. Under this provision, the Government can apparently go on a fishing expedition and collect information on anyone—perhaps someone who has worked with, or lived next door to, or has been seen in the company of, or went to school with, or whose phone number was called by the target of an investigation.

So we are not talking here only about the targets of the investigation; we are talking about people who have simply had some incidental contact with the target. All the FBI has to do is to allege in order to get the order that the information is sought for an investigation of international terrorism or clandestine intelligence gathering. That is all they have to do, assert that—not to just get at the targets, but at people who have had any contact whatsoever with them.

On that minimal showing in an ex parte application in a secret court, the Government can lawfully compel a doctor or a hospital to release medical records or a library to release circulation records. This is truly a breathtaking expansion of the police power, one that I do not think is warranted.

My amendment does not completely strike the provision. There are elements of it that I think have legitimacy. First, my amendment maintains the requirement that the records pertain to a target alleged to be an agent of a foreign power. This provides some protection for American citizens who might otherwise become the subject of investigations for having some innocent contact with a suspected terrorist.

Second, while the amendment maintains the expansion of the FISA authority to all business records, it also requires the FBI to comply with State and Federal laws that contain a higher standard for the disclosure of certain private information. The amendment makes it clear that existing Federal and State statutory protections for the privacy of certain information are not diminished or superseded by section 215.

There are certain categories of records, such as medical records or educational records, that Congress and State legislatures have deemed worthy of a higher level of privacy protection. Let me quickly give you a couple of examples. In California, there is a very detailed statutory provision governing disclosure of medical information to law enforcement authorities. Generally, the law requires either patient consent, or a court order, or a subpoena. Before issuing an order for the records to be produced, the court must, among other things, find good cause based on a determination that there is a reasonable likelihood that the records in question will disclose material information or evidence of substantial value in connection with the investigation or prosecution.

Montana is another State with strong statutory, and indeed constitutional, protections for medical records. It provides that medical records can only be obtained with an investigative subpoena signed by a judge, and that subpoena may be issued only when it appears upon the affidavit of the prosecutor that a compelling State interest requires it to be issued. In order to establish a compelling State interest, the prosecutor must state facts and circumstances sufficient to support probable cause to believe that an offense has been committed, and that the information relative to the commission of that offense is in the possession of the person or institution to whom the subpoena is directed.

My State of Wisconsin, along with many other States, has very strong library confidentiality laws which requires a court order for disclosure of public library system records.

Texas, for example, permits disclosure of library records "to a law enforcement agency or prosecutor under a court order or subpoena obtained after a showing to a court that: (A) disclosure of the record is necessary to protect the public safety; (B) the record is evidence of an offense or constitutes evidence that a particular person committed an offense."

Missouri and Nevada library records confidentiality laws both require that a court find "that the disclosure of such record is necessary to protect the public safety or to prosecute a crime."

South Carolina's library records confidentiality law permits disclosure "in accordance with a proper judicial order upon finding that disclosure of the records is necessary to protect public safety, to prosecute a crime, or upon showing of good cause before a presiding judge in a civil matter."

In short, our States have made policy judgments about the protection to which certain kinds of records are justified. We have Federal laws that express similar judgments—Federal Educational Records Privacy Act. Indeed, as I will mention, this bill provides new standards for the production of educational records in connection with terrorism investigations.

So my fear is that what section 215 does is effectively trump any and all of these State and Federal privacy protections. I think that is a result that most of our citizens and their State representatives would not countenance. So my amendment simply provides that this new authority to compel the production of business records through an order of a FISA court does not apply if another State or Federal law governs the law enforcement or intelligence access to the records.

To the extent that the records sought have no such statutory protection, the only effect this amendment would have is to ensure that the records actually pertain to the target. But I strongly believe that merely alleging that the records are needed for an intelligence investigation should not override other protections provided by State and Federal law.

I will quickly highlight the problem by referring to section 508 of this bill. That section, I think, would be rendered meaningless if section 215 is not amended as I propose.

The original version of section 508 proposed by the administration would have given the Attorney General the right to obtain the educational records of virtually any student without a court order. I and many other Senators had serious problems with that provision, and it was significantly changed before S. 1510 was introduced. Section 508 now does require a court order and does provide a specific showing that the Attorney General must make to obtain the order to get at these educational records. But if section 215 is enacted without my amendment a university could be ordered to turn over such records as "tangible things" on a much lower showing.

The administration asserts that it is too great a burden for the Government to abide by existing privacy protections and seek court orders to obtain certain sensitive information specifically identified by Congress and State legislators. I remind my colleagues that the protections I seek to preserve were carefully drafted and debated and enacted at a time when legislators could thoughtfully consider the full weight of granting such protections. We are now asked to set these protections aside with scant discussion of either the merits or the consequences of such a proposal, during a time of incredible strain on our democratic principles, and for an indeterminate length of time.

If my amendment is adopted, law enforcement will still have access to all of the information it seeks. But my amendment simply maintains the integrity of protections enacted by Congress and State legislatures for certain kinds of sensitive information to ensure that access to this information is given only where it is necessary. It makes sure that this provision does not become the platform or an excuse for a fishing expedition for damaging information on American citizens who are not the subjects of FISA surveillance.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FEINGOLD. I yield 5 minutes to the Senator.

Mr. WELLSTONE. Mr. President, I say, again, to colleagues that this amendment the Senator from Wisconsin introduced makes sure that our Federal and State laws regarding certain sensitive privacy areas are not diminished or superseded by this provision.

The amendment of the Senator from Wisconsin goes to the heart of the concerns that a lot of the people we represent have. I imagine that the vote may be overwhelmingly in opposition to this amendment. That has been the pattern.

Again, I thank the Senator from Wisconsin for raising these questions. This is what we should be doing.

I conclude this way: I really think, in part, because of the kind of questions the Senator from Wisconsin has raised—again, I am not a lawyer—in looking at this bill, Mr. President, I say to Senator LEAHY, it seems to me he and others have done a great job and are doing everything possible to make this more balanced. There are so many good provisions in this bill that we need. I believe that.

I hope we can keep the sunset provision, which is so essential to oversight, because I think what is good is the provisions of this legislation that focus on combating terrorism and what is not quite so good is the parts of this bill that reach way beyond that.

Yes, there is a lot of good. I will support it. I will reserve final judgment of what comes out of the conference committee. I think we can make it better.

I thank my colleagues, Senator HATCH included, for their work. Sometimes people can honestly disagree. I know this is important. I know where we are as a nation, but the Senator from Wisconsin has raised important concerns tonight, and others as well. I hope we do better in conference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. He said it exactly right. Each of us who spoke on these amendments tonight cares just as much as everybody in this room about the fight against terrorism and stopping it. We just want to make sure we do not go beyond that goal with unnecessary language that intrudes on our civil liberties. That is it. That is all we are trying to do.

I am pleased to yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from Wisconsin for the time and his energies this evening. We all know that the hour is late and that there are many things we must accomplish in our acts to fight terrorism. This is probably one of the most significant pieces of legislation that affects our home-front activities in fighting that battle.

There are many good things in this bill. I am very proud of the authorizing language to triple the resources for our northern borders. I am very proud of the language in the bill that basically will set a new technology standard for our visa program so we can better identify people coming into this country. I am very proud of the many tools in the bill for law enforcement. I ask unanimous consent that the column in the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 10, 2001]

WHEN CARE BEATS HASTE

The complex antiterrorism legislation that the administration sent Congress less than a

> month ago could reach the floors of both houses this week. The original proposal has been considerably improved since its hasty submission, but civil liberties groups continue to warn with cause that some of the detention and surveillance provisions would give the government more power than is either necessary or healthy.
>
> Some of the members of both parties who helped construct the current compromises are likewise uneasy about their own handiwork, but reluctant to be seen as holding up a bill the administration insists it needs right away. The reluctance will be the greater now that the country is engaged in military action in Afghanistan; there is fear—we have no doubt well-founded—of retaliation. But dangerous moments are precisely the ones when it is most important that civil liberties be protected.
>
> The House Judiciary Committee has dealt with the conflicting pressures in part by putting a kind of asterisk after the surveillance sections of the bill. It has "sunset" them, meaning the powers they confer will expire after two years unless a subsequent Congress, having seen how the powers work out, votes to extend them. The administration opposes the sunset provision and succeeded in keeping it out of the Senate version. But it's a reasonable compromise. A bill such as this is a balancing of risks—the risk of further attack versus the risk to civil liberties in seeking to forestall the attack. If the bill is as benign as the administration insists, it has nothing to fear from a sunset provision, which ought to be retained.
>
> Parts of the administration proposal were sensible and are not in dispute: allowing the government in an age of cell phones to seek court approval for placing a wiretap on a person rather than a particular phone, for example. Others were drawn too loosely, and some still need work. The administration had sought authority to detain indefinitely non-citizens whom the attorney general thought even might be engaged in terrorism or other activities that endangered national security. That power has been greatly circumscribed. A person not charged with a crime after seven days can be held only if the government is moving to deport him. The question, which the bills don't clearly answer, is how long, without judicial determination, can it hold him then?
>
> Wiretap authority now is easier to get for foreign intelligence than for law enforcement purposes. The legislation would make it easier still. The question then becomes how to make sure that the new authority isn't abused—in fact used for law enforcement purposes or fishing expeditions—in such a way as to make such surveillance far more commonplace than now. Related issues have to do with the sharing of law enforcement and intelligence information among government officials. There are ways to provide the broader authority the government says it needs while hedging against its abuse; in our view, not all of those have been fully explored.
>
> So too with the power the bill would give law enforcement officials to obtain records of an individual's Internet use, including addresses of e-mail sent and received. Phone records are now available to law enforcement agencies more or less on request—when were calls made from phone A to phone B? what should be the Internet analogy?
>
> The administration was said yesterday to be pressing for quick passage by both houses of the Senate measure; the more careful work of the House Judiciary Committee would be set aside. That's wrong, and an acquiescent step that in the long run Congress likely would regret.

Ms. CANTWELL. This article said it best with the headline: "When Care Beats Haste":

> The question then becomes how to make sure that the new authority isn't abused—in fact used for law enforcement purposes or fishing expeditions—

Later it says that it would be wrong for us to take an acquiescent step that in the long run would really hurt our country.

What Senator FEINGOLD is simply trying to say is that we have already painstakingly over many years crafted a careful balance in protecting personal privacy. This language in section 215 changes that. It basically says that the FBI can have access to other things, including business records from U.S. citizens who may have had incidental contact with someone who is defined as a terrorist.

Think about that for a second. If you are an employer and someone in your company has now been accused of these terrorists acts and is under investigation, your business records can also be attained if, as Senator FEINGOLD said, it was deemed part of this investigation, with very minimal judicial review.

Take for another example, you happen to live across the hall from someone who now has become a suspect. Maybe you have been over to their house for dinner several times. Now, all of a sudden, you may be part of that investigation, and your financial records, your medical records, your personal records can now be part of that investigation, again, with very minimal judicial review.

I have heard from many in my State, including my State librarian, consumers, and businesses that are concerned, that this provision is far too broad.

It takes little imagination, as I said, to think of all the tangible items this would give the FBI carte blanche to examine some people's most private and personal papers.

The bottom line is this legislation could circumvent or supersede Federal and State privacy laws that protect student records, library records, and health records not previously admissible under FISA.

What we are talking about in the Feingold amendment is trying to preserve those State and Federal laws that already specify protection. The amendment simply states where Congress or a State legislature has enacted a law which requires an order to obtain records, that Federal or State law stands.

That seems pretty simple. We have worked on these issues. We should not work on them in haste.

This is a very complex time. It is no ordinary time for our country. This process has to remember those fourth amendment rights that we have so diligently fought for in the past. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am grateful for the remarks of the Senator from Washington. I am afraid we are going to read them in a few years and wish maybe we listened more closely to what we are doing on this particular provision.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Utah wanted to say something for the record.

Mr. HATCH. Mr. President, I thank my colleagues.

I oppose Senator FEINGOLD's amendment to Section 215 of the bill. Section 215 allows federal law enforcement to apply for a court order to obtain records and other evidence in the course of an investigation to protect against international terrorism or clandestine intelligence activities. This provision has many safeguards built in to prevent its misuse.

For instance, the application must be made by the Director of the FBI or his designee, whose rank cannot be lower than an Assistant Special Agent in Charge, and specify that the records concerned are sought for an authorized investigation to protect against international terrorism or clandestine intelligence activities. Additionally, the investigation must be conducted pursuant to approved Attorney General guidelines and may not be conducted on a United States person solely upon the basis of activities protected by the first amendment to the Constitution.

As written, the provision balances the investigatory needs of the FBI with privacy concerns and provides adequate protection, while not allowing a host of state-law provisions to stand in the way of national security needs. Senator FEINGOLD's amendment would condition the issuance of the court order on a myriad of federal and state-law provisions. Such conditioning will have the effect of making investigations to protect against international terrorism more difficult than investigations of certain domestic criminal violations.

Senator FEINGOLD's amendment purports to preserve privacy protections in place for certain records. The amendment's effect, however, will be to place foreign international and intelligence investigations at a disadvantage to criminal investigations. For example, this amendment would make it more difficult for the government to obtain business records in a foreign-intelligence or foreign counter-intelligence investigation through a court order than it is to obtain the same records in a criminal health-care fraud or child pornography investigation through a grand jury subpoena or administrative subpoena. (see 18 U.S.C. 3486).

Federal law enforcement officers investigating the activities of a terrorist organization or foreign intelligence target should not face a greater burden than that imposed on investigators of health-care fraud or child pornography.

I urge my colleagues to vote against this amendment.

Mr. LEAHY. Madam President, the administration originally wanted administrative subpoena authority in foreign intelligence cases for government access to any business record. I was able to reach agreement with the administration to subject this authority to judicial review and to bar investigations based on the basis of activities protected by the First Amendment.

The Feingold amendment would ensure that current laws providing safeguards for, certain types of records, such as medical and educational records, be maintained. Again, it is unfortunate that the administration did not accept this amendment.

Mr. President, we are prepared to yield back the remainder of our time if the Senator from Wisconsin is prepared to yield back the remainder of his time.

Mr. FEINGOLD. If the majority leader is going to speak, I would like to respond. If not, I will simply yield back the remainder of my time.

Mr. LEAHY. I yield back the remainder of our time.

Mr. DASCHLE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. THURMOND), and the Senator from New Mexico (Mr. DOMENICI), are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—89

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wyden

NAYS—8

Cantwell
Corzine
Dayton
Dodd
Feingold
Harkin
Levin
Wellstone

NOT VOTING—3

Domenici
Helms
Thurmond

Mr. LEAHY. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NORTHERN BORDER SECURITY

Mr. STEVENS. Mr. President, I thank the members of the Judiciary Committee, especially Chairman LEAHY and Senator HATCH for their hard work on this important legislation. This bill will give the administration an increased ability to fight terrorism on many fronts. One section of the bill that is extremely important to my state addresses Northern Border Security. This bill will triple the number of Border Patrol, Customs Service, and INS inspectors along America's northern borders. It also authorizes $100 million to improve INS and Customs technology and for additional equipment for monitoring the northern borders. Alaska and Alaskans are in a unique position. One section of our northern boarder stretches from Maine through, my good friend's home state of, Vermont all the way to Washington State. A second section is that of my home State. As you know we are the largest State in the Nation with an enormous border with Canada that runs over 1,538 miles. We have one of the busiest international cargo airports in the world, which has lost a number of carriers since the September 11 attacks due to grossly inadequate staffing at our secure, sterile customs facility. We also have several major international ports scattered throughout Alaska including the Port of Anchorage, which handles the most container traffic in Alaska; Dutch Harbor, which is America's busiest commercial fishing port; and Valdez, where millions of barrels of North Slope crude oil are sent by pipeline to the "South 48." The sections of the bill that address the Northern Border Security do not mention Alaska specifically. I intended to offer an amendment to insure that we are part of the definition. But as my good friend the Senator from Vermont pointed out to me, other northern border States are not mentioned specifically either. I understand that it is the intent of this legislation that Alaska and all other states that border Canada are "Northern Border" States and that INS, Border Patrol, U.S. Customs service and others should look at all of these states when addressing security issues. I would ask the manager of this bill if my understanding is correct?

Mr. LEAHY. Mr. President, the Senator from Alaska is correct. Alaska is definitely part of America's Northern Border and it was the intent of the committee and the Senate that it be part of that definition.

The unfolding facts about how the terrorists who committed the September 11 attack were able to enter this country without difficulty are chilling. Since the attacks many have pointed to our northern border as vulnerable to the entry of future terrorists. This is not surprising when a simple review of the numbers shows that the northern border has been routinely short-changed in personnel. While the number of border patrol agents along the southern border has increased over the last few years to over 8,000, the number at the northern border has remained the same as a decade ago at 300. This remains true despite the fact that Admad Ressam, the Algerian who planned to blow up the Los Angeles International Airport in 1999, and who has been linked to those involved in the September 11 attacks, chose to enter the United States at our northern border. It will remain an inviting target until we dramatically improve our security.

The USA Act includes my proposals to provide the substantial and long overdue assistance for our law enforcement and border control efforts along the Northern Border. My home State of Vermont has seen huge increases in Customs and INS activity since the signing of NAFTA. The number of people coming through our borders has risen steeply over the years, but our staff and our resources have not.

I proposed—and this legislation authorizes in section 402—tripling the number of Border Patrol, INS inspectors, and Customs Service employees in each of the States along the Northern Border. Alaska is certainly one of those States. I was gratified when 22 Senators—Democrats and Republicans—wrote to the President supporting such an increase, and I am pleased that the administration agreed that this critical law enforcement improvement should be included in the bill.

Mr. STEVENS. Mr. President, I thank the Senator from Vermont. With this clear statement of of the legislation I will not offer an amendment to specifically name Alaska as a Northern Border State.

ALIEN TERRORIST REMOVAL COURT

Mr. SMITH of New Hampshire. Mr. President, it had been my intention to offer an amendment which would strengthen provisions in the bill to deal with known terrorist aliens. As Senator LOTT well remembers, we worked in 1996, created the Alien Terrorist Removal Court, to hear cases against aliens who were known terrorist and to allow the Justice Department to deport these aliens without divulging classified information to the terrorist organization.

Mr. LOTT. I know the Senator from New Hampshire has been working a long time on this issue. In fact, when he sponsored this legislation back in 1995, I was a cosponsor of his bill. He has been a leader on this issue, he passed his legislation, and the Court was created.

Mr. SMITH of New Hampshire. That is correct. As the leader knows, there are some changes that are needed to improve the law, which is what my amendment was going to be about.

Mr. LOTT. I understand, and I agree that the law needs to be strengthened.

Mr. SMITH of New Hampshire. Mr. President, I would say to my colleagues, all the tools we are giving to the Justice Department in this bill are irrelevant if we cannot deport these terrorist who are living in our country preparing to terrorize American citizens. Page 162 of the bill says the Attorney General shall place an alien in removal proceedings within 7 days of catching him, or charge him with a criminal act, or else the bill says "the Attorney General shall release the alien." Mr. President, the problem is that most of these terrorist have not committed criminal acts until they are ready to attack. Therefore, in most of these cases, the only option is to deport them.

Mr. LOTT. It is my opinion, that if we can deport known terrorist, we should do it. We cannot let the Justice Department be barred because the evidence was too sensitive to use in Court.

Mr. SMITH of New Hampshire. That is exactly the problem. Under current law, the Justice Department would have to give a declassified summary of all the secret evidence used in the deportation proceedings to the terrorist. Now, why would we compromise our intelligence sources and methods by revealing sensitive intelligence information to a known terrorist? The intelligence community would never allow it, and with good reason. But as a result, the Justice Department has never once used the alien terrorist removal court to deport anyone.

Mr. LOTT. That is my understanding, and it is a serious problem. I am in complete agreement with the Senator.

Mr. SMITH of New Hampshire. Mr. President, I thank the Leader. As I said, it had been my intention to offer an amendment to resolve this problem by eliminating the requirement for the Attorney General to give this sensitive information to the alien terrorist before deporting him. However, upon discussions with the Attorney General, who indicated to me that he supports this provision, and after discussions with the Leader, I have decided in the interest of moving this legislation to withhold my amendment at this time, with the assurance of the Leader and the Administration that we will work to solve this problem in conference.

Mr. LOTT. Let me say to the Senator that he can count me as a cosponsor of this amendment. It is an excellent amendment, it is needed, and I commit to the Senator that I will do my best to see that it is added in conference. I would further say to the Senator that I have also talked about this issue with the Attorney General, and he indicated to me that the Administration supports your amendment and that he will also work to support it in conference when we get to that point. So, I appreciate his withholding at this time so we can get this bill to conference where we can work to get the Smith amendment added to greatly improve this bill.

Mr. SMITH of New Hampshire. I thank the Leader for his strong support, and I am pleased that the administration is also supportive. I know how many long hours the Attorney General is putting in on this issue, and how committed he is to winning this war on terrorism. I look forward to passing this important provision which will be an invaluable tool for the Attorney General and the President in this war.

DETERRING MONEY LAUNDERING

Mr. SCHUMER. Mr. President, I would like to clarify with Chairman SARBANES my understanding of the provision in Title III, the anti-money laundering provisions in the antiterrorism package, entitled "Section 314. Cooperative Efforts to Deter Money Laundering".

As the Chairman is well aware, Section 314(b) is intended to address concerns about regulatory barriers that stand in the way of developing efficient mechanisms and services that financial institutions can use to fulfill their regulatory compliance obligations. The regulations to be issued by the Secretary, and potentially by bank and thrift regulators as well, could further this purpose by reconciling rules that could be interpreted in a way that places conflicting burdens on financial institutions.

Does that comport with the Chairman's understanding of the intent of the provision and how that intent could best be carried out by the regulators?

Mr. SARBANES. I thank the Senator for his question. Yes, that is also my understanding of Section 314.

Mr. CORZINE. Mr. President, I am going to support this legislation, and I want to commend the leadership—Senators DASCHLE and LOTT—and Senators LEAHY and HATCH, for their efforts in developing the bill. Clearly, there is no higher priority than combating terrorism and protecting our national security. At the same time, I do have real concerns about the process by which this legislation has come to the floor, and about the implications of some provisions for fundamental civil liberties.

There are several provisions in this legislation that make a real, positive contribution to the fight against terrorism. Other senators have discussed some of the highlights in more depth, so let me just focus on a few.

First, this bill includes legislation approved by the Senate Committee on Banking, Housing, and Urban Affairs, on which I sit, that will help authorities crack down on money laundering. This is essential if we are to deprive terrorists of resources. The bill will require additional reporting of suspicious transactions, require identification of the foreign owners of certain U.S. accounts, and impose other requirements on financial institutions to give authorities a greater ability to identify and prosecute money launderers. I also note that the bill includes a provision I authored that calls for a study into the possibility of expanding the legislation to include hedge funds and other investment services that also can be used by terrorists to launder money.

Beyond the money laundering provisions, I also am pleased that this bill provides additional funding for the victims of terrorism. Coming from New Jersey, where thousands of our residents have been victimized by the tragedy at the World Trade Center, this is especially important to me. In my view, we as a nation have a responsibility to ensure that terrorism victims and their families are not left alone and uncompensated. That is why I am pleased that the bill would replenish the antiterrorism emergency reserve, replace the annual cap on the Crime Victim Fund, authorize private contributions to the fund, and strengthen services for victims in other ways. While this is not all that we should be doing for victims and their families, I appreciate the work of the leaders in focusing on their needs.

I also pleased that the bill would triple the number of Border Patrol, Customs Service and immigration inspectors at our northern border. This would significantly enhance security over an area that, until now, has been seriously understaffed. The bill also authorizes $100 million to improve INS and Customs technology and additional equipment for monitoring the U.S.-Canada border.

In addition, I want to highlight language in this bill that would establish two new crimes related to bioterrorism, including provisions to prohibit certain people from possessing a listed biological agent or toxin. There are many other things we need to do to prepare for the threat of a biological or chemical attack, and I have introduced related legislation, S. 1508, that would require states to develop coordinated plans, and that would provide additional resources for hospitals and other health care providers. The threat of bioterrorism is real, and I would hope that our leaders will bring related legislation to the Senate floor as soon as possible.

While I support the provisions in this bill on money laundering, victim services, border enforcement, and bioterrorism, I do have serious concerns about the way this bill was put together, and about other provisions that raise serious questions about the protection of civil liberties.

It is deeply troubling to me that we would be taking up a bill that deals with such sensitive civil liberties matters without comprehensive hearings, and without even consideration by the relevant committee. We are talking about a 243-page bill that was developed behind closed doors by a handful of people operating under enormous time pressure. This is a bill that raises fundamental questions that go to the very essence of our democracy, and our freedoms. It's not something that should be done in haste, with so little opportunity for input from outside experts, the public, and all senators.

Perhaps because the legislation was developed so quickly, and in an environment so dominated by great public anxiety about security, there is a real risk that we will make serious mistakes.

I am especially concerned about the provisions in this bill that require the detention of immigrants who are not terrorists, who are not criminals, but are merely suspected of future wrongdoing. In fact, these provisions go further than that. Lawful permanent residents who are charged with being deportable on terrorism grounds could be held indefinitely even if an immigration judge determines that the terrorism charges are false.

I understand that we need to give the government sufficient authority to protect Americans from those who pose a real threat to public safety. But this provision goes too far. And I hope it can be corrected in conference.

Similarly, there are other provisions of this legislation that seem very loosely drafted, and that could, perhaps unintentionally, lead to infringement on important civil liberties. For example, many have raised serious questions about provisions relating to law enforcement surveillance of Internet and telephone use, and about other provisions that give the government extensive new powers to conduct secret searches. These and other provisions do not seem to have received adequate scrutiny. I am hopeful that they can be examined more closely in conference, and any needed improvements can be made before the legislation is sent to the President.

I also would urge our conferees to accept a provision, like one included in the House version of this legislation, that would set a time limit on the application of certain provisions that pose the greatest threats to civil liberties. In my view, that's especially important since we have rushed this legislation through the Senate so quickly. As I said, I am hopeful that we can identify and correct any mistakes in conference. But we still seem to be operating on a rush basis, and I suspect that some mistakes are inevitable. Given the stakes involved, I think it would be better to make many of these provisions temporary, and then revisit these issues when we have more time to thoroughly consider all their implications.

In the end, while I do have serious concerns about certain aspects of this legislation, I have decided to support the effort to move it to conference. Our nation has just suffered the most horrendous act of terrorism in our history, and we are facing serious threats of other terrorist attacks. A vast, well-organized and well-funded terrorist network has gone to war against our nation. And while we should not overreact, or erode basic freedoms, we do have to defend ourselves.

We must give our law enforcement officials the tools they need to find and destroy these terrorist networks. And this legislation should help. But we need to continue to review and improve its provision as we go to conference. And we will need to continue to closely review the implementation of the legislation after it is enacted.

I yield the floor.

Ms. CANTWELL. Mr. President, I support this bill, but I do so only with some reservations.

We are giving broad new powers to our law enforcement and intelligence communities—without the traditional safeguards of judicial review and congressional oversight.

I believe that many provisions of the bill, particularly those sections dealing with electronic eavesdropping and computer trespass, remain seriously flawed and may infringe on civil liberties.

I am voting for this bill today with the strong hope that it will be improved in a conference with the House. As it currently stands, the Senate bill breaks down the traditional separation of domestic criminal matters governed by the fourth amendment right against unjustified search and seizure—from the gathering of international intelligence information traditionally gathered without the same concern for constitutional rights.

I strongly believe that we should have included in this bill a sunset provision that would give Congress the opportunity to reassess whether these new tools are yielding the intended results in the war on terror, and I am hopeful that the final bill will emerge with this and other improvements.

If this bill is not improved through a conference process or other negotiation, I reserve the right to vote against a conference report.

However, I also believe this bill contains many provisions that will significantly advance our battle against terrorism. I thank the Chairman for his hard work on these provisions and appreciate his efforts particularly to strengthen security on our northern border.

Among the most important provisions in this bill is the authorization to triple staffing across our northern border.

These increases in manpower are desperately needed. The northern border is patrolled by only 300 border patrol agents in contrast to the 9,000 on the southern border. More critically, at points of entry where suspect persons have repeatedly tried to enter or have entered, we currently lack sufficient staffing to allow Customs and INS inspectors and INS agents to do their job well. We place a tremendous responsibility on the individuals charged with deciding whom to admit and whom to turn away.

One additional new tool this bill provides is the establishment of a visa technology standard to help secure our border. I personally worked to get language included in this bill that requires the State Department and the Department of Justice to develop a shared technology standard—so that we can be certain each individual who seeks entry into our country on a visa—is the person he or she claims to be.

American citizenship comes with deeply valued privileges and rights. One of the most basic of those rights is privacy. To require a fingerprint or a digital photograph of an alien seeking to enter our country is a reasonable and effective way to improve our ability to keep terrorists out of this country while still welcoming a vibrant flow of legal immigrants.

Unfortunately, aspects of this bill that impose unreasonable and unwarranted requirements on legal immigrants, greatly expand electronic eavesdropping, and potentially provide law enforcement easy access to some types of email communications—remain troubling.

I would like to believe that the expansion of the ability of the government to place wiretaps on the lines of American citizens—done in secret with insignificant reporting or opportunity for oversight by the Congress—will not be abused.

I would like to believe that technologies like that technologies like

Carnivore will not be used to derive content from email communications.

But I am skeptical.

Several other aspects of this bill, when taken together, also have the potential to interfere with Americans' enjoyment of their right to privacy without providing value in the fight against terrorists.

Those of us who feel strongly about how new powers might chip away at traditional privacy rights will closely watch how law enforcement uses these tools.

The events of September 11 have changed us as a country forever. We have been attacked on our own soil. Thousands have died, thousands more have been injured. Very simply, we must do all that we can to stop terrorism by finding and disrupting terrorist activities here and abroad. The challenge we face is to do this without compromising the value that make Americans unique and have allowed us to become great: respect for personal autonomy and the rights of the individual; and tolerance of all regardless of race or religion.

While I will vote for this bill, I also promise to engage in vigilant oversight of these new powers, and I urge those in the law enforcement and intelligence communities to use these powers wisely and with great deliberation.

Mr. EDWARDS. Mr. President, I rise in support of S. 1510, the Uniting and Strengthening America Act.

In the aftermath of September 11, we face two difficult and delicate tasks: to strengthen our security in order to prevent future terrorist attacks, and at the same time, to safeguard the individual liberties that make America a beacon of freedom to all the world.

I believe that when the President signs this anti-terrorism legislation into law, we will have achieved those two goals as best we now can.

The act is a far-reaching bill. I will mention just a few key aspects of that bill.

First, the legislation brings our surveillance laws into the 21st century. Here are two of many examples. Under current law, the FBI can use a basic search warrant to access answering machine messages, but the FBI needs a different kind of warrant to get to voice mail. This law says the FBI can use a traditional warrant for both. Another example: Under current law, a Federal court can authorize many electronic surveillance warrants only within the court's limited jurisdiction. If the target of the investigation is in the judge's jurisdiction, but the subject of the warrant is technically an internet service provider located elsewhere, the warrant is no good as to that ISP. This bill allows the court overseeing an investigation to issue valid warrants nationwide.

Second, the act gives law enforcement officers and the foreign intelligence community the ability to share intelligence information with each other in defined contexts. For example, the act says that under specified conditions, the FBI may share wiretap and grand jury information related to foreign- and counter-intelligence. I appreciate concerns that this information-sharing authority could be abused. Like Chairman LEAHY, I would have preferred to see greater judicial oversight of these data exchanges. But I also believe we simply cannot prevail in the battle against terrorism if the right hand of our government has no idea what the left hand is doing.

Third, the act enhances intelligence authorities under the Foreign Intelligence Surveillance Act (FISA). When I met with FBI agents in North Carolina shortly after September 11, they told me their number one priority was to streamline the FISA process. We've done that. We've said, for example, that the renewal periods of certain key FISA orders may be longer than the initial periods. This makes sure the FBI can focus on investigations, not duplicative court applications.

A more controversial change concerns the purpose of FISA surveillance. Under current law, a FISA wiretap order may only enter if the primary purpose of the surveillance is foreign intelligence gathering. The administration initially proposed changing the "primary purpose" requirement to a requirement of "a purpose," any foreign intelligence purpose. At a recent Intelligence Committee hearing, I was one of several Senators to raise constitutional questions about the Administration's initial proposal. The last thing we want is to see FISA investigations lost, and convictions overturned, because the surveillance is not constitutional. S. 1510 says that FISA surveillance requires not just "a purpose," but "a significant purpose," of foreign intelligence gathering. That new language is a substantial improvement that I support. In applying this "significant purpose" requirement, the FISA court will still need to be careful to enter FISA orders only when the requirements of the Constitution as well as the statute are satisfied. As the Department of Justice has stated in its letter regarding the proposed FISA change, the FISA court has "an obligation," whatever the statutory standard, "to reject FISA applications that do not truly qualify" as constitutional. I anticipate continued close congressional oversight and inquiry in this area.

A forth step taken by this legislation is to triple the number of Border Patrol, INS inspectors, and Customs Service agents along our 4,000-mile northern border. Today there are just 300 border patrol agents to guard those 4,000 miles. Orange cones are too often our only defenses against illegal entries. This bill will change that.

Fifth, the bill expedites the hiring of translators by the FBI. It is unthinkable that our law enforcement agents could have critical raw intelligence that they simply cannot understand because they do not know the relevant language. This statute will help to change that state of affairs.

Finally, the bill makes the criminal law tougher on terrorists. We make it a crime to possess a biological agent or toxin in an amount with no reasonable, peaceful purpose, a crime to harbor a terrorist, a crime to provide material support to terrorism. And we say that when you commit a crime of terrorism, you can be prosecuted for that crime for the rest of your life, with no limitations period. Statutes of limitations guarantee what lawyers call "repose." Terrorists deserve no repose.

As Chairman LEAHY and Senator HATCH have both said, this legislation is not perfect, and the House-Senate Conference may yet make improvements. For example, the Conference might clarify that, as to aliens detained as national security threats, the law will secure the due process protections and judicial review required by the Constitution and by the Supreme Court's recent decisions in Zadvydas v. Davis and INS v. St. Cyr. The Conference might also sensibly include a sunset of the new surveillance authorities, ensuring that Congress will reconsider this bill's provisions, which touch such cherished liberties, in light of further experience and reflection.

The bill is not perfect, but it is a good bill, it is important for the Nation, and I am pleased to support it.

Mr. KYL. Mr. President, I rise in strong support of the antiterrorism bill, S. 1510. The bill would provide our nation's law enforcement with important tools to more effectively investigate and prevent further attacks against the people of the United States.

At the outset, in response to concerns that some have raised, I want to make clear that we are not rushing to pass ill-conceived legislation.

During the past two Congresses, when I chaired the Judiciary Committee's Subcommittee on Technology and Terrorism, the Subcommittee held 19 hearings on terrorism. I want to repeat that: 19. The witnesses who appeared before the Subcommittee included the then-Director of the FBI Louis Freeh and representatives of all three of the congressionally-mandated commissions on terrorism that have issued reports over the last two years. Additional hearings on terrorism were held by the full Judiciary Committee and by other committees.

Many of the provisions contained in the Attorney General's proposed legislation mirror the recommendations of one or more of the major terrorism commissions and have already been examined by the committee of jurisdiction. In fact, some of these provisions have already been voted on and passed by the Senate.

Indeed, as I will discuss more fully in a minute, the language sent forward by the Attorney General to establish nationwide trap and trace authority was included in the Hatch-Feinstein-Kyl Amendment to the recently passed Commerce, Justice, State Appropriations bill. Much of the remaining language in that amendment was included in the Counterterrorism Act of 2000, which the Senate passed last fall, after a terrorist attack on the U.S.S. *Cole* killed 17 American sailors and injured another 39. That bill was based on recommendations of the bipartisan, congressionally-mandated National Commission on Terrorism, known as the Bremmer Commission, which was established in 1998 in response to the embassy bombings in Tanzania and Kenya.

One particularly important provision, which was included in the both the CJS bill and the current bill, updates the law to keep pace with technology. The provision on pen register and trap and trace devices 1. Would allow judges to enter pen/trap orders with nationwide scope and 2. Would codify current caselaw that holds that pen/trap orders apply to modern communication technologies such as e-mail and the Internet, in addition to traditional phone lines.

Nationwide jurisdiction for a court order will help law enforcement to quickly identify other members of a criminal organization such as a terrorist cell. Indeed, last year Director Freeh testified before the Terrorism Subcommittee that one of the problems law enforcement faces is "the jurisdictional limitation of pen registers and trap-and-trace orders issued by federal courts." [Source: Hearing before the Subcommittee on Technology, Terrorism, and Government Information of the Senate Committee on the Judiciary, 106th Cong, 2nd Sess. (March 28, 2000), at 31.]

He continued: "Today's electronic crimes, which occur at the speed of light, cannot be effectively investigated with procedural devices forged in the last millennium during the infancy of the information technology age." [Source: Id. at 32.]

Currently, to track a communication that is purposely routed through Internet Service Providers located in different states, law enforcement must obtain multiple court orders. This is because, under current law, a Federal court can order only those communications carriers within its district to provide tracing information to law enforcement.

According to Director Freeh's testimony before the Terrorism Subcommittee, "As a result of the fact that investigators typically have to apply for numerous court orders to trace a single communication, there is a needless waste of time and resources, and a number of important investigations are either hampered or derailed entirely in those instances where law enforcement gets to a communications carrier after that carrier has already discarded the necessary information." [Source: Id. at 31.]

Section 216 of the Senate bill solves this problem.

I would also like to address another important provision.

Section 802 is intended more clearly to criminalize the possession of biological and toxin agents by those who should not possess them. This section amends the implementing legislation for the 1972 "Convention on the Prohibition of the Development, Production, and Stockpiling of Bactiological, Biological, and Toxin Weapons and on their Destruction", BWC. Article I of the BWC prohibits the development, production, stockpiling, acquisition, or retention of Microbial or other biological agents, or toxins, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes. It is not the intent of the BWC, nor is it the intent of Section 802, to prevent the legitimate application of biological agents or toxins for prophylactic, protective, bona fide research, or other peaceful purposes. These purposes include, inter alia, medical and national health activities, and such national security activities as may include the confiscation, securing, and/or destruction of possible illegal biological substances.

Finally, let me address briefly the concern voiced by some that we are in danger of "trampling civil liberties." I reiterate that we are not rushing, that we have had thorough, deliberative hearings, and that many of the proposals have already been passed by the Senate. Nothing in the current bill impinges on civil liberties. The bill would give Federal agencies fighting terrorism the same tools we have given those fighting illicit drugs, or even postal fraud. Many of the tools in the bill are modernizations of the criminal laws, necessitated by the advent of the Internet.

While some of these tools are extremely helpful in terrorism investigations, it makes no sense to refuse to apply these common sense changes to other crimes that are committed, like kidnapping, drug dealing, and child pornography. It is unwise to limit these tools to only terrorism offenses because often, at the outset of an investigation of a particular person or crime, law enforcement does not know what you are dealing with. A credit-card fraud case or a false immigration documents case may turn out to be connected to funding or facilitating the operations of a terrorist group. We should give law enforcement the tools it needs to have the best chance of discovering and disrupting these activities.

We have a responsibility to the people of this nation to ensure that those who are charged with protecting us from future terrorist attacks are empowered to do so. This is not a zero sum game. We can both ensure our security and protect our liberties.

We cannot afford to lose this race against terror, and we cannot afford to give the enemy in this war a full lap head-start. I support this bill. I commend President Bush and General Ashcroft for submitting a sound proposal to the Senate, and for their tremendous efforts during the past month.

Mr. President, in addition to the all of the other provisions in this antiterrorism legislation that will provide our law enforcement communities with the tools to weed out and stop terrorism, I want to express my support for the immigration provisions upon which the administration, Senators HATCH, KENNEDY, LEAHY and I have reached agreement, and which are included in this bill.

Even with the passage of these provisions, however, the United States will continue to face overwhelming infrastructure and personnel needs at our consular offices abroad, along both the southern and northern border, and in our immigration offices throughout the United States. In conjunction with increasing personnel and infrastructure, the U.S. must deprive terrorists of the ability to present altered international documents, and improve the dissemination of information about suspected terrorists to all appropriate agencies. Senator FEINSTEIN and I, in a hearing of the Terrorism Subcommittee of the Judiciary Committee this Friday, will continue to assess these needs by hearing from Justice and State Department officials.

So, our actions on immigration reform as it is relates to terrorism must go beyond the scope of this anti-terrorism package. With that said, this bill will certainly provide a better legal framework for keeping foreign terrorists out of the United States, and detaining them should they enter.

First, this antiterrorism bill clarifies that the Federal Bureau of Investigation is authorized to share data from its "most wanted list," and any other information contained in its national crime-information system, with the Immigration and Naturalization Service and the State Department. This will help the INS and State Department identify suspected terrorists before they come to the United States, and should they gain entry, will help track them down on our soil. It also allows the State Department, during a U.S. criminal investigation, to give foreign governments information on a case-by-case basis about the issuance or refusal to issue a U.S. visa.

The bill will also clarify U.S. law prohibiting the entry of, and requiring the removal of, individual alien terrorists. It will probably surprise the Members of this body a great deal to know that, under current law, a terrorist alien is not considered either inadmissible to, or deportable from, the United States even if he or she has "endorsed or espoused terrorist activity that undermines the efforts of the United States to fight terrorism," or has provided "material support to a terrorist organization." Nor is an individual deportable for being a "representative of a terrorist organization." The anti-terrorism bill makes it clear to U.S. officials considering whether to allow someone to come to the country, that a person meeting any one of these criteria is not welcome here.

In addition, the anti-terrorism package that we are debating today further defines what is considered by the United States to be a terrorist organization. Under current law, a terrorist organization must be designated by the Secretary of State under Section 219 of the Immigration and Nationality Act. This process can take several months, and has been criticized by some experts as potentially politically corruptible. Under this Senate anti-terrorism package, Section 219 remains in effect. A separate designation process is added, whereby an organization can be designated by the Secretary of State or the Attorney General, in consultation with each other, with seven days' notice to the leadership of the House and Senate and the congressional committees of jurisdiction. Additionally, an organization, whether or not it is formally designated by the Secretary of State or the Attorney General, can be considered to be terrorist if it is made up of two or more individuals who commit or plan to commit terrorist activities.

The Senate's antiterrorism package also has provisions regarding temporary detention. It allows for the temporary detention of aliens who the Attorney General certifies that he has "reasonable grounds to believe is inadmissible or deportable under the terrorism grounds." This compromise represents a bipartisan understanding that the Attorney General of the United States needs the flexibility to detain suspected terrorists. Under the compromise that Members have reached, the Attorney General must charge an alien with a deportable violation or he must release the alien. The underlying certification, and all collateral matters, can be reviewed by the U.S. District Court of the District of Columbia, and the Attorney General is required to report to Congress every six months on the use of this detention provision.

Finally, the Senate package, as a result of amendments added by Senator BYRD, will determine whether "consular shopping"—i.e., someone has a visa application pending from his or her home country, but goes to another country for adjudication—is a problem. If so, the Secretary of State must recommend ways to remedy it. Another authorizes $36.8 million for quick implementation of the INS foreign student tracking system, a program that I have repeatedly urged be implemented.

As former chairman and now ranking Republican of the Judiciary Committee's Terrorism Subcommittee, I have long suggested, and strongly supported, many of the anti-terrorism and immigration initiatives now being advocated by Republicans and Democrats alike. In my sadness about the overwhelming and tragic events that took thousands of precious lives, I am resolved to push forward on all fronts to fight against terrorism. That means delivering justice to those who are responsible for the lives lost on September 11, and reorganizing the institutions of government so that the law-abiding can continue to live their lives in freedom.

Mrs. FEINSTEIN. Mr. President, I rise in strong support of the consensus terrorism bill now on the floor of the U.S. Senate.

The people of the United States awoke on September 12 to a whole new world, one in which we can no longer feel safe within our borders. We awoke to a world in which our very way of life is under attack, and we have since resolved to fight back with every tool at our disposal.

This is an unprecedented state of affairs, and it demands unprecedented action. We must seek out and defeat individuals and groups who would build upon the September 11 attacks with more of their own. We simply must give law enforcement officials the tools they need to track, to hunt down, and to capture terrorists, both in this country, and around the world as well. And that is what this bill would do.

Let me just describe some of the key provisions of this legislation, and how those provisions will make an impact, even in the current investigation into the September 11 attacks.

First, this bill makes it easier to collect foreign intelligence information under the Foreign Intelligence Surveillance Act, FISA. Under current law, authorities can proceed with surveillance under FISA only if the primary purpose of the investigation is to collect foreign intelligence.

But in today's world things are not so simple. In many cases, surveillance will have two key goals—the gathering of foreign intelligence, and the gathering of evidence for a criminal prosecution. Determining which purpose is the "primary" purpose of the investigation can be difficult, and will only become more so as we coordinate our intelligence and law enforcement efforts in the war against terror.

Rather than forcing law enforcement to decide which purpose is primary—law enforcement or foreign intelligence gathering, this bill strikes a new balance. It will now require that a "significant" purpose of the investigation must be foreign intelligence gathering to proceed with surveillance under FISA.

The effect of this provision will be to make it easier for law enforcement to obtain a FISA search or surveillance warrant for those cases where the subject of the surveillance is both a potential source of valuable intelligence and the potential target of a criminal prosecution. Many of the individuals involved in supporting the September 11 attacks may well fall into both of these categories.

This language is a negotiated compromise between those who wished the law to stay the same, and those who wished to virtually eliminate the foreign intelligence standard entirely.

The administration originally proposed changing "primary purpose" to "a purpose," but when I questioned Attorney General Ashcroft at our Judiciary Committee hearing, he agreed that "significant purpose" would represent a good compromise.

Second, this legislation will provide multi-point authority, or so-called "roving wiretap authority" in foreign intelligence investigations. This provision is designed to defeat attempts to evade law enforcement by simply switching cell phones or moving locations.

Under current law, law enforcement must get a wiretap order for each individuals phone line. Criminals and terrorists know this, so they often manage to defeat surveillance by simply moving locations or exchanging countless disposable or even stolen cell phones.

This legislation will now allow the surveillance to follow the person, wherever or however that person is communicating. So, no longer will duplicative wiretap orders be necessary simply to listen to the same, single target of an investigation. This is a powerful change to the law that does not put innocent conversations in danger, but stops the evasion of surveillance now possible under the law.

Third, this legislation allows nationwide service of so-called "pen register" and "trap and trace" orders. Those orders allow law enforcement to track incoming and outgoing phone calls, and now Internet addressing, so that the authorities can make connections between various criminals or terrorists.

The problem with current law is that it has not kept up with technology. Modern communications travel through many jurisdictions before reaching their final destinations, and current law requires court orders from every jurisdiction through which the communication travels.

Under this new legislation, only one court order will be necessary, eliminating the time-consuming and burdensome requirements now placed on law enforcement simply because technology has changed the way communications travel from one place to the other. Law enforcement resources should be spent in the field, not filing unnecessarily burdensome motions in courtroom after courtroom.

I should also mention one important point about this provision. The standard necessary to get a court-ordered pen register or trap and trace is lower than the standard necessary to get a wiretap, so it was very important to make sure that this legislation makes it clear that these orders do not allow law enforcement to eavesdrop on or read the content of communication. Only the origin and destination of the messages will be intercepted.

This legislation also authorizes the seizure of voice-mail messages pursuant to a probable cause warrant, which is an easier standard for law enforcement to meet than the standard required for a wiretap.

Current law treats a voice-mail like an ongoing oral communication, and requires law enforcement to obtain a wiretap order to seize and listen to those saved messages. E-mails, however, receive no similar protection. In my opinion, if law enforcement can access e-mail communications with probable cause, the same should be the case with voice-mails. And so it will be once this legislation passes.

This legislation will also now allow for limited sharing of grand jury and other criminal investigation information with the intelligence community, to assist in the prevention of terrorist acts and the apprehension of the terrorists themselves.

Under current law, law enforcement officials involved in a grand jury investigation cannot share information gathered in the grand jury with the intelligence community, even if that information would prevent a future terrorist act.

Under this legislation, grand jury and other criminal investigative information can be shared if one, the information can is foreign intelligence and counterintelligence information, as defined by statute; two, the information is given to an official with a need to know in the performance of his or her official duties; and three, limitations on public or other unauthorized disclosure would remain in force.

This balance makes sense. I believe strongly that grand jury information should not be leaked to the public or disclosed haphazardly to anyone. But at the same time, it makes perfect sense to allow our own law enforcement officials to talk to each other about ongoing investigations, and to coordinate their efforts to capture terrorists wherever they may be.

This legislation also contains a heavily negotiated provision regarding the detention of aliens suspected of links to terrorism without charging them. Agreement was reached to one, limit to 7 days the length of time an alien may be held before being charged with criminal or immigration violations, two, allow the Attorney General to delegate the certification power only to the INS Commissioner, and three, specify that the merits of the certification is subject to judicial review.

This legislation also contains several key provisions from a bill I introduced last month with the chairman of the Intelligence Committee, Senator GRAHAM. For instance, the bill: Clarifies the role of the CIA director as the coordinator of strategies and priorities for how the government uses its limited surveillance resources; requires that law enforcement officers who discover foreign intelligence information in the course of a criminal investigation share that information with the intelligence community; includes "international terrorist activities" in the definition of "foreign intelligence" to clarify the authorities of the CIA; includes a sense of Congress that the CIA should make efforts to recruit informants in the fight against terrorism, even if some of those informants may, as is likely the case, not be ideal citizens; requires a report from the CIA on the feasibility of establishing a virtual translation center for use by the intelligence community, so that translators around the country can assist in investigations taking place far, far away. For instance, this center would allow a translator living in Los Angeles to assist law enforcement in New York without even leaving California; and finally, agreement was reached to require the Attorney General, in consultation with the CIA Director, to provide training to federal, state and local government officials to identify foreign intelligence information obtained in the course of their duties.

In addition, this bill also: Triples the number of Border Patrol, Customs Service, and INS inspectors at the northern border; authorizes $50 million to improve INS and Customs technology for monitoring the northern border and to add equipment on the border; lifts the statute of limitations on terrorist acts as defined by law where those crimes resulted in, or created a risk of, death or serious bodily injury. These crimes include bio-terrorism, attacks against airports or airplanes, arson or bombings of U.S. facilities, and other terrorist acts; adds this same list of terrorist crimes certain as predicates for RICO and money laundering; creates two new bio-terrorism crimes, the first prohibits certain restricted persons, including nonresident aliens from countries that support terrorism, from possessing a listed biological agent or toxin; and the second prohibits any person from possessing a biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a peaceful purpose.

The Attorney General and the President of the United States have asked this Congress to give them legislation that will assist in the war against terrorism, and I am one who believes very strongly that we should do so, and we should do so quickly.

This bill is a product of intense negotiations, and I believe that a good balance has been struck here. Compromises have been reached on the most controversial provisions, roving wiretap authority; trap and trace of computer routing information; sharing of grand jury information; and mandatory detention of aliens suspected of terrorism.

Although I no longer believe it to be necessary now that these compromises have been reached, I would support a five-year sunset on the provisions I just mentioned as a valuable check on the potential abuse of the new powers granted in the bill.

But a two-year sunset, such as the one contained in the House bill, is simply too short to allow law enforcement to accomplish what it needs to do to rout terrorists from this country.

The legislation before us contains provisions that could actually help in the current investigation into Osama bin Laden and his network in the United States and abroad.

I urge this Senate to pass this legislation and get it to the President for his signature. We are in a sustained war against terror, and we have waited long enough. I

FISA AND PEN REGISTER/TRAP AND TRACE

Ms. CANTWELL. Mr. President, I would like to raise several concerns regarding the provisions of this legislation, the USA Act of 2001, that expand wiretapping authority under the Foreign Intelligence Surveillance Act of 1978, and amend Federal pen register and trap and trace authorities.

Both of these changes purport to improve communication between law enforcement and intelligence operatives. There is a difference, however, between facilitating the sharing of information between the law enforcement and intelligence communities, and blurring the line between the missions of the two communities. Where information is sought for the purpose of law enforcement, we must ensure that fourth amendment protections apply. Much of the fear about the legislation is based on legitimate concern that information gathered ostensibly for intelligence and defense purposes could be used for law enforcement purposes. The intelligence community does not prosecute and lock up its targets; it uses information to intervene against foreign nationals seeking to harm America. But the law enforcement community has a different mission, to catch and prosecute criminals in our courts of law. Because law enforcement acts upon U.S. citizens, it must do so within the bounds of the Constitution. The differences in these missions must be acknowledged, and we must be vigilant to maintain the distinctions.

We can all agree that the events on September 11 have focused America on the fight against terrorism, and we applaud the efforts of the administration in the weeks since that tragic day. Clearly, there were failures in our investigative network, and this legislation will address some of those failures, allowing greater sharing of information that could foil terrorists before they carry out their brutal schemes against innocent civilians.

I appreciate Chairman LEAHY's tireless efforts to facilitate our intelligence gathering authorities while preserving our constitutional rights. The negotiations have been intense, but these are difficult and divisive issues. Given the time frame, Chairman LEAHY's charge has not been an easy one, but I appreciate the substantial progress he has made.

I remain concerned that some of the legislative changes fail to balance the increased powers to law enforcement against the need to protect the civil liberties of Americans. With these changes to FISA, it will be much more likely that the FBI will be able to obtain secret FISA wiretaps on American citizens. That information may not only be used for intelligence purposes, but also in a criminal prosecution, without complying with the normal requirements of a title III wiretap and the safeguards it provides to adhere to the fourth amendment. Some have warned that this language leaves room for "fishing expeditions" rather than properly authorized law enforcement activities. I would hope that this is not the case.

Although the language has been improved from the administration's original proposal and now would require that "a significant," rather than simply "a," purpose for the wiretap must be the gathering of foreign intelligence, the possibility remains that the primary purpose of the wiretap would be a criminal investigation, without the safeguards of the title III wiretap law and the protections under the fourth amendment that those fulfill.

I would like to ask the Chairman of the Judiciary Committee whether he interprets this language in this same way.

Mr. LEAHY. Yes, the Senator from Washington is correct. While improved, the USA Act would make it easier for the FBI to use a FISA wiretap to obtain information where the Government's most important motivation for the wiretap is for use in a criminal prosecution. This is a disturbing and dangerous change in the law. The Justice Department concedes that "the few courts that have addressed the issue have followed a primary purpose test", October 1, 2001 Letter from Daniel J. Bryant, Assistant Attorney General, p. 13.

I appreciate the administration's agreement to move off its original position of changing the law to only require the FISA surveillance to "a" purpose of collecting foreign intelligence information. Indeed, the Justice Department's own constitutional analysis provided to the Committee at the request of our Members does not even attempt to justify the original proposal, but instead presents argument for why a change to "a significant" purpose would be constitutional.

I remain disappointed with the administration's insistence on forcing any change on this important statutory requirement. FISA was enacted for the express purpose of clarifying that different legal standards apply to those gathering foreign intelligence than to those seeking criminal evidence. This new provision will blur that distinction, and it is indeed very problematic in my mind.

Federal courts have upheld FISA on the basis that what is reasonable under the fourth amendment may vary when national security is at risk. Thus, a FISA wiretap does not have to be based on probable cause to believe a crime has been or is about to be committed, and no notice is given unless the person is prosecuted. Further, while judges review warrants on the merits when targets are U.S. persons, the primary purpose for the wiretap must be the protection of our national security. Upon satisfaction of that critical condition, the statute authorized the use of evidence obtained under a FISA wiretap for criminal prosecution.

Ms. CANTWELL. Mr. President, although much effort has gone into narrowing this provision to fit within the bounds of the Constitution, it would seem to me that this legislation may not stand up to this test, and thus may fail judicial scrutiny. Regardless, we cannot await court review. I believe Congress must keep watch over the use of this provision. May I ask the Chairman, do you agree that, under these circumstances, it is incumbent upon the committee, which has jurisdiction over the Department of Justice, to maintain vigilant oversight of the Department in its use of FISA authorities after enactment of this legislation?

Mr. LEAHY. I agree with you completely, and you can rest assured that the Judiciary Committee under my chairmanship will conduct meaningful oversight, as we already have begun to do over the summer.

Although FISA requires oversight reporting to the Intelligence Committees, the law makes clear that other Committees may also have oversight jurisdiction. Section 108 of FISA, 50 U.S.C. 1808, states, "Nothing in this title shall be deemed to limit the authority and responsibility of the appropriate committees of each House of Congress to obtain such information as they may need to carry out their respective functions and duties." Section 306 of FISA, 50 U.S.C. 1826, provides for semiannual reports from the Attorney General to the Intelligence and Judiciary Committees on the number of applications for physical search orders made, granted, modified, or denied, and the number of physical searches which involved the property of United States persons. The Judiciary Committee's responsibility will be greater under the amendment to FISA, because of the greater authority to use FISA for law enforcement purposes.

Ms. CANTWELL. Mr. President, similarly, I am concerned that revisions to the laws regarding pen registers and trap and trace devices may have fourth amendment implications. Although modified since we received the original language from the Administration, the new language could encourage greater use of technologies such as the FBI's "Carnivore" to access information that is protected by the fourth amendment.

The failure to properly define the term "address" in the e-mail context to exclude information protected by the Fourth Amendment will haunt us for a long time. And I regret this. Although it certainly can be said that new technologies are emerging and the definition may need be flexible, the term "address" presently is undefined and new in the context of our Federal criminal statutes. Because of this ambiguity, we may see law enforcement authorities take inconsistent approaches to filtering information pursuant to this new law. There is risk that some will obtain information, such as "subject line" information or URL codes, that may otherwise be protected by the fourth amendment. There is certain to be judicial scrutiny of this provision.

Mr. LEAHY. I agree with Senator CANTWELL and thank her for bringing these concerns to the attention of this body. I share these concerns.

Ms. CANTWELL. I would like to suggest to the chairman, and I would be happy to work closely with the Chairman on this, that the General Accounting Office provide to the Senate Judiciary Committee every six months a report on the use of the FISA wiretap authorities, and the expanded pen register and trap and trace authorities, by the Federal Bureau of Investigation or other agencies within the Department of Justice. I would certainly not suggest compromising the security of our nation with such a report, so I would be content with closed-session hearings on the findings of such reports. But only with such oversight can we reasonably assure our constituents that the use of these new authorities is not impinging on our fourth amendment rights.

Mr. LEAHY. I agree with Senator CANTWELL and I appreciate her efforts to suggest restraint at the Department of Justice to avoid misusing the new authorities we are contemplating using to address terrorism. I share her view that the GAO should undertake this important assignment and will work with her and other Senators to see it accomplished. We all need to make certain that these new authorities are not abused.

Ms. CANTWELL. I thank the chairman for his diligence in working to preserve our fundamental rights.

Mr. ENZI. Mr. President, I am proud to be a co-sponsor of S. 1510, the "Uniting and Strengthening America Act" or "USA Act." This bill reflects a bipartisan effort to aid law enforcement, immigration; and the intelligence community in investigating, detaining, and apprehending suspected terrorists. This legislation follows lengthy committee inquiry, debate, and revision of legislation Attorney General Ashcroft proposed a few weeks ago and which sparked national debate over whether civil rights would be violated.

During the past few weeks, Senate leaders have been working tirelessly with Attorney General Ashcroft in order to create a bill that strengthens our existing laws with respect to apprehending terrorists, but still protects the civil rights of our citizens. This is an important mission for Congress. Everyone in America understands the need for enforcement, immigration and the intelligence community to have the tools necessary to find terrorists, cut-off their financial support, and bring them to Justice.

While I am committed to routing out terrorists here and abroad, I am equally committed to making sure the rights of innocent U.S. citizens are not violated. This includes the privacy and property rights our constitution affords and that make this country so great. I believe this bipartisan bill does both. This legislation strikes a balance between protecting our civil rights and assisting Attorney General Ashcroft and others to do their jobs. While the Senate and House may later debate some of the provisions in this legislation, be assured that every member of Congress is united in this mission. We are totally committed to passing anti-terrorism legislation and apprehending the bin Ladens of this world.

Mr. WELLSTONE. Mr. President, this is one of the most important pieces of legislation we will consider during this Congress. The horrific loss of life and destruction that occurred on September 11, the crime against humanity, changed us as a country. The Uniting and Strengthening America Act is an opportunity to help ensure that such terrorist attacks do not occur again. We need to improve all aspects of our domestic security; including by enhancing our intelligence capacities so that we can identify possible future attacks in their planning stages and prevent them from happening. We must be vigilant and willing to invest the resources and time required to gather the information that we need to protect ourselves and our way of life.

I appreciate the enormous amount of time and energy that my colleague from Vermont and others have put into this legislation. They have done their best to balance the risk of further terrorist attacks with possible risks to civil liberties. The bill updates and improves a number of existing laws, it creates important new security statutes, and it authorizes new money for programs that will bring much needed relief to victims of terrorist attacks. I have reservations about certain provisions of the bill as they might affect civil liberties. I wish that it were more tightly targeted to address only actions directly related to terrorism or suspected terrorism. And I hope that by the time it passes as a conference report the bill will contain a sunset provision. But I support the bill today as a step toward conference, and as an important and needed strengthening of our security from horrific attacks such as that of September 11.

The bill expands the Regional Information Sharing Systems Program to promote information sharing among Federal, State and local law enforcement agencies in their anti-terrorism efforts. State and local law enforcement have a critical role to play in preventing and investigating terrorism, and this bill provides them benefits appropriate to such duty. The bill streamlines and expedites the Public Safety Officers' Benefits application process for family members of firefighters, police officers and other emergency personnel who are killed or suffer a disabling injury in connection with a future terrorist attack. And it raises the total amount of the Public Safety Officers' Benefit Program payments from approximately $150,000 to $250,000.

This bill will also make an immediate difference in the lives of victims of terrorism and their families. It refines the Victims of Crime Act and by doing so improves the way in which its crime fund is managed and preserved. It replenishes the emergency reserve of the Crime Victims Fund with up to $50 million and improves the mechanism to replenish the fund in future years. The USA Act also increases security on our Northern Border, including the border between Canada and my State of Minnesota. It triples the number of Border Patrol, Customs Service and INS inspectors at the Northern Border and authorizes $100 million to improve old equipment and provide new technology to INS and the Customs Service at that border.

On the criminal justice side, the bill clarifies existing "cybercrime" law to cover computers outside the United States that affect communications in this country and changes sentencing guidelines in some of these cases. It provides prosecutors betters tools to go after those involved in money-laundering schemes that are linked to terrorism, and it adds certain terrorism-related crimes as predicates for RICO and money-laundering. It creates a new criminal statute targeting acts of terrorism on mass transportation systems, and it strengthens our Federal laws relating to the threat of biological weapons. The bill will enhance the Government's ability to prosecute suspected terrorists in possession of biological agents. It will prohibit certain persons, particularly those from countries that support terrorism, from possessing biological agents. And it will prohibit any person from possessing a biological agent of a type or quantity that is not reasonably justified by a peaceful purpose.

The bill also broadens the authority of the President to impose sanctions on the Taliban regime. Regarding criminal penalties for those convicted of terrorist acts, it provides a fair definition of what constitutes "terrorism" and ensures that penalties more closely reflect the offenses committed by terrorists. Again, I'd like to thank my colleague from Vermont and others who worked on these penalty provisions. The administration's initial proposal was too broad in this area, and the current bill provides a fair alternative.

I strongly support these needed provisions. Still, I do have concerns about the possible effect on civil liberties of the bill's measures to enhance electronic surveillance and information sharing of criminal justice information, while at the same time reducing judicial review of those actions. I also hope that the bill's provisions to expand the Government's ability to conduct secret searches, as well as searches under the Foreign Intelligence Surveillance Act, will not be abused.

I believe we will need to monitor the use of new authorities provided to law enforcement agents to conduct surveillance of internet communications. The same is true of the bill's changes to laws allowing the sharing of confidential criminal justice information with various Federal agencies. I would prefer the requirement of judicial review before disclosure, which is contained in the House version of this bill. Likewise, I believe the House of Representatives' decision not to include this bill's expansion of the Government's ability to conduct secret, or so-called "Sneak-n-Peek," searches, was correct. I hope the safeguards against abuse we have added in our bill—such as the prohibition against the Government seizing any tangible property or stored electronic information unless it makes a showing of reasonable necessity, as well as the requirement that notice be given within a reasonable time of the execution of a sneak-n-peak warrant—will prove sufficient.

The bill broadens the Foreign Intelligence Surveillance Act, FISA, by extending FISA surveillance authority to criminal investigations, even when the primary purpose is not intelligence gathering. The bill limits this ability by authorizing surveillance only if a significant purpose of it is to gather intelligence information. I hope this new FISA authority will be used for the purpose of investigating and preventing terrorism or suspected terrorism, and not for other domestic purposes.

Mr. President, we have done our best in this bill to maximize our security while minimizing the impact some of these changes may have on our civil liberties. Nearly all of us have probably said since September 11 that if that day's terror is allowed to undermine our democratic principles and practices, then the terrorists will have won a victory. We should pass this bill today. And we should also commit ourselves to monitoring its impact on civil liberties in the coming months and years.

I believe a sunset provision that ensures that review is essential. The bill before us today is good, but there are provisions that are too broad. There are parts that should be more narrowly focused on combating terrorism. I hope these are the concerns that will be addressed in conference. Mr. President, our challenge is to balance our security with our liberties. While it is not perfect, I believe we are doing that in this bill.

Mr. KOHL. Mr. President, I rise today to support S. 1510, the anti-terrorism bill.

To more effectively fight terrorism and those who perpetrate it, we need to improve law enforcement's intelligence gathering capability and enhance their ability to investigate and prosecute suspected terrorists. This measure does both. But let's also be realistic about the act. It will not solve all of law enforcement's problems in combating terrorism nor will it severely compromise our civil liberties. The truth lies somewhere in between.

The strongest proponents of the legislation argue that the bill primarily consists of long overdue updates of current laws, updates necessary because technology advances have allowed criminals and terrorists to stay a step, or two, ahead of law enforcement. Updates are necessary because the inability of Federal authorities to share information on suspected terrorists hampers criminal investigations. Updates are necessary because the penalties and limitations periods governing many terrorist crimes have been woefully inadequate. All of this is true. And for these reasons, I support the bill.

But, we shouldn't be lulled into thinking that this measure will solve our problems. Indeed, I asked the Attorney General whether the new powers granted in this bill could have prevented the events of September 11. He answered me honestly, saying that he could not make that guarantee. Yet, he added that these new tools would make it less likely that terrorism could strike in the same way again.

Tougher laws and penalties are an important part of our strategy to combat terrorism. That plan must also include more and better agents dedicated to gathering intelligence, an aggressive approach to preventing attacks, and patience from all Americans. Patience is essential because we will need to understand that we might have to temper our freedoms slightly in an effort to guarantee them.

Critics of this legislation caution us to be wary of compromising our liberties in an effort to make our Nation safer. They comment that sacrificing freedom gives the terrorists a victory. Those warnings do have merit.

Some of this bill's provisions do risk our civil liberties and ask Americans to sacrifice some privacy. This bill grants our prosecutors a great deal of discretion in enforcing the law and asks Americans to have faith that this power will not be abused. Most of us would rather not have our civil liberties depend on someone else's discretion.

That's why I believe many of this bill's provisions should lapse in two years and then be reconsidered by Congress. The House version of this bill reconciles the need for tough law enforcement with the concern for our civil liberties by sunsetting some of the most objectionable portions of the bill in two years. That is a good idea. Two years from now, we can take stock of where we are, how this bill has affected us, and whether the trust we show in law enforcement is warranted. I hope that the final version of this bill will adopt such a sensible approach.

I have never doubted that our country's law enforcement is the best in the world. They are dedicated, creative, committed, and decent. From local beat officers to the Director of the FBI, every one of them has a vital role to play in combating terrorism. We believe this bill will help them prevent terrorism when possible. It will help them catch wrongdoers. It will cut wrongdoers off from their support networks. It will guarantee stiff punishment for their criminal acts. It will deter others from following in the terrorists' footsteps. It is our responsibility to give law enforcement the tools they need in an increasingly complex world. It is their responsibility to use them wisely.

Ms. SNOWE. Mr. President, I rise today in support of the antiterrorism legislation we have before us.

First, let me say I am pleased to have also worked in conjunction with Senator BOND and Senator CONRAD in supporting their legislation entitled "The Visa Integrity and Security Act." This bill addresses many of the concerns I have, such as the importance of information sharing among Government law enforcement and intelligence agencies with the State Department and tightening tracking controls on those entering the United States on student visas, including those attending flight schools. These are critical issues, and I commend both Senators for their efforts.

Today, our men and women in uniform are on the frontlines in the war against terrorism. We salute their willingness to put themselves in harm's way in defense of freedom, and we pray for their safety and well-being. Here at home, we are working to secure our nation, and that is why I am pleased that we will pass this legislation in the Senate that will take strong measures to help prevent further terrorist attacks on American soil.

With this legislation, we will take reasonable, constitutional steps to enhance electronic and other forms of surveillance, without trampling on the rights of Americans. We will also institute critical measures to increase information sharing by mandating access to the FBI's National Crime Information Center, or NCIC, by the State Department and INS.

In our war against terrorism, Americans stand as one behind our President. It is equally critical that, in the all-out effort to protect our homeland, Federal agencies be united in securing American soil.

In that light, President Bush made exactly the right decision when he created the Office of Homeland Security, a national imperative in the wake of the horrific tragedies of September 11, and I commend him for appointing my former colleague, Pennsylvania Governor Tom Ridge, as its Director.

With a seat at the Cabinet table, Governor Ridge will literally be at the President's side, giving him the standing that will be required to remove jurisdictional hurdles among the 40-plus agencies he will be responsible for coordinating. Now, we will assist in that coordination by allowing INS and the State Department access to the information they need to make informed decisions about who we will grant entrance into this country.

I saw firsthand the consequences of serious inadequacies in coordination and communication during my 12 years as ranking member of the House Foreign Affairs International Operations Subcommittee and Chair of the subcommittee's Senate counterpart. In fact, I recently wrote an op-ed piece concerning my findings during that time and I would like to submit the entire text of that piece for the RECORD.

In conducting oversight of Embassy security as well as visa and consular operations, I became extensively involved with the issue of terrorism, co-drafting antiterrorism legislation with former Representative Dan Mica in the wake of 1983 and 1984 terrorist attacks against the U.S. Embassy and Marine barracks in Lebanon—traveling to Belgrade, Warsaw, and East Berlin to press government officials into helping stem the flow of money to the terrorist Abu Nidal and his organization—and investigating entry into the United States by radical Egyptian cleric Sheikh Omar Abdel Rahman, mastermind of the 1993 World Trade Center bombing.

As far back as our hearings on the 1985 Inman Report, commissioned by then-Secretary of State George Shultz in response to the attacks in Lebanon, it was abundantly clear that improved coordination and consolidation of information from agencies such as the FBI, CIA, DEA, Customs, INS and the State Department would be an essential step toward removing a vulnerability in our national security. That point was tragically underscored by our discovery that, astoundingly, in the period since 1987 when Sheikh Rahman was placed on the State Department lookout list, the Sheikh entered and exited the United States five times totally unimpeded.

But it got even worse. Even after the State Department formally issued a certification of visa revocation, he was granted permanent residence status by the INS. When he was finally caught on July 31, 1991, reentering the United States, he was immediately released back into U.S. society to allow him to pursue a multi-year appeal process.

As unbelievable as that may sound, just as unfathomable is the fact that, even after the 1993 attack on the World Trade Center, membership in a terrorist organization in and of itself—with the exception of the PLO—was not sufficient grounds for visa denial. Rather, the Immigration Act of 1990 required the Government to prove that an individual either was personally involved in a terrorist act, or planning one.

This absurd threshold made it almost impossible to block individuals, such as Sheikh Rahman, from entering the country legally. Legislation I introduced in 1993 removed that bureaucratic and legal obstacle—yet it took nearly 3 more years to enact it as part of the Anti-Terrorism and Effective Death Penalty Act of 1996.

However, provisions from my bill were enacted in 1994 to respond to the trail of errors we uncovered requiring modernization in the State Department's antiquated microfiche "lookout" system to keep dangerous aliens from entering the United States.

This system required manual searches, was difficult to use, and was subject to error. The language I crafted required the State Department to replace the old systems with one of two forms of state-of-the-art computerized systems. Visa fees were even increased for non-immigrants to pay for the upgrades.

Recognizing the need to mate these new technologies with the need for the most comprehensive, current and reliable information, we also attempted to address the issue of access. This was all the more pressing because, in 1990, the Justice Department had ruled that because the State Department was not a "law enforcement agency," it no longer had free access to the FBI's National Crime Information Center, NCIC.

This system, which maintains arrest and criminal information from a wide variety of Federal, State, and local sources as well as from Canada, was used by the State Department to deny visas. Tellingly, after it lost access to the NCIC, the visa denial rate for past criminal activities plunged a remarkable 45 percent—stark evidence that we can't afford to tie the hands of America's overseas line of defense against terrorism.

Incredibly, while intelligence is frequently exchanged, no law requires agencies like the FBI and CIA to share information on dangerous aliens with the State Department. To address this, my 1993 bill also designated the State Department a "law enforcement agency" for purposes of accessing the NCIC as well as other FBI criminal records when processing any visa application, whether immigrant or non-immigrant.

Unfortunately, a revised provision also enacted in 1994 only provided the State Department with free access to these FBI resources for purposes of processing immigrant visas—dropping my requirement for non-immigrant visas eventually used by all 19 suspected hijackers.

Also of note, we discovered later in trying to understand some of what's gone wrong that even that limited law was sunsetted in 1997 due to a provision added by the House-Senate conference on the Foreign Relations Authorization Act for FY 1994–1995—a conference of which I was not a member. Subsequently, that law was extended to 1998 in the Commerce-Justice-State Appropriations bill for fiscal year 1998, and then was allowed to expire. This happened despite my legislation enacted in 1996 repealing the requirement that visa applicants be informed of the reason for a denial—a provision that law enforcement agencies legitimately believed could impede ongoing investigations, or reveal sources and methods. Thus, today, information sharing remains optional and ad hoc.

Currently, U.S. posts check the lookout database called the "Consular Lookout and Support System—Enhanced," or CLASS-E, prior to issuing any visa. CLASS-E contains approximately 5.7 million records, most of which originate with U.S. Embassies and consulates abroad through the visa application process. The INS, DEA, Department of Justice, and other Federal agencies also contribute lookouts to the system, however, this is voluntary.

To further fortify our front-line defenses against terrorism—to turn back terrorists at their point of origin—information sharing should be mandatory, not voluntary. That is why I introduced a bill that would require that law enforcement and the intelligence community share information with the State Department and INS for the purpose of issuing visas and permitting entry into the United States. And while my bill would have gone farther than the legislation before us—by including the DEA, CIA, Customs and the Department of Defense in the mandated information-sharing network—I am pleased that this bill we are considering does mandate access to the NCIC by INS and the State Department.

Clearly, the catastrophic events of September 11 have catapulted us into a different era, and everything is forever changed. We must move heaven and earth to remove the impediments that keep us from maximizing our defense against terrorism. The bottom line is, if knowledge is power, we are only as strong as the weakest link in our information network—therefore, we must ensure that the only "turf war" will be the one to protect American turf.

That is why we need a singular, Cabinet-level authority that can help change the prevailing system and culture, and why we need legislation to help them do it. Ironically, the most compelling reason for an Office of Homeland Security is also its greatest challenge—the need to focus on the "three C's" of coordination, communication and cooperation so that all our resources are brought to bear in securing our Nation.

Winston Churchill, in a 1941 radio broadcast, sent a message to President Roosevelt saying, "Give us the tools and we will finish the job." I have no doubt that, given the tools, the men and women of our Embassies throughout the world will get the job done and help us build a more secure American homeland.

Finally, once a visa is issued at the point of origin, we should be ensuring that it's the same person who shows up at the point of entry. The fact is, we don't know how many—if any—of the 19 terrorists implicated in the September 11 attacks entered the United States on visas that were actually issued to someone else.

Currently, once a visa is issued by the State Department, it then falls to INS officials at a port-of-entry to determine whether to grant entry. The problem is, no automated system is utilized to ensure that the person holding the visa is actually the person who was issued the visa. In other words, the INS official has to rely solely on the identification documents the person seeking entry is carrying—making that officials job that much more difficult.

There is a better way, and legislation I introduced would require the establishment of a fingerprint-based check system to be used by State and INS to verify that the person who received the visa is the same person at the border crossing station trying to enter the country.

Simply put, it requires the State Department and INS to jointly create an electronic database which stores fingerprints—and that other agencies may use as well. When a foreign national receives a visa, a fingerprint is taken, which then is matched against the fingerprint taken by INS upon entry to the United States. This is a common sense approach that would take us one step closer to minimizing the threat and maximizing our national security.

The fact of the matter is, fingerprint technology—one part of the larger category of biological factors that can be used for identification known as biometrics—is not new. In fact, the U.S. Government has already employed biometrics to verify identities at military and secret facilities, at ports-of-entry, and for airport security, among many others.

The INS has already announced it was beginning to implement the new biometric Mexican border crossing cards as required by 1996 Illegal Immigrations Reform and Immigrant Responsibility Act. These cards have the individual's fingerprint encoded on them and are matched to the fingerprint of the person possessing the card at a U.S. port-of-entry.

This surely does not sound all that much different than the legislation I have proposed. I am pleased the bill before us at least starts us down the road toward implementing biometric technologies by requiring a review of the feasibility of instituting such technologies, and I hope this can be achieved as soon as possible.

Despite areas where I might have wished to strengthen this bill even further, this legislation is vital to our national security, and I will be proud to support it. The war on terrorism is a war on myriad fronts. Some of the battles will be great in scale, many will be notable by what is not seen and by what doesn't happen—namely, that individuals who pose a serious threat to this Nation never see these shores and never set foot on our soil.

Many of our greatest victories will be measured by the attacks that never happen—in battles we win before they ever have a name—in conflicts we prevent before they ever claim one American life. I hope we will pass and enact legislation that will help make that possible. I thank the Chair.

Mr. KENNEDY. Mr. President, a month ago today, America was attacked by vicious terrorists bent on doing all they can to undermine our Nation, our freedoms, and our way of life. But they have failed. Our country has never been more united behind the ideals that make us strong, or more committed to protecting our security.

In recent weeks, we have sought international cooperation and received it. We have asked our men and women in uniform to protect and defend our Nation, and they are doing it superbly. We are equally committed to preserving our freedoms and our democracy.

The goal of this antiterrorism legislation is to achieve greater coordination between the law enforcement and intelligence communities, while protecting the civil liberties of American citizens. We must give the Secretary of State and the Attorney General the tools to stop terrorists from entering our country, while guaranteeing America's proud tradition of welcoming immigrants from around the world.

The terrorist attacks of September 11 make it an urgent priority to act as soon as possible. The INS and the State Department must have the technology and intelligence information they need to make quick and accurate decisions on whether to admit anyone to the United States.

We must also take urgent steps to improve security at our borders with Canada and Mexico, to keep terrorists from entering the country illegally.

These improvements in the immigration laws can make a huge and immediate difference. Immigration security is an indispensable part of our national security.

As we protect our country, we must also protect the founding principles that have made our nation great. We must respond to the current crisis in ways that protect the basic rights and liberties of our citizens and others residing legally in the United States.

Currently, the INS has broad authority to act against any foreign national who supports terrorism. With respect to visitors, foreign students, and other non-immigrants, as well as immigrants already in this country, the Federal Government has a broad range of enforcement tools. The INS may detain certain non-citizens if they pose a threat to national security or are a flight risk, and they may do so on the basis of secret evidence. The INS may also deport any alien who has engaged in terrorist activity, or supported terrorist activity in any way. If the INS has the resources to use its existing authority fully and fairly, we will be far closer to ensuring our national security.

Nonetheless, loopholes may exist in our current laws, and we should close them. In recent weeks, many of us in Congress have worked closely with the administration to strengthen the law without creating serious civil liberties concerns. Although we have made progress, more remains to be done. I continue to be concerned that the Attorney General has the authority to detain even permanent residents without adequate cause, and with very few due process protections.

We must be cautious that new measures are not enacted in haste, undermining current law in critical and constitutionally troubling respects. We must avoid enacting legislation with vague and overly broad definitions or legislation that punishes individuals exercising constitutionally protected rights.

Consistent with these basic principles, it is essential for Congress to strengthen the criminal code in response to the September 11 attacks. We must increase penalties for terrorists and those who support terrorist activity. We must punish those who possess biological weapons and commit acts of violence against mass transportation systems. We must also ensure that victim assistance and victim compensation programs are able to help all the victims of the September 11 attacks. In fact, the current bill makes several important reforms to the Victim of Crimes Act to achieve that goal.

I am concerned, however, that by authorizing foreign-intelligence searches where foreign-intelligence gathering is only "a significant purpose"—not the sole or primary purpose—of the search, the bill may well make the Foreign Intelligence Surveillance Act unconstitutional under the fourth amendment.

We must also ensure that, in acting to expand the powers of law enforcement to obtain student educational records for the investigation and prosecution of terrorism, we adequately safeguard the interests of innocent students. We should not permit schools and colleges to transfer student records to law enforcement agencies indiscriminately. We have worked closely with the administration to develop measures that strike a balance between the legitimate interests of law enforcement and the privacy of students.

In the wake of the September 11 attacks, we have also seen a disturbing increase in hate-motivated violence directed at Arab Americans and Muslim Americans. The Department of Justice is currently investigating over 90 such incidents, including several murders.

We need to do more to combat the acts of hate that cause many Arab and Muslim Americans to live in fear. Under current law, the Department of Justice cannot prosecute such cases as hate crimes unless it can prove that the victim was engaged in one of six "federally protected activities"—such as voting or attending a public university—when the crime occurred. This requirement is an unwise and unnecessary constraint on effective law enforcement and may hamper the Department's ability to prosecute some of the cases it is now investigating.

The bipartisan hate crimes bill passed by the Senate last year and approved again by the Judiciary Committee in July would remove the "federally protected activity" requirement from the law—making it easier for the Justice Department to prosecute hate crimes—while still ensuring that the Federal Government is only involved when necessary and appropriate.

Congress and the President must send a strong and unequivocal message to the American people that hate-motivated violence in any form will not be tolerated in our nation.

There are provisions in the Uniting and Strengthening America Act that do not strike the correct balance between law enforcement authority and civil liberties protection. However, I am confident that working with the House of Representatives and the administration, we can enact a final bill that meets these important concerns.

We can send the President a tough, comprehensive, and balanced antiterrorism bill. The important work we do in the coming days will strengthen America, and make America proud of its ideals as well.

Mr. KERRY. Mr. President, I am very pleased to have the opportunity to speak for a few minutes about the Uniting and Strengthening America, USA, Act that is before the Senate today. This legislation reflects the hard work of the Senate Banking Committee and the Senate Judiciary Committee, and I want to thank them for their commitment to ensuring that Congress address this legislation as quickly as possible and for paying great attention to the civil rights and liberties of the American people.

Right now our Nation is strongly united. We are bound together by, among other things, a desire to see justice brought to those who planned the terrorist attacks and those who aided and abetted the terrorists. And Americans are united by our desire to prevent future terrorist attacks. At this time, more so than at any time in the past 40 years, the American people are standing firmly behind the Federal Government and they trust government to do the right thing. The American people support the idea that we must provide the FBI and the Department of Justice will the tools necessary to punish the perpetrators of the terrorist attacks and to prevent future attacks.

But as much as the American people seek a just resolution to the acts of terror, they are adamant about protecting their rights and liberties. We have heard it time and again since September 11: our Nation must be secure, but must not become so at the expense of our freedoms, our rights, and our liberties. We must not let the American people down.

I want to thank Senator LEAHY for his leadership on this legislation and his concern with important Constitutional principles, such as due process and unreasonable search and seizure. At Senator LEAHY's urging, the administration's anti-terrorism proposal was carefully and closely analyzed and Senator LEAHY did not yield to the political pressures that threatened to push this legislation through the Congress without its careful consideration. I believe that the bill before the Senate is vastly improved from the proposal that the administration sent up, and I appreciate that important changes were made.

Though I am grateful that important changes have been made to the Senate bill, I am still troubled by certain provisions in the legislation which fail to strike the proper balance between the need for security and the need for civil liberties. Moving an anti-terrorism bill through the Congress in a timely fashion is critically important, particularly in light of the ongoing air strikes in Afghanistan. We all know that a real threat exists for future terrorist attacks in this country and passing legislation that helps the Federal Government prevent those attacks is crucial. I support the process, I support moving this legislation forward, and I will vote for it. But I also believe that the bill that passed the House better balances our civil liberties and the Federal Government's need for greater surveillance powers, and I am hopeful that the bill that emerges from the conference committee retains some of these provisions. I am disturbed by comments made yesterday by the administration in which swift consideration by both houses of Congress of the Senate bill was urged. This legislation deserves the full measure of our attention and should not be hastily dispensed with when the threat to our most cherished civil liberties is so great.

The wide-ranging legislation before us would enhance domestic surveillance powers, stiffen penalties for terrorism, increase the penalties for money-laundering, and make it easier for law enforcement and intelligence agencies to share information. There was broad agreement on some elements of the administration's anti-terrorism package, such as the need to update our anti-terrorism laws to take account of new technologies—such as cell phones—and to ensure that counterterrorism investigators wield the same powers that apply to drug trafficking and organized crime. But agreement was more difficult to reach on other issues, like detaining foreign nationals, and I am pleased that we are in a position to move forward on the legislation.

I am also pleased that this package includes a bill, which I sponsored, that will provide the tools the U.S. needs to crack down on international money laundering havens and protect the integrity of the U.S. financial system from the influx of tainted money from abroad. This legislation was part of a package of anti-money laundering provisions that unanimously passed the Senate Banking Committee last week.

Today, the global volume of laundered money is estimated to be 2 to 5 percent of global Gross Domestic Product, between $600 billion and $1.5 trillion. The effects of money laundering extend far beyond the parameters of law enforcement, creating international political issues and generating domestic political crises.

It is becoming more and more apparent that Osama bin Laden's terrorist network, known as al Qaida, provided assistance to the hijackers who attacked the World Trade Center and the Pentagon with funding that was transported from the Middle East to the United States through the global financial system. Al-Qaida has, for years, developed a worldwide terrorist network by taking advantage of an open system of international financial transactions.

The United States has declared a war on terrorism. This new war is going to be unlike anything that we have ever engaged in previously. If we are to lead the world in the fight against terror, we must insure that our own laws are worthy of the difficult task ahead.

The International Counter-Money Laundering and Foreign Anti-corruption Act of 2001, which I sponsored and which has been included in this legislation, will stop the flow of assets through the international financial system that have been used by bin Laden, the al Qaeda terrorist network and other terrorist groups.

The United States has the largest and most accessible economic marketplace in the world. Foreign financial institutions and jurisdictions must have unfettered access to markets to effectively work within the international economic system. The goal of this legislation is to give the Treasury Secretary, in conjunction with our allies in the European Union and the Financial Action Task Force, the authority to leverage the power of our markets to force countries or financial institutions with lax money laundering laws or standards to reform them. If they refuse, the Secretary will have the authority to deny foreign financial institutions or jurisdictions access to the United States marketplace. This will help stop international criminals from laundering the proceeds of their crimes into the United States financial system or using the proceeds to commit terrorist acts.

Specifically, the bill will give the Secretary of the Treasury—acting in consultation with other senior government officials—the authority to designate a specific foreign jurisdiction, foreign financial institution, or class of international transactions as being of "primary money laundering concern." Then, on a case-by-case basis, the Secretary will have the option to use a series of new tools to combat the specific type of foreign money laundering threat we face. In some cases, the Secretary will have the option to require banks to pierce the veil of secrecy behind which foreign criminals hide. In other cases, the Secretary will have the option to require the identification of those using a foreign bank's correspondent or payable-through accounts. If these transparency provisions were deemed to be inadequate to address the specific problem identified, the Secretary will have the option to restrict or prohibit U.S. banks from continuing correspondent or payable-through banking relationships with money laundering havens and rogue foreign banks. Through these steps, the Secretary will help prevent laundered money from slipping undetected into the U.S. financial system and, as a result, increase the pressure on foreign money laundering havens to bring their laws and practices into line with international anti-money laundering standards.

The bill provides for actions that will be graduated, discretionary, and targeted, in order to focus actions on international transactions involving criminal proceeds, while allowing legitimate international commerce to continue to flow unimpeded.

It provides a clear warning to those who have assisted or unwittingly assisted those involved in the al Qaeda network or other terrorist organizations in laundering money. The United States will take whatever actions are necessary, including denying foreign banks and jurisdictions access to the United States economy, in order to stop terrorists and international criminal networks from continuing to launder money through the international financial system.

Passage of this legislation will make it much more difficult for new terrorist organizations to develop. During the 1980s, as Chairman of the Senate Permanent Subcommittee on Investigations, I began an investigation of the Bank of Credit and Commerce International (BCCI), and uncovered a complex money laundering scheme involving billions of dollars. Fortunately, BCCI was forced to close and we were able to bring many of those involved in to justice. However, as we have learned since the closing of BCCI, Osama bin Laden had a number of accounts at BCCI and we had dealt him a very serious economic blow. So as we consider this bill as a response to recent attacks, we must not lose sight of the potential this legislation will have to stop the development of terrorist organizations in the future.

With the support of the United States and the European Union, the Organization of Economic Cooperation and Development has begun a crackdown on tax havens by targeting 36 jurisdictions which it said participate in unfair tax competition and undermine other nations' tax bases. The OECD approach does not punish countries just for having low tax rates, instead, it looks for tax systems that have a lack of transparency, a lack of effective exchange of information and those countries that have different tax rules for foreign customers than for its own citizens. Countries with these types of tax systems assist terrorists and international criminal organizations looking to hide money that was derived from the sale of drugs, weapons and other criminal enterprises that have already been laundered in the international financial system.

Mr. President, earlier this evening my colleague Senator FEINGOLD offered an amendment to the section of the USA Act that deals with the interception of computer trespass communications. This amendment, at its core, was intended to prevent law enforcement from abusing their authority to monitor computer activity. The Senator from Wisconsin's amendment would have limited the amount of time that law enforcement could monitor suspicious activity without a court order to 96 hours, after which time investigators would have to obtain a warrant for continued surveillance. I support the intent of this amendment, and regret that I felt compelled vote to table the amendment. I voted to table the amendment for two reasons: First, I was concerned that the amendment was overly restrictive because it prevented law enforcement from investigations unrelated to the computer trespass. My concern is that law enforcement authorities would, for example, be able to monitor activity which permitted a computer hacker to establish a "dead drop" zone for terrorists to post messages, but would not be able to monitor the content of those messages.

I also voted to table Senator FEINGOLD's amendment because I strongly believe that we must move forward with this anti-terrorism legislation. Just today the FBI issued a statement warning of terrorist attacks and put law enforcement on the highest alert. I believe these serious threats to our security justify our this legislation swiftly. But I sincerely hope that an acceptable compromise can be reached—on this and on other issues—in the final legislation.

This legislation is a crucial step toward limiting the scourge of money laundering and to stop the development of international criminal organizations. It is my hope that the Congress will be able to develop anti-terrorism legislation that will provide needed protections of our citizens without eliminating any of our cherished individual liberties.

Ms. SNOWE. Mr. President, in the war against terrorism, Americans stand as one behind our President. Now, in the all-out effort to protect our homeland, Federal agencies must be united in securing American soil.

In that light, President Bush made exactly the right decision when he created the Office of Homeland Security—a national imperative in the wake of the horrific tragedies of September 11—and I commend him for appointing my former colleague, Pennsylvania Governor Tom Ridge, as its director. With a seat at the Cabinet table, Governor Ridge will literally be at the President's side, giving him the standing that will be required to remove jurisdictional hurdles among the forty-plus agencies he will be responsible for coordinating.

I saw firsthand the consequences of serious inadequacies in coordination and communication during my twelve years as ranking member of the House Foreign Affairs International Operations Subcommittee and Chair of the subcommittee's Senate counterpart. In conducting oversight of embassy security as well as visa and consular operations, I became extensively involved with the issue of terrorism, co-drafting anti-terrorism legislation with former Representative Dan Mica, Florida, in the wake of 1983 and 1984 terrorist attacks against the U.S. embassy and Marine barracks in Lebanon; traveling to Belgrade, Warsaw, and East Berlin to press government officials into helping stem the flow of money to the terrorist Abu Nidal and his organization; and investigating entry into the United States by radical Egyptian cleric Sheikh Omar Abdel Rahman, mastermind of the World Trade Center bombing in 1993.

As far back as our hearings on the 1985 Inman Report, commissioned in response to the attacks in Lebanon, it was abundantly clear that improved coordination and consolidation of information from agencies such as the FBI, CIA, DEA, Customs, INS and the State Department would be an essential step toward removing a vulnerability in our national security. That point was tragically underscored by our discovery that, astoundingly, in the period since 1987 when Sheikh Rahman was placed on the State Department lookout list, the Sheikh entered and exited the U.S. five times totally unimpeded. Even after the State Department formally issued a certification of visa revocation, he was granted permanent residence status by the INS. When he was finally caught on July 31, 1991, reentering the United States, he was immediately released back into U.S. society to allow him to pursue a multi-year appeal process.

Just as unbelievable is the fact that, even after the 1993 attack on the World Trade Center, membership in a terrorist organization in and of itself—with the exception of the PLO—was not sufficient grounds for visa denial. Rather, the Immigration Act of 1990 required the Government to prove that an individual either was personally involved in a terrorist act, or planning one. This absurd threshold made it almost impossible to block individuals, such as Sheikh Rahman, from entering the country legally. Legislation I introduced in 1993 removed that bureaucratic and legal obstacle—yet it took nearly 3 more years to enact it as part of the Anti-Terrorism and Effective Death Penalty Act of 1996.

Further, to respond to the trail of errors we uncovered, provisions from my bill were enacted in 1994 requiring modernization in the State Department's antiquated microfiche "lookout" system to keep dangerous aliens from entering the United States. This system required manual searches, was difficult to use, and was subject to error. The language I crafted required State to replace the old systems with one of two forms of state-of-the-art computerized systems. Visa fees were even increased for non-immigrants to pay for the upgrades.

Recognizing the need to mate these new technologies with the need for the most comprehensive, current and reliable information, we also attempted to address the issue of access. This was all the more pressing because, in 1990, the Justice Department had ruled that because the State Department was not a "law enforcement agency", it no longer had free access to the FBI's National Crime Information Center. This system, which maintains arrest and criminal information from a wide variety of federal, state, and local sources as well as from Canada, is used by the State Department to deny visas. Tellingly, after it lost access to the NCIC, the visa denial rate for past criminal activities plunged a remarkable 45 percent—stark evidence that we can't afford to tie the hands of America's overseas line of defense against terrorism.

Incredibly, while intelligence is frequently exchanged, no law requires agencies like the FBI and CIA to share information on dangerous aliens with the State Department. To address this, my 1993 bill also designated the State Department a "law enforcement agency" for purposes of accessing the NCIC as well as other FBI criminal records when processing any visa application, whether immigrant or non-immigrant.

Unfortunately, a revised provision also enacted in 1994 only provided the State Department with free access to these FBI resources for purposes of processing immigrant visas—dropping my requirement for non-immigrant visas eventually used by at least 16 of the 19 suspected hijackers. Even that limited law was allowed to expire, despite my legislation enacted in 1996 repealing the requirement that visa applicants be informed of the reason for a denial—a provision that law enforcement agencies legitimately believed could impede ongoing investigations, or reveal sources and methods. Thus, today, information sharing remains optional and ad hoc.

To further fortify our front-line defenses against terrorism, I also propose to assist our embassies in turning-back terrorists at their point of origin by establishing Terrorist Lookout Committees, comprised of the head of the political section of each embassy and senior representatives of all U.S. law enforcement and intelligence agencies. The committees would be required to meet on a monthly basis to review and submit names to the State Department for inclusion in the visa lookout system.

Clearly, the catastrophic events of September 11 have catapulted us into a different era, and everything is forever changed. We must move heaven and earth to remove the impediments that keep us from maximizing our defense against terrorism, and that is why we need a singular, Cabinet-level authority that can change the prevailing system and culture. Ironically, the most compelling reason for an Office of Homeland Security is also its greatest challenge: the need to focus on the "three C's" of coordination, communication and cooperation so that all our resources are brought to bear in securing our nation. The bottom line is, if knowledge is power, we are only as strong as the weakest link in our information network therefore, we must ensure that the only "turf war" will be the one to protect American turf. In our fight against terrorism, we can do no less.

Mr. BYRD. Mr. President, in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon, the attention of the American people has turned to the security of our national border system and how these attackers were able to exploit that system to plot these dastardly acts.

The September 11 attacks have highlighted numerous loopholes in our immigration laws that have allowed terrorists to enter the United Stats posing as students and tourists, and, in some cases, by simply walking across an unpatrolled border. In reviewing our counter-terrorism efforts within our intelligence community, it is also appropriate that we look at the numerous immigration loopholes these terrorists were able to slip through.

There are currently between 7 million and 13 million illegal aliens living in the United States. Six out of 10 of these aliens crossed a U.S. border illegally, and therefore were not subject to background checks by the INS or the State Department to determine if they had a terrorist or criminal history. In fact, exit/entry records are so incomplete that the Immigration and Naturalization Service, INS, has no record of 6 of the 19 suspected hijackers entering the United States.

Of the roughly 10,000 INS agents guarding our borders, only 3 percent are stationed on our northern border with Canada. That's 334 agents protecting a 4,000 mile border, or one agent for every 12 miles. According to media reports, a number of the September 11 terrorists crossed this border to enter the United States.

Of those foreign nationals who have legally entered the United States, more than a half-a-million of them are registered as international students at 15,000 universities, colleges, and vocational schools across the United States. These are nuclear engineering scholars, biochemistry students, and even pilot trainees who have access to dangerous technology, training, and information.

The Congress passed legislation in 1996 requiring the INS to create a database for tracking these students. The purpose was to more efficiently monitor the immigration/visa status and whereabouts of students from abroad. After 5 years, there is still no system in place to monitor these 500,000 students. The current pilot program operating at 21 schools is not expected to be fully operational for five more years, and even that date could slip.

Without a monitoring system in place to audit schools that sponsor these foreign students, there is nothing to prevent an alien from entering the United States on a student visa and then just disappearing. Consequently, one of the September 11 hijackers was able to enter the United States on a student visa, dropped out, and remained illegally thereafter.

Abuses of the visa system can also be found in the application process overseas at our U.S. consulates. Foreign nationals must apply for a visa at a U.S. consulate abroad and go through a series of security checks before they can enter the United States. Some media reports have raised the issue of consulate shopping, that is, foreign nationals choosing to apply at a U.S. consulate that they believe is most likely to grant them a visa. The "New York Times" reported in September that Chinese nationals applying for visas at a U.S. consulate in Beijing compare their experiences over the Internet—and even post tips on how to act and what to say, to boost their chances of receiving a visa.

Such an article raises the question of whether a terrorist could travel from country to country in hopes of finding a U.S. consulate which would be less familiar with his background and more likely to award him a visa. One terrorist who was involved in the 1993 World Trade Center bombing was denied a visa at the U.S. consulate in

Egypt, only to be awarded a visa by the U.S. consulate in Sudan.

And these are loopholes that exist only for those terrorists who would risk a background check by seeking a visa at a U.S. consulate. The United States allows 29 countries to participate in a visa-waiver program, which effectively allows the citizens of many European countries to bypass the initial screening process at a U.S. consulate abroad by waiving the visa requirement. The Inspectors General for both the State and Justice Departments have raised the possibility that a foreign national could steal and counterfeit a visa-free passport to bypass the visa background check altogether.

The October 8 Wall Street Journal reported that some 1,067 visa-free passports have been stolen in recent months, presumably to be used for entry into the United States. In fact, one of the terrorists who plotted the bombing of the 1993 World Trade Center bombing was caught trying to slip through this loophole in 1992 when he tried to enter the United States using a visa-free Swedish passport.

These are just some of the loopholes that terrorists are trying to exploit. To its credit, the Senate Judiciary Committee recognizes this fact.

The legislation drafted by the committee would triple the number of INS agents on our northern border. This is a worthwhile investment, and one that should be made. However, the security of our borders depends on more than just INS agents. The first line of defense against terrorists are our U.S. consulates abroad.

We must address the loopholes in the visa-waiver program that would allow a potential terrorist to enter the United States on a stolen passport. We must prevent consulate shopping. And, we must fully implement a system that can monitor foreign students.

The State and Justice Departments confirm that these are real security threats that must be addressed if we are to protect our borders from terrorists.

I have offered three amendments to address these concerns, which were accepted by the Judiciary Committee chairman and ranking member into the manager's package.

My first amendment would authorize the necessary funding so that the Justice Department could immediately put into place a tracking system that would require every university, college, and vocational school to submit a name, an address, an enrollment status, and disciplinary action taken on each of the international students that these educational institutions sponsor. Such a database would be invaluable to law enforcement officials who may need to identify and locate a potential terrorist immediately.

My second amendment would tighten the visa-waiver program by requiring that any country that participates in that program issue to its citizens within 2 years machine-readable passports that U.S. officials could scan into a "look out" system. This moves forward the original statutory deadline Congress agreed to last year by 4 years.

This amendment would also require the State Department to regularly audit the passports of these visa-free countries to ensure that countries that participate in this program have implemented sufficient safety precautions to prevent the counterfeiting and the theft of their passports.

My third amendment would require the State Department to review how it issues its visas to determine if consulate shopping is a problem, and then require the Secretary of State to take the necessary steps to correct the problem. The State Department has the legislative authority it needs to fix this problem. It is now imperative that it use that authority.

My amendments are important steps toward closing down the loopholes in our immigration laws, and I look forward to working with my colleagues so that we may continue to tighten the security of national borders.

Mr. HATCH. Mr. President, three weeks ago, the President of the United States—with the undivided support of this Congress and the American people—announced a war on terrorism. In that address, he asked Congress to provide our law enforcement community with the tools that they need to wage that war effectively.

After several weeks of negotiations with the Chairman and the Administration, I am pleased we have come to the point where we can pass a bipartisan, measured bill that does just that.

Mr. President, each of us has, in different ways, had our lives touched by the awful events of September 11th. Each of us has, in the days since the attack, been shocked and appalled by the terrible images of destruction that have reached us, by television, by newspaper—and in many cases by our own eyes—from the sites of the attacks in Pennsylvania, at the World Trade Center, and at the Pentagon.

Paradoxically, each of us has also been uplifted by the stories of heroism and self-sacrifice that have emerged from around the country in the wake of these terrible events.

As the President made clear in his address to the nation, we did not seek this war. This war was thrust upon us—thrust upon us by an unprovoked attack upon our civilian population in the very midst of our greatest cities.

Just one month ago, we could not have contemplated that today, October 11th, 2001, we would be at war. It is true that, for years, some of us in this Congress, and around the country, have warned that there were powerful, well-financed individuals located throughout the world who were dedicated to the destruction of our way of life. But, few of us could predict the horrific methods that these men would employ in an effort to destroy us and our democratic institutions.

On September 11th, all that changed.

In the last few weeks, we have all come to acknowledge that we live in a different and more dangerous world than the world we thought we knew when we woke up on the morning of September 11th . . .

. . . A different world—not only because thousands of our countrymen are dead as a result of the September 11th attacks . . .

. . . A different world—not only because many of our neighbors now hesitate to get on an airplane, or ride in an elevator, or engage in any one of a number of activities that we took for granted before the attacks . . .

. . . But a different world, also, because we must acknowledge that there remains an ongoing and serious threat to our way of life and, in fact, to our health and well-being as a society.

As has been reported in the national media, the investigation into the September 11th attacks has revealed there are terrorist cells that continue to operate actively among us. It is a chilling thought, but it is true.

The war to which we have collectively committed is a war unlike any war in the history of this country. It is different because a substantial part of this war must be fought on our own soil. This is not a circumstance of our choosing. The enemy has brought the war to us.

But we must not flinch from acknowledging the fact that, because this is a different kind of war, it is a war that will require different kinds of weapons, and different kinds of tactics.

The Department of Justice, and its investigatory components including the FBI, the INS, and the Border Patrol, will continue to have the principal responsibility for identifying and eradicating terrorist activity within our national borders. Our intelligence community must have access to critical information available to our law enforcement community.

Over the last several weeks, the Attorney General has made clear to us, in no uncertain terms, that he does not currently have adequate weapons to fight this war. Weeks ago, the Administration sent to Congress a legislative proposal that would give the Department of Justice and others in law enforcement the tools they need to be effective in tracking down and eliminating terrorist activity in this country.

Over the last several weeks, Senator LEAHY, other members of the Judiciary Committee, and I have undertaken a painstaking review of the anti-terrorism proposal submitted by the Administration. There have been several hearings on this legislation in the Senate, and many briefings by experts and advocates.

The legislation that we are about to vote upon is a product of intense bipartisan negotiations. It is a proposal I am proud to cosponsor with my other colleagues in the Senate and particularly the distinguished Chairman of the Judiciary Committee, Senator LEAHY.

I would like to congratulate Senator LEAHY, in particular, for his thoroughness in reviewing this legislation and his many thoughtful comments and suggestions in our joint effort to ensure that the proposals adequately protect the constitutional liberties of all Americans.

Now, after weeks of fine-tuning, we have reached a final product that accommodates the concerns of each of the Senators who has examined this bill. The bipartisan bill that we vote on today respects the constitutional liberties of the American people and, at the same time, does what people around America have been calling upon us in Congress to do—that is, give our law enforcement community the tools they need to keep us safe in our homes, in our travels, and in our places of business.

I would like to make a few comments regarding the process for this legislation. Although we have considered this in a more expedited manner than other legislation, my colleagues can be assured that this bill has received thorough consideration. First, the fact is that the bulk of these proposals have been requested by the Department of Justice for years, and have languished in Congress for years because we have been unable to muster the collective political will to enact them into law.

No one can say whether these tools could have prevented the attacks of September 11th. But, as the Attorney General has said, it is certain that without these tools, we did not stop the vicious acts of last month. I say to my colleagues, Mr. President, that if these tools could help us now to track down the perpetrators—if they will help us in our continued pursuit of terrorist activities within our national borders—then we should not hesitate any further to pass these reforms into law. As long as these reforms are consistent with our Constitution—and they are—it is difficult to see why anyone would oppose their passage.

Furthermore, I would like to clearly dispel the myth that the reforms in this legislation somehow abridge the Constitutional freedoms enjoyed by law-abiding American citizens. Some press reports have portrayed this issue as a choice between individual liberties on the one hand, and on the other hand, enhanced powers for our law enforcement institutions. This is a false dichotomy. We should all take comfort that the reforms in this bill are primarily directed at allowing law enforcement agents to work smarter and more efficiently—in no case do they curtail the precious civil liberties protected by our Constitution. I want to assure my colleagues that we worked very hard over the past several weeks to ensure that this legislation upholds all of the constitutional freedoms our citizens cherish. It does.

I would like to take a minute to explain briefly a few of the most important provisions of this critical legislation.

First, the legislation encourages information-sharing between various arms of the federal government. I believe most of our citizens would be shocked to learn that, even if certain government agents had prior knowledge of the September 11th attacks, under many circumstances they would have been prohibited by law from sharing that information with the appropriate intelligence or national security authorities.

This legislation makes sure that, in the future, such information flows freely within the Federal government, so tat it will be received by those responsible for protecting against terrorist attacks.

By making these reforms, we are rejecting the outdated Cold War paradigm that has prevented cooperation between our intelligence community and our law enforcement agents. Current law does not adequately allow for such cooperation, artificially hampering our government's ability to identify and prevent acts of terrorism against our citizens.

In this new war, Mr. President, terrorists are a hybrid between domestic criminals and international agents. We must lower the barriers that discourage our law enforcement and intelligence agencies from working together to stop these terrorists. These hybrid criminals call for new, hybrid tools.

Second, this bill updates the laws relating to electronic surveillance. Electronic surveillance, conducted under the supervision of a federal judge, is one of the most powerful tools at the disposal of our law enforcement community. It is simply a disgrace that we have not acted to modernize the laws currently on the books which govern such surveillance, laws that were enacted before the fax machine came into common usage, and well before the advent of cellular telephones, e-mail, and instant messaging. The Department of Justice has asked us for years to update these laws to reflect the new technologies, but there has always been a call to go slow, to seek more information, to order further studies.

This is no hypothetical problem. We now know that e-mail, cellular telephones, and the Internet have been principal tools used by the terrorists to coordinate their atrocious activities. We need to pursue all solid investigatory leads that exist right now that our law enforcement agents would be unable to pursue because they must continue to work within these outdated laws. It is high time that we update our laws so that our law enforcement agencies can deal with the world as it is, rather than the world as it existed 20 years ago.

A good example of the way we are handicapping our law enforcement agencies relates to devices called "pen registers." Pen registers may be employed by the FBI, after obtaining a court order, to determine what telephone numbers are being dialed from a particular telephone. These devices are essential investigatory tools, which allow law enforcement agents to determine who is speaking to whom, within a criminal conspiracy.

The Supreme Court has held, in Smith v. Maryland, that the information obtained by pen register devices is not information that is subject to ANY constitutional protection. Unlike the content of your telephone conversation once your call is connected, the numbers you dial into your telephone are not private. Because you have no reasonable expectation that such numbers will be kept private, they are not protected under the Constitution. The Smith holding was cited with approval by the Supreme Court just earlier this year.

The legislation under consideration today would make clear what the federal courts have already ruled—that federal judges may grant pen register authority to the FBI to cover, not just telephones, but other more modern modes of communication such as e-mail or instant messaging. Let me make clear that the bill does not allow law enforcement to receive the content of the communication, but they can receive the addressing information to identify the computer or computers a suspect is using to further his criminal activity.

Importantly, reform of the pen register law does not allow—as has sometimes been misreported in the press—for law enforcement agents to view the content of any e-mail messages—not even the subject line of e-mails. In addition, this legislation we are about to vote upon makes it explicit that content can not be collected through such pen register orders.

This legislation also allows judges to enter pen register orders with nationwide scope. Nationwide jurisdiction for pen register orders makes common sense. It helps law enforcement agents efficiently identify communications facilities throughout the country, which greatly enhances the ability of law enforcement to identify quickly other members of a criminal organization, such as a terrorist cell.

Moreover, this legislation provides our intelligence community with the same authority to use pen register devices, under the auspices of the Foreign

Intelligence Surveillance Act, that our law enforcement agents have when investigating criminal offenses. It simply makes sense to provide law enforcement with the same tools to catch terrorists that they already possess in connection with other criminal investigations, such as drug crimes or illegal gambling.

In addition to the pen register statute, this legislation updates other aspects of our wiretapping statutes. It is amazing that law enforcement agents do not currently have authority to seek wiretapping authority from a federal judge when investigating a terrorist offense. This legislation fixes that problem.

Moving on, I note that much has been made of the complex immigration provisions of this bill. I know Senators SPECTER, KOHL and KENNEDY had questions about earlier provisions, particularly the detention provision for suspected alien terrorists.

I want to assure my colleagues that we have worked hard to address your concerns, and the concerns of the public. As with the other immigration provisions of this bill, we have made painstaking efforts to achieve this workable compromise.

Let me address some of the specific concerns. In response to the concern that the INS might detain a suspected terrorist indefinitely, Senator KENNEDY, Senator KYL, and I worked out a compromise that limits the provision. It provides that the alien must be charged with an immigration or criminal violation within seven days after the commencement of detention or be released. In addition, contrary to what has been alleged, the certification itself is subject to judicial review. The Attorney General's power to detain a suspected terrorist under this bill is, then, not unfettered.

Moreover, Senator LEAHY and I have also worked diligently to craft necessary language that provides for the deportation of those aliens who are representatives of organizations that endorse terrorist activity, those who use a position of prominence to endorse terrorist activity or persuade others to support terrorist activity, or those who provide material support to terrorist organizations. If we are to fight terrorism, we can not allow those who support terrorists to remain in our country. Also, I should note that we have worked hard to provide the State Department and the INS the tools they need to ensure that no applicant for admission who is a terrorist is able to secure entry into the United States through legal channels.

Finally, the bill gives law enforcement agencies powerful tools to attack the financial infrastructure of terrorism—giving our government the ability to choke off the financing that these dangerous terrorist organizations need to survive. It criminalizes the practice of harboring terrorists, and puts teeth in the laws against providing material support to terrorists and terrorist organizations. It gives the President expanded authority to freeze the assets of terrorists and terrorist organizations, and provides for the eventual seizure of such assets. These tools are vital to our ability to effectively wage the war against terrorism, and ultimately to win it.

Mr. President, before this debate comes to an end, I would be remiss if I did not acknowledge the hard work put in by my staff, the staff of Senator LEAHY, and the representatives of the Administration who were involved in the negotiation of this bill. These people have engaged in discussions, literally around the clock over the last 3 weeks to produce this excellent bill, that now enjoys such widespread bipartisan support.

I would like to thank my Chief Counsel, Makim Delrahim, who has been instrumental in putting this bill together. I also would like to thank my criminal counsel, Jeff Taylor, Stuart Nash, and Leah Belaire, who have brought invaluable expertise to this process. My immigration counsel, Dustin Pead and my legislative assistant Brigham Cannon have provided invaluable assistance.

I would like to thank the staff of Senator LEAHY—his chief counsel Bruce Cohen, and other members of his staff—Beryl Howell, Julie Katzman, Ed Pagano, David James, and John Eliff.

The Department of Justice has been of great assistance to us in putting this bill together. I would like to thank Attorney General Ashcroft and his Deputy Larry Thompson for their wise counsel, and for their quick response to our many questions and concerns. Michael Chertoff, the Assistant Attorney General for the Criminal Division was a frequent participant in our meetings, as well as Assistant Attorneys General Dan Bryant and Viet Dinh. Jennifer Newstead, John Yew, John Elwood and Pat O'Brien were all important participants in this process.

Finally, the White House staff provided essential contributions at all stages of this process. Judge Al Gonzales, the White House counsel provided key guidance, with the help of his wonderful staff, including Tim Flanagan, Courtney Elwood, and Porad Berensen.

In addition, members of the White House Congressional Liaison Office kept this process moving forward. I would like to thank Heather Wingate, Candy Wolff and Nancy Dorn for all the assistance they have given us.

There have been few, if any, times in our nation's great history where an event has brought home to so many of our citizens, so quickly, and in such a graphic fashion, a sense of our vulnerability to unexpected attack.

I believe we all took some comfort when President Bush promised us that our law enforcement institutions would have the tools necessary to protect us from the danger that we are only just beginning to perceive.

The Attorney General has told us what tools he needs. We have taken the time to review the problems with our current laws, and to reflect on their solutions. The time to act is now. Let us please move forward expeditiously, and give those who are in the business of protecting us the tools that they need to do the job.

Mr. President, I urge my colleagues' support for this important legislation and yield the floor.

Mr. DASCHLE. Mr. President, 4 days ago, our military began strikes against terrorist training camps and the Taliban's military installations in Afghanistan. They are intended to disrupt the network of terror that spreads across Afghanistan.

But these strikes are one part of a much larger battle. The network that we seek to disrupt and ultimately destroy often operates without borders or boundaries. Its tools are not simply the weapons it chooses to employ. And its trails are more often electronic than physical.

This is a new kind of battle. Winning it will require a new set of tools . . . And winning is the only acceptable outcome.

Just as we are committed to giving our men and women in uniform the tools and training they need to do what is asked of them, we must now make that same commitment to our justice and law enforcement officials.

After all, we are now asking them to do nothing less than protect the American people by finding, tracking, monitoring—and ultimately stopping—any terrorist elements that threaten our nation or our citizens.

I believe that by passing this measure today, we are taking a swift and significant step toward doing just that. We are also demonstrating, once again, that the Senate can work both quickly and effectively when we work cooperatively.

I want to thank Senator LOTT, Chairmen LEAHY, GRAHAM and SARBANES, as well as Senators HATCH, SHELBY, and GRAMM for their leadership on this bill.

I especially appreciate Chairman LEAHY's management and handling of this important and delicate process.

I also want to thank the many other Democratic and Republican Senators whose insights and suggestions improved this legislation.

For example, Senator KENNEDY's input on provisions regarding immigration addressed concerns a number of us had about the detention of legal permanent residents with only few due process protections.

And Senators ENZI, LEAHY and DORGAN were able to improve a provision regarding unilateral food and medical sanctions in a way that avoids needlessly hurting American farmers.

I'll be honest, this bill is not perfect, and I hope that we will be able to work with our House colleagues in the days ahead in order to improve it.

Whenever we weigh civil liberties against national security, we need to do so with the utmost care.

Among other things, I am concerned about the provisions within this bill that allow the sharing of information gathered in grand juries and through wiretaps without judicial check. And, as we give the administration new legitimate powers to wiretap under the Foreign Intelligence Surveillance Act, I believe we should do more to protect the rights of Americans who are not suspects or targets of investigations.

These flaws are not insubstantial, but ultimately the need for this bill outweighs them. When it comes to an issue as central to our democracy as the protection of our people, we must act.

This bill does several important things:

First, it will enhance the ability of law enforcement and intelligence agencies to conduct electronic surveillance and execute searches in order to gather critical information to fight terrorism.

Second, it will permit broader information sharing between traditional law enforcement and foreign intelligence officers.

Third, it will increase the Attorney General's ability to deport and detain individuals who support terrorist activity. I should note, though, that the Senate bill requires the Attorney General either to bring criminal or immigration charges within seven days after taking custody of an alien or relinquish custody.

Fourth, this bill also takes significant steps to increase law enforcement personnel on our northern border. For example, it would triple the number of Border Patrol, Customs Service, and INS inspectors at the northern border, who would work in concert with their Canadian counterparts in order to enhance security in this previously understaffed area.

Fifth, thanks in large part to Senator LEAHY's hard work, this bill makes major revisions to the Victims of Crime Act—by strengthening the Crime Victim Fund and expediting assistance to victims of domestic terrorism.

Sixth and finally, the Banking Committee was able to agree on, and add to this bill, several significant counter money laundering measures. If we are to truly fight terrorism on all fronts; we must fight it on the financial front as well.

As you can see, this is a complex piece of legislation. But its aim is simple: to give law enforcement the tools it needs to fight terrorism.

It was a month ago on this day that we suffered the worst terrorist attack in our Nation's history. In the days since, we have honored the memories of the more than 6,000 innocent men and women who lost their lives on that terrible day.

Hours ago, for example, we passed a resolution that designates September 11 as a national day of remembrance.

But I believe that to truly honor those whose lives were lost, we must match our words with action, and do all that we can in order to prevent future attacks.

This bill is a significant step towards keeping that commitment, and keeping Americans safe.

Mr. DASCHLE. It is my understanding that the managers intend now to yield back the remainder of the time on the bill and we will go straight to final passage.

First, I thank all Senators for their cooperation tonight. This was a very good day. We got a lot of work done, and I appreciate the work of all Members. There will not be rollcall votes tomorrow. In fact, we will not be in session. We will come in on Monday, midafternoon. There will be a vote on the motion to proceed to the foreign operations bill and a vote on the conference report on the Interior appropriations bill at approximately 5:30 Monday afternoon. I thank all Senators.

I yield the floor.

Mr. LEAHY. Mr. President, we are about to go to final passage. We thought there would be a managers' package. We signed off on this side, and apparently the other side has not, which is their right.

Mr. HATCH. We have a managers' package. It is done. It is just being assembled and put together and will be here.

I yield the floor.

Mr. LEAHY. I am glad there will be a managers' package. We cannot vote on final passage until the managers' package is here. I thank the majority leader for his help. As I said before, I don't think the bill could have gotten as far as it did without that help. I wish the administration had kept to the agreement they made September 30. We would have a more balanced bill. I still am not sure why the administration backed away from their agreement. I am the old style Vermonter: When you make an agreement, you stick with it. But they decided not to, and it slowed us up a bit.

The PRESIDING OFFICER. Let's have order in the Senate Chamber so the Senator can be heard.

Mr. LEAHY. I yield the floor.

Mr. DASCHLE. Mr. President, I ask unanimous consent that notwithstanding the passage of the amendment, the managers' amendment be considered subject to approval by both managers and both leaders.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. What is the request?

Mr. DASCHLE. Mr. President, I will repeat the request. There is a technical amendment having to do with some of the issues that have been worked out, that have no substantive consequence. I ask unanimous consent that this managers' amendment be approved, notwithstanding passage of the bill, subject to approval by the two managers and the two leaders.

Mr. BYRD. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield all time. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

Mr. FEINGOLD. Mr. President, what is the status?

The PRESIDING OFFICER. The bill is ready for third reading.

Mr. FEINGOLD. I ask the Chair if the managers' amendment has been adopted.

The PRESIDING OFFICER. It has not.

Mr. FEINGOLD. I thank the Chair.

The PRESIDING OFFICER. There has been none submitted.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. THURMOND), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Feingold

NOT VOTING — 3

Domenici
Helms
Thurmond

The bill (S. 1510) as passed as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Uniting and Strengthening America Act" or the "USA Act of 2001".

(b) TABLE OF CONTENTS.— The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Construction; severability.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

Sec. 101. Counterterrorism fund.
Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.
Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.
Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.
Sec. 105. Expansion of national electronic crime task force initiative.
Sec. 106. Presidential authority.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism.
Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
Sec. 203. Authority to share criminal investigative information.
Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications.
Sec. 205. Employment of translators by the Federal Bureau of Investigation.
Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978.
Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
Sec. 208. Designation of judges.
Sec. 209. Seizure of voice-mail messages pursuant to warrants.
Sec. 210. Scope of subpoenas for records of electronic communications.
Sec. 211. Clarification of scope.
Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
Sec. 213. Authority for delaying notice of the execution of a warrant.
Sec. 214. Pen register and trap and trace authority under FISA.
Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.
Sec. 217. Interception of computer trespasser communications.
Sec. 218. Foreign intelligence information.
Sec. 219. Single-jurisdiction search warrants for terrorism.
Sec. 220. Nationwide service of search warrants for electronic evidence.
Sec. 221. Trade sanctions.
Sec. 222. Assistance to law enforcement agencies.

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001

Sec. 301. Short title.
Sec. 302. Findings and purposes.
Sec. 303. 4-Year congressional review-expedited consideration.

SUBTITLE A—INTERNATIONAL COUNTER MONEY LAUNDERING AND RELATED MEASURES

Sec. 311. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.
Sec. 312. Special due diligence for correspondent accounts and private banking accounts.
Sec. 313. Prohibition on United States correspondent accounts with foreign shell banks.
Sec. 314. Cooperative efforts to deter money laundering.
Sec. 315. Inclusion of foreign corruption offenses as money laundering crimes.
Sec. 316. Anti-terrorist forfeiture protection.
Sec. 317. Long-arm jurisdiction over foreign money launderers.
Sec. 318. Laundering money through a foreign bank.
Sec. 319. Forfeiture of funds in United States interbank accounts.
Sec. 320. Proceeds of foreign crimes.
Sec. 321. Exclusion of aliens involved in money laundering.
Sec. 322. Corporation represented by a fugitive.
Sec. 323. Enforcement of foreign judgments.
Sec. 324. Increase in civil and criminal penalties for money laundering.
Sec. 325. Report and recommendation.
Sec. 326. Report on effectiveness.
Sec. 327. Concentration accounts at financial institutions.

SUBTITLE B—CURRENCY TRANSACTION REPORTING AMENDMENTS AND RELATED IMPROVEMENTS

Sec. 331. Amendments relating to reporting of suspicious activities.
Sec. 332. Anti-money laundering programs.
Sec. 333. Penalties for violations of geographic targeting orders and certain recordkeeping requirements, and lengthening effective period of geographic targeting orders.
Sec. 334. Anti-money laundering strategy.
Sec. 335. Authorization to include suspicions of illegal activity in written employment references.
Sec. 336. Bank Secrecy Act advisory group.
Sec. 337. Agency reports on reconciling penalty amounts.
Sec. 338. Reporting of suspicious activities by securities brokers and dealers.
Sec. 339. Special report on administration of Bank Secrecy provisions.
Sec. 340. Bank Secrecy provisions and anti-terrorist activities of United States intelligence agencies.
Sec. 341. Reporting of suspicious activities by hawala and other underground banking systems.
Sec. 342. Use of Authority of the United States Executive Directors.

SUBTITLE D—CURRENCY CRIMES

Sec. 351. Bulk cash smuggling.

SUBTITLE E—ANTICORRUPTION MEASURES

Sec. 361. Corruption of foreign governments and ruling elites.
Sec. 362. Support for the financial action task force on money laundering.
Sec. 363. Terrorist funding through money laundering.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

Sec. 401. Ensuring adequate personnel on the northern border.
Sec. 402. Northern border personnel.
Sec. 403. Access by the Department of State and the INS to certain identifying information in the criminal history records of visa applicants and applicants for admission to the United States.
Sec. 404. Limited authority to pay overtime.
Sec. 405. Report on the integrated automated fingerprint identification system for points of entry and overseas consular posts.

Subtitle B—Enhanced Immigration Provisions

Sec. 411. Definitions relating to terrorism.
Sec. 412. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
Sec. 413. Multilateral cooperation against terrorists.

TITLE V -REMOVING OBSTACLES TO INVESTIGATING TERRORISM

Sec. 501. Professional Standards for Government Attorneys Act of 2001.
Sec. 502. Attorney General's authority to pay rewards to combat terrorism.
Sec. 503. Secretary of State's authority to pay rewards.
Sec. 504. DNA identification of terrorists and other violent offenders.
Sec. 505. Coordination with law enforcement.
Sec. 506. Miscellaneous national security authorities.
Sec. 507. Extension of Secret Service jurisdiction.
Sec. 508. Disclosure of educational records.
Sec. 509. Disclosure of information from NCES surveys.

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

Sec. 611. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack.
Sec. 612. Technical correction with respect to expedited payments for heroic public safety officers.
Sec. 613. Public Safety Officers Benefit Program payment increase.
Sec. 614. Office of justice programs.

Subtitle B—Amendments to the Victims of Crime Act of 1984

Sec. 621. Crime Victims Fund.
Sec. 622. Crime victim compensation.
Sec. 623. Crime victim assistance.
Sec. 624. Victims of terrorism.

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

Sec. 711. Expansion of regional information sharing system to facilitate Federal-State-local law enforcement response related to terrorist attacks.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

Sec. 801. Terrorist attacks and other acts of violence against mass transportation systems.
Sec. 802. Expansion of the biological weapons statute.
Sec. 803. Definition of domestic terrorism.
Sec. 804. Prohibition against harboring terrorists.
Sec. 805. Jurisdiction over crimes committed at U.S. facilities abroad.
Sec. 806. Material support for terrorism.
Sec. 807. Assets of terrorist organizations.
Sec. 808. Technical clarification relating to provision of material support to terrorism.
Sec. 809. Definition of Federal crime of terrorism.
Sec. 810. No statute of limitation for certain terrorism offenses.
Sec. 811. Alternate maximum penalties for terrorism offenses.
Sec. 812. Penalties for terrorist conspiracies.
Sec. 813. Post-release supervision of terrorists.
Sec. 814. Inclusion of acts of terrorism as racketeering activity.
Sec. 815. Deterrence and prevention of cyberterrorism.
Sec. 816. Additional defense to civil actions relating to preserving records in response to government requests.
Sec. 817. Development and support of cybersecurity forensic capabilities.

TITLE IX—IMPROVED INTELLIGENCE

Sec. 901. Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under Foreign Intelligence Surveillance Act of 1978.
Sec. 902. Inclusion of international terrorist activities within scope of foreign intelligence under National Security Act of 1947.
Sec. 903. Sense of Congress on the establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations.
Sec. 904. Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters.
Sec. 905. Disclosure to director of central intelligence of foreign intelligence-related information with respect to criminal investigations.
Sec. 906. Foreign terrorist asset tracking center.
Sec. 907. National virtual translation center.
Sec. 908. Training of government officials regarding identification and use of foreign intelligence.

SEC. 2. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

SEC. 101. COUNTERTERRORISM FUND.

(a) ESTABLISHMENT; AVAILABILITY.—There is hereby established in the Treasury of the United States a separate fund to be known as the “Counterterrorism Fund”, amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) NO EFFECT ON PRIOR APPROPRIATIONS.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.

(a) FINDINGS.—Congress makes the following findings:

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, $200,000,000 for each of the fiscal years 2002, 2003, and 2004.

SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

Section 2332e of title 18, United States Code, is amended—

(1) by striking “2332c” and inserting “2332a”; and

(2) by striking “chemical”.

SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

SEC. 106. PRESIDENTIAL AUTHORITY.

Section 203 of the International Emergency Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)—

(A) at the end of subparagraph (A) (flush to that subparagraph), by striking “; and” and inserting a comma and the following:

“by any person, or with respect to any property, subject to the jurisdiction of the United States;”;

(B) in subparagraph (B)—

(i) by inserting “, block during the pendency of an investigation” after “investigate”; and

(ii) by striking “interest;” and inserting “interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and”; and

(C) by inserting at the end the following:

“(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes."; and

(2) by inserting at the end the following:

"(c) CLASSIFIED INFORMATION.—In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.".

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

SEC. 201. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565), the following new paragraph:

"(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or".

SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE OFFENSES.

Section 2516(1)(c) of title 18, United States Code, is amended by striking "and section 1341 (relating to mail fraud)," and inserting "section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),".

SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE INFORMATION.

(a) AUTHORITY TO SHARE GRAND JURY INFORMATION.—

(1) IN GENERAL.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(A) in clause (iii), by striking "or" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; or"; and

(C) by inserting at the end the following:

"(v) when the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in Rule 6(e)(3)(C)(ii)) to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to clause (v) may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.".

(2) DEFINITION.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure, as amended by paragraph (1), is amended by—

(A) inserting "(i)" after "(C)";

(B) redesignating clauses (i) through (v) as subclauses (I) through (IV), respectively; and

(C) inserting at the end the following:

"(ii) In this subparagraph, the term 'foreign intelligence information' means—

"(I) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(aa) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(bb) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(cc) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(II) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(aa) the national defense or the security of the United States; or

"(bb) the conduct of the foreign affairs of the United States.".

(b) AUTHORITY TO SHARE ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION.—

(1) LAW ENFORCEMENT.—Section 2517 of title 18, United States Code, is amended by inserting at the end the following:

"(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.".

(2) DEFINITION.—Section 2510 of title 18, United States Code, is amended by—

(A) in paragraph (17), by striking "and" after the semicolon;

(B) in paragraph (18), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(19) 'foreign intelligence information' means—

"(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(i) the national defense or the security of the United States; or

"(ii) the conduct of the foreign affairs of the United States.".

(c) PROCEDURES.—The Attorney General shall establish procedures for the disclosure of information pursuant to section 2517(6) and Rule 6(e)(3)(C)(v) of the Federal Rules of Criminal Procedure that identifies a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(d) FOREIGN INTELLIGENCE INFORMATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(2) DEFINITION.—In this subsection, the term "foreign intelligence information" means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States.

SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS FROM LIMITATIONS ON INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking "this chapter or chapter 121" and inserting "this chapter or chapter 121 or 206 of this title"; and

(2) by striking "wire and oral" and inserting "wire, oral, and electronic".

SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) SECURITY REQUIREMENTS.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting ", or in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS WHO ARE AGENTS OF A FOREIGN POWER.

(a) DURATION .—

(1) SURVEILLANCE.—Section 105(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(1)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an order under this Act for a surveillance targeted against an agent of a foreign power, as defined in section 101(b)(A) may be for the period specified in the application or for 120 days, whichever is less".

(2) PHYSICAL SEARCH.—Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by—

(A) striking "forty-five" and inserting "90";

(B) inserting "(A)" after "except that"; and

(C) inserting before the period the following: ", and (B) an order under this section for a physical search targeted against an agent of a foreign power as defined in section 101(b)(A) may be for the period specified in the application or for 120 days, whichever is less".

(b) EXTENSION.—

(1) IN GENERAL.—Section 105(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(2)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an extension of an order under this Act for a surveillance targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for a period not to exceed 1 year".

(2) DEFINED TERM.—Section 304(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(2) is amended by inserting after "not a United States person," the following: "or against an agent of a foreign power as defined in section 101(b)(1)(A)".

SEC. 208. DESIGNATION OF JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

(1) striking "seven district court judges" and inserting "11 district court judges"; and

(2) inserting "of whom no less than 3 shall reside within 20 miles of the District of Columbia" after "circuits".

SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking beginning with "and such" and all that follows through "communication"; and

(B) in paragraph (14), by inserting "wire or" after "transmission of"; and

(2) in subsections (a) and (b) of section 2703—

(A) by striking "CONTENTS OF ELECTRONIC" and inserting "CONTENTS OF WIRE OR ELECTRONIC" each place it appears;

(B) by striking "contents of an electronic" and inserting "contents of a wire or electronic" each place it appears; and

(C) by striking "any electronic" and inserting "any wire or electronic" each place it appears.

SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(2) of title 18, United States Code, as redesignated by section 212, is amended—

(1) by striking "entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of the subscriber" and inserting the following: "entity the—

"(A) name;

"(B) address;

"(C) local and long distance telephone connection records, or records of session times and durations;

"(D) length of service (including start date) and types of service utilized;

"(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(F) means and source of payment (including any credit card or bank account number),

of a subscriber"; and

(2) by striking "and the types of services the subscriber or customer utilized,".

SEC. 211. CLARIFICATION OF SCOPE.

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking "or";

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by inserting at the end the following:

"(D) authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing customer cable television viewing activity:"; and

(2) in subsection (h) by striking "A governmental entity" and inserting "Except as provided in subsection (c)(2)(D), a governmental entity".

SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) DISCLOSURE OF CONTENTS.—

(1) IN GENERAL.—Section 2702 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§2702. Voluntary disclosure of customer communications or records";

(B) in subsection (a)—

(i) in paragraph (2)(A), by striking "and" at the end;

(ii) in paragraph (2)(B), by striking the period and inserting "; and"; and

(iii) by inserting after paragraph (2) the following:

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.";

(C) in subsection (b), by striking "EXCEPTIONS.—A person or entity" and inserting "EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.— A provider described in subsection (a)";

(D) in subsection (b)(6)—

(i) in subparagraph (A)(ii), by striking "or";

(ii) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding after subparagraph (B) the following:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay."; and

(E) by inserting after subsection (b) the following:

"(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER RECORDS.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

"(1) as otherwise authorized in section 2703;

"(2) with the lawful consent of the customer or subscriber;

"(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

"(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

"(5) to any person other than a governmental entity.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

"2702. Voluntary disclosure of customer communications or records.".

(b) REQUIREMENTS FOR GOVERNMENT ACCESS.—

(1) IN GENERAL.—Section 2703 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§2703. Required disclosure of customer communications or records";

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)—

(i) by striking "(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may" and inserting "A governmental entity may require a provider of electronic communication service or remote computing service to";

(ii) by striking "covered by subsection (a) or (b) of this section) to any person other than a governmental entity.

"(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity" and inserting ")";

(iii) by redesignating subparagraph (C) as paragraph (2);

(iv) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(v) in subparagraph (D) (as redesignated) by striking the period and inserting "; or"; and

(vi) by inserting after subparagraph (D) (as redesignated) the following:

"(E) seeks information under paragraph (2)."; and

(D) in paragraph (2) (as redesignated) by striking "subparagraph (B)" and insert "paragraph (1)".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

"2703. Required disclosure of customer communications or records.".

SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXECUTION OF A WARRANT.

Section 3103a of title 18, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "In addition"; and

(2) by adding at the end the following:

"(b) DELAY.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

"(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

"(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

"(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.".

SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) APPLICATIONS AND ORDERS.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(1) in subsection (a)(1), by striking "for any investigation to gather foreign intelligence information or information concerning international terrorism" and inserting "for any investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution";

(2) by amending subsection (c)(2) to read as follows:

"(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.";

(3) by striking subsection (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

"(A) shall specify—

"(i) the identity, if known, of the person who is the subject of the investigation;

"(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

"(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order.".

(b) AUTHORIZATION DURING EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution"; and

(2) in subsection (b)(1), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution".

SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

"SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

"(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.

"(2) An investigation conducted under this section shall—

"(A) be conducted under guidelines approved by the Attorney General under Executive Order 12333 (or a successor order); and

"(B) not be conducted of a United States person solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(b) Each application under this section—

"(1) shall be made to—

"(A) a judge of the court established by section 103(a); or

"(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of that court; and

"(2) shall specify that the records concerned are sought for an authorized investigation conducted in accordance with subsection (a)(2) to protect against international terrorism or clandestine intelligence activities.

"(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section.

"(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

"(d) No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section.

"(e) A person who, in good faith, produces tangible things under an order pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.

"SEC. 502. CONGRESSIONAL OVERSIGHT.

"(a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for the production of tangible things under section 402.

"(b) On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period—

"(1) the total number of applications made for orders approving requests for the production of tangible things under section 402; and

"(2) the total number of such orders either granted, modified, or denied.".

SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATIONS.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting ", routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications".

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Section 3123(a) of title 18, United States Code, is amended to read as follows:

"(a) IN GENERAL.—

"(1) ATTORNEY FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order, upon service of that order, shall apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order. Whenever such an order is served on any person or entity not specifically named in the order, upon request of such person or entity, the attorney for the Government or law enforcement or investigative officer that is serving the order shall provide written or electronic certification that the order applies to the person or entity being served.

"(2) State investigative or law enforcement officer.—Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.".

(2) Contents of order.—Section 3123(b)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) Nondisclosure requirements.—Section 3123(d)(2) of title 18, United States Code, is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking ", or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) Definitions.—

(1) Court of competent jurisdiction.—Section 3127(2) of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or".

(2) Pen register.—Section 3127(3) of title 18, United States Code, is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication"; and

(B) by inserting "or process" after "device" each place it appears.

(3) Trap and trace device.—Section 3127(4) of title 18, United States Code, is amended—

(A) by striking "of an instrument" and all that follows through the semicolon and inserting "or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;"; and

(B) by inserting "or process" after "a device".

(4) Conforming amendment.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking "and"; and

(B) by inserting ", and 'contents'" after "electronic communication service".

(5) Technical amendment.—Section 3124(d) of title 18, United States Code, is amended by striking "the terms of".

SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (17), by striking "and" at the end;

(B) in paragraph (18), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (18) the following:

"(19) 'protected computer' has the meaning set forth in section 1030; and

"(20) 'computer trespasser'—

"(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

"(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer."; and

(2) in section 2511(2), by inserting at the end the following:

"(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if—

"(i) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

"(ii) the person acting under color of law is lawfully engaged in an investigation;

"(iii) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

"(iv) such interception does not acquire communications other than those transmitted to or from the computer trespasser.".

SEC. 218. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and section 303(a)(7)(B) (50 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign Intelligence Surveillance Act of 1978 are each amended by striking "the purpose" and inserting "a significant purpose".

SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after "executed" the following: "and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district".

SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking "under the Federal Rules of Criminal Procedure" every place it appears and inserting "using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation"; and

(2) in section 2711—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(3) the term 'court of competent jurisdiction' has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation.".

SEC. 221. TRADE SANCTIONS.

(a) In general.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106–387; 114 Stat. 1549A–67) is amended—

(1) by amending section 904(2)(C) to read as follows:

"(C) used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.";

(2) in section 906(a)(1)—

(A) by inserting ", the Taliban or the territory of Afghanistan controlled by the Taliban," after "Cuba"; and

(B) by inserting ", or in the territory of Afghanistan controlled by the Taliban," after "within such country"; and

(3) in section 906(a)(2), by inserting ", or to any other entity in Syria or North Korea" after "Korea".

(b) Application of the Trade Sanctions Reform and Export Enhancement Act.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall limit the application or scope of any law establishing criminal or civil penalties, including any executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order 12947 of June 25, 1995;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(3) a foreign organization, group, or person designated pursuant to Executive Order 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106–120); or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.

Nothing in this Act shall impose any additional technical obligation or requirement on a provider of wire or electronic communication service or other person to furnish facilities or technical assistance. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for such reasonable expenditures incurred in providing such facilities or assistance.

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001.

SEC. 301. SHORT TITLE.

This title may be cited as the "International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001".

SEC. 302. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) money laundering, estimated by the International Monetary Fund to amount to

between 2 and 5 percent of global gross domestic product, which is at least $600,000,000,000 annually, provides the financial fuel that permits transnational criminal enterprises to conduct and expand their operations to the detriment of the safety and security of American citizens;

(2) money laundering, and the defects in financial transparency on which money launderers rely, are critical to the financing of global terrorism and the provision of funds for terrorist attacks;

(3) money launderers subvert legitimate financial mechanisms and banking relationships by using them as protective covering for the movement of criminal proceeds and the financing of crime and terrorism, and, by so doing, can threaten the safety of United States citizens and undermine the integrity of United States financial institutions and of the global financial and trading systems upon which prosperity and growth depend;

(4) certain jurisdictions outside of the United States that offer "offshore" banking and related facilities designed to provide anonymity, coupled with special tax advantages and weak financial supervisory and enforcement regimes, provide essential tools to disguise ownership and movement of criminal funds, derived from, or used to commit, offenses ranging from narcotics trafficking, terrorism, arms smuggling, and trafficking in human beings, to financial frauds that prey on law-abiding citizens;

(5) transactions involving such offshore jurisdictions make it difficult for law enforcement officials and regulators to follow the trail of money earned by criminals, organized international criminal enterprises, and global terrorist organizations;

(6) correspondent banking facilities are one of the banking mechanisms susceptible in some circumstances to manipulation by foreign banks to permit the laundering of funds by hiding the identity of real parties in interest to financial transactions;

(7) private banking services can be susceptible to manipulation by money launderers, for example corrupt foreign government officials, particularly if those services include the creation of offshore accounts and facilities for large personal funds transfers to channel funds into accounts around the globe;

(8) United States anti-money laundering efforts are impeded by outmoded and inadequate statutory provisions that make investigations, prosecutions, and forfeitures more difficult, particularly in cases in which money laundering involves foreign persons, foreign banks, or foreign countries;

(9) the ability to mount effective countermeasures to international money launderers requires national, as well as bilateral and multilateral action, using tools specially designed for that effort; and

(10) the Basle Committee on Banking Regulation and Supervisory Practices and the Financial Action Task Force on Money Laundering, of both of which the United States is a member, have each adopted international anti-money laundering principles and recommendations.

(b) Purposes.—The purposes of this title are—

(1) to increase the strength of United States measures to prevent, detect, and prosecute international money laundering and the financing of terrorism;

(2) to ensure that—

(A) banking transactions and financial relationships and the conduct of such transactions and relationships, do not contravene the purposes of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act, or chapter 2 of title I of Public Law 91–508 (84 Stat. 1116), or facilitate the evasion of any such provision; and

(B) the purposes of such provisions of law continue to be fulfilled, and that such provisions of law are effectively and efficiently administered;

(3) to strengthen the provisions put into place by the Money Laundering Control Act of 1986 (18 U.S.C. 981 note), especially with respect to crimes by non-United States nationals and foreign financial institutions;

(4) to provide a clear national mandate for subjecting to special scrutiny those foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions that pose particular, identifiable opportunities for criminal abuse;

(5) to provide the Secretary of the Treasury (in this title referred to as the "Secretary") with broad discretion, subject to the safeguards provided by the Administrative Procedures Act under title 5, United States Code, to take measures tailored to the particular money laundering problems presented by specific foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions;

(6) to ensure that the employment of such measures by the Secretary permits appropriate opportunity for comment by affected financial institutions;

(7) to provide guidance to domestic financial institutions on particular foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions that are of primary money laundering concern to the United States Government;

(8) to ensure that the forfeiture of any assets in connection with the anti-terrorist efforts of the United States permits for adequate challenge consistent with providing due process rights;

(9) to clarify the terms of the safe harbor from civil liability for filing suspicious activity reports;

(10) to strengthen the authority of the Secretary to issue and administer geographic targeting orders, and to clarify that violations of such orders or any other requirement imposed under the authority contained in chapter 2 of title I of Public Law 91–508 and subchapters II and III of chapter 53 of title 31, United States Code, may result in criminal and civil penalties;

(11) to ensure that all appropriate elements of the financial services industry are subject to appropriate requirements to report potential money laundering transactions to proper authorities, and that jurisdictional disputes do not hinder examination of compliance by financial institutions with relevant reporting requirements;

(12) to fix responsibility for high level coordination of the anti-money laundering efforts of the Department of the Treasury;

(13) to strengthen the ability of financial institutions to maintain the integrity of their employee population; and

(14) to strengthen measures to prevent the use of the United States financial system for personal gain by corrupt foreign officials and to facilitate the repatriation of any stolen assets to the citizens of countries to whom such assets belong.

SEC. 303. 4-YEAR CONGRESSIONAL REVIEW-EXPEDITED CONSIDERATION.

(a) In General.—Effective on and after the first day of fiscal year 2005, the provisions of this title and the amendments made by this title shall terminate if the Congress enacts a joint resolution, the text after the resolving clause of which is as follows: "That provisions of the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001, and the amendments made thereby, shall no longer have the force of law.".

(b) Expedited Consideration.—Any joint resolution submitted pursuant to this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Control Act of 1976. For the purpose of expediting the consideration and enactment of a joint resolution under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee, shall be treated as highly privileged in the House of Representatives.

Subtitle A—International Counter Money Laundering and Related Measures

SEC. 311. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

(a) In General.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5318 the following new section:

"SEC. 5318A. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

"(a) International Counter-Money Laundering Requirements.—

"(1) In general.—The Secretary may require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern, in accordance with subsection (c).

"(2) Form of requirement.—The special measures described in—

"(A) subsection (b) may be imposed in such sequence or combination as the Secretary shall determine;

"(B) paragraphs (1) through (4) of subsection (b) may be imposed by regulation, order, or otherwise as permitted by law; and

"(C) subsection (b)(5) may be imposed only by regulation.

"(3) Duration of orders; rulemaking.—Any order by which a special measure described in paragraphs (1) through (4) of subsection (b) is imposed (other than an order described in section 5326)—

"(A) shall be issued together with a notice of proposed rulemaking relating to the imposition of such special measure; and

"(B) may not remain in effect for more than 120 days, except pursuant to a rule promulgated on or before the end of the 120-day period beginning on the date of issuance of such order.

"(4) Process for selecting special measures.—In selecting which special measure or measures to take under this subsection, the Secretary—

"(A) shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act, the Securities and Exchange Commission, the National

Credit Union Administration Board, and in the sole discretion of the Secretary such other agencies and interested parties as the Secretary may find to be appropriate; and

“(B) shall consider—

“(i) whether similar action has been or is being taken by other nations or multilateral groups;

“(ii) whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States; and

“(iii) the extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, or class of transactions.

“(5) NO LIMITATION ON OTHER AUTHORITY.—This section shall not be construed as superseding or otherwise restricting any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

“(b) SPECIAL MEASURES.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts are as follows:

“(1) RECORDKEEPING AND REPORTING OF CERTAIN FINANCIAL TRANSACTIONS.—

“(A) IN GENERAL.—The Secretary may require any domestic financial institution or domestic financial agency to maintain records, file reports, or both, concerning the aggregate amount of transactions, or concerning each transaction, with respect to a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or class of transactions to be of primary money laundering concern.

“(B) FORM OF RECORDS AND REPORTS.—Such records and reports shall be made and retained at such time, in such manner, and for such period of time, as the Secretary shall determine, and shall include such information as the Secretary may determine, including—

“(i) the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer;

“(ii) the legal capacity in which a participant in any transaction is acting;

“(iii) the identity of the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

“(iv) a description of any transaction.

“(2) INFORMATION RELATING TO BENEFICIAL OWNERSHIP.—In addition to any other requirement under any other provision of law, the Secretary may require any domestic financial institution or domestic financial agency to take such steps as the Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on a regulated exchange or trading market), or a representative of such a foreign person, that involves a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or transaction to be of primary money laundering concern.

“(3) INFORMATION RELATING TO CERTAIN PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a payable-through account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a payable through account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

“(A) to identify each customer (and representative of such customer) of such financial institution who is permitted to use, or whose transactions are routed through, such payable-through account; and

“(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

“(4) INFORMATION RELATING TO CERTAIN CORRESPONDENT ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a correspondent account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a correspondent account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

“(A) to identify each customer (and representative of such customer) of any such financial institution who is permitted to use, or whose transactions are routed through, such correspondent account; and

“(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

“(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account by any domestic financial institution or domestic financial agency for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account or payable-through account.

“(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN.—

“(1) IN GENERAL.—In making a finding that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern so as to authorize the Secretary to take 1 or more of the special measures described in subsection (b), the Secretary shall consult with the Secretary of State, and the Attorney General.

“(2) ADDITIONAL CONSIDERATIONS.—In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be relevant, including the following potentially relevant factors:

“(A) JURISDICTIONAL FACTORS.—In the case of a particular jurisdiction—

“(i) evidence that organized criminal groups, international terrorists, or both, have transacted business in that jurisdiction;

(ii) the extent to which that jurisdiction or financial institutions operating in that jurisdiction offer bank secrecy or special tax or regulatory advantages to nonresidents or nondomiciliaries of that jurisdiction;

“(iii) the substance and quality of administration of the bank supervisory and counter-money laundering laws of that jurisdiction;

“(iv) the relationship between the volume of financial transactions occurring in that jurisdiction and the size of the economy of the jurisdiction;

“(v) the extent to which that jurisdiction is characterized as a tax haven or offshore banking or secrecy haven by credible international organizations or multilateral expert groups;

“(vi) whether the United States has a mutual legal assistance treaty with that jurisdiction, and the experience of United States law enforcement officials, regulatory officials, and tax administrators in obtaining information about transactions originating in or routed through or to such jurisdiction; and

“(vii) the extent to which that jurisdiction is characterized by high levels of official or institutional corruption.

“(B) INSTITUTIONAL FACTORS.—In the case of a decision to apply 1 or more of the special measures described in subsection (b) only to a financial institution or institutions, or to a transaction or class of transactions, or to a type of account, or to all 3, within or involving a particular jurisdiction—

“(i) the extent to which such financial institutions, transactions, or types of accounts are used to facilitate or promote money laundering in or through the jurisdiction;

``(ii) the extent to which such institutions, transactions, or types of accounts are used for legitimate business purposes in the jurisdiction; and

``(iii) the extent to which such action is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of this subchapter continue to be fulfilled, and to guard against international money laundering and other financial crimes.

``(d) Notification of Special Measures Invoked by the Secretary.—Not later than 10 days after the date of any action taken by the Secretary under subsection (a)(1), the Secretary shall notify, in writing, the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of any such action.

``(e) Study and Report on Foreign Nationals.—

``(1) Study.—The Secretary, in consultation with the appropriate Federal agencies, including the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), shall conduct a study to—

``(A) determine the most timely and effective way to require foreign nationals to provide domestic financial institutions and agencies with appropriate and accurate information, comparable to that which is required of United States nationals, concerning their identity, address, and other related information necessary to enable such institutions and agencies to comply with the reporting, information gathering, and other requirements of this section; and

``(B) consider the need for requiring foreign nationals to apply for and obtain an identification number, similar to what is required for United States citizens through a social security number or tax identification number, prior to opening an account with a domestic financial institution.

``(2) Report.—The Secretary shall report to Congress not later than 180 days after the date of enactment of this section with recommendations for implementing such action referred to in paragraph (1) in a timely and effective manner.

``(f) Definitions.—Notwithstanding any other provision of this subchapter, for purposes of this section, the following definitions shall apply:

``(1) Bank definitions.—The following definitions shall apply with respect to a bank:

``(A) Account.—The term 'account'—

``(i) means a formal banking or business relationship established to provide regular services, dealings, and other financial transactions; and

``(ii) includes a demand deposit, savings deposit, or other transaction or asset account and a credit account or other extension of credit.

``(B) Correspondent account.—The term 'correspondent account' means an account established to receive deposits from, make payments on behalf of a foreign financial institution, or handle other financial transactions related to such institution.

``(C) Payable-through account.—The term 'payable-through account' means an account, including a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act), opened at a depository institution by a foreign financial institution by means of which the foreign financial institution permits its customers to engage, either directly or through a subaccount, in banking activities usual in connection with the business of banking in the United States.

``(2) Definitions applicable to institutions other than banks.—With respect to any financial institution other than a bank, the Secretary shall, after consultation with the Securities and Exchange Commission, define by regulation the term 'account', and shall include within the meaning of that term, to the extent, if any, that the Secretary deems appropriate, arrangements similar to payable-through and correspondent accounts.

``(3) Regulatory definition.—The Secretary shall promulgate regulations defining beneficial ownership of an account for purposes of this section. Such regulations shall address issues related to an individual's authority to fund, direct, or manage the account (including, without limitation, the power to direct payments into or out of the account), and an individual's material interest in the income or corpus of the account, and shall ensure that the identification of individuals under this section does not extend to any individual whose beneficial interest in the income or corpus of the account is immaterial.''.

``(4) Other terms.—The Secretary may, by regulation, further define the terms in paragraphs (1) and (2) and define other terms for the purposes of this section, as the Secretary deems appropriate.''.

(b) Clerical Amendment.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5318 the following new item:

``5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.''.

SEC. 312. SPECIAL DUE DILIGENCE FOR CORRESPONDENT ACCOUNTS AND PRIVATE BANKING ACCOUNTS.

(a) In General.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

``(i) Due Diligence for United States Private Banking and Correspondent Bank Accounts Involving Foreign Persons.—

``(1) In general.—Each financial institution that establishes, maintains, administers, or manages a private banking account or a correspondent account in the United States for a non-United States person, including a foreign individual visiting the United States, or a representative of a non-United States person shall establish appropriate, specific, and, where necessary, enhanced, due diligence policies, procedures, and controls to detect and report instances of money laundering through those accounts.

``(2) Minimum standards for correspondent accounts.—

``(A) In general.—Subparagraph (B) shall apply if a correspondent account is requested or maintained by, or on behalf of, a foreign bank operating—

``(i) under an offshore banking license; or

``(ii) under a banking license issued by a foreign country that has been designated—

``(I) as noncooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization of which the United States is a member; or

``(II) by the Secretary as warranting special measures due to money laundering concerns.

``(B) Policies, procedures, and controls.—The enhanced due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution in the United States takes reasonable steps—

``(i) to ascertain for any such foreign bank, the shares of which are not publicly traded, the identity of each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner;

``(ii) to conduct enhanced scrutiny of such account to guard against money laundering and report any suspicious transactions under section 5318(g); and

``(iii) to ascertain whether such foreign bank provides correspondent accounts to other foreign banks and, if so, the identity of those foreign banks and related due diligence information, as appropriate under paragraph (1).

``(3) Minimum standards for private banking accounts.—If a private banking account is requested or maintained by, or on behalf of, a non-United States person, then the due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution takes reasonable steps—

``(A) to ascertain the identity of the nominal and beneficial owners of, and the source of funds deposited into, such account as needed to guard against money laundering and report any suspicious transactions under section 5318(g); and

``(B) to conduct enhanced scrutiny of any such account that is requested or maintained by, or on behalf of, a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, to prevent, detect, and report transactions that may involve the proceeds of foreign corruption.

``(4) Definitions and regulatory authority.—

``(A) Offshore banking license.—For purposes of this subsection, the term 'offshore banking license' means a license to conduct banking activities which, as a condition of the license, prohibits the licensed entity from conducting banking activities with the citizens of, or with the local currency of, the country which issued the license.

``(B) Regulatory authority.—The Secretary, in consultation with the appropriate functional regulators of the affected financial institutions, may further delineate, by regulation the due diligence policies, procedures, and controls required under paragraph (1).''.

(b) Effective Date.—The amendments made by this section shall take effect beginning 180 days after the date of enactment of this Act with respect to accounts covered by section 5318(i) of title 31, United States Code, as added by this section, that are opened before, on, or after the date of enactment of this Act.

SEC. 313. PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.

(a) In General.—Section 5318 of title 31, United States Code, is amended by inserting after section 5318(i), as added by section 312 of this title, the following:

``(j) Prohibition on United States Correspondent Accounts With Foreign Shell Banks.—

``(1) In general.—A financial institution described in subparagraphs (A) through (F) of section 5312(a)(2) (in this subsection referred to as a 'covered financial institution') shall not establish, maintain, administer, or manage a correspondent account in the United States for, or on behalf of, a foreign bank that does not have a physical presence in any country.

``(2) Prevention of indirect service to foreign shell banks.—A covered financial institution shall take reasonable steps to ensure that any correspondent account established, maintained, administered, or managed by that covered financial institution in the United States for a foreign bank is not being used by that foreign bank to indirectly provide banking services to another foreign bank that does not have a physical presence in any country. The Secretary shall, by regulation, delineate the reasonable steps necessary to comply with this paragraph.

“(3) Exception.—Paragraphs (1) and (2) do not prohibit a covered financial institution from providing a correspondent account to a foreign bank, if the foreign bank—

“(A) is an affiliate of a depository institution, credit union, or foreign bank that maintains a physical presence in the United States or a foreign country, as applicable; and

“(B) is subject to supervision by a banking authority in the country regulating the affiliated depository institution, credit union, or foreign bank described in subparagraph (A), as applicable.

“(4) Definitions.—For purposes of this subsection—

“(A) the term ‘affiliate’ means a foreign bank that is controlled by or is under common control with a depository institution, credit union, or foreign bank; and

“(B) the term ‘physical presence’ means a place of business that—

“(i) is maintained by a foreign bank;

“(ii) is located at a fixed address (other than solely an electronic address) in a country in which the foreign bank is authorized to conduct banking activities, at which location the foreign bank—

“(I) employs 1 or more individuals on a full-time basis; and

“(II) maintains operating records related to its banking activities; and

“(iii) is subject to inspection by the banking authority which licensed the foreign bank to conduct banking activities.”.

SEC. 314. COOPERATIVE EFFORTS TO DETER MONEY LAUNDERING.

(a) Cooperation Among Financial Institutions, Regulatory Authorities, and Law Enforcement Authorities.—

(1) Regulations.—The Secretary shall, within 120 days after the date of enactment of this Act, adopt regulations to encourage further cooperation among financial institutions, their regulatory authorities, and law enforcement authorities, with the specific purpose of encouraging regulatory authorities and law enforcement authorities to share with financial institutions information regarding individuals, entities, and organizations engaged in or reasonably suspected based on credible evidence of engaging in terrorist acts or money laundering activities.

(2) Contents.—The regulations promulgated pursuant to paragraph (1) may—

(A) require that each financial institution designate 1 or more persons to receive information concerning, and to monitor accounts of individuals, entities, and organizations identified, pursuant to paragraph (1); and

(B) further establish procedures for the protection of the shared information, consistent with the capacity, size, and nature of the institution to which the particular procedures apply.

(3) Rule of construction.—The receipt of information by a financial institution pursuant to this section shall not relieve or otherwise modify the obligations of the financial institution with respect to any other person or account.

(4) Use of information.—Information received by a financial institution pursuant to this section shall not be used for any purpose other than identifying and reporting on activities that may involve terrorist acts or money laundering activities.

(b) Cooperation Among Financial Institutions.—Upon notice provided to the Secretary, 2 or more financial institutions and any association of financial institutions may share information with one another regarding individuals, entities, organizations, and countries suspected of possible terrorist or money laundering activities. A financial institution or association that transmits, receives, or shares such information for the purposes of identifying and reporting activities that may involve terrorist acts or money laundering activities shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision thereof, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure, or any other person identified in the disclosure, except where such transmission, receipt, or sharing violates this section or regulations promulgated pursuant to this section.

(c) Rule of Construction.—Compliance with the provisions of this title requiring or allowing financial institutions and any association of financial institutions to disclose or share information regarding individuals, entities, and organizations engaged in or suspected of engaging in terrorist acts or money laundering activities shall not constitute a violation of the provisions of title V of the Gramm-Leach-Bliley Act (Public Law 106–102).

SEC. 315. INCLUSION OF FOREIGN CORRUPTION OFFENSES AS MONEY LAUNDERING CRIMES.

Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “or destruction of property by means of explosive or fire” and inserting “destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16)”;

(2) in clause (iii), by striking “1978” and inserting “1978)”; and

(3) by adding at the end the following:

“(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

“(v) smuggling or export control violations involving—

“(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

“(II) an item controlled under regulations under the Export Administration Act of 1977 (15 C.F.R. Parts 730–774);

“(vi) an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

“(vii) the misuse of funds of, or provided by, the International Monetary Fund in contravention of the Articles of Agreement of the Fund or the misuse of funds of, or provided by, any other international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) in contravention of any treaty or other international agreement to which the United States is a party, including any articles of agreement of the members of the international financial institution;”.

SEC. 316. ANTI-TERRORIST FORFEITURE PROTECTION.

(a) Right to Contest.—An owner of property that is confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

(1) the property is not subject to confiscation under such provision of law; or

(2) the innocent owner provisions of section 983(d) of title 18, United States Code, apply to the case.

(b) Evidence.—In considering a claim filed under this section, the Government may rely on evidence that is otherwise inadmissible under the Federal Rules of Evidence, if a court determines that such reliance is necessary to protect the national security interests of the United States.

(c) Other Remedies.—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 of title 18, United States Code, or any other provision of law.

SEC. 317. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the right;

(2) by inserting after “(b)” the following: “Penalties.—

“(1) In general.—”;

(3) by inserting “, or section 1957” after “or (a)(3)”; and

(4) by adding at the end the following:

“(2) Jurisdiction over foreign persons.—For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and—

“(A) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

“(B) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

“(C) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

“(3) Court authority over assets.—A court described in paragraph (2) may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

“(4) Federal receiver.—

“(A) In general.—A court described in paragraph (2) may appoint a Federal Receiver, in accordance with subparagraph (B) of this paragraph, to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a judgment under this section or section 981, 982, or 1957, including an order of restitution to any victim of a specified unlawful activity.

"(B) APPOINTMENT AND AUTHORITY.—A Federal Receiver described in subparagraph (A)—

"(i) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;

"(ii) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and

"(iii) shall have standing equivalent to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant—

"(I) from the Financial Crimes Enforcement Network of the Department of the Treasury; or

"(II) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or other arrangement for international law enforcement assistance, provided that such requests are in accordance with the policies and procedures of the Attorney General.".

SEC. 318. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

"(6) the term 'financial institution' includes—

"(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder; and

"(B) any foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).".

SEC. 319. FORFEITURE OF FUNDS IN UNITED STATES INTERBANK ACCOUNTS.

(a) FORFEITURE FROM UNITED STATES INTERBANK ACCOUNT.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

"(k) INTERBANK ACCOUNTS.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—For the purpose of a forfeiture under this section or under the Controlled Substances Act (21 U.S.C. 801 et seq.), if funds are deposited into an account at a foreign bank, and that foreign bank has an interbank account in the United States with a covered financial institution (as defined in section 5318A of title 31), the funds shall be deemed to have been deposited into the interbank account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding the funds may be served on the covered financial institution, and funds in the interbank account, up to the value of the funds deposited into the account at the foreign bank, may be restrained, seized, or arrested.

"(B) AUTHORITY TO SUSPEND.—The Attorney General, in consultation with the Secretary, may suspend or terminate a forfeiture under this section if the Attorney General determines that a conflict of law exists between the laws of the jurisdiction in which the foreign bank is located and the laws of the United States with respect to liabilities arising from the restraint, seizure, or arrest of such funds, and that such suspension or termination would be in the interest of justice and would not harm the national interests of the United States.

"(2) NO REQUIREMENT FOR GOVERNMENT TO TRACE FUNDS.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), it shall not be necessary for the Government to establish that the funds are directly traceable to the funds that were deposited into the foreign bank, nor shall it be necessary for the Government to rely on the application of section 984.

"(3) CLAIMS BROUGHT BY OWNER OF THE FUNDS.—If a forfeiture action is instituted against funds restrained, seized, or arrested under paragraph (1), the owner of the funds deposited into the account at the foreign bank may contest the forfeiture by filing a claim under section 983.

"(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) INTERBANK ACCOUNT.—The term 'interbank account' has the same meaning as in section 984(c)(2)(B).

"(B) OWNER.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'owner'—

"(I) means the person who was the owner, as that term is defined in section 983(d)(6), of the funds that were deposited into the foreign bank at the time such funds were deposited; and

"(II) does not include either the foreign bank or any financial institution acting as an intermediary in the transfer of the funds into the interbank account.

"(ii) EXCEPTION.—The foreign bank may be considered the 'owner' of the funds (and no other person shall qualify as the owner of such funds) only if—

"(I) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

"(II) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its obligation to the prior owner of the funds, in which case the foreign bank shall be deemed the owner of the funds to the extent of such discharged obligation.".

(b) BANK RECORDS.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

"(k) BANK RECORDS RELATED TO ANTI-MONEY LAUNDERING PROGRAMS.—

"(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

"(B) INCORPORATED TERMS.—The terms 'correspondent account', 'covered financial institution', and 'foreign bank' have the same meanings as in section 5318A.

"(2) 120-HOUR RULE.—Not later than 120 hours after receiving a request by an appropriate Federal banking agency for information related to anti-money laundering compliance by a covered financial institution or a customer of such institution, a covered financial institution shall provide to the appropriate Federal banking agency, or make available at a location specified by the representative of the appropriate Federal banking agency, information and account documentation for any account opened, maintained, administered or managed in the United States by the covered financial institution.

"(3) FOREIGN BANK RECORDS.—

"(A) SUMMONS OR SUBPOENA OF RECORDS.—

"(i) IN GENERAL.—The Secretary or the Attorney General may issue a summons or subpoena to any foreign bank that maintains a correspondent account in the United States and request records related to such correspondent account, including records maintained outside of the United States relating to the deposit of funds into the foreign bank.

"(ii) SERVICE OF SUMMONS OR SUBPOENA.—A summons or subpoena referred to in clause (i) may be served on the foreign bank in the United States if the foreign bank has a representative in the United States, or in a foreign country pursuant to any mutual legal assistance treaty, multilateral agreement, or other request for international law enforcement assistance.

"(B) ACCEPTANCE OF SERVICE.—

"(i) MAINTAINING RECORDS IN THE UNITED STATES.—Any covered financial institution which maintains a correspondent account in the United States for a foreign bank shall maintain records in the United States identifying the owners of such foreign bank and the name and address of a person who resides in the United States and is authorized to accept service of legal process for records regarding the correspondent account.

"(ii) LAW ENFORCEMENT REQUEST.—Upon receipt of a written request from a Federal law enforcement officer for information required to be maintained under this paragraph, the covered financial institution shall provide the information to the requesting officer not later than 7 days after receipt of the request.

"(C) TERMINATION OF CORRESPONDENT RELATIONSHIP.—

"(i) TERMINATION UPON RECEIPT OF NOTICE.—A covered financial institution shall terminate any correspondent relationship with a foreign bank not later than 10 business days after receipt of written notice from the Secretary or the Attorney General that the foreign bank has failed—

"(I) to comply with a summons or subpoena issued under subparagraph (A); or

"(II) to initiate proceedings in a United States court contesting such summons or subpoena.

"(ii) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for terminating a correspondent relationship in accordance with this subsection.

"(iii) FAILURE TO TERMINATE RELATIONSHIP.—Failure to terminate a correspondent relationship in accordance with this subsection shall render the covered financial institution liable for a civil penalty of up to $10,000 per day until the correspondent relationship is so terminated.".

(c) GRACE PERIOD.—Financial institutions affected by section 5333 of title 31 United States Code, as amended by this title, shall have 60 days from the date of enactment of this Act to comply with the provisions of that section.

(d) REQUESTS FOR RECORDS.—Section 3486(a)(1) of title 18, United States Code, is amended by striking ", or (II) a Federal offense involving the sexual exploitation or abuse of children" and inserting ", (II) a Federal offense involving the sexual exploitation or abuse of children, or (III) money laundering, in violation of section 1956, 1957, or 1960 of this title".

(e) AUTHORITY TO ORDER CONVICTED CRIMINAL TO RETURN PROPERTY LOCATED ABROAD.—

(1) FORFEITURE OF SUBSTITUTE PROPERTY.—Section 413(p) of the Controlled Substances Act (21 U.S.C. 853) is amended to read as follows:

"(p) FORFEITURE OF SUBSTITUTE PROPERTY.—

"(1) IN GENERAL.—Paragraph (2) of this subsection shall apply, if any property described in subsection (a), as a result of any act or omission of the defendant—

"(A) cannot be located upon the exercise of due diligence;

"(B) has been transferred or sold to, or deposited with, a third party;

"(C) has been placed beyond the jurisdiction of the court;

"(D) has been substantially diminished in value; or

"(E) has been commingled with other property which cannot be divided without difficulty.

"(2) Substitute property.—In any case described in any of subparagraphs (A) through (E) of paragraph (1), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

"(3) Return of property to jurisdiction.—In the case of property described in paragraph (1)(C), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.".

(2) Protective orders.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

"(4) Order to repatriate and deposit.—

"(A) In general.—Pursuant to its authority to enter a pretrial restraining order under this section, including its authority to restrain any property forfeitable as substitute assets, the court may order a defendant to repatriate any property that may be seized and forfeited, and to deposit that property pending trial in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, if appropriate.

"(B) Failure to comply.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant under the obstruction of justice provision of the Federal, Sentencing Guidelines.".

SEC. 320. PROCEEDS OF FOREIGN CRIMES.

Section 981(a)(1)(B) of title 18, United States Code, is amended to read as follows:

"(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such an offense, if the offense—

"(i) involves the manufacture, importation, sale, or distribution of a controlled substance (as that term is defined for purposes of the Controlled Substances Act), or any other conduct described in section 1956(c)(7)(B);

"(ii) would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding 1 year; and

"(iii) would be punishable under the laws of the United States by imprisonment for a term exceeding 1 year, if the act or activity constituting the offense had occurred within the jurisdiction of the United States.".

SEC. 321. EXCLUSION OF ALIENS INVOLVED IN MONEY LAUNDERING.

Section 212(a)(2) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(I) Money laundering activities.—Any alien who the consular officer or the Attorney General knows or has reason to believe is or has been engaged in activities which, if engaged in within the United States would constitute a violation of section 1956 or 1957 of title 18, United States Code, or has been a knowing assister, abettor, conspirator, or colluder with others in any such illicit activity is inadmissible.".

SEC. 322. CORPORATION REPRESENTED BY A FUGITIVE.

Section 2466 of title 18, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

"(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.".

SEC. 323. ENFORCEMENT OF FOREIGN JUDGMENTS.

Section 2467 of title 28, United States Code, is amended—

(1) in subsection (d), by adding the following after paragraph (2):

"(3) Preservation of property.—To preserve the availability of property subject to a foreign forfeiture or confiscation judgment, the Government may apply for, and the court may issue, a restraining order pursuant to section 983(j) of title 18, United States Code, at any time before or after an application is filed pursuant to subsection (c)(1). The court, in issuing the restraining order—

"(A) may rely on information set forth in an affidavit describing the nature of the proceeding investigation underway in the foreign country, and setting forth a reasonable basis to believe that the property to be restrained will be named in a judgment of forfeiture at the conclusion of such proceeding; or

"(B) may register and enforce a restraining order has been issued by a court of competent jurisdiction in the foreign country and certified by the Attorney General pursuant to subsection (b)(2).

No person may object to the restraining order on any ground that is the subject to parallel litigation involving the same property that is pending in a foreign court.";

(2) in subsection (b)(1)(C), by striking "establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant" and inserting "establishing that the foreign nation took steps, in accordance with the principles of due process, to give notice of the proceedings to all persons with an interest in the property in sufficient time to enable such persons";

(3) in subsection (d)(1)(D), by striking "the defendant in the proceedings in the foreign court did not receive notice" and inserting "the foreign nation did not take steps, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property"; and

(4) in subsection (a)(2)(A), by inserting ", any violation of foreign law that would constitute a violation of an offense for which property could be forfeited under Federal law if the offense were committed in the United States" after "United Nations Convention".

SEC. 324. INCREASE IN CIVIL AND CRIMINAL PENALTIES FOR MONEY LAUNDERING.

(a) Civil Penalties.—Section 5321(a) of title 31, United States Code, is amended by adding at the end the following:

"(7) Penalties for international counter money laundering violations.—The Secretary may impose a civil money penalty in an amount equal to not less than 2 times the amount of the transaction, but not more than $1,000,000, on any financial institution or agency that violates any provision of subsection (i) or (j) of section 5318 or any special measures imposed under section 5318A.".

(b) Criminal Penalties.—Section 5322 of title 31, United States Code, is amended by adding at the end the following:

"(d) A financial institution or agency that violates any provision of subsection (i) or (j) of section 5318, or any special measures imposed under section 5318A, or any regulation prescribed under subsection (i) or (j) of section 5318 or section 5318A, shall be fined in an amount equal to not less than 2 times the amount of the transaction, but not more than $1,000,000.".

SEC. 325. REPORT AND RECOMMENDATION.

Not later than 30 months after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, the Federal banking agencies (as defined at section 3 of the Federal Deposit Insurance Act), the Securities and Exchange Commission, and such other agencies as the Secretary may determine, at the discretion of the Secretary, shall evaluate the operations of the provisions of this subtitle and make recommendations to Congress as to any legislative action with respect to this subtitle as the Secretary may determine to be necessary or advisable.

SEC. 326. REPORT ON EFFECTIVENESS.

The Secretary shall report annually on measures taken pursuant to this subtitle, and shall submit the report to the Committee on Banking, Housing, and Urban Affairs of the Senate and to the Committee on Financial Services of the House of Representatives.

SEC. 327. CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code, as amended by section 202 of this title, is amended by adding at the end the following:

"(3) Concentration accounts.—The Secretary may issue regulations under this subsection that govern maintenance of concentration accounts by financial institutions, in order to ensure that such accounts are not used to prevent association of the identity of an individual customer with the movement of funds of which the customer is the direct or beneficial owner, which regulations shall, at a minimum—

"(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

"(B) prohibit financial institutions and their employees from informing customers of the existence of, or the means of identifying, the concentration accounts of the institution; and

"(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that, any time a transaction involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is documented.".

Subtitle B—Currency Transaction Reporting Amendments and Related Improvements

SEC. 331. AMENDMENTS RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.

(a) Amendment Relating to Civil Liability Immunity for Disclosures.—Section 5318(g)(3) of title 31, United States Code, is amended to read as follows:

"(3) Liability for disclosures.—

"(A) In general.—Any financial institution that makes a voluntary disclosure of any possible violation of law or regulation to a government agency or makes a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution who makes, or requires another to make any such disclosure, shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the disclosure.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

(b) PROHIBITION ON NOTIFICATION OF DISCLOSURES.—Section 5318(g)(2) of title 31, United States Code, is amended to read as follows:

"(2) NOTIFICATION PROHIBITED.—

"(A) IN GENERAL.—If a financial institution or any director, officer, employee, or agent of any financial institution, voluntarily or pursuant to this section or any other authority, reports a suspicious transaction to a government agency—

"(i) the financial institution, director, officer, employee, or agent may not notify any person involved in the transaction that the transaction has been reported; and

"(ii) no officer or employee of the Federal Government or of any State, local, tribal, or territorial government within the United States, who has any knowledge that such report was made may disclose to any person involved in the transaction that the transaction has been reported, other than as necessary to fulfill the official duties of such officer or employee.

"(B) DISCLOSURES IN CERTAIN EMPLOYMENT REFERENCES.—

"(i) RULE OF CONSTRUCTION.—Notwithstanding the application of subparagraph (A) in any other context, subparagraph (A) shall not be construed as prohibiting any financial institution, or any director, officer, employee, or agent of such institution, from including information that was included in a report to which subparagraph (A) applies—

"(I) in a written employment reference that is provided in accordance with section 18(v) of the Federal Deposit Insurance Act in response to a request from another financial institution, except that such written reference may not disclose that such information was also included in any such report or that such report was made; or

"(II) in a written termination notice or employment reference that is provided in accordance with the rules of the self-regulatory organizations registered with the Securities and Exchange Commission, except that such written notice or reference may not disclose that such information was also included in any such report or that such report was made.

"(ii) INFORMATION NOT REQUIRED.—Clause (i) shall not be construed, by itself, to create any affirmative duty to include any information described in clause (i) in any employment reference or termination notice referred to in clause (i).".

SEC. 332. ANTI-MONEY LAUNDERING PROGRAMS.

Section 5318(h) of title 31, United States Code, is amended to read as follows:

"(h) ANTI-MONEY LAUNDERING PROGRAMS.—

"(1) IN GENERAL.—In order to guard against money laundering through financial institutions, each financial institution shall establish anti-money laundering programs, including, at a minimum—

"(A) the development of internal policies, procedures, and controls;

"(B) the designation of a compliance officer;

"(C) an ongoing employee training program; and

"(D) an independent audit function to test programs.

"(2) REGULATIONS.—The Secretary may prescribe minimum standards for programs established under paragraph (1), and may exempt from the application of those standards any financial institution that is not subject to the provisions of the rules contained in part 103 of title 31, of the Code of Federal Regulations, or any successor rule thereto, for so long as such financial institution is not subject to the provisions of such rules.".

SEC. 333. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTAIN RECORDKEEPING REQUIREMENTS, AND LENGTHENING EFFECTIVE PERIOD OF GEOGRAPHIC TARGETING ORDERS.

(a) CIVIL PENALTY FOR VIOLATION OF TARGETING ORDER.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by inserting "or order issued" after "subchapter or a regulation prescribed"; and

(2) by inserting ", or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508," after "sections 5314 and 5315)".

(b) CRIMINAL PENALTIES FOR VIOLATION OF TARGETING ORDER.—Section 5322 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or order issued" after "willfully violating this subchapter or a regulation prescribed"; and

(B) by inserting ", or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508," after "under section 5315 or 5324)"; and

(2) in subsection (b)—

(A) by inserting "or order issued" after "willfully violating this subchapter or a regulation prescribed"; and

(B) by inserting "or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508," after "under section 5315 or 5324),".

(c) STRUCTURING TRANSACTIONS TO EVADE TARGETING ORDER OR CERTAIN RECORDKEEPING REQUIREMENTS.—Section 5324(a) of title 31, United States Code, is amended—

(1) by inserting a comma after "shall";

(2) by striking "section—" and inserting "section, the reporting or recordkeeping requirements imposed by any order issued under section 5326, or the recordkeeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508—";

(3) in paragraph (1), by inserting ", to file a report or to maintain a record required by an order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508" after "regulation prescribed under any such section"; and

(4) in paragraph (2), by inserting ", to file a report or to maintain a record required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508," after "regulation prescribed under any such section".

(d) LENGTHENING EFFECTIVE PERIOD OF GEOGRAPHIC TARGETING ORDERS.—Section 5326(d) of title 31, United States Code, is amended by striking "more than 60" and inserting "more than 180".

SEC. 334. ANTI-MONEY LAUNDERING STRATEGY.

(b) STRATEGY.—Section 5341(b) of title 31, United States Code, is amended by adding at the end the following:

"(12) DATA REGARDING FUNDING OF TERRORISM.—Data concerning money laundering efforts related to the funding of acts of international terrorism, and efforts directed at the prevention, detection, and prosecution of such funding.".

SEC. 335. AUTHORIZATION TO INCLUDE SUSPICIONS OF ILLEGAL ACTIVITY IN WRITTEN EMPLOYMENT REFERENCES.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

"(v) WRITTEN EMPLOYMENT REFERENCES MAY CONTAIN SUSPICIONS OF INVOLVEMENT IN ILLEGAL ACTIVITY.—

"(1) AUTHORITY TO DISCLOSE INFORMATION.—Notwithstanding any other provision of law, any insured depository institution, and any director, officer, employee, or agent of such institution, may disclose in any written employment reference relating to a current or former institution-affiliated party of such institution which is provided to another insured depository institution in response to a request from such other institution, information concerning the possible involvement of such institution-affiliated party in potentially unlawful activity.

"(2) INFORMATION NOT REQUIRED.—Nothing in paragraph (1) shall be construed, by itself, to create any affirmative duty to include any information described in paragraph (1) in any employment reference referred to in paragraph (1).

"(3) MALICIOUS INTENT.—Notwithstanding any other provision of this subsection, voluntary disclosure made by an insured depository institution, and any director, officer, employee, or agent of such institution under this subsection concerning potentially unlawful activity that is made with malicious intent, shall not be shielded from liability from the person identified in the disclosure.

"(4) DEFINITION.—For purposes of this subsection, the term 'insured depository institution' includes any uninsured branch or agency of a foreign bank.".

SEC. 336. BANK SECRECY ACT ADVISORY GROUP.

Section 1564 of the Annunzio-Wylie Anti-Money Laundering Act (31 U.S.C. 5311 note) is amended—

(1) in subsection (a), by inserting ", of nongovernmental organizations advocating financial privacy," after "Drug Control Policy"; and

(2) in subsection (c), by inserting ", other than subsections (a) and (d) of such Act which shall apply" before the period at the end.

SEC. 337. AGENCY REPORTS ON RECONCILING PENALTY AMOUNTS.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) shall each submit their respective reports to the Congress containing recommendations on possible legislation to conform the penalties imposed on depository institutions (as defined in section 3 of the Federal Deposit Insurance Act) for violations of subchapter II of chapter 53 of title 31, United States Code, to the penalties imposed on such institutions under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

SEC. 338. REPORTING OF SUSPICIOUS ACTIVITIES BY SECURITIES BROKERS AND DEALERS; INVESTMENT COMPANY STUDY.

(a) 270-DAY REGULATION DEADLINE.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, after consultation with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System, shall issue final regulations requiring registered brokers and dealers to file reports of suspicious financial transactions, consistent with the requirements applicable to financial institutions, and directors, officers, employees, and agents of financial institutions under section 5318(g) of title 31, United States Code.

(b) REPORT ON INVESTMENT COMPANIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission shall jointly submit a report to Congress on recommendations for effective regulations to apply the requirements of subchapter II of chapter 53 of title 31, United States Code, to investment companies, pursuant to section 5312(a)(2)(I) of title 31, United States Code.

(2) DEFINITION.—For purposes of this section, the term “investment company”—

(A) has the same meaning as in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3); and

(B) any person that, but for the exceptions provided for in paragraph (1) or (7) of section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)), would be an investment company.

(3) ADDITIONAL RECOMMENDATIONS.—In its report, the Securities and Exchange Commission may make different recommendations for different types of entities covered by this section.

(4) BENEFICIAL OWNERSHIP OF PERSONAL HOLDING COMPANIES.—The report described in paragraph (1) shall also include recommendations as to whether the Secretary should promulgate regulations to treat any corporation or business or other grantor trust whose assets are predominantly securities, bank certificates of deposit, or other securities or investment instruments (other than such as relate to operating subsidiaries of such corporation or trust) and that has 5 or fewer common shareholders or holders of beneficial or other equity interest, as a financial institution within the meaning of that phrase in section 5312(a)(2)(I) and whether to require such corporations or trusts to disclose their beneficial owners when opening accounts or initiating funds transfers at any domestic financial institution.

SEC. 339. SPECIAL REPORT ON ADMINISTRATION OF BANK SECRECY PROVISIONS.

(a) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress relating to the role of the Internal Revenue Service in the administration of subchapter II of chapter 53 of title 31, United States Code (commonly known as the “Bank Secrecy Act”).

(b) CONTENTS.—The report required by subsection (a)—

(1) shall specifically address, and contain recommendations concerning—

(A) whether it is advisable to shift the processing of information reporting to the Department of the Treasury under the Bank Secrecy Act provisions to facilities other than those managed by the Internal Revenue Service; and

(B) whether it remains reasonable and efficient, in light of the objective of both anti-money-laundering programs and Federal tax administration, for the Internal Revenue Service to retain authority and responsibility for audit and examination of the compliance of money services businesses and gaming institutions with those Bank Secrecy Act provisions; and

(2) shall, if the Secretary determines that the information processing responsibility or the audit and examination responsibility of the Internal Revenue Service, or both, with respect to those Bank Secrecy Act provisions should be transferred to other agencies, include the specific recommendations of the Secretary regarding the agency or agencies to which any such function should be transferred, complete with a budgetary and resources plan for expeditiously accomplishing the transfer.

SEC. 340. BANK SECRECY PROVISIONS AND ANTI-TERRORIST ACTIVITIES OF UNITED STATES INTELLIGENCE AGENCIES.

(a) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT.—Section 5311 of title 31, United States Code, is amended by inserting before the period at the end the following: “, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism”.

(b) AMENDMENT RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.—Section 5318(g)(4)(B) of title 31, United States Code, is amended by striking “or supervisory agency” and inserting “, supervisory agency, or United States intelligence agency for use in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism”.

(c) AMENDMENT RELATING TO AVAILABILITY OF REPORTS.—Section 5319 of title 31, United States Code, is amended to read as follows:

“§ 5319. Availability of reports

“The Secretary of the Treasury shall make information in a report filed under this subchapter available to an agency, including any State financial institutions supervisory agency or United States intelligence agency, upon request of the head of the agency. The report shall be available for a purpose that is consistent with this subchapter. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from disclosure under section 552 of title 5.”.

(d) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT PROVISIONS.—Section 21(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)) is amended to read as follows:

“(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—

“(1) FINDINGS.—Congress finds that—

“(A) adequate records maintained by insured depository institutions have a high degree of usefulness in criminal, tax, and regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against domestic and international terrorism; and

“(B) microfilm or other reproductions and other records made by insured depository institutions of checks, as well as records kept by such institutions, of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in proceedings described in subparagraph (A).

“(2) PURPOSE.—It is the purpose of this section to require the maintenance of appropriate types of records by insured depository institutions in the United States where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, recognizes that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism.”.

(e) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT.—Section 123(a) of Public Law 91-508 (12 U.S.C. 1953(a)) is amended to read as follows:

“(a) REGULATIONS.—If the Secretary determines that the maintenance of appropriate records and procedures by any uninsured bank or uninsured institution, or any person engaging in the business of carrying on in the United States any of the functions referred to in subsection (b), has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism, he may by regulation require such bank, institution, or person.”.

(f) AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.—The Right to Financial Privacy Act of 1978 is amended—

(1) in section 1112(a) (12 U.S.C. 3412(a)), by inserting “, or intelligence or counterintelligence activity, investigation or analysis related to international terrorism” after “legitimate law enforcement inquiry”; and

(2) in section 1114(a)(1) (12 U.S.C. 3414(a)(1))—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) a Government authority authorized to conduct investigations of, or intelligence or counterintelligence analyses related to, international terrorism for the purpose of conducting such investigations or analyses.”.

(g) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding at the end the following new section:

"SEC. 626. DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.

"(a) Disclosure.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish a consumer report of a consumer and all other information in a consumer's file to a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism when presented with a written certification by such government agency that such information is necessary for the agency's conduct or such investigation, activity or analysis.

"(b) Form of Certification.—The certification described in subsection (a) shall be signed by the Secretary of the Treasury.

"(c) Confidentiality.—No consumer reporting agency, or officer, employee, or agent of such consumer reporting agency, shall disclose to any person, or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

"(d) Rule of Construction.—Nothing in section 625 shall be construed to limit the authority of the Director of the Federal Bureau of Investigation under this section.

"(e) Safe Harbor.—Notwithstanding any other provision of this subchapter, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or other information pursuant to this section in good-faith reliance upon a certification of a governmental agency pursuant to the provisions of this section shall not be liable to any person for such disclosure under this subchapter, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.".

SEC. 341. REPORTING OF SUSPICIOUS ACTIVITIES BY HAWALA AND OTHER UNDERGROUND BANKING SYSTEMS.

(a) Definition for Subchapter.—Section 5312(a)(2)(R) of title 31, United States Code, is amended to read as follows:

"(R) a licensed sender of money or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;".

(b) Money Transmitting Business.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: "or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;".

(d) Applicability of Rules.—Section 5318 of title 31, United States Code, as amended by this title, is amended by adding at the end the following:

"(l) Applicability of Rules.—Any rules promulgated pursuant to the authority contained in section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b) shall apply, in addition to any other financial institution to which such rules apply, to any person that engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system.".

(e) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall report to Congress on the need for any additional legislation relating to informal value transfer banking systems or networks of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system, counter money laundering and regulatory controls relating to underground money movement and banking systems, such as the system referred to as 'hawala', including whether the threshold for the filing of suspicious activity reports under section 5318(g) of title 31, United States Code should be lowered in the case of such systems.

SEC. 342. USE OF AUTHORITY OF UNITED STATES EXECUTIVE DIRECTORS.

(a) Action by the President.—If the President determines that a particular foreign country has taken or has committed to take actions that contribute to efforts of the United States to respond to, deter, or prevent acts of international terrorism, the Secretary of the Treasury may, consistent with other applicable provisions of law, instruct the United States Executive Director of each international financial institution to use the voice and vote of the Executive Director to support any loan or other utilization of the funds of respective institutions for such country, or any public or private entity within such country.

(b) Use of Voice and Vote.—The Secretary of the Treasury may instruct the United States Executive Director of each international financial institution to aggressively use the voice and vote of the Executive Director to require an auditing of disbursements at such institutions to ensure that no funds are paid to persons who commit, threaten to commit, or support terrorism.

(c) Definition.—For purposes of this section, the term "international financial institution" means an institution described in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

Subtitle C—Currency Crimes

SEC. 351. BULK CASH SMUGGLING.

(a) Findings.—Congress finds that—

(1) effective enforcement of the currency reporting requirements of chapter 53 of title 31, United States Code (commonly referred to as the Bank Secrecy Act), and the regulations promulgated thereunder, has forced drug dealers and other criminals engaged in cash-based businesses to avoid using traditional financial institutions;

(2) in their effort to avoid using traditional financial institutions, drug dealers, and other criminals are forced to move large quantities of currency in bulk form to and through the airports, border crossings, and other ports of entry where it can be smuggled out of the United States and placed in a foreign financial institution or sold on the black market;

(3) the transportation and smuggling of cash in bulk form may, at the time of enactment of this Act, be the most common form of money laundering, and the movement of large sums of cash is one of the most reliable warning signs of drug trafficking, terrorism, money laundering, racketeering, tax evasion, and similar crimes;

(4) the intentional transportation into or out of the United States of large amounts of currency or monetary instruments, in a manner designed to circumvent the mandatory reporting provisions of chapter 53 of title 31, United States Code, is the equivalent of, and creates the same harm as, the smuggling of goods;

(5) the arrest and prosecution of bulk cash smugglers is an important part of law enforcement's effort to stop the laundering of criminal proceeds, but the couriers who attempt to smuggle the cash out of the United States are typically low-level employees of large criminal organizations, and are easily replaced, and therefore only the confiscation of the smuggled bulk cash can effectively break the cycle of criminal activity of which the laundering of bulk cash is a critical part;

(6) the penalties for violations of the currency reporting requirements of the chapter 53 of title 31, United States Code, are insufficient to provide a deterrent to the laundering of criminal proceeds;

(7) because the only criminal violation under Federal law before the date of enactment of this Act was a reporting offense, the law does not adequately provide for the confiscation of smuggled currency; and

(8) if the smuggling of bulk cash were itself an offense, the cash could be confiscated as the corpus delicti of the smuggling offense.

(b) Purposes.—The purposes of this section are—

(1) to make the act of smuggling bulk cash itself a criminal offense;

(2) to authorize forfeiture of any cash or instruments of the smuggling offense;

(3) to emphasize the seriousness of the act of bulk cash smuggling; and

(4) to prescribe guidelines for determining the amount of property subject to such forfeiture in various situations.

(c) Bulk Cash Smuggling Offense.—

(1) In general.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"§ 5331. Bulk cash smuggling

"(a) Criminal Offense.—

"(1) In general.—Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than $10,000 in currency or other monetary instruments on his or her person or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer the currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside of the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment under subsection (b).

"(b) Penalties.—

"(1) Prison term.—A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such an offense, shall be imprisoned for not more than 5 years.

"(2) Forfeiture.—

"(A) In general.—In addition to a prison term under paragraph (1), the court, in imposing sentence, shall order that the defendant forfeit to the United States any property, real or personal, involved in the offense, and any property traceable to such property, subject to subsection (d).

"(B) Applicability of other laws.—The seizure, restraint, and forfeiture of property under this section shall be governed by section 413 of the Controlled Substances Act (21 U.S.C. 853). If the property subject to forfeiture is unavailable, and the defendant has no substitute property that may be forfeited pursuant to section 413(p) of that Act, the court shall enter a personal money judgment against the defendant in an amount equal to the value of the unavailable property.

"(c) Seizure of Smuggling Cash.—

"(1) In general.—Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject to subsection (d), forfeited to the United States.

"(2) APPLICABLE PROCEDURES.—A seizure and forfeiture under this subsection shall be governed by the procedures governing civil forfeitures under section 981(a)(1)(A) of title 18, United States Code.

"(d) PROPORTIONALITY OF FORFEITURE.—

"(1) MITIGATION.—Upon a showing by the property owner by a preponderance of the evidence that the currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense.

"(2) CONSIDERATIONS.—In determining the amount of the forfeiture under paragraph (1), the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense, including—

"(A) the value of the currency or other monetary instruments involved in the offense;

"(B) efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and

"(C) whether the offense is part of a pattern of repeated violations of Federal law.

"(e) RULE OF CONSTRUCTION.—For purposes of subsections (b) and (c), any currency or other monetary instrument that is concealed or intended to be concealed in violation of subsection (a) or a conspiracy to commit such violation, any article, container, or conveyance used or intended to be used to conceal or transport the currency or other monetary instrument, and any other property used or intended to be used to facilitate the offense, shall be considered property involved in the offense.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5330 the following new item:

"5331. Bulk cash smuggling.".

(d) CURRENCY REPORTING VIOLATIONS.—Section 5317(c) of title 31, United States Code, is amended to read as follows:

"(c) FORFEITURE OF PROPERTY.—

"(1) IN GENERAL.—

"(A) CRIMINAL FORFEITURE.—The court, in imposing sentence for any violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

"(B) APPLICABLE PROCEDURES.—Forfeitures under this paragraph shall be governed by the procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), and the guidelines set forth in paragraph (3) of this subsection.

"(2) CIVIL FORFEITURE.—Any property involved in a violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject to paragraph (3), forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

"(3) MITIGATION.—In a forfeiture case under this subsection, upon a showing by the property owner by a preponderance of the evidence that any currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source, and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense. Such circumstances include, but are not limited to, the following: the value of the currency or other monetary instruments involved in the offense; efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and whether the offense is part of a pattern of repeated violations.

(e) CONFORMING AMENDMENTS.—Title 18, United States Code, is amended—

(1) in section 981(a)(1)(A) by striking "of section 5313(a) or 5324(a) of title 31, or"; and

(2) in section 982(a)(1), striking "of section 5313(a), 5316, or 5324 of title 31, or".

Subtitle E—Anticorruption Measures

SEC. 361. CORRUPTION OF FOREIGN GOVERNMENTS AND RULING ELITES.

It is the sense of Congress that, in deliberations between the United States Government and any other country on money laundering and corruption issues, the United States Government should—

(1) emphasize an approach that addresses not only the laundering of the proceeds of traditional criminal activity but also the increasingly endemic problem of governmental corruption and the corruption of ruling elites;

(2) encourage the enactment and enforcement of laws in such country to prevent money laundering and systemic corruption;

(3) make clear that the United States will take all steps necessary to identify the proceeds of foreign government corruption which have been deposited in United States financial institutions and return such proceeds to the citizens of the country to whom such assets belong; and

(4) advance policies and measures to promote good government and to prevent and reduce corruption and money laundering, including through instructions to the United States Executive Director of each international financial institution (as defined in section 1701(c) of the International Financial Institutions Act) to advocate such policies as a systematic element of economic reform programs and advice to member governments.

SEC. 362. SUPPORT FOR THE FINANCIAL ACTION TASK FORCE ON MONEY LAUNDERING.

It is the sense of Congress that—

(1) the United States should continue to actively and publicly support the objectives of the Financial Action Task Force on Money Laundering (hereafter in this section referred to as the "FATF") with regard to combating international money laundering;

(2) the FATF should identify noncooperative jurisdictions in as expeditious a manner as possible and publicly release a list directly naming those jurisdictions identified;

(3) the United States should support the public release of the list naming noncooperative jurisdictions identified by the FATF;

(4) the United States should encourage the adoption of the necessary international action to encourage compliance by the identified noncooperative jurisdictions; and

(5) the United States should take the necessary countermeasures to protect the United States economy against money of unlawful origin and encourage other nations to do the same.

SEC. 363. TERRORIST FUNDING THROUGH MONEY LAUNDERING.

It is the sense of the Congress that, in deliberations and negotiations between the United States Government and any other country regarding financial, economic, assistance, or defense issues, the United States should encourage such other country—

(1) to take actions which would identify and prevent the transmittal of funds to and from terrorists and terrorist organizations; and

(2) to engage in bilateral and multilateral cooperation with the United States and other countries to identify suspected terrorists, terrorist organizations, and persons supplying funds to and receiving funds from terrorists and terrorist organizations.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

SEC. 402. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of enactment of this Act), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border; and

(4) an additional $50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting "; DATA EXCHANGE" after "SECURITY OFFICERS";

(2) by inserting "(a)" after "SEC. 105.";

(3) in subsection (a), by inserting "and border" after "internal" the second place it appears; and

(4) by adding at the end the following:

"(b)(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

"(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

"(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

"(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

"(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

"(d) For purposes of administering this section, the Department of State shall, prior to receiving access to NCIC data but not later than 4 months after the date of enactment of this subsection, promulgate final regulations—

"(1) to implement procedures for the taking of fingerprints; and

"(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

"(C) to ensure the security, confidentiality, and destruction of such information; and

"(D) to protect any privacy rights of individuals who are subjects of such information.".

(b) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) TECHNOLOGY STANDARD TO CONFIRM IDENTITY.—

(1) IN GENERAL.—The Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology (NIST), and in consultation with the Secretary of the Treasury and other Federal law enforcement and intelligence agencies the Attorney General or Secretary of State deems appropriate, shall within 2 years after the date of enactment of this section, develop and certify a technology standard that can confirm the identity of a person applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(2) INTEGRATED.—The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(3) ACCESSIBLE.—The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

(4) REPORT.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation and efficacy of the technology standard and electronic database system described in this subsection.

(d) STATUTORY CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.

SEC. 404. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs" and "Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: "*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001:".

SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR POINTS OF ENTRY AND OVERSEAS CONSULAR POSTS.

(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit by that person from the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than $2,000,000 to carry out this section.

Subtitle B—Enhanced Immigration Provisions

SEC. 411. DEFINITIONS RELATING TO TERRORISM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by amending subclause (IV) to read as follows:

"(IV) is a representative (as defined in clause (v)) of—

"(aa) a foreign terrorist organization, as designated by the Secretary of State under section 219, or

"(bb) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities,";

(ii) in subclause (V), by inserting "or" after "section 219,"; and

(iii) by adding at the end the following new subclauses:

"(VI) has used the alien's position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities, or

"(VII) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years,";

(B) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(C) in clause (i)(II), by striking "clause (iii)" and inserting "clause (iv)";

(D) by inserting after clause (i) the following:

"(ii) EXCEPTION.—Subclause (VII) of clause (i) does not apply to a spouse or child—

"(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

"(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.";

(E) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting "it had been" before "committed in the United States"; and

(ii) in subclause (V)(b), by striking "or firearm" and inserting ", firearm, or other weapon or dangerous device";

(F) by amending clause (iv) (as redesignated by subparagraph (B)) to read as follows:

"(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this chapter, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

"(II) to prepare or plan a terrorist activity;

"(III) to gather information on potential targets for terrorist activity;

"(IV) to solicit funds or other things of value for—

"(aa) a terrorist activity;

"(bb) a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;

"(V) to solicit any individual—

"(aa) to engage in conduct otherwise described in this clause;

"(bb) for membership in a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or

"(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

"(aa) for the commission of a terrorist activity;

"(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

"(cc) to a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that this clause should not apply."; and

(D) by adding at the end the following new clause:

"(vi) Terrorist organization defined.—As used in clause (i)(VI) and clause (iv), the term 'terrorist organization' means an organization—

"(I) designated under section 219;

"(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that it engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that it provides material support to further terrorist activity; or

"(III) that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv)."; and

(2) by adding at the end the following new subparagraph:

"(F) Association with terrorist organizations.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.".

(b) Conforming Amendment.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended by striking "section 212(a)(3)(B)(iii)" and inserting "section 212(a)(3)(B)(iv)".

(c) Retroactive Application of Amendments.—

(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to—

(A) actions taken by an alien before, on, or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) Special rule for aliens in exclusion or deportation proceedings.—Notwithstanding any other provision of law, the amendments made by this section shall apply to all aliens in exclusion or deportation proceedings on or after the date of enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) Special rule for section 219 organizations and organizations designated under section 212(a)(3)(B)(vi)(II).—

(A) In general.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a group at any time when the group was not a terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189) or otherwise designated under section 212(a)(3)(B)(vi)(II).

(B) Statutory construction.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act or otherwise designated under section 212(a)(3)(B)(vi)(II); or

(ii) described in subclause (IV)(cc), (V)(cc), or (VI)(dd) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization described in section 212(a)(3)(B)(vi)(III).

(4) Exception.—The Secretary of State, in consultation with the Attorney General, may determine that the amendments made by this section shall not apply with respect to actions by an alien taken outside the United States before the date of enactment of this Act upon the recommendation of a consular officer who has concluded that there is not reasonable ground to believe that the alien knew or reasonably should have known that the actions would further a terrorist activity.

(c) Designation of Foreign Terrorist Organizations.—Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)(B), by inserting "or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)) or retains the capability and intent to engage in terrorist activity or terrorism)" after "212(a)(3)(B))";

(2) in paragraph (1)(C), by inserting "or terrorism" after "terrorist activity";

(3) by amending paragraph (2)(A) to read as follows:

"(A) Notice.—

"(i) To congressional leaders.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

"(ii) Publication in Federal Register.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).";

(4) in paragraph (2)(B)(i), by striking "subparagraph (A)" and inserting "subparagraph (A)(ii)";

(5) in paragraph (2)(C), by striking "paragraph (2)" and inserting "paragraph (2)(A)(i)";

(6) in paragraph (3)(B), by striking "subsection (c)" and inserting "subsection (b)";

(7) in paragraph (4)(B), by inserting after the first sentence the following: "The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.";

(8) in paragraph (6)(A)—

(A) by inserting "or a redesignation made under paragraph (4)(B)" after "paragraph (1)";

(B) in clause (i)—

(i) by inserting "or redesignation" after "designation" the first place it appears; and

(ii) by striking "of the designation"; and

(C) in clause (ii), by striking "of the designation";

(9) in paragraph (6)(B)—

(A) by striking "through (4)" and inserting "and (3)"; and

(B) by inserting at the end the following new sentence: "Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.";

(10) in paragraph (7), by inserting ", or the revocation of a redesignation under paragraph (6)," after "paragraph (5) or (6)"; and

(11) in paragraph (8)—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)";

(B) by inserting "or an alien in a removal proceeding" after "criminal action"; and

(C) by inserting "or redesignation" before "as a defense".

SEC. 412. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

"MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

"SEC. 236A. (a) DETENTION OF TERRORIST ALIENS.—

"(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

"(2) RELEASE.—Except as provided in paragraph (5), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

"(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

"(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

"(B) is engaged in any other activity that endangers the national security of the United States.

"(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.

"(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

"(b) HABEAS CORPUS AND JUDICIAL REVIEW.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3)) is available exclusively in habeas corpus proceedings in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.

"(c) STATUTORY CONSTRUCTION.—The provisions of this section shall not be applicable to any other provisions of the Immigration and Nationality Act.".

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

"Sec. 236A. Mandatory detention of suspected terrorist; habeas corpus; judicial review.".

(c) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from removal;

(B) were removed;

(C) the Attorney General has determined are no longer aliens who may be so certified; or

(D) were released from detention.

SEC. 413. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) by striking "except that in the discretion of" and inserting the following: "except that—

"(1) in the discretion of"; and

(2) by adding at the end the following:

"(2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

"(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

"(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.".

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

SEC. 501. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2001.

(a) SHORT TITLE.—This title may be cited as the "Professional Standards for Government Attorneys Act of 2001".

(b) PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.—Section 530B of title 28, United States Code, is amended to read as follows:

"§ 530B. Professional Standards for Government Attorneys

"(a) DEFINITIONS.—In this section:

"(1) GOVERNMENT ATTORNEY.—The term 'Government attorney'—

"(A) means the Attorney General; the Deputy Attorney General; the Solicitor General; the Associate Attorney General; the head of, and any attorney employed in, any division, office, board, bureau, component, or agency of the Department of Justice; any United States Attorney; any Assistant United States Attorney; any Special Assistant to the Attorney General or Special Attorney appointed under section 515; any Special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and

"(B) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

"(2) STATE.—The term 'State' includes a Territory and the District of Columbia.

"(b) CHOICE OF LAW.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be—

"(1) for conduct in connection with a proceeding in or before a court, or conduct reasonably intended to lead to a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of the court in or before which the proceeding is brought or is intended to be brought;

"(2) for conduct in connection with a grand jury proceeding, or conduct reasonably intended to lead to a grand jury proceeding, the standards of professional responsibility established by the rules and decisions of the court under whose authority the grand jury was or will be impaneled; and

"(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his or her official duties.

"(c) LICENSURE.—A Government attorney (except foreign counsel employed in special cases)—

"(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and

"(2) shall not be required to be a member of the bar of any particular State.

"(d) UNDERCOVER ACTIVITIES.—Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting undercover activities, and any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings may participate in such activities, even though such activities may require the use of deceit or misrepresentation, where such activities are consistent with Federal law.

"(e) ADMISSIBILITY OF EVIDENCE.—No violation of any disciplinary, ethical, or professional conduct rule shall be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceedings.

"(f) RULEMAKING AUTHORITY.—The Attorney General shall make and amend rules of the Department of Justice to ensure compliance with this section.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking "Ethical standards for attorneys for the Government" and inserting "Professional standards for Government attorneys".

(d) REPORTS.—

(1) UNIFORM RULE.—In order to encourage the Supreme Court to prescribe, under chapter 131 of title 28, United States Code, a uniform national rule for Government attorneys

with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.

(2) Actual or Potential Conflicts.—Not later than 2 years after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include—

(A) a review of any areas of actual or potential conflict between specific Federal duties related to the investigation and prosecution of violations of Federal law and the regulation of Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and

(B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identified pursuant to the review under subparagraph (A).

(3) Report Considerations.—In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration—

(A) the needs and circumstances of multiforum and multijurisdictional litigation;

(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

SEC. 502. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS TO COMBAT TERRORISM.

(a) Payment of Rewards To Combat Terrorism.—Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.

(b) Conditions.—In making rewards under this section—

(1) no such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless that law expressly refers to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

SEC. 503. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.

Section 36 of the State Department Basic Authorities Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting ", including by dismantling an organization in whole or significant part; or"; and

(C) by adding at the end the following:

"(6) the identification or location of an individual who holds a key leadership position in a terrorist organization.";

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) in subsection (e)(1), by inserting ", except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts." after "$5,000,000".

SEC. 504. DNA IDENTIFICATION OF TERRORISTS AND OTHER VIOLENT OFFENDERS.

Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended to read as follows:

"(2) In additional to the offenses described in paragraph (1), the following offenses shall be treated for purposes of this section as qualifying Federal offenses, as determined by the Attorney General:

"(A) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

"(B) Any crime of violence (as defined in section 16 of title 18, United States Code).

"(C) Any attempt or conspiracy to commit any of the above offenses.".

SEC. 505. COORDINATION WITH LAW ENFORCEMENT.

(a) Information Acquired From an Electronic Surveillance.—Section 106 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806), is amended by adding at the end the following:

"(k)(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 104(a)(7)(B) or the entry of an order under section 105.".

(b) Information Acquired From a Physical Search.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by adding at the end the following:

"(k)(1) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 303(a)(7) or the entry of an order under section 304.".

SEC. 506. MISCELLANEOUS NATIONAL SECURITY AUTHORITIES.

(a) Telephone Toll and Transactional Records.—Section 2709(b) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "Assistant Director";

(2) in paragraph (1)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States; and"; and

(3) in paragraph (2)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(b) Financial Records.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee"; and

(2) by striking "sought" and all that follows and inserting "sought for foreign counter intelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(c) Consumer Reports.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing, that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.";

(2) in subsection (b)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States."; and

(3) in subsection (c)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee of the Director"; and

(B) by striking "in camera that" and all that follows through "States." and inserting the following: "in camera that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

SEC. 507. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) CONCURRENT JURISDICTION UNDER 18 U.S.C. 1030.—Section 1030(d) of title 18, United States Code, is amended to read as follows:

"(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

"(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

"(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.".

(b) REAUTHORIZATION OF JURISDICTION UNDER 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking "credit and debit card frauds, and false identification documents or devices" and inserting "access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution".

SEC. 508. DISCLOSURE OF EDUCATIONAL RECORDS.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection (j) to read as follows:

"(j) INVESTIGATION AND PROSECUTION OF TERRORISM.—

"(1) IN GENERAL.—Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to—

"(A) collect education records in the possession of the educational agency or institution that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18 United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) APPLICATION AND APPROVAL.—

"(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the education records are likely to contain information described in paragraph (1)(A).

"(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

"(3) PROTECTION OF EDUCATIONAL AGENCY OR INSTITUTION.—An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

"(4) RECORD-KEEPING.—Subsection (b)(4) does not apply to education records subject to a court order under this subsection.".

SEC. 509. DISCLOSURE OF INFORMATION FROM NCES SURVEYS.

Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007), is amended by adding after subsection (b) a new subsection (c) to read as follows:

"(c) INVESTIGATION AND PROSECUTION OF TERRORISM.—

"(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

"(A) collect reports, records, and information (including individually identifiable information) in the possession of the center that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such information, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) APPLICATION AND APPROVAL.—

"(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

"(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

"(3) PROTECTION.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.".

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

SEC. 611. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) IN GENERAL.—Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) DEFINITIONS.—For purposes of this section, the terms "catastrophic injury", "public agency", and "public safety officer" have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by—

(1) inserting before "by a" the following: "(containing identification of all eligible payees of benefits pursuant to section 1201)";

(2) inserting "producing permanent and total disability" after "suffered a catastrophic injury"; and

(2) striking "1201(a)" and inserting "1201".

SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM PAYMENT INCREASE.

(a) PAYMENTS.—Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking "$100,000" and inserting "$250,000".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

SEC. 614. OFFICE OF JUSTICE PROGRAMS.

Section 112 of title I of section 101(b) of division A of Public Law 105–277 and section 108(a) of appendix A of Public Law 106–113 (113 Stat. 1501A–20) are amended—

(1) after "that Office", each place it occurs, by inserting "(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)"; and

(2) by inserting "functions, including any" after "all".

Subtitle B—Amendments to the Victims of Crime Act of 1984

SEC. 621. CRIME VICTIMS FUND.

(a) Deposit of Gifts in the Fund.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) any gifts, bequests, or donations to the Fund from private entities or individuals.".

(b) Formula for Fund Distributions.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

"(c) Fund Distribution; Retention of Sums in Fund; Availability for Expenditure Without Fiscal Year Limitation.—

"(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

"(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.".

(c) Allocation of Funds for Costs and Grants.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking "deposited in" and inserting "to be distributed from";

(2) in subparagraph (A), by striking "48.5" and inserting "47.5";

(3) in subparagraph (B), by striking "48.5" and inserting "47.5"; and

(4) in subparagraph (C), by striking "3" and inserting "5".

(d) Antiterrorism Emergency Reserve.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

"(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts transferred to the Fund for use in responding to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

"(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

"(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.".

(e) Victims of September 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. 622. CRIME VICTIM COMPENSATION.

(a) Allocation of Funds for Compensation and Assistance.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by inserting "in fiscal year 2002 and of 60 percent in subsequent fiscal years" after "40 percent".

(b) Location of Compensable Crime.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or".

(c) Relationship of Crime Victim Compensation to Means-Tested Federal Benefit Programs.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

"(c) Exclusion From Income, Resources, and Assets for Purposes of Means Tests.—Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.".

(d) Definitions of "Compensable Crime" and "State".—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking "crimes involving terrorism,"; and

(2) in paragraph (4), by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

(e) Relationship of Eligible Crime Victim Compensation Programs to the September 11th Victim Compensation Fund.—

(1) In general.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting "including the program established under title IV of Public Law 107–42," after "Federal program,".

(2) Compensation.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

SEC. 623. CRIME VICTIM ASSISTANCE.

(a) Assistance for Victims in the District of Columbia, Puerto Rico, and Other Territories and Possessions.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).".

(b) Prohibition on Discrimination Against Certain Victims.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.".

(c) Grants for Program Evaluation and Compliance Efforts.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ", program evaluation, compliance efforts," after "demonstration projects".

(d) Allocation of Discretionary Grants.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking "not more than" and inserting "not less than"; and

(2) in subparagraph (B), by striking "not less than" and inserting "not more than".

(e) Fellowships and Clinical Internships.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) use funds made available to the Director under this subsection—

"(i) for fellowships and clinical internships; and "(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.".

SEC. 624. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

"(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.".

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking "who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: "The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

SEC. 711. EXPANSION OF REGIONAL INFORMATION SHARING SYSTEM TO FACILITATE FEDERAL-STATE-LOCAL LAW ENFORCEMENT RESPONSE RELATED TO TERRORIST ATTACKS.

Section 1301 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) is amended—

(1) in subsection (a), by inserting "and terrorist conspiracies and activities" after "activities";

(2) in subsection (b)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following:

"(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and (5)"; and

(3) by inserting at the end the following:

"(d) AUTHORIZATION OF APPROPRIATION TO THE BUREAU OF JUSTICE ASSISTANCE.—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section $50,000,000 for fiscal year 2002 and $100,000,000 for fiscal year 2003.".

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end the following:

"§ 1993. Terrorist attacks and other acts of violence against mass transportation systems

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

"(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

"(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) in a circumstance in which—

"(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

"(2) the offense has resulted in the death of any person,

shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

"(c) DEFINITIONS.—In this section—

"(1) the term 'biological agent' has the meaning given to that term in section 178(1) of this title;

"(2) the term 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4) of this title;

"(4) the term 'destructive substance' has the meaning given to that term in section 31 of this title;

"(5) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) the term 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

"(7) the term 'State' has the meaning given to that term in section 2266 of this title; and

"(8) the term 'toxin' has the meaning given to that term in section 178(2) of this title.".

(f) CONFORMING AMENDMENT.—The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

"1993. Terrorist attacks and other acts of violence against mass transportation systems.".

SEC. 802. EXPANSION OF THE BIOLOGICAL WEAPONS STATUTE.

Chapter 10 of title 18, United States Code, is amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking "does not include" and inserting "includes";

(ii) by inserting "other than" after "system for"; and

(iii) by inserting "bona fide research" after "protective";

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

"(b) ADDITIONAL OFFENSE.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. In this subsection, the terms 'biological agent' and 'toxin' do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.";

(2) by inserting after section 175a the following:

"SEC. 175b. POSSESSION BY RESTRICTED PERSONS.

"(a) No restricted person described in subsection (b) shall ship or transport interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in subsection (j) of section 72.6 of title 42, Code of

Federal Regulations, pursuant to section 511(d)(l) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and is not exempted under subsection (h) of such section 72.6, or appendix A of part 72 of the Code of Regulations.

"(b) In this section:

"(1) The term 'select agent' does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

"(2) The term 'restricted person' means an individual who—

"(A) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

"(B) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

"(C) is a fugitive from justice;

"(D) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(E) is an alien illegally or unlawfully in the United States;

"(F) has been adjudicated as a mental defective or has been committed to any mental institution;

"(G) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination (that remains in effect) that such country has repeatedly provided support for acts of international terrorism; or

"(H) has been discharged from the Armed Services of the United States under dishonorable conditions.

"(3) The term 'alien' has the same meaning as in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

"(4) The term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

"(c) Whoever knowingly violates this section shall be fined as provided in this title, imprisoned not more than 10 years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized United States governmental activity."; and

(3) in the chapter analysis, by inserting after the item relating to section 175a the following:

"175b. Possession by restricted persons.".

SEC. 803. DEFINITION OF DOMESTIC TERRORISM.

(a) DOMESTIC TERRORISM DEFINED.—Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(iii), by striking "by assassination or kidnapping" and inserting "by mass destruction, assassination, or kidnapping";

(2) in paragraph (3), by striking "and";

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(5) the term 'domestic terrorism' means activities that—

"(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

"(C) occur primarily within the territorial jurisdiction of the United States.".

(b) CONFORMING AMENDMENT.—Section 3077(1) of title 18, United States Code, is amended to read as follows:

"(1) 'act of terrorism' means an act of domestic or international terrorism as defined in section 2331;".

SEC. 804. PROHIBITION AGAINST HARBORING TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2338 the following new section:

"§ 2339. Harboring or concealing terrorists

"(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.".

"(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

"2339. Harboring or concealing terrorists.".

SEC. 805. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

"(9) With respect to offenses committed by or against a United States national, as defined in section 1203(c) of this title—

"(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

"(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement in force on the date of enactment of this paragraph with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 3261(a) of this title.".

SEC. 806. MATERIAL SUPPORT FOR TERRORISM.

(a) IN GENERAL.—Section 2339A of title 18, United States Code, is amended—.

(1) in subsection (a)—

(A) by striking ", within the United States,";

(B) by inserting "229," after "175,";

(C) by inserting "1993," after "1992,";

(D) by inserting ", section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284)," after "of this title";

(E) by inserting "or 60123(b)" after "46502"; and

(F) by inserting at the end the following: "A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law."; and

(2) in subsection (b)—

(A) by striking "or other financial securities" and inserting "or monetary instruments or financial securities"; and

(B) by inserting "expert advice or assistance," after "training,".

(b) TECHNICAL AMENDMENT.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 807. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting at the end the following:

"(G) All assets, foreign or domestic—

"(i) of any person, entity, or organization engaged in planning or perpetrating any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

"(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

"(iii) derived from, involved in, or used or intended to be used to commit any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.".

SEC. 808. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106–387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 809. DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b of title 18, United States Code, is amended—

(1) in subsection (f), by inserting after "terrorism" the following: "and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title," before "and the Secretary"; and

(2) in subsection (g)(5)(B), by striking clauses (i) through (iii) and inserting the following:

"(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 229 (relating to chemical weapons), 351 (a) through (d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) (2) through (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim within special maritime and territorial jurisdiction of the United States), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751 (a) through (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems), 2155 (relating to destruction of national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

"(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

"(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.".

SEC. 810. NO STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.

(a) In General.—Section 3286 of title 18, United States Code, is amended to read as follows:

"§ 3286. Extension of statute of limitation for certain terrorism offenses.

"(a) Eight-Year Limitation.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B) other than a provision listed in section 3295, or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed.

"(b) No Limitation.—Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a forseeable risk of, death or serious bodily injury to another person.".

(b) Application.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

SEC. 811. ALTERNATE MAXIMUM PENALTIES FOR TERRORISM OFFENSES.

(a) Arson.—Section 81 of title 18, United States Code, is amended in the second undesignated paragraph by striking "not more than twenty years" and inserting "for any term of years or for life".

(b) Destruction of an Energy Facility.—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "ten" and inserting "20"; and

(2) by adding at the end the following:

"(d) Whoever is convicted of a violation of subsection (a) or (b) that has resulted in the death of any person shall be subject to imprisonment for any term of years or life.".

(c) Material Support to Terrorists.—Section 2339A(a) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period and inserting "and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(d) Material Support to Designated Foreign Terrorist Organizations.—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period after "or both" and inserting "and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(e) Destruction of National-Defense Materials.—Section 2155(a) of title 18, United States Code, is amended—

(1) by striking "ten" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(f) Sabotage of Nuclear Facilities or Fuel.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) by striking "ten" each place it appears and inserting "20";

(2) in subsection (a), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life."; and

(3) in subsection (b), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(g) Special Aircraft Jurisdiction of the United States.—Section 46505(c) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(h) Damaging or Destroying an Interstate Gas or Hazardous Liquid Pipeline Facility.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life:".

SEC. 812. PENALTIES FOR TERRORIST CONSPIRACIES.

(a) Arson.—Section 81 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking ", or attempts to set fire to or burn"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be imprisoned".

(b) Killings in Federal Facilities.—

(1) Section 930(c) of title 18, United States Code, is amended—

(A) by striking "or attempts to kill";

(B) by inserting "or attempts or conspires to do such an act," before "shall be punished"; and

(C) by striking "and 1113" and inserting "1113, and 1117".

(2) Section 1117 of title 18, United States Code, is amended by inserting "930(c)," after "section".

(c) Communications Lines, Stations, or Systems.—Section 1362 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking "or attempts willfully or maliciously to injure or destroy"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(d) Buildings or Property Within Special Maritime and Territorial Jurisdiction.—Section 1363 of title 18, United States Code, is amended—

(1) by striking "or attempts to destroy or injure"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined" the first place it appears.

(e) Wrecking Trains.—Section 1992 of title 18, United States Code, is amended by adding at the end the following:

"(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(f) Material Support to Terrorists.—Section 2339A of title 18, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(g) Torture.—Section 2340A of title 18, United States Code, is amended by adding at the end the following:

"(c) Conspiracy.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(h) Sabotage of Nuclear Facilities or Fuel.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking ", or who intentionally and willfully attempts to destroy or cause physical damage to";

(B) in paragraph (4), by striking the period at the end and inserting a comma; and

(C) by inserting "or attempts or conspires to do such an act," before "shall be fined"; and

(2) in subsection (b)—

(A) by striking "or attempts to cause"; and

(B) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(i) Interference With Flight Crew Members and Attendants.—Section 46504 of title 49, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(j) Special Aircraft Jurisdiction of the United States.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

"(e) Conspiracy.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.".

(k) Damaging or Destroying an Interstate Gas or Hazardous Liquid Pipeline Facility.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking ", or attempting to damage or destroy,"; and

(2) by inserting ", or attempting or conspiring to do such an act," before "shall be fined".

SEC. 813. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(j) Supervised Release Terms for Terrorism Predicates.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, is any term of years or life.".

SEC. 814. INCLUSION OF ACTS OF TERRORISM AS RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or (F)" and inserting "(F)"; and

(2) by inserting before the semicolon at the end the following: ", or (G) any act that is indictable as an offense listed in section 2332b(g)(5)(B)".

SEC. 815. DETERRENCE AND PREVENTION OF CYBERTERRORISM.

(a) Clarification of Protection of Protected Computers.—Section 1030(a)(5) of title 18, United States Code, is amended—

(1) by inserting "(i)" after (A)";

(2) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(3) by adding "and" at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following:

"(B) caused (or, in the case of an attempted offense, would, if completed, have caused) conduct described in clause (i), (ii), or (iii) of subparagraph (A) that resulted in—

"(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

"(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(iii) physical injury to any person;

"(iv) a threat to public health or safety; or

"(v) damage affecting a computer system used by or for a Government entity in furtherance of the administration of justice, national defense, or national security;".

(b) Penalties.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) —

(i) by inserting "except as provided in subparagraph (B)," before "a fine";

(ii) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(iii) by striking "and' at the end;

(B) in subparagraph (B), by inserting "or an attempt to commit an offense punishable under this subparagraph," after "subsection (a)(2)," in the matter preceding clause (i); and

(C) in subparagraph (C), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking ", (a)(5)(A), (a)(5)(B)," both places it appears; and

(B) by striking "and" at the end; and

(3) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(4) by adding at the end the following new paragraphs:

"(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under that subsection;

"(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under that subsection;

"(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under either subsection, that occurs after a conviction for another offense under this section.".

(c) Definitions.—Subsection (e) of section 1030 of title 18, United States Code is amended—

(1) in paragraph (2)(B), by inserting ", including a computer located outside the United States" before the semicolon;

(2) in paragraph (7), by striking "and" at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

"(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;";

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

"(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

"(11) the term 'loss' includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;

"(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity;".

(d) Damages in Civil Actions.—Subsection (g) of section 1030 of title 18, United States Code is amended—

(1) by striking the second sentence and inserting the following new sentences: "A suit for a violation of subsection (a)(5) may be brought only if the conduct involves one of the factors enumerated in subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages."; and

(2) by adding at the end the following: "No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.".

(e) Amendment of Sentencing Guidelines Relating to Certain Computer Fraud and Abuse.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030 of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 816. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after "or statutory authorization" the following: "(including a request of a governmental entity under section 2703(f) of this title)".

SEC. 817. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) In General.—The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in order that all such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(b) Authorization of Appropriations.—

(1) Authorization.—There is hereby authorized to be appropriated in each fiscal year $50,000,000 for purposes of carrying out this section.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

TITLE IX—IMPROVED INTELLIGENCE

SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance operations pursuant to that Act unless otherwise authorized by statute or executive order;".

SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST ACTIVITIES WITHIN SCOPE OF FOREIGN INTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by inserting before the period the following: ", or international terrorist activities"; and

(2) in paragraph (3), by striking "and activities conducted" and inserting ", and activities conducted,".

SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS.

It is the sense of Congress that officers and employees of the intelligence community of the Federal Government, acting within the course of their official duties, should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intelligence activities, including the acquisition of information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or information on any other person, entity, or group (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.

SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

(b) COVERED INTELLIGENCE REPORT.—Except as provided in subsection (c), for purposes of subsection (a), a covered intelligence report is as follows:

(1) Any report on intelligence or intelligence-related activities of the United States Government that is required to be submitted to Congress by an element of the intelligence community during the effective period of this section.

(2) Any report or other matter that is required to be submitted to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives by the Department of Defense or the Department of Justice during the effective period of this section.

(c) EXCEPTION FOR CERTAIN REPORTS.—For purposes of subsection (a), any report required by section 502 or 503 of the National Security Act of 1947 (50 U.S.C. 413a, 413b) is not a covered intelligence report.

(d) NOTICE TO CONGRESS.—Upon deferring the date of submittal to Congress of a covered intelligence report under subsection (a), the official deferring the date of submittal of the covered intelligence report shall submit to Congress notice of the deferral. Notice of deferral of a report shall specify the provision of law, if any, under which the report would otherwise be submitted to Congress.

(e) EXTENSION OF DEFERRAL.—(1) Each official specified in subsection (a) may defer the date of submittal to Congress of a covered intelligence report under the jurisdiction of such official to a date after February 1, 2002, if such official submits to the committees of Congress specified in subsection (b)(2) before February 1, 2002, a certification that preparation and submittal of the covered intelligence report on February 1, 2002, will impede the work of officers or employees who are engaged in counterterrorism activities.

(2) A certification under paragraph (1) with respect to a covered intelligence report shall specify the date on which the covered intelligence report will be submitted to Congress.

(f) EFFECTIVE PERIOD.—The effective period of this section is the period beginning on the date of the enactment of this Act and ending on February 1, 2002.

(g) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:

"DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES

"SEC. 105B. (a) DISCLOSURE OF FOREIGN INTELLIGENCE.—(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

"(2) The Attorney General by regulation and in consultation with the Director of Central Intelligence may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

"(b) PROCEDURES FOR NOTICE OF CRIMINAL INVESTIGATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General, in consultation with the Director of Central Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director of Central Intelligence, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

"(c) PROCEDURES.—The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) and the provision of notice with respect to criminal investigations under subsection (b).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:

"Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.
"Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency.".

SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) REPORT ON RECONFIGURATION.—Not later than February 1, 2002, the Attorney General, the Director of Central Intelligence, and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Terrorist Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) REPORT REQUIREMENTS.—(1) In preparing the report under subsection (a), the Attorney General, the Secretary, and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Attorney General, Secretary, and the Director determine that it is feasible and desirable to undertake the reconfiguration described in subsection (a) in order to establish the capability described in that subsection, the Attorney General, the Secretary, and the Director shall include with the report under that subsection a detailed proposal for legislation to achieve the reconfiguration.

SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) REPORT ON ESTABLISHMENT.—(1) Not later than February 1, 2002, the Director of Central Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the appropriate committees of Congress a report on the establishment and maintenance within the intelligence community of an element for purposes of providing timely and accurate translations of foreign intelligence for all other elements of the intelligence community. In the report, the element shall be referred to as the "National Virtual Translation Center".

(2) The report on the element described in paragraph (1) shall discuss the use of state-of-the-art communications technology, the integration of existing translation capabilities in the intelligence community, and the utilization of remote-connection capacities so as to minimize the need for a central physical facility for the element.

(b) RESOURCES.—The report on the element required by subsection (a) shall address the following:

(1) The assignment to the element of a staff of individuals possessing a broad range of linguistic and translation skills appropriate for the purposes of the element.

(2) The provision to the element of communications capabilities and systems that are

commensurate with the most current and sophisticated communications capabilities and systems available to other elements of intelligence community.

(3) The assurance, to the maximum extent practicable, that the communications capabilities and systems provided to the element will be compatible with communications capabilities and systems utilized by the Federal Bureau of Investigation in securing timely and accurate translations of foreign language materials for law enforcement investigations.

(4) The development of a communications infrastructure to ensure the efficient and secure use of the translation capabilities of the element.

(c) SECURE COMMUNICATIONS.—The report shall include a discussion of the creation of secure electronic communications between the element described by subsection (a) and the other elements of the intelligence community.

(d) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE.—The term "foreign intelligence" has the meaning given that term in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.

(a) PROGRAM REQUIRED.—The Attorney General shall, in consultation with the Director of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

(1) identifying foreign intelligence information in the course of their duties; and

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.

(b) OFFICIALS.—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:

(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Justice such sums as may be necessary for purposes of carrying out the program required by subsection (a).

Mr. REID. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business with Senators permitted to speak therein for a period not to exceed 10 minutes.

Mr. KYL. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I withdraw the objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENTAGON MEMORIAL SERVICE

Mr. McCAIN. Mr. President, on this solemn day, one month since the horrific terrorist attacks on American citizens, our institutions, and our way of life, memorial services were held today in New York City and Arlington, VA. President Bush, whom I commend for his leadership and strong efforts to unify our Nation at this difficult time in our history, spoke today at the Pentagon ceremony honoring the victims of these attacks. His remarks were eloquent and very moving to the families and members of our armed forces who attended the service. I was asked to submit the President's remarks for the RECORD, and I am privileged to do so.

I have also included the remarks of the Secretary of Defense, the Honorable Donald H. Rumsfeld, and the Chairman of the Joint Chiefs of Staff, General Richard B. Meyers, USAF.

Mr. President, I request unanimous consent that the remarks of the President of the United States, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff be printed in the RECORD, following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT PAYS TRIBUTE AT PENTAGON MEMORIAL

(Remarks by the President at the Department of Defense Service of Remembrance)

The PRESIDENT. Please be seated. President and Senator Clinton, thank you all for being here. We have come here to pay our respects to 125 men and women who died in the service of America. We also remember 64 passengers on a hijacked plane; those men and women, boys and girls who fell into the hands of evildoers, and also died here exactly one month ago.

On September 11th, great sorrow came to our country. And from that sorrow has come great resolve. Today, we are a nation awakened to the evil of terrorism, and determined to destroy it. That work began the moment we were attacked; and it will continue until justice is delivered.

Americans are returning, as we must, to the normal pursuits of life. Americans are returning, as we must, to the normal pursuits of life. But we know that if you lost a son or daughter here, or a husband, or a wife, or a mom or dad, life will never again be as it was. The loss was sudden, and hard, and permanent. So difficult to explain. So difficult to accept.

Three schoolchildren traveling with their teacher. An Army general. A budget analyst who reported to work here for 30 years. A lieutenant commander in the Naval Reserve who left behind a wife, a four-year son, and another child on the way.

One life touches so many others. One death can leave sorrow that seems almost unbearable. But to all of you who lost someone here, I want to say: You are not alone. The American people will never forget the cruelty that was done here and in New York, and in the sky over Pennsylvania.

We will never forget all the innocent people killed by the hatred of a few. We know the loneliness you feel in your loss. The entire nation, entire nation shares in your sadness. And we pray for you and your loved ones. And we will always honor their memory.

The hijackers were instruments of evil who died in vain. Behind them is a cult of evil which seeks to harm the innocent and thrives on human suffering. Theirs is the worst kind of cruelty, the cruelty that is fed, not weakened, by tears. Theirs is the worst kind of violence, pure malice, while daring to claim the authority of God. We cannot fully understand the designs and power of evil. It is enough to know that evil, like goodness, exists. And in the terrorists, evil has found a willing servant.

In New York the terrorists chose as their target a symbol of America's freedom and confidence. Here, they struck a symbol of our strength in the world. And the attack on the Pentagon, on that day, was more symbolic than they knew. It was on another September 11th, September 11th, 1941, that construction on this building first began. America was just then awakening to another menace; The Nazi terror in Europe.

And on that very night, President Franklin Roosevelt spoke to the nation. The danger, he warned, has long ceased to be a mere possibility. The danger is here now. Not only from a military enemy, but from an enemy of all law, all liberty, all morality, all region.

For us too, in the year 2001, an enemy has emerged that rejects every limit of law, morality, and religion. The terrorists have no true home in any country, or culture, or faith. They dwell in dark corners of earth. And there, we will find them.

This week, I have called, this week, I have called the Armed Forces into action. One by one, we are eliminating power centers of a regime that harbors al Qaeda terrorists. We gave that regime a choice: Turn over the terrorists, or face your ruin. They close unwisely.

The Taliban regime has brought nothing but fear and misery to the people of Afghanistan. These rulers call themselves holy men, even with their record of drawing money from heroin trafficking. They consider themselves pious and devout, while subjecting women to fierce brutality.

The Taliban has allied itself with murderers and gave them shelter. But today, for al Qaeda and the Taliban, there is no shelter. As Americans did 60 years ago, we have entered a struggle of uncertain duration. But now, as then, we can be certain of the outcome, because we have a number of decisive assets.

We have a unified country. We have the patience to fight and win on many fronts: Blocking terrorist plans, seizing their funds, arresting their networks, disrupting their communications, opposing their sponsors. And we have one more great asset in this cause: The brave men and women of the United States military.

From my first days in this office, I have felt and seen the strong spirit of the Armed Forces. I saw it Fort Stewart, Georgia, when I first reviewed our troops as Commander-in-Chief, and looked into the faces of proud and determined soldiers. I saw it in Annapolis on a graduation day, at Camp Pendleton in California, Camp Bondsteel in Kosovo. And I have seen this spirit at the Pentagon, before and after the attack on this building.

You've responded to a great emergency with calm and courage. And for that, your country honors you. A Commander-in-Chief must know, must know that he can count on the skill and readiness of servicemen and women at every point in the chain of command. You have given me that confidence.

And I give you these commitments. The wound to this building will not be forgotten, but it will be repaired. Brick by brick, we will quickly rebuild the Pentagon. In the missions ahead for the military, you will have everything you need, every resource, every weapon, every means to assure full victory for the United States and the cause of freedom.

And I pledge to you that America will never relent on this war against terror. There will be times of swift, dramatic action. There will be times of steady, quiet progress. Over time, with patience, and precision, the terrorists will be pursued. They will be isolated, surrounded, cornered, until there is no place to run, or hide, or rest.

As military and civilian personnel in the Pentagon, you are an important part of the struggle we have entered. You know the risks of your calling, and you have willingly accepted them. You believe in our country, and our country believes in you.

Within sight of this building is Arlington Cemetery, the final resting place of many thousands who died for our country over the generations. Enemies of America have now added to these graves, and they wish to add more. Unlike our enemies, we value every life, and we mourn every loss.

Yet we're not afraid. Our cause is just, and worthy of sacrifice. Our nation is strong of heart, firm of purpose. Inspired by all the courage that has come before, we will meet our moment and we will prevail.

May God bless you all, and may God bless America.

MEMORIAL SERVICE IN REMEMBRANCE OF THOSE LOST ON SEPTEMBER 11

(Remarks Prepared for Delivery by Secretary of Defense Donald H. Rumsfeld, The Pentagon, Arlington, VA, Thursday, October 11, 2001)

We are gathered here because of what happened here on September 11th. Events that bring to mind tragedy—but also our gratitude to those who came to assist that day and afterwards, those we saw at the Pentagon site everyday—the guards, police, fire and rescue workers, the Defense Protective service, hospitals, Red Cross, family center professionals and volunteers and many others.

And yet our reason for being here today is something else.

We are gathered here to remember, to console and to pray.

To remember comrades and colleagues, friends and family members, those lost to us on Sept. 11th.

We remember them as heroes. And we are right to do so. They died because, in words of justification offered by their attackers, they were Americans. They died, then, because of how they lived—as free men and women, proud of their freedom, proud of their country and proud of their country's cause—the cause of human freedom.

And they died for another reason—the simple fact they worked here in this building—the Pentagon.

It is seen as a place of power, the locus of command for what has been called the greatest accumulation of military might in history. And yet a might used far differently than the long course of history has usually known.

In the last century, this building existed to oppose two totalitarian regimes that sought to oppress and to rule other nations. And it is no exaggeration of historical judgment to say that without this building, and those who worked here, those two regimes would not have been stopped or thwarted in their oppression of countless millions.

But just as those regimes sought to rule and oppress, others in this century seek to do the same by corrupting a noble religion. Our President has been right to see the similarity—and to say that the fault, the evil is the same. It is the will to power, the urge to dominion over others, to the point of oppressing them, even to taking thousands of innocent lives—or more. And that this oppression makes the terrorist a believer—not in the theology of God, but the theology of self—and in the whispered words of temptation: "Ye shall be as Gods."

In targeting this place, then, and those who worked here, the attackers, the evildoers correctly sensed that the opposite of all they were, and stood for, resided here.

Those who worked here—those who on Sept. 11 died here—whether civilians or in uniform—side by side they sought not to rule, but to serve. They sought not to oppress, but to liberate. They worked not to take lives, but to protect them. And they tried not to preempt God, but see to it His creatures lived as He intended—in the light and dignity of human freedom.

Our first task then is to remember the fallen as they were—as they would have wanted to be remembered—living in freedom, blessed by it, proud of it and willing—like so many others before them, and like so many today, to die for it.

And to remember them as believers in the heroic ideal for which this nation stands and for which this building exists—the ideal of service to country and to others.

Beyond all this, their deaths remind us of a new kind of evil, the evil of a threat and menace to which this nation and the world has now fully awakened, because of them.

In causing this awakening, then, the terrorists have assured their own destruction. And those we mourn today, have, in the moment of their death, assured their own triumph over hate and fear. For out of this act of terror—and the awakening it brings—here and across the globe—will surely come a victory over terrorism. A victory that one day may save millions from the harm of weapons of mass destruction. And this victory—their victory—we pledge today.

But if we gather here to remember them—we are also here to console those who shared their lives, those who loved them. And yet, the irony is that those whom we have come to console have given us the best of all consolations, by reminding us not only of the meaning of the deaths, but of the lives of their loved ones.

"He was a hero long before the eleventh of September," said a friend of one of those we have lost—"a hero every single day, a hero to his family, to his friends and to his professional peers."

A veteran of the Gulf War—hardworking, who showed up at the Pentagon at 3:30 in the morning, and then headed home in the afternoon to be with his children—all of whom he loved dearly, but one of whom he gave very special care, because she needs very special care and love.

About him and those who served with him, his wife said: "It's not just when a plane hits their building. They are heroes every day."

"Heroes every day." We are here to affirm that. And to do this on behalf of America.

And also to say to those who mourn, who have lost loved ones: Know that the heart of America is here today, and that it speaks to each one of you words of sympathy, consolation, compassion and love. All the love that the heart of America—and a great heart it is—can muster.

Watching and listening today, Americans everywhere are saying: I wish I could be there to tell them how sorry we are, how much we grieve for them. And to tell them too, how thankful we are for those they loved, and that we will remember them, and recall always the meaning of their deaths and their lives.

A Marine chaplain, in trying to explain why there could be no human explanation for a tragedy such as this, said once: "You would think it would break the heart of God."

We stand today in the midst of tragedy—the mystery of tragedy. Yet a mystery that is part of that larger awe and wonder that causes us to bow our heads in faith and say of those we mourn, those we have lost, the words of scripture: "Lord now let Thy servants go in peace, Thy word has been fulfilled."

To the families and friends of our fallen colleagues and comrades we extend today our deepest sympathy and condolences—and those of the American people.

We pray that God will give some share of the peace that now belongs to those we lost, to those who knew and loved them in this life.

But as we grieve together we are also thankful—for their lives, thankful for the time we had with them. And proud too—as proud as they were—that they lived their lives as Americans.

We are mindful too—and resolute that their deaths, like their lives, shall have meaning. And that the birthright of human freedom—a birthright that was theirs as Americans and for which they died—will always be ours and our children's. And through our efforts and example, one day, the birthright of every man, woman, and child on earth.

REMARKS OF GENERAL RICHARD B. MYERS, USAF, CHAIRMAN OF THE JOINT CHIEFS OF STAFF, PENTAGON MEMORIAL SERVICE

Ladies and gentlemen, Today we remember family members, friends, and colleagues lost in the barbaric attack on the Pentagon—civilian and military Pentagon employees, the contractors who support us, and the passengers and crew of Flight 77. We also grieve with the rest of America and the world for those killed in New York City and Pennsylvania. We gather to comfort each other and to honor the dead.

Our DOD colleagues working in the Pentagon that day would insist that they were only doing their jobs. But we know better. We know, and they knew, that they were serving their country. And suddenly, on 11 September they were called to make the ultimate sacrifice. For that, we call them heroes.

We honor the heroism of defending our Nation. We honor the heroism and taking an oath to support the Constitution. We honor the heroism of standing ready to serve the greater good of our society.

That same heroism was on display at the Pentagon in the aftermath of the attack. Coworkers, firefighters, police officers, medics—even private citizens driving past on the highway—all rushed to help and put themselves in grave danger to rescue survivors and treat the injured.

One of them, who I had a chance to meet recently, was Army Sergeant Adis Goodwill, a young emergency medical technician. She drove the first ambulance from Walter Reed Army Hospital to arrive at the scene.

Sergeant Goodwill spent long hours treating the wounded—simply doing her duty—all the while not knowing, and worrying about, the fate of her sister, Lia, who worked in the World Trade Center. She would eventually learn that Lia was OK.

Prior to 11 September, Sergeant Goodwill hadn't decided whether to reenlist in the Army or not. After the tragic events of that day, her course was clear. And three weeks ago, I had the privilege of reenlisting her. With tears of pride in their eyes, her family, including her sister Lia, watched her take the oath of office. Sergeant Goodwill is with us today.

The heroes kept coming in the days following the 11th—individual volunteers, both civilian and military; firefighters; police officers; and civil and military rescue units working on the site. Other Americans helped too, as General Van Alstyne said, with donations of equipment supplies, and food; letters and posters from school children; and American flags everywhere.

Today, we mourn our losses, but we should also celebrate the spirit of the heroes of 11 September, both living and dead, and the heroic spirit that remains at the core of our great Nation. This is what our enemies do not understand. They can knock us off stride for a moment or two. But then, we will gather ourselves with an unmatched unity of purpose and will rise to defend the ideals that make this country a beacon of hope around the world.

In speaking of those ideals, John Quincy Adams once said, "I am well aware of the toil and blood and treasure that it will cost to . . . support and defend these states; yet, through all the gloom I can see the rays of light and glory." The light and glory of our ideals remain within our grasp. That's what our heroes died for.

Some of them—the uniformed military members—made the commitment to fight for, and if necessary, to die for our country from the beginnings of their careers. Our civilian DOD employees had chosen to serve in a different way but are now bound to their uniformed comrades in the same sacrifice. Other victims, employees of contractors and the passengers and crew of the airliner, were innocents—casualties of a war not of their choosing.

But if by some miracle, we were able to ask all of them today whether a Nation and government such as ours is worth their sacrifices; if we were able to ask them today whether that light and glory is worth future sacrifices; the answer, surely, would be a resounding "yes." The terrorists who perpetrated this violence should know that there are millions more American patriots who echo that resounding yes.

We who defend this Nation say to those who threaten us—here we stand—resolute in our allegiance to the Constitution; united in our service to the American people and the preservation of our way of life; undaunted in our devotion to duty and honor.

We remember the dead. We call them heroes, not because they died, but because they lived in service to the greater good. We know that's small comfort to those who have lost family members and dear friends. To you, this tragedy is very personal, and our thoughts and our prayers are with you. We will never forget the sacrifices of your loved ones.

We ask God to bless and keep them. We pray for their families, and we also pray for wisdom and courage as we face the many challenges to come. And may God bless America.

HONORING MIKE MANSFIELD

Mr. INOUYE. Mr. President, much has been said and much has been written about the gentleman from Montana, Mike Mansfield. Books about him have been written, and countless speeches about him have been presented. For many years to come, more books will be written, and more speeches will be made about him. This is to be expected because he was a person worthy of emulating. He was a person we all looked upon without hesitation as our leader. He was a person whose word was always good, reasoned, logical, and fair. He was a rare person, deeply religious, humble to a fault, and flawlessly honest.

It is certain that he will be more than a footnote in the history of our great Nation. He helped to lead us out of the quagmire of the Vietnam conflict. His leadership assured the enactment of the Civil Rights Act of 1964, and the following year, he led the fight for the passage of the Voting Rights Act of 1965. As a former school teacher, he became the education leader in the Senate. Medicare became a possibility under his leadership. His contributions are too many to recount.

Like many, I was especially intrigued and impressed by Senator Mansfield's military service record. At the age of 14, he became a sailor. When the authorities discovered the age discrepancy, he left and enlisted in the Army. After the Army, he became a Marine. He was especially proud of his title PFC Mike Mansfield. He once remarked that he preferred that title to Senator or Ambassador.

Many of us have anecdotes and stories about Mike Mansfield. I, too, have some, but I would prefer to keep them as part of my warm and happy personal memories of my acquaintance with my Leader. Like all who have known him, I will miss him. I know I am a better American for having known Mike Mansfield. It is difficult to say goodbye to a good friend, but in saying goodbye, I wish to assure him that his lessons will never be forgotten.

I ask unanimous consent that an editorial piece that appeared in the Honolulu Advertiser on October 6, 2001, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIKE MANSFIELD MADE HIS MARK HERE, IN JAPAN

It's a tossup whether the passing of Mike Mansfield, who died yesterday at 98, will be noted more prominently in Japan or the United States. He was widely respected and admired in both countries.

The Montana Democrat was both the longest-serving U.S. Senate majority leader and the longest-serving U.S. ambassador to Japan.

Named ambassador in 1977 by President Carter, Mansfield was reappointed by President Reagan in 1981.

When he returned home after 11 years in Tokyo, the Washington Post reported, Japan's ambassador to the United States said Mansfield "could have run for prime minister and won."

Expressing condolences yesterday, Japanese Prime Minister Junichiro Koizumi called Mansfield a great contributor to friendship between the nations.

Mansfield's service as Senate majority leader, from 1961 to 1976, gave him a central role in debates on civil rights, the Vietnam War, which he strongly opposed, and the Watergate crisis.

Mansfield exercised that role with a leadership style that drew bipartisan praise.

"It's no coincidence that the Mansfield years remain among the most civil, and the most productive, in the Senate's history," Senate Majority Leader Tom Daschle said yesterday.

Senate Minority Leader Trent Lott, said, "We have had few like him, but then with the good Lord's help, it takes only a few."

Mr. KERRY. Mr. President, with the passing of Mike Mansfield, this Chamber lost a man who embodied the true meaning of public service. And while he will no longer be with us, his spirit and his commitment to serving our Nation survives him and guides us. I rise today to pay my respects for his service as well as to ask that we honor his life by following his example.

Mike Mansfield's patriotism and commitment to public service resided in the very core of who he was. At the ripe old age of 14, when most boys are signing up for freshman football, Mike Mansfield was signing up for his first tour with the Navy. After the Navy discharged him due to his age, Mike Mansfield would reenlist and serve in the Army and Marine Corps. For a young man from Montana, those experiences led him to develop an interest and passion for defining America's role in this world. Back in 1921, when the word "globalization" was not exactly in vogue, Mike Mansfield was taking his first trip to Asia. His commitment to United States-Asia relations was unprecedented, while his leadership in this area was unparalleled. It is with awe that in an age of hyper-partisanship, we look back at a life of service that always put principles above partisanship. One can only look back with awe and respect at a man who not only served as the longest serving Senate majority leader but also the longest serving U.S. Ambassador to Japan.

While this Nation said goodbye this weekend to our modern day ironman, Cal Ripken, it's only appropriate that the nation recognizes the Senate's own ironman. Mike Mansfield's legacy will be found not only in the accomplishments of his service, but equally in the vision he left for his colleagues and the manner in which he demonstrated his leadership.

Senator Mansfield once said that "by exploring the cultural, religious, and social forces that have molded a nation, we can begin to better understand each other and contribute to the knowledge and understanding that will strengthen our ties of friendship and lead to a better world." As we lead this Nation into a more globally interdependent future, it will serve us well to keep Mike Mansfield's words, and his legacy, close to us.

TRIBUTE TO STANLEY BLAKE HARRIS, CHIEF COUNSEL AND DEPUTY CHIEF OF STAFF

Mr. LOTT. Mr. President, I rise today to pay tribute and wish a fond farewell to a longtime staff member, Stanley Blake Harris, who is departing my personal office staff and returning to the State of Mississippi after more than fifteen years of exemplary service here in Washington. Throughout his career, Stan has served with distinction. It is my privilege to recognize his accomplishments and commend him for the superb service he has provided to me and to our home state.

A native of Hattiesburg, MS, Stan graduated from William Carey College in 1982, ranked first academically in his class. During his tenure at William Carey, Stan earned the degrees of Bachelor of Arts and Bachelor of Science summa cum laude, with a triple major in English, History, and Social Science as well as a double minor in Business Administration and Political Science. In addition, Stan's classmates bestowed upon him the honor and privilege of serving as Student Government Association President while at William Carey.

Upon his graduation, Stan enrolled in the University of Mississippi School of Law, from which he received a Juris Doctorate in 1985. His endeavors and accomplishments on behalf of the law school and his classmates were recognized as he was awarded the Dean's Outstanding Service Award, the Edward R. Finch Award, and the Stephen Gorove Award.

Immediately following his graduation from law school, Stan continued his educational pursuits at Mississippi State University, where he enrolled in the Public Policy and Administration Program. However, before he could complete the program, duty in Washington called. At the beginning of 1986, Stan came to work for me in Washington as a Whip Assistant in the House of Representatives Republican Whip Office. From there, Stan went on to serve as Counsel in my personal office while I was a member of the House of Representatives.

Upon my election to the United States Senate in 1989, Stan was named Counsel and Director of Projects in my office, and was charged with responsibility for establishing my Projects Department. In this role, Stan has directed efforts in my office to pursue public projects for the State of Mississippi. Along these lines, he has handled cases and projects involving virtually every Federal department and agency, including the Department of Agriculture, NASA, the Department of State, the Department of Justice, the Tennessee Valley Authority, the Appalachian Regional Commission and the White House. In addition, he has worked closely with officials in virtually every city, county, and state agency in Mississippi, while looking after Mississippi's needs. Further, Mississippi has benefited from the close working relationships Stan has developed with Congressional staff members in both the House and Senate.

Although Stan has worked diligently for the nation throughout his tenure on Capitol Hill, he has always put Mississippi first. The thing I will always remember the most about Stan is his unflinching ability to "out-bureaucrat the bureaucrats." His tenacity and refusal to yield on matters of importance to Mississippi have produced great results for our state. For instance, Stan has been instrumental in my efforts to secure a new Federal courthouse for Harrison County, Mississippi. He has worked tirelessly for me for the past decade to ensure that a new bridge over the Pascagoula River is built for the people of Jackson County. And just last year on my behalf, he opened doors in Washington for officials from his hometown of Hattiesburg, who are endeavoring to construct a new intermodal center for the City of Hattiesburg. He also has worked closely with Mississippi's universities to improve educational opportunities in our State and to make these facilities the finest in the Nation.

But Stan's work on Capitol Hill has not been limited to Mississippi projects alone. Over the past fifteen years, he also has maintained a special focus on Federal ethics. During this time, Stan has served as my counsel through such prominent cases as the Durenberger and "Keating Five" hearings, as well as other notable ethics inquiries. In fact, because of his work, Stan was selected to serve on the Senate Ethics Reform Task Force. As an outgrowth of his Federal ethics work, Stan has also developed a special commitment to law enforcement organizations nationwide. Because of his work on behalf of law enforcement groups everywhere and our nation's parks, Stan has been named an honorary member of the U.S. Park Police.

Several years ago, as if his plate wasn't already full enough, Stan fulfilled a lifelong dream of joining the Mississippi Army National Guard. For a number of years now, he has regularly communted between Washington, D.C. and Jackson, Mississippi to fulfill his duty requirements. During that time, he has risen to the rank of Major in the Judge Advocate General Corps where he now serves as Deputy Staff Judge Advocate for Headquarters, 66th Troop Command.

On Wednesday, October 17, 2001, Stan will conclude over fifteen years of faithful and loyal service in my office. And while it is difficult to lose a staff member with such dedication and institutional knowledge, I know that he and his family are excited about returning home to Mississippi where Stan and his wife, Lauren, can begin raising their four children with an appropriate southern accent.

In the weeks ahead, Stan will begin a new journey in his professional and legal career as the Chief Deputy Assistant United States Attorney in the U.S. Attorney's Southern District office in Mississippi. I have no doubt that Stan will serve the Department of Justice, the State of Mississippi, and the people of our Nation, in this role with distinction and integrity. On behalf of my colleagues on both sides of the aisle, I want to wish Stan all of the best in his new career. Stan, may this new chapter in your life and career be rewarding, fulfilling, and bring you all that you hope for in your future endeavors. Thank you, again, for your service and my warmest congratulations on a job well done.

HONORING MASTER SERGEANT EVANDER EARL ANDREWS

Mr. CRAPO. Mr. President, I rise today in sadness over the first announced American casualty in Operation Enduring Freedom. Master Sergeant Evander Earl Andrews, who was stationed in my home State of Idaho at the Mountain Home Air Force Base, was killed in service to his country in the Arabian Peninsula. He was part of the 366th Civil Engineer Squadron stationed there. Although Master Sergeant Andrews was originally from a small town in Maine, Idaho feels this loss along with the rest of the Nation.

Master Sergeant Andrews went to the Middle East to fight for our freedom with valor and courage in this time of national crisis and made the ultimate sacrifice in defense of his country. There are no words for such an incredible loss, but we are a great Nation because of brave men and women like Master Sgt. Andrews.

Flags are flying all over our country now, a visible display of the support our military troops and our President have over Operation Enduring Freedom. With the news of the first American casualty, it becomes even more evident that American lives will be lost in this fight against terrorism. Our hearts and prayers are not only with the family of Master Sergeant Andrews in Idaho and Maine, but also with the families of all our military troops, who are serving their country so far away.

This will be a long war, one that will be won over a period of months or years through several strategic actions; there is no one operation that will rid the world of the evils of terrorism. But one thing is certain: freedom will prevail and we will not forget Master Sergeant Andrews and others like him to whom we owe our liberties.

VISION 2020 WORLD SIGHT DAY 2001

Mr. INHOFE. Mr. President, Vision 2020 World Sight Day 2001 is observed today, Thursday October 11, 2001, in cooperation with the World Health Organization, WHO, the 2020 Foundation of Tulsa, Oklahoma, Christian Blind Mission International, CBMI, and a partnership of 26 international organizations concerned with world blindness working together to eliminate avoidable blindness by the year 2020.

Forty-five million people living in our world today are totally blind. Eighty percent of this blindness could be prevented or cured with simple cost-effective nutrition, medicines and medical care. A child in our world goes blind every minute, most often due to a simple lack of Vitamin A. More than half of these precious children will die within 2 years of losing their sight.

The primary causes of blindness, malnutrition, disease, lack of medicines and medical care, are always linked to the grinding poverty so characteristic of developing nations around the globe. Millions of men, women and children needlessly live in a prison of darkness 24 hours a day. They desperately need the help of privileged nations to be set free.

The Vision 2020 program plans to eliminate most of the world's blindness by the year 2020. But with no intervention, the number of blind in this world will reach an estimated 100 million by the year 2020.

World Sight Day 2001 raises awareness that most blindness, associated misery, and several billion dollars in related costs can be prevented if we as a nation and a world intervene in time.

I commend the 2020 Foundation, Christian Blind Mission International and the other members of the 2020 Task Force for helping bring the gift of sight to the less fortunate around the world.

SIX SIMPLE STEPS

Mr. LEVIN. Mr. President, an organization called Common Sense about Kids and Guns has developed a list of six gun safety tips that have been endorsed by a wide range of organizations from the National SAFE KIDS Campaign to the National Shooting Sport Foundation. Regardless of our differences of opinion on how to regulate firearms, I think we can all agree that these simple steps make a lot of sense.

All gun owners should unload and lock up their guns, lock and store ammunition separately and keep keys where kids are unable to find them. In addition, parents should ask if guns are safely stored at places their kids visit or play, regularly talk with their kids about guns, and teach young children both not to touch guns and tell an adult if they find one.

The Centers for Disease Control's National Center for Health Statistics reports that firearm deaths of children and teens is dropping. However, ignoring firearms related child homicides, there were still 1,300 kids killed in gun-related accidents and suicides in 1999. That number remains far too high. Remembering the six simple steps proposed by Common Sense about Kids and Guns can help cut that number even more.

PREPARING FOR BIOTERRORISM IN SOUTH DAKOTA

Mr. JOHNSON. Mr. President, I am pleased to join my colleagues, Senator JOHN EDWARDS, and Senator CHUCK HAGEL, in supporting legislation to help South Dakotans prepare for possible bioterrorist attacks. The recent example of anthrax being reported in Florida has highlighted the importance of being prepared to combat bioterrorism in our communities.

Now this doesn't mean that everyone should run out and buy a gas mask. Successful attacks using germs and chemicals are relatively difficult to accomplish and rarely attempted.

However, the nature of such an attack makes just one successful act of bioterrorism unique and incredibly damaging. For example, most of the germs involved in bioterrorism, anthrax and smallpox to name a few, are so rare that many medical professionals haven't treated them before. Symptoms may not be visible for days or weeks, and these diseases can be spread easily among people.

In addition to threatening people, bioterrorism can also cripple our State's agriculture economy. We all saw this summer how the threat of foot-and-mouth disease in the United States can directly impact South Dakota's ag business.

The risk of an agriculture terrorist attack poses a serious threat to our economy as well as our abundant food supply. An agricultural terrorist could introduce a pathogen to a certain crop and decimate that crop's yield. A quickly-spreading animal disease intentionally introduced could cause economic ruin to States that depend on revenues from the livestock industry.

Earlier this week, the nonpartisan General Accounting Office, GAO, reported that coordination is fragmented between 40 Federal departments and agencies responsible for responding to a bioterrorist attack.

The GAO report also noted insufficient State and local planning for response to terrorist attacks. In addition, while spending on domestic preparedness for terrorist attacks has risen 310 percent since 1998, only a portion of these funds were used to conduct research on and prepare for the public health and medical consequences of a bioterrorist attack.

To better address the needs of State and local communities in dealing with the threat of bioterrorism, I recently joined Senators EDWARDS and HAGEL on legislation called the Biological and Chemical Weapons Preparedness Act.

Our legislation provides $1.6 billion in new resources for Federal, State, and local efforts, including $450 million specifically for agricultural counterterrorism and food safety measures.

Too often, bioterrorism funding has been tied up in the bureaucracy of Washington, and I'm pleased that our legislation sends over one-third of these funds, $555 million, directly to States and local governments through new block grants. Our legislation gives States and local communities the resources to study the problems unique to them and implement appropriate solutions.

Our legislation would accomplish six goals. First, we would provide training and equipment to State and local "first responders," such as emergency medical personnel, law enforcement officials, fire fighters, physicians, and nurses, to recognize and respond to biological and chemical attacks

Second, our bill strengthens the local public health network through increased training, coordination, and additional specialized equipment.

Third, we protect food safety and the agricultural economy by providing assistance to States to better coordinate with law enforcement and public health officials, increase training and awareness among farmers and other agricultural stakeholders. Our measure would also give States the resources they need to establish emergency diagnostic facilities to work in conjunction with the U.S. Department of Agriculture's facility to quickly diagnose animal diseases. Along with this assistance to States, the measure would provide additional funds for the USDA's counterterrorism efforts.

Fourth, the legislation assists local hospital emergency rooms with response training and biocontainment and decontamination capabilities.

Fifth, we address the need to develop and stockpile vaccines and antibiotics.

Finally, our Biological and Chemical Weapons Preparedness Act enhances disease surveillance between the Centers for Disease Control, CDC, and State and local public health services to provide electronic nationwide access to critical data, treatment guidelines, and alerts.

Our legislation has been referred to the Senate Committee on Health, Education, Labor, and Pensions, and there have already been a handful of hearings held so far. I anticipate a number of proposals, similar to ours, being discussed and a compromise ultimately being sent to the President this year.

I will continue to work to ensure that the provisions in our legislation dealing with rural communities and agriculture remain in a final version that is signed into law by the President.

ONE-MONTH ANNIVERSARY OF TERRORIST ATTACKS

Mrs. CARNAHAN. Mr. President, grief has changed the face of America. We are a tear-stained Nation. But today, one month after the September 11 attacks, we are one America, united as seldom before.

Patriotism prevails throughout the country. The pins on our jackets, the flags taped to cars and hanging from windows, the millions of dollars in donations to the victims, this is the American response to tragedy.

We are united in support of our troops flying dangerous missions over Afghanistan. This is the first step in a prolonged campaign against the terrorists. It is a necessary step and it is directed at the right targets, the Taliban government that has given safe harbor to terrorist organizations for far too long.

Americans are also united in sympathy with the Afghan people. While our bombers are flying over Taliban strongholds, our C–17s are dropping food to the refugees.

Today, our thoughts are with those who lost their lives one month ago, and with the families who said goodbye to their loved ones for the last time.

But in the past month, we have seen the great spirit of Americans. The hatred and utter disregard for human life shown by the terrorists stands in stark contrast to the outpouring of sympathy and compassion by millions of Americans, in acts great and small. We gave what we could: Money, water, shelter, blood, and sometimes just a shoulder to lean on. Entertainers came together for an unprecedented benefit, athletes donated their salaries, and children even donated their piggy banks.

Among the most inspiring stories of September 11 were the rescue workers. Sadly, many of the heroes of September 11 are now among the victims. Their valor has inspired the Nation. Their sacrifice will not go unnoted or their deeds unsung. If those rescue workers could muster the strength to do what was needed then, surely our Nation can find the strength to do what is needed now.

We must prepare our military, strengthen our intelligence operations, and tighten our security. And we must rally behind our President.

Let those who practice terrorism or harbor terrorists have no doubt about America's intent. We will find you. We will strike you militarily, economically, and politically. And you will pay a heavy price for your acts against mankind.

We have overcome the enemies of freedom before. We conquered the evil of fascism in Europe and Asia, rescued democracy, and built a better world. We defied communism for decades powered by the certainty that freedom would ultimately triumph over oppression. You will not take these gains from us.

Though we mourn the loss of our fellow Americans, our eyes are undimmed by tears. Our dreams are undiminished by fear. From the ashes of terrorism, we will build a new tower to freedom that will cast its light around the world.

And, with God's help, we will prove again what the poet Carl Sandburg once said: "We are Americans. Nothing like us ever was."

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. JOHNSON. Mr. President, statistics show that a woman is raped every five minutes in the United States and that one in every three adult women experiences at least one physical assault by a partner during adulthood. In fact, more women are injured by domestic violence each year than by automobile accidents and cancer deaths combined.

October, as Domestic Violence Awareness Month, is a good time to take a serious look at the progress we've made in addressing the problem of abuse against women in our communities. In 1983, I introduced legislation in the South Dakota State Legislature to use marriage license fees to help fund domestic abuse shelters. At that time, thousands of South Dakota women and children were in need of shelters and programs to help them. However, few people wanted to acknowledge that domestic abuse occurred in their communities, or even in their homes.

During the last 7 years, I have led efforts in the United States Congress to authorize the original Violence Against Women Act, VAWA, and, most recently, expand and improve the program to assist rural communities. South Dakota has received over $8 million in VAWA funds for women's' shelters and family violence prevention services. In addition the law has doubled prison time for repeat sex offenders, established mandatory restitution to victims of violence against women, and strengthened interstate enforcement of violent crimes against women. South Dakotans can also call a nationwide toll-free hotline for immediate crisis intervention help and free referrals to local services. The number for women to call for help is 1–800–799–SAFE.

In South Dakota last year, over 5,500 women were provided assistance in domestic violence shelters and outreach centers thanks, in part, to VAWA funds. While I am pleased that we have made significant progress in getting resources to thousands of South Dakota women in need, it is important to look beyond the numbers. Fifty-five hundred neighbors, sisters, daughters, and wives in South Dakota were victimized by abuse last year. Thousands of other women are abused and don't seek help. We must also recognize that the problem is multiplied on the reservations where Native American women are abused at two and a half times the national rate and are more than twice as likely to be rape victims as any other race of women.

The words of a domestic abuse survivor may best illustrate the need to remain vigilant in Congress and in our communities on preventing domestic abuse. A woman from my State wrote me and explained that she was abused as a child, raped as a teenager, and emotionally abused as a wife. Her grandchildren were also abused. In her letter, she pleaded: "Don't let another woman go through what I went through, and please don't let another child go through what my grandchildren have gone through. You can make a difference." We all can make a difference by protecting women from violence and abuse.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 6, 2001 in Monmouth County, NJ. Seven people were sentenced on multiple counts, including aggravated assault and harassment by bias intimidation under the state law, for assaulting a 23-year-old learning disabled man with hearing and speech impediments. The victim was lured to a party, bound, and physically and verbally assaulted for three hours. Later, he was taken to a wooded area where the torture continued until he was able to escape.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

NOBEL PRIZE WINNERS FOR PHYSICS

Mr. ALLARD. Mr. President, I come to the floor today to recognize the accomplishments of two Boulder, Colorado scientists. On October 10, 2001 Carl E. Wieman, a professor of physics at the University of Colorado at Boulder and Eric A. Cornell, the senior scientist at the National Institute of Standards and Technology, (NIST), received the Nobel Prize for Physics. The two shared the award with Wolfgang Ketterle of the Massachusetts Institute of Technology.

All three received this award for their work that created the world's first Bose-Einstein Condensate which occurs when a group of atoms overlap and their individual wavelengths behave in identical fashion creating a "superatom". The condensate allows scientists to study the extremely small world of quantum physics as if they are looking through a giant magnifying glass. Its creation established a new branch of atomic physics that has provided a number of scientific discoveries.

The research was funded by the National Science Foundation, NIST, the Office of Naval Research and the University of Colorado at Boulder. Weiman and Cornell are both fellows of JILA which is formerly known as the Joint Institute for Laboratory Astrophysics where much of the research was done. It is a joint institute of the University of Colorado at Boulder and NIST and it exists for research and graduate education in the physical sciences.

Both Wieman and Cornell have won several prestigious awards in the past including the Benjamin Franklin Medal in Physics from the Franklin Institute in 2000, the Lorentz Medal from the Royal Netherlands Academy of Arts and Sciences in 1998, the King Faisal International Prize in Science in 1997 and the Fritz London Award for low-temperature physics in 1996.

Carl Wieman and Eric Cornell became the second and third Nobel Prize winners at the University of Colorado at Boulder, and Cornell is the second for NIST. Thomas Cech, a CU-Boulder professor of Chemistry and biochemistry, was a co winner of the 1989 Nobel Prize in Chemistry with Sydney Altman of Yale University for research on RNA. William Phillips, A NIST fellow, shared the 1997 Nobel Prize in physics.

I want to personally congratulate Carl Wieman and Eric Cornell for this truly prestigious award of excellence in scientific research.

REWARDS FOR JUSTICE FUND

Mr. HAGEL. Mr. President, since the brutal assault on our Nation almost 3 weeks ago, Americans of all walks of life have asked the question: How can I help in the fight against terrorism? One option is the Rewards for Justice Fund, a nonprofit organization that was created in the days following the terrorist attacks on the World Trade Center and the Pentagon. The fund was announced on the Today Show on October 1, 2001.

Since 1984, the Rewards for Justice Program has quietly but effectively thwarted terrorism by using reward payments to obtain information on terrorists' locations and plans. The Rewards for Justice Program enables individual citizens to unite and make financial contributions to the Department of State Rewards for Justice Program. Money raised by individual citizens responding to the Fund's call to action, will be turned over directly to the State Department's anti-terrorism program. The Rewards for Justice Fund represents the first broad based fund of individual citizen contributions to be accepted by the Department of State to enhance the anti-terrorism program.

Assistant Secretary of State for Diplomatic Security David Carpenter, says: "It's clear to us that the Rewards for Justice Program saves lives, in that those who have perpetrated crimes against us in the past often intend to perpetrate additional crimes. The information we receive by offering rewards has saved countless lives and we are confident it will save additional lives in the future."

In the aftermath of the terrorist attacks, Americans have shown tremendous resolve in raising money to help the victims and their families. Now, the same involvement and spirit that is the trademark of our great country will be focused on the very important quest of tracking and apprehending terrorists, both at home and abroad.

Information on the Rewards for Justice Fund can be found on the Internet at www.rewardsfund.com. For more information on the State Department's Rewards for Justice Program see their website at www.dssrewards.net/index.htm.

ENERGY LEGISLATION

Mr. KERRY. Mr. President, I rise to make a short comment regarding energy legislation. I have heard a few of my colleagues question how Majority Leader DASCHLE is handling the Senate schedule. I want to take exception to those complaints.

I believe the Majority Leader has done an outstanding job moving legislation this Congress. We started the year with a new Administration and then the Senate changed hands, that is difficult enough. And since September 11 we are in truly extraordinary times. Yet, under his leadership, and with the leadership of President Bush and Minority Leader LOTT, we have moved quickly and decisively to approve the use of force, to appropriate emergency funding and assist the airline industry. That progress stalled this week with objections over the airline security proposal, but that is hardly the fault of the Majority Leader. It's ironic that members came to the floor to protest the schedule for an energy bill on a day that their leadership delayed the airline security bill. Majority Leader DASCHLE is not the problem.

As for the Majority Leader's decision to move an energy bill directly to the floor, that's his prerogative as our majority leader. It's been done before and it will very likely be done again. Chairman BINGAMAN has asked that we support the Majority Leader's decision, and I do. The Majority Leader's decision recognizes the reality that energy policy reaches beyond the Energy Committee in an important ways. It impacts issues in the jurisdiction of the Finance Committee, Commerce Committee, the Environment and Public works Committee, among others.

As for his managing of the Senate schedule for the remainder of this session, I trust that he will use his best judgement, and will, as he always has, confer with the minority, to decide the order of legislation. We have spent more than a week on airline security, a priority issue I believe. We then must address the terrorism prevention bill. We have several appropriation bills to take up and pass. We may consider an economic stimulus package. We may consider a Farm Bill. And we really don't know what else will be necessary of us in the coming weeks. The past month has demonstrated the unpredictability of our work. So, I would urge the Majority Leader to listen to all Senators' concerns but to be wary of demands from members that we consider legislation in their preferred order. We have a lot of work to do, little time to do it, and don't know what the coming weeks may hold.

Very briefly, I'd like to comment on two statements made regarding energy security on the floor yesterday. First, one of my colleagues noted that America imports more than 50 percent of our oil, and then implied that should we find ourselves in a military conflict those imports, half the oil we consume, might be lost. I want to say, to assure my colleagues and the public, that that dire scenario is not at all plausible. Today, America depends less on the Middle Eastern oil than we did during the oil embargo of the 1970s. We import almost 30 percent of our oil from Mexico, Canada, Great Britain, Colombia, Norway and Venezuela. It's wrong to suggest that these nations would abandon the United States during a military conflict.

Secondly, I have heard statements referring to the energy needs of the U.S. military, suggesting, I guess, that if we don't pass an energy bill immediately the military might run short of fuel. The military doesn't lack the oil it needs to operate. Even if this fictitious worldwide embargo of U.S. oil imports that my colleagues contemplate ever took place, this Nation's military would have all the oil it needs. I don't want any suggestion that our military is unprepared because of a shortage for oil to stand.

There are real energy security issues this Nation must address, but we do not need to exaggerate the threat. We need to be reasonable, in the process and the substance of this bill. I support the Majority Leader's decision and look forward to participating in the broader effort to craft a sound bill.

ADDITIONAL STATEMENTS

THE OFFICIAL OPENING OF THE SLOVAK CONSULATE IN KANSAS CITY, MO

• Mr. BOND. Mr. President, I rise today to recognize the official opening in Kansas City, MO, of the Consulate of the Slovak Republic.

Slovakia is a country full of rich history and tradition. It became a free and independent republic in 1993 and opened their new embassy in Washington, D.C. in June of 2001. Ross P. Marine, DHL, who is the Honorary Consul of the Slovak Republic to the States of Iowa, Kansas, Missouri, and Nebraska was appointed by Eduard Kukan, Minister of Foreign Affairs of the Slovak Republic, in September of 2000 and with approval by the United States Department of State established a Consulate of the Slovak Republic in Kansas City, Missouri. Currently there are consulates of the Slovak Republic in Colorado, Illinois, Pennsylvania, Minnesota, Ohio, California, Florida, and Michigan.

The Honorable H.E. Martin Butora, PhD, Ambassador Extraordinary and Plenipotentiary of the Slovak Republic to the United States and his wife, Zora Butorova, PhD, will be visiting the Kansas City area the week of October 16–19, for the purpose of officially opening the Consulate of the Slovak Republic. There are a number of outstanding events planned to mark this exciting opening and the visit by Ambassador Butora. On behalf of the citizens I represent, I am pleased to welcome them to the great state of Missouri. Kansas City is a city that continues to experience tremendous growth and advances toward the future, while still recognizing and celebrating its proud history and vibrant culture. The added presence of the Slovak Republic will only serve to enhance Kansas City's history and culture. Once again, welcome and please accept my very best wishes on this special occasion.•

HONORING THE 75TH ANNIVERSARY OF THE MINNESOTA TAXPAYERS ASSOCIATION

• Mr. DAYTON. Mr. President, I rise today to pay tribute to the Minnesota Taxpayers Association, for its long and proud history of working to disseminate accurate, nonpartisan fiscal information to the citizens of Minnesota. The Minnesota Taxpayers Association celebrates its 75th anniversary this year, as one of the Nation's most acclaimed taxpayer organizations.

Its membership has been comprised of thousands of Minnesota's business leaders, government officials and concerned citizens. Its stellar leadership, on both its Board and its staff, has consistently been populated by Minnesota's most able and intelligent citizens.

The Minnesota Taxpayers Association, MTA, was founded in 1926 when America was in the middle of a strong recovery from World War I, and we were on a "return to normalcy" path in both foreign relations and domestic policies.

The Association started as part of a larger government research movement in the country aimed at bringing more professionalism to government, particularly local government. The first steps toward launching the Minnesota Taxpayers Association were taken at a meeting in Minneapolis on February 25, 1926. It was planned that the Association's core would consist of representatives of 15 local taxpayers groups. The first objective of the new nonpartisan association was to reduce taxes. Three other objectives were to eliminate extravagance, reduce public debt, and stop misuse of public funds.

On November 22, 1926, the Association became a permanent organization at a meeting at the Nicollet Hotel in Minneapolis. In short order, representatives of 28 counties formed the South Central, Southeast, and Southwest Taxpayers Associations at meetings in Mankato, Rochester, and Worthington, MN, respectively. They were so successful that by April of 1927 there were 45 county taxpayer groups across the State. By World War II, the MTA had grown to be an association of 81 county taxpayer groups.

In August of 1956, the MTA merged with the Minnesota Institute of Governmental Research, MIGR, another nonpartisan government research organization. The institute's research bulletins covered such topics as property tax issues; the merits of a sales taxation, more than 30 years before the State's first sales tax in 1967; and an analysis of the new Social Security Act and its implications for Minnesota.

Because government itself did little research in those days, MIGR had a tremendous impact on Minnesota State government. MIGR's work inspired the creation of the 1939 Reorganization Act under Governor Harold Stassen. This act received national attention as it produced major improvements in the administration of State government, saving millions of dollars in the first 10 years after enactment.

It was through the Reorganization Act and the work of MIGR that the Departments of Taxation and Administration were created and the spoils system was replaced with civil service. As a follow-up to the Reorganization Act, MIGR staff was loaned to the "Little Hoover" Commission of the early 1950s to study areas for further reform in State government.

Within two years of the merger, in August of 1958, MTA became incorporated. At that time, it moved away from being an umbrella organization for county-level taxpayer groups to being an organization with its own board of directors and a statewide membership of individuals and companies. Its focus also changed to monitoring State fiscal matters and advocating for sound fiscal policy.

In 1957, MTA started publishing "Fiscal Facts for Minnesotans," a popular handbook of State and local fiscal data that continues to be published today. A widely read and discussed publication series was begun in 1969 with the first release of "How Does Minnesota Compare?" a State-by-State comparison of key tax and spending aggregates.

The Minnesota Taxpayers Association has steadfastly stressed the importance of good information and citizen involvement in government. As evidence of its commitment to these goals, the Association continues to focus on research publications aimed at educating the public, publications like its award-winning "Understanding Your Property Taxes" and its "Guide to State Government Spending," as well as on countless public presentations and frequent legislative consultations.

As State and local governments take on more responsibility for designing, funding, and delivering public services, and as taxpayers look for greater value for their tax dollars, the need for organizations like the Minnesota Taxpayers Association increases. The Association's work over the past 75 years has been a great asset to the people of Minnesota, and its reputation for excellence and integrity assures a prominent and vital role for this outstanding organization in the improvement of Minnesota State and local government in the years ahead.•

TRIBUTE TO FRAN FLANIGAN

• Mr. SARBANES. Mr. President, I rise today to recognize and honor an extraordinary Marylander and steward of the Chesapeake Bay, Fran Flanigan. Fran is stepping down from a long and distinguished career as executive director of the Alliance for the Chesapeake Bay and I want to express my personal congratulations and thanks for her outstanding and dedicated service.

When the history of the Chesapeake Bay restoration effort is finally written there are many people who will be recognized for the role they played in helping to "Save the Bay." But Fran's hard work and creativity over the past three decades will distinguish her as one of the true leaders in this important endeavor. Fran has been a determined advocate for the Chesapeake Bay from virtually the inception of the Bay program. In December 1983, she organized a 3-day conference which brought together the Governors of Maryland, Virginia and Pennsylvania, the EPA Administrator, members of the State legislatures and many other individuals and organization. That conference resulted in the signing of the Chesapeake Bay Agreement which formally bound the Federal and State governments to work together to restore the Bay and effectively initiated the cooperative Chesapeake Bay Program.

I became acquainted with Fran during that historic summit and have had the opportunity to work closely with her and her non-profit organization, the Citizens Program for the Chesapeake Bay, later the Alliance for the Chesapeake Bay, for many years. I can personally attest to the tremendous energy and creativity which she consistently brought to her work. Fran has an amazing ability to pull people together and has been called upon time and time again to convene stakeholder roundtables on key issues and expand public involvement. Whether the subject was agriculture, toxic pollution or land use, Fran would try to find common ground and a way to ensure that different States and interest groups moved forward together for the betterment of the Chesapeake Bay.

Fran Flanigan and Alliance have been very forward thinking and helped move the Bay cleanup program upstream into the rivers that flow into the Chesapeake. She reoriented the Alliance to work at a more local level and promote local restoration activities, all in an effort to better acquaint the public with the resources they were working to protect and restore. She knew that public participation in the efforts to clean up the Bay were essential and the key to keeping the Bay cleanup effort on course and worked hard to keep the public informed about key Chesapeake issues through the Alliance's outstanding white papers, fact sheets, newsletters and the Bay Journal. She also helped organize everything from small watershed groups to huge public outreach efforts such as those needed before the signing of the 1987 and 2000 Bay Agreements.

Fran has been there on the front line from the very start of the Bay program and, even in retirement, I know, will continue to be involved in the Bay efforts. Her dedication and efforts over the years have earned her the respect and admiration of everyone with whom she has worked. She has been instrumental in bringing to so many people an enjoyment and sense of ownership of the Chesapeake Bay. I join with her many colleagues and friends in extending my best wishes and thanks for her leadership and commitment.•

RECOGNITION OF PETER HENRY'S SERVICE TO SOUTH DAKOTA VETERANS

• Mr. JOHNSON. Mr. President, I rise today to recognize the extraordinary work done by Peter Henry as Director of the VA Black Hills Health Care System in Fort Meade and Hot Springs, SD. I also wish him all the best in his new position as Chief Executive Officer of the Extended Care and Rehabilitation Patient Service Line for Veterans Integrated Service Network, VISN, 13.

Peter has been a valuable asset in working the myriad of issues affecting the VA over the years, especially his efforts to keep services going to Category C veterans when others could not. Peter, his wife Sharon, and their five children, have also been important members of the Black Hills community. Peter serves on the Board of the Sturgis Area Chamber of Commerce and the Sturgis United Way.

Peter's service in the VA dates back to 1970, when he was a Management Intern at VA Central Office in Washington, DC. He later served as Chief of Personnel Service at Vancouver, Martinez, and Palo Alto VAMCs. He completed the Associate Director Training Program in 1982 at the VAMC in San Francisco, CA. Peter then served as Associate Director at the James A. Haley Veterans Hospital in Tampa, FL and as Assistant Medical Center Director at the VAMC Long Beach, CA.

Peter came to South Dakota in 1993 as the Director of the Medical Center at Fort Meade, SD. Three years later, he became Director of the VA Black Hills Health Care System. Peter is a third generation VA employee and currently serves as president of the VA Chapter of the Senior Executives Association and on the National Board of that organization.

I have had the pleasure of working with Peter through my career in the United States House of Representatives and now in the United States Senate. Peter has helped to educate me and other South Dakota officials on a variety of veterans issues, and his caring for the individual veterans in the Black Hills has been a great asset to our efforts to improve health care services for our Nation's heroes. Peter's commitment to expanding VA services into rural regions of South Dakota includes the use of outreach clinics which have allowed veterans in rural areas to receive needed care closer to their homes.

As I travel South Dakota and meet with veterans, I am reminded of the very core of what the Founding Fathers meant when they talked about America's citizen soldiers who serve as the bulwark of defending our democracy and freedom. The sacrifices of the men and women who served this Nation in time of war are a dramatic story that we need to tell to future generations.

We need to remind younger generations of the sacrifice of the quiet heroes who have served our Nation in the military service. We need to remind them that freedom isn't really free. Throughout our Nation's proud history, people have made profound sacrifices to preserve liberty and democracy.

I am pleased that with the help of dedicated people like Peter Henry, we have finally begun to honor additional commitments made to veterans nationwide. Peter and his staff at the VA Black Hills Health Care System know that veterans health care is this Nation's priority and not just an afterthought. I look forward to working with Peter, in his new role with VISN 13, to continue to improve veterans health care services.•

MESSAGES FROM THE HOUSE

At 7:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1992. An act to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications.

At 7:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 68. Joint resolution making further appropriations for the fiscal year 2002, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1992. An act to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4390. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Customary Progress Payment Rate for Large Business Concerns" (Case 2001–D012) received on October 4, 2001; to the Committee on Armed Services.

EC–4391. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4392. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4393. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to the annual survey of racial, ethnic, and gender issues; to the Committee on Armed Services.

EC–4394. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of purposed legislation relative to the awards of the medal of honor; to the Committee on Armed Services.

EC–4395. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Fisheries; General Category Adjustment of Daily Retention Limit; Harpoon Category Closure" (I.D. 091201C) received on October 4, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4396. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Federal Motor Carrier Safety Administration, received on October 4, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4397. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Area" received on October 4, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4398. A communication from the Secretary of the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under The Energy Policy And Conservation Act ("Appliance Labeling Rule") (16 CFR Part 305) "This Notice Amends Dishwasher And Central Air Conditioner Provisions of the Rule" (RIN3084–AA74) received on October 4, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4399. A communication from the Chairman of the Federal Maritime Commission, transmitting, the report of a study concerning the impact of the Ocean Reform Act of 1988; to the Committee on Commerce, Science , and Transportation.

EC–4400. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 301 Series Airplanes" ((RIN2120–AA64)(2001–0496)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4401. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GmbH Model EC135P1 and EC 135T1 Helicopters" ((RIN2120–AA64)(2001–0494)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4402. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 Series Airplanes" ((RIN2120–AA64)(2001–0493)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4403. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes" ((RIN2120–AA64)(2001–0495)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4404. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767–200, 300, 200F and 400ER Series Airplanes" ((RIN2120–AA64)(2001–0497)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4405. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 2068" ((RIN2120–AA65)(2001–0052)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4406. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model 717 Series Airplanes" ((RIN2120–AA64)(2001–0498)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4407. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Amendment to Class E Airspace; Seneca Falls, NY; Correction" ((RIN2120–AA66)(2001–0155)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4408. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (83); Amdt No. 2069" ((RIN2120–AA65)(2001–0053)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4409. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Interim Progress Report; to the Committee on Health, Education, Labor, and Pensions.

EC–4410. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 39—A New Regulatory Framework for Clearing Organizations" (RIN3038–AB66) received on October 10, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4411. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Parts 41 and 140—Designated Contract Markets in Security Futures Products: Notice-Designation Requirements, Continuing Obligations, Applications for Exemptive Orders, and Exempt Provisions" (RIN3038–AB82) received on October 10, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4412. A communication from the General Counsel of the Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determination" (Doc. No. FEMA–D–7513) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4413. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Supplemental Property Acquisition and Elevation Assistance; Correction" (RIN3067–AD06) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4414. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination" (66 FR 49552) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4415. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (66 FR 49547) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4416. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Statement of Commission Policy Regarding Temporary Relief From Certain Provisions of the Commission's Regulations" (66 FR 49356) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4417. A communication from the Senior Attorney, Fiscal Service, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Wage Garnishment" (RIN1510–AA87) received on October 5, 2001; to the Committee on Finance.

EC–4418. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Therese Hahn v. Commissioner" received on October 9, 2001; to the Committee on Finance.

EC–4419. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Commissions report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Finance.

EC–4420. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the Annual Management Report and Commercial Activities Inventory of civil service positions for 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002." (Rept. No. 107–81).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 739: A bill to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes. (Rept. No. 107–82).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1533: An original bill to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes. (Rept. No. 107–83).

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 1536: An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes. (Rept. No. 107–84).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CLELAND, Mr. SCHUMER, Mr. KERRY, Mr. ROCKEFELLER, Mr. CARPER, Mr. JEFFORDS, and Mr. DURBIN):

S. 1530. A bill to provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH of New Hampshire:

S. 1531. A bill to amend the Internal Revenue Code of 1986 to provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the national emergency declared by the President on September 14, 2001, and for other purposes; to the Committee on Finance.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. LOTT, Mr. NICKLES, Mr. GREGG, Mr. BOND, Mr. ENZI, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. VOINOVICH, Mr. HAGEL, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAIG, Mr. COCHRAN, Mr. SANTORUM, and Mr. ALLARD):

S. 1532. A bill to provide for the payment of emergency extended unemployment compensation; to the Committee on Finance.

By Mr. KENNEDY:

S. 1533. An original bill to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. LIEBERMAN (for himself and Mr. SPECTER):

S. 1534. A bill to establish the Department of National Homeland Security; to the Committee on Governmental Affairs.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1535. A bill to amend the Public Health Service Act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 1536. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1537. A bill to authorize the Secretary of the Interior to conduct a hydrogeologic mapping, modeling and monitoring program for the High Plains Aquifer and to establish the High Plains Aquifer Coordination council to facilitate groundwater conservation in the High Plains; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1538. A bill to further continued economic viability in the communities on the High Plains by promoting sustainable groundwater management of the Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself, Mr. DODD, Mrs. MURRAY, Ms. MIKULSKI, Mr. SCHUMER, Mr. BINGAMAN, and Mr. CORZINE):

S. 1539. A bill to protect children from terrorism; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FITZGERALD:

S. 1540. A bill to extend and improve the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself, Ms. LANDRIEU, and Mr. SMITH of Oregon):

S. 1541. A bill to provide for a program of temporary enhanced unemployment benefits; to the Committee on Finance.

By Mr. ENZI:

S. 1542. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for himself, Mr. LOTT, Ms. LANDRIEU, and Mr. ALLEN):

S.J. Res. 25. A joint resolution designating September 11 as "National Day of Remembrance"; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BREAUX, Mr. WARNER, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. DORGAN, Mr. BOND, Mr. CLELAND, Mr. BURNS, Mr. REED, Mr. INHOFE, Mrs. LINCOLN, Mr. THOMPSON, Mr. SANTORUM, Mr. ALLARD, Ms. COLLINS, Mr. ENZI, Mr. HUTCHINSON, Mr. HAGEL, Mr. ROBERTS, Mr. SESSIONS, Mr. CHAFEE, Mrs. CLINTON, and Mr. DOMENICI):

S. Res. 171. A resolution expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 481

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 484, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 505

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms, and for other purposes.

S. 518

At the request of Mrs. BOXER, the name of the Senator from Washington, (Mrs. MURRAY) was added as a cosponsor of S. 518, a bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence.

S. 706

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 724

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1201

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1201, a bill to amend the Internal Revenue Code of 1986 to provide for

S corporation reform, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1410

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances.

S. 1430

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1430, a bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1486

At the request of Mr. EDWARDS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1486, a bill to ensure that the United States is prepared for an attack using biological or chemical weapons.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1510

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1510, a bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

At the request of Mr. DASCHLE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. CLELAND), the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. BREAUX), the Senator from Montana (Mr. BAUCUS), the Senator from Nebraska (Mr. NELSON), the Senator from New York (Mrs. CLINTON), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1510, supra.

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Arizona (Mr. KYL), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from South Carolina (Mr. THURMOND), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. HELMS), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1510, supra.

S. CON. RES. 74

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

AMENDMENT NO. 1855

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 1855 proposed to S. 1447, a bill to improve aviation security, and for other purposes.

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 1855 proposed to S. 1447, supra.

At the request of Mrs. CARNAHAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1855 proposed to S. 1447, supra.

AMENDMENT NO. 1858

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1858 proposed to S. 1447, a bill to improve aviation security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CLELAND, Mr. SCHUMER, Mr. KERRY, Mr. ROCKEFELLER, Mr. CARPER, Mr. JEFFORDS, and Mr. DURBIN):

S. 1530. A bill to provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, one month ago today, the United States was attacked by terrorists who hijacked airplanes and used them as weapons against the World Trade Center, Pentagon and another unknown target which was crashed into a field in Pennsylvania. After the Federal Aviation Administration grounded the airlines following the terrorist attacks, travelers flocked to Amtrak. Whether people had to travel for business, to help with rescue efforts, or just to get home, Amtrak kept our American citizens moving during a time of national emergency.

The situation not only proved that Amtrak works, but that Amtrak is a critical part of our transportation infrastructure during a national emergency. Now that airlines have reduced their flights on the East Coast and throughout the country, more of the passenger burden has fallen on Amtrak, which carries 35,000 passengers along the Northeast Corridor everyday. Even the U.S. Postal Office carried 237 extra carloads of mail in the days following the terrorist attacks.

Today I am introducing the Railroad Advancement and Infrastructure Law of the 21st Century, or RAIL–21. In the short run, this bill will provide emergency security assistance to Amtrak, a key part of our national transportation infrastructure. In the long run, this bill will spark the building of important high-speed rail infrastructure in high-volume corridors across the United States, reducing our dependence on air and highway travel.

In light of the events of September 11, it is important to look at the entire transportation system. Transportation security requires a balanced and competitive system of transportation alternatives. Three weeks ago we found out that our dependence on the aviation system almost crippled us. We cannot be overly reliant on any single mode of transportation; we need to ensure that we have a balanced system.

Today we are trying to pass the airline security bill to make airline passengers feel safe so they will fly again. We need to make passengers feel just as safe when they travel by train. And we need to make sure we have transportation alternatives.

To address Amtrak's immediate concerns, the bill would authorize $3.2 billion in emergency spending for Amtrak's security and capacity needs. The money will pay for more police, surveillance, fencing and lighting at the train stations and train yards; life-safety improvements and more fire-fighting capacity for tunnels in New York, Baltimore and Washington, D.C.; and more passenger cars and capacity improvements to meet the growing demand for train service.

RAIL–21 would reauthorize Amtrak for one year with $1.2 billion for capital and operating expenses. The bill would allow Amtrak to continue its GSA vehicle lease agreements and would suspend Amtrak's redemption requirements for common stock until the end of FY2004.

Additionally, the bill would remove the operational self-sufficiency requirement passed three years ago. Let me talk about that for a moment. There is no truly national passenger train service in the world that makes a profit. Requiring Amtrak to do so has forced the railroad to short-change critical infrastructure investments in order to meet a questionable economic model. We must free Amtrak from this requirement so they can go back to running a passenger railroad with modern and safe equipment, not juggling bond payments and taking out mortgages on Penn Station just to meet an impossible self-sufficiency deadline.

Nations invest in passenger rail service because it increases the opportunities to travel and thus a Nation's quality of life. Rail service also reduces car congestion and pollution. And we saw last month that, during a national emergency, having a viable, operating national train system can be a strategic asset.

Kenneth Mead, the Inspector General for the Department of Transportation, has said the drive for self-sufficiency has forced Amtrak to spend money on quick projects that improve the short-term bottom line while cutting back on maintenance and investments.

Those who want Amtrak to operate without Federal assistance, ultimately forcing the railroad's passengers onto cars, buses and airplanes, always cry that we should not "subsidize" Amtrak. But we subsidize the building of roads and highways with tax dollars. We subsidize the building of airports and pay flight controllers with tax dollars. We consider those subsidies to be worthwhile investments in our economy and our quality of life. We must make the same investment that other countries make it passenger rail service.

While that argument should stand on its own, here's something the highway and airplane crowd can take to the bank: moving more short-haul travelers to rail service reduces congestion on our already overcrowded highways and eases congestion at airports, allowing airlines to focus on more-profitable, long-distance routes. Investing in passenger rail improves conditions for highway and airport users at a fraction of the cost per mile traveled.

According to some experts, Amtrak has reduced air traffic congestion out of Philadelphia's airport by 50 flights a day. Rail service between New York and Washington carries enough passengers to fill 121 airline flights per day. Now, with reduced flights out of East Coast airports, it makes more sense to look at Amtrak not only as a transportation alternative, but as a transportation mainstay for regional corridors all over the U.S.

Amtrak has been severely under-capitalized since its inception in 1971. We would not be talking about many of these problems with Amtrak if it had been given the proper seed money for capital and annual funding from the very beginning.

And that leads me to the second part of this bill, in which we look to passenger rail's long-term future. The passenger railroad system that has worked on the Northeast Coast can work in other high-congestion areas of the country: the South, the Midwest, California and the Northwest.

Thirty years ago, those areas did not have the population to support high-speed intercity rail. But today those areas are growing by leaps and bounds. As the highways in those areas clog up and the planes run three hours late, their governors, many of them Republicans, are asking us for help to build high speed rail.

RAIL-21 authorizes $35 billion in direct loans and loan guarantees for passenger rail, freight rail, and rail security enhancements. The criteria for these loans will replace language contained three years ago in TEA-21.

TEA-21 directed the Department of Transportation to establish a program to replace the old Title V loan guarantee program which was used to build, rehabilitate or upgrade primarily short line railroads. On September 5, 2000, the DOT issued a final rule on the Railroad Rehabilitation and improvement Financing Program (RRIF) to provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least one railroad.

Eligible projects for RRIF include: 1. acquisition, improvement or rehabilitation of intermodal or rail equipment of facilities (including tracks, components of tracks, bridges, yards, buildings, and shops), 2. the refinancing of outstanding debt incurred for these purposes; 3. development or establishment of new intermodal or railroad facilities, 4. and security purposes.

RAIL-21 eliminates much of the bureaucratic red tape that has delayed any TEA-21 loans or loan guarantees from being issued.

Under RAIL-21, Class 1 railroads, regional railroads, short lines, and passenger projects would be eligible for loans and loan guarantees. The bill would set aside $7 billion of the loans and loan guarantees for short lines.

RAIL-21 also establishes a $350 million grant program for rehabilitating, preserving or improving railroad tracks for regional and short line railroads. Short line railroads have saved tens of thousands of miles of light density rail line from abandonment. In 1980, there were 220 short line railroads in the U.S. Today there are over 500 short line railroads, due in part to the mergers and streamlining of Class I operations which encouraged the larger companies to sell off their little-used or abandoned branch lines. Short line and regional railroads are an important and growing component of the railroad industry. Today they operate and maintain 29 percent of the American railroad industry's route mileage and account for 9 percent of the rail industry's freight revenue and 11 percent of railroad employment.

These line railroads employ approximately 25,000 workers, serve thousands of local and rural shippers, and are often the only connection these shippers have to the national rail network. To survive, this infrastructure needs to be upgraded in order to move the heavier cars that are currently being moved by the Class I railroads. The revenues of the smaller railroads are not sufficient to get the job done.

Since 1982, the short lines and regional railroads have maintained the track in rural areas where rail service would have been abandoned by the Class I railroads. Because of their relatively low traffic levels, the Class I railroads could not afford to invest in this infrastructure and, as a result, allowed these lines to slowly deteriorate. With a lower cost structure and more flexible service, short line companies that bought the track have been able to keep them going. However, the revenue is still not high enough to make up for past years of neglect.

Today, two factors have combined to bring this situation to a head. First, the advent of the heavier 286,000-pound cars that are becoming the standard of the Class I industry require substantially higher investment in the track. Second, as the Class I industry puts a greater premium on speed and precisely scheduled operations, the short line railroads must meet these higher standards or be cut off from the national system.

This legislation does not create a long-term program to fix this problem, but instead it creates a one-time fix for this problem. While these small railroads have enough traffic to operate profitably on an ongoing basis, they do not earn enough to make the large capital investment required by the advent of the 286,000-pound cars or the need to significantly increase speed. This legislation would authorize a program that could provide grants to the nation's smaller railroads to help them make the improvements needed to stay in business and continue to serve small shippers.

RAIL-21 also would authorize $50 million in matching grants annually during FY02 through FY04: $25 million would be available for security and technology research and development; $25 million would be available for corridor planning and acquisition of rolling stock, with preference given to designated corridors.

RAIL-21 identifies existing high-speed corridors for priority consideration. Many of these corridors are in the South, Midwest and California where people are now driving cars or taking airplanes on trips of 200 miles or less. In these areas, like the East Coast, travelers could take a high-speed train instead, and arrive about the same time.

But right now they don't have that option. Therefore, we have a problem here: They can't use it if we don't build it.

We built high speed rail on the East Coast, and the people have used it. If we build rail corridors around Chicago and the Midwestern cities, they will use it. If we build rail lines in the South from Washington, D.C. through the Carolinas to Atlanta and Florida, they will ride it. If we build a corridor in California from San Diego to Sacramento, they will ride it.

This bill does not only support Amtrak. It is intended for commuter rail, freight railroads, and short line operators. That's what many Senators, governors and constituents have asked for.

In the long term, travel in the United States will outpace the ability of airports and highways to handle the volume. With the tighter security checks at the airports, it will be faster to make trips of 200–300 miles by train than by air. More train travel will reduce congestion at our most crowded airports and our most gridlocked Interstate highways.

I am pleased my colleagues have joined with me to introduce this bill, which we hope to move quickly. Modernizing Amtrak now will create jobs in the short run to stimulate our economy. And by modernizing our transportation infrastructure, high-speed rail corridors will play a key role in our long-term prosperity.

I would ask unanimous consent that the text of my bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Advancement and Infrastructure Law for the 21st Century".

SEC. 2. 1-YEAR EXTENSION OF AUTHORIZATION.

(a) IN GENERAL.—Section 24104(a) of title 49, United States Code, is amended—

(1) by striking "and" in paragraph (4);

(2) by striking "2002," in paragraph (5) and inserting "2002; and"; and

(3) by inserting after paragraph (5) the following:

"(6) $1,200,000,000 for fiscal year 2003,".

(b) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 of title 49, United States Code, is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(c) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2002 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

SEC. 3. EMERGENCY AMTRAK ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the 2-year period beginning on the date of enactment of this Act—

(1) $471,000,000 for systemwide security upgrades, including hiring and training additional police officers, canine-assisted security units, and surveillance equipment;

(2) $998,000,000 to be used to complete New York tunnel life safety projects and rehabilitate tunnels in Washington, D.C., and Baltimore, Maryland;

(3) $949,000,000 for bridges, track, power, and station improvements to increase capacity and improve reliability of rail passenger transportation in the Northeast Corridor;

(4) $656,000,000 for equipment, including—

(A) the overhauling and returning of 45 passenger cars and 5 locomotives to service,

(B) the upgrading and overhauling of 231 passenger cars and 33 locomotives, and

(C) the purchase of 10 new trainsets,

of which sum at least 25 percent shall be used for operations outside the Northeast Corridor (unless the Secretary determines that demand for such operations outside the Northeast Corridor is less than 25 percent); and

(5) $77,000,000 for incremental operating costs, including reservation centers, overtime compensation, and mechanical terminals (net of incremental revenues).

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) COORDINATION WITH EXISTING LAW.—Amounts made available to Amtrak under this section shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

SEC. 4. REHABILITATION, IMPROVEMENT, AND SECURITY FINANCING.

(a) DEFINITIONS.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended to read as follows:

"(7) 'railroad' has the meaning given that term in section 20102 of title 49, United States Code; and".

(b) GENERAL AUTHORITY.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking "Secretary may provide direct loans and loan guarantees to State and local governments," in subsection (a) and inserting "Secretary shall provide direct loans and loan guarantees to State and local governments, interstate compacts entered into under section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C 24101 nt),";

(2) by striking "or" in subsection (b)(1)(B);

(3) by redesignating subparagraph (C) of subsection (b)(1) as subparagraph (D); and

(4) by inserting after subparagraph (B) of subsection (b)(1) the following:

"(C) to acquire, improve, or rehabilitate rail safety and security equipment and facilities; or".

(c) EXTENT OF AUTHORITY.—Section 502(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)) is amended—

(1) by striking "$3,500,000,000" and inserting "$35,000,000,000";

(2) by striking "$1,000,000,000" and inserting "$7,000,000,000"; and

(3) by adding at the end the following new sentence: "The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee.".

(d) COHORTS OF LOANS.—Section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by adding after subparagraph (D) the following new subparagraph:

"(E) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and"; and

(2) by adding at the end of paragraph (4) the following: "A cohort may include loans and loan guarantees. The Secretary shall not establish any limit on the proportion of a cohort that may be used for 1 loan or loan guarantee.".

(e) CONDITIONS OF ASSISTANCE.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) in subsection (f)(2)(A), by inserting ", if any" after "collateral offered"; and

(2) by adding at the end of subsection (h) the following:

"The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral. The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source. The Secretary shall require recipients of direct loans or loan guarantees under this section to apply the standards of section 22301(f) and (g) of title 49, United States Code, to their projects.".

(f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended by adding at the end the following new subsection:

"(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a complete application for a direct loan or loan guarantee under this section, the Secretary shall approve or disapprove the application.".

(g) FEES AND CHARGES.—Section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is amended—

(1) by adding at the end of subsection (k) the following: "Funds received by the Secretary under the preceding sentence shall be credited to the appropriation from which the expenses of making such apprasals, determinations, and findings were incurred."; and

(2) by adding at the end the following new subsection:

"(l) FEES AND CHARGES.—Except as provided in this title, the Secretary may not assess any fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 502.".

(h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall publish in the Federal Register and post on the Department of Transportation web site the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

SEC. 5. CAPITAL GRANTS FOR RAILROAD TRACK.

(a) Amendment.—Chapter 223 of title 49, United States Code, is amended to read as follows:

“CHAPTER 223—CAPITAL GRANTS FOR RAILROAD TRACK

``Sec.
``22301. Capital grants for railroad track.

“§ 22301. Capital grants for railroad track

``(a) Establishment of Program.—

``(1) Establishment.—The Secretary of Transportation shall establish a program of capital grants for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Such grants shall be for rehabilitating, preserving, or improving track used primarily for freight transportation to a standard ensuring that the track can be operated safely and efficiently, including grants for rehabilitating, preserving, or improving track to handle 286,000 pound rail cars. Grants may be provided under this chapter—

``(A) directly to the class II or class III railroad; or

``(B) with the concurrence of the class II or class III railroad, to a State or local government.

``(2) State cooperation.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

``(3) Interim regulations.—Not later than December 31, 2001, the Secretary shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

``(4) Final regulations.—Not later than October 1, 2002, the Secretary shall issue final regulations to implement the program under this section.

``(b) Maximum Federal Share.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case by case basis consistent with this chapter.

``(c) Project Eligibility.—For a project to be eligible for assistance under this section the track must have been operated or owned by a class II or class III railroad as of the date of the enactment of the Railroad Advancement and Infrastructure Law for the 21st Century.

``(d) Use of Funds.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

``(e) Additional Purpose.—In addition to making grants for projects as provided in subsection (a), the Secretary may also make grants to supplement direct loans or loan guarantees made under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)), for projects described in the last sentence of section 502(d) of such title. Grants made under this subsection may be used, in whole or in part, for paying credit risk premiums, lowering rates of interest, or providing for a holiday on principal payments.

``(f) Employee Protection.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of the Railroad Advancement and Infrastructure Law for the 21st Century.

``(g) Labor Standards.—

``(1) Prevailing wages.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

``(2) Wage rates.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

``(h) Study.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

``(i) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation $350,000,000 for each of the fiscal years 2002 through 2004 for carrying out this section.''.

(b) Conforming Amendment.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

``223. CAPITAL GRANTS FOR RAILROAD TRACK .... 22301''.

SEC. 3. HIGH-SPEED RAIL CORRIDOR PLANNING AND DEVELOPMENT.

(a) Corridor Planning and Development.—

(1) Amendments.—Section 26101 of title 49, United States Code, is amended—

(A) in the section heading, by inserting ``**and development**'' after ``**planning**'';

(B) by inserting ``AND DEVELOPMENT'' in the heading of subsection (a) after ``PLANNING'';

(C) by inserting ``and development'' after ``corridor planning'' each place it appears'';

(D) by striking ``improvements.'' in subsection (b)(1) and inserting ``improvements, or if it is an activity described in subparagraph (M) or (N)'';

(E) by striking ``and'' at the end of subparagraph (K) of subsection (b)(1);

(F) by striking ``partnerships.'' in subparagraph (L) of subsection (b)(1) and inserting ``partnerships;''; and

(G) by adding at the end of subsection (b)(1) the following:

``(M) the acquisition of locomotives, rolling stock, track, and signal equipment; and

``(N) security planning and the acquisition of security and emergency response equipment.''; and

(H) by inserting ``and development'' after ``planning''in subsection (c)(2).

(2) Conforming amendment.—The item relating to section 26101 in the table of sections of chapter 261 of title 49, United States Code, is amended by inserting ``and development'' after ``planning''.

(b) Authorization of Appropriations.—Section 26104 of title 49, United States Code, is amended to read as follows:

“§ 26104. Authorization of appropriations

``(a) Fiscal Years 2002 Through 2009.—There are authorized to be appropriated to the Secretary—

``(1) $25,000,000 for carrying out section 26101; and

``(2) $25,000,000 for carrying out section 26102,

for each of the fiscal years 2002 through 2009.

``(b) Funds To Remain Available.—Funds made available under this section shall remain available until expended.''.

(c) Designated High-speed Rail Corridors.—The Secretary of Transportation shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, to the following High-Speed Rail Corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, MN., via Milwaukee, WI.

(C) Chicago to Kansas City, MO., via Springfield, IL., and St Louis, MO.

(D) Chicago to Louisville, KY., via Indianapolis, IN., and Cincinnati, OH.

(E) Chicago to Cleveland, OH., via Toledo, OH.

(F) Cleveland, OH., to Cincinnati, OH., via Columbus, OH.

(3) Empire State Corridor from New York City, NY., through Albany, N.Y. to Buffalo, N.Y.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston TX., through New Orleans, LA., to Mobile, AL., with a branch from New Orleans, through Meridian, MS., and Birmingham, AL., to Atlanta, GA.

(6) Keystone Corridor from Philadelphia, PA., through Harrisburg, PA., to Pittsburgh, PA.

(7) Northeast Corridor from Washington, D.C., through New York City, N.Y., New Haven, CT., and Providence, R.I., to Boston, MA.

(8) New England Corridor from Boston, MA., to Portland and Auburn, ME., and from Boston, MA., through Concord, N.H., and Montpelier, VT., to Montreal, P.Q.

(9) Pacific Northwest Corridor from Eugene, OR., through Portland, OR., and Seattle, WA., to Vancouver, B.C.

(10) South Central Corridor from San Antonio, TX., through Dallas/ Fort Worth to Little Rock, AK., with a branch from Dallas/ Fort Worth through Oklahoma City, OK., to Tulsa, OK.

(11) Southeast Corridor from Washington, D.C., through Richmond, VA., Raleigh, N.C., Columbia, S.C., Savannah, GA., and Jesup, GA., to Jacksonville, FL., with a branch from Raleigh, N.C., through Charlotte, N.C., and Greenville, S.C., to Atlanta, GA., a branch from Richmond, to Hampton Roads/Norfolk, VA., and a connecting route between Atlanta, GA., to Jesup, GA.

SUMMARY OF RAILROAD ADVANCEMENT AND INFRASTRUCTURE LAW OF THE 21ST CENTURY, RAIL–21

RAIL–21 does the following:

EXTENDS AMTRAK'S AUTHORIZATION FOR ONE YEAR

Reauthorizes Amtrak for one additional year (through FY 2003);

Allows Amtrak to continue lease arrangements with GSA (See amendment No. 3958 to FY 2001 Ag Approps in support 72–24);

Eliminates Amtrak's operating self sufficiency requirement;

Suspends Amtrak's redemption requirements for common stock until the end of FY 2003; and

Authorizes Amtrak to be funded at $1.2 billion for capital and operating expenses annually during FY 2003.

PROVIDES EMERGENCY SECURITY SPENDING FOR AMTRAK

Authorizes $3.2 billion in emergency spending for Amtrak's security and capacity needs to be used for:

Added police, surveillance, fencing and lighting;

Accelerated life-safety improvements of tunnels in New York, Baltimore and Washington, D.C., will provide emergency access and egress and enhance fire fighting capacities; and

Added passenger cars and capacity improvements to meet greater demand (Amtrak is required to make 25% of such equipment available to corridors outside of the Northeast Corridor).

AUTHORIZES $35 B IN DIRECT LOANS AND LOAN GUARANTEES

Authoizes $35 billion for freight rail, passenger rail and rail security enhancement projects;

Class I railroads, regional railroads, short lines and passenger projects are eligible; and

$7 billion would be set aside for short lines.

ESTABLISHES A CAPITAL GRANT PROGRAM FOR SHORT LINE RAILROADS

Authorizes $350 million for rehabilitating, preserving or improving railroad track for regional and short line railroads.

REAUTHORIZES THE SWIFT HIGH SPEED RAIL ACT

Authorizes $50 million in matching grants annually during FY 02 through FY 04;

$25 million is available for corridor planning and acquisition of rolling stock, with preference given to designated corridors (see attached information); and

$25 million is available for security and technology research and development.

DESIGNATED HIGH-SPEED RAIL CORRIDORS

California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

Chicago Hub Corridor Network with the following spokes:

Chicago to Detroit.

Chicago to Minneapolis/St. Paul, MN, via Milwaukee, WI.

Chicago to Kansas City, MO, via Springfield, Il, and St. Louis, MO.

Chicago to Louisville, KY, via Indianapolis, IN, and Cincinnati, OH.

Chicago to Cleveland, OH, via Toledo, OH.

Cleveland, OH, to Cincinnati, OH, via Columbus, OH.

Empire State Corridor from New York City, NY, through Albany, NY to Buffalo, NY.

Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

Gulf Coast Corridor from Houston TX, through New Orleans, LA, to Mobile, AL, with a branch from New Orleans, through Meridian, MS, and Birmingham, AL, to Atlanta, GA.

Keystone Corridor from Philadelphia, PA, through Harrisburg, PA, to Pittsburgh, PA.

Northeast Corridor from Washington, DC, through New York City, NY, New Haven, CT, and Providence, RI, to Boston, MA.

New England Corridor from Boston, MA, to Portland and Auburn, ME, and from Boston, MA, through Concord, NH, and Montpelier, VT, to Montreal, PQ.

Pacific Northwest Corridor from Eugene, OR, through Portland, OR, and Seattle, WA, to Vancouver, BC.

South Central Corridor from San Antonio, TX, through Dallas/Fort Worth to Little Rock, AK, with a branch from Dallas/Fort Worth through Oklahoma City, OK, to Tulsa, OK.

Southeast Corridor from Washington, DC through Richmond, VA, Raleigh, NC, Columbia, SC, Savannah, GA, and Jesup, GA, to Jacksonville, FL, with a branch from Raleigh, NC, through Charlotte, NC, and Greenville, SC, to Atlanta, GA, a branch from Richmond, to Hampton Roads/Norfolk, VA, and a connecting route between Atlanta, GA, to Jesup, GA.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. LOTT, Mr. NICKLES, Mr. GREGG; Mr. BOND, Mr. ENZI, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. VOINOVICH, Mr. HAGEL, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAIG, Mr. COCHRAN, Mr. SANTORUM, and Mr. ALLARD):

S. 1532. A bill to provide for the payment of emergency extended unemployment compensation; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise to introduce the President's Emergency Extended Unemployment Compensation Act.

The Senator from California was talking about her concerns, help on the way. I think we all share those concerns. While the actions of Americans have shown that we are trying to get open for business again, we are obviously united in our resolve that a long fight awaits us because of these vile terrorist acts of September 11, 2001.

This flag is from the Pentagon. The President just gave a wonderful speech, as did Secretary Rumsfeld. Everyone was united in tears and in love for those families who lost loved ones and, also, a resolve that freedom and justice will prevail.

Indeed, we are working to rebuild and recover. The President talked about rebuilding the Pentagon. Others have talked about rebuilding in New York. The rescue, recovery, cleanup, and rebuilding efforts will be enormous.

Congress has responded with $40 billion in aid. The airline industry, which is responsible for 10 percent of the Nation's gross domestic product, as well as being a key element of our reserve military airlift fleet, needs to remain solvent. We recognize that.

We understood that the FAA closed our skies after the terrorist attacks. We have responded with $5 billion in cash for lost revenue, due to the skies being closed, to help get our airlines back in the sky as quickly as possible.

The perception of safety while flying has been shaken to the core. I have participated in hearings in the Commerce Committee working to help craft legislation aimed at improving aviation safety both on the ground at airports, and on our aircraft as well. Senators HOLLINGS, MCCAIN, ROCKEFELLER, and HUTCHISON have worked hard in bringing this bill to the floor to do just that. We will pass this legislation to ensure that no commercial airliner or any aircraft in this country ever again is commandeered and used as a weapon.

Ronald Reagan National Airport, which is a symbol of the Nation's Capital and our transportation system, remained closed for nearly 3 weeks due to Federal order. After nearly 3 weeks of consideration of ideas for safety and special precautions for Reagan National Airport, last week President Bush very wisely announced a plan with a phased-in approach so that flights at Ronald Reagan National Airport could start. I was fortunate to be on the first flight out of Reagan since that fateful day last Thursday.

For the first 3 weeks of the reopening of Reagan National Airport, it is restricted to operating at 24-percent capacity. After that, in phase 2, it will be at 57-percent capacity for as long as 7 weeks. We still have a lot of work to do. While our general aviation pilots are fortunately back in the skies, there are still limitations on airspace all around the country.

Airline carriers and manufacturers have laid off over 100,000 employees. Airport employees and workers for businesses located in and around airport facilities are losing jobs by the thousands. Reagan National Airport is again open for business, but many of its 10,200 employees are out of work since they are restricted to operating at one-quarter capacity. Vendors, business owners, and concessionaires at the airport have lost revenues and jobs because of this direct Federal action. The shock waves are being felt throughout our economy—from retail establishments to high-tech businesses.

Now that we have addressed some of the recovery and rebuilding efforts, we are finally able to turn our attention to these hard-working Americans who unfortunately have lost their jobs through no fault of their own. Today, on behalf of the President, I am introducing legislation to provide that necessary assistance for the backbone of our economy—the free people of the greatest and strongest nation on Earth.

The President's plan will provide health coverage, unemployment benefits, and job training assistance to hard-working Americans who have lost their jobs as a result of the economic downturn since the September 11 attacks.

Specifically, it will extend unemployment benefits for up to 13 weeks beyond what individual States cover. It will provide COBRA health insurance premiums, which are substantially covered by the Federal Government, for up to 10 months.

It will also more easily allow affected workers to avail themselves of more than $6 billion in Federal programs that provide job search, training, placement, and other services.

It makes $11 billion available to States to help low-income workers and families who have lost their jobs to maintain health insurance through either the S-CHIP or Medicaid Programs.

It will also provide $3 billion to States in the form of national emergency grants that Governors can fashion to best address the needs of their States to help workers maintain health care coverage, supplement their income, and receive job training. Also, the Governors can use it to compensate employees who have lost their jobs due to this direct Federal intervention.

In addition, the White House, my office, and the Republican Senate leadership offices, have been working through the night addressing some of the specific concerns I have for Reagan National Airport. That is why I will add an amendment to the President's package to address those specific concerns, because although actions such as the Reagan National shutdown are sometimes necessary for national security reasons, those actions that will directly impact the ability of hard-working Americans and business owners to make a living. We should respond in realization that limited Federal benefits are little comfort to those thrown out of work due to a Federal action.

That is why my supplemental amendment will also allow the Governors of the States where major disasters have been declared to use their national emergency grants to supplement the incomes of those unemployed or underemployed because of direct Federal action, or for the lost revenues of those businesses that were similarly affected. These are not mandated, direct Federal grants but allowable uses under the national emergency grant programs at the discretion of Governors.

Again, it makes sense. If the Federal Government has an action that harms someone, whether it is their property or their livelihood, the Federal Government ought to help them. It is indeed the same logic we used in helping the airline industry.

The White House, of course, has seen the need to act. They understand that direct Federal action is necessary. Unfortunately, it was necessary to keep Reagan National closed for a while. The leadership at the White House and the Senate Republicans have been very helpful in analyzing this supplemental amendment, and I believe we can make it work out in the end.

Most of all, I know all Americans have significant concerns about jobs—jobs for people in all of our States. These job losses are not unique to New York, or Virginia, where those terrorist attacks have the greatest impact; the job losses are felt in every corner of our country. We see smaller airports worrying about whether or not they are going to have service.

Mr. President, I am pleased to introduce this measure today for this needed aid to help our hard-working citizens all over America recover from the extended effects of this horrific disaster. In times like this, I believe the entire Nation has a role to play in keeping American businesses and entrepreneurs running, and especially in keeping Americans at work.

Once again, I believe America will triumph over tyrants and we will stand strong with our people; unwavering in the face of terrorism. We will show that not only is America open for business but also that America means business.

By Mr. LIEBERMAN (for himself and Mr. SPECTER):

S. 1534. A bill to establish the Department of National Homeland Security; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, today, Senator SPECTER and I are introducing legislation to create a Department of National Homeland Security. One month ago, America suffered devastating attacks at the hands of terrorists with whom we are now at war. Our Nation has struggled to adjust to the realization that our citizens are vulnerable to hostile acts on the part of adversaries whose methods are as fanatical as their goals. The legislation we are introducing is intended to provide Americans with the assurance they need to return to their daily routines without fear of further attack, and so confound the terrorists, whose aim was to disrupt our lives and break our spirit.

Shortly after the attacks, the Senate Governmental Affairs Committee held a hearing to explore how government could better organize itself to defend against such threats. Former Senators Gary Hart and Warren Rudman, co-chairs of the U.S. Commission on National Security/21st Century, offered compelling testimony in favor of creating a homeland security agency.

The legislation we are introducing today is based largely on the Commission's recommendation. It will create a cabinet-level Department of National Homeland Security. This Department would bring the Federal Emergency Management Agency, the Customs Service, the Border Patrol, the Coast Guard, and certain offices responsible for critical infrastructure protection under a single administrative umbrella.

The Department will be headed by a Secretary, who will be appointed by the President and confirmed by the Senate, and who will be a statutory member of the National Security Council. The Secretary will be accountable to the Congress and the American people. Like other cabinet members, the Secretary for Homeland Security would enjoy executive control over personnel and programs, and have all-important budget authority over his department's spending priorities. The Secretary for Homeland Security would have the rank and power to ensure that the security of our homeland remains high on our national agenda, and that all necessary resources are made available toward that end.

The new Department would be organized into three functional directorates that would be responsible for "3 Ps": prevention, protection, and preparation for response.

The Coast Guard, Customs Service, and Border Patrol would comprise the "prevention" directorate, responsible for securing our borders and making sure that potentially harmful persons or materials never make it onto American soil. Each of these organizations is now on the front line of our nation's efforts to prevent future acts of terrorism; however, they are not working together as well as they should, a problem exacerbated by the fact that homeland security is not among their parent agencies' primary missions. They require additional resources, but they also need to be under a single Secretary, who can direct their efforts jointly to fulfill a shared homeland defense mission.

The Critical Infrastructure Assurance Office and the Information Infrastructure Protection Institute, both of the Commerce Department, and the National Infrastructure Protection Center, now located in the FBI, would serve as the nucleus of the "protection" directorate, with the difficult task of working to help safeguard our transportation networks, power grids, water supply, cybersystems and other essential systems from attacks or other threats. These offices share essentially the same mission, and it makes sense that they are placed under a single Department and Secretary, so that they operate in unison.

Finally, FEMA and the FBI's National Domestic Preparedness Office would form the core of the "preparation" directorate, which would conduct the planning and mitigation measures necessary to prepare for disasters as well as to operate the crisis and recovery response machinery when emergencies do occur. Importantly, by building this directorate around FEMA, we will ensure that much of the Homeland Defense Department's organizational infrastructure will be focused towards working effectively with State and local governments, which are clearly key players in homeland defense.

In short, this legislation is meant to structure homeland defense in a way that makes sense operationally, but also in terms of maximizing funding priorities, interagency cooperation, and bureaucratic clout.

In proposing this legislation, we know well that there are other ideas and proposals under consideration, and we look forward to working with our House and Senate colleagues, as well as the President, to arrive at what is best for the American people. The President has appointed Governor Tom Ridge to head a the new Office of Homeland Security in the White House, to coordinate strategy across the 40-plus government agencies that now have important roles to play in the fight against terrorism. This is clearly a critical function. I absolutely agree that there must be better coordination across the agencies, including intelligence and law-enforcement functions, which are central to preventing acts of terror at home. My fear is that it is not enough to improve coordination and cooperation across the existing array of federal agencies and programs.

I am convinced that protecting our homeland requires nothing less than the establishment of a robust, cabinet-level Department, and led by a Secretary who has executive control over key agencies, full authority over his organization's budget, the ability to deploy personnel and resources, and the capacity to make and implement decisions immediately.

I am proud to have Senator SPECTER as a principal cosponsor of this legislation. I am pleased to note that similar legislation has been offered in the House by Rep. MAC THORNBERRY, Rep. ELLEN TAUSCHER, and others, who deserve our thanks for drafting this legislation well before the events of September 11, 2001. We look forward to working with them and other interested Members of Congress, as well as the Administration, to ensure that our government is effectively organized to defend the American people at home.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of National Homeland Security Act of 2001".

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of National Homeland Security established under this Act.

(2) SECRETARY.—The term "Secretary" means the Secretary of National Homeland Security.

SEC. 3. ESTABLISHMENT OF THE DEPARTMENT OF NATIONAL HOMELAND SECURITY.

(a) ESTABLISHMENT.—There is established the Department of National Homeland Security.

(b) SECRETARY OF NATIONAL HOMELAND SECURITY.—

(1) IN GENERAL.—The Secretary of National Homeland Security shall be the head of the Department. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(2) CABINET LEVEL POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Secretary of National Homeland Security.".

(3) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following:

"(5) the Secretary of National Homeland Security; and

"(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.".

(c) DUTIES.—The duties of the Secretary shall be the following:

(1) To plan, coordinate, and integrate those United States Government activities relating to homeland security, including border security and emergency preparedness, and to act as a focal point regarding natural and manmade crises and emergency planning.

(2) To work with State and local governments and executive agencies in protecting United States homeland security, and to support State officials through the use of regional offices around the Nation.

(3) To provide overall planning guidance to executive agencies regarding United States homeland security.

(4) To conduct exercise and training programs for employees of the Department and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(5) To annually develop a Federal response plan for homeland security and emergency preparedness.

SEC. 4. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.

The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the ten regional offices of which shall be maintained and strengthened by the Department.

(2) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(3) The Border Patrol of the Immigration and Naturalization Service, which shall be maintained as a distinct entity within the Department.

(4) The United States Coast Guard, which shall be maintained as a distinct entity within the Department.

(5) The Critical Infrastructure Assurance Office and the Institute of Information Infrastructure Protection of the Department of Commerce.

(6) The National Infrastructure Protection Center and the National Domestic Preparedness Office of the Federal Bureau of Investigation.

SEC. 5. ESTABLISHMENT OF DIRECTORATES AND OFFICE.

(a) ESTABLISHMENT OF DIRECTORATES.—The following staff directorates are established within the Department:

(1) DIRECTORATE OF PREVENTION.—The Directorate of Prevention, which shall be responsible for the following:

(A) Overseeing and coordinating all United States border security activities.

(B) Developing border and maritime security policy for the United States.

(C) Developing and implementing international standards for enhanced security in transportation nodes.

(2) DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.—The Directorate of Critical Infrastructure Protection, which shall be responsible for the following:

(A) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department to coordinate efforts to address the vulnerability of the United States to electronic or physical attacks on critical infrastructure of the United States, including utilities, transportation nodes, and energy resources.

(B) Overseeing the protection of such infrastructure and the physical assets and information networks that make up such infrastructure.

(C) Ensuring the maintenance of a nucleus of cyber security experts within the United States Government.

(D) Enhancing sharing of information regarding cyber security and physical security of the United States, tracking vulnerabilities and proposing improved risk management policies, and delineating the roles of various government agencies in preventing, defending, and recovering from attacks.

(E) Coordinating with the Federal Communications Commission in helping to establish cyber security policy, standards, and enforcement mechanisms, and working closely with the Federal Communications Commission on cyber security issues with respect to international bodies.

(F) Coordinating the activities of Information Sharing and Analysis Centers to share information on threats, vulnerabilities, individual incidents, and privacy issues regarding United States homeland security.

(G) Assuming the responsibilities carried out by the Critical Infrastructure Assurance Office before the date of the enactment of this Act.

(H) Assuming the responsibilities carried out by the National Infrastructure Protection Center before the date of the enactment of this Act.

(I) Supporting and overseeing the management of the Institute for Information Infrastructure Protection.

(3) DIRECTORATE FOR EMERGENCY PREPAREDNESS AND RESPONSE.—The Directorate for Emergency Preparedness and Response, which shall be responsible for the following:

(A) Carrying out all emergency preparedness and response activities carried out by the Federal Emergency Management Agency before the date of the enactment of this Act.

(B) Assuming the responsibilities carried out by the National Domestic Preparedness Office before the date of the enactment of this Act.

(C) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(D) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with current intelligence estimates and providing a single staff for Federal assistance for any emergency (including emergencies caused by flood, earthquake, hurricane, disease, or terrorist bomb).

(E) Creating a National Crisis Action Center to act as the focal point for monitoring emergencies and for coordinating Federal support for State and local governments and the private sector in crises.

(F) Establishing training and equipment standards, providing resource grants, and encouraging intelligence and information sharing among the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, State emergency management officials, and local first responders.

(G) Coordinating and integrating activities of the Department of Defense, the National Guard, and other Federal agencies into a Federal response plan.

(H) Coordinating activities among private sector entities, including entities within the medical community, with respect to recovery, consequence management, and planning for continuity of services.

(I) Developing and managing a single response system for national incidents in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of Health and Human Services, and the Centers for Disease Control.

(J) Maintaining Federal asset databases and supporting up-to-date State and local databases.

(b) ESTABLISHMENT OF OFFICE OF SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—There is established in the Department an Office of Science and Technology.

(2) PURPOSE.—The Office of Science and Technology shall advise the Secretary regarding research and development efforts and priorities for the directorates established in subsection (a).

SEC. 6. REPORTING REQUIREMENTS.

(a) BIENNIAL REPORTS.—The Secretary shall submit to Congress on a biennial basis—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(b) ADDITIONAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report—

(1) assessing the progress of the Department in—

(A) implementing the provisions of this Act; and

(B) ensuring the core functions of each entity transferred to the Department are maintained and strengthened; and

(2) recommending any conforming changes in law necessary as a result of the enactment and implementation of this Act.

SEC. 7. COORDINATION WITH OTHER ORGANIZATIONS.

The Secretary shall establish and maintain strong mechanisms for the sharing of information and intelligence with United States and international intelligence entities.

SEC. 8. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.

The Secretary shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Department comport with sound financial and fiscal management principles. At a minimum, those procedures shall provide for the planning, programming, and budgeting of activities of the Department using funds that are available for obligation for a limited number of years.

SEC. 9. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and substantive requirements; and

(2) develop procedures for meeting such requirements.

SEC. 10. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of National Homeland Security or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an agency at the time this Act takes effect, with respect to functions transferred by this Act but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this Act.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this Act may be continued by the National Homeland Security with the same effect as if this Act had not been enacted.

(f) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this Act—

(1) to the head of such department, agency, or office is deemed to refer to the Secretary of National Homeland Security; or

(2) to such department, agency, or office is deemed to refer to the Department of National Homeland Security.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1535. A bill to amend the Public Health Service Act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Melanie Stokes Postpartum Depression Research and Care Act with my colleague from Illinois, Senator FITZGERALD. This legislation develops a coordinated approach for understanding and treating the devastating mental health disorder of postpartum depression.

This act is named for Chicago native Melanie Stokes, a successful pharmaceutical sales manager and loving wife of Dr. Sam Stokes, who gave birth on February 23, 2001 to her daughter, Sommer Skyy. Unfortunately, with the birth of her daughter, Melanie entered into a battle for her life with a devastating mood disorder known as postpartum psychosis. Mrs. Stokes was in and out of hospitals three times, each for a week to 10 days. She stopped eating and drinking and refused to swallow pills. Her weight dropped rapidly. Despite medical assistance and the support of her family and friends, Mrs. Stokes lost her battle with postpartum psychosis. Melanie jumped to her death from a 12-story window ledge on June 11, 2001. In addition to Melanie Stokes, in my own home State of Illinois, three other women suffering from postpartum depression or psychosis have committed suicide since June 11.

These women were not alone. Studies indicate that 50 to 75 percent of all new mothers undergo the "baby blues," a feeling of let-down after the emotional experience of childbirth. Serious postpartum depression affects 10 to 20 percent of women who manifest symptoms including excessive worry or exhaustion, sadness, feelings of guilt, apathy, phobias, sleep problems, physical complaints and marked fear of criticism of mothering skills. These symptoms may last from 3 to 14 months. The most severe form of postpartum depression, postpartum psychosis, is characterized by hallucinations, hearing voices, paranoia, severe insomnia, extreme anxiety and depression, and deluded thinking in addition to many of the other symptoms of postpartum depression. Postpartum psychosis often requires hospitalization. While this severe form occurs fairly infrequently, affecting an estimated one in 1,000 new mothers, it may have the most grievous consequences including attempts at self-harm, suicide, or harm to others. Clearly postpartum depression is a significant problem with major societal costs.

While postpartum depression is a widespread problem, there are currently few research studies looking into its causes and there is currently no standard treatment for women suffering from this disorder. Given the lack of coordination amongst those interested in understanding and treating such a widespread problem, science and medicine have made few inroads into helping the many women and their families carrying the burden of postpartum depression. This legislation seeks to rectify this situation.

This bill authorizes the Secretary of Health and Human Services to organize a series of national meetings, with the goal of developing a research and treatment plan for postpartum depression and psychosis. Further, this legislation encourages the Secretary to implement the research and treatment plan in a timely fashion. The bill also creates a new grants program, administered by the Substance Abuse and Mental Health Administration, to provide women and their families with treatment and services.

In Illinois alone there are at least 175,000 births a year. Even using the conservative estimate that 10 percent of mothers will suffer from postpartum depression, this suggests that over 17,000 women, in the State of Illinois alone, and 400,000 women nationwide will experience the devastating symptoms of this disorder each year. Developing new treatments for this disorder should be a top priority.

I am pleased that Senator FITZGERALD has joined me in cosponsoring this bill. In the House of Representatives, Representative RUSH has already introduced this legislation and it enjoys wide bipartisan support with 90 cosponsors at this time.

In remembrance of Melanie Stokes and all the women who have suffered from postpartum depression and psychosis, as well as their families and friend who have stood by their side, I am introducing the Melanie Stokes Postpartum Depression Research and Care Act.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1537. A bill to authorize the Secretary of the Interior to conduct a hydrogeologic mapping, modeling and monitoring program for the High Plains Aquifer and to establish the High Plains Aquifer Coordination council to facilitate groundwater conservation in the High Plains; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1538. A bill to further continued economic viability in the communities on the High Plains by promoting sustainable groundwater management of the Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BINGAMAN. Mr. President, I rise today to introduce two important pieces of legislation that have great significance for New Mexico, but also are crucial to the entire Great Plains region of our Nation. The bills address the alarming decline in portions of the Ogallala Aquifer, which extends under eight States: Texas, New Mexico, Oklahoma, Kansas, Colorado, Nebraska, Wyoming, and South Dakota.

A reliable source of groundwater is esential to the well-being and livelihoods of people in the great Plains region. Local towns and rural areas are dependent on the use of groundwater for drinking water, ranching, farming, and other commercial uses. Yet many areas overlying the Ogallala Aquifer have experienced a dramatic depletion of this groundwater resource. Some areas have seen a decline of over 100 feet in aquifer levels during the last half of the twentieth century.

The first bill that I am introducing today, the "High Plains Aquifer Conservation, Monitoring, and Coordination Act," would direct the Secretary of the Interior to develop and carry out a comprehensive hydrogeologic mapping, modeling and monitoring program for the High Plains Aquifer, which is comprised in large part by the Ogallala Aquifer. The Secretary is directed to work in conjunction with the eight High Plains Aquifer States in carrying out this program. The U.S. Geological Survey and the States will work in cooperation to further the goals of this program, with half of the available funds directed to the States for their participation in the program.

The bill would also charge the Secretary of the Interior, working in cooperation with the Secretary of Agriculture, with establishing a High Plains Aquifer Coordination Council. This Council would coordinate mapping, modeling, and monitoring efforts; facilitate coordination of federal, state and local programs relating to the groundwater resources of the High Plains Aquifer; facilitate coordination of programs and policies among the High Plains Aquifer States; and provide recommendations to the Secretary of the Interior, the Secretary of Agriculture, and the Governors regarding programs and policies to address the groundwater resources of the High Plains Aquifer. The Council will be comprised of State and Federal representatives, as well as individuals from irrigation production agriculture, nonagricultural water users, the conservation community, and Indian Tribes.

Finally, the legislation directs the Secretary of the Interior to provide funding to each of the High Plains Aquifer States to further groundwater education programs, working with land grant universities and other educational institutions and cooperating entities.

The second bill that I am introducing today is the "High Plains Groundwater Resource Conservation Act." This bill would establish a voluntary 10-year groundwater conservation incentives program for the High Plains Aquifer region. Incentive payments would be made for voluntary land management practices, which may include changes from irrigated to dryland agriculture, changes in cropping patterns to utilize water conserving crops, and other conservation measures that result in quantifiable and significant savings in groundwater use. Cost-share payments will be made for structural practices that will conserve groundwater resources of the High Plains Aquifer, which may include improvement of irrigation systems and purchase of new equipment. Priority will be given to areas experiencing significant aquifer level declines. In order to be eligible, producers must be in an area covered by a groundwater conservation plan.

The legislation would also require the Secretary of Agriculture to provide financial and technical assistance on a cost-share basis to States, tribes, counties, conservation districts and other political subdivisions. Upon approval by the Secretary, a State can carry out these activities in lieu of the Secretary. The Secretary is also required to set up a process to certify groundwater conservation plans.

In addition, the bill would enhance eligibility for participation in the Conservation Reserve Program for lands drawing water from the High Plains Aquifer.

These two bills bring focus to an issue that concerns the long-term economic viability of communities in much of America's heartland. This is farm country, and the cornerstone of its economy is its groundwater supply, the Ogallala Aquifer, which allows for irrigated agriculture. The Department of Agriculture estimates that there are over six million acres of irrigated agriculture overlying just the southern portion of the Ogallala. These farms use between six and nine million acre feet of water per year. The problem we are confronting is that the aquifer is not sustainable, and it is being depleted rapidly, This threatens the way of life of all who live on the High Plains. These bills would take significant steps to address this serious problem. I ask that my colleagues join me in supporting this legislation.

By Mrs. CLINTON (for herself, Mr. DODD, Mrs. MURRAY, Ms. MIKULSKI, Mr. SCHUMER, Mr. BINGAMAN, and Mr. CORZINE):

S. 1539. A bill to protect children from terrorism; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, on this, the one month anniversary of the horrifying terrorist attacks of September 11, I rise to introduce a bill that I believe will provide protection from future terrorist attacks for the most vulnerable members of our society: children.

In preparing for threats ahead, we must also examine what happened to our children on September 11—we must consider the impact of the attacks on children in New York and Virginia, and all of the affected states and regions, as well as the impact on children throughout the Nation. We must do all we can to support and assist these children in their recovery, as well as protect children in the future, who, God forbid, may face similarly horrifying attacks.

People in New York, and around the country, are looking for information and assurance that their children's needs are being taken into account as we prepare for future terrorist threats.

Parents have been coming up to me in New York and asking important questions about how to protect their children in the case of a threat.

And, students have been writing to me asking to protect them as we move ahead into a more uncertain world. Sheryl De Los Santos, a student at I.S. 383, a middle school in Brooklyn, writes:

> During the tragic loss of the Twin Towers my reaction to this loss was why? Why would someone do this to our country? When I saw them come down, I totally lost it. I cried. I cried even more when I heard how many people died. I feel angry, hurt, sad, mad, scared and horrified all at the same time. I even feel confused. I feel scared because if anything else happened I would go crazy. I feel angry for what they did because I have never been to the Twin Towers. I feel sad and hurt because of so many lost lives. Though I am not saying it is your fault because it is not. I am writing to you to tell you that America's safety has been sleeping on the job. Maybe you can have more security.

I think it's important that we provide parents and their children with the assurance that we are working to protect them and we must replace fear with facts.

As we consider potential terrorist threats, the threat of bioterrorsm has felt all too real particularly as a criminal investigation goes on in Florida on the three individuals who were exposed to anthrax.

My bill, Protecting Children Against Terrorism Act, will ensure that as we take steps to prepare for the threat of bioterrorism, we take into account children's health needs.

I am extremely concerned that we are not paying a sufficient amount of attention to the unique needs of children in our efforts to plan and prepare for future attacks.

Children have special needs relating to bioterrorism. First, they are particularly susceptible to biological and chemical attacks. Some dense nerve gas agents, like Sarin, concentrate lower to the ground, near the breathing zone of children. Also, because children have more rapid respiratory rates and larger surface to mass ratios, they anatomically are more vulnerable to exposures.

And yet, the tools of our response to bioterrorism are less effective for children's needs.

My legislation, the Protecting America's Children Against Terrorism Act, would create a national task force comprised of: children health experts on infectious disease, environmental health and toxicology; members of esteemed organizations like the American Academy of Pediatrics and the National Association of Children's Hospitals; and representatives of relevant federal agencies.

These national children's health experts would look at our health system to ensure that, as we're stepping up our response efforts, the medicine and treatments fit the health needs of children.

For instance, as we're making sure we have antidotes to threatening diseases, we need to ensure that these have been tested not just on adults, but on children too.

As my colleagues, Senators DODD, DEWINE, KENNEDY, and others with whom I have worked closely on the pediatric testing issue know, many pharmaceutical manufacturers have not tested, or properly dosed antidotes, antibiotics, or other agents for use on children. My legislation would insist that we do this testing.

And CDC "push packs" and other emergency response supply systems do not take into account the special medical needs of children. I am calling for CDC to revise their emergency response supply to take into account the needs of kids.

My legislation would also ensure that the expert doctors and health professionals, who would be on the frontlines in responding to an attack, are trained and equipped to treat children too. These doctors need to know whether a certain disease or chemical agent will affect a child differently than an adult and which treatment is most effective for children.

The final step is providing parents with information so that they can rest assured that there are doctors and medicine that are specially trained and developed to help their children.

We must also ensure that the place in which children spend much of their days are protected, our schools. On September 11, New York's teachers, school personnel and child care providers acted with great bravery and skill as they safely evacuated school children from the schools and child care centers in and around the World Trade Center. As a result, no students were physically harmed during the attacks.

Are all schools prepared to safely evacuate students? Did New York do it perfectly? The answers are, of course, "no."

Lisa Swovick, a mother from Rochester, wrote the following email to me:

> Having grown up during the Cold War, I remember practicing drills in school should we become victims of a nuclear attack. I also remember learning about the nearest shelter to go to should the attack happen. It was the neighborhood school and library. We were instructed to go there and there would be food and shelter provided in an emergency. I would like to know, if during the present time of much dialog of possible biological terrorist attacks on America, if it would be a good idea for these shelters to return. There are scary thoughts to have, however, I had to deal with the thought of a nuclear attack from Russia as a child. I only fear that we won't be as prepared as we might have been in the 1960s for the present-day dangers of our very uncertain world.

In my bill, I ask that the Secretary of Education develop recommendations and models to help communities develop school evacuation plans, safe places for children to go in case of an attack, partnerships with the medical community to ensure that children get the immediate care they need, and recommendations for notifying parents of evacuation plans and information on how and where to find their child or children in the wake of an attack.

As we prepare for threats ahead, we cannot forget the many, many children who have already been severely affected by the terrorism of September 11.

Children are especially susceptible to the terrible emotional and mental anguish that terrorist attacks cause, whether they have a parent who was called into military duty, lost a parent in the attack or actually witnessed the violence themselves.

My legislation would help address this immense need by providing grants to community groups, and schools to make sure that children's mental health needs are met.

And we need to make sure that our disaster relief assistance is tailored to help children who have been orphaned or lost a parent in an attack. We do not yet know the numbers of children who lost a parent in the September 11 attacks, but some have speculated that it could be as high as 10,000 children.

My legislation would create an office of children's services within FEMA for helping children who lose a parent in a disaster by offering them many different types of support, such as counseling and legal services for adoption.

And, finally, I believe we must shore-up our social services infrastructure.

In the wake of the September 11th terrorist attacks, over 400 hotline numbers were established in order to provide help and information for families and victims of the terrorist attacks. These numbers were on top of the thousands of existing non-profit organizations and Federal, State and city governmental agencies that provide human and social services to help children and families in crisis.

My legislation would also include funding to implement 2–1–1, a universal hotline designed by the United Way and approved by the Federal Communication Commission to be used to connect children and families with the help they need.

I appreciate the support I have already received for this legislation and I am proud to have co-sponsorships from: Senators DODD, MURRAY, MIKULSKI, SCHUMER, BINGAMAN, and CORZINE. Today, I ask my colleagues to consider the needs of children and co-sponsor my Protecting America's Children Against Terrorism Act.

I ask unanimous consent that the text of my bill on "Protecting Children Against Terrorism" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting America's Children Against Terrorism Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) PUBLIC HEALTH MEASURES TO PROTECT AGAINST TERRORISM.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319G, the following:

"SEC. 319H. PUBLIC HEALTH MEASURES TO PROTECT AGAINST TERRORISM.

"(a) NATIONAL TASK FORCE ON CHILDREN AND BIOTERRORISM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a National Task Force on Children and Bioterrorism (referred to in this subsection as the 'Task Force').

"(2) MEMBERSHIP.—The Task Force shall be composed of—

"(A) the Secretary and other officials of the Department determined appropriate by the Secretary;

"(B) the Director of the Federal Emergency Management Agency;

"(C) the Administrator of the Environmental Protection Agency;

"(D) the Secretary of Education;

"(E) child health experts on infectious disease, environmental health, and toxicology, who shall be appointed by the Secretary;

"(F) representatives of national children's health organizations, including the American Academy of Pediatrics and the National Association of Children's Hospitals, who shall be appointed by the Secretary; and

"(G) representatives of other relevant organizations determined appropriate by the Secretary.

"(3) RECOMMENDATIONS.—Not later that 60 days after the date of enactment of this section, the Task Force shall make recommendations to the Secretary concerning—

"(A) an assessment of the preparedness of the health care system of the United States to respond to bioterrorism aimed at children and youth, including the readiness of public health institutions, providers of health care, and other emergency service personnel to detect, diagnose and respond to bioterrorist attacks affecting large numbers of children and youth;

"(B) needed changes to the health care and emergency medical services systems, including recommendations on research, training of health personnel, and changes to the National Pharmaceutical Stockpile Program to include the medical needs of children; and

"(C) national, regional, and local health care and emergency medical services protocols for dealing with mass casualties of children and youth resulting from bioterrorism.

"(b) CHILDREN AND TERRORISM INFORMATION NETWORK.—

"(1) ESTABLISHMENT.—The Secretary, acting through the Centers for Disease Control and Prevention, shall establish a Children and Terrorism Information Network to collect and disseminate to health providers (including children's hospitals and pediatric units of hospitals), community centers (including poison control centers), and schools (including school-based health clinics) up-to-date information on how to prepare for a biological or chemical terrorist attack and the steps that should be taken to ensure that children get the health care they need in the event of such an attack.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.

"(c) NATIONAL PHARMACEUTICAL STOCKPILE PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, shall provide for the inclusion of supplies, equipment, and instructions as are appropriate for use with respect to children in push packs and Vendor Management Inventories under the National Pharmaceutical Stockpile Program.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $50,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.

"(d) SECURING OUR SOCIAL SERVICES INFRASTRUCTURE TO SUPPORT CHILDREN AND FAMILIES.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to implement, develop, expand or increase the capacity of 2-1-1 call centers, or other universal hotlines, in order to connect the public to all available information hotlines, or call centers, developed in response to disaster and recovery efforts, as well as to connect the public to existing social services to provide needed help and support to children and families in crisis.

"(2) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(A) be a non-profit organization working to implement, develop, expand, or increase the capacity of 2-1-1 call centers, or other universal hotlines in their State, region or locality; and

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.".

(b) PEDIATRIC STUDIES.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C (relating to clinical research) and the second section 409D (relating to enhancement awards) as sections 409G and 409H, respectively; and

(2) by inserting after section 409H (as so redesignated), the following:

"SEC. 409I. PEDIATRIC STUDIES OF DRUGS AND BIOLOGICS, INCLUDING VACCINES, USED TO PREVENT AND TREAT ILLNESSES AND INJURY CAUSED BY BIOLOGICAL OR CHEMICAL AGENTS USED IN WARFARE AND TERRORISM.

"(a) PUBLICATION OF LIST.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall develop and maintain a secure and confidential list of drugs and biologics, including vaccines, that may be used to prevent and treat illnesses and injury caused by biological or chemical agents used in acts of warfare or terrorism and which require pediatric testing.

"(b) TESTING PLAN.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall develop a plan to—

"(1) provide for the timely pediatric testing and labeling of the agents on the list developed under subsection (a) for the year involved; and

"(2) coordinate such testing and labeling program with activities conducted under existing laws and regulations concerning pediatric testing of drugs and biologics.

"(c) CONTRACTS.—The Secretary may award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions or, individuals) to enable such entities to conduct pediatric studies concerning drugs and biologics, including vaccines, that are used to prevent and treat illnesses and injuries caused by biological or chemical agents used in acts of warfare or terrorism.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.".

(c) Training.—Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770(a), by inserting "other than section 770A," after "subpart,"; and

(2) by adding at the end the following:

"SEC. 770A. TRAINING FOR PEDIATRIC ISSUES SURROUNDING BIOLOGICAL AND CHEMICAL AGENTS USED IN WARFARE AND TERRORISM.

"(a) Grants.—The Secretary, acting through the Director of Health Resources and Services Administration, shall award grants to eligible entities to enable such entities to—

"(1) provide for the education and training of clinicians (including nurses) in the pediatric consequences, systems, and treatment of biological and chemical agents; and

"(2) assist in the development and distribution of accurate educational materials on the pediatric consequences, symptoms and treatment of biological or chemical agents.

"(b) Eligibility.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a children hospital, a pediatric unit of a hospital, a professional organization, or any other entity that the Secretary determines to be appropriate; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.".

SEC. 3. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"SEC. 4124. SCHOOL EVACUATIONS, SAFE PLACES AND PARENTAL NOTIFICATIONS.

"(a) Recommendations and Models.—Not later than 60 days after the date of enactment of this section, the Secretary shall develop recommendations and models to assist communities in developing—

"(1) school evacuation plans;

"(2) safe places for children to go in case of an attack on a school or individuals in the school;

"(3) partnerships with the medical community to ensure that children get the immediate care they need in the event of such an attack; and

"(4) procedures for notifying parents of evacuation plans and providing information on how and where to find their child or children in the event of such an attack.

"(b) Dissemination.—The Secretary shall ensure that the recommendations and models developed under subsection (a) are disseminated to local school districts throughout the United States, and, in coordination with the Secretary of Health and Human Services, to the health provider and public health communities.

"(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.

"SEC. 4125. MENTAL HEALTH SERVICES FOR CHILDREN AND THEIR CAREGIVERS.

"(a) Grants.—The Secretary, jointly with the Secretary of Health and Human Services, shall award grants to eligible entities to enable such entities to develop and implement a plan for the provision of comprehensive mental health services for children, school faculty, and child care providers who are affected by terrorist attacks, times of war, or other major crisis.

"(b) Eligibility.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a local educational agency, a community-based organization, a community mental health organization, a professional organization, or a partnerships of such entities; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.".

SEC. 5. AMENDMENTS TO THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 410, the following:

"SEC. 411. CHILDREN'S ASSISTANCE.

"(a) Children's Coordinating Officer.—Upon a determination by the President that children have lost their custodial parent or parents in an area declared a disaster area by the President under this Act, the President shall appoint an individual to serve as a Children's Coordinating Officer for the area. Such Officer shall provide necessary support and assistance for such children to ensure their immediate care and transition to a permanent and loving family.

"(b) Functions.—A Children's Coordinating Officer appointed under subsection (a) shall partner with relevant Federal, State and local governmental agencies, and coordinate all efforts by community-based organizations, foundations, funds, or other organizations, to direct and coordinate the provision of assistance to children described in subsection (a).

"(c) Services.—A Children's Coordinating Officer appointed under subsection (a) shall ensure that children and their caregivers are provided with—

"(1) immediate temporary care services;

"(2) counseling on long-term permanency planning;

"(3) legal services for guardianships and adoptions;

"(4) information on available services and assistance for the victims of the disaster; and

"(5) mental health services.".

By Mr. FITZGERALD:

S. 1540. A bill to extend and improve the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to help food banks, soup kitchens, and other emergency feeding organizations meet the needs of our hungry citizens. According to the most recent U.S. Department of Agriculture estimates, 10.1 percent of U.S. households, 31 million Americans are considered food insecure. Under current law, the Emergency Food Assistance Program, TEFAP, purchases agricultural commodities for use by food banks and soup kitchens. Needy American citizens rely on this program to get them over the hump when they lose their jobs or fall on unexpected hard times. Yet, a recent report of the U.S. Conference of Mayors concluded that 13 percent of these families who requested emergency food assistance were turned away due to a lack of food resources.

The bill I introduce today simply increases funding for TEFAP by $40 million, a 40 percent increase. As well, the bill allows $10 million of this new funding to be used for state and local food processing, distribution, transportation, and storage costs. This $10 million enhances the $45 million already appropriated annually for these costs.

Additionally, this bill has secondary benefits to our rural communities. TEFAP provides a boost to the agriculture economy by purchasing surplus commodities from the market.

I commend Congressman GOODLATTE of Virginia for championing a similar bill on the House side. I look forward to working closely with my colleagues on the Senate Committee on Agriculture, Nutrition and Forestry to ensure that this legislation is included in the Nutrition Title of the Farm Bill.

The legislation is supported by America's Second Harvest and food banks and soup kitchens throughout the nation. This bill entitled the "Emergency Food Assistance Program Enhancement Act" should enjoy bipartisan support, and I encourage my colleagues to co-sponsor this piece of legislation.

By Mr. ENZI:

S. 1542. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

Mr. ENZI. Mr. President, I rise to introduce the Internet Tax Moratorium and Equity Act. I encourage each of my colleagues to join me as a cosponsor of this bill. With the extension of the current moratorium of the Internet Tax Freedom Act of 1998 expiring soon on October 21, 2001, there are several bills that are currently being discussed in the Senate in order to address this issue. I had to take a look at the Internet sales tax issue for people who might be using legislative vehicles to develop huge loopholes in our current system. We are federally mandating States into a sales tax exemption. We need to preserve the system for those cities, towns, counties, and States that rely on the ability to collect the sales tax they are currently getting. I believe that the current moratorium on Internet access taxes and multiple and discriminatory taxes on the Internet should not be extended without addressing the larger issue of sales and use tax collection on electronic commerce.

There are some critical issues here that have to be solved to keep the stability of State and local government, just the stability of it, not to increase sales tax, just protect what is there right now. I believe the Internet Tax Moratorium and Equity Act is a monumental step forward in protecting, yet enhancing, the current system.

Certainly, no Senator wants to take steps that will unreasonably burden the development and growth of the Internet. At the same time, we must also be sensitive to issues of basic competitive fairness and the negative effect our action or inaction can have on brick-and-mortar retailers, a critical economic sector and employment force in all American society, especially in rural States like Wyoming. In addition, we must consider the legitimate need of State and local governments to have the flexibility they need to generate resources to adequately fund their programs and operations.

As the only accountant in the Senate, I have a unique perspective on the dozens of tax proposals that are introduced in Congress each year. In addition, my service on the State and local levels and my experiences as a small business owner enable me to consider these bills from more than one viewpoint.

I understand the importance of protecting and promoting the growth of Internet commerce because of its potential economic benefits. It is a valuable resource because it provides access on demand. In addition, it is estimated that the growth of online businesses will create millions of new jobs nationwide in the coming years. Therefore, I do not support a tax on the use of Internet itself.

I do, however, have concerns about using the Internet as a sales tax loophole. Sales taxes go directly to State and local governments and I am very leery of any Federal legislation that bypasses their traditional ability to raise revenue to perform needed services such as school funding, road repair and law enforcement. I will not force States into a huge new exemption. While those who advocate a permanent loophole on the collection of a sales tax over the Internet claim to represent the principles of tax reduction, they are actually advocating a tax increase. Simply put, if Congress continues to allow sales over the Internet to go untaxed and electronic commerce continues to grow as predicted, revenues to State and local governments will fall and property taxes will have to be increased to offset lost revenue or States who do not have or believe in State income taxes will be forced to start one.

Furthermore, State and local revenues and budgets are especially critical now as these governments are responding to protect the security of all of our citizens and businesses. Any action to extend the current moratorium without creating a level playing field would perpetuate a fundamental inequity and ignore a growing problem that will gravely affect the readiness of the nation.

After months of hard work, negotiations, and compromise, the Internet Tax Moratorium and Equity Act has been introduced. I would like to commend several of my colleagues for their commitment to finding a solution and working with all parties to find that solution. I know this bill is the solution. The bill makes permanent the existing moratorium on Internet access taxes, but extends the current moratorium on multiple and discriminatory taxes for an additional four years through December 31, 2005.

Throughout the past several years, we have heard that catalog and Internet companies say they are willing to allow and collect sales tax on interstate sales, regardless of traditional or Internet sales, if States will simplify collections to one rate per State sent to one location in that State. I think that is a reasonable request. I have heard the argument that computers make it possible to handle several thousand tax entities, but from an auditing standpoint as well as simplicity for small business, I support one rate per State. I think the States should have some responsibility for redistribution not a business forced to do work for government. Therefore, the bill would put Congress on record as urging States and localities to develop a streamlined sales and use tax system, which would include a single, blended tax rate with which all remote sellers can comply. You need to be aware that States are prohibited from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales if the States have not adopted the simplified sales and use tax system.

Further, the bill would authorize States to enter into an Interstate Sales and Use Tax Compact through which members would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a compact would expire if it has not occurred by January 1, 2006. The bill also authorizes States to require all other sellers to collect and remit sales and use taxes on remote sales unless Congress has acted to disapprove the compact by law within a period of 120 days after the Congress receives it.

The bill also calls for a sense of the Congress that before the end of the 107th Congress, legislation should be enacted to determine the appropriate factors to be considered in establishing whether nexus exists for State business activity tax purposes.

I am introducing this bill today because I do not think there is adequate protection now. It is very important we do not build electronic loopholes on the Internet, an ever-changing Internet, one that is growing by leaps and bounds, one that is finding new technology virtually every day.

I recognize this body has a constitutional responsibility to regulate interstate commerce. Furthermore, I understand the desire of several senators to protect and promote the growth of Internet commerce. Internet commerce is an exciting field. It has a lot of growth potential. The new business will continue to create millions of new jobs in the coming years.

The exciting thing about that for Wyomingites is that our merchants do not have to go where the people are. For people in my State, that means their products are no longer confined to a local market. They do not have to rely on expensive catalogs to sell merchandise to the big city folks. They do not have to travel all the way to Asia to display their goods. The customer can come to us on the Internet. It is a remarkable development, and it will push more growth for small manufacturers in rural America, especially in my State. We have seen some of the economic potential in the Internet and will continue this progress. It is a valuable resource because it provides access on demand. It brings information to your fingertips when you want it and how you want it.

I am very concerned, however, with any piece of legislation that mandates or restricts State and local governments' ability to meet the needs of its citizens. This has the potential to provide electronic loopholes that will take away all of their revenue. The Internet Tax Moratorium and Equity Act would designate a level playing field for all involved—business, government, and the consumer.

The States, and not the Federal Government, should have the right to impose, or not to impose, consumption taxes as they see fit. The reality is that emergency response personnel, law enforcement officials, and other essential services are funded largely by States and local governments, especially through sales taxes. Passing an extension of the current moratorium without taking steps toward a comprehensive solution would leave many States and local communities unable to fund their services. I urge my colleagues to support it.

By Mr. DASCHLE (for himself, Mr. LOTT, Ms. LANDRIEU, and Mr. ALLEN):

S.J. Res. 25. A joint resolution designating September 11 as "National Day of Remembrance"; considered and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Day of Remembrance Act of 2001".

SEC. 2. NATIONAL DAY OF REMEMBRANCE.

(a) DESIGNATION.—September 11 is National Day of Remembrance.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation—

(1) remembering those who tragically lost their lives as a result of the terrorist attacks on the United States on September 11, 2001, and honoring the police, firefighters, and emergency personnel who responded with such valor on September 11, 2001;

(2) calling on United States Government officials to display the flag of the United States at half mast on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001;

(3) inviting State and local governments and the people of the United States to observe National Day of Remembrance with appropriate ceremonies; and

(4) urging all people of the United States to observe a moment of silence on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 171—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE PROVISION OF FUNDING FOR BIOTERRORISM PREPAREDNESS AND RESPONSE

Mr. FRIST (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BREAUX, Mr. WARNER, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. DORGAN, Mr. BOND, Mr. CLELAND, Mr. BURNS, Mr. REED, Mr. INHOFE, Mrs. LINCOLN, Mr. THOMPSON, Mr. SANTORUM, Mr. ALLARD, Ms. COLLINS, Mr. ENZI, Mr. HUTCHINSON, Mr. HAGEL, Mr. ROBERTS, Mr. SESSIONS, Mr. CHAFEE, Mrs. CLINTON, and Mr. DOMENICI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 171

Whereas additional steps must be taken to better prepare the United States to respond to potential bioterrorism attacks;

Whereas the threat of a bioterrorist attack is still remote, but is increasing for a variety of reasons, including—

(1) public pronouncements by Osama bin Laden that it is his religious duty to acquire weapons of mass destruction, including chemical and biological weapons;

(2) the callous disregard for innocent human life as demonstrated by the terrorists' attacks of September 11, 2001;

(3) the resources and motivation of known terrorists and their sponsors and supporters to use biological warfare;

(4) recent scientific and technological advances in agent delivery technology such as aerosolization that have made weaponization of certain germs much easier; and

(5) the increasing access to the technologies and expertise necessary to construct and deploy chemical and biological weapons of mass destruction;

Whereas coordination of Federal, State, and local terrorism research, preparedness, and response programs must be improved;

Whereas States, local areas, and public health officials must have enhanced resources and expertise in order to respond to a potential bioterrorist attack;

Whereas national, State, and local communication capacities must be enhanced to combat the spread of chemical and biological illness;

Whereas greater resources must be provided to increase the capacity of hospitals and local health care workers to respond to public health threats;

Whereas health care professionals must be better trained to recognize, diagnose, and treat illnesses arising from biochemical attacks;

Whereas additional supplies may be essential to increase the readiness of the United States to respond to a bio-attack;

Whereas improvements must be made in assuring the safety of the food supply;

Whereas new vaccines and treatments are needed to assure that we have an adequate response to a biochemical attack;

Whereas government research, preparedness, and response programs need to utilize private sector expertise and resources; and

Whereas now is the time to strengthen our public health system and ensure that the United States is adequately prepared to respond to potential bioterrorist attacks, natural infectious disease outbreaks, and other challenges and potential threats to the public health: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should make a substantial new investment this year toward the following:

(1) Improving State and local preparedness capabilities by upgrading State and local surveillance epidemiology, assisting in the development of response plans, assuring adequate staffing and training of health professionals to diagnose and care for victims of bioterrorism, extending the electronics communications networks and training personnel, and improving public health laboratories.

(2) Improving hospital response capabilities by assisting hospitals in developing plans for a bioterrorist attack and improving the surge capacity of hospitals.

(3) Upgrading the bioterrorism capabilities of the Centers for Disease Control and Prevention through improving rapid identification and health early warning systems.

(4) Improving disaster response medical systems, such as the National Disaster Medical System and the Metropolitan Medical Response System and Epidemic Intelligence Service.

(5) Targeting research to assist with the development of appropriate therapeutics and vaccines for likely bioterrorist agents and assisting with expedited drug and device review through the Food and Drug Administration.

(6) Improving the National Pharmaceutical Stockpile program by increasing the amount of necessary therapies (including smallpox vaccines and other post-exposure vaccines) and ensuring the appropriate deployment of stockpiles.

(7) Targeting activities to increase food safety at the Food and Drug Administration.

(8) Increasing international cooperation to secure dangerous biological agents, increase surveillance, and retrain biological warfare specialists.

Mr. FRIST. Mr. President, I rise today to submit a resolution on behalf of myself, Senator KENNEDY, and 23 of our colleagues that will put the Senate on record in strong support of substantial new investment toward strengthening our Nation's preparedness to respond to any potential bioterrorist threat.

Last year, Congress passed the bipartisan Frist-Kennedy Public Health Threats and Emergencies Act of 2000. That law provides a coherent framework for responding to health threats resulting from bioterrorism. It authorizes a series of important initiatives to strengthen the nation's public health system; to improve hospital response capabilities; to upgrade the Centers for Disease Control's rapid identification and early warning systems; to assure adequate staffing and training of health professionals to diagnose and care for victims of bioterrorism; to enhance our research and development capabilities; to expand our reserve of vaccines and antibiotics; and to pursue additional measures necessary to prevent, prepare, and respond to the threat of biological or chemical attacks. The framework exists, so now it is time to fund these critical initiatives.

The threat of a bioterrorist attack is remote, so we must not overreact or give into irrational fears. But remote as the threat may be, it is real. For a variety of reasons, the threat is higher today than it was one month ago, and it is growing. Osama bin Laden has said it is his religious duty to acquire weapons of mass destruction, including chemical and biological weapons. He and his followers have shown an utter disregard for human life. They, and other known terrorists, have the resources and motivation to acquire and use germ warfare. Recent advances in agent delivery technology, such as aerosolization, have made weaponization of germs easier. Finally, with the fall of the Soviet Union, the expertise of thousands of scientists knowledgeable in germ warfare may be available to the highest bidder.

We have made important strides during the past few years in preparing our Nation to meet this threat. There is much to be proud of in our response to the attacks of September 11, as well as the response to the recent anthrax outbreaks in Florida. But additional steps are needed, and they are needed now. To better prepare our Nation, the Administration, local and State officials, public health departments, and our front line medical response teams must have additional resources and support. I believe the best way to accomplish this is to provide additional funds toward the priorities outlined in the Public Health Threats and Emergencies Act and to better arm America to fight against bioterrorism.

Senator KENNEDY and I, and our colleagues, look forward to working with the Administration and those who serve on the Appropriations Committees to provide the funds necessary to fill the gaps in our current biodefense and surveillance systems and to take additional steps to prevent the use of bioweapons and fully prepare our communities to respond. So that the Senate is strongly on record in favor of these efforts, I look forward to working with all of my colleagues to have this Sense of the Senate Resolution considered on an appropriate vehicle in the very near future.

Mr. KENNEDY. Mr. President, today I join my distinguished colleague, Senator BILL FRIST, and many other colleagues in the Senate to introduce a resolution stating our strong support for strengthening America's defenses against bioterrorism.

As our forces continue their actions over Afghanistan, we can expect that our enemies will try to strike against our country again. We must close the gaps in our ability to deal with the possibility of bioterrorism on American soil. Just as we support our armed forces overseas, we should support our front line defenses against bioterrorism—our public health and medical professionals.

We want to reassure all Americans that much has already been done to assure their safety from such an attack, and to minimize the spread of biological agents if an attack does occur. The kind of heroism we witnessed from average Americans on September 11 with Americans caring for and protecting their fellow citizens would take place once again in responding to a bioterrorist threat.

But every day we delay in expanding our capabilities exposes innocent Americans to needless danger. We cannot afford to wait.

Our first priority must be to prevent an attack from ever occurring. That means moving quickly to enhance our intelligence capacity and our ability to infiltrate terrorist cells, wherever they may exist. It also means using the renewed partnership between the United States and Russia to make sure that dangerous biological agents do not fall into the hands of terrorists. We've worked with Russia to prevent the spread of nuclear weapons, and we must work together now to prevent the spread of biological weapons.

We must also enhance America's preparedness for a bioterrorist attack. Our citizens need not live their lives in fear of a biological attack, but building strong defenses is the right thing to do.

Unlike the assaults on New York and Washington, a biological attack would not be accompanied by explosions and police sirens. In the days that followed, victims of the attack would visit their family doctor or the local emergency room, complaining of fevers, aches in the joints or perhaps a sore throat. The actions taken in those first few days will do much to determine how severe the consequences of the attack will be.

The keys to responding effectively to a bioterrorist attack lie in three key concepts: immediate detection, immediate treatment and immediate containment.

To improve detection, we should improve the training of doctors to recognize the symptoms of a bioterrorist attack, so that precious hours will not be lost as doctors try to diagnose their patients. As we've seen in recent days, patients with anthrax and other rarely encountered diseases are often initially diagnosed incorrectly. In addition, public health laboratories need the training, the equipment and the personnel to identify biological weapons as quickly as possible.

In Boston, a recently installed electronic communication system will enable physicians to report unusual symptoms rapidly to local health officials, so that an attack could be identified quickly. Too often, however, as a CDC report has stated: "Global travel and commerce can move microbes around the world at jet speed, yet our public health surveillance systems still rely on a 'Pony Express' system of paper-based reporting and telephone calls."

To improve the treatment of victims of a bioterrorist attack, we must strengthen our hospitals and emergency medical plans. Boston, New York and a few other communities have plans to convert National Guard armories and other public buildings into temporary medical facilities, and other communities need to be well prepared too. Even cities with extensive plans need more resources to ensure that those plans will be effective when they are needed.

To improve containment, we must make certain that federal supplies of vaccines and antibiotics are available quickly to assist local public health officials in preventing the disease from spreading.

Developing new medical resources for the future is also essential. Scientists recently reported that they had determined the complete DNA sequence of the microbe that causes plague. This breakthrough may allow new treatments and vaccines to be developed against this ancient disease scourge. We should use the remarkable skills of our universities and biotechnology companies to give us new and better treatments in the battle against bioterrorism.

September 11 was a turning point in America's history. Our challenge now is to do everything we can to learn from that tragic day, and prepare effectively for the future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1861. Mr. BREAUX proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes.

SA 1862. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 1855 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1447) supra; which was ordered to lie on the table.

SA 1863. Mr. MURKOWSKI (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1447, supra.

SA 1864. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1865. Mr. HOLLINGS (for Mr. INOUYE) proposed an amendment to the bill S. 1447, supra.

SA 1866. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, supra.

SA 1867. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, supra.

SA 1868. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, supra.

SA 1869. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1870. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1871. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1872. Mr. LIEBERMAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1873. Mr. MCCAIN (for Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1447, supra.

SA 1874. Mr. SMITH, of New Hampshire (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. THURMOND, and Mr. CRAPO) proposed an amendment to the bill S. 1447, supra.

SA 1875. Mr. BURNS (for himself, Mr. MCCONNELL, Mr. DEWINE, and Mrs. BOXER) proposed an amendment to the bill S. 1447, supra.

SA 1876. Mr. MCCAIN (for Mr. DOMENICI) proposed an amendment to the bill S. 1447, supra.

SA 1877. Mr. MCCAIN (for Mr. CLELAND) proposed an amendment to the bill S. 1447, supra.

SA 1878. Mr. MCCAIN (for Mr. THOMPSON) proposed an amendment to the bill S. 1447, supra.

SA 1879. Mr. MCCAIN (for Mr. LIEBERMAN (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 1447, supra.

SA 1880. Mr. HOLLINGS (for Mrs. MURRAY (for himself, Mr. BYRD, and Mr. SHELBY)) proposed an amendment to the bill S. 1447, supra.

SA 1881. Mr. McCAIN proposed an amendment to the bill S. 1447, supra.

SA 1882. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1883. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1884. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1885. Mr. HARKIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1447, supra ; which was ordered to lie on the table.

SA 1886. Mr. McCAIN (for Mr. ENZI (for himself and Mr. DORGAN)) proposed an amendment to the bill S. 1447, supra.

SA 1887. Mr. McCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, supra.

SA 1888. Mr. McCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, supra.

SA 1889. Mr. McCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, supra.

SA 1890. Mr. McCAIN (for Mr. INHOFE) submitted an amendment intended to be proposed by Mr. McCAIN to the bill S. 1447, supra.

SA 1891. Mr. HOLLINGS (for Mr. FEINGOLD) proposed an amendment to the bill S. 1447, supra.

SA 1892. Mr. HOLLINGS (for himself and Mr. McCAIN) proposed an amendment to the bill S. 1447, supra.

SA 1893. Mr. McCAIN (for Mr. INHOFE) proposed an amendment to the, bill S. 1447, supra.

SA 1894. Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, supra.

SA 1895. Mr. HOLLINGS (for himself and Mr. McCAIN) proposed an amendment to the bill S. 1447, supra.

SA 1896. Mr. WARNER (for himself and Mr. ALLEN) proposed an amendment to the bill S. 1447, supra.

SA 1897. Mr. McCAIN (for Mr. JEFFORDS) proposed an amendment to amendment SA 1858 submitted by Mr. HOLLINGS and intended to be proposed to the bill (S. 1447) supra.

SA 1898. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1532, to provide for the payment of emergency extended unemployment compensation; which was referred to the Committee on Finance.

SA 1899. Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

SA 1900. Mr. FEINGOLD proposed an amendment to the bill S. 1510, supra.

SA 1901. Mr. FEINGOLD proposed an amendment to the bill S. 1510, supra.

TEXT OF AMENDMENTS

SA 1861. Mr. BREAUX proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

"(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

"(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

"(A) prescribe rules requiring that any such crew member to trained in the proper use of the weapon; and

"(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.".

SA 1862. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 1855 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1447) to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 20 of the amendment, insert "employment that involves the provision of transportation to or from an airport," after "an airport,".

SA 1863. Mr: MURKOWSKI (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . AGE AND OTHER LIMITATIONS.

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 6 months after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term "certificate holder" means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(c) RESEERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who has reached the age of 60, including its authority—

(1) to require such a pilot to under go additional or more stringent medical, cognitive, or proficiency testing in order to retain certification; or

(2) to establish crew pairing standards for crews with such a pilot.

SA 1864. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . POSSESSION OF HANDGUNS AND OTHER WEAPONS BY COCKPIT CREW OF COMMERCIAL AIRCRAFT.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 449 of title 49, United States Code, is amended by adding at the end of subchapter I the following new section:

"§ 44917. Aircraft cockpit protection

"(a) FIREARMS.—A pilot, co-pilot, or navigator of a commercial aircraft may carry a handgun aboard the aircraft if the pilot, co-pilot, or navigator, respectively, has passed the background investigation required under subsection (b) and has been trained and certified under subsection (c).

"(b) BACKGROUND INVESTIGATIONS.—The Secretary of Transportation shall, in consultation with other appropriate Federal agencies, prescribe standards for training and conducting background investigations of pilots, co-pilots, and navigators of aircraft to ensure they are qualified and adequately prepared to use a handgun or other weapon they are authorized to carry aboard a commercial aircraft.

"(c) TRAINING.—

"(1) INITIAL TRAINING.—Before carrying a handgun or other weapon aboard a commercial aircraft, the pilot, co-pilot, or navigator of the aircraft shall complete a weapons training program approved by the Secretary of Transportation and be certified as having successfully completed the program.

"(2) REFRESHER TRAINING.—To ensure continued proficiency in the weapons-related skills on which trained in a program approved under paragraph (1), a pilot, co-pilot, or navigator shall annually complete refresher training in such skills at a training facility designated by the Secretary and be certified as having completed the refresher training.

"(3) PARTICULAR WEAPONS TRAINING.—To be approved under paragraph (1), a program shall include training in the use and maintenance of each particular weapon authorized to be carried aboard an aircraft under this section. The certification of completion of training shall include a statement certifying the completion of training on each such weapon.

"(4) INSTRUCTORS AND FACILITIES.—The Secretary of Transportation shall require that, to the maximum extent practicable, the training under this section be provided by instructors approved by the Secretary in facilities throughout the United States that are designated by the Secretary for the purposes of this section.

"(d) DEPUTATION OF PILOTS.—

"(1) IN GENERAL.—For any action taken by a pilot, co-pilot, or navigator of a commercial aircraft in the protection of the security of the cockpit of the aircraft, the pilot, co-pilot, or navigator, as the case may be, shall be treated as having taken that action as a law enforcement officer of the United States.

"(2) APPLICABILITY ONLY TO TRAINED CREW MEMBERS.—Paragraph (1) applies only to a pilot, co-pilot, or navigator of an aircraft who has been trained and certified under subsection (c).

"(e) CONSULTATION REQUIREMENT.—The Secretary of Transportation shall consult with the heads of other departments and agencies of the United States in prescribing standards under subsection (b) and carrying out the Secretary's responsibilities under subsection (c). The Secretary shall determine which officials are appropriate for consultation under this subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 44915 the following new item:

"44917. Aircraft cockpit protection.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 44916 of title 19, United States Code, as added by subsection (a).

SA 1865. Mr. HOLLINGS (for Mr. INOUYE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. the Secretary may impose reasonable limitations on any such waivers.

SA 1866. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 17, line 16, after the period insert "The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.".

SA 1867. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 17, line 23, insert "**AND PROPERTY**" after "**PASSENGER**".

On page 18, line 5, after "mail," insert "cargo, carry-on and checked baggage and other articles,".

SA 1868. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) IN GENERAL.— The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for suppliers and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

SA 1869. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

Section 48114(b) of title 49, United States Code, as added by section 20 of the bill, is amended to read as follows:

"(b) AMOUNT OF FEE.—Air carriers shall remit $2.50 for each passenger enplanement. The Secretary may authorize air carriers to collect and remit up to $5.00 for each passenger enplanement to offset the costs of providing aviation security services, including providing air marshals.".

SA 1870. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

( ) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

"(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

"(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

"(i) progress made in engineering, research, and development with respect to security technology;

"(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

"(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.".

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

"(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

"(ii) the disruption of civil aviation service, including by cyber attack;".

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

"(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

"(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

"(i) the development and testing of effective explosive detection systems;

"(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

"(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

"(iv) other scientific and technical areas the Administrator considers appropriate.

"(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

"(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

"(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.".

SA 1871. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AVAILABILITY OF PASSENGER FACILITY FEES AND AIRPORT IMPROVEMENT PROGRAM FUNDS FOR SECURITY COSTS AND OTHER COSTS.

(a) AVAILABILITY.—Notwithstanding any other provision of law, any public agency that controls a commercial service airport may, during the one-year period beginning on the date of the enactment of this Act, use amounts referred to in subsection (b) as follows:

(1) For costs in connection with security at the airport.

(2) For the service of outstanding debt obligations of the public agency with respect to the airport.

(b) COVERED AMOUNTS.—The amounts referred to in this subsection for a public agency are as follows:

(1) Amounts collected by the public agency as passenger facility fees under section 40117 of title 49, United States Code.

(2) Amounts available to the public agency from the Airport and Airway Trust Fund.

SA 1872. Mr. LIEBERMAN (for himself, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE —DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. 01. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a) of title 49, United States Code who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 6 months. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place within 6 months of the date of enactment of this Act.

(b) EXPLOSIVE DETECTION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall deploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals, and progress the Administration is making in achieving those goals described in paragraph (1).

(3) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking "and" at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting "; and"; and

(C) by inserting after clause (ix) the following new clause:

"(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.".

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. 11. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

(1) IN GENERAL.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

(B) review the effectiveness of increased surveillance at access points;

(C) review the effectiveness of card- or keypad-based access systems;

(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

(E) specifically target the elimination of the "piggy-backing" phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

(2) 90-DAY REVIEW.—

(A) IN GENERAL.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the "watch list" for any Federal law enforcement agencies who could present an aviation security threat.

(B) DEPLOYMENT OF UPGRADES.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of "watch list" information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters

and boarding areas, including the use of biometrics and "smart" cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.

Subtitle C—Research and Development of Aviation Security Technology

SEC. 21. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

SA 1873. Mr. MCCAIN (for Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . ENHANCED SECURITY FOR AIRCRAFT.

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 13 of this Act.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term "alien" has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

SA 1874. Mr. SMITH of New Hampshire (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. THURMOND, and Mr. CRAPO) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . FLIGHT DECK SECURITY.

(a) TITLE.—This Section may be cited as the 'Flight Deck Security Act of 2001'.

(b) FINDINGS.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World

Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorists by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The FAA is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of section (c)(2) of this Act, or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary, to ensure the safety and integrity of flight.

(2) FEDERAL PILOT OFFICERS.—

(A) In addition to the protections provided by the section (c)(1) of this Act, the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this Act.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.".

SA 1875. Mr. BURNS (for himself, Mr. MCCONNELL, Mr. DEWINE, AND Mrs. BOXER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes, as follows:

On Page 4, strike lines 10, 11, and 12.

On Page 4, line 13, strike "(B)" and insert "(A)".

On Page 4, line 18, strike "(C)" and insert "(B)".

On Page 4, line 22, insert "and" after the semicolon.

On Page 4, beginning with line 23, strike through line 5 on page 5.

On Page 5, line 6, strike "(E)" and insert "(C)".

On Page 5, between lines 13 and 14, insert the following:

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in conjunction with the Secretary of Transportation, Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council. On page 5, line 14, strike "(b)" and insert "(c)".

On page 6, line 4, strike "(c)" and insert "(d)".

On page 10, between lines 6 and 7, insert the following:

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

On page 10, line 7, strike "(a)IN GENERAL.—" and insert "(b) DEPLOYMENT.—".

On page 10, line 23, strike "(b) Deployment.—" and insert "(c)TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—".

On page 11, line 14, strike "(c)" and insert "(d)".

On page 11, line 20, strike "(d)" and insert "(e)".

On page 12, line 3, strike "(e)" and insert "(f)".

On page 12, line 4, before "Secretary" insert "Attorney General and the)".

On page 12, line 22, before "Secretary" insert "Attorney General and the".

On page 12, line 24, strike "the Secretary" and insert "they".

On page 13, line 3, strike "(f)" and inset "(g)".

On page 18, beginning in line 2, strike "Secretary of Transportation, in consultation with the Attorney General," and insert "Attorney General, in consultation with the secretary of Transportation,".

On page 18, line 11, strike "Secretary" and insert "Attorney General".

On page 18, beginning in line 17, strike "Secretary of Transportation, in consultation with the Attorney General" and insert "Attorney General".

On page 18, line 25, strike "Secretary" and insert "Attorney General".

On page 19, line 4, strike "Secretary" and insert "Attorney General".

On page 19, line 7, strike "Secretary" and insert "Attorney General".

On page 19, beginning in line 12, strike "Secretary of Transportation, with the approval of the Attorney General," and insert "Attorney General".

On page 20, line 9, strike "Secretary" and insert "Attorney General".

On page 20, beginning in line 12, strike "Secretary, in consultation with the Attorney General," and insert "Attorney General, in consultation with the Secretary of Transportation,".

On page 20, beginning in line 14, strike "Secretary" and insert "Attorney General".

On page 21, beginning in line 3, strike "Secretary and".

On page 21, line 12, strike "Administrator" and insert "Attorney General".

On page 21, line 19, strike "Administrator" and insert "Attorney General".

On page 21, line 23, strike "Administrator" and insert "Attorney General or the Secretary of Transportation".

On page 22, line 4, strike "Administrator" and insert "Attorney General".

On page 22, beginning in line 7, strike "Secretary of Transportation" and insert "Attorney General".

On page 22, line 9, strike "the Attorney General or".

On page 22, strike lines 13 through 22.

On page 22, line 23, strike "(c) TRANSITION.—the Secretary of transportation" and insert "(b) TRANSITION.—the Attorney General".

On page 23, line 3, strike "Secretary" and insert "Attorney General".

On page 23, line 6, strike "Secretary" and insert "Attorney General".

On page 23, beginning in line 18, strike "Secretary of Transportation, in consultation with the Attorney General," and insert "Attorney General, in consultation with the Secretary of Transportation,".

On page 23, line 23, strike "Secretary" and insert "Attorney General".

On page 24, line 20, strike "Secretary" and insert "Attorney General".

On page 24,, beginning in line 21, strike "Secretary" and insert "Attorney General".

On page 25, line 3, Strike "Secretary" and insert "Attorney General".

On page 25, line 11, strike "Secretary" and insert "Attorney General".

On page 25, beginning in line 14, strike "Secretary" and insert "Attorney General".

On page 26, line 3, strike "Secretary" and insert "Attorney General".

On page 26, line 15 strike "Secretary" and insert "Attorney General".

On page 29, beginning in line 1, strike "Secretary" and insert "Attorney General".

On page 29, line 20, strike "Secretary" and insert "Attorney General".

On page 29, beginning in line 23, strike "Secretary of Transportation" and insert "Attorney General".

On page 29, beginning in line 25, strike "the Attorney General, or".

On page 30, line 6, strike "Secretary" and insert "Attorney General".

On page 30, line 14, strike "Secretary" and insert "Attorney General".

On page 30, beginning in line 21, strike "Secretary" and insert "Attorney General".

On page 31, beginning in line 5, strike "Secretary of Transportation" and insert "Attorney General".

On page 31, line 9, strike "Secretary" and insert "Attorney General".

On page 31, line 22, strike "Secretary" and insert "Attorney General".

On page 32, line 1, strike "Secretary of Transportation" and insert "Attorney General".

On page 32, beginning in line 4, strike "Secretary of Transportation" and insert "Attorney General".

On page 32, line 7, strike "Secretary" and insert "Attorney General".

On page 32, line 11, strike "Secretary of Transportation" and insert "Attorney General".

On page 33, line 3, strike "Secretary of Transportation" and insert "Attorney General".

On page 33, beginning in line 5, strike "Secretary" and insert "Attorney General".

On page 33, line 9, strike "Secretary" and insert "Attorney General".

On page 33, line 13, strike "Secretary" and insert "Attorney General".

On page 33, line 16, strike "Secretary" and insert "Attorney General".

On page 33, line 19, strike "Secretary" and insert "Attorney General".

On page 33, line 22, strike "Secretary" and insert "Attorney General".

On page 34, line 15, strike "Transportation" and insert "Justice".

On page 34, line 17, strike "Secretary" and insert "Attorney General".

On page 34, line 21, strike "Secretary" and insert "Attorney General".

On page 33, line 22, strike "Secretary" and insert "Attorney General".

On page 35, line 4, insert "(a) In General.—" before "Section".

On page 35, between lines 19 and 20, insert the following:

(b) Coordination With Attorney General.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.".

SA 1876. Mr. McCAIN (for Mr. Domenici) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

( ) Additional Matters Regarding Research and Development.—

(1) Additional program requirements.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

"(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

"(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

"(i) progress made in engineering, research, and development with respect to security technology;

"(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

"(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.".

(2) Review of threats.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

"(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

"(ii) the disruption of civil aviation service, including by cyber attack;".

(3) Scientific advisory panel.—Subsection (c) of that section is amended to read as follows:

"(c) Scientific Advisory Panel.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

"(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

"(i) the development and testing of effective explosive detection systems;

"(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

"(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

"(iv) other scientific and technical areas the Administrator considers appropriate.

"(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

"(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

"(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.".

SA 1877. Mr. McCAIN (for Mr. Cleland) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "pilots" and inserting "airmen"; and

(B) by striking the period and inserting "and related to combating acts of terrorism."; and

(2) by adding at the end, the following new paragraphs:

"(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

"(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.".

SA 1878. Mr. McCAIN (for Mr. Thompson) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Insert at the appropriate place the following:

SEC. . RESULTS-BASED MANAGEMENT.

(a) In General.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end of the following:

§ Performance Goals and Objectives

(a) Short Term Transition.—

(1) In general.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

(2) Basics of action plan.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

"(b) Long-Term Results-Based Management.—

(1) Performance plan and report.—

(A) Performance Plan.—

(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(iii) The performance plan shall be available to the public. The Deputy Secretary for

Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

(B) PERFORMANCE REPORT.—

(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

§ Performance Management System

(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(i) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

(ii) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

(i) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

(i) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement this act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

SA 1879. Mr. McCAIN (for Mr. LIEBERMAN (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE —DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. 01. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in Section 44936(a) of title 49, United States Code who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 9 months unless such individuals have had such investigation and check within 5 years of date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign governments in devising such alternative method.

(b) EXPLOSIVE DETECTION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall deploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking "and" at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting "; and"; and

(C) by inserting after clause (ix) the following new clause:

"(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.".

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. 11. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

(i) SHORT-TERM ASSSESSMENT AND DEPLOYMENT OF EMERGING SECURITY. TECHNOLOGIES AND PROCEDURES.

(1) In General.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

(B) review the effectiveness of increased surveillance at access points;

(C) review the effectiveness of card- or keypad-based access systems;

(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

(E) specifically target the elimination of the "piggy-backing" phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

(2) 90-Day Review.—

(A) In general.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the "watch list" for any Federal law enforcement agencies who could present an aviation security threat.

(B) Deployment of upgrades.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of "watch list" information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

(3) Study.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters and boarding areas, including the use of biometrics and "smart" cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective."

Subtitle C—Research and Development of Aviation Security Technology

SEC. 21. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) Funding.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) Grants.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) Budget Submission.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) Defense Research.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

SA 1880. Mr. HOLLINGS (for Mrs. MURRAY (for herself, Mr. BYRD, and Mr. SHELBY)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 43, line 19, add the words "annual appropriations for" after the words "offset";

On page 43, line 20, strike the sentence beginning with the word "The" and ending with the word "expended." on line 23;

On page 43, at the end of line 25, insert the following new subsection:

(c) Use of Fees.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.

SA 1881. Mr. McCAIN proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 32, beginning with line 9, strike through line 2 on page 35 and insert the following:

(d) Screener Personnel.—Notwithstanding any other provision of law, the Secretary of Transportation may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of such a number of individuals as the Secretary determines to be necessary to carry out the passenger security screening functions of the Secretary under section 44901 of title 49, United States Code.

(e) Strikes Prohibited.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

SA 1882. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

In section 21, strike the heading and insert the following:

SEC. 19. REIMBURSEMENT OF STATES FOR THE COSTS OF STATE USE OF THE NATIONAL GUARD TO PROVIDE AIRPORT SECURITY SERVICES.

(a) Authority.—The Secretary of the Army or the Secretary of the Air Force shall reimburse a State for the cost incurred by the State in the use of the Army National Guard or Air National Guard, respectively, of the State, not in Federal service, in support of activities to protect persons or property at any airport in the State from an act of terrorism or a threat of attack by a hostile force during the period of the national emergency declared by the President on September 14, 2001.

(b) COVERED ACTIVITIES.—This section applies with respect to activities at an airport referred to in subsection (a) as follows:

(1) Security patrol of the perimeter of airport property.

(2) Protection of the security of airport aprons.

(3) Screening and clearing of delivery vehicles.

(4) Screening and clearing of passengers and property for transportation on aircraft.

(5) Monitoring and reinforcing security personnel provided by air carriers at the airport security checkpoints.

(6) Any other activities described in subsection (a).

SEC. 20. DEFINITIONS.

SA 1883. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON LIABILITY.

(a) Definitions.—Section 402 of the September 11th Victim Compensation Fund of 2001 (Public Law 107-42) is amended by adding at the end the following new paragraph:

"(9) PROPERTY OWNER.—The term 'property owner' means the Port Authority of New York and New Jersey and any other person with a property interest in the World Trade Center, whether fee simple, leasehold, or easement, direct or indirect.".

(b) LIMIT OF PROPERTY OWNERS LIABILITY.—Section 408 of the September 11th Victim Compensation Fund of 2001 is amended—

(1) in subsection (a)—

(A) by striking "Notwithstanding" and inserting:

"(1) AIR CARRIER LIABILITY.—Notwithstanding"; and

(B) by adding at the end the following new paragraph:

"(2) OTHER LIMITATIONS OF LIABILITY.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages or for contribution of indemnity, arising from the terrorist-related aircraft crashes of September 11, 2001, against any property owner shall not be in an amount greater than the limits of liability insurance coverage available to the property owner."; and

(2) in the heading, by striking "AIR CARRIER".

(c) SUBROGATION.—Section 409 of the September 11th Victim Compensation Fund of 2001 is amended by inserting before the end period the following: ", subject to the limitations described in section 408.

SA 1884. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 8 and 9, insert the following:

SEC. . INCREASED SCREENING OF CHECKED BAGGAGE.

(a) EXPANSION OF THE COMPUTER ASSISTED PASSENGER PRESCREENING SYSTEM (CAPPS).—

(1) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by inserting after section 44901 the following new section:

"§ 44901a. Expansion of CAPPS

"(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Aviation Security Act, the Administrator of the Federal Aviation Administration shall promulgate guidelines to increase the selection of passengers through the Computer Assisted Passenger Prescreening System (CAPPS) and shall incorporate the database described in section 44911(g)(1) into the CAPPS. The guidelines shall not include race or national origin as criteria.

"(b) REQUIREMENTS.—

"(1) POSITIVE MATCHING.—Passengers selected through the CAPPS shall be required to provide positive passenger-bag match and their property shall be screened by an explosive detection system or, in the case of an airport where an explosive detection system is unavailable, by an equivalent system, a trace explosive detection system, or by a hand-search.

"(2) SCREENING OF CHECKED BAGGAGE THROUGH EXPLOSIVE DETECTION SYSTEMS.—

"(A) DEPLOYMENT.—The Secretary of Transportation, in coordination with the Attorney General of the United States, shall be responsible for the deployment and maintenance of certified explosive detection systems at small, medium, and large hub airports.

"(B) PREFERENCE FOR AMERICAN-MADE SYSTEMS.—In selecting explosive detection systems, the Secretary shall give preference to systems produced by United States companies.

"(C) DEADLINES FOR IMPLEMENTATION.—

"(i) Not later than January 1, 2005, the Secretary shall ensure that at the 100 largest airports all property to be transported in the hold of commercial passenger aircraft is scanned by an explosive detection system.

"(ii) Not later than January 1, 2008, the Secretary shall ensure that at small, medium, and large hub airports all property to be transported in the hold of commercial passenger aircraft is scanned by an explosive detection system or a trace explosive detection system.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 44901 the following new item:

"44901a. Expansion of CAPPS.".

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Secretary of Transportation shall submit to Congress a report regarding the screening of checked baggage through explosive detection systems. The initial report shall contain the following:

(1) A date by which the Department of Transportation shall ensure that all checked baggage is screened through an explosive detection system or a trace explosive detection system.

(2) An estimate of the costs that will be incurred in ensuring the screening of all checked baggage.

(3) A plan for deploying all explosive detection systems purchased by the Federal Aviation Administration before the date of enactment of this Act that are not in use on such date.

SA 1885. Mr. HARKIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . GENERAL AVIATION SMALL BUSINESS GRANTS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) GENERAL AVIATION SMALL BUSINESS GRANTS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, upon application, make grants to general aviation small business concerns for direct and incremental losses incurred by such small business concerns as a result of the Federal ground stop order issued by the Secretary of Transportation on September 11, 2001, or any such subsequent order issued by the Department of Transportation that adversely affects General Aviation Small Business.

"(B) GRANT AMOUNTS.—

"(i) IN GENERAL.—A grant under subparagraph (A) shall be made in an amount equal to the amount of direct and incremental losses incurred by a general aviation small business concern during the period beginning on September 11, 2001, and ending on December 31, 2001, to the extent that such losses are not compensated for by insurance or otherwise.

"(ii) MAXIMUM GRANT.—The amount of a grant under this paragraph shall not exceed $6,000,000.

"(iii) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate grant amounts established under clause (ii).

"(iv) DOCUMENTATION.—The amount of the grant payable may not exceed the incremental loss that the business demonstrates to the satisfaction of the Administrator, using sworn financial statements or other appropriate data.

"(C) NO DISASTER DECLARATION REQUIRED.—For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.

"(D) EXTENDED APPLICATION PERIOD.—Notwithstanding any other provision of law, the Administrator shall accept applications of assistance under this program until September 10, 2002, with respect to small business concerns adversely affected by the terrorist attacks perpetrated against the United States on September 11, 2001.

"(E) AUDITS.—The Small Business Administration may audit financial statements or other appropriate data of any business receiving assistance under this paragraph for not more than 3 years after the grant has been finalized. The business shall provide any requests for information that the Administration may request while conducting such audit.

"(F) DEFINITIONS.—As used in this paragraph—

"(i) the term 'general aviation small business concern' means a small business concern that is a regular provider of general aviation services, such as aircraft rentals, crop dusting, flight training instruction, repair, and other fixed based services; and "(ii) the term 'incremental loss' does not include any loss that the Administration determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.".

(b) FUNDING.—There is authorized to be appropriated, and there is appropriated, $400,000,000 to carry out section 7(b)(4) of the Small Business Act, as added by this Act.

(c) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(1) by striking ", (2), and (4)" and inserting "and (2)"; and

(2) by striking ", (2), or (4)" and inserting "(2)".

SA 1886. Mr. MCCAIN (for Mr. ENZI (for himself and Mr. DORGAN)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 15, line 2, after the period insert the following: "The Federal Aviation Administration, in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports to reflect reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport."

SA 1887. Mr. MCCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 35, between lines 2 and 3, insert the following:

(e) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code, is amended—

(A) by inserting "is or" before "will" in subsection (a)(1)(B)(i); and

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in sub-paragraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SA 1888. Mr. MCCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 18, line 1, strike "**passengers**" and insert "**passengers, individuals with access to secure areas,**".

On page 18, line 10, after the period, insert "The Secretary, in consultation with the Attorney General, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure area of the airport, as determined by the Secretary.

"The screening of airport, air carrier, foreign air-carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Secretary may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport.".

SA 1889. Mr. MCCAIN (for Mr. INHOFE) proposed an amendment to the bill. S. 1447, to improve aviation security, and for other purposes; as follows:

At the end of the bill, insert following:

SEC. . USE OF FACILITIES.

(a) EMPLOYMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities to design, develop, or conduct training of security screening personnel.

SA 1890. Mr. MCCAIN (for Mr. INHOFE) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Strike the section heading for section 14 and insert the following:

SEC. 14. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation. Infrastructure of the House of Representatives.

SA 1891. Mr. HOLLINGS (for Mr. FEINGOLD) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Strike the section heading for section 14 and insert the following:

SEC. 14. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44939. Exemption of volunteers from liability

"(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

"(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"44939. Exemption of volunteers from liability.".

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 15. DEFINITIONS.

SA 1892. Mr. HOLLINGS (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike "hiring and training" and insert "hiring, training, and evaluating".

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in the bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access sand egress; and

(D) prohibiting the possession of a key to any such flight door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after "(1)" the second place it appears.

On page 10, line 20, insert opening quotation marks before "(3)".

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike "Employment Investigations and Restrictions.—" and insert "Airport Security Pilot Program.—"

On page 18, line 9, strike "an" and insert "a".

On page 18, line 10, strike "215" and insert "2105".

On page 21, beginning in line 22, strike through line 7 on page 22 and insert the following:

(b) Deputizing of State and Local Law Enforcement Officers.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking "purposes of" in subsection (b)(1)(A) and inserting "pupsoses of (i)";

(2) by striking "transportation" in subsection (b)(1)(A) and inserting "transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;";

(3) by striking "NOT FEDERAL RESPONSIBILITY" in the heading of subsection (b)(3)b);

(4) by striking "shall not be responsible for providing" in subsection (b)(3)(B) and inserting "may provide";

(5) by striking "flight." in subsection (c)(2) and inserting "flight and security screening functions under section 44901(c) of title 49, United States Code.";

(6) by striking "General" in subsection (e) and inserting "General, in consultation with the Secretary of Transportation,"; and

(7) by striking subsection (f).

On page 31, line 20, strike "(2)Section" and "(2) Section".

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert "under section 44901 of title 49, United States Code," after "screener".

On page 32, strike line 23, and insert "5, United States Code.".

On page 33, line 2, insert "any other" before "provision".

On page 36, line 8, "alien" insert "or other individual".

On page 38, line 25, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 39, line 6, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 41, between lines 8 and 9, insert the following:

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert "to the maximum extent practicable" before "the best'..

On page 43, line 9, strike "to certify" and insert "on".

In amendment No. 1881, on page 1, line 5, insert "Federal service for" after "of".

SA 1893. Mr. McCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) In General.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) Technologies Described.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

SA 1894. Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following;

SEC. . REPORT.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this Act.

SA 1895. Mr. HOLLINGS (for himself and Mr. McCAIN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike "hiring and training" and insert "hiring, training, and evaluating".

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(a) In General.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulk-head between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after "(1)" the second place it appears.

On page 10, line 20, insert opening quotation marks before "(3)".

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike "Employment Investigations and Restrictions.—" and insert "Airport Security Pilot Program.——"

On page 18, line 9, strike "an" and insert "a".

On page 18, line 10, strike "215" and insert "2105".

On page 21, beginning with line 22, strike through line 6 on page 22 and insert the following:

(b) Deputizing of State and Local Law Enforcement Officers.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking "purpose of" in subsection (b)(1)(A) and inserting "purpose of (i)";

(2) by striking "transportation;" in subsection (b)(1)(A) and inserting "transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;";

(3) by striking "NOT FEDERAL RESPONSIBILITY" in the heading of subsection (b)(3)(b);

(4) by striking "shall not be responsible for providing" in subsection (b)(3)(B) and inserting "may provide";

(5) by striking "flight." in subsection (c)(2) and inserting "flight and security screening functions under section 44901(c) of title 49, United States Code.";

(6) by striking "General" in subsection (e) and inserting "General, in consultation with the Secretary of Transportation,"; and

(7) by striking subsection (f).

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert "under section 44901 of title 49, United States Code," after "screener".

On page 32, strike line 23, and insert "5, United States Code.".

On page 33, line 2, insert "any other" before "provision".

On page 36, line 8, after "alien" insert "or other individual".

On page 38, line 25, strike "congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 39, line 6, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 41, between lines 8 and 9, insert the following:

(5) the use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert "to the maximum extent practicable" before "the best".

On page 43, line 9, strike "to certify" and insert "on".

In amendment No. 1881, on page 1, line 5, insert "Federal service for" after "of".

SA 1896. Mr. WARNER (for himself and Mr. ALLEN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PAYMENT FOR LOSSES RESULTING FROM LIMITATIONS ON USE OF RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOLLOWING TERRORIST ATTACKS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available immediately by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) that are available for obligation, $65,648,183 shall be available to the Secretary of Transportation for payment to the Metropolitan Washington Airports Authority (MWAA) and concessionaires at Ronald Reagan Washington National Airport for losses resulting from the closure, and subsequent limitations on use, of the airport following the September 11, 2001, terrorist attacks and subsequent reopening of other United States airports after September 13, 2001.

(b) ALLOCATION OF FUNDS.—The amount available under subsection (a) shall be allocated as follows:

(1) $37,816,093 shall be available for payment for losses of the Metropolitan Washington Airports Authority that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(2) $27,832,090 shall be available for payment for losses of concessionaires at Ronald Reagan Washington National Airport that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(c) APPLICATION.—A concessionaire at Ronald Reagan Washington National Airport seeking payment under this section for losses described in subsection (a) shall submit to the Secretary an application for payment in such form and containing such information as the Secretary shall require. The application shall, at a minimum, substantiate the losses incurred by the concessionaire described in subsection (a).

SA 1897. Mr. MCCAIN (for Mr. JEFFORDS) proposed an amendment to amendment SA 1858 submitted by Mr. HOLLINGS and intended to be proposed to the bill (S. 1447) to improve aviation security, and for other purposes; as follows:

In amendment No. 1858 on page 1, line 8, insert "or an individual discharged or furloughed from commercial airline cockpit crew position" after "age,".

SA 1898. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1532, to provide for the payment of emergency extended unemployment compensation; which was referred to the Committee on Finance; as follows:

In section 173(a)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(4)), as added by section 8(a), strike "subsection (f)" and insert "subsections (f) and (g)".

In section 173(a)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 1918(a)(4)), as added by section 8(a), strike the period and insert ", and to independently owned businesses and proprietorships.".

In section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), as amended by section 8(b), add after subsection (f) the following:

"(g) GOVERNMENT INTERVENTION SUPPLEMENTS.—

"(1) PERSONAL INCOME.—Using funds made available under subsection (a)(4), a State may provide personal income compensation to a dislocated worker described in such subsection if—

"(A) the worker is unable to work due to direct Federal Government intervention leading to—

"(i) closure of the facility at which the worker was employed, prior to the intervention; or

"(ii) a restriction on how business may be conducted at the facility; and

"(B) the facility is located within an area is which a major disaster or emergency was declared as described in section 7(3)(A)(i) of the Emergency Extended Unemployment Compensation Act of 2001.

"(2) BUSINESS INCOME.—Using funds made available under subsection (a)(4), a State may provide business income compensation to an independently owned business or proprietorship if—

"(A) the business or proprietorship is unable to earn revenue due to direct Federal intervention leading to—

"(i) closure of the facility at which the business or proprietorship was located, prior to the intervention; or

"(ii) a restriction on how customers may access the facility; and

"(B) the facility is located within an area is which a major disaster or emergency was declared as described in section 7(3)(A)(i) of the Emergency Extended Unemployment Compensation Act of 2001.".

SA 1899. Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; as follows:

On page 42, line 25, insert "or other" after "contractual".

On page 43, line 2, strike "for" and insert "permitting".

On page 43, line 8, insert "transmitted to, through, or from the protected computer" after "computer trespasser".

On page 43, line 20, insert "does not last for more than 96 hours and" after "such interception".

SA 1900. Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; as follows:

On page 21, line 14, insert "except that, in such circumstances, the order shall direct that the surveillance shall be conducted only when the target's presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained by the person implementing the order and that the electronic surveillance must be directed only at the communication of the target," after "such other persons".

SA. 1901. Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; as follows:

Strike section 215 and insert the following:

SEC. 215. ACCESS TO BUSINESS RECORDS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a), by striking "authorizing a common carrier" and all that follows through "to release records" and inserting "requiring a business to produce any tangible things (including books, records, papers, documents, and other items)";

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) the records concerned are not protected by any Federal or State law governing access to the records for intelligence or law enforcement purposes."; and

(3) in subsection (d), by striking "common carrier, public accommodation facility, physical storage facility, or vehicle rental facility" each place it appears and inserting "business".

(b) CONFORMING AMENDMENT.—The text of section 501 of that Act (50 U.S.C. 1861) is amended to read as follows:

"SEC. 501. In this title, the terms 'agent of a foreign power', 'foreign intelligence information', 'international terrorism', and 'Attorney General' have the meanings given such terms in section 101.".

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 18, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information, please contact John Watts of the Committee staff at (202) 224-5488.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, October 24, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information, please contact Kira Finkler of the Committee staff at (202) 224-8164.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 11, 2001, at 2:30 P.M., in open session to consider the nominations of Linton F. Brooks to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration; Marvin R. Sambur to be Assistant Secretary of the Air Force for Acquisition; William Winkenwerder, Jr. to be Assistant Secretary of Defense for Health Affairs; Everett Beckner to be Deputy Administrator for Defense Programs, National Nuclear Security Administration; and Mary L. Walker to be General Counsel of the Air Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 11, 2001 at 2:30 pm to hear testimony on S. 685, "Strengthening Working Families Act of 2001."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, October 11, 2001 at 9:30 am to consider the nomination of Mark W. Everson to be Controller, Office of Federal Financial Management, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, AND FISHERIES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, and Fisheries of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 11, 2001, at 9:30 am, on role of the Coast Guard and NOAA in strengthening security against maritime threats.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 11, 2001, at 2:30 pm, on needs of fire services in responding to terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent Janelle Sagness, an intern in my office, be granted the privilege of the floor during today's deliberations.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 147, H.R. 2506, the foreign operations appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. REID. Mr. President, on behalf of Senator DASCHLE, and in light of the objection, I now move to proceed to Calendar No. 147, H.R. 2506, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 147, H.R. 2506, the foreign operations appropriations bill, 2002:

Harry Reid, Patrick Leahy, Richard J. Durbin, Ron Wyden, Barbara A. Mikulski, Daniel K. Akaka, Russell D. Feingold, Jack Reed, Zell Miller, Tim Johnson, Paul S. Sarbanes, Jean Carnahan, Daniel K. Inouye, Barbara Boxer, Ernest F. Hollings, Patty Murray, Edward M. Kennedy.

Mr. REID. Mr. President, I ask unanimous consent that cloture vote on the motion to proceed occur at 5:30 p.m., Monday, October 15, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 433 and 438 through 451; that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Patrick Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

DEPARTMENT OF JUSTICE

John L. Brownlee, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

Timothy Mark Burgess, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

Harry Sandlin Mattice, Jr., of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert Garner McCampbell, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Matthew Hansen Mead, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Michael W. Mosman, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

John W. Suthers, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

Susan W. Brooks, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Todd Peterson Graves, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

Terrell Lee Harris, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

David Claudio Iglesias, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Charles W. Larson, Sr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

Steven M. Colloton, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

Gregory Gordon Lockhart, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

NOMINATION OF JOHN L. BROWNLEE

Mr. WARNER. Mr. President, it is a pleasure for me to take the opportunity today to say a few words about an outstanding young American who the President has nominated and the Senate has confirmed to be the U.S. Attorney for the Western District of the Commonwealth of Virginia.

John Brownlee is exceptionally well-qualified to serve in this position. He is a graduate of Washington and Lee University and the Law School of the College of William and Mary. Following his graduation from law school, John served for two years as a law clerk for the Honorable Sam Wilson, Chief U.S. District Judge for the Western District of Virginia. He served four years as an Assistant U.S. Attorney here in the District of Columbia where he gained extensive experience as a federal prosecutor. John also has experience in the private sector as an attorney with the law firm of Woods, Rogers and Hazlegrove in Roanoke, Virginia.

I have known this outstanding young man for almost eighteen years and have followed his career development with great interest. John is very capable and dedicated, with extraordinary character and high moral standards. A graduate of the ROTC program at Washington & Lee University, where he also lettered in varsity football each year, John entered the U.S. Army upon graduation as an infantry officer. He also volunteered for and graduated from the Army's Airborne and Ranger training programs.

John's 4-year military career was primarily as an officer in the Army's 3rd Infantry, the "Old Guard", where he served initially as a Rifle Platoon Leader and later commanded the prestigious Army Drill Team. While on duty at Ft. Myer, Virginia, John also served as a military social aide to President George H.W. Bush and, through night courses, earned a Masters Degree in Business Administration. John continues to serve his country as a Major in the Army Reserve.

John and his lovely wife, Lee Ann along with their two year old daughter, Thompson Ann, currently live in Roanoke. Lee Ann is a news anchor for Channel 10 and one of the most popular personalities in southwest Virginia.

John was appointed Acting U.S. Attorney on August 30, 2001. He is already hard at work as the Chief Law Enforcement Officer in the Western District. John has already tried and won his first case as the U.S. Attorney.

I am particularly proud of this young man, having watched him develop over many years. As many of my colleagues know, John is the son of Les Brownlee, the Republican Staff Director of the Armed Services Committee, who has worked for me and the Armed Services Committee for almost 18 years. So, it is with a great deal of pride and personal pleasure that I have urged my colleagues to support unanimously the confirmation of John L. Brownlee as the U.S. Attorney for the Western District of the Commonwealth of Virginia.

Mr. President, I yield the floor.

NOMINATION OF GREGORY LOCKHART

Mr. DEWINE. Mr. President, I am pleased that today we have confirmed Greg Lockhart to be U.S. Attorney for the Southern District of Ohio. I am in full and strong support of this nomination.

I have known Greg Lockhart for over 25 years. I know from my personal experiences working with Greg that he is an extremely well qualified nominee, who possesses great integrity and personal virtue.

Greg's experience is extensive. He served in the U.S. Air Force for three years from 1966 to 1969, including service in Vietnam. Following his military service, he attended Wright State University, where he graduated in 1973. He then earned a law degree from Ohio State University in 1976. He's been a career prosecutor ever since.

I worked with Greg first in Xenia, when he was the legal advisor to the Xenia and Fairborn police departments and I was serving as Greene County prosecutor. I hired him to be assistant county prosecutor in 1978. He became an assistant U.S. attorney in 1987. While in this position, Greg served as Organized Crime Drug Enforcement Task Force (OCDETF) prosecutor for two years, with duties including the prosecution of all violations of federal law, such as contract fraud, murder, firearms, drugs, money laundering, and organized crime. Additionally, Greg has handled the civil defense of all manner of lawsuits brought against the United States, including medical and tort claims, discrimination, the training of agents and appellate practice.

There is no doubt in my mind that Greg Lockhart has the qualifications and skills necessary to serve in this post. With 25 years of experience as a prosecutor, Greg will fill this position in a pragmatic, tempered, and thoughtful way. I thank my colleagues for joining me in supporting this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 68, a 1-week continuing resolution, just received from the House, which is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 68) making further continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 68) was read the third time and passed.

NATIONAL CHARACTER COUNTS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 204 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 204) expressing the sense of Congress regarding the establishment of National Character Counts Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I rise in support of the resolution introduced by myself and my friend and colleague from New Mexico, Senator DOMENICI, to establish National Character Counts Week. This resolution has passed during each of the last four Congresses with broad, bi-partisan support. This year, in addition to Senator DOMENICI and myself, the resolution has 45 cosponsors, divided almost equally between Democrats and Republicans. This resolution passed the House on September 24, 2001, and we hope that it will pass the Senate today by unanimous consent.

Our schools may be built with the bricks of reading and math, and science and history, but bricks need mortar, and character is that mortar in our children's education. Dr. Martin Luther King exhorted us to judge each other not by the color of our skin, but by the content of our character. We must do all that we can to help families and schools ensure that the character of which Dr. King spoke is sound.

That is why Senator DOMENICI and I supported grants for character education partnerships in the Elementary and Secondary Education Act in 1994, and again this year. That is why we have been so pleased by the President's support for character education. And, that is why we urge our colleagues in the Senate to support this resolution today.

Character education provides students a context within which to learn. If we view education simply as imparting cold facts to our children, then we will miss a critical opportunity to develop the character of future generations. Character education must be part of a seamless garment of learning.

For example, at Waterford High School, in Connecticut, math students designed an access ramp for children and others who use wheelchairs. The students learned about math, but also about caring and inclusion.

At Butler Elementary School, in Groton, CT, principals and teachers developed the Respect Every Day program. The program is not an additional required subject. Rather, it is a part of every subject. And, in Enfield, Connecticut, at Prudence Crandall Elementary School, teachers use the Teaching Children to Get Along program, which teaches students to treat others with courtesy, and to be assertive, but not angry, when dealing with problems such as bullying and teasing.

The Connecticut Department of Education, on behalf of many state organizations, has issued a Call to Action letter, outlining a program to improve the school climate in Connecticut schools. And, the Connecticut Education Association has developed its own character education program that teaches kids about not bullying and other behaviors that can disrupt schools and make it difficult for children to learn.

Just last week, there was a wonderful article in the Washington Post, about Mt. Rainier Elementary School, in Maryland, only a few miles from the Capitol. At Mt. Rainier, the theme of peace is woven throughout the curriculum, and is central to the school's effort to teach children to be responsible for their actions and to respect themselves, fellow students, and adults.

A banner over the school entrance reads "Mt. Rainier: A Peaceful School." Each week, students learn a different word for peace, often it is the word for peace in a foreign language, teaching students that peace must be universal. And, students are rewarded for good behavior. Last year, the school celebrated 160 consecutive Peace Days—a Peace Day is a day without a fight—with a parade, complete with a marching band, banners, and a cheering crowd. There's an old line that football coaches get paid more than teachers, because people don't come to watch teachers teach—but, apparently, that's not true at Mt. Rainier.

Mt. Rainier's message, and the message of character education generally, is more important now, than ever. Mt. Rainier's principal, Phil Catania, said that he and his staff want to make sure that whatever is happening on the outside, Mt. Rainier is a place where children can be safe and happy, and learn that anger and violence need not win out in the end.

A month ago, that would have been about the difference between what happens in school and what happens in some of the children's neighborhoods. Tragically, today, it also is about the terrible attacks on New York, the Pentagon, and Pennsylvania. Principal Catania also has said that he thinks that Mt. Rainier's program is helping students cope with those events.

So, I urge my colleagues to support this resolution, to encourage parents, schools, and communities to make character education a part of their children's daily lives, so that their children, like those in Connecticut, and Mt. Rainier, MD, and around our country, can serve as beacons of hope in troubled times, and act to end troubled times, as well.

Mr. DOMENICI. Mr. President, I rise today with my friend, Senator DODD, to applaud the passage of a concurrent resolution regarding National Character Counts Week, H. Con. Res. 204.

I would also like to thank Congressmen LAMAR SMITH and BOBBY SCOTT for all of their hard work and leadership on this issue.

The resolution says the week of October 15 through 21 of this year, and October 14 through 20 of next year, will be known across the country as "National Character Counts Week."

I am pleased with our timing because just this past January, I listened with great pleasure to President Bush's inaugural address, as he basically ticked off the tenants of good character underscoring American life. The President's speech was clearly a message about character and its importance in American life.

In his speech, the President touched on many of the elements of good character. I found it especially telling when the President emphasized the necessity of teaching every child these principles and the duty of every citizen to uphold these very same principles.

Ironically, nearly a century ago another President, Theodore Roosevelt, said the following about character: "Character, in the long run, is the decisive factor in the life of an individual and of nations alike."

I would submit that character truly does transcend time as well as religious, cultural, political, and socioeconomic barriers.

I believe President Bush's renewed focus on character sends a wonderful message to Americans, and will help those of us involved in character education reinvigorate our efforts to get communities and schools involved.

I say that because a number of years ago we started this approach to character education called "Character Counts." Senators Nunn, DODD and I first introduced the resolution that has now passed the Senate on innumerable occasions. The resolution simply declares that for all of America, one week during the year will be known as "National Character Counts Week."

Frankly, we hear a lot about how we should help our young people growing up in this often difficult society. However, I believe the key is finding those ideas and programs that work.

We all understand that there are certain people who have the primary responsibility to care for our children like mothers, fathers, siblings, and grandparents. We are not in any way talking about negating that responsibility of raising a child with good values.

However, we have found the teachers in our schools have been yearning for something they could teach our children that for some reason had been eliminated from both the public and private school agenda curriculum. It is sometimes referred to as character education.

I choose to speak about the "Character Counts" program that is being used in many public schools in our country, and certainly in my State of New Mexico where teachers embrace six pillars of character.

The values comprising the Six Pillars are everyday concepts that Americans across this land wish their children would have and hope America will keep. They are simply: trustworthiness, respect, responsibility, fairness, caring, and citizenship. They transcend political and social barriers and are central to the ideals on which this Nation was built.

As a matter of fact, I think they are central and basic to any nation that survives for any long period of history. As Plato once said:

> A country without character is a country that's doomed and the only way a country can have character is if the individual citizens in the country have character.

I could speak for all of my allotted time on the 200,000 New Mexico schoolchildren in public, private and parochial schools learning about good character. About 90 percent of the grade school children, and a significant portion of the others, are now participating in character education programs that simply and profoundly bring them into contact with each of these Pillars one month at a time.

So if you walk the halls of a grade school in Albuquerque, you might see a sign outside that says, "This Is Responsibility Month." And all the young people will be discussing the concept of responsibility in their classrooms, and they will put up posters saying, "Responsibility Counts."

At the end of that month they may have an assembly where responsibility will be discussed by all the kids, and awards will be given to those demonstrating the most responsibility. The next month it might be "respect." The month after that it might be "caring."

I would submit the concept is working wherever it is being tried. A good example can be seen in the changes that occurred at the Garfield Middle School in Albuquerque. The 570 students at Garfield received their first lessons on the Six Pillars in October of 1994.

During the first 20 days of that school year, there were 91 recorded incidents of physical violence. One year later, during the same period, there were 26 such incidents. I believe this remarkable difference is evidence that students do respond to Character Counts.

In New Mexico, the Character Counts movement has spread from the classroom to the boardroom. Recently, a group of business professionals resolved to explore ways to implement the Six Pillars in all their business relationships in an effort to spread these values throughout the community.

Through their efforts, parents have an opportunity to participate in Character Counts along side their kids, thereby reinforcing lessons learned in school. Promoting the Six Pillars at work also improves productivity and morale on the job, and it pays incalculable dividends in job and customer satisfaction.

I could go on for quite some time talking about Character Counts in New Mexico. The bottom line is that I believe it is working in New Mexico and other parts of the country.

Consequently, I think we need to salute the efforts already underway and encourage even more character education across our country.

So today, Senator DODD and I are here to applaud the passage of the resolution and hopefully our renewed effort will bring together even more communities to ensure that character education is a part of every child's life.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 204) was agreed to.

The preamble was agreed to.

ORDERS FOR MONDAY, OCTOBER 15, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 3:30 p.m., Monday, October 15; that on Monday, immediately following the prayer and the pledge, the Journal of proceedings be deemed approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each, and that at 4:30 p.m., the Senate resume consideration on the motion to proceed to the foreign operations appropriations bill, with the time until 5:30 p.m. equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 3:30 P.M. MONDAY, OCTOBER 15, 2001

Mr. REID. Mr. President, if there is no further business to come before the Senate this morning, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:09 a.m., adjourned until Monday, October 15, 2001, at 3:30 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 2001:

THE JUDICIARY

BARRINGTON D. PARKER, JR., OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

MICHAEL P. MILLS, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI.

THE FOLLOWING CONFIRMATIONS OCCURRED AFTER 12:00 A.M.

DEPARTMENT OF STATE

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN L. BROWNLEE, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

TIMOTHY MARK BURGESS, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS.

HARRY SANDLIN MATTICE, JR., OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

ROBERT GARNER MCCAMPBELL, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

MATTHEW HANSEN MEAD, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

MICHAEL W. MOSMAN, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS.

JOHN W. SUTHERS, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS.

SUSAN W. BROOKS, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

TODD PETERSON GRAVES, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

TERRELL LEE HARRIS, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

DAVID CLAUDIO IGLESIAS, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS.

CHARLES W. LARSON, SR., OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

GREGORY GORDON LOCKHART, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.

EXTENSION OF REMARKS

INTER-AMERICAN DEVELOPMENT BANK FUNDING FOR JOB PROGRAM OF AMIA JEWISH COMMUNITY IN ARGENTINA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LANTOS. Mr. Speaker, today at noon, the President of the Inter-American Development Bank (IDB), Mr. Enrique V. Iglesias, and Dr. Hugo Ostrower, President of the Argentine Mutual Aid Association (AMIA), signed an agreement here in Washington under terms of which $3.5 million will be provided by the IDB to AMIA to assist Jewish organizations in Argentina to provide employment assistance.

The serious economic problems that have struck Argentina have had a particularly heavy impact upon the middle class, creating unemployment and impoverishment. The significant Jewish community in Buenos Aires and other Argentine cities has been particularly affected by the economic problems, and recent reports indicate that as a result of the economic crisis fully a quarter of the Jewish community in the country are impoverished. Hundreds of young Jewish couples are seeking employment assistance, and community dining rooms feed numerous Jews in need of basic nourishment. Many Jewish families face serious housing problems, and many live in shanty towns and even on the street. These deteriorating conditions have occurred rapidly in just the past few years.

Mr. Speaker, AMIA is an organization with a history of service for the past 107 years, and it is the core Jewish service organization in Argentina. This organization has been playing a critical role in helping the Jewish community deal with the severe economic difficulties. AMIA established an Occupational Center for Labor Development, which has helped some five thousand people find jobs over the past five years. According to IDB reports, the Center "has become the largest employment source based on the number of firms served and by its effectiveness in securing jobs."

The new agreement establishing the IDB–AMIA cooperative project with funding of $3.5 million will strengthen the capabilities of AMIA's Employment Center, by expanding its services and will permit the opening of similar centers in various locations throughout greater Buenos Aires, as well as in the Argentine cities of Cordoba, Rosario, Tuchuman, and La Plata.

Mr. Speaker, I commend the Inter-American Development Bank for providing this generous and significant support to AMIA. I also want to recognize Dr. Hugo Ostrower, the President of AMIA, for his record of leadership and service to the Jewish Community of Argentina and the creative approach to assisting members of that community to find employment. These efforts are obviously beneficial not only to the Jewish Community, but also for all Argentines. It will be an important contribution to the economic recovery of the country.

Mr. Speaker, for most Americans, AMIA became a household word after the July 18, 1994, bombing of the AMIA Jewish Community Center in Buenos Aires, Argentina. In that vicious terrorist attack, some 86 people were killed, hundreds more were injured, and property damage was enormous. That vicious terrorist action was only one of the many such attacks that terrorists have inflicted upon innocent civilians virtually around the world over the past decade. Because of that horror brought upon AMIA seven years ago, it is most appropriate that ADB is providing this assistance to AMIA at this time when we are moving decisively in concert with our allies and all civilized nations against those who perpetrate such atrocities.

HONORING PENNSYLVANIAN VOLUNTEERS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. GEKAS. The tragedies that befell our country on September 11, 2001 claimed many, many lives. The impact of this loss of life rippled out across this great land of ours even to the far reaches of the earth.

These ripples brought back waves of support from our friends and allies across the world. However, the sweat and labor of those who toiled to rescue our fallen, take care of the injured and clean up the destruction left behind in the aftermath belonged primarily to the good people of America.

The citizens of the Commonwealth of Pennsylvania have always had a giving spirit. The attacks of September 11 brought out volunteers by the hundreds from Pennsylvania. I would like to take this time to thank all the volunteers from my home state who gave so much during this difficult time.

In my district, organizations like the Salvation Army, The Red Cross, county fire departments, the Central Pennsylvania Food Bank and the Pennsylvania Emergency Management Administration reacted so quickly and with much kindness to the disaster sites in New York and the Pentagon. As I toured Camp Unity at the Pentagon, I was touched by the tremendous effort put forth by all of the volunteers.

Many companies from my district helped in the recovery efforts with food, supplies and monetary donations. M&M Mars and Hershey Foods sent food to the relief workers at the Trade Towers and the Pentagon. Employees from companies like Armstrong World Industries, Isaac's Deli, Kuntz Lesher LLP, Rettew Associates, and the Dana Corporation have contributed money and/or blood to help in the relief efforts.

I would remiss if I did not mention the brave men and women of the Pennsylvania National Guard who aided in search and rescue efforts in New York.

All the names of volunteers, non-profit organizations and commercial companies are not known to me because of the humility of all those involved in the relief efforts. The names I provide have been acquired by happenstance and research on the part of my staff.

I wish I could name all who have given of themselves, so their names would be forever engraved in history in this record. I can but offer my sincerest thanks to all the nameless persons who came to America in her time of need.

I submit the following names of volunteers from Pennsylvania. A great portion of these individuals resides in the Seventeenth Congressional District. Thank you, my friends, for your kindness, decency, sweat and tears. You are patriots in your own right. God bless.

Paul A. Andrulonis; David Baer, Jr.; Ken Baer, Jr.; Douglas M. Bair; Jeremiah Bayer; Richard M. Benditt; Herbert M. Berger, Jr.; Duane Black; Kevin Brady; Kurt Braeunle; Louis J. Brasten; Jeffrey W. Brouse; Steve Cassel; Donald W. Chesbro; John R. Conklin; Robert Crossfield; Ray Culbreth; Major Ron Dake; John "Butch" Dietrich; James R. Dickson, M.D.; George C. Drees; Captain Gregory Durand; John Earwood; Fred Endrikat; David Eiceman; Sylvestor Evans; Hazel Feliz; Christopher Fisher; Michael Foley; Albert J. Gilgallon; John Gilkey; Michael Gittle; John D. Glenn; Shawn J. Glynn; Sue Grassman; Daniel Gruber; William A. Hamilton; Major Joyce Hardy; Daniel N. Hartman; Rich Harvey; Alta Hendricks; Andrew J. Henry; Patti Homan; Thomas A. Homer; Michael R. Horst; Alfred E. Howard; Warren C. Humphrey; David S. Jaslow, M.D.; Robert F. Keehfus; Roseann Keller; Dawn Khamvongsa; James R. Kramer; Michael P. Kurtz; George J. Lazorchick; Richard E. Lenker, Jr.; Joseph J. Lockett; Major Timothy Lyle; Joseph G. Mack; Lee Manifold; Robert T. McCaa; James McHenry; Gerard McKeown; Robert Meyer, Sr.; Bess Minnich; Timothy M. Moffa; Craig Murphy; Thomas G. Murray; Martyn R. Nevil; Gregory G. Noll; John O'Neill; Jeffrey D. Orledge, M.D.; Cynthia M. Otto; David R. Padfield; Donald Pelton; Margaret Pepe; Murray Peterson; Nelson Powden; Chief Earl Reidell; Shirley Remis; Joseph W. Reynolds Jr.; Betty Robertson; Ed Robertson; Terry Rodenhaber; Stephen M. Rosito; John D. Ross; Danny R. Sacco; Joseph M. Santoro; Walter Sawruk, Jr.; Kelvin L. Seigle; Chris Selfridge; Timothy Sevison; Anne Shanahan; Hurshel Shank; Gerald T. Smink; Captain Chris Smith; John M. Smith; Jeff Snyder; Gregg W. Staub; Robert T. Strasbaugh; Cherianita Thomas; Jeffrey L. Tracey; David

Tretter; Francis A. Werner; Michael A. Whalen; Christopher M. Wilhelm; Joseph K. Williams; Gerry Winters.

IN HONOR OF MR. MIKE REINERI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the countless achievements and honors of Mr. Mike Reineri, who will be sworn into the Radio & Television Broadcasting Hall of Fame on November 11, 2001.

Mr. Reineri has a long and distinguished career within the broadcasting industry. He has served in countless capacities in many different cities throughout his tenure and has broadcast in many different localities. At age 14 he was invited to a radio station and was told he had absolutely no future in the radio business—he soon proved them wrong.

Mr. Reineri's first major appearance on radio was in 1959 with WFVG in North Carolina. He stayed there for about a year and soon moved to WKIK, where he did a rock-n-roll show from 7–11 p.m. at a remote studio at the Piggy-Park Drive-In in Raleigh. His outstanding style of broadcasting drew crowds from all across the state.

Throughout the next few years, his travels and career led him through Chicago, Atlanta, Jacksonville, Cleveland, Miami, Ft. Lauderdale, and many other places. While broadcasting for Cleveland, he started and promoted the very successful "Shoes for Kids" program that provides underprivileged and homeless children with footwear. He covered a variety of events including the Washington Peace Rally, Kent State shootings, and the George Wallace shootings. Professionally, Mr. Reineri has done promotions for many organizations including Walt Disney World. He has also participated in great activities such as flying the Goodyear Blimp and riding in the Miami Grand Prix.

Mr. Reineri has also been extremely active in his local community. For 18 years, Mike has served as a member of the Board of Directors of the Boys and Girls Club of Miami and has been awarded the Service to Youth Award and Service Bar. In 1991 he was awarded the Easter Seals Man of the Year Award in Miami and the Miami Power Squadron Award for Outstanding Contribution to Safe Boating.

This small list only includes but a few of Mr. Reineri's many achievements and awards in broadcasting which has qualified him to be accepted into the Radio & Television Broadcasting Hall of Fame.

Mr. Speaker, please join me in recognizing and honoring a man who has touched the national community with not only his radio shows, but his heart, Mr. Mike Reineri, on his acceptance into the Radio & Television Broadcasting Hall of Fame.

IN RECOGNITION OF DR. ROGERS K. COLEMAN'S SERVICE TO THE HEALTH CARE INDUSTRY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SESSIONS. Mr. Speaker, from small-town doctor to chairman of one of America's premier health insurance companies, Dr. Rogers Coleman has made countless contributions to the nation's health care system for nearly half a century. A staunch supporter of the managed care system, which has introduced disease management and helped control escalating health care costs, Dr. Coleman also has been a leader in forging partnerships between the public and private sectors to provide basic medical care benefits for all Americans.

For 10 years, Dr. Coleman led Blue Cross and Blue Shield of Texas—the state's first and largest not-for-profit health insurer—through the most progressive change and largest expansion in its 62-year history. For seven of those years, he oversaw significant expansion of the company's Medicare business. From 1991 to 1996, he led Blue Cross' transformation from a fee-for-service to a managed care organization to better meet the health coverage needs of Texans. During that time, the company expanded its HMO statewide and introduced PPO and point-of-service coverage. Then from 1996 to 1998, he led the Texas Plan through significant regulatory hurdles to complete its merger with Blue Cross and Blue Shield of Illinois—quadrupling Texas' financial reserves and ensuring that for many years to come, Blue Cross and Blue Shield of Texas would continue to help meet the health care needs of Texas communities.

As chairman of Health Care Service Corporation (HCSC) following the merger between the Texas and Illinois Plans, Dr. Coleman has overseen HCSC's acquisitions of Blue Cross and Blue Shield of New Mexico and NYLCare's commercial HMO operations in Texas—increasing HCSC membership to approximately 7.4 million.

Over the past decade, Dr. Coleman has made quality health coverage a top priority at Blue Cross and Blue Shield of Texas. Under his leadership, the company has received five consecutive two-year accreditations from the Utilization Review Accreditation Commission for demonstrating a commitment to providing excellent service and quality PPO and point-of-service products. Over the past two years, Southwest Texas HMO and Texas Gulf Coast HMO have received NCQA accreditation for service and clinical quality that meet the NCQA's rigorous requirements for consumer protection and quality improvement.

And much of Dr. Coleman's vision for a health improvement organization has been realized with the strides Blue Cross has made in health and wellness programs. Since 1995, he has overseen the company's development of a new maternity program, a nurse counseling service, and disease management programs for asthma, diabetes, hypertension, congestive heart failure and HIV.

While Dr. Coleman has done much for HCSC during the last three years and for Blue Cross and Blue Shield of Texas over the past quarter century, he will be most remembered for his efforts on behalf of the uninsured. As one of only a handful of doctors in America to head a health insurance company, he has been uniquely qualified to address one of the country's most difficult issues. He says that what he remembers most about his 18-year private practice in general medicine and surgery were the people who needed medical attention but had no health insurance.

To help solve this problem, in 1991, Dr. Coleman spearheaded the effort at Blue Cross to establish the Caring for Children Foundation of Texas, which provided free outpatient health coverage to nearly 7,000 Texas children whose parents could not afford such coverage. In 1997, he supported the company's effort to create the Texas Care Van Program, which has provided more than 70,000 free immunizations to medically underserved children and seniors in the state since it began. In 1998, he saw that Blue Cross became the first administrator of the Texas Health Insurance Risk Pool, a program that today is providing health insurance to 14,000 Texans who, otherwise, might not be able to obtain coverage.

Dr. Coleman led the organization's 1999 media campaign in Texas' largest cities to address the unprecedented level of legislative involvement in the health care industry. Instead of more mandates that he said would worsen the uninsured problem and push the private, employer-based health insurance system closer to the breaking point, Dr. Coleman advocated innovative solutions like health insurance tax credits for the uninsured—an idea that is today clearly on the table in Washington.

And last year, Dr. Coleman helped develop a proposal for the Texas Governor's Blue Ribbon Task Force on the Uninsured that would allow Texas workers to take their health insurance with them as they move from job to job.

Although Dr. Coleman's accomplishments have been many and impressive, including the "Award of Exceptional Service" from Medicare, one wouldn't know it given his unassuming and gracious demeanor. He always has recognized others for their accomplishments, never failing to say thank you for even the most ordinary contributions. Ironic in a way, since for the last half century, his contributions to the health care field have been anything but ordinary.

HONORING RICHARD F. CERESKO

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. TANCREDO. Mr. Speaker, I rise to honor a man who has served his country, his state, and his fellow veterans for over thirty years. Richard F. "Dick" Ceresko is retiring on Friday, October 12th, after fourteen years as the Director of the State of Colorado's Division of Veterans' Affairs. In that time, he has played an integral role in expanding and improving both state and federal services for veterans. Although he will be leaving his official post, his legacy will live on in the new partnerships he crafted with private groups and federal agencies, new facilities to care for our veterans, and new national cemeteries to honor them eternally.

You might say that Dick Ceresko was born to serve his country. His father fought in World War II, and his grandfather served in the Navy at the turn of the 20th Century. In October of 1965, Mr. Ceresko entered the U.S. Marine Corps where he earned his Naval wings and was commissioned as a Second Lieutenant. He was ordered to Vietnam in July, 1967, and flew more than 360 missions as co-pilot, first pilot, and flight leader in a helicopter gunship during combat operations. He served throughout the northern "I-Corps," including Khe Sanh, Hue, Dong Ha and Con Thien, before he returned stateside in 1968. In other words, Mr. Speaker, Mr. Ceresko flew more than one mission per day while in Vietnam. For his service, he was honored with numerous awards and decorations including 19 Air Medals, the Vietnam Campaign Medal, the Vietnam Service Medal with Four Stars, the Presidential Unit Citation and the National Defense Service Medal. He was honorably discharged in 1970 in the rank of Captain.

Mr. Ceresko joined the State of Colorado Division of Veterans' Affairs in 1980, and became the director of the Division in 1987. In this capacity, he served no fewer than 410,000 veterans every year. I became acquainted with Mr. Ceresko as the State of Colorado began planning a new, 180-bed extended care facility for veterans to be located at the former Fitzsimons Army Medical Center. This is an incredibly important project, since Fitzsimons promises to become one of the world's preeminent medical campuses in the years to come. He was the first veteran to make me aware that then-President Clinton's Budget proposals were not sufficient to pay the federal share of constructing this new veterans' nursing home. I asked him to crunch the numbers, and we determined that in order to save the facility, I needed to fight for extra funding on the floor of the House of Representatives in the form of an amendment to the Fiscal Year 2000 VA–HUD Appropriations bill. The amendment was successful, two years in a row, diverting more than $37 million towards state veterans' nursing homes nationwide. Since that time, I've considered Mr. Ceresko one of my best resources as I weigh the many proposals that affect veterans in Congress.

I know that Dick Ceresko will be missed by his peers and his fellow veterans, but I'm sure his retirement will be welcomed by his wife, Martha, and their four children. Mr. Speaker, on behalf of the veterans of my district, I want to thank Dick for his service and wish him much happiness, fishing and fulfillment in his retirement.

DANISH SUPPORT FOR UNITED STATES IN WAKE OF TERRORISTS ATTACKS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LANTOS. Mr. Speaker, the tragedy one month ago today on September 11 has not only created a new unity within our nation, but throughout the rest of the world and the strong political support and spontaneous public displays of compassion have touched all of us. The American people's spirits have been lifted as they've witnessed the outpouring of support and testaments of solidarity with the American people expressed by the world community. They understand that these horrific attacks were not merely aimed at the American people and our symbols of freedom and prosperity, but they were attacks against all free and democratic nations around the globe.

Mr. Speaker, while we have seen such expressions of support for our country from Nations everywhere, as Chairman of the Congressional Friends of Denmark, I would like to call the attention of my colleagues to what our Danish friends have done. The well-known Danish humanitarian spirit was in no better evidence than after the terrible attacks on New York City and Washington. As word of the tragedy arrived in the Danish capital of Copenhagen, a slow, steady stream of Danish citizens began congregating in front of our Embassy. As hundreds grasped candles, they laid on the sidewalk tokens of their sorrow and solidarity: flowers, ribbons, hastily scribbled notes, banners, drawings, and flags. People came and left throughout the night and soon thousands of candles flickered in the darkness. United States Embassy staff were greeted with handshakes, hugs and many tears as they left the building. Some Danes joined hands and sang Amazing Grace as well as traditional Danish songs of mourning.

The next morning, there was still no let up in the number of people and flowers. For the next three days, much of it in rain and cold, thousands of Danes took their turn holding vigil in front of our Embassy in as much a deep felt display of caring for the victims, as their own silent protest against the new threat to the liberty and freedom of all of us.

Mr. Speaker, by Friday, well over a thousand people, far more than could be accommodated in the small courtyard on the Embassy compound, assembled in front of our Embassy for a ceremony to honor those who lost their lives in the attacks. The event was watched on live television by much of the nation. At noon, traffic in Copenhagen literally stopped for two minutes, as average citizens stepped out of their cars, from Kongens Nytorv to Radhuspladsen, and on streets from Amager to Charlottelund, they stopped everything for two minutes of silence. No honking of horns, no rumble of buses, no sounds of airplanes, no sirens, just the ringing of thousands of church bells.

Earlier, Queen Margrethe II, the Prime Minister and all members of government, leading opposition politicians, the diplomatic corps, joined our Embassy staff at one of hundreds of memorial services. At the same time, throughout the whole country people were pouring into places of worship to express their grief.

Even today, Danish fire fighters, police officers and public servants along with numerous private organizations, amateur sports clubs and schools have started collections intended for the Red Cross and/or the victims' families. An Internet web-site was opened September 13 for sympathizers to light a candle for the victims of the terrorist attacks, and within a few hours, more than 5,000 had done so. Other web-sites offered similar services—thousands of electronic roses have thus been sent across the Atlantic.

Mr. Speaker, the Danish population stands shoulder to shoulder with their American friends against this scourge of terrorism. A recent Gallup poll shows that eighty percent of the Danes—under normal circumstances pacifists by heart—are willing to let their national troops participate in military actions against the perpetrators of the terrorist attacks. That percentage is the highest registered in all public polls in Europe.

Mr. Speaker, the Danish members of the Royal family, along with Danish politicians and government officials and the country's citizens have reacted forcefully and with great empathy to the horrible attacks on September 11. Their actions, and similar expressions of support and compassion from around the globe, have not gone unnoticed here in America. We are deeply grateful to the Danes for standing with us in our time of trouble, just as we stood with them during their own painful experience under Nazism. On behalf of all Americans, we thank you.

TRIBUTE TO REV. PORTER S. BROWN, SR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues a friend and constituent of the Sixth District of New Jersey celebrating twenty years of pastoral service to the Baptist church.

Born the youngest son of the late Johnnie and Flora Brown, Porter Brown entered this world on December 6, 1947. He grew up in Atlantic City and became heavily active in the church early on.

As a child he was involved in the Junior Ushers, Church School, Youth Choir, and Baptist Training. He graduated from Atlantic City High School in 1965 and enrolled in Lincoln University in September 1966 to study literature. He received his Bachelor of Arts in Literature in English in May 1970.

He took on a variety of educational teaching offers after college from teaching at River Middle School in Red Bank to becoming the program director of the Red Bank Community Center. In 1978, Mr. Brown transferred and began teaching at Asbury Park High School, where he taught for twenty years before retiring in June of 2000.

In 1973, Mr. Brown joined the Faith Baptist Tabernacle. During this time, he served as the chairman of the Shore Community Day Care Center Building Committee and also as a church school teacher. He was ordained as an assistant to the pastor in January 1980 and preached at churches throughout New Jersey and Eastern Pennsylvania, and continued to teach bible studies through the Monmouth Bible Institute.

In September 1981, Mr. Brown received the great honor of becoming the 4th Pastor of the

Faith Baptist Tabernacle church. Pastor Brown has served the people of his community and has continued to see his church grow larger and larger with each passing year during his tenure. He is being honored on this day for his loyalty to his church, community, the educational system and the family.

He has been blessed with a wife, Elder, two sons, two daughters, and seven grandchildren. On this day we celebrate the life and journey of a man that has given so much back to what his community, church, and life has given him.

IN HONOR OF FATHER THOMAS MARTIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Reverend Thomas Martin, who passed away on September 22, 2001 at the age of 72. Father Martin spent 25 years as the pastor of St. Francis Catholic Church on Superior Avenue in Cleveland, where he dedicated his life to helping those in his parish and the community find meaning in their lives and to increase the opportunities available to those who are less fortunate.

Rev. Martin was born in Cleveland, Ohio and graduated from Benedictine High School in 1947. He then attended St. Procopius College in Illinois, St. Gregory Seminary in Cincinnati, and St. Mary Seminary in Cleveland, before being ordained in 1956. While he spent the latter years of his life at St. Francis, Fr. Martin also served at a number of other parishes located in Cleveland, Bay Village, and Painesville, as well as on several diocesan commissions.

Rev. Martin was a strong advocate of helping those in need with every means possible and spent countless hours working on projects to improve the lives of low-income families. One such project Rev. Martin helped organize was the Famicos Foundation, which is a neighborhood development organization that provides housing and social services for low income families. He and Sister Henrietta founded Famicos in the Hough neighborhood, which is in close vicinity to St. Francis. In addition, Rev. Martin was a strong advocate of the use of vouchers to allow students to attend Catholic schools who otherwise could not afford to do so.

Rev. Thomas Martin is survived by a sister, Delores M. Lucas, and by three brothers: Jerry J., George G., and Richard J. Thomas. Reverend Thomas will be sorely missed by those in his parish and community, and he will forever be remembered for his generous heart and for all the hard work he put into improving the lives of those around him.

IN RECOGNITION OF NUCOR STEEL'S EXEMPLARY CORPORATE CITIZENSHIP

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SESSIONS. Mr. Speaker, those of us who support business and the contributions that companies make to our districts often speak of the value of "good corporate citizenship." This is a term that can be defined in many ways. To some, it can mean creating jobs and making substantial economic investment. To others, it can mean taking a leadership position on issues of local concern. To still others it can mean a willingness to do whatever it takes to improve the lives and lifestyles of the people in the community.

In Leon County, Texas, we are indeed fortunate to have a company that satisfies all of those criteria. By virtually any measure, Nucor Steel's facility in Jewett is one of our state's top corporate citizens, and the relationship it has built with local leaders, schools and civic groups is a model for companies everywhere.

The Jewett facility is a part of Nucor Steel Corporation, the nation's largest recycler of steel—with 12 million tons annually—and a worldwide leader in technical innovation, safety, and employee commitment. During the Jewett site's 26 years of operation, it has built a record of accomplishment and civic involvement that has been vital to shaping a better quality of life for the people of Leon County.

Those achievements begin with the facility's commitment to the environment. The Jewett Division recycles 800,000 tons of scrap metal every year. This is material that would otherwise be clogging our landfills, or haphazardly discarded on the sides of the road or in empty fields. Beyond that, every byproduct of the manufacturing process is recycled, further reducing the need for treatment and disposal.

Underscoring this commitment to environmental stewardship is a technology that reduces energy and the need for virgin resources. By using the electric arc furnace, or EAF, Nucor saves 2,500 pounds of iron ore, 1,400 pounds of coal and 120 pounds of limestone for every ton of steel recycled. What's more, the process requires less energy. Annually, the EAF process saves enough energy to electrically power the entire city of Los Angeles for eight years.

Even with these successes, the Jewett facility is not resting on its laurels. The company is now planning a $150 million investment over the next five years at the site that will allow older equipment to be phased out and replaced with new, state-of-the-art systems. These systems will employ the best developed available technology, and ensure that Nucor can meet the most stringent environmental regulations—now and in the future.

The Jewett facility continues to be a major contributor to the local economy as well. It has created more than 500 jobs, and Nucor has invested $150 million at the site over the past ten years—an investment that translates to tax revenues that further support the critical services that Leon County delivers its citizens. Additionally, Nucor spent about $75 million with local and surrounding vendors last year alone, extending its economic impact far beyond the plant's physical location.

Finally, the Jewett Division has repeatedly demonstrated its commitment to serving important, essential community needs. Consider its education programs, for example. Every child of every Nucor employee is eligible for a $2,500-per-year scholarship for college or vocational training. To date, the facility has awarded more than $1.6 million in assistance to 270 students. By helping these young people realize their full potential—as professionals, business people, teachers and members of the community—Nucor is doing more than contributing to the betterment of the students and their families. It is contributing to the betterment of society.

But the civic commitment does not stop there. This is a company that has supported alcohol-free student programs like Project Graduation. It is a longstanding contributor to 4–H, and the Future Farmers of America. For Earth Day, the Jewett facility teamed with Nucor's Vulcraft Group in Grapeland, Texas, for a scrap metal recycling drive that collected 30 tons of obsolete materials, and also donated live oak trees to the Leon County Independent School District. And when Jewett needed a public park, Nucor bought the land and donated all the steel needed for construction. That effort earned it the local Chamber of Commerce's "Business of the Year" award.

Mr. Speaker, the first requirement of corporate citizenship is also the most basic: To pull your own weight on behalf of your community. Nucor's Jewett facility has done exactly that—and more. With a record of environmental stewardship, economic contributions and civil leadership, Nucor Steel's Jewett Division has earned the thanks and respect of people throughout my district. I appreciate this opportunity to share its achievements with you, and to join in the recognition of a truly great "corporate citizen."

IN RECOGNITION OF THE DEDICATION OF THE W. RUEL JOHNSON ECOLOGICAL RESERVE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. CALVERT. Mr. Speaker, I rise to honor the life of a respected humanitarian, a man whose contributions to his community continue long after his passing. Monday, October 15th marks the dedication of the W. Ruel Johnson Ecological Reserve, a 1,350 acre reserve that ensures coming generations will continue to enjoy the natural beauty and environmental diversity that Southern California offers.

The Reserve's origins date back to 1966, when Ruel Johnson purchased the property that became Johnson Ranch. The Johnson family farmed the land for 18 years before opening it up to recreational uses like hunting and hiking. Recently, Riverside County purchased the land from the Johnson family with an agreement that the land would remain open space.

State and county officials will dedicate the land and memorialize the namesake. The Reserve will serve as a central component of the

Riverside County Integrated Plan, a long-range effort to address the region's transportation, conservation, and land-use requirements for the coming decades. During the dedication, the state's Wildlife Conservation Board will present Riverside County with a check for $10.9 million, acknowledging their shared responsibility to ensure this planning effort continues to meet success.

None of this would have been possible were it not for the generosity of the Johnson family. As Founder of the Riverside Community Health Foundation and in numerous other contributions to youth and education organizations, Ruel Johnson served as an example for his family and for all of our community's philanthropists. I am honored to stand to recognize his achievements. The W. Ruel Johnson Ecological Reserve is aptly named and its namesake well-deserving of this distinguished honor.

IN HONOR OF THE 2ND ANNUAL CELEBRATE EMPOWERMENT GALA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Renee Jones Empowerment Center on their 2nd Annual Celebrate Empowerment Gala.

The Renee Jones Empowerment Center is a new non-profit organization that was founded to foster positive opportunities for at-risk individuals. The overarching goal of this organization is to increase self-esteem through intensive motivation clinics and workshops that confront real life issues, and provide for lifelike experiences. These workshops are designed on the philosophy of determination, self-reliance, and the desire to achieve all your dreams. The workshops aim to prepare individuals for the job market and teach them of personal budgeting.

The Center has worked in the past with Head Start, M.A.D.D., The Center for Prevention of Domestic Violence, and Cuyahoga Community College. They have provided great strides in building a network that is dedicated to helping people in crisis and the community as a whole.

In 1999, the 1st Celebrate Empowerment Black Tie Gala honored 78 individuals who became self-reliant. This year, the Center hopes to honor even more individuals that have worked themselves out of the constrains of poverty.

Mr. Speaker, please join me in recognizing and honoring a wonderful organization that is dedicated to helping fellow individuals in the community, the Renee Jones Empowerment Center, on their 2nd Annual Celebrate Empowerment Gala.

CHILD CARE WORKERS WERE HEROES, TOO

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, since the terrible events of September 11th, we have all read account of the bravery and heroism displayed by Americans in the face of horrific terror in New York, Washington, and on board hijacked airliners. These men and women—fire fighters, police, rescue workers and airline passengers—thought not about their personal safety and security, but about their responsibilities to others. They did their jobs, but they often did much more. By their bravery, they displayed the very best qualities and earned our gratitude forever.

A recent column by Sue Shellenbarger in the Wall Street Journal draws our attention to another group of people who confronted the dangers of September 11 with great courage: child care workers. We have heard little about their determination to protect the children in their charge despite serious dangers. Ms. Shellenbarger recounts harrowing examples of children trapped and in danger whose lives were likely saved by dedicated child care workers.

It is worth noting that child care workers are among the very lowest paid workers. Yet millions of Americans daily entrust their children to the care of these women and men in order to earn a living for their families. The poor pays of child care workers contributes to massive turnover that undercuts the quality of services for our children. We must make a greater commitment to improving the quality of child care for the sake of our children, and to properly honor those whose dedication and courage for their young charges is undiminished by dangers of themselves.

The article follows:

TEACHERS SAFELY EVACUATED CHILDREN CAUGHT IN ATTACKS

(By Sue Shellenbarger)

Is worksite child care safe? Amid few fears for children, many parents wonder whether bringing kids to high-profile, visible workplaces is unwise.

Among all the tales of Sept. 11 heroism are two stories that should reassure parents: How teachers at the World Trade Center and Pentagon child-care centers safely evacuated the children in their charge.

The 14 teachers at Children's Discovery Center in 5 World Trade Center, a building that later party collapsed had taken in only 42 early arrivals by the time the first plane hit that morning.

As the ground shook, teachers grabbed each child's emergency records, took babies in their arms and, following a drill they practiced every month, led the children outside, leaving behind their own purses and, in some cases, their own shoes, says Kristin Thomas, head of northeast operations for Knowledge Learning, the San Rafael, Calif., operator of the center. Some parents raced in to pick up children, too, leaving staffers with just 28 kids.

Once outside, the ragtag band was barred by police from the preset evacuation destination, 7 World Trade. Then, the second plane hit. Split into two groups by flying debris and hordes of fleeing people, teachers began walking north. One group picked up several shopping carts from a grocery store and helped toddlers inside, telling them, "We're going for a little ride," Ms. Thomas says. Some passing businessmen tore off their white shirts to cover the children.

Some teachers, with babies propped on their hips, were soon barefoot; the paper booties they'd donned in the center's infant room had shredded from all the walking. Armed with the emergency records, staffers borrowed phones to get messages to parents. Both groups trekked more than a mile before coming to rest, one in a hospital and the second in a preschool. All the kids were returned safe to parents; in the preschool, many were napping on cots as parents arrived.

At the Pentagon, Shirley Allen, director of the Children's World Learning Center, had plenty to worry about after Flight 77 plowed into the building. Her husband, a naval officer, worked in an office directly in the path. But Ms. Allen, a 12-year child-care veteran, thought only of evacuating the 148 children in her center, located about 30 yards from the Pentagon. In a process also honed by monthly drills, she and her 36 staffers rounded up youngsters, put babies in mobile cribs and set out across a park.

Hundreds of panicky workers ran past the children. Rescue workers relocated Ms. Allen's group five times. Again and again, she had to demand loudly that security officers accompany the kids as they moved. Heart pounding, she fought fears that a child would be lost.

But with the children, she and the teachers, many of them equally experienced, kept calm. "The children were relaxed, because they looked into their teachers' faces and saw they were relaxed," Ms. Allen says. To distract them, teachers played pat-a-cake and sang "Eensy Weensy Spider."

Not until three hours later, with the children safe and most of them back in parents' care, did Ms. Allen allow herself to think of her husband. She burst into tears. Two hours later, she finally learned he was safe. Three children at the center, Ms. Allen says, her voice breaking, lost a parent. The center reopened Monday.

Child-care teachers generally aren't paid enough to reflect the awesome responsibilities they bear. Both the Pentagon and the World Trade child-care centers were high-quality facilities subsidized by employers. That support helped produce the policies, training and employee-retention programs that prepared these staffers so well. Bright Horizons Family Solutions, a high-quality child-care concern, won't even open a worksite facility without employer support, in subsidies or facilities.

Operations chiefs at several big child-care chains say they'll study government or military locations more carefully before opening new centers, but none said they plan to pull back. Joseph Silverman, president of Day Care Insurance Services, an Encino, Calif., brokerage, says exits should be safe and accessible, and centers probably shouldn't be above the second floor.

That said, worksite child care is still one of the safest places to leave a child. "Do I keep a day-care facility out of the Pentagon? Probably not," Mr. Silverman says. "You start thinking that way: Do I keep a day-care facility off an earthquake fault line? Do I keep a day-care facility off a flight path? And where do you stop?" Roughly three million children attend child-care centers safely every day.

In dangerous times, parents want their kids near them. Child-care center enrollments haven't fallen in Oklahoma City since the 1995 attack on the federal building there, a blast that killed 19 kids in a center. Centers in U.S. government buildings have since grown about 10%.

Perhaps parents' biggest job is banishing fear—putting on a calm face, as these teachers did, so children can stay calm. "Children, of course, always have giants and monsters in their minds, but now the adults do, too," says Bright Horizons' Jim Greenman. "At some level, we have to remember: We know how to cope with this."

TRIBUTE TO MR. ROBERT G. DAVID

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KNOLLENBERG. Mr. Speaker, today I pay tribute to Mr. Robert G. David, a notable citizen of Northville and a constituent in Michigan's Eleventh Congressional district. Mr. David has served his community with distinction and honor and has recently been bestowed with two special awards.

In 1997, while still an undergraduate at Michigan State University, Mr. David initiated the Campus Walking Tour program that would eventually foster the creation of the present Student Alumni Foundation. Since this graduation in 1978, Mr. David founded his own business, the David Group, and he is an executive producer to the nationally syndicated Glenn Haege radio show. In addition, Mr. David has co-chaired Celebrate Northville, which organizes the Fourth of July Parade and fireworks for the city, served as president of the Broad School Alumni Association Board of Directors, and been an elected precinct delegate.

Mr. David has been honored by his Alma Mater with two prestigious awards. In 1999, the president of Michigan State presented Mr. David with the Alumni Service Award. This award is presented to alumni who have demonstrated continuing outstanding volunteer service to MSU and public service on a local, state, national, and international level. A year later, Mr. David was honored by the Eli Broad College of Business at Michigan State University with the Outstanding Alumnus Award for distinguished service to business, education, and the public.

Mr. David continues to serve the community and through his dedication and hard work to the people of Michigan, he is a prime example of the kind of people that we need in our community. I congratulate David on his fine achievements and awards and wish nothing but the best in his future endeavors.

INTRODUCTION OF THE HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. MCKEON. Mr. Speaker, I am pleased today to introduce the Higher Education Relief Opportunities for Students Act of 2001. This legislation is simple in its purpose. It grants the Secretary of Education specific waiver authority within Title IV of the Higher Education Act to provide necessary relief to those affected by the recent attacks on America and any subsequent attacks. This waiver authority addresses the need to assist students who are being called up to active duty, those active duty military being relocated, and those students directly affected by the attacks.

Mr. Speaker, our citizens have been dramatically affected by the attacks of September 11th. The Higher Education Relief Opportunities for Students Act of 2001 provides the Secretary of Education the ability to provide relief to affected individuals and institutions where it is deemed necessary while ensuring the integrity of student assistance programs. The Secretary may relax repayment obligations for our active duty armed forces, provide a period of time victims and their families may reduce or delay monthly student loan payments, and assist institutions and lenders with reporting requirements.

This bill is specific in its intent—to ensure that as a result of the attacks on the United States on September 11th, and the resulting national emergency declared by the President on September 14th: Affected borrowers of Federal student loans are not in a worse financial position, administrative requirements on affected individuals are minimized without affecting the integrity of the programs, current year income of affected individuals is used to determine need for purposes of financial assistance, and institutions and organizations participating in the Federal student aid programs that are affected by the attacks may receive temporary relief from certain administrative requirements.

This legislation will provide relief for the men and women of our military who are defending the freedoms of this great nation. As families send loved ones into harms way, the Higher Education Relief Opportunities for Students Act will allow the Secretary of Education to reduce some of the effects of that upheaval here at home.

The Secretary of Education will report to Congress on the impact of the waivers implemented as a result of this bill and he will also provide recommendations for changes to statutory or regulatory provisions that were the subject of the waivers invoked.

I am proud and delighted that 71 of my colleagues have signed on as original cosponsors of the Higher Education Relief Opportunities for Students Act. It is an indication of the Congress's commitment to our military and to our students and families, as well as to those on the front lines of making higher education available. I look forward to swift passage of this legislation.

IN HONOR OF SENIOR CITIZEN RESOURCES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Senior Citizen Resources on its 30th anniversary of service to seniors residing in Cleveland's Old Brooklyn community.

Organized in 1971 as an activity center for the Cuyahoga Metropolitan Housing Authority Crestview Estates in the community of Old Brooklyn, Ohio, Senior Citizen Resources (SCR) quickly began expansion to better serve the entire community. Outreach began when the agency was awarded a nutrition grant to serve 150 people. Before this time there were virtually no services for the elderly in Old Brooklyn, and now SCR is the sole provider of services to over 6,200 seniors.

Senior Citizen Resources has long strived to, as their mission reads, extend independent living for elderly people residing in the Old Brooklyn area as long as they are physically and mentally able to live independently. To fulfill this goal, SCR has implemented programs and services in countless areas, including: nutrition, transportation, social services, and more. A staff of only 25 dedicated individuals administer these worthwhile programs while over 3,000 people utilize the activities.

One of the most utilized services is the Volunteer program of Senior Citizen Resources. Over 350 seniors provide volunteer work for over 30 Social Service Agencies in Cuyahoga County. These seniors contribute an average of 41,000 hours of service per year. Their dedication to the well-being of the community is staggering, and their commitment to serve their town is inspiring.

Mr. Speaker, please join me in honoring such a worthwhile agency, Senior Citizen Resources, that has served so selflessly the Old Brooklyn community in northeast Ohio. The staff has shown incredible dedication and heart to the entire community.

STATEMENT IN HONOR OF COLUMBUS DAY AND ITALIAN AMERICAN HERITAGE MONTH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. BONIOR. Mr. Speaker, this year marks the 30th anniversary of Columbus Day as a public holiday and the 25th anniversary of our nation celebrating October as Italian American Heritage Month.

In completing his first voyage across the Atlantic Ocean over 500 years ago, Christopher Columbus changed the course of history for the American continent.

Today, the nation's estimated 25 million Italian Americans from all walks of life have left a permanent and undeniable mark on the history of America. From Alphonse Tonty, the co-founder of Detroit, Michigan to Joe Dimaggio, the famous Yankee slugger—and everyone in between—Italian Americans have contributed in countless ways to the greatness of this country.

As someone who has the privilege of working in our Nation's capital, I note with admiration the contributions of Italian Americans found throughout Washington D.C. The statue of Abraham Lincoln found in the Lincoln Memorial, was carved from 28 blocks of marble by a Neapolitan immigrant named Attilio

Piccirilli and his five brothers. The interior dome of the Capitol Building was painted by Constantino Brumidi, an Italian artist. Union Station and the National Cathedral were built with the help of Italian immigrants.

Today, the strength of the relationship between the United States and Italy is a testament to the countless immigrants from Italy who made America their home generations ago. Whether it is U.S. military personnel stationed in Italy to assist in our efforts in the Balkans or Italian Foreign Minister Renato Ruggiero offering "no limitations" on Italian support of our anti-terrorism campaign in the aftermath of the horrific attacks against America on September 11, 2001, Italy is a key ally of the United States.

The history of cooperation between our nations date back to the some 1,500 men who fought in three different Italian regiments to help America gain its independence from Great Britain during the Revolutionary War. It is believed Thomas Jefferson's Tuscan neighbor, Filippo Mazzei, suggested the historic words found in the Declaration of Independence—"All men are created equal." Indeed, two of the original signers of the Declaration of Independence were of Italian origin: William Paca and Caesar Rodney.

Even in some of the darkest periods of our history, Italian Americans have helped us learn important lessons. During World War II, we shamefully restricted the freedoms of more than 600,000 Italian-born immigrants and Italian Americans. From arrest to internment to confiscation of property, proud Americans were subjected to deplorable treatment because of their national origin. As we formulate our response to the recent terrorist attacks, policy makers are mindful of the lessons learned from our treatment of Italian Americans during the 1940s.

Italian Americans are an integral part of this nation's success. As America celebrates the holiday commemorating the great Italian explorer, I join in honoring the contributions Americans of Italian descent have made to our great country.

HOUSE OF REPRESENTATIVES—*Friday, October 12, 2001*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 12, 2001.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history and Guide of nations.

Yesterday, Members of this House gathered for a memorial service at the Pentagon, that 5-pointed star of shining military power.

There, moved not by force or might of Earthly making, You touched the Nation by the sincerity of prayer and the revelation of Your silent Spirit working within us.

As we saw new resolve in the unified precision of united human forces and we heard the call raised in the song of true freedom, we know it is You who strengthen us, as we prayed for our fallen brothers and sisters of differing age, race, creed, language, and ethnic background.

Lord our God, You take our diversity and bring about greater unity in this world. Your Word is heard and we are brought to new life and a new awareness. In You our cause will remain right, our ways just. In You anger is transformed to commitment. Confessed vulnerability forms solidarity. In the depths of new found freedom, You lead us to greater creativity.

Your Spirit within us strengthens us for the task ahead. You alone can take the diversity of our opinions, our technology, our military, our willingness, and our alert and bring forth goodness upon the Earth and equal justice for all.

To You and You alone be glory, honor and power both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. REYNOLDS) come forward and lead the House in the Pledge of Allegiance.

Mr. REYNOLDS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PLEDGING SUPPORT FOR ISRAEL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise today in the wake of disturbing reports. First, the Associated Press reported in newspapers around America yesterday that the State Department is preparing to pressure our friends in Israel to make territorial concessions including yielding part of Jerusalem to the establishment of a Palestinian state.

This morning in Israel there are reports that 2 weeks prior to the attacks on the United States of America there was an agreement signed by the State Department and the administration of Saudi Arabia to do just that, pressing Israel back to its pre-1967 borders.

Mr. Speaker, I stand today to urge the administration and the State Department to clarify the unqualified support of the United States of America for Jerusalem as the inviolate and eternal capital of Israel; and that the United States of America, Christians and Jews and all of Americans stand for the territorial integrity of Israel and so should this Congress.

SUPPORT FOR THE PATRIOT ANTI-TERRORISM BILL

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, I rise today as a supporter and original cosponsor of the PATRIOT anti-terrorism bill. Recently, President Bush told our Nation that our citizens should take their families on a vacation to Disney World in Orlando, Florida. I have the happy privilege of representing Orlando.

Since we have a tourism-based economy, my district has been uniquely hurt by the tragic acts of September 11. Specifically, because so many people have been afraid to fly, theme park workers, convention workers, hotel workers, and cab drivers have lost their jobs.

It is critical to the people of Orlando that we pass this anti-terrorism bill to give our citizens a sense of confidence and security that our skies and country are going to be safer. This anti-terrorism bill which passed the Committee on the Judiciary unanimously deserves our support. It is a powerful piece of crime-fighting legislation. It gives FBI additional tools to go after terrorists. It creates criminal penalties for people who harbor terrorists, and at the same time it respects the civil liberties of our citizens.

I urge my colleagues to vote "yes" on the PATRIOT anti-terrorism bill.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 11 a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2975, PROVIDE APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (PATRIOT) ACT OF 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-238) on the resolution (H. Res. 264) providing for consideration of the bill (H.R. 2975) to combat terrorism, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Clerk read the resolution, as follows:

H. RES. 263

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of Friday, October 12, 2001, providing for consideration or disposition of the bill (H.R. 2975) to combat terrorism, and for other purposes.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 263 waives clause 6(a) of rule XIII, which requires a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules.

This waiver will be applied to a special rule reported on the legislative day of Friday October 12, 2001, providing for the consideration or disposition of the bill, H.R. 2975, to combat terrorism and for other purposes.

I urge my colleagues to support the passage of this rule which will enable the House of Representatives to debate and consider the President's antiterrorism package later today.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Rules met at 8 o'clock this morning to begin taking testimony on the antiterrorism legislation. While the Committee on the Judiciary had reported a truly bipartisan bill by a vote of 36–0, which is somewhat miraculous, 2 weeks ago, we were not informed until 7 o'clock this morning that we would be taking testimony on a new bill, the content of which the Committee on Rules had not seen nor apparently had the members of the Committee on the Judiciary.

We now have under consideration a rule which waives the two-thirds same day consideration requirement because, during the night, a bipartisan bill was turned into a bill which most Democratic members of the Committee on the Judiciary cannot support. We are considering this waiver of the two-thirds consideration rule because so many Members understand the grave and long-lasting ramifications of this legislation. This legislation is so far reaching that they felt it necessary to come to the Committee on Rules earlier this morning to offer amendments to the new bill or to simply sit and try to get an explanation of what is actually contained in it.

Democratic Members of the Committee on Rules will not oppose this rule, but we will oppose the rule reported a few minutes ago to provide for the consideration of the new bill. We will oppose that rule because of the process and because we strongly believe it is important to maintain bipartisan cooperation in matters such as this. While we believe the President should have the tools he needs to fight this war against terrorism, we cannot give up the role of Congress in doing so.

The majority has usurped a committee's jurisdiction and has therefore set back the hard-won bipartisan efforts of a committee not known for working in such a collegial and bipartisan manner. Both Chairman SENSENBRENNER and Ranking Member CONYERS presented to the House a fair and balanced package designed to give the administration what it needs to ferret out the terrorists among us, and they are to be commended. But to undo their work is unfair and unbalanced.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, I wonder if I could ask the gentleman from Georgia a few questions here. I have not seen a copy of the bill, and nobody on this side has been able to explain to me what is in the bill. I know in an hour that it would be very difficult to explain the intricacies of a terrorism bill which would last for some period of time.

Could you tell me the difference between the bill that the Committee on the Judiciary reported out and this particular bill that we are talking about here?

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, both the Senate and the House took up, at the beginning, a base bill proposed by the administration. Both the Senate and the House added provisions to the bill. In the compromise last night with the Senate, both took the most egregious provisions out. The ones that concerned me the most were the Senate bill at one point had reversed the McDade law. That has been taken back out. The Senate provisions had reversed our efforts of several years by the gentleman from Illinois (Mr. HYDE) to change the forfeiture laws. That has been removed. So we have pretty much the beginnings of the House bill here stripped down from the additions. I have not read them. I have asked for explanations. That is the best I can do.

Mr. MURTHA. I thank the gentleman.

Mr. LINDER. Also, the Senate had no provision for sunsetting or review. The House provisions had a 2-year plus 3-year, so about a 5-year provision for sunsetting.

Mr. MURTHA. Could I ask the gentleman, and he may not be able to answer this question, but could we not have gone to conference since the other bill was reported out unanimously? I just wonder, is there some reason that we felt like we had to take up the Senate version of the bill? Were there enough changes in your estimation that it warranted taking up the Senate version amended?

Mr. LINDER. I think the decision was made to prevent a conference so the President could get access to this bill as quickly as possible. The Senate is out for the weekend. I would be happy to sit down and chat with the gentleman in just a moment.

Mr. MURTHA. I thank the gentleman.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to read into the RECORD in just a moment a statement by the gentleman from Michigan (Mr. CONYERS) who is the ranking minority member in answer to the gentleman from Pennsylvania's question:

"What we have before us is a tale of two bills. One bill was crafted by the standing committee of the House. The other was crafted by the Attorney General and the President. One bill is limited in scope and sunsets after this crisis will have passed. The other bill is a power grab by prosecutors that can be used not just in terrorism cases but in drug cases and gun cases. This administration bill would last for the remainder of the President's term of office, long after the bombing stops and the terrorists are brought to justice.

"We must all rally around the flag at a time like this, but we also shouldn't take leave of our senses. Benjamin Franklin said it best: 'They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.' "

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. I thank the gentlewoman for yielding time.

Mr. Speaker, I would like to follow along in terms of the comments that the gentleman from Pennsylvania had put forward.

In the aftermath of the September 11 terrorist attacks, Congress acted quickly to pass measures requested by the administration to address the immediate and long-term security, recovery, and financial needs of the country. On September 14, the House and Senate passed, by near-unanimous votes, a $40 billion emergency supplemental appropriations package for antiterrorism initiatives and disaster recovery and a joint resolution authorizing the use of force against those responsible for planning and carrying out the September 11 attacks. The House passed a

$15 billion airline bailout package by a vote of 356–54. The Senate then quickly passed the measure by voice vote to clear it for the President.

This antiterrorism package has met with greater congressional resistance and concern. The measures being enacted here have decidedly much more of an impact on individual rights and civil liberties and with no particular document in front of us with which to review and to question. When I posed questions to members of the Committee on the Judiciary just a few moments ago to ask them what was in the package and what was not in the package that we would be taking up shortly, they were unaware of it, had not been briefed on it, had not seen any actual language.

The concern that I have is that they were able to fashion a 36–0 report in a committee that tended to be fairly divided over a good number of votes a good number of years that I have been here and for them to all come together like that and recognize that they must do something, they must make sure that security measures are passed and surveillances are increased and the degrees in terms of security and preventing accidents, or terrorism attacks from occurring in the future we must prevent. But at the same time to make sure that there was a sunset provision, so that we knew that it was not going to last forever.

Those are things that are of a great deal of concern to many people, not just the people who I represent in the State of Maine but, I am sure, throughout the country. I think we should carefully deliberate before we start to allow ourselves to go down a track which will give evidence to the terrorists that they have won because they have changed the way that we do operate. I thought the message was that we had to get back to work, we had to get back to school, we had to get back in our communities and show them that we were much stronger than they had expected, we were much more united than they thought they would be able to fractionalize and to divide us up and that we are stronger as a country.

I have met so many young people that have told me that Tom Brokaw is going to have to write a new book about this generation because he felt that his generation was going to be the greatest generation. There is a lot of pride and support and patriotism in our country. I am very impressed by the unity of this Congress and in the way the committees have been able to operate on the House side and would like to see that continued. I think that this is going to present a major impediment in terms of our future being able to work together in the interest of these issues.

I would encourage the majority, if they have a way of being able to give us the deliberation on this matter, be able to have the discussions on this matter, and then be able to expedite on this matter, I think will bode well for the way that we deal with this and the way history judges the way we dealt with this because of the importance of our individual rights and civil liberties which is the foundation of this country, the land of opportunity.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I am speaking on the rule, which I support and hopefully will be passed, but also really in terms of the underlying base bill and supporting the underlying base bill that will be introduced.

This bill is very much different than the bill that passed out of the Committee on the Judiciary. The Committee on the Judiciary bill, I think, was really a major problem. The Judiciary bill had some very, very specific problems and was really a nonacknowledgment of the situation that we find ourselves in in the United States of America today.

I have the same perspective that the President of the United States does and I believe the vast majority of Americans do, that we, in fact, are at war. We are at war with an enemy that has attacked this country with horrific results, 6,000 people dying in an instance at the World Trade Center, the Pentagon being attacked as well. But as we also know, these are an enemy that almost for sure has biological and chemical weapons available. It is unclear whether or not they have nuclear weapons, but it is only a matter of time before they do. And the only thing that is preventing their delivery of those biological and chemical weapons are a lack of a delivery system.

So what we are faced with at this point in time is literally the potentiality of not thousands, as horrific as that is, but literally millions if not tens of millions of Americans whose lives could end in an instance.

☐ 1115

Now, in the specifics of the Committee on the Judiciary bill in the area of terrorism, the committee, I think, made several major mistakes, including not allowing the use of classified material for cases where property could be seized.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the majority for providing me a copy of the bill. This is still warm. It just came off the Xerox machine.

This is not the bill that was adopted by a unanimous 36 vote of Democrats and Republicans on the Committee on the Judiciary. These are critical issues. This is what we are fighting for. These are our civil liberties.

We need to give law enforcement the proper tools, yes, we do; and we need to strengthen laws where they need to be strengthened and give them more effective tools. But we also have to be careful that we do not dredge up some of the worst ideas of the past, of the fifties, of the McCarthy era, of the Hoover era.

There could be problems. I do not know. I just asked a Member of the Committee on the Judiciary who voted for the bill in committee, a unanimous vote, a bipartisan vote, agreed upon the tools we needed with the limits we needed to protect our precious civil liberties, what is in the bill. He said, who could know what is in this? It was just handed to him.

We are going to be required to vote on it in the next few hours. Why? Will these laws go into effect this weekend and make a difference in protecting people and making them more safe? No. We could be taking up an aviation security bill. We have not done a damn thing on aviation security in the House of Representatives since this incident. The Senate acted unanimously yesterday. We are being prevented from bringing forward a bill by a minority of the majority who is so set against more Federal employees that they do not want to do the right thing on screening, and they do not care about all the other issues in aviation security that are even bigger than screening.

We are being prevented from doing that, while this bill, still warm in my hand, is being rushed forward. I do not know what is in it. I am not a lawyer. I go to my friends on the Committee on the Judiciary who are lawyers who helped craft a unanimous vote in the committee on this bill and ask them what is in it, and they said we cannot tell you; we do not know. Our copies are still warm in our hands too.

This is not the way to defend liberty and fight terrorism. I fear that this bill, since I do not know what is in it, could be the Gulf of Tonkin Resolution for civil liberties, rather than the tools our law enforcement agencies really need.

I would urge the majority to withdraw this marshal law resolution, withdraw this bill, give us a weekend to read it, and let us take it up Monday morning. Hey, I will come in and vote at 7 o'clock on Monday morning, if it is that urgent, or we can vote on Sunday. Give us at least a day to read it and understand what we are voting on.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH), so he can complete his comments.

Mr. DEUTSCH. Mr. Speaker, I really appreciate that courtesy.

Let me mention to my good friend from Oregon, the bill has been available in its present form since 8 o'clock this morning. I have had a chance to review it, staff has had a chance to review it. But in substance, this is the same bill that the Senate passed last night. It is the same bill that has been available for several weeks now. These issues are not new issues. Again, I support the efforts to take this bill up under this rule at this time.

I was going through a list of provisions in this bill that the Committee on the Judiciary passed out. Again, it was a unanimous vote, but sometimes unanimity can be the lowest common denominator, not the highest common denominator.

I specifically talked about one provision, again, dealing just with terrorism. Again, if you do not accept my premise that we are at war, or the President's premise, if you do not accept the fact that these people have weapons of mass destruction available today, that we literally are talking about national security issues and we are weighing it, I ask my colleagues to look at specifics, look at the specifics in the bill.

Another provision that the Committee on the Judiciary eliminated was the ability for non-American citizens or resident aliens, for law enforcement to get education records for those people. As we know, many of those people came to the United States specifically theoretically under their visa applications for that. But the Committee on the Judiciary bill provides none of that.

Let me read you something specific again in the Committee on the Judiciary bill. This only applies to terrorists. In order to prosecute someone, the standard that the Committee on the Judiciary put in: "has committed or is about to commit a terrorist act." Has committed.

Now, the bill that is in front of us I think has a much more reasonable provision, which I believe if my colleagues read this, a vast majority of my colleagues on the floor will support and the vast majority of the American people will support: "reasonable grounds to believe that the person being harbored will commit a terrorist act."

These are dramatically different standards, standards which, again, I believe the vast majority of Americans would support.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, this is a very dangerous time we are in today. It is dangerous for two reasons: our country is at war, and we face danger from enemy action. We also face danger from our own action. The history of this country is that in most of our wars in this century, we have taken actions against our liberties that we have regretted and apologized for later. I refer to the Espionage Act of 1917, which no one will today defend, the Japanese internment of World War II, the COINTELPRO operations of Vietnam, and today we are asked to buy a pig in a poke. Why a pig in a poke? A 187-page bill, hot off the press, that we have not had a chance to read or analyze.

I am a member of the Committee on the Judiciary. I voted for a terrorism bill with strong provisions that I thought was balanced and reasonable and protective of civil liberties, as well as giving the Government the tools it needs to deal with terrorism. But, no, that bill does not come up.

Why did it not come up? We are told we have to vote on this bill right away. We cannot wait until next Tuesday. We ought to wait until Tuesday. We ought to have a chance to analyze this bill over the weekend, to send it out to the law schools and the civil liberties people and others and let them read it and let them give us their comments so we vote in an informed manner, and so that we can offer amendments on the floor and have a well-crafted bill that protects us against terrorism, but also does not do violence to our civil liberties.

But, no, we are told, we must rush right now, we must have this marshal law resolution to enable us to vote before anybody can read the bill. Why? Some people would say because if we read the bill, there are those who are afraid we would not pass it. I am not that cynical. But because the President is pushing us, we have got to pass it right away. The times demand it.

Well, why did we not take up the committee bill on the House floor earlier this week? We could have passed that bill and gone to conference with the Senate and had a full bill, a conference report, ready to adopt today or Monday, properly considered.

To vote on a bill that may do violence to our liberties, and it has to be very carefully balanced, to ask the Members of this House to vote on a bill that may do violence to our liberties, that may go way beyond what we need to legitimately combat terrorism, is an insult to every Member of this House, it is an insult to the American people, it should not be permitted; and I am asking to have a "no" vote on this marshal law rule and the regular rule because we are being stampeded into doing something we may very well live to regret and that history tells us we will regret.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time. I rise in support of the rule, and I rise in support of the underlying bill.

For those who claim that they need more time to read this, this is basically the same product that the President sent over requesting several weeks ago. It has been analyzed and reanalyzed. And to contend that we need to reanalyze this further I think is disingenuous. We have a very serious problem in this country. There are terrorists in our country, right now. They have come over here in many instances fraudulently, on student visas or other types of visas; and their intent is to do us harm right here in the country.

There are people sympathetic to the terrorists who raise money in this country to support terrorist activities. Essentially all of these people are people from these countries in the Middle East who are either terrorists themselves or sympathetic, and they take advantage of the liberties that we have in this country in order to do us harm.

I believe that this bill is a very carefully crafted bill. For example, there is a lot of concern about grand jury secrecy. In order for a prosecutor to share with CIA or FBI the grand jury secrecy content, it has to pertain to a terrorist action. They cannot just blithely share information with CIA, unless it has some bearing on the activities of these terrorists. Furthermore, there is a provision in the bill that if there is any inappropriate information that is shared, that the citizen could pursue recourse in the courts.

The long and short of it is I think this bill is badly needed. I think it is something the American people will support. Most of the people in my congressional district are prepared to see some of our civil liberties modified in order to enable us to better or effectively fight these terrorists.

I urge a "yes" vote on the rule and a "yes" vote on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding me time.

We have three matters up this morning. One is the so-called marshal law rule that would bring the bill to the floor right away; the second is the rule itself; and then there is the bill.

Now, the previous speaker, the gentleman from Florida, tells us we have got to move really fast because there is a national emergency that requires us to get this bill into law before we have even seen it or read it. But the fact of the matter is that there are going to be two different bills that will come before the House, and we are going to conference. So there is not any emergency whatsoever. We will not have a conference until next week, and we do not know how long that is going to go. I am not even sure which provisions are going to be conferenced, because the Senate just passed their bill late last night; and the bill that the House should have been considering, passed unanimously by the Committee on the Judiciary, something that has not happened before in my career on the committee, has been sidelined, and we are piecing together another bill.

So I am making an appeal to my Republican friends in the House to join me on at least a couple of occasions here today.

First of all, let us reject the martial law that will allow this bill to throw procedure into the waste basket and bring the rule and the bill up right away. It has been said by the leadership that we will be out of here by 2 o'clock this afternoon. It is now 11:27 a.m. Will somebody explain to me what is going to be the difference if we take this bill up after the 435 Members have had a chance to read some nearly 200 pages of it? I will yield to anybody on that if they would like to explain that.

There is no reason. It feeds this emergency nonsense that keeps coming from the White House and the Department of Justice, that we have got to do this right away or the poor Attorney General's hands are tied, he really cannot do anything. Well, we passed an anti-terrorist law in 1996 that gives him some of that, which has more power in it than the one we are going to consider here today or next week.

Mr. Speaker, I urge my colleagues to reject the rule that would expedite bringing this bill to the floor.

□ 1130

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to address a subject that is a concern of mine. I will support the various rules. I think we need to bring this legislation before us and support the legislation. But I went before the Committee on Rules and have otherwise talked about it, along with the gentleman from Arizona (Mr. FLAKE) and the gentleman from Georgia (Mr. DEAL), of the Visa Integrity and Security Act. I also just asked the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, a conference about it, because I assumed from the beginning it probably would not be included in this legislation today, and he indicated that when this is done, it is the issue of next importance that his Committee on the Judiciary wants to address.

But if we look at the record, even of the individuals who were the terrorists who came into this country, if we looked at the testimony of the head of INS yesterday, we will find that they do not even know where some of these people came from. They have no record of them at all. In other cases they were dealing with expired visas, students or workers who were here on expired visas.

Our whole visa system of tracking these millions, and it is millions, of people who are in the United States of America on visas is frankly in a state of total disrepair and needs immediate addressing. Our legislation that was not included today but, hopefully, will be included in the legislation that will come forward before this House in the next few weeks, addresses this issue. It has an entry-exit tracking system which, by the way, is in the law but we are not enforcing now so that we will know in real-time where people are; it provides to our consulates overseas information to the various agencies, CIA, FBI, whatever it may be, INS, various lists of people who may not be desirable in the United States of America. It has a tracking system for students. Right now, they do not even have to report to the school, so we do not know they are in this country, which is exactly what happened in a case here. But if they fail to arrive, it would be reported and that information would go forward, their visa would be terminated automatically.

There is a visa waiver pilot program included in that, because in some countries, some of our closer allies, Canada, et cetera, there are certain waivers to participate in that, we would raise the standards somewhat, and with the H1-B visas, which we are very fond of here, which are basically for the higher tech community, when people come into this country and they do not come to work at that particular company, they would have an obligation to report that as well.

We need to get a much better handle on what is going on in the United States of America with people visiting our borders. We are a free country; we are an open country. I do not think what happened on September 11 is going to change that, nor should it change it necessarily. But we have the right and the responsibility to know exactly who is in the United States of America. Are they here legally in the United States of America? What they are doing here? And if, indeed, their time is up, we have the responsibility to make sure that they have left the United States of America and perhaps in that way, we can prevent some of the terrorism, the problems which we have had.

So obviously, I would have liked to have had it in this legislation; but I understand the reasons why, so I will continue to support it. But I hope that this is something we could address soon.

Ms. SLAUGHTER. Mr. Speaker, before I yield to the next speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS) for the purpose of a colloquy.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Georgia (Mr. LINDER) for yielding me time.

I see the gentleman raises a question. I would like to assure the gentleman that we have a Department of Justice that makes sure it knows who is in this country and who is not. It is called the Immigration and Naturalization Service, and it has thousands and thousands of people at both borders working the airports. We do not need this bill to find that out. So if that is why the gentleman thinks we have to rush this through, I would like him to rest more comfortably over the weekend.

Mr. CASTLE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Delaware.

Mr. CASTLE. Mr. Speaker, I agree completely. Obviously we have that service, we all know about INS; but I will tell the gentleman it is dysfunctional in terms of the way it is working. I think that is a concern that all of us have. It is not that we do not have it or do not even have somewhat of a system in place, it just does not function particularly well. I am not talking about just the terrorists in this circumstance, I am talking about the broad pattern of the problems that we have with Immigration and Naturalization Service visas and all of the transgressions that take place.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, the Committee on the Judiciary worked long and hard on this particular bill. We spent several weeks of research and deliberation, but apparently an intelligent, deliberative process is not welcomed, and now here we are under martial law considering a completely different bill than that that was reported from the Committee on the Judiciary.

There was one amendment that was not accepted in the Committee on Rules that I think we need to take some time to deliberate. That is an amendment that I offered that would have required government officials who get one of these roving wiretaps to listen only to the target of the investigation, not to innocent people who also might be using the same phone that the target might be using. Now, that is a complicated issue, and that is why we need time to deliberate. Remember, this is not just for terrorism; this is all wiretaps. So we need to be careful and notice how this thing works.

First of all, under present law, there is no incentive to abuse this process of a roving wiretap under the Foreign Intelligence Surveillance Act, because if you got anything from that, you could not use it in a criminal investigation. But now, we are changing things. We want to share the information. So now there is an incentive to get that information. Under FISA, there is a very low standard. You do not need to show probable cause that a crime is being committed, all you have to show is that you are investigating something involving foreign intelligence. You do not even have to show that that is the primary cause of getting the wiretap, just a significant cause. Which begs the question: What is the primary cause? Is it a criminal investigation without probable cause, or is it just political surveillance? What is the primary cause of getting this wiretap? We do not know. And if we are listening to different people's conversations, I would like to know how this thing got started.

But who you listen to, if you have gotten a right to follow a person along and find out that he is using a pay phone, you can put a bug on that pay phone. My amendment would have required you to listen only to the target on that pay phone, not everybody else, but that amendment was not accepted. So you could have people listening in on people using the pay phone. You have wide latitude, because once the search wiretap warrant is issued, you can follow the person around. Nobody is questioning whether you put it on the pay phone or the phone in the country club or the neighbor's phone, so long as the prosecutor thinks well, we might be able to get some information.

We need to deliberate on this. One of the factors that created the unanimous vote in the Committee on the Judiciary was the 2-year statute of limitations which required us to quickly, with dispatch, deliberate on this issue and come to a final judgment.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I think this is really a sad day for the House of Representatives and the legislative branch of government. Others will go through the details, but I would like to explain to the Members of the House, who were not a part of the Committee on the Judiciary process, what we went through. I personally participated in lengthy meetings where Republican and Democratic staff of the committee sat down with the Justice Department, the FBI, the intelligence community; and we went through the proposal line by line.

We did not do anything that the Justice Department objected to. In fact, there were huge sections of the bill that would have been thrown out because they were unconstitutional; and we fixed them in the process that we had. Ultimately, we had a unanimous vote on a very tough measure, and I think some people are confused that we did something at odds with the professional staff. We did not. This is a tough measure.

Now, is it the perfect answer? Perhaps not. We could work further with the administration. We have worked on a bipartisan basis to make this a good, tough law.

The problem is, we are going to have a conference anyhow. The Senate is going to insist that we have a conference, and rather than going through the regular order and taking up the bill that was unanimously passed that would probably get 400 votes here in this Chamber, and then having our conference in the regular order, making additional changes in collaboration with the White House, we are taking a bill that most of the Members will not even know what is in the bill when they vote for it. This is not respectful of the United States Government. This is not respectful of the United States House of Representatives. I think it is a mistake.

I voted for the Committee on the Judiciary bill. I am a cosponsor of the bill. It creates wide-ranging authority that I think is appropriate, given the threat that faces this Nation. It allows FISA wiretaps without a warrant. U.S. citizens will be subject to wiretap without judicial review. That is a big deal. That is a very big deal, and I am prepared to do that with some constraints that the Justice Department and the FISA experts agreed with.

I believe that on both sides of the aisle, if Members rush to judgment on this, and it is not necessary; we can have this done next week and it would follow the regular order; if Members rush to vote and to do it in this flawed process, we will end up regretting this on both sides of the aisle. The constituency for freedom in America is not limited to Democrats or Republicans. We know that patriotic Americans are aware we are at risk in two ways. One, from the terrorists, and also from destroying the foundations of liberty in this United States.

Mr. LINDER. Mr. Speaker, I continue to reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding me time, and I thank the gentleman from Georgia (Mr. LINDER). I appreciate the fact that the Committee on Rules had to meet this morning at 8 a.m. and many of us were there promptly to engage in what we would hope would have been an affirmation of H.R. 2975.

Let me add my voice to the complete dissatisfaction with the process that we are now engaged in, with the recognition that we are in a crisis, Mr. Speaker. It is important that we say to the American people the truth, that we are in a crisis. But we can be in a crisis and be of sane mind of cautiousness and of balance. That is what H.R. 2975 represented.

This was a piece of legislation that members of the committee, and I serve as a member of the Subcommittee on Immigration and Claims of the Committee on the Judiciary, this is a process where each of us were engaged in our respective areas of responsibility in a bipartisan way. It means that those who are on the Subcommittee on Immigration and Claims, Democrats and Republicans, were speaking to each other about the specifics of addressing the question of how we balance immigration and the laws of this land; the fact that immigration does not equate to terrorism. We provided that balance. And in that balance, we were able to assure that there would not be endless detention, if you will, for those individuals who were not, in fact, guilty of any acts.

Just a few days ago, the FBI called in a practicing physician from San Antonio of Muslim faith to come all the way across country and determine that he was not engaged in any activities. If we have this bill where there would be no opportunity for judicial review in that process, innocent persons would be involved. In the instance of H.R. 2975 there were opportunities for the appeals of those individuals who were held without an opportunity to present their case to appeal their situation all the way up to the Supreme Court.

This bill was called the PATRIOT Bill, and I want to remind my colleagues of what a patriot was in the early stages of this Nation. It was an individual who was willing to lay down his or her life so that the civil liberties and the Bill of Rights and the Constitution could be protected. It was people who ran away from a despotic government in order to seek freedom in the United States. Yes, there is terrorism; and might I say that there is sufficient terrorism that the Department of Justice saw fit to put a random Web site indicating that this Nation would face terrorist acts. I wonder whether that was put on to simply threaten the United States Congress into not doing its job, but rather to be frightened into passing an antiterrorist bill that really does not balance the rights of the American citizens along with the rest of the needs that we have.

Let me simply conclude by saying, Mr. Speaker, that we should vote down this particular marshal rule, vote down the rule, we should be on the floor supporting the federalizing of security in airports and airlines, and give us time to work to put a bill together that all of America can be proud of and that the FBI can go out and find the terrorists and bring them to justice. This is not this bill.

□ 1145

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from Georgia for yielding time to me.

Mr. Speaker, I rise today in support of this important legislation, with some apprehension, solely because there are a number of provisions I would have liked to have seen added into this process. But I recognize that time is of the essence. It is important that this body move forward to show the American people the seriousness of the nature of our need to improve our intelligence and security systems.

Specifically, I was hoping to have offered, along with the gentleman from Louisiana (Mr. TAUZIN), an amendment relating to student visas and the need for us to take action in this House immediately to tighten up the system of student visas; in fact, to create a system regarding the tracking of student visas by the intelligence community.

Mr. Speaker, currently there are 600,000 international students studying in colleges and universities all over this Nation, many of whom are contributing greatly to those universities and colleges, and therefore our society.

Nevertheless, the INS, in the failure to develop a system of tracking those students, has led to incredible breaches of security that should concern us all. Indeed, in fact, one of the hijackers on September 11 was in this country on a student visa, never having reported even to the college or university that that person was supposed to.

I am going to rise in support of today's move forward, but I would call upon my colleagues in this body to move forward expeditiously, as well, with all of the other important pieces, because America demands it.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I have never seen the legislative process more degraded than it is by this process. The Committee on the Judiciary worked very hard and very thoughtfully and very seriously to make significant changes in the bill so we gave the House a bill that enhances law enforcement authority, as is appropriate, but to the maximum extent possible, gave protections against the abuse of that.

It was not perfect, but it was a very thoughtful effort. But it turned out we were engaged in a game of bait and switch, because once the committee bill came forward, it was dumped; and we have today an outrageous procedure: a bill drafted by a handful of people in secret, subjected to no committee process, comes before us immune from amendment.

I have a question: What is it about democracy that the Republican leadership thinks weakens us? Why, after an open process of a bipartisan sort, coming out with a reasonable product, are we not even allowed to offer it on the floor and debate it? What is it about the process of open discussion that people see somehow as a distraction?

In fact, it is bait and switch for this reason. There are a number of important issues that now may never get debated because, having worked on that compromise bill, many of us assume that we had achieved some agreement on the balance to be struck, and at the last minute that is thrown aside so the important issues that were debated will never be debated here.

I know, this allows the motion to recommit, the great catch-22 of parliamentary procedure. On the one hand, they say, you can offer it in the motion to recommit. On the other hand, Members on that side will be told, this is a party issue. This is a partisan issue. The motion to recommit has a whole 5 minutes of debate on each side. So all of that thoughtful process, all of the compromise, all of the anguishing decisions we had to make about how do we balance self-defense with protections against abuse, that is all to be compressed into a 5-minute partisan motion.

Shame on the people who have brought this forward.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this rule, to the martial law, and to the underlying bill. We are just learning how far this recently-crafted legislation called the PATRIOT Act goes beyond the powers necessary to fight terrorism.

The people I represent in Marin and Sonoma Counties in California recognize that law enforcement may need some extra tools to combat terrorism and to ensure our safety, but my constituents and the majority of Americans in general know the difference between inconvenience and loss of civil liberties. They have made it overwhelmingly clear that they do not embrace proposals that encroach on our civil liberties, proposals that ultimately make us less free.

For example, Mr. Speaker, this bill, as I understand it, lifts limits on CARNIVORE, the tool to read private e-mail correspondence, allowing the FBI to read and use information at their own discretion. My constituents are right to worry about how gathered information under this legislation could and would be used.

Mr. Speaker, we must not allow the Bill of Rights to become the next victim of the September 11 attack. I urge my colleagues, withdraw this rule, withdraw this bill. Instead, why are we not voting on airport safety, something that everyone in this country is waiting for and is worried about, and something that passed out of the other body last night 100 to zip?

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, we are debating a rule that is going to determine whether or not we vote on one of the most important items perhaps in some of our careers. We are talking about whether or not we are going to take a product that was produced by the Senate in the wee hours of the morning on one of the most important issues we will ever debate in this Congress, and rush it to the floor and vote on it, where significant changes have been made. There is a significant difference in what the Senate produced and what the House produced.

What normally happens in this process is we have the House bill that is heard; we have the Senate bill that is heard. When there are differences, they go to conference and we try and work it out. We worked very hard in the Committee on the Judiciary in order to have a product that everybody could embrace. The right wing came together, the gentleman from Wisconsin (Mr. SENSENBRENNER); and the left, the gentlewoman from California (Ms. WATERS), myself; and the gentleman from Michigan (Mr. CONYERS) and others.

We gave a lot. We worked on this to make sure that we could get a bill that would respect the civil liberties of the people of this country, and now it has all been undone because of one person on that side who will not allow them to bring it up.

I would ask the Members of this Congress to reject that kind of action.

Mr. BLUMENAUER. Mr. Speaker, it is with great sadness that I vote against the rule and the Surveillance Act that it authorizes.

We united as a country after the tragic events of Sepetmber 11. We were firm in our resolve that it would not be business as usual and that we would do what is necessary to root out the hateful individuals who unflicted such loss on our citizens.

Part of our responsibility was to reach out on a bi-partisan basis and give the American people our best. The work product that was produced by our Judiciary Committee was an example of giving our best. Thirty-six widely disparate men and women under the leadership to Chairman SENSENBRENNER and Ranking Member CONYERS have perhaps the widest array of opinions found on any committee in the House. Yet they were able to come together unanimously with a balanced, well thought-out measure that could serve as a focal point for the House of Representatives. This work product of our committee system was swept aside by the House Republican leadership. At the last minute we received a 175-page substitute, without the opportunity for any amendments.

This is not a question that needs to be decided by a partisan power play. The American public cares about rooting out the terrorist elements in our country and everywhere else. They have every reason to expect that the rights of the American public will be respected. A few days or even a few hours of work could have achieved that objective. I will vote against the bill because I reject the notion that in these times of crisis, the legislative process can not work, that partisanship must prevail over the openness and strength of America's democratic system.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LaHood). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NADLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 205, not voting 10, as follows:

[Roll No. 382]

YEAS—216

Abercrombie
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—205

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—10

Aderholt
Barton
Blunt
Dicks
Gillmor
McHugh
Miller (FL)
Schrock
Towns
Wexler

☐ 1216

Mr. HOLDEN, Mrs. JONES of Ohio, and Mr. MEEKS of New York, changed their vote from "yea" to "nay."

Mr. TAUZIN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHROCK. Mr. Speaker, today I was in my district attending the memorial service for the victims of the USS *Cole*, which was attacked by terrorists on October 12, 2000. As a result, I missed rollcall vote 382. Had I been present, I would have voted "yea" on this rollcall vote.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 68. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week.

The message also announced that the Senate has passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 25. Joint resolution designating September 11 as "National Day of Remembrance".

PROVIDING FOR CONSIDERATION OF H.R. 2975, PATRIOT ACT OF 2001

Mr. DIAZ-BALART. Mr. Speaker, by direction on the Committee on Rules, I call up House Resolution 264 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 264

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2975) to combat terrorism, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Florida (Mr. Diaz-Balart) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. Slaughter), my dear friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 246 is a closed rule providing for the consideration of H.R. 2975, the Provide Appropriate Tools Required to Intercept and Obstruct Terrorism bill, or the PATRIOT bill for short.

House Resolution 264 provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule also provides an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted.

The rule waives all points of order against the bill, as amended.

And finally, House Resolution 264 provides for one motion to recommit, with or without instructions.

As I stated before, Mr. Speaker, this is a closed rule which will allow for expedited consideration of the critical issue before the Congress today.

Mr. Speaker, the United States is at war. The American people have been attacked on our own soil by evil men who have learned to skirt many of our laws that are designed to protect Americans. The underlying legislation has been crafted to give our Nation's law enforcement officials additional necessary tools for the war on terrorism. We must do everything within our power so that the events of September 11 never again happen.

It is no secret, Mr. Speaker, that there are some Members of this body who are displeased with the legislation before us because they consider that it goes too far. I can assure my colleagues, Mr. Speaker, that there are many Members of Congress who believe that this legislation does not go far enough.

We have heard a number of them on the floor today. The gentleman from New York (Mr. SWEENEY), the gentleman from Florida (Mr. DEUTSCH), the gentleman from Delaware (Mr. CASTLE), and others.

This bill reflects the essence of compromise. The gentleman from Wisconsin (Mr. SENSENBRENNER) and other members who have crafted this critical legislation, legislation which is similar to the Senate bill, that it passed last night, will give the President of the United States and various law enforcement departments and agencies tools needed to wage an effective campaign against terrorism in the wake of the September 11 terrorist attacks.

We will have ample opportunity during this coming hour of debate on this rule as well as the subsequent debate on the underlying legislation to bring out the details of the legislation. At this initial point, Mr. Speaker, what I would like to do is urge my colleagues to join me in passing this rule so that the House may proceed quickly to consider the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from Florida for yielding me the customary half an hour.

Mr. Speaker, I rise in strong opposition to this closed rule and to the underlying legislation. While all of us understand the need to give law enforcement the tools it needs to combat terrorism, the bill goes too far. In the name of protecting Americans, it eats away at some of our most cherished freedoms.

The events of September 11 are etched in all of our hearts and minds. Last week, I attended services for two constituents who were lost at the World Trade Center, a 52-year-old businessman and a 28-year-old consultant. Both had long, fulfilling lives ahead of them, and both were innocent victims of terror.

We have to track down the perpetrators of these heinous crimes and ensure such atrocities can never be repeated. In order to do so, Congress is prepared to give the law enforcement community unprecedented powers to engage in surveillance, wiretapping, and collection of evidence.

At the same time, however, we must balance the need to pursue terrorists against the need to protect the civil rights of law-abiding Americans. On September 19, Attorney General John Ashcroft outlined his proposal to combat terrorism. Since that time, the Committee on the Judiciary majority and minority staffs have been working nonstop, including weekends, to develop compromise language that would accommodate many of the administration's requests.

On Monday, October 1, the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), the ranking member, announced an agreement on a compromise bill. The bill was reported unanimously by the Committee on the Judiciary by a vote of 36 to 0.

At that time, the leadership of both sides of the aisle wisely refused to be stampeded into abandoning civil liberties by approving the proposals that the administration hastily pulled together last month. This was Congress at its best. The underlying bill demonstrated bipartisan resolve in response to a Nation in crisis.

Unfortunately, that bipartisan bill has now been abandoned in favor of an extreme proposal that threatens the civil rights of all Americans. The bill presented in the House today contains a variety of provisions that, at any other time and place, would never receive serious consideration in this Chamber. Only the current crisis is persuading Congress to throw caution and civil rights to the wind.

As a result, some of the most important compromises developed in the committee process have been renounced. Under the new bill, our own citizens can be wiretapped by the CIA. Immigrants can be deported for donating money to groups they did not know were linked to terrorism. The government can introduce information obtained from illegal wiretaps in court; and significant new restrictions are placed on the disclosure of information from grand jury proceedings, changes which were made with no input, there was no decisions given by Federal judges, by the lawyers, by any members of the bar as to the constitutionality and the fitness of these changes, and perhaps most critically, the 2-year sunset provision was deleted.

The bill essentially allows changes to stand for 5 years before Congress has any obligation to review them. If we are truly concerned about the civil rights of our constituents, surely we should not allow 5 years to lapse before exercising oversight over these expanded powers.

The Members of this Chamber need to understand that the bill before us today is no longer just about terrorism. These sweeping new powers can be used in the pursuit of any criminal case against any American citizen or immigrant.

No one doubts that we and our constituents are at risk for further attacks. Law enforcement, as I said, needs to have the tools to confront this new threat. Included in this bill are worthy provisions from the administration's proposal. For example, the bill would let the government seek court approval to place a wiretap not just on a particular phone but on a person, regardless of which phone they will use. But these positive provisions are tainted by the inclusion of unnecessarily broad proposals that will erode the civil rights of all Americans.

Given the opportunity, Members of the House could mitigate some of the most problematic provisions of this bill. However, we are being denied that opportunity. The closed rule allows no amendments to the civil rights bill of this generation.

We cannot fight terrorism by destroying those very things that make our Nation special. If we are going to cut into civil rights laws, we should use a scalpel, not a scythe. I urge my colleagues to oppose this closed rule and to vote against the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I rise in support of the rule. Although I would have preferred an open rule, I think that there is one glaring hole in this legislation. It is an antiterrorism piece, but we are not dealing with the greatest source of right now. We are not dealing with immigration in any meaningful sense.

We ought to be strengthening the process that we have to issue visas. We have introduced legislation. We had an amendment to go on this bill, the gentleman from Delaware (Mr. CASTLE) and myself, which would have tightened that process. It would have also tightened the process by which we screen people currently in the country.

We found out yesterday that of the 19 terrorists who were here in the country, 10 of them were here legally. Three of them had overstayed their visas, and 6 of them we had no clue where they came from or how they got here. That is unacceptable, and it would have been good to deal with as part of this bill. If we cannot, and the rule is closed so we will not, we need to deal with that separately.

□ 1230

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, in light of the great confusion and dissatisfaction about the process that has led us to this point on the pending measure covered by the proposed rule, it seems to me that we ought rather to be spending our time dealing with aviation security.

If we defeat the motion on the previous question, it will be the purpose of the minority side to bring up the Transportation Security Enhancement Act of 2001, which has been drafted largely in cooperation with the Republican majority on our committee, but with some significant differences.

One of those key differences has to do with how screening is performed at the Nation's airports. Let me put this in context because the screener issue has been very largely overstated and not stated in the context of overall aviation security.

First, what we would propose to do, and we have done this in agreement with the majority on our committee, is establish a transportation security administration within the Department of Transportation; and this approach differs significantly from the bill which just last night passed the other body on a vote of 100 to zero, to elevate security to all modes of transportation to the level of an Under Secretary of Transportation so that all modes would be considered concurrently; transfer all aviation security functions to the Transportation Security Administration except for air marshals which would stay, as they always have been, within the FAA; designate this Under Secretary to be the primary liaison to intelligence and law enforcement communities; allow the Secretary to develop the regulations to carry out the security functions.

Mr. Speaker, under this general regulatory authority, because we are dealing in an area of urgency and of national significance, the Under Secretary would consider the costs, but not be required to undertake the usual time-consuming cost benefit analysis which places a monetary value on human life and has regularly been the subject of airline interference and dragging out the regulatory process when it comes to safety and security.

We would consider the costs, but not be bogged down by a regulatory process which holds up rules literally for years; permits this Under Secretary to issue emergency rules or security directives without cost-benefit analysis, but opportunity for comment; create a transportation security oversight board consisting of the Secretary of Transportation, the Attorney General, the Secretary of the Treasury, the Secretary of Defense, and a representative of the Office of Homeland Security.

Further, to require the President to begin a review of whether security should be conducted within the Department of Transportation as we proposed in the legislation, or whether the President on his counsel should transfer that function to another Department or office.

The key to this is the status of those who perform security at the Nation's airport security checkpoints. This has been the Achilles' heel of aviation security.

The screener workforce I distinguish from functions that are performed by airlines. There are airline responsibilities in aviation. There are airport responsibilities in aviation, and there is a national security responsibility in aviation.

I make that distinction based on my experience from 11 years ago in the aftermath of the Pan Am 103 crash when I was a member of a Presidential commission on aviation security. It was called the Pan Am 103 Commission. We recommended that there be a comprehensive security effort on all of aviation and that security should be seen as a matter of national responsibility.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this rule. I highlight one key provision in this bill. I note that no provision in this bill lasts more than 5 years. There is one key section, section 502, regarding the State Department rewards program, and the public should know there is already a $5 million reward out for the arrest of Osama bin Laden. This program has been very successful in the past and has led to charts like this, showing the results of the United States embassy bombing outside our embassy in Kenya in which 12 Americans and 300 Kenyans and Tanzanians were killed.

It is this program which led to the arrest of Mr. Kansi, who led the attack against CIA employees outside that agency, and also many Yugoslav war criminals.

The underlying bill which will be supported by this rule gives Secretary Powell the authority to raise the amount for a reward for a terrorist up to $15 million. I introduced legislation along with the gentleman from Illinois (Mr. HYDE), the gentleman from New York (Mr. GILMAN), and the gentleman from California (Mr. LANTOS), H.R. 2895, to raise the full amount for the rewards program to $25 million.

Secretary Powell has already mentioned this State Department rewards program and the $25 million figure in his public diplomacy. This bill and subsequent appropriations are a first step to dramatically enhancing the State Department's rewards program, and I think it should receive the support of this House.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, our Founding Fathers created the Bill of Rights not so they would be there in easy, convenient times; but so they would be enforceable in tough times. This is one of those tough times.

We have had a bipartisan bill developed in the Committee on the Judiciary, and Members have been able to ask questions about that for a number of days. We were all feeling pretty comfortable with it.

But now in a last ditch action, that bill has essentially been thrown out and now we have a back-room quick fix going on, and I venture to say that virtually no one in this Chamber outside of perhaps a few people on the committee have any idea what is in the bill. Why should we care? It is only the Constitution. It is only individual liberty at stake.

Mr. Speaker, we have a 140-page bill coming at us. There is no section-by-section analysis, so we do not have any idea what is in the bill. We are going to be asked to vote blind, and we will be blind. This bill ought to be delayed until Monday. Instead, what we ought to have on the floor right now is the bill that passed the Senate 100 to nothing on airline security. That is what ought to be on this floor right now.

It has been one full month since the disastrous events of September 11; and yet because of the hang-ups that a few people in this institution have about the size of government, we cannot get to the floor a bill that would federalize and professionalize the airport inspection service. That is harebrained. It is wrong.

Mr. Speaker, that legislation ought to come first. We ought to bring that bill up here on the floor now. That would speed the day when we do have airline security, and it would give us more time on a bipartisan basis to analyze what is actually in this bill. I am sure there are many good things in the bill. That is not the question.

The question is if you are defending liberty, and we have a responsibility each and every one of us to do that, the question is to know what is in the detail. The devil is in the detail. The Constitution is there not to protect bad people, but to protect every innocent American.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in favor of the rule and the bill with some understanding about commitments that I have from our House leadership.

I am speaking here today as a representative of a district that lost more than 100 constituents in this terrible tragedy at the World Trade Center. I want to deal with it in a realistic way and a sure way so we can avoid this happening again. But I must say that as much as I support this bill, we will be making a mockery out of these reforms if we do not have a companion piece, if not in this bill, then a companion piece that deals with illegal money laundering and bulk cash smuggling.

There is every reputable authority, whether it is the FBI or other international organizations which are authorities on terrorists, which have identified bulk cash smuggling and money laundering as a system for financing terrorists around the globe. We cannot have true reform unless that is prevented.

Now, yesterday the Committee on Financial Institutions passed out an excellent bill, and I believe we will be voting for the rule and the bill with the understanding that we have a firm commitment from our House leadership that they will expedite the consideration of the bulk cash smuggling and money laundering bill, and that we will have it on the floor next week.

Mr. Speaker, we have to make this first giant step, but then put the foundation of the reforms in with the bulk cash smuggling and money laundering legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, this is one of those moments when we are truly tested. Can we rise to the call to defend our country and at the same time have the wisdom and courage to do it in a way that is true to the principles that make our country unique among the family of nations?

I was one of the 36 members of the Committee on the Judiciary who joined together in unanimous support for the bill reported out of committee; and our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the ranking member, the gentleman from Michigan (Mr. CONYERS), worked tirelessly with members on both sides to strike a proper balance between national security and the values of a free society. They did this House, they did the committee, and they did the Nation a great service; and they do deserve our gratitude.

Unfortunately, that carefully crafted bill is not the measure we are going to consider today. This morning, as others have said, the Committee on Rules replaced it with a new 187-page bill which nobody had the time to even peruse. While it appears to retain some features of the original bill, it apparently modifies or eliminates a number of the compromises which enabled us to come to that consensus.

Just one example: it makes a dramatic departure from American criminal jurisprudence by allowing the sharing of grand jury evidence without a court order. History has taught us that sweeping new powers, once given to the Government, are prone to abuse. Remember, too often in times of crisis our government has sacrificed essential liberties to claims of national security. The Alien Sedition Acts, the suspension of habeas corpus during the Civil War, the internments of the Second World War and the "red-baiting" by the McCarthy and the House un-American Activities Committee.

Today everyone deplores those excesses, but we must not forget that decent, patriotic Americans acquiesced in those measures under the pressures of the moment.

□ 1245

I am not claiming that this bill falls into that category. What I am saying is that we should be willing to pause to reflect and examine exhaustively the provisions in light of that experience in the bill before us today so that unintended consequences can be corrected and any potential abuses that arise from our actions can be discovered and addressed. We have not done that today. I suggest if we proceed and do not defeat this rule, that we will have failed in our responsibility to the Constitution and to the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in opposition to this closed rule and the underlying bill before us, H.R. 3108, a bill that we have just learned about a couple of hours ago. There are glaring deficiencies in this bill, and the action today is an affront to the Members who serve on the Committee on the Judiciary who passed a bill out in that committee 36–0.

I was willing, Mr. Speaker, to vote on that bill, H.R. 2975, and had an amendment that required the Secretary of Transportation to consult with all Federal departments and agencies to conduct an assessment of terrorist-related threats to all modes of public transportation. We have heard from the ranking member of the Committee on Transportation and Infrastructure. We need an aviation security bill on this floor. We do not need bills that have come to us in the cloak of night that will circumvent us from really giving the confidence to the American people, a bill that they deserve.

Mr. Speaker, we should not move forward with this legislation that infringes on the civil rights of this country and would not adhere to the Committee on the Judiciary members who did give us a bill, H.R. 2975, that we could have voted on.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in opposition to this bill. We must bring terrorists to justice and make our country safe, but we must not sacrifice our Constitution in a mad rush to rewrite our laws in the middle of the night. This is one of the most important bills we will address this year, but we have not had a chance to even read the bill. The Committee on the Judiciary unanimously passed an antiterrorism bill that has all but disappeared. This is not the way to make laws.

This bill expands the scope of surveillance powers far beyond the scrutiny of suspected terrorists. We hear that intelligence sharing will not be limited to those suspects. We cannot once again go down this path. African Americans have very clear memories of how civil liberties have been warped before through illegal surveillance and the COINTEL program. Dr. Martin Luther King, Jr., a man who preached peace, was wiretapped by the FBI.

We must move carefully. We must avoid the pitfalls of racial profiling. Arab Americans and Muslims must not become government targets because of their race or faith. We cannot let terrorists rewrite our Constitution. We must think about the consequences of our actions.

I urge this body to oppose the rule and oppose the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to the rule. By voting on the exact language reported out of the other body, we would effectively negate the hard work and thoughtful input of the entire House of Representatives. As a New Yorker, I am appalled that the provision increasing the funding for the fallen public safety officers is not included. The bill does not include the expedited implementation of the Student and Exchange Visitor Information System which would help ensure that student visas do not become passports for terrorists. The sunset provision has been eliminated.

Finally, I want to emphasize that any final terrorism package must address illegal money laundering, and this bill does not include the federalization of airport security which is needed deeply in this country. In developing the best possible bill to combat terrorism, the House should advocate, not abrogate on their responsibility.

I urge a "no" vote on both sides of the aisle.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary and the principal architect of this legislation in the House.

Mr. SENSENBRENNER. Mr. Speaker, we have heard a lot of complaints about process from the other side of the aisle and a lot of those complaints are really misdirected.

First, the bill that will be considered as the text, once we get to it, has been out there for over a week. It is the text that was introduced in the Senate by the Democratic leader of the Senate, the Senator from South Dakota (Mr. DASCHLE). A version of the bill passed the Senate last night by a vote of 96–1, with only one Senator voting against it. So no one should be surprised at what was in the text of the Senate-passed bill.

The difference between the Senate-passed bill and what I hope we will be considering after this rule passes is that the negotiations over the last 48 hours have taken provisions in the Senate-passed bill out, and they will not be considered in the context of the substitute amendment that is contained in this self-executing rule. What has been placed into the Senate-passed bill were ideas that were either adopted by the Committee on the Judiciary when we marked up H.R. 2975 or modifications that were suggested by both majority party members and minority party members. So there should be no surprise because those modifications have been suggested and shared with both sides of the aisle on the committee.

Given the fact that we are really not dealing with new ideas here and we are dealing with ideas that have been out on the table for at least a week, either in this body or the other body, the question comes, when are we going to vote on an antiterrorism bill? This rule allows us to vote on the antiterrorism bill today, like the other body voted on the antiterrorism bill last night.

We should get on with the legislative process. We should get this legislation through the Congress and on the President's desk as soon as possible so that law enforcement will have the tools to track down those that are planning future acts of terrorism in the United States and to keep them off balance. The time to vote is now, and the way to get us to a vote is by voting for this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. I thank the gentlewoman from New York for yielding time.

Mr. Speaker, let me ask my colleague with whom I have labored for weeks now on this bill. We have reported by a unanimous vote on the Committee on the Judiciary, something that I cannot ever remember happening before, but it is my understanding that this bill, whatever the product is, and the Senate bill voted out last night will go to conference.

Is that the understanding of my colleague and friend, the chairman of the Committee on the Judiciary?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. If the Senate disagrees with the House amendment, I assume it will go to conference. I would hope that for once the Senate would think that we got it right and pass the bill unamended and let the President then do his thing.

Mr. CONYERS. I would say to my colleague that it is highly unlikely, if not impossible, that we are going to report out a bill here today that will be the same as what the Senate did last night. That is not going to happen. So I will be anxiously waiting to see what our leadership does in terms of making sure we have a conference. That is the purpose of this dialogue.

Mr. SENSENBRENNER. The staff of the distinguished gentleman from Michigan, with whom it has been a pleasure to work, gave several suggestions on how to amend the Senate bill to my staff, many of which are incorporated in the amendment in the nature of a substitute, the most important of which is a 3-year sunset with a 2-year extender which was the idea of the gentleman from Michigan and was a good one and is incorporated in the self-executing amendment.

Mr. CONYERS. I am happy about this great coordination between staffs, but I want a conference, and staffs do not control conferences. Let us look at where we find ourselves.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, in the Revolutionary War, 4,435 Americans died. In the Civil War, 140,000 Union forces; Confederate figures are not readily available. World War I, 53,000. World War II, 291,000. Antietam, one battle, 4,032 Americans died. Gettysburg, 7,058 soldiers died.

I believe that these brave Americans died not just to keep us free from foreign invaders or foreign forces, I believe that these brave people went into battle and many of them died so that we could protect our liberties at home. Last night I was with a small group of Marines. They asked me to facilitate their transfer to a combat unit. I said I would do that. The best I could do last night was to buy them a beer and offer to do that.

Today, it is my job to seek an additional 3 hours, to seek an additional 3 days, to seek a few more days when it has already been 30 days since the attack, so that we can produce a better product to honor all those who came before us and gave deep sacrifice, and, many of them, the ultimate sacrifice, so that we can enjoy the civil liberties that we have today. We dishonor all those who have fought for America by panicking in this moment.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I oppose the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in opposition to the bill that is before us and to this closed rule.

From the very beginning, there has been little idea as to what this bill even looks like. This is outrageous, and this is dangerous.

Mr. Speaker, I cannot forget the abuses of the fourth amendment by Federal agencies in the not so distant past.

Mr. Speaker, it is an indisputable fact that during the 1970s, the FBI kept information in its files covering the beliefs and activities of at least 1 in every 400 Americans. It is a fact that the FBI Director, J. Edgar Hoover, created the COINTEL program whereby they spied on and violated the constitutional rights of thousands of American citizens. It is a fact that during the 1960s, the U.S. Army created files on about 100,000 civilians. It is a fact that between 1953 and 1973, the CIA opened and photographed almost 250,000 first class letters within the United States, and from these photographs it created a database of over 1.5 million names.

Mr. Speaker, it is a fact that great Americans, such as Dr. Martin Luther King, Jr. were subjected to illegal and frivolous wiretaps by the FBI. And, Mr. Speaker, it is a fact that amongst the most absurd Federal wiretaps have been those extended to Members of Congress.

Mr. Speaker, temporary or not, this is very dangerous ground that we are treading on; and without a balanced, open and fair process, I feel that we may not be living up to the promise that all Americans have made to preserve the things which make America great. I fear that we may be returning to the dark days of McCarthyism and Hooverism.

Mr. Speaker, I oppose the rule and the underlying bill.

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Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, my appeal at this point is for us to consider whether we want to adopt the rule. Let us set aside the question of the underlying bill and all the problems it generates.

What about the rule? No amendments, one substitute. Is that the way we really want to pass on the most comprehensive, sweeping law enforcement extending legislation coming out of the Committee on the Judiciary for years and years? I think not. For those reasons, I would ask that we consider sending it back to the distinguished committee from which it came.

Why? Well, there is no money laundering discussion. There is no provision for money laundering in the bill that is in the House. What are we to do? Are you going to ask us to do this in conference, or should we not have some approach toward this very serious international question that the administration itself has spent a great amount of time dealing with and pointing out its relationship to terrorism, to drug running and illegal financing of activities around the world, and especially in this country?

So I ask Members to consider this.

Now we have the sunset provision. Well, we have got a modified sunset provision. We need not go beyond 2 years. Let us just talk about this plain out. We need to examine that. That is what the Committee on the Judiciary bill, with equal numbers of Republicans and Democrats, voted out only 3 days ago.

Ms. SLAUGHTER. Mr. Speaker, could I inquire how much time we have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York (Ms. SLAUGHTER) has 5 minutes, and the gentleman from Florida (Mr. DIAZ-BALART) has 20 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the rule and the PATRIOT Act of 2001.

Mr. Speaker, as a member of the House Committee on the Judiciary, I was honored to participate in the creation of a historic bipartisan compromise bill that emerged unanimously from the Committee on the Judiciary by a vote of 36 to 0. I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) for his extraordinary leadership on what is typically one of the most divisive committees on Capitol Hill. I also would commend the chairman for his collective wisdom in negotiating a compromise that we could bring to the floor today to enable the authorities of the United States of America to do the job that the American people expect them and count on them to do.

Mr. Speaker, because of the attacks of September 11, and with the events that are scrolling across television screens in America at this very hour, Congress should act now, today, to empower our law enforcement authorities to protect our citizens.

Compromises have to be made. Increased safety and security will require sacrifices for the American public. Airline customers are subjected to more intrusive questioning. Aliens suspected of terrorism will be detained for longer periods of time.

But these compromises, Mr. Speaker, I want to emphasize, do not represent an infringement on the constitutional rights of American citizens. Many of the expanded powers here, as we know, are sunsetted 3 years and extended 5 years to be reviewed that they might not be permanent once this time of trial passes.

As we proceed into this debate and ultimately a vote today on this antiterrorism package, it is absolutely necessary that the American people know that the updated wiretapping laws, the enhanced information-sharing laws are not the real threat to the American public or to the Constitution. Terrorists are. It is the terrorist criminals, who respect no law and no constitution, who threaten our way of life.

I urge my colleagues to support the adoption of this bill to give our law enforcement authorities the ability to protect our freedoms and preserve our way of life.

May America arise and its enemies be scattered.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, the American people have a right to expect that their top priority will be our top priority. We are sent here to represent them and to address their concerns. And as far as America is concerned right now, security, security, is job one.

So if we want to do something today, right now, to make America safer, not tomorrow, but right now, to make America safer, the rule and the bill that we should be considering one month after the incident at the World Trade Center, after that tragedy, one month later, we should bring the airport security bill to the floor. It passed the other body unanimously, but it has been languishing here for weeks; and it is stuck because some elements of the Republican leadership do not want to federalize airline security, even though many in their own party, almost all Democrats, and the American people are fully behind that commonsense proposal.

Instead, we come to the floor with a bill that is important, but that comes through a process in which Members have not even had the chance to read this bill. The bill that was developed in a bipartisan effort out of the committee does not come to the floor, but is slain in the Committee on Rules.

What is sent here is not the bipartisan work of Democrats and Republicans. Surveillance is important, the immigration provisions are important; but you will not secure one American today in the air of this country, in the security of people flying in this country.

We could take 3 days to bail out the airline industry, but 30 days later we cannot give the people of this country the security that they can fly on those planes. We do not have all the air marshals that we need, we do not have the federalization of the security screeners, having the force and professionalism that is needed. We are not checking all of that baggage. We are not having those cockpit doors fully reinforced.

One month later, there is no answer. We need to have an airline security bill today. We cannot leave this Congress this weekend until we do.

Ms. SLAUGHTER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House.

Mr. GEPHARDT. Mr. Speaker, first I want to thank my colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Michigan (Mr. CONYERS), for leading us in a united way to help win this war against terror. I rise to commend all of the members of the Committee on the Judiciary for their work in the committee on this bill. I am disappointed in the breakdown in bipartisanship that has happened and the breakdown in the real collaboration that I think went on on the committee on this important piece of legislation.

I want to say to the Members that I have had the feeling in the last days that we have begun on bills like this one to have real meaningful collaboration and that that is what we are supposed to do here. We are supposed to honestly and rationally meet with one another, communicate with one another, compromise with one another to reach consensus solutions on important problems, and the gentleman from

Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) did exactly that on this committee.

But now their work and the work of the gentleman from Georgia (Mr. BARR) and the gentleman from Virginia (Mr. SCOTT) and others, which was an alliance that represented compromise, that is the way this Congress has to perform in this moment of national crisis, has been put aside, because someone else wants a different solution.

I have no problem with disagreement. What I have a problem with is not honoring honest compromise reached honorably through hard work and effort. I salute the Members who did that, and I wish that we were talking about the bill today that they presented. But it has been upset, and we are prevented now from doing what we ought to be doing; and I am sorry about that. I am honestly depressed and sorry that we are not acting in the highest manner.

But I also rise today to say that even that bill, which would have been better, should not be the bill that is on the floor today. Today on this floor we should have a debate and a vote on strengthening aviation security in this country, to federalize screeners and put air marshals on every flight.

Last night the Senate passed 100 to 0, 100 to 0, it does not happen very often, 100 to 0, a strong aviation bill to give people maximum security on the ground and in the air.

Right now we are seeing vigilante committees set up ad hoc to go after hijackers if it happens on an airplane. Yesterday I read in the newspaper that air travelers are steeling themselves for attacks. They make pacts in their seats to fight hijackers if they should wind up on their flights. One man, 245 pounds, an ex-football player, said, It would be a bad idea for someone to try to hijack a plane when I am on it. I will tell you that, he said. I think the American citizenry as a whole, he said Wednesday, are pretty pumped up about this right now.

Well, I applaud vigilance, and I applaud courage, and I believe in the courage of the American people; and I am in awe of the people on the plane who crashed in Pennsylvania who tried to save lives. They died so that others could live. But while we need vigilance, we do not need vigilantes; and that is what we are going to have until we get on with this business of taking care of airport and airline security.

As the gentleman from New Jersey (Mr. MENENDEZ) just said, 3 days is all it took us to financially deal with the airlines' problems, and I voted for it and I was for it. But the truth is, at the same time we did that, we should have been dealing with airline and airport security. We need it done professionally. We need trained professional Federal law enforcement officers. That is the bill that we ought to be taking up today.

We have got to go home this weekend and face our constituents and give them an answer for why we have not done this. There is no good answer. A minority of the majority is stopping us from taking this up because they do not like the outcome on the bill, just like somebody did not like the outcome on this bill out of the Committee on the Judiciary.

Mr. Speaker, it is time for the majority, a nonpartisan majority of this House of Representatives, to work its will in the people's interest. I beg the leadership of this House, bring up airline security today, and bring up the Judiciary-passed bill on anti-terrorism next week.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, we have heard words of wisdom on this floor from the gentleman from Michigan (Mr. CONYERS) and from the gentleman from Missouri (Mr. GEPHARDT). We have also heard words of wisdom from the gentleman from Wisconsin (Mr. SENSENBRENNER).

Let me remind this body that the other body is controlled by Democrats, and the bill we will take up passed 99 to 1. Let me caution Congress, though, that we have trophies sitting there in the form of Federal buildings that are still yet not protected, because the other body did not act last year on legislation that we passed.

Yes, our airports do need help; but I want to mention something today, because I believe all the money we spend, all the bills we pass, all the speeches we make, and all our good intentions and all the security at the airport and all the increased money we spend on enforcement will not stop terrorism.

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Congress must look at the comprehensive problem that faces the world, faces America, and faces our ally in Israel as well, even though I have been called many times even an anti-Semite. The President has come forth with a very bold opportunity for Congress to embrace, a lasting resolution to minimize terrorism that has been exported to America, and he is right, and he had the courage to say it. It is time to look at a homeland for the Palestinian people.

So while we bite at the edges, while we play with the factors, while we massage the initiatives, we at some point are going to have to deal with basic issues. Israel will not be safe, our ally, and neither will America, that has now seen the export of that violence. That is not a victory for bin Laden. There will be another thousand bin Ladens. Go after bin Laden, but now let us take a look at the wisdom that has come from the White House, some courage that has come from the White House.

So today I am going to vote not only for this rule, I am going to vote for this bill. And if the gentleman from Wisconsin (Mr. SENSENBRENNER) can accept it, and if the majority in the other body can accept it, by God, I can, because the crisis is now. Congress must show bipartisanship, and if we do not do it on this, this is the vehicle, when do we do it? But let us get at Federal buildings, let us get at airports, and let us get at that issue of Palestinian homeland. That, I say to my colleagues, is a responsibility we should undertake with a sincere heart to help all of our friends.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, if we are going to rush legislation to the floor, most of our constituents want us to bring up a bill providing for increased airline security, and not a bill that deals with curtailing civil liberties. Every Member of the House knows that Americans are concerned about the safety of our airlines and demonstrating that fear by curtailing their flights. This is truly hurting the economy and affecting hundreds of thousands of American workers and their families.

In the month since the tragedy of September 11, the leadership of the House has failed to bring up legislation to help those workers and to bring up legislation that would demonstrably increase security for the airlines. It seems to me that we must do that and do it quickly, Mr. Speaker.

Therefore, I will ask for a "no" vote on the previous question in order that I might be able to offer an amendment to the rule. My amendment will provide that immediately after the House passes the antiterrorism bill, that it take up the airline safety bill drafted by the ranking member of the Committee on Transportation based on weeks of consultations with his counterparts in the majority and in the Senate. In addition, my amendment would bring this bill up under an open rule so that every Member can express their view about what needs to be done.

It is true that this bill has not been available to Members so that they might know what it contains; but unlike the antiterrorism bill, it does not affect our civil liberties and our rights as American citizens. It does affect our safety and the safety of all Americans who fly. It does affect the ability of workers to reclaim their jobs lost as a result of the airline shutdown and the subsequent fall-off in traffic. This is the legislation we should rush to pass. The Senate passed it yesterday and the sooner we get it to the President's desk, the sooner the airline industry will be able to recover from the horrendous and heinous acts committed last month.

Mr. Speaker, I urge a "no" vote on the previous question and a "no" vote on the rule.

I will include for the RECORD at this time the text of my amendment.

Providing for consideration of the bill (H.R. 2975) to combat terrorism, and for other purposes, and a bill relating to the improvement of aviation security.

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2975) to combat terrorism, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) One hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to commit with or without instructions.

Sec. 2. Immediately after disposition of H.R. 2975, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text printed in section 3. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 3 [insert text here]

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Transportation Security Enhancement Act of 2001".

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

"§ 114. Transportation Security Administration

"(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

"(b) UNDER SECRETARY.—

"(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Under Secretary must—

"(A) be a citizen of the United States; and

"(B) have experience in a field directly related to transportation or security.

"(3) TERM.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

"(c) LIMITATION ON PECUNIARY INTERESTS.—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

"(d) FUNCTIONS.—The Under Secretary shall be responsible for security in all modes of transportation, including—

"(1) carrying out chapter 449, and section 40119, relating to civil aviation security; and

"(2) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

"(e) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

"(1) receive, assess, and distribute intelligence information related to transportation security;

"(2) assess threats to transportation;

"(3) develop policies, strategies, and plans for dealing with threats to transportation security;

"(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

"(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

"(6) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

"(7) enforce security-related regulations and requirements;

"(8) identify and undertake research and development activities necessary to enhance transportation security;

"(9) inspect, maintain, and test security facilities, equipment, and systems;

"(10) ensure the adequacy of security measures for the transportation of mail and cargo;

"(11) oversee the implementation, and ensure the adequacy, of security measures at airports;

"(12) oversee the implementation, and ensure the adequacy, of background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

"(13) develop standards for the hiring, training, and retention of airport security screening personnel; and

"(14) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

"(f) ACQUISITIONS.—

"(1) IN GENERAL.—The Under Secretary is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of employees of the Administration and to acquire maintain and operate equipment for these facilities;

"(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

"(E) in cooperation with the Administrator of the Federal Aviation Administration and the heads of other Administrations in the Department of Transportation, to utilize the research and development facilities of those Administrations, including the facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

"(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

"(g) TRANSFERS OF FUNDS.—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

"(h) REGULATIONS.—

"(1) IN GENERAL.—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

"(2) FACTORS TO CONSIDER.—In determining whether to issue, rescind, or a revise a regulation under this section, the Under Secretary shall consider, as one factor in the final determination, whether the costs of the regulation are excessive in relation to the enhancement of security the regulation will provide. In making such determination, the Under Secretary shall not undertake a cost benefit analysis that places a monetary value on human life or attempts to estimate the number of lives that will be saved by the regulation.

"(3) LIMITATION.—The Under Secretary shall not decide against issuing a regulation under this section because the regulation fails to satisfy a quantitative cost-benefit test.

"(4) EMERGENCY PROCEDURES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment.

"(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall remain effective unless disapproved by the Transportation Security Oversight Board established under section 44951 or rescinded by the Under Secretary.

"(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the

Federal Aviation Administration under subsections (l) and (m) of section 106.

"(j) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

"114. Transportation Security Administration.".

(c) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"The Under Secretary of Transportation for Security".

(d) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking "the Administration" and inserting "the Transportation Security Administration";

(2) in the second sentence of section 44913(a)(1) by striking "of the Administration" and inserting "of the Transportation Security Administration";

(3) in section 44916(a)—

(A) in the first sentence by striking "Administrator" and inserting "Under Secretary of Transportation for Security"; and

(B) in the second sentence by striking "Administration" and inserting "Transportation Security Administration";

(4) in each of sections 44933(a) and 44934(b) by striking "Assistant Administrator for Civil Aviation Security" and inserting "Under Secretary";

(5) in section 44934(b)(1) by striking "Assistant Administrator" and inserting "Under Secretary";

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking "Administrator" each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting "Under Secretary";

(8) by striking "Administrator's" each place it appears in such chapter and inserting "Under Secretary's"; and

(9) by striking "of the Federal Aviation Administration" each place it appears in such chapter (except in section 44936(f)) and inserting "of Transportation for Security".

SEC. 3. REVIEW AND RECOMMENDATION.

(a) COMMENCEMENT OF REVIEW.—Not later than 6 months after the date of enactment of this Act, the President shall commence a review of whether security would be enhanced by transfer of the Transportation Security Administration to another Department or Office in the United States Government.

(b) REPORT.—Not later than 1 year after the date of enactment, the President shall report to Congress on the conclusions reached in the review and on recommendations for any legislation needed to carry out a recommended change.

SEC. 4. IMPROVED PASSENGER SCREENING PROCESS.

Section 44901 of title 49, United States Code, is amended to read as follows:

"§ 44901. Screening passengers and property

"(a) IN GENERAL.—The Under Secretary of Transportation for Security shall be responsible for the screening of all passengers and property that will be carried in an aircraft in air transportation or intrastate air transportation and for issuing implementing regulations. The screening must take place before boarding of such passengers and loading of property and be carried out by security screening personnel using equipment and processes approved for that purpose by the Under Secretary.

"(b) FEDERAL SECURITY SCREENING PERSONNEL.—Except as provided in subsection (c), the Under Secretary shall carry out the screening function under subsection (a) using—

"(1) employees of the Transportation Security Administration who are citizens of the United States; or

"(2) employees of another department, agency, or instrumentality of the United States Government who are citizens of the United States, with the consent of the head of the department, agency, or instrumentality.

"(c) TRANSITION PERIOD.—

"(1) IN GENERAL.—As soon as practicable, but not later than the last day of the 1-year period beginning on the date of enactment of the Transportation Security Enhancement Act of 2001, the Under Secretary shall carry out the screening function under subsection (a) using solely Federal security screening personnel described in subsection (b). In such 1-year period, screening functions may be performed by personnel other than Federal security screening personnel (including personnel provided by a contractor under an agreement with the Under Secretary). During such 1-year period, the Under Secretary shall begin to assign Federal security screening personnel to airports as soon as practicable.

"(2) RESPONSIBILITIES OF AIR CARRIERS.—In the 1-year period referred to in paragraph (1), until otherwise directed by the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier shall continue to carry out the screening of passengers and their property in accordance with the requirements of this section (including regulations issued to carry out this section), as in effect on the day before the date of enactment of the Transportation Security Enhancement Act of 2001. During the period in which carriers continue to be responsible for such screening, the Under Secretary shall use Federal security screening personnel to supplement the screening personnel provided by the carriers and oversee the screening process as necessary to ensure the safety and security of operations.

"(3) ASSIGNMENT OF CONTRACTS.—Upon request of the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier carrying out a screening function described in subsection (a) may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function. In entering into any such agreement, the Under Secretary shall include such terms and conditions as are necessary to ensure that the Under Secretary has the authority to oversee performance of the contractor, to supervise personnel carrying out screening at an airport, and to require the replacement of unsatisfactory personnel.".

SEC. 5. SPECIAL PERSONNEL SYSTEM FOR SCREENERS.

(a) DEVELOPMENT.—The Under Secretary of Transportation for Security shall develop a personnel system for screeners employed by the Transportation Security Administration governing such matters as their compensation and benefits and the authority of the Administration to suspend or terminate such employees.

(b) GUIDING PRINCIPLES.—In developing the personnel system, the Under Secretary—

(1) shall not be required to follow laws and regulations governing Federal civil service employees or other Federal employees; and

(2) shall be guided by the following principles:

(A) the need to establish levels of compensation which will attract employees with competence and expertise comparable to other Federal inspectors and law enforcement personnel;

(B) the need for the Administration to have suspension and termination authority which will ensure that security will not be compromised and that the screener work force will be composed of employees with a high level of competence and dedication to their responsibilities; and

(C) the need for employees to be protected against arbitrary or unsubstantiated decisions which result in the permanent loss of their jobs; except that the Under Secretary shall ensure that the procedures developed to protect employees are consistent with the need to maintain security at all times and, in establishing the procedures, shall consider the procedures established in private sector firms for employees with important safety and security responsibilities.

SEC. 6. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1) by inserting after "at each of those airports" the following: ", including at each location at those airports where passengers are screened,";

(2) in paragraph (2)(C)(i) by striking "shall issue an amendment to air carrier security programs to require" and inserting "shall require"; and

(3) by adding at the end the following:

"(3) ANNUAL REVIEW AND APPROVAL.—On an annual basis, the Administrator shall review, and approve or disapprove, the security program of an airport operator.".

SEC. 7. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting ", personnel (including Federal employees) who screen passengers and property," after "air carrier personnel";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

"(6) citizenship requirements, including requirements consistent with section 44901(b), when appropriate; and

"(7) minimum compensation levels, when appropriate.".

(b) EMPLOYMENT STANDARDS FOR SCREENERS.—Section 44935 is amended by adding at the end the following:

"(g) TRAINING FOR ALL SCREENERS, SUPERVISORS, AND INSTRUCTORS.—

"(1) IN GENERAL.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

"(2) ON-THE-JOB PORTION OF SCREENER'S TRAINING.—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo or mail may be loaded aboard aircraft without further inspection.

"(3) EFFECT OF SCREENER'S FAILURE OF OPERATION TEST.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.".

(c) MINIMUM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—Beginning on the 30th day following the date of enactment of this Act, subject to subsection (d), the following requirements, at a minimum, shall apply to an individual (including a Federal employee) who screens passengers or property, or both (in this subsection referred to as a "screener").

(1) EDUCATION.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) BASIC APTITUDES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo onto passenger air carriers; and

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body.

(3) COMMAND OF ENGLISH LANGUAGE.—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

(d) MORE STRINGENT EMPLOYMENT STANDARDS.—The Under Secretary of Transportation for Security has the authority to impose at any time more stringent requirements to individuals referred to in subsection (c) than those minimum requirements in subsection (c).

SEC. 8. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

"§ 44917. Deployment of Federal air marshals

"(a) IN GENERAL.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

"(1) provide for appropriate deployment of Federal air marshals on passenger flights of air carriers in air transportation or intrastate air transportation;

"(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

"(3) provide for appropriate training, supervision, and equipment of Federal air marshals;

"(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight;

"(5) establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on a flight;

"(6) establish a program to permit Federal, State, and local law enforcement officers to be trained to participate in the Federal air marshals program of the Administration as volunteers when such officers are otherwise traveling in an aircraft operated by an air carrier; and

"(7) in establishing the qualifications for positions as Federal air marshals, establish a maximum age for initial employment which is high enough to allow qualified retiring law enforcement officials to fill such positions.

"(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

"(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a reimbursable or nonreimbursable basis, to provide air marshal service.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

"44917. Deployment of Federal air marshals.".

SEC. 9. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

"§ 44918. Enhanced security measures

"(a) IN GENERAL.—The Under Secretary of Transportation shall take the following actions to enhance aviation security:

"(1) After consultation with the Administrator of the Federal Aviation Administration, develop and implement methods to—

"(A) restrict the opening of a cockpit door during a flight;

"(B) modify cockpit doors to deny access from the cabin to the cockpit;

"(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

"(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

"(2) Provide for the installation of technology in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

"(3) Enhance security for secured areas of airports, including—

"(A) requiring screening of all persons, vehicles, and other equipment before entry into a secured area;

"(B) requiring catering companies and other companies whose employees have access to a secured area to develop security programs;

"(C) requiring that all persons, including persons who are accompanied by persons holding an identification card, seeking access to a secured areas be issued identification cards, following background checks, criminal history record checks, and checks of Federal security databases;

"(D) revalidating approvals of all persons previously authorized to entered a secured area, including full background and criminal history record checks and checks of Federal security databases;

"(E) maximizing use of enhanced technology, such as biometrics, to positively verify the identity of persons entering a secured area; and

"(F) improving procedures to ensure that identification cards which are revoked cannot be utilized.

"(4) Develop alternative sources of explosive detection equipment for screening baggage, mail, and cargo and maximize the use of such equipment by ensuring that equipment already installed at an airport is used to its full capacity and by developing and implementing a program to purchase additional equipment so that, not later than 3 years after the date of enactment of this section, all baggage, mail, and cargo will be inspected by such equipment.

"(5) Establish a uniform system of identification for all State and local law enforcement personnel to use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

"(6) Work with intelligence and law enforcement agencies to develop procedures to ensure that air carrier and airport systems have necessary law enforcement and national security intelligence data, to enhance the effectiveness of their security programs.

"(7) Ensure that the Computer Assisted Passenger Pre-Screening System of the Transportation Security Administration includes necessary intelligence information, is used to evaluate all passengers before they board an aircraft, and includes procedures to ensure that selectees of such system and their carry-on and checked baggage are adequately screened.

"(8) Restrict carry-on baggage to one piece of carry-on baggage, plus one personal item, per passenger (including children under the age of 2); except exempt any child safety seat to be used during a flight to restrain a child passenger under 40 pounds or 40 inches and any assistive device for a disabled passenger.

‘‘(9) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for flight crews and cabin crews to use to defend an aircraft against acts of violence or piracy.

‘‘(10) Develop realistic crew training programs as follows:

‘‘(A) No later than 30 days after the date of enactment of this paragraph and in consultation with the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts, and air carrier, pilot, and flight attendant representatives, develop a realistic crew training program to prepare crew members for current threat conditions.

‘‘(B) Require air carriers to train all crew members not later than 60 days after such date of enactment.

‘‘(C) Required crew training shall include, but not be limited to—

‘‘(i) determination of the seriousness of any occurrence;

‘‘(ii) crew communication and coordination;

‘‘(iii) self-defense;

‘‘(iv) use of Transportation Security Administration approved protection devices assigned to crewmembers, including appropriate certifications for use of such devices; and

‘‘(v) psychology of terrorism to cope with hijacker behavior and passenger reaction.

‘‘(D) Develop a plan for updating the training program and retraining crew members as each new security threat becomes known.

‘‘(11) Require training of gate, ticket, and curbside agents to respond appropriately when the system referred to in paragraph (7) identifies a passenger as a threat to security.

‘‘(12) Establish a toll-free telephone number for air carrier and airport employees and their customers to use to report instances of inadequate security.

‘‘(13) Require effective 911 emergency call capabilities for telephones serving passenger aircraft and trains.

‘‘(14) In consultation with the Federal Aviation Administration, require that all pilot licenses incorporate a photograph of the license holder and appropriate biometric imprints.

‘‘(15) Provide for background checks, criminal history record checks, and checks against Federal security data bases of individuals seeking instruction in flying aircraft that weigh more than 12,500 pounds.

‘‘(16) Require training of employees of a flight school to recognize suspicious circumstances and activities for individuals enrolling in or attending flight school and to notify the Administration.

‘‘(b) Report.—Not later than 6 months after the date of enactment of this section, and annually thereafter, the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking actions under subsection (a), including any legislative recommendations that the Under Secretary may have for enhancing transportation security.’’.

(b) Conforming Amendment.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

‘‘44918. Enhanced security measures.’’.

(c) Repeal of Existing Reporting Requirement.—

(1) In general.—Section 44938 is amended—

(A) in the section heading by striking ‘‘**Reports**’’ and inserting ‘‘**Report**’’; and

(B) by striking ‘‘(a) Transportation Security.—’’ and all that follows through ‘‘(b) Screening and Foreign Air Carrier and Airport Security.—The Administrator’’ and inserting ‘‘The Under Secretary of Transportation for Security’’.

(2) Chapter analysis.—The analysis for chapter 449 is amended by striking the item relating section 44938 and inserting the following:

‘‘44938. Report.’’.

SEC. 10. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting ‘‘; except that at such an airport, the airport operator, air carriers, and screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary approves of such early implementation and if the airport operator, air carriers, and screening companies amend their security programs to conform those programs to the requirements of this subparagraph.’’; and

(2) in paragraph (2) by striking ‘‘or airport operator’’ and inserting ‘‘airport operator, or screening company’’.

SEC. 11. PASSENGER AND BAGGAGE SCREENING FEE.

(a) In General.—Subchapter II of chapter 449 is amended by adding at the end the following:

‘‘§ 44939. Passenger and baggage screening fee

‘‘(a) General Authority.—

‘‘(1) Passenger fees.—The Under Secretary of Transportation for Security shall impose a fee on passengers in air transportation and intrastate air transportation to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs include salaries and expenses, training, and equipment acquisition, operation, and maintenance.

‘‘(2) Air carrier fees.—

‘‘(A) Authority.—In addition to the fee imposed pursuant to paragraph (1), the Under Secretary may impose a fee on air carriers to pay for the costs of providing security for air carriers and their passengers and crews.

‘‘(B) Limitation.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for security described in paragraph (1), adjusted for inflation.

‘‘(b) Schedule of Fees.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are directly related to the Transportation Security Administration's costs of providing services rendered.

‘‘(c) Limitation on Fee.—Fees imposed under subsection (a)(1) may not exceed $2.50 on a 1-way trip in air transportation or intrastate air transportation.

‘‘(d) Imposition of Fee.—

‘‘(1) In general.—Notwithstanding the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

‘‘(2) Subsequent rulemaking.—After imposing a fee in accordance with paragraph (1), the Under Secretary shall conduct a rulemaking proceeding on imposition and collection of the fee in accordance with the requirements of section 553 of title 5 and shall issue a final rule to continue or modify imposition or collection of the fee, or both.

‘‘(e) Fees Payable to Under Secretary.—All fees imposed and amounts collected under this section are payable to the Under Secretary of Transportation for Security.

‘‘(f) Receipts Credited to Account.—Notwithstanding section 3302 of title 31, any fee collected under this section—

‘‘(1) shall be credited to a separate account established in the Treasury;

‘‘(2) shall be available immediately for expenditure but only to pay the costs of activities and services for which the fee is imposed; and

‘‘(3) shall remain available until expended.

‘‘(g) Refunds.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.’’.

(b) Conforming Amendment.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

‘‘44939. Passenger and baggage screening fee.’’.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.

(a) In General.—Subchapter II of chapter 449 is further amended by adding at the end the following:

‘‘§ 44940. Authorization of appropriations for operations

‘‘(a) Operations of Transportation Security Administration.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

‘‘(b) Aircraft Security.—There is authorized to be appropriated $500,000,000 to the Secretary of Transportation to make grants to air carriers to (1) modify cockpit doors to deny access from the cabin to the pilots in the cockpit, (2) use video monitors or other devices to alert the cockpit crew to activity in the passenger cabin, and (3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency. Such sums shall remain available until expended.

‘‘(c) Airport Security.—There is authorized to be appropriated $500,000,000 for fiscal year 2002 to the Secretary to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.’’.

(b) Conforming Amendment.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

‘‘44940. Authorization of appropriations for operations.’’.

(c) Security Facility Fees.—Section 40117 is amended by adding at the end the following:

‘‘(l) Increased Security.—

‘‘(1) In general.—The Secretary may authorize an eligible agency to impose an additional security facility fee of up to $1 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls, to reimburse the agency for direct costs the agency incurs to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on and after September 11, 2001.

‘‘(2) Procedures.—Notwithstanding any provisions of this section, the Secretary shall develop special procedures for approval of any application under this subsection which will promptly authorize a fee under this subsection if there is a reasonable basis for concluding that an agency is likely to incur increased costs for security requirements which justify the fee.".

SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

"SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

"§ 44951. Transportation Security Oversight Board

"(a) IN GENERAL.—There is established a board to be known as a 'Transportation Security Oversight Board'.

"(b) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

"(A) The Secretary of Transportation (or the Secretary's designee).

"(B) The Attorney General (or the Attorney General's designee).

"(C) The Secretary of the Treasury (or the Secretary's designee).

"(D) The Secretary of Defense (or the Secretary's designee).

"(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

"(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

"(c) DUTIES.—The Board shall—

"(1) review any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(4) within 30 days after the date of issuance of such regulation or directive;

"(2) share intelligence information with the Under Secretary;

"(3) review—

"(A) plans for transportation security;

"(B) standards established for performance of airport security screening personnel;

"(C) compensation being paid to airport security screening personnel;

"(D) procurement of security equipment;

"(E) selection, performance, and compensation of senior executives in the Transportation Security Administration; and

"(F) budget requests of the Under Secretary; and

"(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

"(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

"(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified security information will be discussed.

"§ 44952. Advisory council

"(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the 'Transportation Security Advisory Council'.

"(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

"(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

"(d) ADMINISTRATIVE MATTERS.—

"(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

"(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the 'Freedom of Information Act'), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

"(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

"(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

"SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

"44951. Transportation Security Oversight Board.

"44952. Advisory council.".

SEC. 14. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—As provided by the Inspector General Act (5 U.S.C. App.) and other applicable statutes, the Inspector General of the Department of Transportation (in addition such other authority as the Inspector General may have) shall have authority to conduct the following:

(1) Audits of the Transportation Security Administration's programs, operations, and activities.

(2) Criminal investigations of alleged violations of Federal laws or Department of Transportation regulations pertaining to aviation and other modes transportation security.

(3) Investigations into waste, fraud, abuse, and any other allegations involving wrongdoing within the Administration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Inspector General shall report to Congress on the implementation, efficiency, and effectiveness of the Administration's programs, operations, and activities. The report shall focus on the Administration's main programs and contain recommendations, as necessary, for further legislation.

SEC. 15. TECHNICAL CORRECTION.

Section 106(a) of the Air Transportation Safety and System Stabilization Act (P.L. 107–42) is amended by striking "February 1, 2001" and inserting "February 1, 2002".

SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking "contract personnel" each place it appears and inserting "personnel";

(2) by striking "contract employee" each place it appears and inserting "employee";

(3) in section 45106(c) by striking "contract employees" and inserting "employees";

(4) by inserting after section 45106 the following:

"§ 45107. Transportation security administration

"(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

"(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively."; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

"45107. Transportation Security Administration".

SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking "subsection (f)" each place it appears and inserting "subsection (h)".

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security

duties and powers designated to be carried out by the Under Secretary or";

(2) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator";

(3) in section 46101(a)(2) by striking "of Transportation or the" and inserting ", Under Secretary, or";

(4) in section 46102(b) by striking "and the Administrator" and inserting ", the Under Secretary, and the Administrator";

(5) in section 46102(c) by striking "and Administrator" each place it appears and inserting ", Under Secretary, and Administrator";

(6) in each of sections 46102(d) and 46104(b) by inserting "the Under Secretary," after "Secretary,";

(7) in the heading to section 46106 by striking "**Secretary of Transportation and Administrator of the Federal Aviation Administration**" and inserting "**Department of Transportation**"; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking "Secretary of Transportation and Administrator of the Federal Aviation Administration" and inserting "Department of Transportation".

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or"; and

(B) by striking "or Administrator" and inserting ", Under Secretary, or Administrator"; and

(2) in subsection (d)—

(A) by inserting after "The" the following: "Under Secretary of Transportation for Security or the";

(B) by striking "Administration" the second place it appears and inserting "Transportation Security Administration or Federal Aviation Administration, as the case may be,"; and

(C) by striking "the Administrator decides" and inserting "the Under Secretary or Administrator, as the case may be, decides".

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking ", chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),";

(B) by inserting after the first sentence the following: "The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449."; and

(C) by inserting "Under Secretary or" before "Administrator shall";

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking "Administrator" each place it appears and inserting "Under Secretary or Administrator";

(3) in section 46301(d)(8) by striking "Administrator" and inserting "Under Secretary, Administrator,";

(4) in section 46301(h)(2) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(5) in section 46311—

(A) by inserting after "Transportation," the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,";

(B) by inserting after "Secretary," each place it appears the following: "Under Secretary,"; and

(C) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator"; and

(6) in each of sections 46313 and 46316 by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or".

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in the aftermath of the merciless attack of 11 September, there were two schools of thought. One group said, let us bomb someone or somebody immediately. Another school urged, do nothing, and then perhaps these messengers of evil will simply go away. Neither of these schools of thought, in my opinion, Mr. Speaker, was sound.

If this legislation is enacted today, and I intend to support it, will it preclude subsequent attacks? I know not. But I do know it will afford our law enforcement and intelligence arms more flexibility. What was in place on 11 September of this year obviously was not sufficient.

Who are these terrorists? Messengers of evil driven by fanaticism. They are well-financed, brilliant operatives, as evidenced by the attack in New York and the attack here and the ditching of the plane in Pennsylvania. Brilliant indeed who have no regard for human life, innocent human life, if you will. Forget about the military for the moment. They attacked innocent bystanders. They would just as soon slay them as they would an armed soldier or an armed guardman.

They had a choice, Mr. Speaker, the Taliban, the terrorists. They were given a choice: surrender these messengers of evil, these thugs who are financed through the production and trafficking of heroin, which I call rat poison, or if you do not do that, they were told, suffer the consequences, because in the alternative, we will respond. As President Bush so eloquently said at the Pentagon memorial service yesterday, they chose unwisely.

The time is now. I commend the chairman for having done good work on this, and I commend the Committee on Rules as well. I urge support for the rule and support for final passage.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for some very fine work.

I stand here today, Mr. Speaker, a little bit saddened at the finger pointing by the minority leader and accusation of partisanship. I too had issues with the bill and was eager to work with both parties on many differences that we had over the very short course of time to give our law enforcement the tools to be successful. We won some; we lost some. There was no speed to partisanship, but there was a sense of urgency in what we must do in this Chamber. We can argue and debate and negotiate, but at the end of the day, a decision must be made.

I stood with those FBI agents for nearly 6 years, and I understood, and it became very clear to me, that we were fighting a war with 1970s tools in a war that now is into the 21st century; a very different kind of place, a very different kind of terrorist, a very different kind of sophistication. They have stolen, Mr. Speaker, more than just the lives of American citizens. They have stolen the innocence of a whole generation of Americans.

My daughter just recently, who during her entire 7 years told me that she was going to be a teacher, and that is what she wanted to be more than anything, was to be a teacher. And every time my wife and I had that conversation, she reiterated without pausing that she wanted to be a teacher. Until just recently, she came to me and said, Dad, unprovoked by me, I want to be President of the United States. And I asked her why, and she said because I want to make the rules so that bad people cannot hurt my friends in my neighborhood.

There has been a lot lost here, Mr. Speaker. It is more than process and negotiation and a rule which, to the vast majority of Americans, quite frankly, means nothing. What we have to do, and I have seen the panic in the eyes of the agents of the FBI today, who are asking for the tools of the 21st century to help them stop and disrupt what we know is coming to the United States of America. I am saddened because we ought to stand together and say, yes, we can improve on some things, and yes, we ought to have a money-laundering provision. But today, let us give those agents the tools they need to protect the next generation of Americans, to protect the Americans that are out there today. Let us untie the one hand behind their back and let them do what they will do best: protect America.

Mr. Speaker, this is not about partisanship, and this is not about trying to get somebody's way; this is about protecting America. We have to make a decision. Vote for this rule and make it happen. Let me go home this weekend and look my daughter in the eye and say, you are not going to have to run for President, ma'am, unless you want to, because we have done all that we can do to make sure that you can grow up to be anything that you want.

Pass this rule. Let us get on with it. Give them the tools that they need to be successful.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I just want to address some comments made by my good friend from Ohio about the Osama bin Laden al-Qaeda organization and our policy in the Middle East. Osama bin Laden kind of backed into the Palestinian situation saying, this is going to continue to happen as long as America continues to support Israel.

That is not what this is all about. Osama bin Laden is an evil man, as are his followers. To say that this is part of the Palestinian situation, he is backing into that by convenience; otherwise, Yasser Arafat would be saying, yes, we are in this too, this is a good thing. They are not embracing this policy of killing innocent Americans in their workplace and hijacking airplanes.

I think it is very important for us to say, we are going to continue to stand with our ally, Israel. We are going to continue to work for peace in the Middle East, and we are not going to let a mad man and a terrorist organization say that we somehow are guilty; therefore, our people should be punished and killed in the workplace because of a Middle Eastern policy that we are trying to work for.

I just wanted to make sure somebody addressed that, Mr. Speaker.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Wisconsin (Mr. SENSENBRENNER). I think he has done a wonderful job for bringing forth this legislation. I want to thank my colleagues on the Committee on Rules; we worked long hours today beginning early in the morning on this. This bill is a compromise between the Senate's bipartisan legislation and our bipartisan legislation. I think it is a good piece of legislation that should be passed. In order for it to get to the floor, I would urge my colleagues to pass the rule.

I would point out that yesterday, not 1 month ago, yesterday, the FBI issued a statement informing all Americans that the Nation is at risk of another attack at any time. The legislation before us, in effect, provides law enforcement with tools to try to prevent another attack. I would respectfully urge my colleagues who have expressed disagreement with the legislation to not compare this bill, which is a reasonable bill providing reasonable tools for law enforcement, with excesses that have occurred at other points in history in the past. This bill is not one of excesses; it is one of reasonable tools for law enforcement.

For example, grand jury information; information that is garnered, that is obtained by a grand jury with regard to terrorists, this bill, the compromise before us today, permits that information to be shared with the FBI. That is the kind of reasonable measure that we need in order to prevent further attacks in the future. With regard to the standards to detain and charge a terrorist, if there are reasonable grounds to believe that the person being harbored will commit a terrorist act, then that person can be detained.

□ 1330

The bill that was previously passed by the Committee on the Judiciary had a standard which I believe was not reasonable. It said that someone had to have committed or was about to commit, has committed or is about to commit, a terrorist act. It almost required the commission of the terrorist act before the terrorist could be detained.

With regard to immigration, someone from another country, a noncitizen, could be detained under this legislation for 7 days. Then he either has to be charged or released. That is a reasonable measure.

The sunset issue was brought out with regard to the legislation. The Senate has no sunset. The original legislation that came out of the Committee on the Judiciary had a 2-year sunset. The compromise legislation before us today has a 3-year sunset, with 2 more possible years if there is a Presidential certification of need, for a total period of 5 years. Then there is a sunset.

So again, these are reasonable steps to give tools to law enforcement to try to at least have them have this government do everything possible to avoid another September 11. That is what we are dealing with today.

So I urge my colleagues to support this rule to bring forth the legislation and to support this legislation so that we, at least, can know that we have done everything possible at this time to prevent another tragedy. Mr. Speaker, I urge the adoption of this resolution, as well as a favorable vote on the underlying legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill before us today is the Senate version, S. 1510, that dangerously and unfairly challenges our parliamentary procedures and spirit of bi-partisanship that has existed thus far in the lengthy negotiations on this bill in the House.

The Senate version closely parallels the administration's proposal, containing a number of proposals that, frankly, are offensive to the 36–0 bi-partisan version reported out of the House Judiciary Committee. For example, the Senate version fails to include an essential two-year sunset provision that is in the House version that was crucial to the delicate compromise that was struck by Members from both sides of the aisle in the House Judiciary Committee.

This process is flawed and unfair. In the Senate, the bill bypassed the Judiciary Committee entirely, going straight to the floor. There, several key amendments, including three by Senator FEINGOLD which would have provided greater protections of our civil liberties, were tabled.

Today, it is patently clear that the goal of this process is to completely avoid a conference on the important legislation. In the House, this process has shut out many House Judiciary Members who were instrumental in the pre-conferencing of the bill. The closed rule reported out of the Rules Committee this morning effectively destroys the work and efforts of the entire House Judiciary Committee and forces upon its Members a version of this legislation which fails to address the hopes and concerns of millions of Americans from across this great Nation.

This is a travesty of process and justice of monumental proportions.

Mr. DIAZ-BALART. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 207, not voting 8, as follows:

[Roll No. 383]

YEAS—215

Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo

McCrery
McInnis
McKeon
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Aderholt
Barton
Blunt
Boyd
Gillmor
McHugh
Miller (FL)
Towns

□ 1400

Mr. PETRI changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

NATIONAL SIMULTANEOUS PLEDGE OF ALLEGIANCE

The SPEAKER. Pursuant to the order of the House of October 11, 2001, the Chair recognizes the gentleman from California (Mr. COX) to lead us in the Pledge of Allegiance.

Mr. COX. Please join with me and millions of American teachers and students as we recite the Pledge of Allegiance.

Mr. COX led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PROVIDING FOR CONSIDERATION OF H.R. 2975, PATRIOT ACT OF 2001

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 208, not voting 9, as follows:

[Roll No. 384]

AYES—214

Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)

Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Aderholt
Barton
Blunt
Boyd
Gillmor
McHugh
Miller (FL)
Mollohan
Towns

☐ 1418

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATION TO AMENDMENT TO H.R. 2975, PATRIOT ACT OF 2001

Ms. WATERS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2975, pursuant to H.Res. 264, the amendment considered as adopted pursuant to that rule be modified by striking section 1001 and renumbering the remaining section accordingly.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentlewoman from California?

There was no objection.

PATRIOT ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 264, I call up the bill (H.R. 2975) to combat terrorism, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 264, the bill is considered read for amendment.

The text of H.R. 2975 is as follows:

H. R. 2975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001".

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Construction; severability.

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

Sec. 101. Modification of authorities relating to use of pen registers and trap and trace devices.
Sec. 102. Seizure of voice-mail messages pursuant to warrants.
Sec. 103. Authorized disclosure.
Sec. 104. Savings provision.
Sec. 105. Interception of computer trespasser communications.
Sec. 106. Technical amendment.
Sec. 107. Scope of subpoenas for records of electronic communications.
Sec. 108. Nationwide service of search warrants for electronic evidence.
Sec. 109. Clarification of scope.
Sec. 110. Emergency disclosure of electronic communications to protect life and limb.
Sec. 111. Use as evidence.
Sec. 112. Reports concerning the disclosure of the contents of electronic communications.

Subtitle B—Foreign Intelligence Surveillance and Other Information

Sec. 151. Period of orders of electronic surveillance of non-United States persons under foreign intelligence surveillance.
Sec. 152. Multi-point authority.
Sec. 153. Foreign intelligence information.
Sec. 154. Foreign intelligence information sharing.
Sec. 155. Pen register and trap and trace authority.
Sec. 156. Business records.
Sec. 157. Miscellaneous national-security authorities.
Sec. 158. Proposed legislation.
Sec. 159. Presidential authority.
Sec. 160. Sunset.

TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

Subtitle A—Detention and Removal of Aliens Engaging in Terrorist Activity

Sec. 201. Changes in classes of aliens who are ineligible for admission and deportable due to terrorist activity.
Sec. 202. Changes in designation of foreign terrorist organizations.
Sec. 203. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
Sec. 204. Multilateral cooperation against terrorists.
Sec. 205. Changes in conditions for granting asylum and asylum procedures.
Sec. 206. Protection of northern border.
Sec. 207. Requiring sharing by the Federal Bureau of Investigation of certain criminal record extracts with other Federal agencies in order to enhance border security.

Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism

Sec. 211. Special immigrant status.
Sec. 212. Extension of filing or reentry deadlines.
Sec. 213. Humanitarian relief for certain surviving spouses and children.
Sec. 214. "Age-out" protection for children.
Sec. 215. Temporary administrative relief.
Sec. 216. Evidence of death, disability, or loss of employment.
Sec. 217. No benefits to terrorists or family members of terrorists.
Sec. 218. Definitions.

TITLE III—CRIMINAL JUSTICE

Subtitle A—Substantive Criminal Law

Sec. 301. Statute of limitation for prosecuting terrorism offenses.
Sec. 302. Alternative maximum penalties for terrorism crimes.
Sec. 303. Penalties for terrorist conspiracies.
Sec. 304. Terrorism crimes as RICO predicates.
Sec. 305. Biological weapons.
Sec. 306. Support of terrorism through expert advice or assistance.
Sec. 307. Prohibition against harboring.
Sec. 308. Post-release supervision of terrorists.
Sec. 309. Definition.
Sec. 310. Civil damages.

Subtitle B—Criminal Procedure

Sec. 351. Single-jurisdiction search warrants for terrorism.
Sec. 352. DNA identification of terrorists.
Sec. 353. Grand jury matters.
Sec. 354. Extraterritoriality.
Sec. 355. Jurisdiction over crimes committed at United States facilities abroad.
Sec. 356. Special agent authorities.

TITLE IV—FINANCIAL INFRASTRUCTURE

Sec. 401. Laundering the proceeds of terrorism.
Sec. 402. Material support for terrorism.
Sec. 403. Assets of terrorist organizations.
Sec. 404. Technical clarification relating to provision of material support to terrorism.
Sec. 405. Disclosure of tax information in terrorism and national security investigations.
Sec. 406. Extraterritorial jurisdiction.

TITLE V—EMERGENCY AUTHORIZATIONS

Sec. 501. Office of Justice programs.
Sec. 502. Attorney General's authority to pay rewards.
Sec. 503. Limited authority to pay overtime.
Sec. 504. Department of State reward authority.

TITLE VI—DAM SECURITY

Sec. 601. Security of reclamation dams, facilities, and resources.

TITLE VII—MISCELLANEOUS

Sec. 701. Employment of translators by the Federal Bureau of Investigation.
Sec. 702. Review of the Department of Justice.

SEC. 3. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

SEC. 101. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting ", routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire and electronic communications".

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Subsection (a) of section 3123 of title 18, United States Code, is amended to read as follows:

"(a) In General.—

"(1) Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service thereof, apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order.

"(2) Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law-enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ,ongoing criminal investigation.".

(2) Contents of order.—Subsection (b)(1) of section 3123 of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) Nondisclosure requirements.—Subsection (d)(2) of section 3123 of title 18, United States Code, is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking ", or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) Definitions.—

(1) Court of competent jurisdiction.—Paragraph (2) of section 3127 of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or".

(2) Pen register.—Paragraph (3) of section 3127 of title 18, United States Code, is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted (but not including the contents of such communication)"; and

(B) by inserting "or process" after "device" each place it appears.

(3) Trap and trace device.—Paragraph (4) of section 3127 of title 18, United States Code, is amended—

(A) by inserting "or process" after "a device"; and

(B) by striking "of an instrument" and all that follows through the end and inserting "or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication (but not including the contents of such communication);".

(4) Conforming amendment.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking "and"; and

(B) by inserting "and 'contents'" after "electronic communication service".

(d) No Liability for Internet Service Providers.—Section 3124(d) of title 18, United States Code, is amended by striking "the terms of".

SEC. 102. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking all the words after "commerce"; and

(B) in paragraph (14), by inserting "wire or" after "transmission of"; and

(2) in section 2703—

(A) in the headings for subsections (a) and (b), by striking "Contents of electronic" and inserting "Contents of wire or electronic";

(B) in subsection (a), by striking "contents of an electronic" and inserting "contents of a wire or electronic" each place it appears; and

(C) in subsection (b), by striking "any electronic" and inserting "any wire or electronic" each place it appears.

SEC. 103. AUTHORIZED DISCLOSURE.

Section 2510(7) of title 18, United States Code, is amended by inserting ", and (for purposes only of section 2517 as it relates to foreign intelligence information) any Federal law enforcement, intelligence, national security, national defense, protective, immigration personnel, or the President or Vice President of the United States" after "such offenses".

SEC. 104. SAVINGS PROVISION.

Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking "or chapter 121" and inserting ", chapter 121, or chapter 206"; and

(2) by striking "wire and oral" and inserting "wire, oral, and electronic".

SEC. 105. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (17), by striking "and" at the end;

(B) in paragraph (18), by striking the period and inserting a semi-colon; and

(C) by adding after paragraph (18) the following:

"(19) 'protected computer' has the meaning set forth in section 1030; and

"(20) 'computer trespasser' means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer.";

(2) in section 2511(2), by inserting after paragraph (h) the following:

"(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if—

"(i) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

"(ii) the person acting under color of law is lawfully engaged in an investigation;

"(iii) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

"(iv) such interception does not acquire communications other than those transmitted to or from the computer trespasser."; and

(3) in section 2520(d)(3), by inserting "or 2511(2)(i)" after "2511(3)".

SEC. 106. TECHNICAL AMENDMENT.

Section 2518(3)(c) of title 18, United States Code, is amended by inserting "and" after the semicolon.

SEC. 107. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(1)(C) of title 18, United States Code, is amended—

(1) by striking "entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a" and inserting the following:

"entity the—

"(A) name;

"(B) address;

"(C) local and long distance telephone connection records, or records of session times and durations;

"(D) length of service (including start date) and types of service utilized;

"(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(F) means and source of payment (including any credit card or bank account number);

of a"; and

(2) by striking "and the types of services the subscriber or customer utilized," after "of a subscriber to or customer of such service,".

SEC. 108. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking "under the Federal Rules of Criminal Procedure" each place it appears and inserting "using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation"; and

(2) in section 2711—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding the following new paragraph at the end:

"(3) the term 'court of competent jurisdiction' has the meaning given that term in section 3127, and includes any Federal court within that definition, without geographic limitation.".

SEC. 109. CLARIFICATION OF SCOPE.

Section 2511(2) of title 18, United States Code, as amended by section 106(2) of this Act, is further amended by adding at the end the following:

"(j) With respect to a voluntary or obligatory disclosure of information (other than information revealing customer cable viewing activity) under this chapter, chapter 121, or chapter 206, subsections (c)(2)(B) and (h) of section 631 of the Communications Act of 1934 do not apply.

SEC. 110. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) Section 2702 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

"§2702. Voluntary disclosure of customer communications or records";

(2) in subsection (a)(2)(B) by striking the period and inserting "; and";

(3) in subsection (a), by inserting after paragraph (2) the following:

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.";

(4) in subsection (b), by striking "EXCEPTIONS.—A person or entity" and inserting "EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.—A provider described in subsection (a)";

(5) in subsection (b)(6)—

(A) in subparagraph (A)(ii), by striking "or";

(B) in subparagraph (B), by striking the period and inserting "; or";

(C) by inserting after subparagraph (B) the following:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay."; and

(6) by inserting after subsection (b) the following:

"(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER RECORDS.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

"(1) as otherwise authorized in section 2703;

"(2) with the lawful consent of the customer or subscriber;

"(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

"(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

"(5) to any person other than a governmental entity.".

(b) Section 2703 of title 18, United States Code, is amended—

(1) so that the section heading reads as follows:

"§2703. Required disclosure of customer communications or records";

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking "Except" and all that follows through "only when" in subparagraph (B) and inserting "A governmental entity may require a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications) only when";

(B) by striking "or" at the end of clause (iii) of subparagraph (B);

(C) by striking the period at the end of clause (iv) of subparagraph (B) and inserting "; or";

(D) by inserting after clause (iv) of subparagraph (B) the following:

"(v) seeks information pursuant to subparagraph (B).";

(E) in subparagraph (C), by striking "(B)" and inserting "(A)"; and

(F) by redesignating subparagraph (C) as subparagraph (B); and

(3) in subsection (e), by striking "or certification" and inserting "certification, or statutory authorization".

SEC. 111. USE AS EVIDENCE.

(a) IN GENERAL.—Section 2515 of title 18, United States Code, is amended—

(1) by striking "**wire or oral**" in the heading and inserting "**wire, oral, or electronic**";

(2) by striking "Whenever any wire or oral communication has been intercepted" and inserting "(a) Except as provided in subsection (b), whenever any wire, oral, or electronic communication has been intercepted, or any electronic communication in electronic storage has been disclosed";

(3) by inserting "or chapter 121" after "this chapter"; and

(4) by adding at the end the following:

"(b) Subsection (a) does not apply to the disclosure, before a grand jury or in a criminal trial, hearing, or other criminal proceeding, of the contents of a communication, or evidence derived therefrom, against a person alleged to have intercepted, used, or disclosed the communication in violation of this chapter, or chapter 121, or participated in such violation.".

(b) SECTION 2517.—Paragraphs (1) and (2) of section 2517 are each amended by inserting "or under the circumstances described in section 2515(b)" after "by this chapter".

(c) SECTION 2518.—Section 2518 of title 18, United States Code, is amended—

(1) in subsection (7), by striking "subsection (d)" and inserting "subsection (8)(d)"; and

(2) in subsection (10)—

(A) in paragraph (a)—

(i) by striking "or oral" each place it appears and inserting ", oral, or electronic";

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by inserting "except that no suppression may be ordered under the circumstances described in section 2515(b)." before "Such motion"; and

(B) by striking paragraph (c).

(d) CLERICAL AMENDMENT.—The item relating to section 2515 in the table of sections at the beginning of chapter 119 of title 18, United States Code, is amended to read as follows:

"2515. Prohibition of use as evidence of intercepted wire, oral, or electronic communications.".

SEC. 112. REPORTS CONCERNING THE DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

"(g) REPORTS CONCERNING THE DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS.—

"(1) By January 31 of each calendar year, the judge issuing or denying an order, warrant, or subpoena, or the authority issuing or denying a subpoena, under subsection (a) or (b) of this section during the preceding calendar year shall report on each such order, warrant, or subpoena to the Administrative Office of the United States Courts—

"(A) the fact that the order, warrant, or subpoena was applied for;

"(B) the kind of order, warrant, or subpoena applied for;

"(C) the fact that the order, warrant, or subpoena was granted as applied for, was modified, or was denied;

"(D) the offense specified in the order, warrant, subpoena, or application;

"(E) the identity of the agency making the application; and

"(F) the nature of the facilities from which or the place where the contents of electronic communications were to be disclosed.

"(2) In January of each year the Attorney General or an Assistant Attorney General specially designated by the Attorney General shall report to the Administrative Office of the United States Courts—

"(A) the information required by subparagraphs (A) through (F) of paragraph (1) of this subsection with respect to each application for an order, warrant, or subpoena made during the preceding calendar year; and

"(B) a general description of the disclosures made under each such order, warrant, or subpoena, including—

"(i) the approximate number of all communications disclosed and, of those, the approximate number of incriminating communications disclosed;

"(ii) the approximate number of other communications disclosed; and

"(iii) the approximate number of persons whose communications were disclosed.

"(3) In June of each year, beginning in 2003, the Director of the Administrative Office of the United States Courts shall transmit to the Congress a full and complete report concerning the number of applications for orders, warrants, or subpoenas authorizing or requiring the disclosure of the contents of electronic communications pursuant to subsections (a) and (b) of this section and the number of orders, warrants, or subpoenas granted or denied pursuant to subsections (a) and (b) of this section during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the Administrative Office by paragraphs (1) and (2) of this subsection. The Director of the Administrative Office of the United States Courts is authorized to issue binding regulations dealing with the content and form of the reports required to be filed by paragraphs (1) and (2) of this subsection.".

Subtitle B—Foreign Intelligence Surveillance and Other Information

SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE.

(a) INCLUDING AGENTS OF A FOREIGN POWER.—(1) Section 105(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by inserting "or an agent of a foreign power, as defined in section 101(b)(1)(A)," after "or (3),".

(2) Section 304(d)(1) of such Act (50 U.S.C. 1824(d)(1)) is amended by inserting "or an agent of a foreign power, as defined in section 101(b)(1)(A)," after "101(a),".

(b) PERIOD OF ORDER.—Such section 304(d)(1) is further amended by striking "forty-five" and inserting "90".

SEC. 152. MULTI-POINT AUTHORITY.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting ", or, in circumstances where the Court finds that the actions of the target of the electronic surveillance may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

SEC. 153. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and 303(a)(7)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(7)(B), 1823(a)(7)(B)) are each amended by striking "that the" and inserting "that a significant".

SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHARING.

Notwithstanding any other provision of law, it shall be lawful for foreign intelligence information obtained as part of a criminal investigation (including information obtained pursuant to chapter 119 of title 18, United States Code) to be provided to any Federal law-enforcement-, intelligence-, protective-, national-defense, or immigration personnel, or the President or the Vice President of the United States, for the performance of official duties.

SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHORITY.

Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by adding "and" at the end;

(2) in paragraph (2)—

(A) by inserting "from the telephone line to which the pen register or trap and trace device is to be attached, or the communication instrument or device to be covered by the pen register or trap and trace device" after "obtained"; and

(B) by striking "; and" and inserting a period; and

(3) by striking paragraph (3).

SEC. 156. BUSINESS RECORDS.

(a) In General.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended to read as follows:

"ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

"Sec. 501. (a) In any investigation to gather foreign intelligence information or an investigation concerning international terrorism, such investigation being conducted by the Federal Bureau of Investigation under such guidelines as the Attorney General may approve pursuant to Executive Order No. 12333 (or a successor order), the Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) that are relevant to the investigation.

"(b) Each application under this section—

"(1) shall be made to—

"(A) a judge of the court established by section 103(a) of this Act; or

"(B) a United States magistrate judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the release of records under this section on behalf of a judge of that court; and

"(2) shall specify that the records concerned are sought for an investigation described in subsection (a).

"(c)(1) Upon application made pursuant to this section, the judge shall enter an ex parte order as requested requiring the production the tangible things sought if the judge finds that the application satisfies the requirements of this section.

"(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

"(d) A person who, in good faith, produces tangible things under an order issued pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.".

(b) Conforming Amendments.—(1) Section 502 of such Act (50 U.S.C. 1862) is repealed.

(2) Section 503 of such Act (50 U.S.C. 1863) is redesignated as section 502.

(c) Clerical Amendment.—The table of contents at the beginning of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to title V and inserting the following:

"TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES

"501. Access to certain business records for foreign intelligence and international terrorism investigations.
"502. Congressional oversight.".

SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORITIES.

(a) Section 2709(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ", or electronic communication transactional records" after "toll billing records"; and

(B) by striking "made that" and all that follows through the end of such paragraph and inserting "made that the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and"; and

(2) in paragraph (2), by striking "made that" and all that follows through the end and inserting "made that the information sought is relevant to an authorized foreign counterintelligence investigation.".

(b) Section 624 of Public Law 90–321 (15 U.S.C. 1681u) is amended—

(1) in subsection (a), by striking "writing that" and all that follows through the end and inserting "writing that such information is necessary for the conduct of an authorized foreign counterintelligence investigation.";

(2) in subsection (b), by striking "writing that" and all that follows through the end and inserting "writing that such information is necessary for the conduct of an authorized foreign counterintelligence investigation."; and

(3) in subsection (c), by striking "camera that" and all that follows through "States." and inserting "camera that the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation.".

SEC. 158. PROPOSED LEGISLATION.

Not later than August 31, 2003, the President shall propose legislation relating to the provisions set to expire by section 160 of this Act as the President may judge necessary and expedient.

SEC. 159. PRESIDENTIAL AUTHORITY.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended in subsection (a)(1)—

(1) in subparagraph (A)—

(A) in clause (ii), by adding "or" after "thereof,"; and

(B) by striking clause (iii) and inserting the following:

"(iii) the importing or exporting of currency or securities,

by any person, or with respect to any property, subject to the jurisdiction of the United States;";

(2) by striking after subparagraph (B), "by any person, or with respect to any property, subject to the jurisdiction of the United States";

(3) in subparagraph (B)—

(A) by inserting after "investigate" the following: ", block during the pendency of an investigation for a period of not more than 90 days (which may be extended by an additional 60 days if the President determines that such blocking is necessary to carry out the purposes of this Act),"; and

(B) by striking "interest;" and inserting "interest, by any person, or with respect to any property, subject to the jurisdiction of the United States; and"; and

(4) by adding at the end the following new subparagraph:

"(C) when a statute has been enacted authorizing the use of force by United States armed forces against a foreign country, foreign organization, or foreign national, or when the United States has been subject to an armed attack by a foreign country, foreign organization, or foreign national, confiscate any property, subject to the jurisdiction of the United States, of any foreign country, foreign organization, or foreign national against whom United States armed forces may be used pursuant to such statute or, in the case of an armed attack against the United States, that the President determines has planned, authorized, aided, or engaged in such attack; and

"(i) all right, title, and interest in any property so confiscated shall vest when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time,

"(ii) upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, except that the proceeds of any such liquidation or sale, or any cash assets, shall be segregated from other United States Government funds and shall be used only pursuant to a statute authorizing the expenditure of such proceeds or assets, and

"(iii) such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.".

SEC. 160. SUNSET.

This title and the amendments made by this title (other than sections 109 (relating to clarification of scope) and 159 (relating to presidential authority)) and the amendments made by those sections shall take effect on the date of enactment of this Act and shall cease to have any effect on December 31, 2003.

TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

Subtitle A—Detention and Removal of Aliens Engaging in Terrorist Activity

SEC. 201. CHANGES IN CLASSES OF ALIENS WHO ARE INELIGIBLE FOR ADMISSION AND DEPORTABLE DUE TO TERRORIST ACTIVITY.

(a) Aliens Ineligible for Admission Due to Terrorist Activities.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) in subclauses (I), (II), and (III), by striking the comma at the end and inserting a semicolon;

(B) by amending subclause (IV) to read as follows:

"(IV) is a representative of—

"(a) a foreign terrorist organization, as designated by the Secretary of State under section 219; or

"(b) a political, social, or other similar group whose public endorsement of terrorist activity the Secretary of State has determined undermines the efforts of the United States to reduce or eliminate terrorist activities;";

(C) in subclause (V), by striking any comma at the end, by striking any “or” at the end, and by adding “; or” at the end; and

(D) by inserting after subclause (V) the following:

“(VI) has used the alien's prominence within a foreign state or the United States to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines the efforts of the United States to reduce or eliminate terrorist activities;”;

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking “(or which, if committed in the United States,” and inserting “(or which, if it had been or were to be committed in the United States,”; and

(B) in subclause (V)(b), by striking “explosive or firearm” and inserting “explosive, firearm, or other object”;

(3) by amending clause (iii) to read as follows:

“(iii) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this Act, the term ‘engage in terrorist activity’ means, in an individual capacity or as a member of an organization—

“(I) to commit a terrorist activity;

“(II) to plan or prepare to commit a terrorist activity;

“(III) to gather information on potential targets for a terrorist activity;

“(IV) to solicit funds or other things of value for—

“(a) a terrorist activity;

“(b) an organization designated as a foreign terrorist organization under section 219; or

“(c) a terrorist organization described in clause (v)(II), but only if the solicitor knows, or reasonably should know, that the solicitation would further a terrorist activity;

“(V) to solicit any individual—

“(a) to engage in conduct otherwise described in this clause;

“(b) for membership in a terrorist government;

“(c) for membership in an organization designated as a foreign terrorist organization under section 219; or

“(d) for membership in a terrorist organization described in clause (v)(II), but only if the solicitor knows, or reasonably should know, that the solicitation would further a terrorist activity; or

“(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, and radiological weapons), explosives, or training—

“(a) for the commission of a terrorist activity;

“(b) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

“(c) to an organization designated as a foreign terrorist organization under section 219; or

“(d) to a terrorist organization described in clause (v)(II), but only if the actor knows, or reasonably should know, that the act would further a terrorist activity.”; and

(4) by adding at the end the following:

“(v) TERRORIST ORGANIZATION DEFINED.—As used in this subparagraph, the term ‘terrorist organization’ means—

“(I) an organization designated as a foreign terrorist organization under section 219; or

“(II) with regard to a group that is not an organization described in subclause (I), a group of 2 or more individuals, whether organized or not, which engages in, or which has a significant subgroup which engages in, the activities described in subclause (I), (II), or (III) of clause (iii).

“(vi) SPECIAL RULE FOR MATERIAL SUPPORT.—Clause (iii)(VI)(b) shall not be construed to include the affording of material support to an individual who committed or planned to commit a terrorist activity, if the alien establishes by clear and convincing evidence that such support was afforded only after such individual permanently and publicly renounced, rejected the use of, and had ceased to engage in, terrorist activity.”.

(b) ALIENS INELIGIBLE FOR ADMISSION DUE TO ENDANGERMENT.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

“(F) ENDANGERMENT.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.”.

(c) ALIENS DEPORTABLE DUE TO TERRORIST ACTIVITIES.—Section 237(a)(4)(B) of the Immigration and Nationality (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

“(B) TERRORIST ACTIVITIES.—Any alien is deportable who—

“(i) has engaged, is engaged, or at any time after admission engages in terrorist activity (as defined in section 212(a)(3)(B)(iii));

“(ii) is a representative (as defined in section 212(a)(3)(B)(iv)) of—

“(I) a foreign terrorist organization, as designated by the Secretary of State under section 219; or

“(II) a political, social, or other similar group whose public endorsement of terrorist activity—

“(a) is intended and likely to incite or produce imminent lawless action; and

“(b) has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities; or

“(iii) has used the alien's prominence within a foreign state or the United States—

“(I) to endorse, in a manner that is intended and likely to incite or produce imminent lawless action and that has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities, terrorist activity; or

“(II) to persuade others, in a manner that is intended and likely to incite or produce imminent lawless action and that has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities, to support terrorist activity or a terrorist organization (as defined in section 212(a)(3)(B)(v)).”.

(d) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(A) actions taken by an alien before such date, as well as actions taken on or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, the amendments made by this section shall apply to all aliens in exclusion or deportation proceedings on or after the date of the enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS.—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(b), (V)(c), or (VI)(c) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to a group at any time when the group was not a foreign terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189).

(B) CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(b), (V)(c), or (VI)(c) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to a foreign terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act; or

(ii) described in subclause (IV)(c), (V)(d), or (VI)(d) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to any group described in any of such subclauses.

SEC. 202. CHANGES IN DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “212(a)(3)(B));” and inserting “212(a)(3)(B)), engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)), or retains the capability and intent to engage in terrorist activity or to engage in terrorism (as so defined);”; and

(B) in subparagraph (C), by inserting “or terrorism” after “activity”;

(2) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

“(A) NOTICE.—

“(i) IN GENERAL.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and minority leader of the House of Representatives, the President pro tempore, majority leader, and minority leader of the Senate, the members of the relevant committees, and the Secretary of the Treasury, in writing, of the intent to designate a foreign organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

“(ii) PUBLICATION OF DESIGNATION.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).”;

(B) in subparagraph (B), by striking "(A)." and inserting "(A)(ii)."; and

(C) in subparagraph (C), by striking "paragraph (2)," and inserting "subparagraph (A)(i),";

(3) in paragraph (3)(B), by striking "subsection (c)." and inserting "subsection (b).";

(4) in paragraph (4)(B), by inserting after the first sentence the following: "The Secretary may also redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.";

(5) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting "or a redesignation made under paragraph (4)(B)" after "paragraph (1)";

(ii) in clause (i)—

(I) by inserting "or redesignation" after "designation" the first place it appears; and

(II) by striking "of the designation;" and inserting a semicolon; and

(iii) in clause (ii), by striking "of the designation." and inserting a period;

(B) in subparagraph (B), by striking "through (4)" and inserting "and (3)"; and

(C) by adding at the end the following:

"(C) EFFECTIVE DATE.—Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.";

(6) in paragraph (7), by inserting ", or the revocation of a redesignation under paragraph (6)," after "(5) or (6)"; and

(7) in paragraph (8)—

(A) by striking "(1)(B)," and inserting "(2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)";

(B) by inserting "or an alien in a removal proceeding" after "criminal action"; and

(C) by inserting "or redesignation" before "as a defense".

SEC. 203. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

"MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

"SEC. 236A. (a) DETENTION OF TERRORIST ALIENS.—

"(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

"(2) RELEASE.—Except as provided in paragraph (5), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

"(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

"(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

"(B) is engaged in any other activity that endangers the national security of the United States.

"(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.

"(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

"(b) HABEAS CORPUS AND JUDICIAL REVIEW.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3)) is available exclusively in habeas corpus proceedings in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.".

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

"Sec. 236A. Mandatory detention of suspected terrorists; habeas corpus; judicial review.".

(c) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from removal;

(B) were removed;

(C) the Attorney General has determined are no longer an alien who may be so certified; or

(D) were released from detention.

SEC. 204. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) by striking "The records" and inserting "(1) Subject to paragraphs (2) and (3), the records";

(2) by striking "United States," and all that follows through the period at the end and inserting "United States."; and

(3) by adding at the end the following:

"(2) In the discretion of the Secretary of State, certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interest of the ends of justice in a case pending before the court.

"(3)(A) Subject to the provisions of this paragraph, the Secretary of State may provide copies of records of the Department of State and of diplomatic and consular offices of the United States (including the Department of State's automated visa lookout database) pertaining to the issuance or refusal of visas or permits to enter the United States, or information contained in such records, to foreign governments if the Secretary determines that it is necessary and appropriate.

"(B) Such records and information may be provided on a case-by-case basis for the purpose of preventing, investigating, or punishing acts of terrorism. General access to records and information may be provided under an agreement to limit the use of such records and information to the purposes described in the preceding sentence.

"(C) The Secretary of State shall make any determination under this paragraph in consultation with any Federal agency that compiled or provided such records or information.

"(D) To the extent possible, such records and information shall be made available to foreign governments on a reciprocal basis.".

SEC. 205. CHANGES IN CONDITIONS FOR GRANTING ASYLUM AND ASYLUM PROCEDURES.

(a) ALIENS INELIGIBLE FOR ASYLUM DUE TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended—

(A) by striking "inadmissible under" and inserting "described in"; and

(B) by striking "removable under" and inserting "described in".

(2) RETROACTIVE APPLICATION OF AMENDMENTS.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to—

(A) actions taken by an alien before such date, as well as actions taken on or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States, whose application for asylum is pending on or after such date (except for applications with respect to which there has been a final administrative decision before such date).

(b) DISCLOSURE OF ASYLUM APPLICATION INFORMATION.—

(1) IN GENERAL.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

"(e) LIMITATION ON CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—The restrictions on information disclosure in section 208.6 of title 8, Code of Federal Regulations (as in effect on the date of the enactment of the PATRIOT Act or pursuant to any successor provision), shall not apply to a disclosure to any person, if—

"(A) the disclosure is made in the course of an investigation of an alien to determine if the alien is described in section 212(a)(3)(B)(i) or 237(a)(4)(B); and

"(B) the Attorney General has reasonable grounds to believe that the alien may be so described.

"(2) EXCEPTION.—The requirement of paragraph (1)(B) shall not apply to an alien if the alien alleges that the alien is eligible for asylum, in whole or in part, because a foreign government believes that the alien is described in section 212(a)(3)(B)(i) or 237(a)(4)(B).

"(3) DISCLOSURES TO FOREIGN GOVERNMENTS.—If the Attorney General desires to disclose information to a foreign government under paragraph (1), the Attorney General shall request the Secretary of State to make the disclosure.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to the disclosure of information on or after such date.

SEC. 206. PROTECTION OF NORTHERN BORDER.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law) in each State along the northern border;

(2) such sums as may be necessary to triple the number of Immigration and Naturalization Service inspectors (from the number authorized under current law) at ports of entry in each State along the northern border; and

(3) an additional $50,000,000 to the Immigration and Naturalization Service for purposes of making improvements in technology for monitoring the northern border and acquiring additional equipment at the northern border.

SEC. 207. REQUIRING SHARING BY THE FEDERAL BUREAU OF INVESTIGATION OF CERTAIN CRIMINAL RECORD EXTRACTS WITH OTHER FEDERAL AGENCIES IN ORDER TO ENHANCE BORDER SECURITY.

(a) In General.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105), is amended—

(1) in the section heading, by adding "AND DATA EXCHANGE" at the end;

(2) by inserting "(a) Liaison With Internal Security Officers.—" after "105.";

(3) by striking "the internal security of" and inserting "the internal and border security of"; and

(4) by adding at the end the following:

"(b) Criminal History Record Information.—The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Secretary of State and the Commissioner access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index, Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the official to be provided access, for the purpose of determining whether a visa applicant or applicant for admission has a criminal history record indexed in any such file. Such access shall be provided by means of extracts of the records for placement in the Department of State's automated visa lookout database or other appropriate database, and shall be provided without any fee or charge. The Director of the Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon by the Attorney General and the official provided access. Upon receipt of such updated extracts, the receiving official shall make corresponding updates to the official's databases and destroy previously provided extracts. Such access to any extract shall not be construed to entitle the Secretary of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Secretary of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

"(c) Reconsideration.—The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving official upon the development and deployment of a more cost-effective and efficient means of sharing the information.

"(d) Regulations.—For purposes of administering this section, the Secretary of State shall, prior to receiving access to National Crime Information Center data, promulgate final regulations—

"(1) to implement procedures for the taking of fingerprints; and

"(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely to determine whether to issue a visa to an individual;

"(C) to ensure the security, confidentiality, and destruction of such information; and

"(D) to protect any privacy rights of individuals who are subjects of such information.".

(b) Clerical Amendment.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 105 to read as follows:

"Sec. 105. Liaison with internal security officers and data exchange.".

(c) Effective Date and Implementation.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall be fully implemented not later than 18 months after such date.

(d) Reporting Requirement.—Not later than 2 years after the date of the enactment of this Act, the Attorney General and the Secretary of State, jointly, shall report to the Congress on the implementation of the amendments made by this section.

(e) Construction.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index, or to any other information maintained by such center, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with sections 212 through 216 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14611 et seq.).

Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism

SEC. 211. SPECIAL IMMIGRANT STATUS.

(a) In General.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney General may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a(27)), if the alien—

(1) files with the Attorney General a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) Aliens Described.—

(1) Principal aliens.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Attorney General on or before September 11, 2001—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) Spouses and children.—

(A) In general.—An alien is described in this subsection if—

(i) the alien was, on September 10, 2001, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.

(B) Construction.—For purposes of construing the terms "accompanying" and "following to join" in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

(3) Grandparents of orphans.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a direct result of a specified terrorist activity, if either of such deceased parents was, on September 10, 2001, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) Priority Date.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Attorney General under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) Numerical Limitations.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

SEC. 212. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) Automatic Extension of Nonimmigrant Status.—

(1) In general.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on September 10, 2001, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien was, on September 10, 2001, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an "employment authorized" endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien is unable timely to depart the United States as a direct result of a specified terrorist activity, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on September 11, 2001, and ending on the date of the alien's departure, if such departure occurs on or before November 11, 2001.

(3) SPECIAL RULE FOR ALIENS UNABLE TO RETURN FROM ABROAD.—

(A) PRINCIPAL ALIENS.—In the case of an alien who was in a lawful nonimmigrant status on September 10, 2001, but who was not present in the United States on such date, if the alien was prevented from returning to the United States in order to file a timely application for an extension of nonimmigrant status as a direct result of a specified terrorist activity—

(i) the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due; and

(ii) the alien's lawful nonimmigrant status shall be considered to continue until the later of—

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

(B) SPOUSES AND CHILDREN.—In the case of an alien who is the spouse or child of a principal alien described in subparagraph (A), if the spouse or child was in a lawful nonimmigrant status on September 10, 2001, the spouse or child may remain lawfully in the United States in the same nonimmigrant status until the later of—

(i) the date such lawful nonimmigrant status otherwise would have terminated if this subparagraph had not been enacted; or

(ii) the date that is 60 days after the date on which the application described in subparagraph (A) otherwise would have been due.

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 1, 2001, and ending on April 1, 2002, if the alien establishes that the alien was prevented from using it during fiscal year 2001 as a direct result of a specified terrorist activity.

(2) WORLDWIDE LEVEL.—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1), the alien shall be counted as a diversity immigrant for fiscal year 2001 for purposes of section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2002.

(3) TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act if the principal alien were not deceased.

(d) EXTENSION OF EXPIRATION OF IMMIGRANT VISAS.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before December 31, 2001, if the alien was unable to effect entry to the United States as a direct result of a specified terrorist activity, then the period of validity of the visa is extended until December 31, 2001, unless a longer period of validity is otherwise provided under this subtitle.

(e) GRANTS OF PAROLE EXTENDED.—In the case of any parole granted by the Attorney General under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after September 11, 2001, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date as a direct result of a specified terrorist activity, the parole is deemed extended for an additional 90 days.

(f) VOLUNTARY DEPARTURE.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on September 11, 2001, and ending on October 11, 2001, such voluntary departure period is deemed extended for an additional 30 days.

SEC. 213. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries.

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before September 11, 2001, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Attorney General, if the spouse, child, son, or daughter was present in the United States on September 11, 2001. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 214. "AGE-OUT" PROTECTION FOR CHILDREN.

For purposes of the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), in the case of an alien—

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien's 21st birthday for purposes of adjudicating such petition or application; and

(2) whose 21st birthday occurs after September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 45 days after the alien's 21st birthday for purposes of adjudicating such petition or application.

SEC. 215. TEMPORARY ADMINISTRATIVE RELIEF.

The Attorney General, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on September 10, 2001;

(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a direct result of a specified terrorist activity; and

(3) is not otherwise entitled to relief under any other provision of this subtitle.

SEC. 216. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) IN GENERAL.—The Attorney General shall establish appropriate standards for evidence demonstrating, for purposes of this subtitle, that any of the following occurred as a direct result of a specified terrorist activity:

(1) Death.

(2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) WAIVER OF REGULATIONS.—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

SEC. 217. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.

Notwithstanding any other provision of this subtitle, nothing in this subtitle shall be construed to provide any benefit or relief to—

(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

SEC. 218. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this subtitle, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

TITLE III—CRIMINAL JUSTICE

Subtitle A—Substantive Criminal Law

SEC. 301. STATUTE OF LIMITATION FOR PROSECUTING TERRORISM OFFENSES.

(a) IN GENERAL.—Section 3286 of title 18, United States Code, is amended to read as follows:

"§ 3286. Terrorism offenses

"(a) An indictment may be found or an information instituted at any time without limitation for any Federal terrorism offense or any of the following offenses:

"(1) A violation of, or an attempt or conspiracy to violate, section 32 (relating to destruction of aircraft or aircraft facilities), 37(a)(1) (relating to violence at international airports), 175 (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 792 (relating to harboring terrorists), 831 (relating to nuclear materials), 844(f) or (i) when it relates to bombing (relating to arson and bombing of certain property), 1114(1) (relating to protection of officers and employees of the United States), 1116, if the offense involves murder (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnaping), 2332(a)(1) (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries) of this title.

"(2) Section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284);

"(3) Section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421).

"(4) Section 46502 (relating to aircraft piracy) of title 49.

"(b) An indictment may be found or an information instituted within 15 years after the offense was committed for any of the following offenses:

"(1) Section 175b (relating to biological weapons), 842(m) or (n) (relating to plastic explosives), 930(c) if it involves murder (relating to possessing a dangerous weapon in a Federal facility), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), 1030(a)(5)(A), or 1030(a)(7) (relating to protection of computers), 1362 (relating to destruction of communication lines, stations, or systems), 1366 (relating to destruction of an energy facility), 1992 (relating to trainwrecking), 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture).

"(2) Any of the following provisions of title 49: the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3), (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved, or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by amending the item relating to section 3286 to read as follows:

"3286. Terrorism offenses.".

(c) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

SEC. 302. ALTERNATIVE MAXIMUM PENALTIES FOR TERRORISM CRIMES.

Section 3559 of title 18, United States Code, is amended by adding after subsection (d) the following:

"(e) AUTHORIZED TERMS OF IMPRISONMENT FOR TERRORISM CRIMES.—A person convicted of any Federal terrorism offense may be sentenced to imprisonment for any term of years or for life, notwithstanding any maximum term of imprisonment specified in the law describing the offense. The authorization of imprisonment under this subsection is supplementary to, and does not limit, the availability of any other penalty authorized by the law describing the offense, including the death penalty, and does not limit the applicability of any mandatory minimum term of imprisonment, including any mandatory life term, provided by the law describing the offense.".

SEC. 303. PENALTIES FOR TERRORIST CONSPIRACIES.

Chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

"§ 2332c. Attempts and conspiracies

"(a) Except as provided in subsection (c), any person who attempts or conspires to commit any Federal terrorism offense shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

"(b) Except as provided in subsection (c), any person who attempts or conspires to commit any offense described in section 25(2) shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

"(c) A death penalty may not be imposed by operation of this section."; and

(2) in the table of sections at the beginning of the chapter, by inserting after the item relating to section 2332b the following new item:

"2332c. Attempts and conspiracies.".

SEC. 304. TERRORISM CRIMES AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or (F)" and inserting "(F)"; and

(2) by striking "financial gain;" and inserting "financial gain, or (G) any act that is a Federal terrorism offense or is indictable under any of the following provisions of law: section 32 (relating to destruction of aircraft or aircraft facilities), 37(a)(1) (relating to violence at international airports), 175 (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) or (i) when it involves a bombing (relating to arson and bombing of certain property), 930(c) when it involves an attack on a Federal facility, 1114 when it involves murder (relating to protection of officers and employees of the United States), 1116 when it involves murder (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1366 (relating to destruction of an energy facility), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to trainwrecking), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against

maritime fixed platforms), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title; section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or section 46502 (relating to aircraft piracy) or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.".

SEC. 305. BIOLOGICAL WEAPONS.

Chapter 10 of title 18, United States Code, is amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking, "section, the" and inserting "section—

"(1) the";

(ii) by striking "does not include" and inserting "includes";

(iii) by inserting "other than" after "system for"; and

(iv) by striking "purposes." and inserting "purposes, and

"(2) the terms biological agent and toxin do not encompass any biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.";

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

"(b) ADDITIONAL OFFENSE.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both.";

(2) by inserting after section 175a the following:

"§ 175b. Possession by restricted persons

"(a) No restricted person described in subsection (b) shall ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in subsection (j) of section 72.6 of title 42, Code of Federal Regulations, pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and is not exempted under subsection (h) of such section 72.6, or Appendix A of part 72 of such title; except that the term select agent does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

"(b) As used in this section, the term 'restricted person' means an individual who—

"(1) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

"(2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) is an alien illegally or unlawfully in the United States;

"(6) has been adjudicated as a mental defective or has been committed to any mental institution; or

"(7) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination that remains in effect that such country has repeatedly provided support for acts of international terrorism.

"(c) As used in this section, the term 'alien' has the same meaning as that term is given in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)), and the term 'lawfully' admitted for permanent residence has the same meaning as that term is given in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

"(d) Whoever knowingly violates this section shall be fined under this title or imprisoned not more than ten years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized governmental activity under title V of the National Security Act of 1947."; and

(3) in the table of sections in the beginning of such chapter, by inserting after the item relating to section 175a the following:

"175b. Possession by restricted persons.".

SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT ADVICE OR ASSISTANCE.

Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "a violation" and all that follows through "49" and inserting "any Federal terrorism offense or any offense described in section 25(2)"; and

(B) by striking "violation," and inserting "offense,"; and

(2) in subsection (b), by inserting "expert advice or assistance," after "training,".

SEC. 307. PROHIBITION AGAINST HARBORING.

Title 18, United States Code, is amended by adding the following new section:

"§ 791. Prohibition against harboring

"Whoever harbors or conceals any person who he knows has committed, or is about to commit, an offense described in section 25(2) or this title shall be fined under this title or imprisoned not more than ten years or both. There is extraterritorial Federal jurisdiction over any violation of this section or any conspiracy or attempt to violate this section. A violation of this section or of such a conspiracy or attempt may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.".

SEC. 308. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(j) SUPERVISED RELEASE TERMS FOR TERRORISM OFFENSES.—Notwithstanding subsection (b), the authorized terms of supervised release for any Federal terrorism offense are any term of years or life.".

SEC. 309. DEFINITION.

(a) Chapter 1 of title 18, United States Code, is amended—

(1) by adding after section 24 a new section as follows:

"§ 25. Federal terrorism offense defined

"As used in this title, the term 'Federal terrorism offense' means an offense that is—

"(1) is calculated to influence or affect the conduct of government by intimidation or coercion; or to retaliate against government conduct; and

"(2) is a violation of, or an attempt or conspiracy to violate- section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175, 175b (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 792 (relating to harboring terrorists), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) or (i) (relating to arson and bombing of certain property), 930(c), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), 1030(a)(5)(A), or 1030(a)(7) (relating to protection of computers), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of an energy facility), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992, 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

"(3) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284);

"(4) section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421); or

"(5) any of the following provisions of title 49: section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3), (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved, or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49."; and

(2) in the table of sections in the beginning of such chapter, by inserting after the item relating to section 24 the following:

"25. Federal terrorism offense defined.".

(b) Section 2332b(g)(5)(B) of title 18, United States Code, is amended by striking "is a violation" and all that follows through "title 49" and inserting "is a Federal terrorism offense".

(c) Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by inserting "(or to have the effect)" after "intended"; and

(B) in clause (iii), by striking "by assassination or kidnapping" and inserting "(or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof)";

(2) in paragraph (3), by striking "and";

(3) in paragraph (4), by striking the period and inserting "; and"; and

(4) by inserting the following paragraph (4):

"(5) the term 'domestic terrorism' means activities that—

"(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; and

"(B) appear to be intended (or to have the effect)—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government (or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof).".

SEC. 310. CIVIL DAMAGES.

Section 2707(c) of title 18, United States Code, is amended by striking "$1,000" and inserting "$10,000".

Subtitle B—Criminal Procedure

SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after "executed" the following: "and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district".

SEC. 352. DNA IDENTIFICATION OF TERRORISTS.

Section 3(d)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(1)) is amended—

(1) by redesignating subparagraph (G) as subparagraph (H); and

(2) by inserting after subparagraph (F) the a new subparagraph as follows:

"(G) Any Federal terrorism offense (as defined in section 25 of title 18, United States Code).".

SEC. 353. GRAND JURY MATTERS.

Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(1) by adding at the end the following:

"(v) when permitted by a court at the request of an attorney for the government, upon a showing that the matters pertain to international or domestic terrorism (as defined in section 2331 of title 18, United States Code) or national security, to any Federal law enforcement, intelligence, national security, national defense, protective, immigration personnel, or to the President or Vice President of the United States, for the performance of official duties.";

(2) by striking "or" at the end of subdivision (iii); and

(3) by striking the period at the end of subdivision (iv) and inserting "; or".

SEC. 354. EXTRATERRITORIALITY.

Chapter 113B of title 18, United States Code, is amended—

(1) in the heading for section 2338, by striking "**Exclusive**";

(2) in section 2338, by inserting "There is extraterritorial Federal jurisdiction over any Federal terrorism offense and any offense under this chapter, in addition to any extraterritorial jurisdiction that may exist under the law defining the offense, if the person committing the offense or the victim of the offense is a national of the United States (as defined in section 101 of the Immigration and Nationality Act) or if the offense is directed at the security or interests of the United States." before "The district courts"; and

(3) in the table of sections at the beginning of such chapter, by striking "Exclusive" in the item relating to section 2338.

SEC. 355. JURISDICTION OVER CRIMES COMMITTED AT UNITED STATES FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

"(9) With respect to offenses committed by or against a United States national, as defined in section 1203(c) of this title—

"(A) the premises of United States diplomatic, consular, military, or other United States Government missions or entities in foreign states, including the buildings, parts of buildings, and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities; and

"(B) residences in foreign states and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities, except that this paragraph does not supercede any treaty or international agreement in force on the date of the enactment of this paragraph.".

SEC. 356. SPECIAL AGENT AUTHORITIES.

(a) General Authority of Special Agents.—Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) in the course of performing the functions set forth in paragraphs (1) and (3), obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses, issued under the authority of the United States;";

(2) in paragraph (3)(F) by inserting "or President-elect" after "President"; and

(3) by striking paragraph (5) and inserting the following:

"(5) in the course of performing the functions set forth in paragraphs (1) and (3), make arrests without warrant for any offense against the United States committed in the presence of the special agent, or for any felony cognizable under the laws of the United States if the special agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony.".

(b) Crimes.—Section 37 of such Act (22 U.S.C. 2709) is amended by inserting after subsection (c) the following new subsections:

"(d) Interference With Agents.—Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by this section shall be fined under title 18 or imprisoned not more than one year, or both.

"(e) Persons Under Protection of Special Agents.—Whoever engages in any conduct—

"(1) directed against an individual entitled to protection under this section, and

"(2) which would constitute a violation of section 112 or 878 of title 18, United States Code, if such individual were a foreign official, an official guest, or an internationally protected person, shall be subject to the same penalties as are provided for such conduct directed against an individual subject to protection under such section of title 18.".

TITLE IV—FINANCIAL INFRASTRUCTURE

SEC. 401. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 402. MATERIAL SUPPORT FOR TERRORISM.

Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following "A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law."; and

(2) in subsection (b), by striking "or other financial securities" and inserting "or monetary instruments or financial securities".

SEC. 403. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting after subparagraph (F) the following:

"(G) All assets, foreign or domestic—

"(i) of any person, entity, or organization engaged in planning or perpetrating any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

"(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

"(iii) derived from, involved in, or used or intended to be used to commit any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.".

SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of title IX of Public Law 106–387 shall be understood to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 405. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.

(a) Disclosure Without a Request of Information Relating to Terrorist Activities, Etc.—Paragraph (3) of section 6103(i) of the Internal Revenue Code of 1986 (relating to disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances) is amended by adding at the end the following new subparagraph:

"(C) Terrorist activities, etc.—

"(i) In general.—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(ii) DISCLOSURE TO THE DEPARTMENT OF JUSTICE.—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for, and solely for use in preparing, an application under paragraph (7)(D).

“(iii) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

“(iv) TERMINATION.—No disclosure may be made under this subparagraph after December 31, 2003.”.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Subsection (i) of section 6103 of such Code (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—

“(A) DISCLOSURE TO LAW ENFORCEMENT AGENCIES.—

“(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (iii), the Secretary may disclose return information (other than taxpayer return information) to officers and employees of any Federal law enforcement agency who are personally and directly engaged in the response to or investigation of terrorist incidents, threats, or activities.

“(ii) DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—The head of any Federal law enforcement agency may disclose return information obtained under clause (i) to officers and employees of any State or local law enforcement agency but only if such agency is part of a team with the Federal law enforcement agency in such response or investigation and such information is disclosed only to officers and employees who are personally and directly engaged in such response or investigation.

“(iii) REQUIREMENTS.—A request meets the requirements of this clause if—

“(I) the request is made by the head of any Federal law enforcement agency (or his delegate) involved in the response to or investigation of terrorist incidents, threats, or activities, and

“(II) the request sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

“(iv) LIMITATION ON USE OF INFORMATION.—Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

“(B) DISCLOSURE TO INTELLIGENCE AGENCIES.—

“(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (ii), the Secretary may disclose return information (other than taxpayer return information) to those officers and employees of the Department of Justice, the Department of the Treasury, and other Federal intelligence agencies who are personally and directly engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning terrorists and terrorist organizations and activities. For purposes of the preceding sentence, the information disclosed under the preceding sentence shall be solely for the use of such officers and employees in such investigation, collection, or analysis.

“(ii) REQUIREMENTS.—A request meets the requirements of this subparagraph if the request—

“(I) is made by an individual described in clause (iii), and

“(II) sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

“(iii) REQUESTING INDIVIDUALS.—An individual described in this subparagraph is an individual—

“(I) who is an officer or employee of the Department of Justice or the Department of the Treasury who is appointed by the President with the advice and consent of the Senate or who is the Director of the United States Secret Service, and

“(II) who is responsible for the collection and analysis of intelligence and counterintelligence information concerning terrorists and terrorist organizations and activities.

“(iv) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

“(C) DISCLOSURE UNDER EX PARTE ORDERS.—

“(i) IN GENERAL.—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under clause (ii), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal law enforcement agency or Federal intelligence agency who are personally and directly engaged in any investigation, response to, or analysis of intelligence and counterintelligence information concerning any terrorist activity or threats. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to any such terrorist activity or threat.

“(ii) APPLICATION FOR ORDER.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, or any United States attorney may authorize an application to a Federal district court judge or magistrate for the order referred to in clause (i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

“(I) there is reasonable cause to believe, based upon information believed to be reliable, that the taxpayer whose return or return information is to be disclosed may be connected to a terrorist activity or threat,

“(II) there is reasonable cause to believe that the return or return information may be relevant to a matter relating to such terrorist activity or threat, and

“(III) the return or return information is sought exclusively for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

“(D) SPECIAL RULE FOR EX PARTE DISCLOSURE BY THE IRS.—

“(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (C)(i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that the requirements of subclauses (I) and (II) of subparagraph (C)(ii) are met.

“(ii) LIMITATION ON USE OF INFORMATION.—Information disclosed under clause (i)—

“(I) may be disclosed only to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to a terrorist incident, threat, or activity, and

“(II) shall be solely for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

The head of such Federal agency may disclose such information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(E) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2003.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 6103(a)(2) of such Code is amended by inserting “any local law enforcement agency receiving information under subsection (i)(7)(A),” after “State,”.

(2) The heading of section 6103(i)(3) of such Code is amended by inserting “OR TERRORIST” after “CRIMINAL”.

(3) Paragraph (4) of section 6103(i) of such Code is amended—

(A) in subparagraph (A) by inserting “or (7)(C)” after “paragraph (1)”, and

(B) in subparagraph (B) by striking “or (3)(A)” and inserting “(3)(A) or (C), or (7)”.

(4) Paragraph (6) of section 6103(i) of such Code is amended—

(A) by striking “(3)(A)” and inserting “(3)(A) or (C), and

(B) by striking “or (7)” and inserting “(7), or (8)”.

(5) Section 6103(p)(3) of such Code is amended—

(A) in subparagraph (A) by striking “(7)(A)(ii)” and inserting “(8)(A)(ii)”, and

(B) in subparagraph (C) by striking “(i)(3)(B)(i)” and inserting “(i)(3)(B)(i) or (7)(A)(ii)”.

(6) Section 6103(p)(4) of such Code is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking “or (5),” the first place it appears and inserting “(5), or (7),”, and

(ii) by striking “(i)(3)(B)(i),” and inserting “(i)(3)(B)(i) or (7)(A)(ii),”, and

(B) in subparagraph (F)(ii) by striking “or (5),” the first place it appears and inserting “(5) or (7),”.

(7) Section 6103(p)(6)(B)(i) of such Code is amended by striking “(i)(7)(A)(ii)” and inserting “(i)(8)(A)(ii)”.

(8) Section 7213(a)(2) of such Code is amended by striking “(i)(3)(B)(i),” and inserting “(i)(3)(B)(i) or (7)(A)(ii),”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act.

SEC. 406. EXTRATERRITORIAL JURISDICTION.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

“(h) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment, and forfeiture provided in this title if—

"(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

"(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secrets, or holds within the jurisdiction of the United States, any article used to assist in the commission of the offense or the proceeds of such offense or property derived therefrom.".

TITLE V—EMERGENCY AUTHORIZATIONS

SEC. 501. OFFICE OF JUSTICE PROGRAMS.

(a) In connection with the airplane hijackings and terrorist acts (including, without limitation, any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, in the United States, amounts transferred to the Crime Victims Fund from the Executive Office of the President or funds appropriated to the President shall not be subject to any limitation on obligations from amounts deposited or available in the Fund.

(b) Section 112 of title I of section 101(b) of division A of Public Law 105–277 and section 108(a) of Appendix A of Public Law 106–113 (113 Stat. 1501A–20) are amended—

(1) after "that Office", each place it occurs, by inserting "(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)"; and

(2) by inserting "functions, including any" after "all".

(c) Section 1404B(b) of the Victim Compensation and Assistance Act is amended after "programs" by inserting ", to victim service organizations, to public agencies (including Federal, State, or local governments), and to non-governmental organizations that provide assistance to victims of crime,".

(d) Section 1 of Public Law 107–37 is amended—

(1) by inserting "(containing identification of all eligible payees of benefits under section 1201)" before "by a";

(2) by inserting "producing permanent and total disability" after "suffered a catastrophic injury"; and

(3) by striking "1201(a)" and inserting "1201".

SEC. 502. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 3059 through 3059B and inserting the following:

"§ 3059. Rewards and appropriation therefor

"(a) IN GENERAL.—Subject to subsection (b), the Attorney General may pay rewards in accordance with procedures and regulations established or issued by the Attorney General.

"(b) LIMITATIONS.— The following limitations apply with respect to awards under subsection (a):

"(1) No such reward, other than in connection with a terrorism offense or as otherwise specifically provided by law, shall exceed $2,000,000.

"(2) No such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President.

"(3) The Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and the House of Representatives not later than 30 days after the approval of a reward under paragraph (2);

"(4) Any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5) may provide the Attorney General with funds for the payment of rewards.

"(5) Neither the failure to make or authorize such a reward nor the amount of any such reward made or authorized shall be subject to judicial review.

"(c) DEFINITION.—In this section, the term 'reward' means a payment pursuant to public advertisements for assistance to the Department of Justice.".

(b) CONFORMING AMENDMENTS.——

(1) Section 3075 of title 18, United States Code, and that portion of section 3072 of title 18, United States Code, that follows the first sentence, are repealed.

((2) Public Law 101–647 is amended—

(A) in section 2565—

(i) by striking all the matter after "title," in subsection (c)(1) and inserting "the Attorney General may, in the Attorney General's discretion, pay a reward to the declaring."; and

(ii) by striking subsection (e); and

(C) by striking section 2569.

SEC. 503. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs and Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: "*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001:".

SEC. 504. DEPARTMENT OF STATE REWARD AUTHORITY.

(a) CHANGES IN REWARD AUTHORITY.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) by striking "or" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ", including by dismantling an organization in whole or significant part; or"; and

(C) by adding at the end the following new paragraph:

"(6) the identification or location of an individual who holds a leadership position in a terrorist organization.";

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) by amending subsection (e)(1) to read as follows:

"(1) AMOUNT OF AWARD.—

"(A) Except as provided in subparagraph (B), no reward paid under this section may exceed $10,000,000.

"(B) The Secretary of State may authorize the payment of an award not to exceed $25,000,000 if the Secretary determines that payment of an award exceeding the amount under subparagraph (A) is important to the national interest of the United States.".

(b) SENSE OF CONGRESS REGARDING REWARDS RELATING TO THE SEPTEMBER 11, 2001 ATTACK.—It is the sense of the Congress that the Secretary of State should use the authority of section 36 of the State Department Basic Authorities Act of 1956, as amended by subsection (a), to offer a reward of $25,000,000 for Osama bin Laden and other leaders of the September 11, 2001 attack on the United States.

TITLE VI—DAM SECURITY

SEC. 601. SECURITY OF RECLAMATION DAMS, FACILITIES, AND RESOURCES.

Section 2805(a) of the Reclamation Recreation Management Act of 1992 (16 U.S.C. 4601–33(a)) is amended by adding at the end the following:

"(3) Any person who violates any such regulation which is issued pursuant to this Act shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which such judge was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

"(4) The Secretary may—

"(A) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to maintain law and order and protect persons and property within a Reclamation project or on Reclamation lands;

"(B) authorize law enforcement personnel of any other Federal agency that has law enforcement authority, with the exception of the Department of Defense, or law enforcement personnel of any State or local government, including Indian tribes, when deemed economical and in the public interest, and with the concurrence of that agency or that State or local government, to act as law enforcement officers within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned them by the Secretary to carry out the regulations promulgated under paragraph (2);

"(C) cooperate with any State or local government, including Indian tribes, in the enforcement of the laws or ordinances of that State or local government; and

"(D) provide reimbursement to a State or local government, including Indian tribes, for expenditures incurred in connection with activities under subparagraph (B).

"(5) Officers or employees designated or authorized by the Secretary under paragraph (4) are authorized to—

"(A) carry firearms within a Reclamation project or on Reclamation lands and make arrests without warrants for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony, and if such arrests occur within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

"(B) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for an offense committed within a Reclamation project or on Reclamation lands; and

"(C) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands, if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense or concurs with such investigation.

"(6)(A) Except as otherwise provided in this paragraph, a law enforcement officer of any State or local government, including Indian tribes, designated to act as a law enforcement officer under paragraph (4) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

"(B) For purposes of chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act, a law enforcement officer of any State or local government, including Indian tribes, shall, when acting as a designated law enforcement officer under paragraph (4) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

"(C) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including Indian tribes, shall, when acting as a designated law enforcement officer under paragraph (4) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, and the provisions of that subchapter shall apply. Benefits under this subchapter shall be reduced by the amount of any entitlement to State or local workers' compensation benefits arising out of the same injury or death.

"(7) Nothing in paragraphs (3) through (9) shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including Indian tribes, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

"(8) For the purposes of this subsection, the term 'law enforcement personnel' means employees of a Federal, State, or local government agency, including an Indian tribal agency, who have successfully completed law enforcement training approved by the Secretary and are authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of their employing jurisdiction.

"(9) The law enforcement authorities provided for in this subsection may be exercised only pursuant to rules and regulations promulgated by the Secretary and approved by the Attorney General.".

TITLE VII—MISCELLANEOUS

SEC. 701. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) SECURITY REQUIREMENTS.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators.

(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 702. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) APPOINTMENT OF DEPUTY INSPECTOR GENERAL FOR CIVIL RIGHTS, CIVIL LIBERTIES, AND THE FEDERAL BUREAU OF INVESTIGATION.—The Inspector General of the Department of Justice shall appoint a Deputy Inspector General for Civil Rights, Civil Liberties, and the Federal Bureau of Investigation (hereinafter in this section referred to as the "Deputy").

(b) CIVIL RIGHTS AND CIVIL LIBERTIES REVIEW.—The Deputy shall—

(1) review information alleging abuses of civil rights, civil liberties, and racial and ethnic profiling by government employees and officials including employees and officials of the Department of Justice;

(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the Deputy; and

(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

(c) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE FEDERAL BUREAU OF INVESTIGATION.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Congress a plan for oversight of the Federal Bureau of Investigation. The Inspector General shall consider the following activities for inclusion in such plan:

(1) FINANCIAL SYSTEMS.—Auditing the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation.

(2) PROGRAMS AND PROCESSES.—Auditing and evaluating programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action.

(3) INTERNAL AFFAIRS OFFICES.—Reviewing the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility.

(4) PERSONNEL.—Investigating allegations of serious misconduct by personnel of the Federal Bureau of Investigation.

(5) OTHER PROGRAMS AND OPERATIONS.—Reviewing matters relating to any other program or and operation of the Federal Bureau of Investigation that the Inspector General determines requires review.

(6) RESOURCES.—Identifying resources needed by the Inspector General to implement such plan.

(d) REVIEW OF INVESTIGATIVE TOOLS.—Not later than August 31, 2003, the Deputy shall review the implementation, use, and operation (including the impact on civil rights and liberties) of the law enforcement and intelligence authorities contained in title I of this Act and provide a report to the President and Congress.

The SPEAKER pro tempore. In lieu of the amendment printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 is adopted.

The text of H.R. 2975, as amended pursuant to House Resolution 264, is as follows:

H.R. 3108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Uniting and Strengthening America Act" or the "USA Act of 2001".

(b) TABLE OF CONTENTS.— The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Construction; severability.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

Sec. 101. Counterterrorism fund.
Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.
Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.
Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.
Sec. 105. Expansion of National Electronic Crime Task Force Initiative.
Sec. 106. Presidential authority.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism.
Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
Sec. 203. Authority to share criminal investigative information.
Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications.
Sec. 205. Employment of translators by the Federal Bureau of Investigation.
Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978.
Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
Sec. 208. Designation of judges.
Sec. 209. Seizure of voice-mail messages pursuant to warrants.
Sec. 210. Scope of subpoenas for records of electronic communications.
Sec. 211. Clarification of scope.
Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
Sec. 213. Authority for delaying notice of the execution of a warrant.
Sec. 214. Pen register and trap and trace authority under FISA.
Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.

Sec. 217. Interception of computer trespasser communications.
Sec. 218. Foreign intelligence information.
Sec. 219. Single-jurisdiction search warrants for terrorism.
Sec. 220. Nationwide service of search warrants for electronic evidence.
Sec. 221. Trade sanctions.
Sec. 222. Assistance to law enforcement agencies.
Sec. 223. Civil liability for certain unauthorized disclosures.
Sec. 224. Sunset.

TITLE III—FINANCIAL INFRASTRUCTURE

Sec. 301. Laundering the proceeds of terrorism.
Sec. 302. Material support for terrorism.
Sec. 303. Assets of terrorist organizations.
Sec. 304. Technical clarification relating to provision of material support to terrorism.
Sec. 305. Extraterritorial jurisdiction.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

Sec. 401. Ensuring adequate personnel on the northern border.
Sec. 402. Northern border personnel.
Sec. 403. Access by the Department of State and the INS to certain identifying information in the criminal history records of visa applicants and applicants for admission to the United States.
Sec. 404. Limited authority to pay overtime.
Sec. 405. Report on the integrated automated fingerprint identification system for points of entry and overseas consular posts.

Subtitle B—Enhanced Immigration Provisions

Sec. 411. Definitions relating to terrorism.
Sec. 412. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
Sec. 413. Multilateral cooperation against terrorists.

Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

Sec. 421. Special immigrant status.
Sec. 422. Extension of filing or reentry deadlines.
Sec. 423. Humanitarian relief for certain surviving spouses and children.
Sec. 424. "Age-out" protection for children.
Sec. 425. Temporary administrative relief.
Sec. 426. Evidence of death, disability, or loss of employment.
Sec. 427. No benefits to terrorists or family members of terrorists.
Sec. 428. Definitions.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

Sec. 501. Attorney General's authority to pay rewards to combat terrorism.
Sec. 502. Secretary of State's authority to pay rewards.
Sec. 503. DNA identification of terrorists and other violent offenders.
Sec. 504. Coordination with law enforcement.
Sec. 505. Miscellaneous national security authorities.
Sec. 506. Extension of Secret Service jurisdiction.
Sec. 507. Disclosure of educational records.
Sec. 508. Disclosure of information from NCES surveys.

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

Sec. 611. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack.
Sec. 612. Technical correction with respect to expedited payments for heroic public safety officers.
Sec. 613. Public safety officers benefit program payment increase.
Sec. 614. Office of Justice programs.

Subtitle B—Amendments to the Victims of Crime Act of 1984

Sec. 621. Crime victims fund.
Sec. 622. Crime victim compensation.
Sec. 623. Crime victim assistance.
Sec. 624. Victims of terrorism.

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

Sec. 711. Expansion of regional information sharing system to facilitate Federal-State-local law enforcement response related to terrorist attacks.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

Sec. 801. Terrorist attacks and other acts of violence against mass transportation systems.
Sec. 804. Jurisdiction over crimes committed at U.S. facilities abroad.
Sec. 805. Material support for terrorism.
Sec. 806. Assets of terrorist organizations.
Sec. 807. Technical clarification relating to provision of material support to terrorism.
Sec. 808. Definition of Federal crime of terrorism.
Sec. 809. No statute of limitation for certain terrorism offenses.
Sec. 810. Alternate maximum penalties for terrorism offenses.
Sec. 811. Penalties for terrorist conspiracies.
Sec. 812. Post-release supervision of terrorists.
Sec. 813. Inclusion of acts of terrorism as racketeering activity.
Sec. 814. Deterrence and prevention of cyberterrorism.
Sec. 815. Additional defense to civil actions relating to preserving records in response to Government requests.
Sec. 816. Development and support of cybersecurity forensic capabilities.

TITLE IX—IMPROVED INTELLIGENCE

Sec. 901. Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under Foreign Intelligence Surveillance Act of 1978.
Sec. 902. Inclusion of international terrorist activities within scope of foreign intelligence under National Security Act of 1947.
Sec. 903. Sense of Congress on the establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations.
Sec. 904. Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters.
Sec. 905. Disclosure to Director of Central Intelligence of foreign intelligence-related information with respect to criminal investigations.
Sec. 906. Foreign terrorist asset tracking center.
Sec. 907. National Virtual Translation Center.
Sec. 908. Training of government officials regarding identification and use of foreign intelligence.

TITLE X—MISCELLANEOUS

Sec. 1001. Payments.
Sec. 1002. Review of the department of justice.

SEC. 2. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

SEC. 101. COUNTERTERRORISM FUND.

(a) ESTABLISHMENT; AVAILABILITY.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Counterterrorism Fund", amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) NO EFFECT ON PRIOR APPROPRIATIONS.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.

(a) FINDINGS.—Congress makes the following findings:

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, $200,000,000 for each of the fiscal years 2002, 2003, and 2004.

SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

Section 2332e of title 18, United States Code, is amended—

(1) by striking "2332c" and inserting "2332a"; and

(2) by striking "chemical".

SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

SEC. 106. PRESIDENTIAL AUTHORITY.

Section 203 of the International Emergency Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)—

(A) at the end of subparagraph (A) (flush to that subparagraph), by striking "; and" and inserting a comma and the following:

"by any person, or with respect to any property, subject to the jurisdiction of the United States;";

(B) in subparagraph (B)—

(i) by inserting ", block during the pendency of an investigation" after "investigate"; and

(ii) by striking "interest;" and inserting "interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and";

(C) by striking "by any person, or with respect to any property, subject to the jurisdiction of the United States"; and

(D) by inserting at the end the following:

"(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes."; and

(2) by inserting at the end the following:

"(c) Classified Information.—In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.".

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

SEC. 201. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565), the following new paragraph:

"(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or".

SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE OFFENSES.

Section 2516(1)(c) of title 18, United States Code, is amended by striking "and section 1341 (relating to mail fraud)," and inserting "section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),".

SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE INFORMATION.

(a) Authority to Share Grand Jury Information.—

(1) In general.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(A) in clause (iii), by striking "or" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; or"; and

(C) by inserting at the end the following:

"(v) when the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in Rule 6(e)(3)(C)(ii)), to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Within a reasonable time after such disclosure, an attorney for the government shall file under seal a notice with the court stating the fact that such information was disclosed and the departments, agencies, or entities to which the disclosure was made.

Any Federal official who receives information pursuant to clause (v) may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.".

(2) Definition.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure, as amended by paragraph (1), is amended by—

(A) inserting "(i)" after "(C)";

(B) redesignating clauses (i) through (v) as subclauses (I) through (V), respectively; and

(C) inserting at the end the following:

"(ii) In this subparagraph, the term 'foreign intelligence information' means—

"(I) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(aa) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(bb) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(cc) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(II) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(aa) the national defense or the security of the United States; or

"(bb) the conduct of the foreign affairs of the United States.".

(b) Authority To Share Electronic, Wire, and Oral Interception Information.—

(1) Law enforcement.—Section 2517 of title 18, United States Code, is amended by inserting at the end the following:

"(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.".

(2) Definition.—Section 2510 of title 18, United States Code, is amended by—

(A) in paragraph (17), by striking "and" after the semicolon;

(B) in paragraph (18), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(19) 'foreign intelligence information' means—

"(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(i) the national defense or the security of the United States; or

"(ii) the conduct of the foreign affairs of the United States.".

(c) PROCEDURES.—The Attorney General shall establish procedures for the disclosure of information pursuant to section 2517(6) and Rule 6(e)(3)(C)(i)(V) of the Federal Rules of Criminal Procedure that identifies a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(d) FOREIGN INTELLIGENCE INFORMATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(2) DEFINITION.—In this subsection, the term "foreign intelligence information" means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States.

SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS FROM LIMITATIONS ON INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking "this chapter or chapter 121" and inserting "this chapter or chapter 121 or 206 of this title"; and

(2) by striking "wire and oral" and inserting "wire, oral, and electronic".

SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) SECURITY REQUIREMENTS.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting ", or in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS WHO ARE AGENTS OF A FOREIGN POWER.

(a) DURATION .—

(1) SURVEILLANCE.—Section 105(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an order under this Act for a surveillance targeted against an agent of a foreign power, as defined in section 101(b)(1)(A) may be for the period specified in the application or for 120 days, whichever is less".

(2) PHYSICAL SEARCH.—Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by—

(A) striking "forty-five" and inserting "90";

(B) inserting "(A)" after "except that"; and

(C) inserting before the period the following: ", and (B) an order under this section for a physical search targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for the period specified in the application or for 120 days, whichever is less".

(b) EXTENSION.—

(1) IN GENERAL.—Section 105(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(2)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an extension of an order under this Act for a surveillance targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for a period not to exceed 1 year".

(2) DEFINED TERM.—Section 304(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(2) is amended by inserting after "not a United States person," the following: "or against an agent of a foreign power as defined in section 101(b)(1)(A),".

SEC. 208. DESIGNATION OF JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

(1) striking "seven district court judges" and inserting "11 district court judges"; and

(2) inserting "of whom no fewer than 3 shall reside within 20 miles of the District of Columbia" after "circuits".

SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking beginning with "and such" and all that follows through "communication"; and

(B) in paragraph (14), by inserting "wire or" after "transmission of"; and

(2) in subsections (a) and (b) of section 2703—

(A) by striking "CONTENTS OF ELECTRONIC" and inserting "CONTENTS OF WIRE OR ELECTRONIC" each place it appears;

(B) by striking "contents of an electronic" and inserting "contents of a wire or electronic" each place it appears; and

(C) by striking "any electronic" and inserting "any wire or electronic" each place it appears.

SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(2) of title 18, United States Code, as redesignated by section 212, is amended—

(1) by striking "entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber" and inserting the following: "entity the—

"(A) name;

"(B) address;

"(C) local and long distance telephone connection records, or records of session times and durations;

"(D) length of service (including start date) and types of service utilized;

"(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(F) means and source of payment (including any credit card or bank account number),

of a subscriber"; and

(2) by striking "and the types of services the subscriber or customer utilized,".

SEC. 211. CLARIFICATION OF SCOPE.

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking "or";

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by inserting at the end the following:

"(D) to a government entity as authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing cable subscriber selection of video programming from a cable operator."; and

(2) in subsection (h), by striking "A governmental entity" and inserting "Except as provided in subsection (c)(2)(D), a governmental entity".

SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) DISCLOSURE OF CONTENTS.—

(1) IN GENERAL.—Section 2702 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 2702. Voluntary disclosure of customer communications or records";

(B) in subsection (a)—

(i) in paragraph (2)(A), by striking "and" at the end;

(ii) in paragraph (2)(B), by striking the period and inserting "; and"; and

(iii) by inserting after paragraph (2) the following:

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.";

(C) in subsection (b), by striking "EXCEPTIONS.—A person or entity" and inserting "EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.— A provider described in subsection (a)";

(D) in subsection (b)(6)—

(i) in subparagraph (A)(ii), by striking "or";

(ii) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding after subparagraph (B) the following:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay."; and

(E) by inserting after subsection (b) the following:

"(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER RECORDS.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

"(1) as otherwise authorized in section 2703;

"(2) with the lawful consent of the customer or subscriber;

"(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

"(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

"(5) to any person other than a governmental entity.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

"2702. Voluntary disclosure of customer communications or records.".

(b) REQUIREMENTS FOR GOVERNMENT ACCESS.—

(1) IN GENERAL.—Section 2703 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 2703. Required disclosure of customer communications or records";

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)—

(i) by striking "(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may" and inserting "A governmental entity may require a provider of electronic communication service or remote computing service to";

(ii) by striking "covered by subsection (a) or (b) of this section) to any person other than a governmental entity.

"(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity" and inserting ")";

(iii) by redesignating subparagraph (C) as paragraph (2);

(iv) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(v) in subparagraph (D) (as redesignated) by striking the period and inserting "; or"; and

(vi) by inserting after subparagraph (D) (as redesignated) the following:

"(E) seeks information under paragraph (2)."; and

(D) in paragraph (2) (as redesignated) by striking "subparagraph (B)" and insert "paragraph (1)".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

"2703. Required disclosure of customer communications or records.".

SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXECUTION OF A WARRANT.

Section 3103a of title 18, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "In addition"; and

(2) by adding at the end the following:

"(b) DELAY.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

"(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

"(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

"(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.".

SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) APPLICATIONS AND ORDERS.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(1) in subsection (a)(1), by striking "for any investigation to gather foreign intelligence information or information concerning international terrorism" and inserting "for any investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution";

(2) by amending subsection (c)(2) to read as follows:

"(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.";

(3) by striking subsection (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

"(A) shall specify—

"(i) the identity, if known, of the person who is the subject of the investigation;

"(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

"(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order.".

(b) AUTHORIZATION DURING EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution"; and

(2) in subsection (b)(1), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution".

SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

"SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

"(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.

"(2) An investigation conducted under this section shall—

"(A) be conducted under guidelines approved by the Attorney General under Executive Order 12333 (or a successor order); and

"(B) not be conducted of a United States person solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(b) Each application under this section—

"(1) shall be made to—

"(A) a judge of the court established by section 103(a); or

"(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of that court; and

"(2) shall specify that the records concerned are sought for an authorized investigation conducted in accordance with subsection (a)(2) to protect against international terrorism or clandestine intelligence activities.

"(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section.

"(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

"(d) No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section.

"(e) A person who, in good faith, produces tangible things under an order pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.

"SEC. 502. CONGRESSIONAL OVERSIGHT.

"(a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for the production of tangible things under section 402.

"(b) On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period—

"(1) the total number of applications made for orders approving requests for the production of tangible things under section 402; and

"(2) the total number of such orders either granted, modified, or denied.".

SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) General Limitations.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting ", routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications".

(b) Issuance of Orders.—

(1) In general.—Section 3123(a) of title 18, United States Code, is amended to read as follows:

"(a) In General.—

"(1) Attorney for the government.—Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order, upon service of that order, shall apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order. Whenever such an order is served on any person or entity not specifically named in the order, upon request of such person or entity, the attorney for the Government or law enforcement or investigative officer that is serving the order shall provide written or electronic certification that the order applies to the person or entity being served.

"(2) State investigative or law enforcement officer.—Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

"(3)(A) Where the law enforcement agency implementing an ex parte order under this subsection seeks to do so by installing and using its own pen register or trap and trace device on a packet-switched data network of a provider of electronic communication service to the public, the agency shall ensure that a record will be maintained which will identify—

"(i) any officer or officers who installed the device and any officer or officers who accessed the device to obtain information from the network;

"(ii) the date and time the device was installed, the date and time the device was uninstalled, and the date, time, and duration of each time the device is accessed to obtain information;

"(iii) the configuration of the device at the time of its installation and any subsequent modification thereof; and

"(iv) any information which has been collected by the device.

To the extent that the pen register or trap and trace device can be set automatically to record this information electronically, the record shall be maintained electronically throughout the installation and use of such device.

"(B) The record maintained under subparagraph (A) shall be provided ex parte and under seal to the court which entered the ex parte order authorizing the installation and use of the device within 30 days after termination of the order (including any extensions thereof).".

(2) Contents of order.—Section 3123(b)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) Nondisclosure requirements.—Section 3123(d)(2) of title 18, United States Code, is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking ", or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) Definitions.—

(1) Court of competent jurisdiction.—Section 3127(2) of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or".

(2) Pen register.—Section 3127(3) of title 18, United States Code, is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication"; and

(B) by inserting "or process" after "device" each place it appears.

(3) Trap and trace device.—Section 3127(4) of title 18, United States Code, is amended—

(A) by striking "of an instrument" and all that follows through the semicolon and inserting "or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;"; and

(B) by inserting "or process" after "a device".

(4) Conforming amendment.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking "and"; and

(B) by inserting ", and 'contents' " after "electronic communication service".

(5) Technical amendment.—Section 3124(d) of title 18, United States Code, is amended by striking "the terms of".

SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (18), by striking "and" at the end;

(B) in paragraph (19), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

"(20) 'protected computer' has the meaning set forth in section 1030; and

"(21) 'computer trespasser'—

"(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

"(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer."; and

(2) in section 2511(2), by inserting at the end the following:

"(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if—

"(I) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

"(II) the person acting under color of law is lawfully engaged in an investigation;

"(III) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

"(IV) such interception does not acquire communications other than those transmitted to or from the computer trespasser.".

SEC. 218. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and section 303(a)(7)(B) (50 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign Intelligence Surveillance Act of 1978 are each amended by striking "the purpose" and inserting "a significant purpose".

SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after "executed" the following: "and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district".

SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking "under the Federal Rules of Criminal Procedure" every place it appears and inserting "using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation"; and

(2) in section 2711—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(3) the term 'court of competent jurisdiction' has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation.".

SEC. 221. TRADE SANCTIONS.

(a) In general.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106–387; 114 Stat. 1549A–67) is amended—

(1) by amending section 904(2)(C) to read as follows:

"(C) used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.";

(2) in section 906(a)(1)—

(A) by inserting ", the Taliban or the territory of Afghanistan controlled by the Taliban," after "Cuba"; and

(B) by inserting ", or in the territory of Afghanistan controlled by the Taliban," after "within such country"; and

(3) in section 906(a)(2), by inserting ", or to any other entity in Syria or North Korea" after "Korea".

(b) Application of the Trade Sanctions Reform and Export Enhancement Act.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall limit the application or scope of any law establishing criminal or civil penalties, including any executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order 12947 of June 25, 1995;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(3) a foreign organization, group, or person designated pursuant to Executive Order 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106–120); or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.

Nothing in this Act shall impose any additional technical obligation or requirement on a provider of a wire or electronic communication service or other person to furnish facilities or technical assistance. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for such reasonable expenditures incurred in providing such facilities or assistance.

SEC. 223. CIVIL LIABILITY FOR CERTAIN UNAUTHORIZED DISCLOSURES.

(a) Section 2520 of title 18, United States Code, is amended—

(1) in subsection (a), after "entity", by inserting ", other than the United States,";

(2) by adding at the end the following:

"(f) Administrative Discipline.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination."; and

(3) by adding a new subsection (g), as follows:

"(g) Improper Disclosure Is Violation.—Any willful disclosure or use by an investigative or law enforcement officer or governmental entity of information beyond the extent permitted by section 2517 is a violation of this chapter for purposes of section 2520(a).

(b) Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), after "entity", by inserting ", other than the United States,";

(2) by striking subsection (d) and inserting the following:

"(d) Administrative Discipline.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination."; and

(3) by adding a new subsection (g), as follows:

"(g) Improper Disclosure.—Any willful disclosure of a 'record', as that term is defined in section 552a(a) of title 5, United States Code, obtained by an investigative or law enforcement officer, or a governmental entity, pursuant to section 2703 of this title, or from a device installed pursuant to section 3123 or 3125 of this title, that is not a disclosure made in the proper performance of the official duties of the officer or governmental entity making the disclosure, is a violation of this chapter. This provision shall not apply to information previously lawfully disclosed to the public by a Federal, State, or local governmental entity.".

(c)(1) Chapter 121 of title 18, United States Code, is amended by adding at the end the following:

"§ 2712. Civil actions against the United States

"(a) In General.—Any person who is aggrieved by any violation of this chapter or of chapter 119 of this title or of sections 106(a), 305(a), or 405(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) may commence an action in United States District Court against the United States to recover money damages. In any such action, if a person who is aggrieved successfully establishes a violation of this chapter or of chapter 119 of this title or of the above specific provisions of title 50, the Court may assess as damages—

"(1) actual damages, but not less than $10,000, whichever amount is greater; and

"(2) litigation costs, reasonably incurred.

"(b) Procedures.—(1) Any action against the United States under this section may be commenced only after a claim is presented to the appropriate department or agency under the procedures of the Federal Tort Claims Act, as set forth in title 28, United States Code.

"(2) Any action against the United States under this section shall be commenced within the time period set forth in section 2401(b) of title 28, United States Code. The claim shall accrue on the date upon which the claimant first discovers the violation.

"(3) Any action under this section shall be tried to the court without a jury.

"(4) Notwithstanding any other provision of law, the procedures set forth in section 106(f), 305(g), or 405(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which materials governed by those sections may be reviewed.

"(5) An amount equal to any award against the United States under this section shall be reimbursed by the department or agency concerned to the fund described in section 1304 of title 31, United States Code, out of any appropriation, fund, or other account (excluding any part of such appropriation, fund, or account that is available for the enforcement of any Federal law) that is available for the operating expenses of the department or agency concerned.

"(c) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

"(d) EXCLUSIVE REMEDY.—Any action against the United States under this subsection shall be the exclusive remedy against the United States for any claims within the purview of this section.".

(2) The table of sections at the beginning of chapter 121 is amended to read as follows:

"2712. Civil action against the United States.".

SEC. 224. SUNSET.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title (other than sections 203(a), 203(c), 205, 208, 211, 213, 219, 221, and 222, and the amendments made by those sections) shall cease to have effect on December 31, 2004.

(b) EXCEPTIONS.—(1) If the President notifies the Congress before December 31, 2004 that it is in the national interest that these provisions remain in effect, these provisions shall remain in effect until December 31, 2006 and cease to have effect on that date.

(2) With respect to any investigation that began before the date on which these provisions cease to have effect, these provisions shall continue in effect.

TITLE III—FINANCIAL INFRASTRUCTURE

SEC. 301. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 305. EXTRATERRITORIAL JURISDICTION.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(h) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment, and forfeiture provided in this title if—

"(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

"(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secrets, or holds within the jurisdiction of the United States, any article used to assist in the commission of the offense or the proceeds of such offense or property derived therefrom.".

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

SEC. 402. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of enactment of this Act), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border; and

(4) an additional $50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting "; DATA EXCHANGE" after "SECURITY OFFICERS";

(2) by inserting "(a)" after "SEC. 105.";

(3) in subsection (a), by inserting "and border" after "internal" the second place it appears; and

(4) by adding at the end the following:

"(b)(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

"(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

"(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

"(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

"(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

"(d) For purposes of administering this section, the Department of State shall, prior to receiving access to NCIC data but not later than 4 months after the date of enactment of this subsection, promulgate final regulations—

"(1) to implement procedures for the taking of fingerprints; and

"(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

"(C) to ensure the security, confidentiality, and destruction of such information; and

"(D) to protect any privacy rights of individuals who are subjects of such information.".

(b) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) TECHNOLOGY STANDARD TO CONFIRM IDENTITY.—

(1) IN GENERAL.—The Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology (NIST), and in consultation with the Secretary of the Treasury and other Federal law enforcement and intelligence agencies the Attorney General or Secretary of State deems appropriate, shall within 2 years after the date of enactment of this section, develop and certify a technology standard that can confirm the identity of a person applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(2) INTEGRATED.—The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(3) ACCESSIBLE.—The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

(4) REPORT.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation and efficacy of the technology standard and electronic database system described in this subsection.

(d) STATUTORY CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC–III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.

SEC. 404. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs" and "Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: "*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001:".

SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR POINTS OF ENTRY AND OVERSEAS CONSULAR POSTS.

(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit by that person from the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than $2,000,000 to carry out this section.

Subtitle B—Enhanced Immigration Provisions

SEC. 411. DEFINITIONS RELATING TO TERRORISM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by amending subclause (IV) to read as follows:

"(IV) is a representative (as defined in clause (v)) of—

"(aa) a foreign terrorist organization, as designated by the Secretary of State under section 219, or

"(bb) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities,";

(ii) in subclause (V), by inserting "or" after "section 219,"; and

(iii) by adding at the end the following new subclauses:

"(VI) has used the alien's position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities, or

"(VII) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years,";

(B) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(C) in clause (i)(II), by striking "clause (iii)" and inserting "clause (iv)";

(D) by inserting after clause (i) the following:

"(ii) EXCEPTION.—Subclause (VII) of clause (i) does not apply to a spouse or child—

"(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

"(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.";

(E) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting "it had been" before "committed in the United States"; and

(ii) in subclause (V)(b), by striking "or firearm" and inserting ", firearm, or other weapon or dangerous device";

(F) by amending clause (iv) (as redesignated by subparagraph (B)) to read as follows:

"(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this chapter, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

"(II) to prepare or plan a terrorist activity;

"(III) to gather information on potential targets for terrorist activity;

"(IV) to solicit funds or other things of value for—

"(aa) a terrorist activity;

"(bb) a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;

"(V) to solicit any individual—

"(aa) to engage in conduct otherwise described in this clause;

"(bb) for membership in a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or

"(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

"(aa) for the commission of a terrorist activity;

"(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

"(cc) to a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that this clause should not apply."; and

(G) by adding at the end the following new clause:

"(vi) TERRORIST ORGANIZATION DEFINED.—As used in clause (i)(VI) and clause (iv), the term 'terrorist organization' means an organization—

"(I) designated under section 219;

"(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that it engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that it provides material support to further terrorist activity; or

"(III) that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv)."; and

(2) by adding at the end the following new subparagraph:

"(F) ASSOCIATION WITH TERRORIST ORGANIZATIONS.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.".

(b) CONFORMING AMENDMENTS.—

(1) Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended by striking "section 212(a)(3)(B)(iii)" and inserting "section 212(a)(3)(B)(iv)".

(2) Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (IV)" and inserting "(IV), or (VI)".

(c) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to—

(A) actions taken by an alien before, on, or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, sections 212(a)(3)(B) and 237(a)(4)(B) of the Immigration and Nationality Act, as amended by this Act, shall apply to all aliens in exclusion or deportation proceedings on or after the date of enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS AND ORGANIZATIONS DESIGNATED UNDER SECTION 212(a)(3)(B)(vi)(II).—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a group at any time when the group was not a terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189) or otherwise designated under section 212(a)(3)(B)(vi)(II).

(B) STATUTORY CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act or otherwise designated under section 212(a)(3)(B)(vi)(II); or

(ii) described in subclause (IV)(cc), (V)(cc), or (VI)(dd) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization described in section 212(a)(3)(B)(vi)(III).

(4) EXCEPTION.—The Secretary of State, in consultation with the Attorney General, may determine that the amendments made by this section shall not apply with respect to actions by an alien taken outside the United States before the date of enactment of this Act upon the recommendation of a consular officer who has concluded that there is not reasonable ground to believe that the alien knew or reasonably should have known that the actions would further a terrorist activity.

(c) DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.—Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)(B), by inserting "or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)), or retains the capability and intent to engage in terrorist activity or terrorism)" after "212(a)(3)(B)";

(2) in paragraph (1)(C), by inserting "or terrorism" after "terrorist activity";

(3) by amending paragraph (2)(A) to read as follows:

"(A) NOTICE.—

"(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

"(ii) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).";

(4) in paragraph (2)(B)(i), by striking "subparagraph (A)" and inserting "subparagraph (A)(ii)";

(5) in paragraph (2)(C), by striking "paragraph (2)" and inserting "paragraph (2)(A)(i)";

(6) in paragraph (3)(B), by striking "subsection (c)" and inserting "subsection (b)";

(7) in paragraph (4)(B), by inserting after the first sentence the following: "The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.";

(8) in paragraph (6)(A)—

(A) by inserting "or a redesignation made under paragraph (4)(B)" after "paragraph (1)";

(B) in clause (i)—

(i) by inserting "or redesignation" after "designation" the first place it appears; and

(ii) by striking "of the designation"; and

(C) in clause (ii), by striking "of the designation";

(9) in paragraph (6)(B)—

(A) by striking "through (4)" and inserting "and (3)"; and

(B) by inserting at the end the following new sentence: "Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.";

(10) in paragraph (7), by inserting ", or the revocation of a redesignation under paragraph (6)," after "paragraph (5) or (6)"; and

(11) in paragraph (8)—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)";

(B) by inserting "or an alien in a removal proceeding" after "criminal action"; and

(C) by inserting "or redesignation" before "as a defense".

SEC. 412. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

"MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

"SEC. 236A. (a) DETENTION OF TERRORIST ALIENS.—

"(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

"(2) RELEASE.—Except as provided in paragraphs (5) and (6), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Except as provided in paragraph (6), such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

"(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

"(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

"(B) is engaged in any other activity that endangers the national security of the United States.

"(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.

"(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

"(6) LIMITATION ON INDEFINITE DETENTION.—An alien detained under paragraph (1) who has not been removed under section 241(a)(1)(A), and whose removal is unlikely in the reasonably foreseeable future, may be detained for additional periods of up to six months if the release of the alien will not protect the national security of the United States or adequately ensure the safety of the community or any person.

"(b) HABEAS CORPUS AND JUDICIAL REVIEW.—

"(1) IN GENERAL.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3) or (a)(6)) is available exclusively in habeas corpus proceedings consistent with this subsection. Except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.

"(2) APPLICATION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, including section 2241(a) of title 28, United States Code, habeas corpus proceedings described in paragraph (1) may be initiated only by an application filed with—

"(i) the Supreme Court;

"(ii) any justice of the Supreme Court;

"(iii) any circuit judge of the United States Court of Appeals for the District of Columbia Circuit; or

"(iv) any district court otherwise having jurisdiction to entertain it.

"(B) APPLICATION TRANSFER.—Section 2241(b) of title 28, United States Code, shall apply to an application for a writ of habeas corpus described in subparagraph (A).

"(3) APPEALS.—Notwithstanding any other provision of law, including section 2253 of title 28, in habeas corpus proceedings described in paragraph (1) before a circuit or district judge, the final order shall be subject to review, on appeal, by the United States

Court of Appeals for the District of Columbia Circuit. There shall be no right of appeal in such proceedings to any other circuit court of appeals.

"(4) Rule of decision.—The law applied by the Supreme Court and the United States Court of Appeals for the District of Columbia Circuit shall be regarded as the rule of decision in habeas corpus proceedings described in paragraph (1).

"(c) Statutory Construction.—The provisions of this section shall not be applicable to any other provision of the Immigration and Nationality Act.".

(b) Clerical Amendment.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

"Sec. 236A. Mandatory detention of suspected terrorist; habeas corpus; judicial review.".

(c) Reports.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from removal;

(B) were removed;

(C) the Attorney General has determined are no longer aliens who may be so certified; or

(D) were released from detention.

SEC. 413. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) by striking "except that in the discretion of" and inserting the following: "except that—

"(1) in the discretion of"; and

(2) by adding at the end the following:

"(2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

"(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

"(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.".

Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

SEC. 421. SPECIAL IMMIGRANT STATUS.

(a) In General.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney General may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a(27)), if the alien—

(1) files with the Attorney General a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) Aliens Described.—

(1) Principal aliens.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Attorney General on or before September 11, 2001—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) Spouses and children.—

(A) In general.—An alien is described in this subsection if—

(i) the alien was, on September 10, 2001, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.

(B) Construction.—For purposes of construing the terms "accompanying" and "following to join" in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

(3) Grandparents of orphans.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a direct result of a specified terrorist activity, if either of such deceased parents was, on September 10, 2001, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) Priority Date.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Attorney General under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) Numerical Limitations.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

SEC. 422. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) Automatic Extension of Nonimmigrant Status.—

(1) In general.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on September 10, 2001, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) Aliens described.—

(A) Principal aliens.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.

(B) Spouses and children.—An alien is described in this paragraph if the alien was, on September 10, 2001, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) Authorized employment.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an "employment authorized" endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

(b) New Deadlines for Extension or Change of Nonimmigrant Status.—

(1) Filing delays.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due.

(2) Departure delays.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien is unable timely to depart the United States as a direct result of a specified terrorist activity, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on September 11, 2001, and ending on the date of the alien's departure, if such departure occurs on or before November 11, 2001.

(3) Special rule for aliens unable to return from abroad.—

(A) Principal aliens.—In the case of an alien who was in a lawful nonimmigrant status on September 10, 2001, but who was not present in the United States on such date, if the alien was prevented from returning to the United States in order to file a timely application for an extension of nonimmigrant status as a direct result of a specified terrorist activity—

(i) the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due; and

(ii) the alien's lawful nonimmigrant status shall be considered to continue until the later of—

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

(B) Spouses and children.—In the case of an alien who is the spouse or child of a principal alien described in subparagraph (A), if the spouse or child was in a lawful nonimmigrant status on September 10, 2001, the spouse or child may remain lawfully in the United States in the same nonimmigrant status until the later of—

(i) the date such lawful nonimmigrant status otherwise would have terminated if this subparagraph had not been enacted; or

(ii) the date that is 60 days after the date on which the application described in subparagraph (A) otherwise would have been due.

(4) Circumstances preventing timely action.—

(A) Filing delays.—For purposes of paragraph (1), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(B) Departure and return delays.—For purposes of paragraphs (2) and (3), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) airline flight cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(c) Diversity Immigrants.—

(1) Waiver of fiscal year limitation.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 1, 2001, and ending on April 1, 2002, if the alien establishes that the alien was prevented from using it during fiscal year 2001 as a direct result of a specified terrorist activity.

(2) Worldwide level.—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1), the alien shall be counted as a diversity immigrant for fiscal year 2001 for purposes of section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2002.

(3) Treatment of family members of certain aliens.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act if the principal alien were not deceased.

(4) Circumstances preventing timely action.—For purposes of paragraph (1), circumstances preventing an alien from using an immigrant visa number during fiscal year 2001 are—

(A) office closures;

(B) mail or courier service cessations or delays;

(C) airline flight cessations or delays; and

(D) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(d) Extension of Expiration of Immigrant Visas.—

(1) In general.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before December 31, 2001, if the alien was unable to effect entry into the United States as a direct result of a specified terrorist activity, then the period of validity of the visa is extended until December 31, 2001, unless a longer period of validity is otherwise provided under this subtitle.

(2) Circumstances preventing entry.—For purposes of this subsection, circumstances preventing an alien from effecting entry into the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(e) Grants of Parole Extended.—

(1) In general.—In the case of any parole granted by the Attorney General under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after September 11, 2001, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date as a direct result of a specified terrorist activity, the parole is deemed extended for an additional 90 days.

(2) Circumstances preventing return.—For purposes of this subsection, circumstances preventing an alien from timely returning to the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(f) Voluntary Departure.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on September 11, 2001, and ending on October 11, 2001, such voluntary departure period is deemed extended for an additional 30 days.

SEC. 423. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) Treatment as Immediate Relatives.—

(1) Spouses.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) Children.—

(A) In general.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) Petitions.—An alien described in subparagraph (A) may file a petition with the Attorney General for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) Spouses, Children, Unmarried Sons and Daughters of Lawful Permanent Resident Aliens.—

(1) In general.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before September 11, 2001, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) Self-petitions.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Attorney General, if the spouse, child, son, or daughter was present in the United States on September 11, 2001. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) Applications for Adjustment of Status by Surviving Spouses and Children of Employment-Based Immigrants.—

(1) In general.—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) Waiver of Public Charge Grounds.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 424. "AGE-OUT" PROTECTION FOR CHILDREN.

For purposes of the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), in the case of an alien—

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien's 21st birthday for purposes of adjudicating such petition or application; and

(2) whose 21st birthday occurs after September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 45 days after the alien's 21st birthday for purposes of adjudicating such petition or application.

SEC. 425. TEMPORARY ADMINISTRATIVE RELIEF.

The Attorney General, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on September 10, 2001;

(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a direct result of a specified terrorist activity; and

(3) is not otherwise entitled to relief under any other provision of this subtitle.

SEC. 426. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) In General.—The Attorney General shall establish appropriate standards for evidence demonstrating, for purposes of this subtitle, that any of the following occurred as a direct result of a specified terrorist activity:

(1) Death.

(2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) Waiver of Regulations.—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

SEC. 427. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.

Notwithstanding any other provision of this subtitle, nothing in this subtitle shall be construed to provide any benefit or relief to—

(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

SEC. 428. DEFINITIONS.

(a) Application of Immigration and Nationality Act Provisions.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this subtitle.

(b) Specified Terrorist Activity.—For purposes of this subtitle, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

SEC. 501. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS TO COMBAT TERRORISM.

(a) Payment of Rewards To Combat Terrorism.—Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.

(b) Conditions.—In making rewards under this section—

(1) no such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless that law expressly refers to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

SEC. 502. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.

Section 36 of the State Department Basic Authorities Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting ", including by dismantling an organization in whole or significant part; or"; and

(C) by adding at the end the following:

"(6) the identification or location of an individual who holds a key leadership position in a terrorist organization.";

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) in subsection (e)(1), by inserting ", except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts." after "$5,000,000".

SEC. 503. DNA IDENTIFICATION OF TERRORISTS AND OTHER VIOLENT OFFENDERS.

Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended to read as follows:

"(2) In addition to the offenses described in paragraph (1), the following offenses shall be treated for purposes of this section as qualifying Federal offenses, as determined by the Attorney General:

"(A) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

"(B) Any crime of violence (as defined in section 16 of title 18, United States Code).

"(C) Any attempt or conspiracy to commit any of the above offenses.".

SEC. 504. COORDINATION WITH LAW ENFORCEMENT.

(a) Information Acquired From an Electronic Surveillance.—Section 106 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806), is amended by adding at the end the following:

"(k)(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 104(a)(7)(B) or the entry of an order under section 105.".

(b) Information Acquired From a Physical Search.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by adding at the end the following:

"(k)(1) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 303(a)(7) or the entry of an order under section 304.".

SEC. 505. MISCELLANEOUS NATIONAL SECURITY AUTHORITIES.

(a) Telephone Toll and Transactional Records.—Section 2709(b) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "Assistant Director";

(2) in paragraph (1)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States; and"; and

(3) in paragraph (2)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(b) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee"; and

(2) by striking "sought" and all that follows and inserting "sought for foreign counter intelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(c) CONSUMER REPORTS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing, that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.";

(2) in subsection (b)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States."; and

(3) in subsection (c)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee of the Director"; and

(B) by striking "in camera that" and all that follows through "States." and inserting the following: "in camera that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

SEC. 506. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) CONCURRENT JURISDICTION UNDER 18 U.S.C. 1030.—Section 1030(d) of title 18, United States Code, is amended to read as follows:

"(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

"(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

"(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.".

(b) REAUTHORIZATION OF JURISDICTION UNDER 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking "credit and debit card frauds, and false identification documents or devices" and inserting "access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution".

SEC. 507. DISCLOSURE OF EDUCATIONAL RECORDS.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection (j) to read as follows:

"(j) INVESTIGATION AND PROSECUTION OF TERRORISM.—

"(1) IN GENERAL.—Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to—

"(A) collect education records in the possession of the educational agency or institution that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18 United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) APPLICATION AND APPROVAL.—

"(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the education records are likely to contain information described in paragraph (1)(A).

"(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

"(3) PROTECTION OF EDUCATIONAL AGENCY OR INSTITUTION.—An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

"(4) RECORD-KEEPING.—Subsection (b)(4) does not apply to education records subject to a court order under this subsection.".

SEC. 508. DISCLOSURE OF INFORMATION FROM NCES SURVEYS.

Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007), is amended by adding after subsection (b) a new subsection (c) to read as follows:

"(c) INVESTIGATION AND PROSECUTION OF TERRORISM.—

"(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

"(A) collect reports, records, and information (including individually identifiable information) in the possession of the center that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such information, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) APPLICATION AND APPROVAL.—

"(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

"(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

"(3) PROTECTION.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.".

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

SEC. 611. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) IN GENERAL.—Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) DEFINITIONS.—For purposes of this section, the terms "catastrophic injury", "public agency", and "public safety officer" have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by—

(1) inserting before "by a" the following: "(containing identification of all eligible payees of benefits pursuant to section 1201)";

(2) inserting "producing permanent and total disability" after "suffered a catastrophic injury"; and

(3) striking "1201(a)" and inserting "1201".

SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM PAYMENT INCREASE.

(a) PAYMENTS.—Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking "$100,000" and inserting "$250,000".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

SEC. 614. OFFICE OF JUSTICE PROGRAMS.

Section 112 of title I of section 101(b) of division A of Public Law 105-277 and section 108(a) of appendix A of Public Law 106-113 (113 Stat. 1501A-20) are amended—

(1) after "that Office", each place it occurs, by inserting "(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90-351)"; and

(2) by inserting "functions, including any" after "all".

Subtitle B—Amendments to the Victims of Crime Act of 1984

SEC. 621. CRIME VICTIMS FUND.

(a) DEPOSIT OF GIFTS IN THE FUND.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) any gifts, bequests, or donations to the Fund from private entities or individuals.".

(b) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

"(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

"(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

"(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.".

(c) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking "deposited in" and inserting "to be distributed from";

(2) in subparagraph (A), by striking "48.5" and inserting "47.5";

(3) in subparagraph (B), by striking "48.5" and inserting "47.5"; and

(4) in subparagraph (C), by striking "3" and inserting "5".

(d) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

"(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts transferred to the Fund for use in responding to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

"(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

"(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.".

(e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. 622. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by inserting "in fiscal year 2002 and of 60 percent in subsequent fiscal years" after "40 percent".

(b) LOCATION OF COMPENSABLE CRIME.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or".

(c) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

"(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law (other than title IV of Public Law 107-42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.".

(d) DEFINITIONS OF "COMPENSABLE CRIME" AND "STATE".—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking "crimes involving terrorism,"; and

(2) in paragraph (4), by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

(e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COMPENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM COMPENSATION FUND.—

(1) IN GENERAL.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting "including the program established under title IV of Public Law 107-42," after "Federal program,".

(2) COMPENSATION.—With respect to any compensation payable under title IV of Public Law 107-42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107-42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

SEC. 623. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).".

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.".

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ", program evaluation, compliance efforts," after "demonstration projects".

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking "not more than" and inserting "not less than"; and

(2) in subparagraph (B), by striking "not less than" and inserting "not more than".

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) use funds made available to the Director under this subsection—

"(i) for fellowships and clinical internships; and

"(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.".

SEC. 624. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

"(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.".

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking "who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: "The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

SEC. 711. EXPANSION OF REGIONAL INFORMATION SHARING SYSTEM TO FACILITATE FEDERAL-STATE-LOCAL LAW ENFORCEMENT RESPONSE RELATED TO TERRORIST ATTACKS.

Section 1301 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) is amended—

(1) in subsection (a), by inserting "and terrorist conspiracies and activities" after "activities";

(2) in subsection (b)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following:

"(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and (5)"; and

(3) by inserting at the end the following:

"(d) AUTHORIZATION OF APPROPRIATION TO THE BUREAU OF JUSTICE ASSISTANCE.—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section $50,000,000 for fiscal year 2002 and $100,000,000 for fiscal year 2003.".

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end the following:

"§ 1993. Terrorist attacks and other acts of violence against mass transportation systems

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

"(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

"(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) in a circumstance in which—

"(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

"(2) the offense has resulted in the death of any person,

shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

"(c) DEFINITIONS.—In this section—

"(1) the term 'biological agent' has the meaning given to that term in section 178(1) of this title;

"(2) the term 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4) of this title;

"(4) the term 'destructive substance' has the meaning given to that term in section 31 of this title;

"(5) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) the term 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

"(7) the term 'State' has the meaning given to that term in section 2266 of this title; and

"(8) the term 'toxin' has the meaning given to that term in section 178(2) of this title.".

(f) CONFORMING AMENDMENT.—The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

"1993. Terrorist attacks and other acts of violence against mass transportation systems.".

SEC. 802. DEFINITION OF DOMESTIC TERRORISM.

(a) DOMESTIC TERRORISM DEFINED.—Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(iii), by striking "by assassination or kidnapping" and inserting "by mass destruction, assassination, or kidnapping";

(2) in paragraph (3), by striking "and";

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(5) the term 'domestic terrorism' means activities that—

"(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

"(C) occur primarily within the territorial jurisdiction of the United States.".

(b) CONFORMING AMENDMENT.—Section 3077(1) of title 18, United States Code, is amended to read as follows:

"(1) 'act of terrorism' means an act of domestic or international terrorism as defined in section 2331;".

SEC. 803. PROHIBITION AGAINST HARBORING TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2338 the following new section:

"§ 2339. Harboring or concealing terrorists

"(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.".

"(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

"2339. Harboring or concealing terrorists.".

SEC. 804. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

"(9) With respect to offenses committed by or against a United States national, as defined in section 1203(c) of this title—

"(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

"(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 3261(a) of this title.".

SEC. 805. MATERIAL SUPPORT FOR TERRORISM.

(a) IN GENERAL.—Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ", within the United States,";

(B) by inserting "229," after "175,";

(C) by inserting "1993," after "1992,";

(D) by inserting ", section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284)," after "of this title";

(E) by inserting "or 60123(b)" after "46502"; and

(F) by inserting at the end the following: "A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law."; and

(2) in subsection (b)—

(A) by striking "or other financial securities" and inserting "or monetary instruments or financial securities"; and

(B) by inserting "expert advice or assistance," after "training,".

(b) TECHNICAL AMENDMENT.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 806. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting at the end the following:

"(G) All assets, foreign or domestic—

"(i) of any individual, entity, or organization engaged in planning or perpetrating any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

"(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

"(iii) derived from, involved in, or used or intended to be used to commit any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.".

SEC. 807. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106-387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 808. DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b of title 18, United States Code, is amended—

(1) in subsection (f), by inserting after "terrorism" the following: "and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title," before "and the Secretary"; and

(2) in subsection (g)(5)(B), by striking clauses (i) through (iii) and inserting the following:

"(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 229 (relating to chemical weapons), subsection (a), (b), (c), or (d) of section 351 (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) (2) through (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim persons abroad), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751 (a) through (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems), 2155 (relating to destruction of national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

"(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

"(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.".

SEC. 809. NO STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.

(a) In General.—Section 3286 of title 18, United States Code, is amended to read as follows:

"§3286. Extension of statute of limitation for certain terrorism offenses.

"(a) Eight-Year Limitation.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B), or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed. Notwithstanding the preceding sentence, offenses listed in section 3295 are subject to the statute of limitations set forth in that section.

"(b) No Limitation.—Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a forseeable risk of, death or serious bodily injury to another person.".

(b) Application.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

SEC. 810. ALTERNATE MAXIMUM PENALTIES FOR TERRORISM OFFENSES.

(a) Arson.—Section 81 of title 18, United States Code, is amended in the second undesignated paragraph by striking "not more than twenty years" and inserting "for any term of years or for life".

(b) Destruction of an Energy Facility.—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "ten" and inserting "20"; and

(2) by adding at the end the following:

"(d) Whoever is convicted of a violation of subsection (a) or (b) that has resulted in the death of any person shall be subject to imprisonment for any term of years or life.".

(c) Material Support to Terrorists.—Section 2339A(a) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(d) Material Support to Designated Foreign Terrorist Organizations.—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period after "or both" and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(e) Destruction of National-Defense Materials.—Section 2155(a) of title 18, United States Code, is amended—

(1) by striking "ten" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(f) Sabotage of Nuclear Facilities or Fuel.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) by striking "ten" each place it appears and inserting "20";

(2) in subsection (a), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life."; and

(3) in subsection (b), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(g) Special Aircraft Jurisdiction of the United States.—Section 46505(c) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(h) Damaging or Destroying an Interstate Gas or Hazardous Liquid Pipeline Facility.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

SEC. 811. PENALTIES FOR TERRORIST CONSPIRACIES.

(a) Arson.—Section 81 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking ", or attempts to set fire to or burn"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be imprisoned".

(b) Killings in Federal Facilities.—Section 930(c) of title 18, United States Code, is amended—

(1) by striking "or attempts to kill";

(2) by inserting "or attempts or conspires to do such an act," before "shall be punished"; and

(3) by striking "and 1113" and inserting "1113, and 1117".

(c) Communications Lines, Stations, or Systems.—Section 1362 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking "or attempts willfully or maliciously to injure or destroy"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(d) Buildings or Property Within Special Maritime and Territorial Jurisdiction.—Section 1363 of title 18, United States Code, is amended—

(1) by striking "or attempts to destroy or injure"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined" the first place it appears.

(e) Wrecking Trains.—Section 1992 of title 18, United States Code, is amended by adding at the end the following:

"(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(f) Material Support to Terrorists.—Section 2339A of title 18, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(g) Torture.—Section 2340A of title 18, United States Code, is amended by adding at the end the following:

"(c) Conspiracy.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(h) Sabotage of Nuclear Facilities or Fuel.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking ", or who intentionally and willfully attempts to destroy or cause physical damage to";

(B) in paragraph (4), by striking the period at the end and inserting a comma; and

(C) by inserting "or attempts or conspires to do such an act," before "shall be fined"; and

(2) in subsection (b)—

(A) by striking "or attempts to cause"; and

(B) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(i) Interference With Flight Crew Members and Attendants.—Section 46504 of title 49, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(j) Special Aircraft Jurisdiction of the United States.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

"(e) Conspiracy.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.".

(k) Damaging or Destroying an Interstate Gas or Hazardous Liquid Pipeline Facility.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking ", or attempting to damage or destroy,"; and

(2) by inserting ", or attempting or conspiring to do such an act," before "shall be fined".

SEC. 812. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(j) Supervised Release Terms for Terrorism Predicates.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, is any term of years or life.".

SEC. 813. INCLUSION OF ACTS OF TERRORISM AS RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or (F)" and inserting "(F)"; and

(2) by inserting before the semicolon at the end the following: ", or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B)".

SEC. 814. DETERRENCE AND PREVENTION OF CYBERTERRORISM.

(a) Clarification of Protection of Protected Computers.—Section 1030(a)(5) of title 18, United States Code, is amended—

(1) by inserting "(i)" after (A)";

(2) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(3) by adding "and" at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following:

"(B) caused (or, in the case of an attempted offense, would, if completed, have caused) conduct described in in clause (i), (ii), or (iii) of subparagraph (A) that resulted in—

"(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

"(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(iii) physical injury to any person;

"(iv) a threat to public health or safety; or

"(v) damage affecting a computer system used by or for a Government entity in furtherance of the administration of justice, national defense, or national security;".

(b) PENALTIES.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) —

(i) by inserting "except as provided in subparagraph (B)," before "a fine";

(ii) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(iii) by striking "and' at the end;

(B) in subparagraph (B), by inserting "or an attempt to commit an offense punishable under this subparagraph," after "subsection (a)(2)," in the matter preceding clause (i); and

(C) in subparagraph (C), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking ", (a)(5)(A), (a)(5)(B)," both places it appears; and

(B) by striking "and" at the end; and

(3) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(4) by adding at the end the following new paragraphs:

"(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under that subsection;

"(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under that subsection;

"(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under either subsection, that occurs after a conviction for another offense under this section.".

(c) DEFINITIONS.—Subsection (e) of section 1030 of title 18, United States Code is amended—

(1) in paragraph (2)(B), by inserting ", including a computer located outside the United States" before the semicolon;

(2) in paragraph (7), by striking "and" at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

"(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;";

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

"(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

"(11) the term 'loss' includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;

"(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity;".

(d) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of section 1030 of title 18, United States Code is amended—

(1) by striking the second sentence and inserting the following new sentences: "A suit for a violation of subsection (a)(5) may be brought only if the conduct involves one of the factors enumerated in subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages."; and

(2) by adding at the end the following: "No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.".

(e) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030 of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 815. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after "or statutory authorization" the following: "(including a request of a governmental entity under section 2703(f) of this title)".

SEC. 816. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) IN GENERAL.—The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in order that all such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year $50,000,000 for purposes of carrying out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

TITLE IX—IMPROVED INTELLIGENCE

SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or executive order;".

SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST ACTIVITIES WITHIN SCOPE OF FOREIGN INTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by inserting before the period the following: ", or international terrorist activities"; and

(2) in paragraph (3), by striking "and activities conducted" and inserting ", and activities conducted,".

SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS.

It is the sense of Congress that officers and employees of the intelligence community of the Federal Government, acting within the course of their official duties, should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intelligence activities, including the acquisition of information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or information on any other person, entity, or group (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.

SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

(b) COVERED INTELLIGENCE REPORT.—Except as provided in subsection (c), for purposes of subsection (a), a covered intelligence report is as follows:

(1) Any report on intelligence or intelligence-related activities of the United States Government that is required to be submitted to Congress by an element of the intelligence community during the effective period of this section.

(2) Any report or other matter that is required to be submitted to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives by the Department of Defense or the Department of Justice during the effective period of this section.

(c) EXCEPTION FOR CERTAIN REPORTS.—For purposes of subsection (a), any report required by section 502 or 503 of the National Security Act of 1947 (50 U.S.C. 413a, 413b) is not a covered intelligence report.

(d) NOTICE TO CONGRESS.—Upon deferring the date of submittal to Congress of a covered intelligence report under subsection (a), the official deferring the date of submittal of the covered intelligence report shall submit to Congress notice of the deferral. Notice of deferral of a report shall specify the provision of law, if any, under which the report would otherwise be submitted to Congress.

(e) EXTENSION OF DEFERRAL.—(1) Each official specified in subsection (a) may defer the date of submittal to Congress of a covered intelligence report under the jurisdiction of such official to a date after February 1, 2002, if such official submits to the committees of Congress specified in subsection (b)(2) before February 1, 2002, a certification that preparation and submittal of the covered intelligence report on February 1, 2002, will impede the work of officers or employees who are engaged in counterterrorism activities.

(2) A certification under paragraph (1) with respect to a covered intelligence report shall specify the date on which the covered intelligence report will be submitted to Congress.

(f) EFFECTIVE PERIOD.—The effective period of this section is the period beginning on the date of the enactment of this Act and ending on February 1, 2002.

(g) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:

"DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES

"SEC. 105B. (a) DISCLOSURE OF FOREIGN INTELLIGENCE.—(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

"(2) The Attorney General by regulation and in consultation with the Director of Central Intelligence may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

"(b) PROCEDURES FOR NOTICE OF CRIMINAL INVESTIGATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General, in consultation with the Director of Central Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director of Central Intelligence, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

"(c) PROCEDURES.—The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) and the provision of notice with respect to criminal investigations under subsection (b).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:

"Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.

"Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency.".

SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) REPORT ON RECONFIGURATION.—Not later than February 1, 2002, the Attorney General, the Director of Central Intelligence, and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Terrorist Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) REPORT REQUIREMENTS.—(1) In preparing the report under subsection (a), the Attorney General, the Secretary, and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Attorney General, Secretary, and the Director determine that it is feasible and desirable to undertake the reconfiguration described in subsection (a) in order to establish the capability described in that subsection, the Attorney General, the Secretary, and the Director shall include with the report under that subsection a detailed proposal for legislation to achieve the reconfiguration.

SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) REPORT ON ESTABLISHMENT.—(1) Not later than February 1, 2002, the Director of Central Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the appropriate committees of Congress a report on the establishment and maintenance within the intelligence community of an element for purposes of providing timely and accurate translations of foreign intelligence for all other elements of the intelligence community. In the report, the element shall be referred to as the "National Virtual Translation Center".

(2) The report on the element described in paragraph (1) shall discuss the use of state-of-the-art communications technology, the integration of existing translation capabilities in the intelligence community, and the utilization of remote-connection capacities so as to minimize the need for a central physical facility for the element.

(b) RESOURCES.—The report on the element required by subsection (a) shall address the following:

(1) The assignment to the element of a staff of individuals possessing a broad range of linguistic and translation skills appropriate for the purposes of the element.

(2) The provision to the element of communications capabilities and systems that are commensurate with the most current and sophisticated communications capabilities and systems available to other elements of intelligence community.

(3) The assurance, to the maximum extent practicable, that the communications capabilities and systems provided to the element will be compatible with communications capabilities and systems utilized by the Federal Bureau of Investigation in securing timely and accurate translations of foreign language materials for law enforcement investigations.

(4) The development of a communications infrastructure to ensure the efficient and secure use of the translation capabilities of the element.

(c) SECURE COMMUNICATIONS.—The report shall include a discussion of the creation of secure electronic communications between the element described by subsection (a) and the other elements of the intelligence community.

(d) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE.—The term "foreign intelligence" has the meaning given that term in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.

(a) PROGRAM REQUIRED.—The Attorney General shall, in consultation with the Director of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

(1) identifying foreign intelligence information in the course of their duties; and

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.

(b) OFFICIALS.—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:

(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Justice such sums as may be necessary for purposes of carrying out the program required by subsection (a).

TITLE X—MISCELLANEOUS

SEC. 1001. REVIEW OF THE DEPARTMENT OF JUSTICE.

The Inspector General of the Department of Justice shall designate one official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;

(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and

(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes of debate on the bill, as amended.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 2975, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, on September 11, 2001, a war was started on United States soil. It was not a war we voluntarily entered. It was not a war we started. We were not given a choice. We were dragged into a war that day, a war on terrorism.

Every day since September 11, we are reminded of these violent acts. The media reminds us daily with pictures of the missing, interviews with survivors, films of the many memorial services, and images of the massive destruction. We are constantly reminded that this is a war that is far from over. The rules of this war are vastly different from the wars that we have fought as a country in the past. We are uncertain who the enemy is. We are uncertain where the enemy is. We are more uncertain than ever before when and what the next move of the enemy will be.

Because of this uncertainty, we have had to change the way that we think about the safety and security of our country and its people. We must develop new weapons for protection against this new kind of war.

It is this new approach to safety and security that has required us to take action today. This bipartisan legislation will give law enforcement new weapons to fight this new kind of war. Terrorists have weapons that law enforcement cannot protect against right now. Technology has made extraordinary advances; but with these advances in the wrong hands, we are more vulnerable to attacks.

Indeed, it cannot be denied that law enforcement tools created decades ago were crafted for rotary telephones, not e-mail, the Internet, mobile communications, and voice mail. Thus, this legislation, like the previous Committee on the Judiciary version and Senate 1510, modernizes surveillance capabilities by ensuring that pen register and trap and trace court orders apply to new technologies, such as the Internet, and can be executed in multiple jurisdictions anywhere in the United States.

Criminal provisions dealing with stored electronic communications will be updated to allow law enforcement to seize stored voice-mail messages the same way they can seize a taped answering machine message. Additionally, under this bill, a court may authorize a pen register or trap/trace order that follows the person from cell phone to cell phone rather than requiring law enforcement to return to court every time the person switches cell phones. The bill, consistent with our constitutional system of government, still requires a judge to approve wiretaps, search warrants, pen registers, and trap/trace devices.

Like the Committee on the Judiciary reported bill, this new bill continues to provide for nationwide service of warrants for electronic evidence, such as content of e-mails, and search warrants for terrorism. Current rules require that a search warrant be issued from the judicial district in which the property to be searched is located. The bill would change this to permit the prosecutor to go to the judge in the district overseeing the investigation to issue the warrant, and in the case for search warrants for terrorism offenses, in any district in which activities related to terrorism occurred. This will save valuable time.

It is clearly within the public interest and the Federal Government's mandate to keep out of the United States persons who are intent on inciting or engaging in terrorist activities. This bill furthers that goal by expanding the definitions related to terrorist organizations. Under current law, unless otherwise specified, an alien is inadmissible and deportable for engaging in terrorist activities only when the alien has used explosives or firearms. This act eliminates that limitation so that any terrorist who has used any object, including a knife, a box-cutter, or an airplane, would be inadmissable and deportable.

Under the current regulatory regime, the INS can detain an alien for 48 hours before making a decision as to charging the alien with a crime or removable offense. The INS uses this time to establish an alien's true identity, to check foreign and domestic databases for information about the alien, and to liaise with law enforcement agencies.

This act extends that time period to 7 days so that the INS is not forced to release a terrorist simply because it has not had adequate time to do a thorough investigation.

The substantive criminal law statutes are also toughened in order to treat crimes of terrorism with the same level of importance as the most serious crimes in our country. Some of these new provisions include no statutes of limitations for the most serious crimes of terrorism, allowing a judge to sentence a terrorist to prison for any number of years up to life for any offense that is defined as a "Federal terrorism offense," and subjecting persons convicted of conspiracy to commit terrorism to the same penalties as those who actually commit the offense. Any person convicted of a terrorism offense will now be under supervision for as long as the court determines is necessary, including up to life.

The act also expands the definition of support for terrorism for which a person can be prosecuted to include providing expert advice to terrorists and harboring or concealing a suspected terrorist.

This new bill also continues the compromise language between current law and the administration's initial proposal for the showing needed for FISA, the Foreign Intelligence Surveillance Act, investigations using wiretaps. Current FISA law requires that in order to obtain a FISA wiretap, the Attorney General must certify that the gathering of foreign intelligence is the purpose or a primary purpose of the investigation.

The administration draft wanted to change this to only require a certification that it was a purpose. This bill requires the Attorney General must certify that it is a significant purpose.

Furthermore, this bill, like the Committee on the Judiciary reported bill, provides for roving wiretaps for FISA investigations. Currently under FISA, the government must identify and get a separate order for each phone to be tapped. This provision allows the government to make a showing to a court that the target is changing phones to thwart the tap, and to allow the court to authorize taps of any phones which the target may use. This provision is consistent with current criminal law.

Importantly, the bill does not do anything to take away the freedoms of innocent citizens. Of course we all recognize that the fourth amendment to the Constitution prevents the government from conducting unreasonable searches and seizures, and that is why this legislation does not change the United States Constitution or the rights guaranteed to citizens of this country under the Bill of Rights.

We should keep in mind that the Preamble to the Constitution states that it was ordained to establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and to secure the blessings of liberty.

Well, let me say, on September 11, our common defense was penetrated, and America's tranquility, welfare, and liberty were ruthlessly attacked. I urge the Members of this body to stand united together in recognition of the important purpose we must serve in preventing terrorist attacks in the future and prosecuting those who have already attacked us.

Mr. Speaker, I would like to say a little bit about the road this legislation has traveled on the way to the floor today. The road was relatively short, but certainly not without its twists and turns. Along the way, the legislation has been the subject of intense negotiation between House Republicans and Democrats, the administration, Members from the other body, and our leaders here in the House. After a 36 to nothing markup in the House Committee on the Judiciary last week and the introduction of a bipartisan antiterrorism bill in the other body, we were faced with trying to reconcile two different bipartisan bills, one of which garnered stronger support by the administration.

However, our goal remains clear, to quickly come to agreement on legislation that will provide our law enforcement and intelligence officials with new tools necessary to more effectively battle terrorism and other crimes.

□ 1430

The bill before us now makes several changes to the bill passed by the other body last night, although most core provisions are very similar or are identical to the bill reported by the Committee on the Judiciary last week. Indeed, S. 1510 incorporated many of our committee's provisions. Most importantly, this bill preserves a sunset over many provisions of the bill. It is longer than the 2-year sunset contained in the bill passed by the Committee on the Judiciary; but, nonetheless, I believe it does the trick. It should keep the Department of Justice in line while providing Congress the opportunity to conduct effective oversight over the implementation and use of these new law enforcement authorities.

Mr. Speaker, this has not been the ideal process, and the legislation before us now does not represent a perfect compromise. However, the work of the House Committee on the Judiciary over the past 3 weeks has greatly improved upon the original Justice Department proposal. I believe it now responsibly addresses many of the shortcomings of the current law and improves law enforcement's ability to prevent future terrorism activities and the preliminary crimes which further such activities while preserving the civil rights of our citizens.

I urge my colleagues to support this bipartisan effort.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. NETHERCUTT). Without objection, the gentleman from Michigan (Mr. CONYERS) is recognized to control the time.

There was no objection.

Mr. CONYERS. Mr. Speaker, I am pleased to begin our discussion by yielding 3 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, like every American citizen, the emotions that we as Members of Congress and I personally have gone through over the last 31 days since September 11 have spanned the whole course.

As I saw the buildings crash in New York, I wondered whether the terrorists would prevail, only to see the firefighters and police officers and rescue workers spring to their work, lift their shoulders, observe my colleagues on the steps of the House of Representatives that evening singing "God Bless America" and raise my head and say, we will prevail over them.

When I heard the Attorney General come and say we had to pass an antiterrorism bill in 2 days following that, I wondered whether the terrorists would prevail. And the admiration that I had for our committee chairman, the gentleman from Wisconsin, and the ranking member of our committee as they stood and said, we cannot do this in the heat of passion, we must honor the constitutional requirements, caused me to raise my head and say, we will prevail.

When I saw the incidents around the country of attacks on Arabs and Muslim mosques, I wondered whether the terrorists would succeed. And with pride I saw my President spring and say, "We cannot tolerate this kind of attack on our people," and I raised my head with pride.

On the floor of this House, I saw Secretary Colin Powell and Secretary Rumsfeld come and brief us and say that we are approaching this methodically; and I raised my head with pride and said, we will prevail.

Today, we have another test in this House to determine whether we will stand strong in support of our constitutional rights and be able at the end of this debate to raise our heads with pride and not to cower to the terrorists and give away the constitutional rights that our Founding Fathers have given to us.

This bill in my estimation goes too far in giving away those rights. I ask my colleagues to consider carefully the provisions of this bill and its implications for whether we prevail in our fight against terrorism.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding time.

Mr. Speaker, as chairman of the Subcommittee on Crime, I support this legislation.

Security is valued, yet it is often unappreciated until taken away. What happened on September 11, 2001, has made us feel like we lost our sense of security. It doesn't have to be that way.

We are united like never before, resolved to defeat terrorism and protect American lives. We seek a return to "normal," although the word normal takes on a new meaning now. Law enforcement officials need all the necessary tools to confront the daunting tasks ahead. The administration initially offered a strong antiterrorism bill that would have helped bring terrorists to justice. The Attorney General asked for measures he believed would reduce the threat of terrorist attacks. Unfortunately, some in the administration disregarded the public mandate for increased safety and agreed to weaken the bill.

However, the legislation does make improvements in current law.

Intelligence Gathering—The bill expands law enforcement's ability to obtain wiretaps and "trap and trace" authority, which is a method used to identify the origin of a message. (This component was added from legislation I had previously introduced.)

Criminal Justice—The bill expedites court proceedings and increases penalties related to terrorism.

Financial Infrastructure—The bill expands the law to allow seizure of assets of terrorist organizations.

Information Sharing—The bill promotes interagency cooperation so that data is shared among agencies and used to its fullest extent.

Border Security—The bill authorizes additional funds to the INS for purposes of making improvements in technology for monitoring both the northern and southern borders and triples the number of Border Patrol personnel in each state along the northern border.

It is critically important to implement solutions to combat the threats to America. This antiterrorism legislation reduces our vulnerability to terrorist attacks, though it should have done more.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished chairman emeritus of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding time; and I want, before I launch into my remarks, to congratulate him and the gentleman from Michigan for a thoroughly professional, workmanlike job in shepherding this complicated bill through the committee. They came out with a wonderful work product despite all of the difficulties and pressures and anxieties. I am very proud of both of them as Members of the House.

I do support this bill, but I am disappointed that the process by which it came to the floor has resulted in the omission of a number of antiterrorism measures that are important to the Committee on International Relations and of personal interest to me. In saying this, I direct no criticism to my colleagues on the Committee on the Judiciary. To the contrary, throughout this process there has been excellent cooperation between the Committee on International Relations and the Committee on the Judiciary and between the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. LANTOS), and myself. I especially want to commend the gentleman from California for his patient efforts to work with us and for the bipartisan spirit in which he approached this project.

We did not mark up this legislation within the Committee on International Relations, even though we had jurisdiction to do so. Instead, the gentleman from California and I jointly filed an amendment with the Committee on Rules seeking to add provisions to the bill that we believe would have been approved by our committee had we marked up the measure. Our amendment included provisions designed to improve U.S. monitoring of foreign terrorist organizations and of foreign countries that provide direct or indirect support to such organizations. Regrettably, the rule has not made our amendment in order.

In addition, our committee on a bipartisan basis proposed a number of refinements to provisions within our jurisdiction that were requested by the administration. These refinements were largely technical in nature, relating to such matters as the vesting of foreign assets under the International Emergency Economic Powers Act and the sharing of U.S. visa information with foreign governments. But they were important to us, and we were pleased that the Committee on the Judiciary agreed to include them in their version of this bill. Regrettably, these refinements have also been left out of the bill now before us.

Finally, the version of this bill that was approved by the Committee on the Judiciary included three amendments offered by me relating to money laundering, counternarcotics training in Central Asia and other matters. All three of these amendments were omitted from H.R. 3108.

I know the gentleman from California joins me in saying that the bill before us is much weaker than it would have been had it included the proposals we developed. I hope to work with him to correct this through separate legislation that we can move quickly through the Committee on International Relations. I hope our colleagues on the Committee on the Judiciary will work with us to expedite our efforts.

Again, I congratulate the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS), and the gentleman from California (Mr. LANTOS).

Mr. CONYERS. Mr. Speaker, no one has worked with more energy and thoughtfulness than the gentleman from Virginia (Mr. SCOTT) to whom I yield 2 minutes.

Mr. SCOTT. Mr. Speaker, there are a lot of provisions of this bill that ought to cause concern. One is the wiretap provision, because we have changed several provisions which, taken together, represent a fundamental attack on principles of privacy.

One change we made is to allow Federal investigators to share information from intelligence-gathering and criminal investigation. That is important because under foreign intelligence gathering, the standard is intelligence gathering. For the crime, you need probable cause that a crime has been committed. Since they cannot share, this has never been a problem. But now that we are allowing them to share information, you could essentially conduct a criminal investigation using the FISA standard.

We also then reduced the standard under foreign intelligence wiretap. It used to be that it had to be the primary purpose of the wiretap. Under this bill, it can be a significant purpose. Obviously not the primary purpose. And what is the primary purpose? If it is criminal investigation, then you ought to have had probable cause to get the warrant; and if you do not have probable cause, that is not the way we ought to be investigating crimes.

Third, we have this roving wiretap where you can assign the wiretap to the person and the wiretap follows the person. That means that wherever the person goes, whatever phone that the person uses, you can tap that phone, neighbors, pay phones, anybody else; and therefore you have a situation where innocent people who may also be using that phone will have their conversations listened in on. I will note that this is not limited to terrorism, and it is not even limited to criminal activity.

The language in this bill needs improvement. That is why we at least insisted on a short sunset that has been expanded to a full 5 years. We need time to reconsider and draft legislation without the rush that this bill has been subjected to. We need to make sure that we have a bill that we can be proud of. The Committee on the Judiciary had a bill; we ought to go back to that bill. But we ought to be concerned about the wiretap provisions under this legislation.

Mr. CONYERS. Mr. Speaker, one of the most thoughtful members of our committee and of the Congress is the gentleman from Massachusetts (Mr. FRANK) to whom I yield 2 minutes.

Mr. FRANK. Mr. Speaker, we recognize that the chairman of the full committee tried hard to preserve some of our process; but powers beyond, it seem to me, his control have given us the least democratic process for debating questions fundamental to democracy I have ever seen.

But I want to get to substance while continuing to deplore this outrageous and unfair procedure whereby the product that we voted on in committee cannot even be offered. No amendments. No amendments.

But I want to explain what the substantive problem is. What we decided to do in committee, correctly, was to give to the law enforcement officials all the expanded powers they asked for, because we want to be protected. And electronic evolution requires an evolution in the powers. But we simultaneously tried to put into effect a full set of safeguards to minimize the chance that human beings, fallible ones, would abuse the powers.

The problem is that the bill before us today preserves the fullness of the powers, but substantially weakens the safeguards against the misuse of the powers. The major safeguard was the sunset. Knowing that within 2 years they would have to come back for a renewal of these powers was the best way to build into the bureaucracy respect and avoid abuse. A 5-year sunset greatly diminishes that. They can figure, hey, we have got a couple of years and if we come in in the fifth year and we can say, Well, there weren't any problems lately, that is one thing.

This bill may well not, in fact, be the final bill. It could go to conference with the Senate, which has no sunset at all and that sunset may recede into the sunset. We also created an Assistant Inspector General and called it an Assistant Inspector General for the purposes of trying to monitor this. That office has been downgraded.

We are trying to do something very delicate. We are trying to empower law enforcement and simultaneously put constraints on them. A bill that gives the full powers and weakens the constraints is an inadequate bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for his hard work on this legislation, as well as the ranking member.

If I might ask the chairman, it is my understanding from committee staff that the report language which was very important in the way the committee crafted this legislation in clarifying certain points, that the rule is written so that that report language will be incorporated into the final product that will be reported from the House.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The gentleman is correct. The report will follow this bill.

□ 1445

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, the recent attacks on the World Trade Center and the Pentagon have permanently changed America. September 11, 2001, was the clarion call to arms in a new war against terrorism. Our law enforcement operatives will need new tools to fight this war, and Congress must respond.

The world we live in since September 11 will require us to be more patient, to be more careful, and to tolerate more inconveniences. However, we must be careful not to trade our personal freedoms for the promise of security. Once we have sacrificed the civil liberties that our Nation was founded on, then and only then have we allowed terrorism to defeat us.

I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the other members of the committee for their dedication to crafting a bipartisan bill that will give law enforcement the tools it needs to fight a war on terrorism while still protecting the civil liberties of Americans.

The bill was unanimously passed out of the Committee on the Judiciary and is a product of much deliberation and compromise. While not perfect, it achieves a difficult balance between providing law enforcement with the tools it needs to wage an effective war against terrorism and the protection of American's civil liberties.

The version that has been brought to the floor of the House does not contain everything that I would like it to contain that was in the Committee on the Judiciary version, but it is still a strong and solid bill; and I commend the chairman and the ranking member for their work to incorporate as much of the committee's language into this final product as possible.

I urge Members to support this legislation.

The recent attacks on the World Trade Center and Pentagon have permanently changed America. September 11, 2001 was the clarion call to arms in a new war against terrorism. Our law enforcement operatives will need new tools to fight this war and Congress must respond.

The world that we live in since September 11th will require us to be more patient, to be more careful and to tolerate more inconveniences. However, we must be careful not to trade our personal freedoms for the promise of security. Once we have sacrificed the civil liberties that our Nation was founded on, then and only then have we allowed terrorism to defeat us.

I would like to commend Chairman SENSENBRENNER and Ranking Member CONYERS for their dedication to crafting a bipartisan bill that would give law enforcement the tools it needs to fight a war on terrorism while still protecting the civil liberties of Americans.

The bill that was unanimously passed out of the Judiciary Committee is the product of much deliberation and compromise. While not perfect, it achieves a difficult balance between providing law enforcement with the tools it needs to wage an effective war against terrorism and the protection of American's civil liberties.

The PATRIOT Act clarifies that orders for the installation of pen register and trap and trace devices apply to a broad variety of communications technologies, including the Internet. An issue of particular concern to me that was raised during the crafting of the Judiciary-passed bill is the clarification that these devices may not capture content information.

I commend the Chairman and Ranking Member for including statutory language in the Judiciary bill that makes this clarification. Language stating that these devices may not capture the contents of any communication is also included in the bill that is before us today.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN), a thoughtful member of our committee that has worked on many of the important ideas that have helped shape our legislative product.

Ms. LOFGREN. Mr. Speaker, I do have concerns about the measure before us; but before touching on those concerns, I would like to state here publicly the esteem I have for the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, as well as the gentleman from Michigan (Mr. CONYERS), the ranking member. They have really conducted themselves in the very finest manner possible, and I am proud to be serving in this House with the two of them.

We worked together on the Committee on the Judiciary understanding that we need to do everything we can to make sure that law enforcement has all the tools necessary to keep our country safe, and we came out with a good measure. It may not be a perfect measure. But there are risks inherent in some of the changes we made, and most particularly the changes made in the area of FISA that my colleague the gentleman from Virginia (Mr. SCOTT) basically mentioned.

We are changing the way we deal with the fourth amendment, and we were prepared to do that in the Committee on the Judiciary, provided that we had a review. We had a 2-year sunset clause on that FISA section. Because we are on new ground here, we may be on thin ice; and we wanted to make sure that we force ourselves to review that provision so that the freedoms of Americans are not destroyed as we fight to destroy the terrorists. I am very concerned that the sunset provision relative to FISA and the fourth amendment has not been adhered to in this bill, and I feel obliged to mention that.

Also, as the gentleman from Illinois (Mr. HYDE) mentioned, we could have had a much tougher bill. We could have given much greater authority in some areas, and we would have had a unanimous vote actually among the Committee on the Judiciary on this floor perhaps for some of those.

So I have concerns, but I do very much honor the chairman and ranking member for their efforts.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the chairman for yielding me time.

As we consider today the expansion of Federal law enforcement powers, I am reminded that as we redefine this often-delicate balance between our country's national defense and individual rights, we must be very careful.

I have over the years, though, become convinced that some adjustments are needed to our criminal law. Given the significantly greater ability of the criminal, particularly the terrorists, to freely operate worldwide, and given the advancing technology of communications, simply put, the laws that we have are no longer adequate for the good guys to keep up with the bad guys. At this time I think it is very appropriate that the good guys get the edge once again.

This PATRIOT bill, H.R. 2975, I believe is a balanced approach to our fight against terrorism. I believe it is an appropriate response to a very real problem. Neither our constitutional rights nor our fundamental rights of privacy are dismissed. Please keep in mind we are not waiving in any way or voiding the Constitution today. The provisions of this PATRIOT bill will undoubtedly be tested and must withstand challenge in a court of law. I believe they will meet the constitutional test.

But for now, the ability of our law enforcement to uncover and ferret out, particularly acts of terrorism, these abilities are enhanced with this bill. Clearly this is needed. The Attorney General, the chief law enforcement officer on the Federal level in this country, has asked for this bill; and I believe it should be an effective one in preventing more tragic events like those that occurred September 11.

I urge my colleagues to be in support of this bill.

I close with a statement by Thomas Paine on another September 11, some

224 years ago, when he said, "Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it."

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER), whom I am inviting to speak out of order for a special reason.

Mr. OTTER. Mr. Speaker, I thank the gentleman from Michigan for this courtesy.

Mr. Speaker, I rise as many others have already said today to congratulate the chairman of the committee and the ranking member for the great work and the great task which they undertook. However, Mr. Speaker, I cannot support this effort. I do support Governor Ridge, and I do support Attorney General Ashcroft and the President of the United States. However, Mr. Speaker, I feel like this bill goes way too far.

Some of the provisions place more power in the hands of law enforcement than our Founding Fathers could have ever dreamt. Nationwide warrants and secret courts would have been familiar to the Founding Fathers, Mr. Speaker, because they fought against those very institutions when they fought the British.

This bill promises security, but Americans need to be secure with their liberties. This bill promises safety, but Americans are only safe if they are free.

Mr. Speaker, others have said it more eloquently than I. Patrick Henry, for instance, said it when he said, "I have but one lamp which guides my feet, and that is the lamp of experience. I know of no way of judging the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes which gentlemen now today are pleased to solace themselves."

John Stewart Mill said, "A people may prefer a free government, but if from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if they can be deluded by the artifices used to cheat them out of their liberties; if by momentary discouragement or temporary panic or a fit of enthusiasm for an idea or an individual, they can be deluded to lay their liberties at the feet of even a great man, or trust him with powers which enable them to subvert their institutions, in all these cases they are more or less unfit for liberty."

I urge my colleagues to listen to the voices of these patriots and reject the so-called "PATRIOT" Act. I support my President, I support law enforcement, but I also support the fundamental rights and liberties of the American people.

I include the following for the RECORD.

PARTIAL LIST OF FEDERAL LAW ENFORCEMENT AGENCIES

Border Patrol.
ATF.
Capitol Police.
Coast Guard.
Customs.
Defense Investigative Service.
Defense Protective Service.
DOD Police.
Drug Enforcement Agency.
EPA.
FAA.
FBI.
Bureau of Prisons.
FDIC Basic Inspectors.
GSA.
INS.
IRS.
U.S. Marshals.
National Park Service.
Naval Criminal Investigative Service.
U.S. Park Police.
U.S. Postal Investigators.
U.S. Parole Office.
U.S. Army.
BLM.
U.S. Fish and Wildlife Service.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I rise today as a supporter and original cosponsor of the PATRIOT anti-terrorism bill. This is a powerful piece of crime-fighting legislation. It gives the FBI additional tools to go after terrorists. It creates criminal penalties for people who harbor terrorists. At the same time, it respects the civil liberties of our citizens.

Some people say it is not identical to the bill that came out of the Committee on the Judiciary, on which I serve. It may not be identical, but it is a good bill. Let us not allow the perfect to be the enemy of the good.

Recently, President Bush told us that we should take our family on a vacation to Disney World in Orlando, Florida. I have the happy privilege of representing Orlando. Since we have a tourism-based economy, my district has been uniquely hurt by the tragic acts of September 11. Specifically, because people have been afraid to fly, theme park workers, convention workers hotel workers, and cab drivers have lost their jobs.

It is critical to the people in Orlando and across the country that we pass this anti-terrorism bill to give our citizens a sense of confidence and security that our skies and country are going to be safer. I urge my colleagues to vote "yes" on this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who is a very effective member of the Committee on the Judiciary and who played a big role in our original work product.

Ms. WATERS. Mr. Speaker, I rise in strong opposition to this bill. This is a Senate bill that was voted out at 3 a.m. this morning. This bill is quite different than the bill passed by the House Committee on the Judiciary. Under the rules of the House, the Committee on the Judiciary's bill should have been heard on this floor and the differences between this bill and the House bill should have been worked out in a conference committee.

Mr. Speaker, we had a bipartisan bill, and John Ashcroft destroyed it. The Attorney General has fired the first partisan shot since September 11.

Mr. Speaker, both Democrats and Republicans worked hard to come up with a bipartisan bill. Attorney General John Ashcroft undermined the work of the Republican committee chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the Democratic ranking member, the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I serve on the Committee on the Judiciary. I consented to some policies I did not particularly care for. For the good of the House I compromised. Some of the Republicans on that committee compromised also. We had a bipartisan bill.

The bill before us today is a faulty and irresponsible piece of legislation that undermines our civil liberties and disregards the Constitution of the United States of America.

This bill takes advantage of the trust that we have placed in this administration. Our law enforcement and intelligence community have all of the laws and all of the money that they need to do their job. Mr. Speaker, they failed us; and now this Attorney General is using this unfortunate situation to extract extraordinary powers to be used beyond dealing with terrorism, laws that he will place into the regular criminal justice system.

The question to be answered today is can we have good intelligence and investigations and maintain our civil liberties? This bill says no. I say yes. Let us not give away our privacy. Let us not undermine our constitutional rights.

The gentleman did not finish the quote by Patrick Henry. He said: "Give me liberty or give me death." I say the same today. Vote "no" on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise today in support of today's version of the anti-terrorism legislation. It represents a significant improvement over both the draft administration legislation and the Senate version passed last night. The bill strikes an appropriate current balance between civil liberties and providing the Government with the tools needed to protect our Nation to win this war on terrorism.

The process used to craft the bill could have been better, and I am disappointed in some aspects of the final product. In fact, we did better with the Committee on the Judiciary bill reported unanimously.

I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and also the ranking member, the gentleman from Michigan (Mr. CONYERS), who both, along with their staffs, worked very hard to keep key compromises in the legislation that is now before us.

I know that the gentleman from Wisconsin (Chairman SENSENBRENNER) fought tirelessly over the last few days to preserve our committee's consensus legislation, or many of the elements. Among the key elements, improvements which are made and preserved in today's bill, are a 5-year sunset for the bill's most difficult provisions; an explicit prohibition on capturing content information from electronic communications under pen register and trap-and-trace authorities; a no-technology mandate that ensures communication providers cooperating with law enforcement do not have to bear needless burdens; immigration provisions that should prevent indefinite detention of innocent parties and provide relief to immigrant victims of the September 11 attack.

However, many important changes added by the Committee on the Judiciary to fight terrorism and compensate victims were left on the cutting room floor last night. In particular, I added an amendment at markup to allow access to frozen assets of terrorist sponsor states for American victims after they obtained judgments from U.S. courts.

□ 1500

Unfortunately, today's views reflect the views of the State Department bureaucrats who insist on protecting the status quo, rather than helping the victims of state-sponsored terrorism. Justice for past, present, and future victims of state-sponsored terrorism may have to wait until another day. But this fight is not over. I intend to reintroduce that bill in the near future. I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the very vital, thoughtful gentlewoman from Houston, Texas (Ms. JACKSON-LEE), the ranking member of the Subcommittee on Immigration and Claims on the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all acknowledge the work done by the chairman of this committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Michigan (Mr. CONYERS). A lot has been made of the fact that there are two, two distinct views of our Constitution and maybe some of the issues, and maybe some views that are very much the same, worked harmoniously together, which overcome obstructions and presented a bill to this House. If we could have presented it, that would have made America proud.

I stand with the Founding Fathers, although many of us were not created equal at that time. But Alexander Hamilton said there were various considerations that warn us against an excess of confidence or an excess of security.

I would like to support this bill because I believe we must bring the terrorists to justice, and we had a bill that all of America could stand proud of: one that protected the Constitution, civil liberties, civil rights, and the Bill of Rights. What American will stand up and pledge allegiance to the flag, as we did today on this floor, and yet stomp on civil liberties? None of us.

The legislation we have now does not allow those who are detained to appeal their case to the Supreme Court. The legislation we have now does not answer the problem of those who come into this country legally, with legal visas or visas that have been waived, and yet now do terroristic acts.

Legislation that I would have offered in amendment would have provided an enhanced tracking system so that we could find out those who may have come in with vocational visas or student visas or foreign visas, and find them where they are.

We realize that this is a country of great diversity, and we needed language in this bill that says that this is not an attack on Islam, the Islamic faith, Muslims, or any other faith, or any other ethnic group. This means that we will not target people unnecessarily. A person from my State, a doctor, was taken all the way to New York because of his turban, but yet he was found innocent.

This is a bill we can do better on, America can do better. Let us stand on our constitutional principles, include hate crimes language in this. Mr. Speaker, this Nation can do better. I am proud to be an American, but today I want a bill that stands for what America believes in.

Today, the House will answer the recent terrorist attacks against the United States and the world by passing, arguably, the most sweeping piece of law enforcement legislation of our lifetime. While the rules and procedures that have let to this legislation began fair and balanced, the recent process in the Senate, the House Rules Committee and the version before us today are at best deplorable.

Having said that, the need for anti-terrorism legislation is great. Indeed, Alexander Hamilton, in Federalist No. 24 noted that "there are various considerations that warn us against an excess of confidence or security," not the least of which were and are today the constantly changing global political landscape and the fragility of our political ties abroad. Today, we must and will answer this warning.

We must bring to justice the terrorists who targeted the passengers and crews of Flight 77, Flight 11, Flight 93, and Flight 175; those serving our great Nation at the Pentagon, both civilian and military, and the thousands of innocent civilians and rescue workers who were killed or injured at the World Trade Center and throughout New York City. These include: 4,815 people reported missing to the New York Police Department from the World Trade Centers, including the 157 people on the two hijacked planes, 417 confirmed dead, and 366 bodies identified. In the Pentagon strike, 64 people have been confirmed dead on the hijacked plane and an additional 125 dead or missing. Lastly, in the Somerset County, Pennsylvania crash, 44 people have been confirmed dead. Our fallen brothers and sisters deserve the justice that each and every one of us in this room has the power to provide. And we will do it.

Alexander Hamilton warned us in Federalist No. 25 that "it is a truth, which the experience of ages has attested, that the people are always most in danger when the means of injuring their rights are in the possession of those of whom they entertain the least suspicion." Today, despite the travesty of process that has befallen many of us in Congress, we must heed his warning. We must do so deliberately, with purpose and with surgical precision. Our goal must be to identify and correct the precise problems that exist under our current laws which hinder our investigatory and prosecutoral efforts. If, however, we act without such due precision, we risk loosing the very freedoms, liberties, and constitutional tenants that are the foundation of this free society and all free societies around the world—due process, a presumption that people are innocent until proven guilty, the right to defend oneself and to confront the evidence against oneself, and the protections of judicial review. If we loose sight of these simple principles, we have truly lost this war to the extremists who seek our demise by any means.

The bill before us today eviscerates the work of the House Judiciary Committee. Most members of that Committee would agree that this bill is far too sweeping and offensive to the civil liberties that we enjoy in this country. So while I commend my colleagues in Judiciary for helping to omit from the House version offensive provisions such as the provision which would have penalized innocent spouses and children of inadmissible aliens; the provision which would have provided a simple "reason to believe" evidentiary standard as a predicate to mandatory detention; and for tightening up the "guilt by association" section, I am outraged that our efforts were forsaken.

As Ranking Member of the subcommittee on Immigration and Claims, I find several immigration provisions particularly offensive.

1. Judicial Review.—Currently, the bill provides for a single judicial review process in the Federal District Court for the District of Columbia. This is unfairly burdensome, particularly to people with little money or resources. My amendment would have provided for such review in any Federal District Court.

2. CIPRIS Program.—This program deals with acquiring information of exchange visitors, foreign students, and people admitted on vocational visas. Currently it is a fee-based program. My amendment would have appropriated money for the program and would require that the program be implemented one year after the passage of this bill. It would have also required the Attorney General to

share this information with the FBI and the State Department.

3. Targeting (Racial Profiling).—We must study the effects of this bill in proliferating the deplorable process of racial profiling. To this end, my amendment would have amended Section 235(a)(3) of the INS with a new paragraph which states: The GAO shall conduct a study not later than 2004 to determine the extent to which immigration officers conducting inspections under 235 of the Immigration and Nationality Act are targeting individuals based on race, ethnicity and gender.

4. Hate Crimes.—The backlash of the September 11, 2001 attacks have put American against American. Murders and attacks against citizens resembling Middle Easterners have occurred. Innocent people died because they looked like the Islamic extremists allegedly responsible for the September 11th tragedies. Now, more than ever, we need legislation to punish crimes motivated by hate against ethnicity, religion, and gender. These crimes cannot be tolerated. Under my amendment, a perpetrator who willfully commits a crime motivated by hate would have been imprisoned a minimum of 10 years or fined, or both; or imprisoned up to life and fined, or both, if the crime results in death, kidnapping, or aggravated sexual abuse, or an attempt of any of these crimes.

5. Sunset Title II.—Currently Title II which deals with detention and removal of aliens would allow for indefinite detention in some circumstances. My amendment would have sunset this after a period of five years after enactment which would preserve the authority of the Attorney General under Title II. This would have also provided a safety net that would enable Congress to review the manner in which the Department of Justice carries out the awesome powers we are giving it.

6. Information Sharing.—Currently, there is a disconnect between the INS and consular officers abroad. My amendment would have directed the Attorney General to ensure that the INS acquires the requisite information technology necessary to permit such consular officer to use such information for immigration enforcement purposes.

These improvements in the bill would have recognized the importance of a fair and just legal process for all Americans and for all of our guests.

These acts of terrorism targeted, not merely Americans, but rather, they targeted men, women, and children from around the world, killing hundreds from Britain, more than 130 Israelis, more than 250 from India, and scores of others from El Salvador, Iran, Mexico, Japan and elsewhere. Indeed, these were attacks against all people, and against all humanity. As such, the legislation and the issues before the House today concerns not only this great Nation's security today, but will have a profound effect on children, and freedom-loving people around the world for generations to come.

So while many of us deplore the process that has befallen us, as Members of Congress, we are united and determined to give our law enforcement agencies the tools and resources that they need to do the job; so that we may preserve the freedoms and liberties of all peoples; so we ensure that justice is delivered swiftly, deliberately, and without prejudice; and so that we may work towards a world free from terror, bigotry, and lawlessness.

At the Pentagon services this past Wednesday the President assured us all that "[w]e will continue until justice is delivered." I hope that we may assure it by coming together once again as Members of Congress from both sides of the aisle and from around this great Nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me begin by congratulating the chairman on the work product before us. Both he and the ranking member have done a wonderful job in getting us to this point today.

Mr. Speaker, I stand today in strong support of this legislation. I believe that this legislation balances the need to move quickly with the need to move carefully.

First, the need to move carefully. If we listen to the rhetoric from the other side, it sounds like we are making all these dramatic, broad changes in laws. In fact, what we are doing today primarily is modernizing our laws, helping law enforcement to deal with evolving technology and evolving threats.

The good gentlewoman from California said a few moments ago that our law enforcement has all the tools, all the resources, and all the laws they need to protect us. I could not disagree more. I think September 11 has proven to us very clearly that we need more resources and more tools for law enforcement and the Permanent Select Committee on Intelligence.

The need to move carefully must be balanced with the need to move quickly. We have deployed forces. We have been threatened with a jihad. We are still cleaning up the debris of the World Trade Center and the Pentagon. We must move quickly. We must make sure that we are prepared, that we are safe, that this will never happen again.

Debate is important; rhetoric is good. We should debate ideas. But there is also a time and place for action. Today is the time. This is the place for action. Let us get this done as quickly as we can now. Let us get this over to the Senate. Let us hope that they act quickly. Let us get this to the President's desk, and let us get these tools in the hands of law enforcement. They need it, and our citizens deserve no less.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to our esteemed colleague, the gentleman from New York (Mr. NADLER). When tragedy struck September 11, Mr. Speaker, it was in his district.

Mr. NADLER. Mr. Speaker, last year candidate George Bush pledged to seek repeal of the secret courts provision of the 1996 antiterrorism bill because he claimed to understand that the law was passed hastily and that this provision at least endangered civil liberties without contributing to national security.

Now the President, the same George Bush, and the leadership of this House is insisting that we again enact hastily, and again in the name of national security and antiterrorism, act so hastily as probably to endanger our civil liberties without necessarily helping our security.

The bill we passed in the Committee on the Judiciary was a balanced bill that would have enhanced our security without endangering our civil liberties. Now we have a 187-page bill with a lot of provisions in it.

What I am about to say I hope is accurate, but I cannot be sure, because we have only had time to glance quickly through this bill. We have not had time to properly review it, to send it out to law schools, to send it out to civil libertarians to get comments back so we can make an intelligent judgment.

We cannot wait until Tuesday. We passed out the bill from committee last week. We wasted a whole week, but now we cannot wait 3 days. We must rush to judgment on this bill.

Let me give three provisions of this bill that look, to a hasty reading, dangerous.

Section 203 says that "secret grand jury information can be shared without a court order," upsetting all American legal tradition, "if notice is given to the court within a reasonable period after the sharing."

But, of course, the whole point of the current law is that a court, not some FBI agent, should decide if secret grand jury information is appropriate for sharing with other agencies. Now the FBI agent decides it on his own and tells the court later, and the court has nothing to do except to say thanks for the information.

Section 213 permits law enforcement to delay notification of search warrants in any criminal investigation. There may be justification for delaying notification of a search warrant sometimes, but in all criminal investigations? What does that have to do with terrorism?

Finally, there is a provision in the bill that essentially allows the Attorney General, by stating he has reasonable grounds to believe that someone here who is not a citizen, that may be deportable, he has 7 days to start deportation proceedings; but once he does, that person can stay in jail forever. He can sue under habeas corpus; but if the court then says, okay, you can keep him in jail, it is not reviewable again ever.

So they can throw away the key and forget about him forever? Is that American justice, or is that the Count of Monte Cristo? We ought to review this bill carefully and not pass it today.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, we have listened to a lot of comments about additional measures people would like to see in this antiterrorism initiative. I believe that further discussions on this initiative and ways to crack down on terrorism will be constructive. We are certainly most interested in making our Nation safer.

But as a member of the Committee on the Judiciary, I believe that we cannot delay the bill simply because it is not everything to everyone. To delay the bill is to fail to move forward, to fail to move forward on critical reforms, including giving local, State, and Federal law enforcement badly needed tools to fight terrorism and protect Americans.

It would be a failure to move forward on updating our wiretap and surveillance laws to recollect the advances in technology that have changed how terrorists communicate and giving them an advantage. It would be a failure to move forward on allowing the sharing of criminal information within the intelligence community, coordinating our resources, and making it harder for terrorists to bury their tracks in bureaucratic red tape. It would also prevent us from making the simple but critical change that makes harboring terrorists a crime.

Mr. Speaker, failure to support this bill today is to ignore these critical and urgently needed changes. I commend the chairman of the committee, and I commend my colleagues to support them.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House.

Mr. DINGELL. Mr. Speaker, we are considering under a very strange rule a very strange process which has resulted in a bill which is quite different than reported by the committee.

I wanted to commend the distinguished chairman and the distinguished ranking member for the superb work which they did in crafting what I thought was a very fine bill. Somehow last night we found ourselves with a bill on our hands which is quite different than that which was presented to the House by the committee, after very thoughtful and careful work leading to an overwhelming bipartisan vote.

What we are doing today is not considering just a few simple questions like expenditures of money. We are dealing today with basic constitutional rights. Ordinarily these are matters of the highest importance and are considered with great care under a rule, in an open process, because, after all, these are the things upon which Americans rely for their personal security and for their understanding that their rights are protected.

All of a sudden sometime, probably last night, the Attorney General snuck up here to have a meeting. The result is that the bill suffered some extraordinary changes, all of which deal with the basic, fundamental rights of Americans in ways very different and probably much more unfavorably than did the committee bill.

This is not the way. The United States is not so threatened that we have to throw away our rights without careful consideration, and that we have to disregard the careful and thoughtful and fine work done by the chairman, the committee, and by my distinguished friend, the ranking minority member.

I find this a distressing process, one which reflects very poorly on the House—and one which indicates a great distrust and dislike for the work of the committee, which was superb—and for the basic fundamental liberties of the people of the United States.

I find it denigrating basic constitutional rights, and I find it to have been done in a sneaky, dishonest fashion. It reflects very poorly on this body.

Mr. Speaker, I rise in strong support for increasing security along our northern border. I would also like to commend the Judiciary Committee for the language in the bill it released that triples Border Patrol personnel and INS inspectors along our northern border. Unfortunately, I do not support the tactics used by the Republican leadership that has substituted an entirely different bill in place of the bipartisan House Judiciary Committee bill.

Since September 11th, the heightened security levels have made us aware how understaffed we are along our northern border. This is a serious problem, it is unacceptable, and must be corrected in the short and long term. We must make sure that land, air, and seaports are adequately staffed across the nation. This must include our northern border.

To our INS and Customs inspectors as well as our Border Patrol, I would like to commend them for their tireless efforts. Their efforts have helped greatly during the last month. However, with current staffing levels we are still encountering long lines at our ports of entry and continuing security concerns.

In particular, trade has been seriously stifled with our Canadian neighbors. For several days following September 11th, there were up to 14 hour waits to cross between Canada and Michigan. Lines are still long, as waits run into the hours. While this was understandable given the gravity of the situation immediately after the September 11th attacks, it is completely unacceptable that our economy has been placed at risk due to insufficient numbers of border personnel. Automobile plants needing parts have closed, and hospitals have been understaffed because their employees have been unable to cross our ports of entry in a timely fashion. These are just some of the reasons why our border requires more INS and Customs inspectors. Over 82 percent of goods originating in Michigan are exported to Canada via truck. 70 percent of Canada-U.S. trade and 80% of Ontario-U.S. trade, by value, moves by truck. The largest portion (38 percent) of Ontario's exports by road is destined for Michigan. Without optimum force levels of Customs and INS inspectors, the State of Michigan will continue to pay greatly for the loss in trade attributed to long lines at our ports of entry, both to and from Canada. In addition, the economies of our neighboring states and Canada will suffer.

I will work with other committees and appropriations that are seeking to secure our northern border and ensure that adequate funding is given to INS and Customs for optimum force levels along our northern border. Failure to address problems along our northern border in a comprehensive manner jeopardizes our security and economy. I urge my colleagues to act expediently in providing a remedy for the serious shortfall of INS and Customs officials in Michigan.

Mr. Speaker, using the regular committee process that has served us so well, we can protect the nation from terrorists in a swift and orderly fashion. I am not sure this kind of action protects the peoples' basic liberties. We can protect the Constitutional rights of our people from the whims of the attorney general, the Republican Administration, and the Republican leadership of this House. A bill, which would have achieved overwhelming support by the Congress, has been cast into question by this irregular process, and basic American liberties are being put into question. However, despite this egregious breach of House procedure, these border concerns are so great that I support the PATRIOT Act of 2001.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, because I believe our country could face a chemical, biological, radioactive, or, heaven forbid, nuclear attack by well-organized groups of fanatic terrorists, I rise in strong support of the PATRIOT Act. I believe this bill is necessary, and we have no time to waste.

Mr. Speaker, in particular, I want to offer my praise for a section of this legislation designed to ensure the State Department has access to U.S. criminal databases before permitting aliens to enter the United States.

Last year, the Government Reform Subcommittee on National Security, which I chair, began a series of meetings and briefings to discuss inter-agency data-sharing.

On July 24th of this year, our Subcommittee held a hearing on Federal Interagency Data Sharing and National Security.

That hearing taught us effective border security begins with our embassies, where U.S. visas are issued.

Unfortunately, the State Department currently lacks the ability to access the FBI's National Criminal Information Center's Interstate Identification Index database.

That means an alien can come into our country, commit a crime, leave, and get a reentry visa from our State Department or cross the border without being stopped.

In 1996, the FBI and State Department issued a joint report recommending the State

Department receive limited access to the NCIC–III database so the State Department could better identify aliens with a criminal background in our country and prevent their entry.

Nevertheless, for four years this report lay dormant while the Departments could not find a mutually agreeable way to institute their recommendations.

This gap in data-sharing between Departments is no longer simply a matter of bureaucratic inertia, but a threat to national security.

Mr. Speaker, protecting our borders against dispersed but deadly criminals and terrorists requires interagency cooperation on an unprecedented scale.

This legislation is a step in the right direction. I'm pleased Attorney General John Ashcroft included this provision in the anti-terrorism proposals he submitted to Congress, and I commend the Judiciary Committee for including it in the PATRIOT Act.

Mr. CONYERS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I have tremendous respect for the chairman of the Committee on the Judiciary, and I know he is trying his best; but I am highly distressed for one simple reason: I do not, and neither do most of the Members of this House, have any real idea about what is in this bill or what the consequences are. We know some of the rough outlines; we do not know the details.

This House, under the Constitution, is essentially a political body. What makes it a legislative body is the committee system, because on the committees we have people who have built up years and years of expertise. The way this has become the greatest legislative body on the face of the Earth is because we have relied upon the expertise of people on the committees who spend their lives learning what they need to know in order to see that the House makes the right judgments.

When the committee system is overridden, as is the case in this instance, and when bills instead are written by a few people in conjunction with House leadership, that turns a legislative body into nothing but a political body; and it means that in the end, virtually all of the decisions made are made on the basis of political power, not on the basis of intellectual persuasion.

□ 1515

That is a fundamental danger to a legitimate legislative body and certainly to the greatest legislative body in the world, it is a mortal blow.

I do not know what the right vote is on this bill because I do not know the consequences. I do not know how much danger this bill will actually do to the terrorists. But I do know how much damage the way this bill is being considered by the House will do to this institution and none of that is because of any action taken by the gentleman from Wisconsin (Mr. SENSENBRENNER).

This House must operate on the basis of shared information and shared decision-making if it is to truly get through these trying days. This is a sorry day in the history of the House.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, none of the provisions in what we are considering today are new and a surprise. The base bill is the bill that was produced by the other body. That has been out there for over a week. There have been some modifications made to this bill in an attempt to avoid a conference. Many of the modifications were made at the request of the minority party in the House of Representatives.

Now, I agree that this process is not an ideal process and this is not a perfect compromise, but there are a number of House provisions in this bill, none of which are a surprise that was written in the middle of the night. The bill does not violate the Constitution. It protects our vital fourth amendment rights; and with a clear and present danger facing our country, I believe it is imperative that we act expeditiously.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, not only for yielding me time, but also for his very tremendous leadership on this most important of issues.

The terrorist attacks on this Nation that occurred on September 11 did not occur because of freedoms that we have in this country under our Constitution. They did not exist because our Constitution guarantees all of us the right to be free from unreasonable searches and seizures.

The attacks that occurred on September 11 occurred because of a very unfortunate combination of bad luck on our part, good luck on the part of the terrorists, very careful planning on the part of the terrorist, very poor planning, perhaps, very poor execution on the part of some of our Federal, State, and local agencies.

Therefore, I do not believe we ought to be in any rush to judgment to diminish our freedoms in the misguided conception that it is those freedoms that gave rise to the attacks on September 11. I commend the chairman of the Committee on the Judiciary and others who worked very hard to craft a very necessary and vitally important balance between giving law enforcement those narrowly crafted tools it needs and protecting the civil liberties, including the right to privacy, of American citizens.

Is this a perfect bill? No, it is not a perfect bill, and I know the distinguished chairman would be the first to admit that. Is there much further work that needs to be done? Yes, there is much further work that needs to be done. I think that all of this means that it is absolutely imperative that we take very seriously the sunset provision in this bill that at least gives us an opportunity to evaluate how these important, momentous provisions that we are granting Federal law enforcement will be used.

I also think it is important to realize that there were important concessions by the administration made in crafting this version of this bill. Am I happy with it? No, I do not think this is a happy piece of legislation. It is not a happy set of circumstances that brings us to the point where we have to consider amending our criminal laws and criminal procedures. But I do think on balance it is important to pass this piece of legislation, monitor it very carefully, and take seriously our responsibility to exercise the power that we are granting in the sunset provision.

The SPEAKER pro tempore (Mr. NETHERCUTT). The gentleman from Michigan (Mr. CONYERS) has 8½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 3½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues and I need to do everything within our power to find the responsible persons and parties that have caused this attack on the United States and to bring them to justice and to end the blight of terrorism everywhere around the world. But at the same time we must all remember that just as this horrendous act could destroy us from without, it can also destroy us from within.

Historically it has been at times of inflamed passion and national anger that our civil liberties have proven to be at greatest risk. The unpopular group of the moment happens to be subject to prejudice and deprivation of liberties.

Alien and Sedition Acts in 1798 made it a Federal crime to criticize the government. At the beginning of the Civil War, Abraham Lincoln, no less, suspended the writ of habeas corpus citing the need to repress an insurrection against the laws of the United States. Ulysses Grant sought to expel Jews from the Southern States of this Nation. World War II brought about the shameful internment of Japanese Americans which even the Supreme Court failed to overturn. And what about the McCarthy era of the 1950's? Guilt by association.

So we face a situation now that requires care. Well, certainly we must update our counterterrorism laws so they reflect the 21st century realities. But new expansion of government authorities should be limited to properly defined terrorist activity or threats of terrorism. And with increased Federal power, we must ensure accountability and oversight. We also need to drastically improve airport security by increasing training and compensation for those that are at such an important point in our national transportation system.

But by forcing us to take up a bill in this manner, the administration unfortunately has chosen to fire the first shots of partisanship after September 11. One week ago, the Committee on the Judiciary passed a bill 36 to 0, every member of every persuasion supported the bill that was worked on by the chairman, myself, and all the members. There was good process. There was ample debate. No one was cut off. No amendments were prevented. And in that environment, we agreed to sunset the expansion in government surveillance power that are in this bill to 2 years. It would have given the administration not only the emergency powers it requested on an expedited basis, but at the same time allow us in Congress to revisit the issue after 2 years. What is wrong with that? We sunset civil rights laws. We sunset environmental laws. We sunset labor laws.

Well, I can only tell my colleagues that until last night we had a bill that, had we brought it to the floor, would have literally passed almost unanimously in this Congress. I do not think anyone disputes that. But now what we have nobody knows. So it seems to me that we have to move very, very carefully.

We have a problem. There is no provision protecting our own citizens from CIA wiretaps under the FISA court. There is no provision ensuring the government does not introduce information in a court obtained from illegal e-mail wiretaps. There is no provision limiting the sharing of sensitive law enforcement information to inappropriate personnel.

Guess what? There are 35,000 law enforcement jurisdictions in the United States of America. There is no provision protecting immigrants from being deported for donating money to humanitarian groups that they did not know might be financing terrorists. Most importantly of all, we have lost the 2-year sunset. What are we left with? A measure that is in no way limited to terrorism. It is a bill that provides broad new wire tap authorities that might be used to minor drug offenses, to firearm violations to antitrust crimes, to tax violations, to environmental problems, literally to every single criminal offense in the United States code. So for all of us that know our history, we have been down this road before.

All I am saying to you is that I am going to do the best that I can no matter what happens here today to make sure, with the gentleman from Wisconsin (Chairman SENSENBRENNER), that we convince our own administration and, yes, our own House leadership to realize that this is not a time to compromise the Constitution. There is no reason for us to sacrifice civil rights to increase security.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I rise today in strong support of the legislation. Maybe I am looking at it too simply, but I think maybe sometimes simple can really give us clear answers.

We are at war. We are in a war right now, and the reality is that the bill as it passed out of the House really did not acknowledge that. There was some specific provisions in the bill only dealing with terrorism that the bill was passed out of the Committee on the Judiciary did not provide for that the bill in front of us does today. Specifically, the bill out of the Committee on the Judiciary did not allow classified information to be used against terrorists in courts in terms of property.

The bill, as passed out of the Committee on the Judiciary, had a criminal standard that specifically, and I quote, has committed or is about to commit a terrorist act. Not as the bill now does, a standard reasonable grounds to believe that a person being harbored will commit a terrorist act. A significant difference.

The bill passed out of the Committee on the Judiciary had a limitation on a grand jury sharing information on terrorist situations.

We have a situation today that the downside of not uncovering terrorists potentially really are catastrophic, nuclear, biological, or even nuclear catastrophes. We need to pass the legislation to provide the tools to prevent that from happening.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, "My country 'tis of thee, sweet land of liberty, of thee I sing; land where my fathers died, land of the pilgrims' pride, from every mountainside let freedom ring." Let freedom ring in the ears of those who want to still its sound. Let freedom ring even as we travel through the valley of the shadow of terrorism, for freedom is a sweeter melody.

The terrorists have aimed their attack on the fundamental freedoms of all law-abiding Americans. They have attacked our right to life, to liberty, to pursuit of happiness, to freedom of association, freedom of mobility, freedom of assembly, and freedom from fear.

Freedom is not just 50 States. Freedom is a state of mind. Freedom is our National anthem here in the land of the free and the home of the brave.

Let freedom ring. If freedom is under attack from outside sources, then let us not permit an attack from within. It is an attack on freedom to let government come into the home of any American to conduct a search, to take pictures without notification. It is an attack on freedom to give the government broad wiretap authority. It is an attack on freedom to permit a secret grand jury to share information with other agencies. It is an attack on freedom to create laws which can endanger legitimate protests.

Tens of thousands of men and women are getting ready to journey far from the shores of our Nation. They are being asked to defend some of the very rights this legislation would take away. Patriots are those who, in times of crisis, do not give up their liberties for any cause.

"Long may our land be bright with freedom's holy light; protect us by thy might, great God, our King."

□ 1530

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the distinguished majority leader, the gentleman from Texas (Mr. ARMEY), to wrap this up.

The SPEAKER pro tempore (Mr. NETHERCUTT). The majority leader is recognized for 2½ minutes.

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Wisconsin for yielding me this time, and let me thank the gentleman from Wisconsin and, indeed, the gentleman from Michigan, and all the members of the committee for their hard, diligent work.

It seems like only yesterday when the horrible, frightening tragic incident in New York, here at our Pentagon, and in the fields of Pennsylvania occurred. Just a few days afterwards, this Congress rose-up and validated, confirmed, and affirmed our President as Commander in Chief and said, "We stand with you, Mr. President, with all the resources that you can muster. You are our Commander in Chief. Let us wage war on these terrorists and let us win that war."

Since that time, we have responded to the national emergency with as much as 100 billion dollars, and we did so with a measure of ease. It was the right thing to do. We did it, and we did it together. Now we take on a more difficult task: How do we make all the agencies of the Government, in this case, with this legislation 80 agencies of the Federal Government, from the CIA to the border patrol, more resourceful in intervening against terrorists while protecting the precious rights of the American people for which we fight in the first place? It is a difficult job, and one that was handled admirably by this committee.

I have heard a lot of complaints about this bill as we find it today. People say we do not know what it is. Well, we know what the base bill is. We have known what was in the other body for a long time. Anyone who cared to do so could have done as I did last night, sit and watch the other body pass that bill. My colleagues could have watched the debate as I did. They could have heard the arguments and descriptions as I did. They could have watched.

I want to point out that those of us who watched, those of us who have a heartfelt commitment to our liberties as American citizens, those of us that did might have enjoyed the other gentleman from Wisconsin, the distinguished Senator FEINGOLD, as he valiantly fought for those committed to the liberties of the American people by repeatedly offering on the floor of the other body last night many of the provisions that this bill adds to that base bill. And, Mr. Speaker, it broke my heart to watch the distinguished gentleman from South Dakota, the Democratic Senate majority leader, move to table each of Senator FEINGOLD's dearly protective amendments.

POINT OF ORDER

Mr. OBEY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman from Texas (Mr. ARMEY) will refrain from characterizing the actions of Senators.

Mr. OBEY. I thank the Chair.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ARMEY. Each and every one of those efforts was tabled in the other body. And this committee worked with the White House to restore those protections to the base bill so that we can achieve a proper balance, a balance that gives the resources to the agencies of this government to protect the American people while at the same time protects us from any trespass against our liberties.

Mr. Speaker, I should point out the controversy that surrounds the sunset clause. I was there when the Democrat minority from the committee presented to the chairman of the committee their five requests for the final revisions of this effort; and I was there when we saw that the exact sunset language in this bill was proposed to the chairman just yesterday by the minority on that committee. It is good sunset language. It is necessary sunset language. It gives our agencies an opportunity to use these tools of investigation and surveillance, and us the opportunity to fulfill our responsibility to oversee that activity, to review it, and to choose to reauthorize or not. I am proud of that language, and I am proud of the minority for offering it.

Bottom line is this, Mr. Speaker: as we started this effort, we knew something from historical experience. The world is replete with stories of strong governments who have maintained their own security by trespassing against the rights of even their own people. Strong governments can make themselves secure. We have seen that too many times. But we have known, the committee has known, this Congress knows and the White House knows that a good government makes the people secure while preserving their freedom. And that is what this bill is. That is why we should not only vote for it, but we should thank our lucky stars we are in a democracy where we have that right.

Mr. PAUL. Mr. Speaker, the shocking attacks on the World Trade Center and the Pentagon have reminded us all that the primary responsibility of the federal government is to protect the security and liberty of our nation's citizens. Therefore, we must do what we can to enhance the ability of law enforcement to prevent future terrorist attacks. For example, the federal government can allow enhanced data-sharing among federal agencies that deal with terrorism. The federal government should also forbid residents of countries which sponsor terrorism from receiving student visas as well as prohibit residents of terrorist countries from participating in programs which provide special privileges to immigrants. In fact, I have introduced my own anti-terrorism legislation, the Securing American Families Effectively (SAFE) Act, which strengthens the ability of law enforcement to track down and prosecute suspected terrorists as well as keep potential terrorists out of the country.

There is also much the federal government can do under current existing law to fight terrorism. The combined annual budgets of the FBI, the CIA and various other security programs amount to over $30 billion. Perhaps Congress should consider redirecting some of the money spent by intelligence agencies on matters of lower priority to counterrorism efforts. Since the tragic attacks, our officials have located and arrested hundreds of suspects, frozen millions of dollars of assets, and received authority to launch a military attack against the ring leaders in Afghanistan. It seems the war against terrorism has so far been carried our satisfactorily under current law.

Still, there are areas where our laws could be strengthened with no loss of liberties, and I am pleased that HR 3108 appears to contain many common sense provisions designed to strengthen the government's ability to prevent terrorist attacks while preserving constitutional liberty.

However, other provisions of this bill represent a major infringement of the American people's constitutional rights. I am afraid that if these provisions are signed into law, the American people will lose large parts of their liberty—maybe not today but over time, as agencies grow more comfortable exercising their new powers. My concerns are exacerbated by the fact that HR 3108 lacks many of the protections of civil liberties which the House Judiciary Committee worked to put into the version of the bill they considered. In fact, the process under which we are asked to consider this bill makes it nearly impossible to fulfill our constitutional responsibility to carefully consider measures which dramatically increase government's power.

Many of the most constitutionally offensive measures in this bill are not limited to terrorist offenses, but apply to any criminal activity. In fact, some of the new police powers granted the government could be applied even to those engaging in peaceful protest against government policies. The bill as written defines terrorism as acts intended "to influence the policy of a government by intimidation or coercion." Under this broad definition, should a scuffle occur at an otherwise peaceful pro-life demonstration the sponsoring organization may become the target of a federal investigation for terrorism. We have seen abuses of law enforcement authority in the past to harass individuals or organizations with unpopular political views. I hope my colleagues consider that they may be handing a future administration tools to investigate pro-life or gun rights organizations on the grounds that fringe members of their movements advocate violence. It is an unfortunate reality that almost every political movement today, from gun rights to environmentalism, has a violent fringe.

I am very disturbed by the provisions centralizing the power to issue writs of habeas corpus to federal courts located in the District of Columbia. Habeas corpus is one of the most powerful checks on government and anything which burdens the ability to exercise this right expands the potential for government abuses of liberty. I ask my colleagues to remember that in the centuries of experience with habeas corpus there is no evidence that it interferes with legitimate interests of law enforcement. HR 3108 also codifies one of the most common abuses of civil liberties in recent years by expanding the government's ability to seize property from citizens who have not yet been convicted of a crime under the circumvention of the Bill of Rights known as "asset forfeiture."

Among other disturbing proposals, H.R. 3108 grants the President the authority to seize all the property of any foreign national that the President determines is involved in hostilities against the United States. Giving the executive branch discretionary authority to seize private property without due process violates the spirit, if not the letter, of the fifth amendment to the Constitution. Furthermore, given that one of the (unspoken) reasons behind the shameful internment of Americans of Japanese ancestry in the 1940s was to reward favored interests with property forcibly taken from innocent landowners, how confident are we that future, less scrupulous executives will refrain from using this power to reward political allies with the property of alleged "hostile nationals?"

H.R. 3108 waters down the fourth amendment by expanding the federal governments ability to use wiretaps free of judicial oversight. The fourth amendment's requirement of a search warrant and probable cause strikes a balance between effective law enforcement and civil liberties. Any attempt to water down the warrant requirement threatens innocent citizens with a loss of their liberty. This is particularly true of provisions which allow for nationwide issuance of search warrants, as these severely restrict judicial oversight of government wiretaps and searches.

Many of the questionable provisions in this bill, such as the expanded pen register authority and the expanded use of roving wiretaps, are items for which law enforcement has been lobbying for years. The utility of these items in catching terrorists is questionable to say the least. After all, terrorists have demonstrated they are smart enough not to reveal information about their plans when they know federal agents could be listening.

This legislation is also objectionable because it adopts a lower standard than probable cause for receiving e-mails and Internet communications. While it is claimed that this is the same standard used to discover numbers dialed by a phone, it is also true that even the headings on e-mails or the names of web sites one visits can reveal greater amounts of personal information than can a mere telephone number. I wonder how my colleagues would feel if all of their e-mail headings and the names of the web sites they visited were available to law enforcement upon a showing of mere "relevance." I also doubt the relevance of this provision to terrorist investigation, as it seems unlikely that terrorists would rely on e-mail or the Internet to communicate among themselves.

Some defenders of individuals rights may point to the provisions establishing new penalties for violations of individual rights and the provisions "sunsetting" some of the government's new powers as justifying support for this bill. Those who feel that simply increasing the penalties for "unauthorized" disclosure of information collected under this act should consider that existing laws did not stop the ineffectiveness of such laws in preventing the abuse of personal information collected by the IRS or FBI by administrations of both parties. As for "sunsetting," I would ask if these provisions are critical tools in the fight against terrorism, why remove the government's ability to use them after five years? Conversely, if these provisions violate American's constitutional rights why is it acceptable to suspend the Constitution at all?

As Jeffery Rosen pointed out in the New Republic, this proposal makes even the most innocuous form of computer hacking a federal offense but does not even grant special emergency powers to perform searches in cases where police have reason to believe that a terrorist attack would be imminent. Thus, if this bill were law on April 24, 1995 and the FBI had information that someone in a yellow Ryder Truck was going to be involved in a terrorist attack, the government could not conduct an emergency search of all yellow Ryder Trucks in Oklahoma City. This failure to address so obvious a need in the anti-terrorism effort suggests this bill is a more hastily cobbled together wish list by the federal bureaucracy than a serious attempt to grant law enforcement the actual tools needed to combat terrorism.

H.R. 3108 may actually reduce security as private cities may not take necessary measures to protect their safety because "the government is taking care of our security." In a free market, private owners have great incentives to protect their private property and the lives of their customers. That is why industrial plants in the United States enjoy reasonably good security. They are protected not by the local police but by owners putting up barbed wire fences, hiring guards with guns, and requiring identification cards to enter. All this, without any violation of anyone's civil liberties. In a free society private owners have a right, if not an obligation, to "profile" if it enhances security.

The reason this provision did not work in the case of the airlines is because the airlines followed federal regulations and assumed they were sufficient. This is often the case when the government assumes new powers or imposes new regulations. Therefore, in the future, once the horror of the events of September 11 fade from memory, people will relax their guard, figuring that the federal government is using its new powers to protect them and thus they do not need to invest their own time or money in security measures.

In conclusion, I reiterate my commitment to effective ways of enhancing the government's powers to combat terrorism. However, H.R. 3108 sacrifices too many of our constitutional liberties and will not even effectively address the terrorist menace. I, therefore, urge my colleagues to oppose this bill and instead support reasonable common-sense measures that are aimed at terrorism such as those contained in my SAFE Act.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 2975, which seeks to provide new tools to identify, pursue and punish suspected terrorist and strengthen our sustained campaign against terrorism. Just over a month ago, our country experienced terrorist attacks that resulted in an unfathomable human loss. Since that time, Congress and the Administration have led the nation in a unified battle against terrorism. Today, we are poised to confer new emergency authority to the Attorney General for a specific purpose—to fight the scourge of terrorism—and definite period, a maximum of five years.

I am, however, disappointed that this legislation fails to adequately address the lifeblood of terrorism, money. Absent from this measure is legislation language to interfere with terrorist money laundering activities. I am hopeful that H.R. 3004, the Financial Anti-Terrorism Act of 2001, which I cosponsored, will get the full attention of the House in the coming days.

Today's seamless financial marketplace, born out of the globalization of the late Twentieth Century, has fostered an unprecedented era of economic opportunity for terrorists like Osama bin Laden and the vast networks of evil they finance. In one month the United States has frozen nearly $4 million in assets belonging to the Taliban, Osama bin Laden and the al Qaeda network. Congress must continue to close the loopholes that allow the enemies of freedom to finance attacks on America. To date, our allies have frozen more than $24 million since September 11th. We are making great headway, but we are not there yet. New anti-money laundering tools are critical to this continued effort.

With respect to H.R. 2975, I am pleased that this measure enhances our wiretapping laws to reflect today's communication reality. Under this measure, wiretap authority for suspects using communication devices such as the Internet and cell phones would be streamlined so that law enforcement could obtain a subpoena from one jurisdiction. I am also pleased that this measure makes aliens who endorse terrorist activity or suspected money launderers inadmissible and deportable. Today, we know that one of our greatest strengths, our open society, may have made us particularly susceptible to this brand of terrorism. While we must not allow fear to force us to change the inherent nature of our society—we must do what is reasonable to insure that potential terrorist operatives are not able to plot their herinous schemes within our borders.

Mr. Speaker, I stand with my colleagues on both sides of the aisle in my determination to provide law enforcement authorities with the necessary tools to investigate terrorism and protect against future attacks. Accordingly, I call upon my colleagues to join me in approving this important legislation at this time of national crisis which balances the need to expand the laws governing intelligence and law enforcement activities while safeguarding our dearly held constitutional rights and way of life.

Mr. SERRANO. Mr. Speaker, I rise in opposition to H.R. 2975, the Patriot Act of 2001, in its revised form. It is vitally important to give law enforcement the tools necessary to investigate and prevent further terrorist acts against American targets and to root out any person responsible for the dreadful acts of September 11. But it is at least as important to preserve the basic liberties that are ours under the Constitution of the United States.

I was reluctantly prepared to support the Judiciary Committee-reported version of H.R. 2975, because it was very carefully crafted on a bipartisan basis to address concerns expressed by Members across the political spectrum about the threat to our freedoms from too much expansion of law enforcement powers. Even the reported bill raised concerns, particularly about non-terrorist activities that might be swept up in the definition of terrorism, but I was somewhat reassured by the unanimous Judiciary Committee vote to report the bill.

But now we are presented with a new bill, a mix of Senate and House provisions, that became available for review at 8:00 this morning. An initial look at it reveals troubling provisions that expand government's power to invade our privacy, imprison people without due process, and punish dissent. The fact that some expansions of these powers may be used in any criminal investigation, not just an investigation of terrorism, particularly seems like overreaching.

I don't see why regular order had to be abandoned in this case. The Committee had reported a bill, the House was prepared to work its will on it today, and a final version could be crafted in conference. Instead, the Republican leadership basically hijacked the process, moving the negotiating position the House will take to conference toward the Senate's. This inevitably skews the conference results toward more police powers and less protection of our Constitutional rights and liberties. The procedural complaint may sound "inside-the-Beltway", but it has important effects on the final result.

Mr. Speaker, I support refining law enforcement powers to reflect the modern world and equipping law enforcement personnel to fight terrorism and bring terrorists to justice. But I most emphatically do not support erosion of our most basic rights to privacy and freedom from government scrutiny, and I cannot support this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I know this may sound unduly strong, but today we will react to one day of infamy with another if we pass H.R. 3108.

I remember hearing someone say shortly after September 11th in response to something I cannot remember now, that the first casualty of this war must not be the U.S. Constitution.

Well it wasn't the first, but if this bill is passed, it will perhaps be the most devastating one, certainly the most far-reaching one, one that will not honor those whose lives were lost in the terrorist attack, and one that all of us in this body—those who voted for it and those who did not—will rue to our dying day.

This will be the crowning glory and the golden key of all of the most extreme radical conservatives in this country. With the right to wiretap, with the right to hold without due process, with the right to even punish dissent, the very worst of infringements on the civil liberties that we have worked so hard to extend to all and protect and preserve, will reign, and threaten not just the terrorists, but all Americans.

When I think of all our forefathers fought for to create this independent Nation, with freedom and justice for all; when I think of the struggle to end slavery, to win the right to vote and to ensure that all Americans fully participate in this society, and all the lives that were given in these efforts, it makes me sick to think that today we might pass this travesty of justice and freedom and fairness, and in doing so undermine the government of checks and balances that they in their wisdom constructed, relinquish our responsibilities in this body, and dishonor their memory and their legacy.

Although neither I or most of our members have had an opportunity to fully review the legislation, it appears clear that most of the provisions of this act are un-necessary to accomplish the goals of ferreting out terrorists and their abettors. In other instances they go too far or continue long after they would be reasonably needed under the very worst of circumstances.

At the very least we need to apply the restraint of time and opportunity for full review, as well as make possible the opportunity to amend and thus fix the more egregious parts before a vote is taken on a measure such as this, which will change the culture of our society in terrible ways, and give those who wanted to destroy not only our prosperity but our freedom, the victory in the end.

I urge all of my colleagues to vote H.R. 3108, the leadership bill down, and protect the freedoms that make America, America.

Mr. GILMAN. Mr. Speaker, today we have been debating an important bill. Our deliberations this afternoon will provide modernized surveillance capabilities aimed at capturing terrorists which will ensure that new technology can be executed in multiple jurisdictions anywhere in the United States.

The Patriot Act will expand the definitions related to terrorist organizations; provide the seamless flow of information between law enforcement and intelligence agencies; strengthen our northern border by tripling the number of Border patrol personnel in each state along this border; and most importantly will permit the courts to issue a generic order, which will still identify a target, yet permit the court order to be presented to a carrier, landlord or custodian and allow that the surveillance may be undertaken as soon as technically feasible on any new location.

There has been extensive discussion on the floor with regard to these new surveillance provisions by those fearing the abdication of our civil rights protections with the passage of this Act.

While, I am confident that nobody in this chamber is interested in either deteriorating our civil rights or failing to provide our nation with the necessary law enforcement and intelligence tools to defeat terrorism, I believe it is important to bear in mind the times in which we currently find ourselves.

A month and one day ago, we were barbarically and cowardly attacked by terrorists. Nearly six thousand lives were lost—more than in the attack on Pearl Harbor. Our economy has been adversely affected, and our constituents are demanding that we provide protection against any further terrorist assaults. While, we did not ask for the war we now find ourselves involved in it is our duty as Members of Congress to provide the necessary tools and laws necessary to defeat those who wish to harm America.

Mr. Speaker, we learned during Vietnam that we cannot fight and expect to win a war when we fail to provide our military with the resources necessary for victory. Let us not make that same mistake twice and fail to provide the tools necessary to win this war—our war against terrorism.

We can and will continue to protect our civil liberties by providing constant oversight over these initiatives. After all it is our responsibility in the Congress to provide such oversight and to insure that our government not overstep its bounds. I am confident that we will not fail in this regard.

Accordingly, I rise in full support of the Patriot Act and I urge all of my colleagues to support this important legislation.

Mr. OXLEY. Mr. Speaker, I am pleased that this Congress is going to give our law enforcement and intelligence communities the tools they desperately need to track down terrorists and prevent another murderous attack on our people.

September 11th ushered in a new era in American history. We are vulnerable here at home, not just to the fanatics who hijacked those planes, but to other terrorists who have access to biological, chemical, and maybe even nuclear weapons. This threat will not end in 2 years, 5 years, or 10 years.

The provisions in this bill will help to put the FBI and CIA on a more equal footing with terrorists who are using electronic communications to plot with impunity. I have long warned that our wiretap laws have not kept pace with advances in technology. Law enforcement needs to be able to monitor cell phone calls and electronic communications, just as it has been able to listen in on old-style rotary phones.

Simply put, if we can't hear what terrorists are saying, we can't stop them.

Under the sunset language in this bill, these new authorities could expire in as little as 3 years and possibly in 5 years. Establishing that "sunset" date is a mistake. It sends an unintended message that our resolve is fleeting. It also tells a law enforcement community working around the clock that their power to protect us is provisional. And it suggests to the American people that in a few years, we might let down our guard.

We will not give our Armed Forces anything less than our full support in this war. Intelligence gathering is going to be every bit as important to this campaign as our military.

Surveillance is restrained by a body of agency rules, judicial approval, and congressional approval. As a former FBI agent, I applied for wiretap orders. They are not easy to get. The electronic surveillance provisions in the bill are constitutional and achieve the proper balance with our constitutional rights. I happen to think that safety and security during uncertain times is a most important civil liberty.

Through the actions we take, Congress must show that the U.S. will stay the course with the war on terrorism for the long haul. I hope that our law enforcement community will be able to deal with the inconsistency that the sunset poses, and use these common sense authorities to protect us from the terrorists who we have already been warned may be poised to strike again.

Mr. BOYD. Mr. Speaker, I rise today in support of H.R. 3108, the Uniting and Strengthening America Act. Since the attacks that devastated our Nation on September 11th, Congress has been working in a bipartisan fashion to develop the solutions to combating terrorism. I believe this bill provides the necessary solutions to one of the greatest challenges our country has ever faced. Congress and the President must work together to ensure that the necessary steps are taken in order to prevent terrorism from occurring on American soil and victimizing American citizens ever again. Providing federal law enforcement officials with the tools to fight the war on American is not only our civic responsibility, but our responsibility as American citizens. While expanding these powers, we must be mindful of protecting the civil liberties that every American enjoys, because these are the very freedoms that make this country great and for which scores of our forefathers have fought. This bill strikes the delicate balance between the two vital points of expanding power and protecting civil liberty.

It is important to update current laws to reflect the technological changes the 21st century has brought about, including new methods of communication. Federal law enforcement officials must have the capacity to monitor terrorists who utilize relatively new technology to plan attacks on Americans throughout the world. These provisions are essential to ensuring victory in our war against terrorism. Additional items included in this bill expand law enforcement power through new types of electronic surveillance, increased foreign intelligence gathering, and immigration reforms that will keep us a step ahead of any potential act of terrorism against Americans. It is also important to note there are provisions in the bill to ensure our civil liberties are protected. Among these is the mandatory sunset of the intelligence gathering provisions after five years. This allows Congress to evaluate whether the new powers given to justice officials have been successful and have respected the civil rights of each and every American citizen.

Again, Mr. Speaker, I rise in support of the Uniting and Strengthening America Act and urge that this legislation be adopted.

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to this rule and in opposition to the clandestine way in which what was once a strong bipartisan package was changed and rushed to the floor with no consultation with this side of the aisle.

While I understand the difficult task of crafting legislation while the nation is still recovering from and investigating the terrorist attacks of September 11th, I am disappointed with the extremely limited choice placed before me. I want to provide our law enforcement with the tools they need to stop terrorism. I want to support this bill, but few of us even know what is in it since the Judiciary Committee never considered it.

In the aftermath of the attacks, we must strengthen our ability to find and punish those connected with these tragic events, and enhance our preparedness to prevent similar tragedies in the future. However, we must meet the critical counter-terrorism need of federal law enforcement and intelligence agencies without compromising the civil liberties of our citizens in the process. I have strong concerns about the bill we are considering today because I cannot be guaranteed it strikes this crucial balance.

I urge my colleagues to vote against the rule so we all can be assured this goal is met by bringing the original measure which was unanimously approved the Judiciary Committee, to the floor instead.

Ms. KILPATRICK. Mr. Speaker, today I rise in opposition to the rule and the antiterrorism bill we are considering today.

While the current circumstances require expedited action, we must also be deliberate and circumspect in our action. I know these aims run counter to one another, but at this juncture in our history it is critical that we think before we act. The attacks on our nation have changed us forever causing strong demands for action to improve our security. Our response to terrorism, however, must not thwart the very democratic values that this nation was founded upon.

Any legislative action we take must ensure that our traditions of civil liberty continue to stand strong—anything less would serve the goals of those who attacked us.

Unfortunately, we are now poised to consider a measure that grants our federal government broad sweeping powers to investigate not only terrorism, but all crimes. We are now poised to consider legislation that may jeopardize the civil liberties that we hold dear. Today we are forced by the White House and a few people in the House and Senate to circumvent a process that produced legislation that could truly be called bipartisan. The Republicans and the Democrats on the Judiciary Committee joined together to create a measure that received the unanimous support of the Committee. I commend Chairman SENSENBRENNER and Ranking Member CONYERS for their good work. The White House and the Republican leadership of the House, however, hijacked the Committee's work—forcing us to vote on this one hundred and eighty page bill with only a few short hours to review it.

There are thorny issues in the measure before us.

The House Judiciary Committee's counterterrorism bill included a provision that sunsets these extraordinary increases in Government power in two years, ensuring that the House would be forced to review these measures at that time. This compromise was reached despite the fact that the White House and the Justice Department wanted the measure to be enacted for an indefinite amount of time.

The bill before us today, however, allows the measure to be revisited in three years. At that time, however, it is within the sole discretion of the President to decide whether or not to extend these measures for another two years. This is dangerous. This measure gives this administration nearly unbridled power to pursue terrorism and other crime. Yes, we need to address the ability of government to pursue terrorists. However, Congress should be able to change this measure if the current terrorist threat subsides. Congress should be the body revisiting this measure in two or three years. Congress should not delegate its constitutional duty to oversee the activity of the Executive Branch.

While I firmly support added measures to fight terrorism, we should not move in the direction of past mistakes. Fortunately we successfully removed provisions giving the administration the ability to detain suspect non-citizens for indefinite amounts of time. Unlimited detention is unacceptable. There must be thorough judicial review in a specified period of time. We must not repeat the mistakes of our past. We must not revert to the age of McCarthyism when accusation and innuendo operated with the force of law. I am concerned that those who support today's process and the measure before us today have not learned the lessons of history well enough.

I understand that the events of September 11 have necessitated heightened measures to ensure the security of our citizens. However, I hope these heightened measures do not distort our records on the issue of civil liberties. I am particularly concerned about those who suggest that our current situation justifies the practice of racial profiling or search and seizure procedures without clear standards that are subject to thorough review of our nation's judges. As an African American, I know all too well the ills of racial profiling. The President has proclaimed that our war on terrorism is not a war on Islam. He has proclaimed that our nation takes pride in its diversity, which is strengthened by our brothers and sisters of the Islamic faith. I suggest that if our policy is to focus our heightened investigative efforts solely on those who look Middle Eastern, or foreign, then we dishonor the President's noble proclamations. In this time of need we should focus our attention on all potential terrorists, including those who attack this country in the name of Christianity. Our outcry and efforts against foreign terrorism should be just as zealous against domestic terrorism. Our outcry against the Osama bin Ladens of the world should be just as strong against the Timothy McVeighs. Both seek to use terror and confusion to accomplish their warped political goals. By a truly comprehensive and objective attack on terrorism we lend credibility to our current war on terrorism and shine forth the light of freedom from our nation's shores.

Mr. Speaker, for these reasons I oppose the measure before us today. In our justified haste to catch those who perpetrated the events of September 11 and who pose a continued threat to our nation, we must not abort the ideals that have made our nation strong. In the face of this crisis we must not rend our civil liberties and thus our Constitution, lest we be prepared to cede victory to the terrorists.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 2975, the anti-terrorism bill. I do so reluctantly because we were supposed to have had a bill on the Floor today that I could have supported. The House Judiciary Committee unanimously passed a bipartisan bill that adroitly found the right balance between giving federal authorities the tools they need to fight terrorism, while still protecting the civil liberties that our citizens hold so dear.

Unfortunately, a few members of the Republican leadership rejected this bipartisan legislation and created a new bill. This bill loses the balance that the previous legislation had achieved. The bill gives broad new powers to federal law enforcement officials while putting civil liberties at risk. Even worse, the bill prevents the Congress from reviewing these provisions in two years to ensure that the government is using its new powers in an appropriate manner.

In addition, this bill has not received proper consideration by the House of Representatives. Most members, in fact, don't even know what the bill contains. This may be the most sweeping, comprehensive piece of legislation dealing with law enforcement practices and civil liberties that this Congress will ever consider. Such important legislation demands careful scrutiny and deserves bipartisan agreement. This bill fails in both respects.

There is no question that the United States government must do everything in its power to protect our citizens. Our laws do need to be adjusted to properly reflect modern technology and to effectively respond to modern threats. The bill we consider today, however, is not the answer. I urge my colleagues to oppose this bill and to return to a bipartisan approach to improving our nation's security.

Mr. THOMPSON of California. Mr. Speaker, it is with great reluctance that I vote in support of the antiterrorism legislation that was debated in the House today. What began as a collaborative and bipartisan process, has become a clandestine and highly partisan catastrophe. My intention today, was to support H.R. 2975, the PATRIOT Act that was given thoughtful consideration and resulted in a well-crafted compromise. To my great regret, however, partisan procedures and pressures kept the House of Representatives from passing this legislation. Instead, the House took up a modified version of the Senate passed Uniting and Strengthening America Act.

With some adjustments by the House leadership, the legislation contains many important provisions to ensure that the intelligence and law enforcement communities can do their jobs. The bill makes changes to intelligence and surveillance laws to account for advances in technology. It also strengthens penalties for money laundering and possession of biological agents for a suspected terrorist. But I am concerned that the legislation fails to create a watchdog position within the Department of Justice to monitor intelligence and law enforcement activities enacted by this new law. It also abandons the original two-year sunset, to a sunset of up to five years depending upon presidential preference. I believe that a five-year period is too lengthy, and support a sunset period of up to three years to ensure that civil liberties are protected, while intelligence and law enforcement officials do their jobs.

Let me be very clear: I voted for the revised antiterrorism legislation today to ensure that the horrendous events of September 11th are never repeated. I am offended by the process but am compelled by the circumstances in which we live today. I believe that in the days ahead, the House and Senate conference committee will work to craft a compromise measure that the American people can fully support. In this new day of extraordinary circumstances, the impossible became a reality. Consequently, decisive action is necessary to prevent future acts of terrorism on the United States.

Mr. UDALL of Colorado. Mr. Speaker, earlier this year we began this Congress by taking an oath to uphold the Constitution.

It was the second time I did so, but for me it was still a solemn moment and a source of great price—as I am sure it was for you and for the many of our colleagues who have served far longer than I.

It was a solemn moment because we were pledging ourselves to upholding the basic framework of our government, including the basic guarantees of the Bill of Rights. I think that is the highest and most important duty any American can undertake.

And it was an especially proud moment for me because it meant that I would again be privileged to be part of this great institution, the House of Representatives—an institution for which I have for so long had such great respect.

Since then less than six months have passed—but how long ago that seems to have been. Since September 11th, so many things have happened, and so many things have changed. And, unfortunately, one of the things that has changed is my pride in the way the House is meeting its responsibilities.

That is because today we are proceeding in a way that falls far short of the standard to which we should hold ourselves—and doing so in connection with legislation of the very highest importance, legislation that can affect the lives and liberties of all the American people.

To start with, like so many of our colleagues, I have not had an opportunity to learn fully what is in this bill beyond a cursory discussion in caucus, and while some Members of the House are versed on the particulars, I don't believe there has been enough time for debate and full consideration. On a subject so dear as our civil liberties, particularly in a time of crisis, surely the House could afford time to allow Members to read and understand this complicated legislative package before a vote. I do not know whether the objections raised by the bill's critics—such as those in today's letter from the American Civil Liberties Union—are well-founded or not. But I have no doubt that when it comes to matters as important as these it is far better to err on the side of caution.

Mr. Speaker, in times of war and crisis there is always a very delicate balance between the need to be secure and the need to protect civil liberty. There have been moments in our nation's history when this balance was not carefully preserved—and with shameful consequences. In the rush to fight the terrorist threat, I want to be absolutely certain that we strike the right balance and avoid looking back on this time with regret about our haste and lack of wisdom.

I am not an expert on fighting terrorism, but I know that if we are not careful in choosing our weapons, we can damage the very Constitution we have sworn to uphold. And I do know that there is a right way and a wrong way to legislate—and this is the wrong way.

And that, Mr. Speaker, is why I cannot vote for this bill today.

AMERICAN CIVIL LIBERTIES UNION
Washington, DC, October 12, 2001.

BE PATRIOTIC—VOTE AGAINST THE REVISED "PATRIOT BILL"

DEAR REPRESENTATIVE: The ACLU is urging Members to vote no on the Rule, no on final passage and yes on the motion to recommit. Sadly, most Americans do not seem to realize that Congress is about to pass a law that drastically expands government's power to invade our privacy, to imprison people without due process, and to punish dissent. More disturbing is the fact that this power grab over our freedom and civil liberties is in fact not necessary to fight terrorism. Briefly, the substitute bill has the following problems:

Sharing Sensitive Information without Privacy Protections: The bill authorizes law enforcement to "share criminal investigative information." This section permits the disclosure of sensitive, previously undisclosable information obtained through grand jury investigations or wiretaps about American citizens to the CIA, NSA, INS, Secret Service and military, without judicial review, and with no limits as to how these agencies can use the information once they have it, and without marking the information to indicate how the information can be used.

Sneak and Peek Searches: this section authorizes the wholesale use of covert searches for any criminal investigation thus allowing the government to enter your home, office or other private place and conduct a search, take photographs, and download your computer files without notifying you until later. The Congress rejected this provision two times last year because it was misguided and overbroad

Single-Jurisdiction search warrants for terrorism: This provision enables the government to go to a court in any jurisdiction where it is conducting a terrorism investigation, regardless of how insubstantial that location is to the investigation, to conduct a search anywhere in the country. This will allow the government to forum shop and make it practically impossible for individuals who are subjected to the search to challenge the search when the warrants are issued by a judge in a distant location.

New crime of Domestic Terrorism: This new crime is wholly unnecessary for the Administration's "War on Terrorism." It expands the ever-growing cadre of federal crimes by authorizing the federal government to prosecute violations of state law and may be used to prosecute political protestors who engage in acts the government considers to be dangerous to human life.

Requires People to Turn in Suspects Even If They Don't Know Whether the Person Has Committed a Crime. This bill creates a new crime exposing people to criminal liability for lodging a person who he or she knows "or has reasonable grounds to believe" has committed or is about to commit a crime. This places a new burden on persons to turn in family and friends never before imposed on individuals.

Disclosing Intelligence Information on Americans to the CIA: The bill mandates that the FBI turn over any information on terrorism, even if it is about American citizens, that is developed in criminal cases. This will result in the CIA getting back into the business of spying on Americans.

Imposing Indefinite Detention: The bill allows for non-citizens to be detained indefinitely, without meaningful judicial review;

Reducing Privacy in Student Records: The bill overturns current law by giving law enforcement greater access to and use of student records for investigative purposes. Under the substitute, highly personal and potentially damaging information about American and foreign students will be transmitted to many federal agencies and could lead to adverse consequences far beyond the stated goal of the anti-terrorism bill.

Sunset of Wiretap Provisions: The House Judiciary Committee's bill would have sunset all of new wiretapping authorities in two years and two months. The sunset was designed to permit Congress to evaluate how the new authorities were being used, and whether there were abuses that would require additional privacy protections. The bill now pending before the House would gut the sunset provision by extending it to five years and three months (three years and three months, plus two more years upon a presidential certification).

Exclusionary Rule: The House Judiciary Committee's bill included a provision to exclude from criminal cases evidence that law enforcement seized illegally when monitoring Internet communications. This would have conformed the rules pertaining to illegal interception of Internet communications to the rules governing illegal interception of telephone calls. The bill now pending in the House omits this provision.

Expansion of Wiretapping Authority: The wiretapping provisions in the pending House bill are virtually identical to those in the bill the Senate approved last night. Both bills minimizes judicial oversight of electronic surveillance by: subjecting private Internet communications to a minimal standard of review; permitting law enforcement to obtain what would be the equivalent of a "blank warrant" in the physical world; authorizing scattershot intelligence wiretap orders that need not specify the place to be searched or require that only the target's conversations be eavesdropped upon; and allowing the FBI to use its "intelligence" authority to circumvent the judicial review of the probable cause requirement of the Fourth Amendment.

Most of these provisions are unnecessary for fighting international terrorism; some would be acceptable if they were implemented with appropriate judicial oversight. Law enforcement agents make mistakes—for example, the life of suspected Atlanta Olympic bomber Richard Jewell was turned upside down. Essential checks and balances on these new powers are omitted from this legislation. We can be both safe and free if the House takes the time to do this right.

For more information, please contact: Wiretapping—Greg Nojeim 202/675-2326, Crime Provisions—Rachel King 202/675-2314, Immigration—Tim Edgar 202/675-2318, Privacy—Katie Corrigan—202/675-2322.

Sincerely,

LAURA W. MURPHY,
Director.
GREGORY T. NOJEIM,
Associate Director & Chief Legislative Counsel.

Mr. KIND. Mr. Speaker, of all the issues we have considered, and will consider, in the aftermath of September 11, securing the safety of our Nation against the threat of terrorism may prove to be the most challenging aspect of our recovery and security focus. One reason the terrorists targeted our Nation is because of the freedoms we enjoy as a nation, and the importance we place on individual liberty.

By nature, the openness of American society is a liability when it comes to public safety. The attacks on the World Trade Center and the Pentagon have shown us that virtually any possible threat may be realized.

The challenge of securing the Land of the Free is a delicate task. By considering the laws that protect personal privacy we risk alienating those values on which our Nation was founded. In taking on this challenge, I commend the Chairman and ranking member of the Judiciary Committee for recognizing the fundamental importance of this task, and working together to draft legislation in a fair and respectful manner. I just wish that process had been followed through all the way to the end instead of being hijacked the night before.

The legislation before us today is not perfect. I, like many Members, have reservations about expanding boundaries in which Government may more easily encroach on personal privacy. However, these reservations must be weighed in light of our experiences, as well as Section 8 of Article 1 of the Constitution which states "Congress shall have the power—to provide for the common defense and general welfare of the United States . . ."

As a former prosecutor, I have experience in dealing with criminal investigations and prosecutions, and understand the inherent need to protect the public against terrorist activities. While I maintain concerns regarding some aspects of the bill regarding the specifics of electronic monitoring and other provisions, I acknowledge the importance of modernizing our laws to reflect the use of new technologies. I also appreciate the committee work on issues including improving the security of our borders, providing benefits to individuals involved in the immigration system who were detrimentally impacted under the law by the attacks, and updating the definition of terrorist activities and criminal penalties associated with terrorism in light of September 11. In addition, the sunset provisions attached to this legislation will provide for a review of these changes.

This legislation provides the best opportunity for our Nation to protect its citizens without crossing the Constitution, and I therefore support its passage.

Ms. HARMAN. Mr. Speaker, a long-scheduled appointment for minor surgery that was planned on the basis of the House leadership's announced calendar requires that I miss the vote on final passage of H.R. 2975.

I support many—though not all—of the counter-terrorism changes recommended by Attorney General Ashcroft. Indeed, I was part of the bipartisan group of members of Congress who met with him shortly after the tragic terrorist attacks of September 11.

Whether the bill implements those recommendations is difficult to tell. The time stamp on the text is 3:43 am this morning. Do we know what changes were made between it and the bill reported unanimously from the Judiciary Committee?

Mr. Chairman, the process by which we are considering this measure plays fast and loose with our Constitution. It may well be that a number of its provisions will be stricken by the Courts.

We should have had an opportunity to more carefully consider its provisions.

Law enforcement needs 21st century rules to combat 21st century enemies. A cursory review of this bill suggests that we are providing many of them. But some may go too far, some may not go far enough.

With some reluctance I support this bill. Not because I believe changes are not warranted, but because the rushed process by which the House is considering this bill is inappropriate given the severity of the challenge before this nation.

Mr. MCGOVERN. Mr. Speaker, I rise today in opposition to the version of the bill that has been presented before this House for consideration. Like every Member of this Congress, I believe we should provide law enforcement with every appropriate tool necessary to combat terrorism. In that spirit, I have supported all of the President's actions and requests, in both word and deed, since the horrific attacks which devastated this nation on September 11. Furthermore, I came to work this morning with every intention of voting for the carefully crafted bipartisan legislation that passed the House Judiciary Committee last week 36–0.

However, I now stand before this House in complete amazement at the events that have transpired over the past 24 hours. Last week, the Judiciary Committee took the Bush administration's proposal into mark-up, and carefully discussed and considered every aspect of this legislation. In an impressive display of bi-partisanship the concerns of every single one of the 36 members of the Judiciary Committee, from the right and the left, were addressed. For that, I applaud both Chairman SENSENBRENNER and Ranking Member CONYERS for their efforts.

Yet despite this monumental display of cooperation, we stand poised to vote this morning on a substitute bill that was never even considered in the committee setting, and whose contents few of us have even seen. I am deeply troubled by the injustice done to the legislative process by rushing this new bill onto the floor, replacing the carefully crafted bill that was so impressively constructed last week.

During this great nation's time of trial, we cannot underscore enough the importance of safeguarding the precious civil liberties and basic freedoms that underpin our society. Even in times of heightened alert, military action, and increased security awareness, it is our job as Members of the U.S. Congress to carefully consider the implications of extending the search and seizure powers of federal agencies, and ensure the protection of our basic rights as Americans. If we allow the cowardly terrorist actions of September 11 to redefine the freedoms that law-abiding citizens of this great nation are allowed to enjoy, then we have defeated ourselves. Nothing would greater please those who deplore America and our freedom loving society than to watch as we rashly whittle away our civil liberties out of fear and insecurity.

Mr. Speaker, I will oppose this legislation today, and I ask that all of my colleagues do the same. I fully support the efforts of President Bush to ensure the security of this nation, yet I will not vote to undermine the basic freedoms we all hold dear. It is crucial that we, as a united Congress, remain strong in this time of crisis, and protect the fundamentally American values and civil liberties that so many generations before us have struggled to create.

Mr. BUYER. Mr. Speaker, I rise today in support of the PATRIOT Act.

We are engaged in a great struggle to combat the forces of terrorism that threatened our Nation on September 11. For this struggle, we have called forth the strong arm of our military. But in addition, this struggle will also be fought by law enforcement here at home.

Our law enforcement officers need the best tools available to combat terrorism. This is not the case today and it is this deficiency that this bill seeks to remedy. For far too long we have neglected to equip our law enforcement with the tools they need to do their jobs as technology has changed.

This bill will permit wiretaps to be leveled against suspected terrorists the same as we do for drug lords and organized crime syndicates. With existing court protections in place, law enforcement will now be able to follow suspected terrorists when they use the Internet, a land line phone or numerous cell phones. Nor will law enforcement have to go back to various courts when suspects move from location to location to location.

Quite frankly, these provisions are long overdue. I regret that this bill includes a sunset provision. We need these provisions to be permanent.

MODIFICATION TO AMENDMENT ADOPTED PURSUANT TO HOUSE RESOLUTION 264

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the amendment considered as adopted pursuant to H. Res. 264 be further modified as follows: delete sections 302, 303, and 304.

This request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 264, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NADLER. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NADLER moves to recommit the bill H.R. 2975 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following:

"Section 225. Scope of Provisions

"This title and the amendments made by this title (other than sections 205, 208, 211, 221, 222, 223, and 224, and the amendments made by those sections) shall apply only to investigations of domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code), such that this title and the amendments made by this title (other than sections 205, 208, 211, 221, 222, 223, and 224, and the amendments made by those sections) shall not apply to violations of either sections 992(a)(1)(A), 922(a)(6), 922(a)(5), 922(m), or 924(a)(1)(A) of title 18, United States Code (pertaining to firearm dealers violations), or first-time non-violent violations of the Controlled Substances Act (as set forth in title 21, United States Code) unless such violations pertain to domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code)."

Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes in support of his motion to recommit.

Mr. NADLER. Mr. Speaker, what this motion to recommit does is to make the provisions of this bill granting extraordinary powers to investigative agencies of governments apply only to extraordinary circumstances, only to investigations of terrorism or potential terrorism.

Mr. Speaker, a month ago, the United States was attacked; and in particular my district was attacked. I know or knew many people who were victims of that horrible attack, and I thirst to repay that attack and to make sure it will not happen again. But we can be attacked in many ways, and one of those attacks is to cause us to invade our own liberties as a reaction to the attack upon us, and that we must prevent.

Speaker after speaker on this floor today has described how this 187-page bill, seen by us only a few hours ago, with no opportunity to really look into it, to send out the text to law professors, to others, to really see the implications and to make intelligent judgments upon it may very well be a danger to many of our liberties.

Well, we have to act in haste, we are told. Why? Because we must prevent acts of terrorism. Let us grant that assumption. Fine. But why should these provisions then extend to anything but terrorism? We can pass the bill today. I will not vote for it, but we can pass the bill today, give our government the powers it says it needs, that the President and the Attorney General say they need to prevent terrorism and to defeat terrorists, but not grant that power with respect to everything else until we have had proper time to look into the question without the haste that this emergency imposes on us. And then we can say that these provisions should or should not, or some should and some should not, be extended to ordinary criminal investigations.

Let the terrorism bill proceed for terrorism now, albeit in haste, albeit hastily drafted, albeit not properly vetted. If that is the will of the body, let it be done for terrorism, but only for terrorism. And let us, for other things where the emergency is not immediate, take our time and do it properly.

So this motion to recommit simply says these extraordinary powers exist for terrorist threats, for investigations of terrorism, and not for others.

Mr. WEINER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. WEINER. Mr. Speaker, I rise and I speak to some in this body who share my view that the Senate bill, arguably, does not go far enough. And I speak to some in this body who recognize the great work that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) did to cobble a compromise that everyone can rally around. Those are good reasons for us to step back, go back to the drawing board, and perhaps return with our original bill, if for no other reason than we are going to conference with the other body and it seems insane we are here negotiating with ourselves.

But let us think of some of the things that were in the bill that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) wrote that are not in today. The gentleman from Illinois (Mr. HYDE) offered language that would track money launderers. Out of the bill. I think it should be in. The gentleman from Georgia (Mr. BARR) offered language, and I have trouble saying these words, that I agree with while in terms of tracking security officers. I offered language that was in the bill that would track people who come here on student visas and who overstay their visas and commit acts of violence, at least two of which were in that category that crashed into the World Trade Center in my hometown.

My colleagues, I have been to too many vigils, too many funerals, held too much hands of grieving families in my district to be satisfied with a bill that takes out so many of the provisions that we worked so hard for in the Committee on the Judiciary. There are many reasons why we should offer a motion to recommit, some of which are those which are shared by my colleague, the gentleman from New York (Mr. NADLER), who believes this bill goes too far. But there are also reasons, I say to all of my colleagues, for those who think we have watered down these efforts too far, to put back in some of the thoughtful provisions that the House Committee on the Judiciary put in.

There is no good reason not to recommit. There is going to be a conference on this bill. Why not go in with our strongest possible negotiating position, including the Hyde language, the Barr language, and the Weiner language that I would say would pass this House with 350 votes.

Mr. NADLER. Mr. Speaker, reclaiming my time, I agree with the other distinguished gentleman from New York. There are provisions that go too far in this bill, in my opinion; and there are things that are not in this bill that ought to be, again, after the wonderful work done by the distinguished gentleman from Wisconsin and the distinguished gentleman from Michigan and the committee as a whole, tossed out the window, a new bill, brand new, emergency we are told.

Limit this to the terrorism and let us work regular order, the way this House ought to proceed, so we may examine whether these powers belong in the general criminal field. There is no emergency we are told about there. The emergency pertains to terrorism, so let us proceed on an emergency basis, which we are doing now, voting for this bill virtually sight unseen, proceed on that emergency basis only for the terrorism emergency. Limit the bill to the terrorism emergency and look at the rest in our own good time.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, the motion to recommit should be rejected for the following reason:

In many cases, what begins as an ordinary criminal investigation will end up leading into material relating to how terrorists finance themselves or how terrorists act and further criminal activity as well.

Let me give an example. Last month, the Prime Minister of the United Kingdom, Tony Blair, gave a very eloquent speech to the annual conference of his Labor Party somewhere in England. That speech was covered by C-SPAN. I saw most of it. I hope that many of the other Members did as well. But one of the things that Prime Minister Blair said was that 90 percent of the heroin that is sold in the United Kingdom is sold by Osama bin Laden's front groups, and the money that is used from people who purchase the heroin is used to finance Osama bin Laden's terrorist activities.

□ 1545

Under the motion to recommit by the gentleman from New York, if there is an ordinary, run-of-the-mill drug investigation that might include terrorist activity or might not include terrorist activity, the expanded law enforcement provisions of this bill would not apply until there is evidence that terrorist activity has infiltrated that part of the drug trade.

By the time that evidence comes up, it might be too late, and there might be another terrorist strike that could have been prevented as a result of the increased law enforcement powers that are contained in this bill.

The motion to recommit by the gentleman from New York will not allow law enforcement to expand its scope in time because there would have to be showing of a linkage to international terrorism as defined by this bill. We should reject the motion to recommit simply for that reason. I urge a "no" vote.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 73, nays 345, not voting 12, as follows:

[Roll No. 385]

YEAS—73

Berkley
Berman
Bonior
Boucher
Brady (PA)
Capps
Capuano
Cardin
Clay
Clayton
Clyburn
Conyers
Coyne
Davis (IL)
DeGette
Delahunt
Dingell
Engel
Farr
Fattah
Filner
Frost
Gephardt
Gonzalez
Green (TX)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Honda
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kucinich
Lee
Lewis (GA)
Matsui
McCarthy (MO)
McCollum
McDermott
McKinney
Mink
Nadler
Oberstar
Olver
Owens
Paul
Pelosi
Rahall
Rodriguez
Roybal-Allard
Rush
Sabo
Sandlin
Scott
Sherman
Slaughter
Snyder
Solis
Thompson (MS)
Thurman
Udall (CO)
Visclosky
Waters
Watson (CA)
Watt (NC)
Wu
Wynn

NAYS—345

Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (NY)
McCrery
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—12

Abercrombie
Aderholt
Barton
Blunt
Boyd
Gillmor
Harman
McHugh
Miller (FL)
Napolitano
Quinn
Towns

□ 1618

Ms. LOFGREN, Messrs. GILMAN, KIND, McGOVERN, TANCREDO, BERRY, WEINER, GEORGE MILLER of California, KLECZKA, BLUMENAUER, Ms. BALDWIN, Messrs. MOLLOHAN, CROWLEY, RANGEL, NEAL of Massachusetts, Ms. RIVERS, Mr. SPRATT, Ms. HOOLEY of Oregon, Messrs. MATHESON, LIPINSKI, BORSKI, STRICKLAND, McNULTY, Mrs. LOWEY, Mrs. TAUSCHER, Messrs. BARCIA, KILDEE, CUMMINGS, DOOLEY of California, PASTOR, COSTELLO, MEEKS of New York, GORDON, MOORE, LANGEVIN, WAXMAN, DeFAZIO, HOLT, PALLONE, ROTHMAN, ROSS, Ms. VELÁZQUEZ, Mr. LEVIN, Mr. BACA, Ms. BROWN of Florida, Messrs. DUNCAN, PETERSON of Minnesota, STUPAK, Ms. CARSON of Indiana, Messrs. ETHERIDGE, MENENDEZ, BENTSEN, PRICE of North Carolina, Ms. MILLENDER-McDONALD, Messrs. TANNER, PAYNE, SANDERS, HILL, GUTIERREZ, Mrs. MALONEY of New York, Mr. BLAGOJEVICH, Mr. BECERRA, Ms. JACKSON-LEE of Texas, Messrs. CLEMENT, LARSON of Connecticut, LANTOS, STARK, MARKEY, Ms. DeLAURO, Mr. UDALL of New Mexico, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. WOOLSEY, Mr. EVANS, Mr. ORTIZ, Ms. ESHOO, Mr. BALDACCI, Mr. ALLEN, Ms. SANCHEZ, Mrs. DAVIS of California, Messrs. CONDIT, REYES, LAMPSON, THOMPSON of California, ACKERMAN and HINOJOSA changed their vote from "yea" to "nay."

Mrs. CLAYTON, Mr. McDERMOTT, Ms. LEE, Mr. OLVER, Ms. SOLIS and Ms. ROYBAL-ALLARD changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 337, nays 79, answered "present" 1, not voting 14, as follows:

[Roll No. 386]

YEAS—337

Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—79

Ackerman
Baldwin
Barrett
Becerra
Blumenauer
Bonior
Boucher
Brown (OH)
Capuano
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Farr
Filner
Frank
Hastings (FL)
Hilliard
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kleczka
Kucinich
LaHood
Lee
Lewis (GA)
Markey
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Nadler
Oberstar
Olver
Otter
Owens
Pastor
Paul
Payne
Peterson (MN)
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schakowsky
Scott
Serrano
Solis
Stark
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Woolsey
Wu

ANSWERED "PRESENT"—1

Obey

NOT VOTING—14

Abercrombie
Aderholt
Barton
Blunt
Boyd
Gillmor
Harman
Lewis (CA)
McHugh
Miller (FL)
Napolitano
Quinn
Roukema
Towns

□ 1626

Mr. HONDA and Mr. BECERRA changed their vote from "yea" to "nay."

Ms. CARSON of Indiana changed her vote from "present" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2975, PATRIOT ACT OF 2001

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2975, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from Georgia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring the schedule for the remainder of the week and next week.

Mr. PORTMAN. Mr. Speaker, if the gentleman will yield, I thank the gentleman.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business next Tuesday, October 16, at 12:30 p.m. for morning hour, and at 2 p.m. for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. Of special importance to Members, on Tuesday, no recorded votes are expected until 6 p.m.

On Wednesday and the balance of the week, the House will consider the following measures, subject to rules:

First, on Wednesday, the conference report to accompany H.R. 2217, the Interior appropriations bill for fiscal year 2002. Also on Wednesday, H.R. 3004, the Financial Anti-Terrorism Act of 2001, which is money laundering legislation reported out of committee yesterday.

□ 1630

Finally, on Thursday the House is expected to take up H.R. 3090, the Economic Security and Recovery Act of 2001, which is expected to be reported out of the Committee on Ways and Means yet this afternoon or this evening.

Mr. Speaker, appropriators are also working hard on additional bills now in conference. It is our hope that additional appropriations conference reports will be available for consideration in the House at some point next week.

Mr. BONIOR. Mr. Speaker, I would inquire of the gentleman from Ohio if the aviation security bill is coming to the floor next week.

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, we are hopeful it will come to the floor next week. We are still working on this legislation. The gentleman from Florida (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and others are working on it. We want to take this bill up with some urgency, but we cannot give the gentleman a firm time at this point.

Mr. BONIOR. Mr. Speaker, let me just say this. We have been very patient here. I have been raising this issue each week at the end of the week with a colloquy with the distinguished majority leader about the aviation security bill, and about the compensation bill for those who were laid off. Every week we have been told, well, we are working on that. We are working on it.

While we are working on it, the American people want some security in their flights. They want to know that their baggage is going to be checked. They want to know that there is a federally-secured inspection system in place. They want to know all of these things.

I must say, with all due respect, we are running out of patience, and I think the American people are running out of patience. That bill ought to have been brought to the floor today. It passed the Senate 100 to 0. There is no reason why we keep delaying and delaying and delaying.

So I want to encourage my friend, the gentleman from Ohio, and my colleagues on the other side of the aisle, have that bill on the floor as soon as we get back here next week. The American people are ready for it; we are ready for it on our side. I know Members on the gentleman's side are ready for it. There is no reason to continue to delay this important legislation.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I would just say to the distinguished acting majority leader that in the Committee on Transportation and Infrastructure we have worked very diligently on a bipartisan basis sharing ideas, coming to agreement on virtually all items in an aviation security bill but one.

I would hope that we would have that legislation, either the majority version or our version. Certainly, I understand bringing up the majority version of this bill on the House floor next week, but with an opportunity for us to offer our package as a substitute, or an amendment in the nature of a substitute.

I know, without going into the detail of it here, there is division over one issue. We ought to have an opportunity to elucidate that issue of who ought to conduct the screening of persons and carry-on baggage and checked baggage at airports. We ought to have a rational discussion on this subject. I hope that the majority will allow that to occur on the House floor next week.

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, I know we have an important briefing, and Members are waiting to hear the briefing and to catch airplanes and get home with their families, which is also very important.

We totally agree that it is very urgent to bring this measure to the floor. As we know, the Senate completed action only late last night. There are some differences between the President's proposal and the Senate bill. There are some complex issues still to be resolved. But we are very hopeful we can get that to the floor next week and get these issues resolved, and provide the American people an additional sense of security, in addition to the National Guard and other important measures that have been taken in the interim.

I would tell the gentleman that the points are well taken, and we will move with urgency.

Mr. BONIOR. Mr. Speaker, I would just say to my friend, the gentleman from Ohio, and he is my friend, that the Senate worked last night on the bill we just passed here a few moments ago. The gentleman on his side saw fit to bring it to the floor and get it done today.

There is no reason why we cannot move on this important piece of legislation. It passed the Senate 100 to 0. The American people want security in aviation, in flying in this country. We need it, and we needed it yesterday. So I want to encourage all my colleagues on the other side to pressure their leadership to get it to the floor.

We know what the issue is. The issue is whether we are going to have a professional Federal work force inspecting. Everyone understands that. Why do we not have a debate on that? This is what this is about.

It should not be about one or two people on that side of the aisle who are holding this up because they do not want it. It should be a debate where everybody decides on this floor. If we win, fine. If they win, fine. Let us get on with the business of taking care of the flying public.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3073

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 3073.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT TO TUESDAY, OCTOBER 16, 2001

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, October 16, 2001 for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Mr. GEPHARDT) for today after 12:30 p.m. on account of business in the district.

Ms. HARMAN (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of previously scheduled surgery.

Mr. MILLER of Florida (at the request of Mr. ARMEY) for October 9 and the balance of the week on account of family medical reasons.

Mr. ADERHOLT (at the request of Mr. ARMEY) for today on account of his house catching on fire.

ENROLLED JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 68. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 19. A joint resolution providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20. A joint resolution providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. CULBERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 16, 2001, at 12:30 p.m. for morning hour debates.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L Ackerman, Robert B Aderholt, W. Todd Akin, Thomas H Allen, Robert E Andrews, Richard K Armey, Joe Baca, Spencer Bachus, Brian Baird, Richard H Baker, John Elias E Baldacci, Tammy Baldwin, Cass Ballenger, James A Barcia, Bob Barr, Thomas M Barrett, Roscoe G Bartlett, Joe Barton, Charles F Bass, Xavier Becerra, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Sanford D Bishop, Jr., Rod R Blagojevich, Earl Blumenauer, Roy Blunt, Sherwood L Boehlert, John A Boehner, Henry Bonilla, David E Bonior, Mary Bono, Robert A Borski, Leonard L Boswell, Rick Boucher, Allen Boyd, Kevin Brady, Robert A Brady, Corrine Brown, Sherrod Brown, Henry E Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E Capuano, Benjamin L Cardin, Brad Carson, Julia Carson, Michael N Castle, Steve Chabot, Saxby Chambliss, Donna M Christensen, Wm. Lacy Clay, Eva M Clayton, Bob Clement, James E Clyburn, Howard Coble, Mac Collins, Larry Combest, Gary A Condit, John Cooksey, Jerry F Costello, Christopher Cox, William J Coyne, Robert E (Bud) Cramer, Jr., Philip P Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E Cummings, Randy "Duke" Cunningham, Danny K Davis, Jim Davis, Jo Ann Davis, Susan A Davis, Thomas M Davis, Nathan Deal, Peter A DeFazio, Diana DeGette, William D Delahunt, Rosa L DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D Dicks, John D Dingell, Lloyd Doggett, Calvin M Dooley, John T Doolittle, Michael F Doyle, David Dreier, John J Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J Ehlers, Robert L Ehrlich, Jr., Jo Ann Emerson, Eliot L Engel, Phil English, Anna G Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F.H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E Ford, Jr:, Vito Fossella, Barney Frank, Rodney P Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W Gekas, Richard A Gephardt, Jim Gibbons, Wayne T Gilchrest, Paul E Gillmor, Benjamin A Gilman, Charles A Gonzalez, Virgil H Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J Goss, Lindsey O Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C Greenwood, Felix J Grucci, Jr., Luis Gutierrez, Gil Gutknecht, Ralph M Hall, Tony P Hall, James V Hansen, Jane Harman, Melissa A Hart, J. Dennis Hastert, Alcee L Hastings, Doc Hastings, Robin Hayes, J.D. Hayworth, Joel Hefley, Wally Herger, Baron P Hill, Van Hilleary, Earl F Hilliard, Maurice D Hinchey, Rubén Hinojosa, David L Hobson, Joseph M Hoeffel, Peter Hoekstra, Tim Holden, Rush D Holt, Michael M Honda, Darlene Hooley, Stephen Horn, John N Hostettler, Amo Houghton, Steny H Hoyer, Kenny C Hulshof, Duncan Hunter, Asa Hutchinson, Henry J Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E Issa, Ernest J. Istook, Jr., Jesse L Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B Jones, Paul E Kanjorski, Marcy Kaptur, Ric Keller, Sue W Kelly, Mark R. Kennedy, Patrick J Kennedy, Brian D. Kerns, Dale E Kildee, Carolyn C Kilpatrick, Ron Kind, Peter T King, Jack Kingston, Mark Steven Kirk, Gerald D Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J Kucinich, John J LaFalce, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Steve Largent, Rick Larsen, John B Larson, Tom Latham, Steven C LaTourette, James A Leach, Barbara Lee, Sander M Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O Lipinski, Frank A LoBiondo, Zoe Lofgren, Nita M Lowey, Frank D Lucas, Ken Lucas, Bill Luther, Carolyn B Maloney, James H Maloney, Donald A Manzullo, Edward J Markey, Frank Mascara, Jim Matheson, Robert T Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Jim McCrery, James P McGovern, John McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A McKinney, Michael R McNulty, Martin T Meehan, Carrie P Meek, Gregory W Meeks, Robert Menendez, John L Mica, Juanita Millender-McDonald, Dan Miller, Gary G Miller, George Miller, Patsy T Mink, John Joseph Moakley, Alan B Mollohan, Dennis Moore, James P Moran, Jerry Moran, Constance A Morella, John P Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F Napolitano, Richard E Neal, George R Nethercutt, Jr., Robert W Ney, Anne M Northup, Eleanor Holmes Norton, Charlie Norwood, Jim Nussle, James L Oberstar, David R Obey, John W Olver, Solomon P Ortiz, Tom Osborne, Doug Ose, C. L. Otter, Major R Owens, Michael G Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M Payne, Nancy Pelosi, Mike Pence, Collin C Peterson, John E Peterson, Thomas E Petri, David D Phelps, Charles W. Pickering, Joseph R Pitts, Todd Russell Platts, Richard W Pombo, Earl Pomeroy, Rob Portman, David E Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J Rahall, II, Jim Ramstad, Charles B Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M Reynolds, Bob Riley, Lynn N Rivers, Ciro D Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R Rothman, Marge Roukema, Lucille Roybal-Allard, Edward R Royce, Bobby L Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D Schakowsky, Adam B. Schiff, Edward L. Schrock, Robert C Scott, F. James Sensenbrenner, Jr., José E Serrano, Pete Sessions, John B Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Bill Shuster, Rob Simmons, Michael K Simpson, Norman Sisisky, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H Smith, Lamar S Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E Souder, Floyd Spence, John N Spratt, Jr., Fortney Pete Stark, Cliff Stearns, Charles W Stenholm, Ted Strickland, Bob Stump, Bart Stupak, John E Sununu, John E Sweeney, Thomas G Tancredo, John S Tanner, Ellen O Tauscher, W.J. (Billy) Tauzin, Charles H Taylor, Gene Taylor, Lee Terry, William M Thomas, Bennie G Thompson, Mike Thompson, Mac Thornberry, John R Thune, Karen L Thurman, Todd Tiahrt, Patrick J. Tiberi, John F Tierney, Patrick J Toomey, Edolphus Towns, James A Traficant, Jr., Jim Turner, Mark Udall, Tom Udall, Robert A Underwood, Fred Upton, Nydia M Velázquez, Peter J Visclosky, David Vitter, Greg Walden, James T Walsh, Zach Wamp, Maxine Waters, Wes Watkins, Diane E Watson, Melvin L Watt, J.C. Watts, Jr., Henry A Waxman, Anthony D Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F Wicker, Heather Wilson, Frank R Wolf, Lynn C Woolsey, David Wu, Albert Russell Wynn, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4228. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV01-905-1 IFR] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4229. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Irish Potatoes Grown in Colorado; Suspension of Continuing Assessment Rate [Docket No. FV01-948-2 IFR] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4230. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations [Docket No. 99-092-2] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4231. A letter from the Chairman, National Capital Planning Commission, transmitting a report of a technical violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

4232. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Secretary's certification that full-up, system-level live fire testing of the T-AKE Auxiliary Cargo and Ammunition Ship Class would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

4233. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Cost or Pricing Data Threshold [DFARS Case 2000-D026] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4234. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Domestic Source Restrictions-Ball and Roller Bearings and Vessel Propellers [DFARS Case 2000-D301] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4235. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Use of Recovered Materials [DFARS Case 2001-D005] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4236. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Cancellation of MIL-STD-973, Configuration Management [DFARS Case 2001-D001] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4237. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding—Section 8(a) Program [DFARS Case 2001-D009] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4238. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revisions to SEMAP Lease-up Indicator [Docket No. FR-4604-I-01] (RIN: 2577-AC21) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4239. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program—Fiscal Year 2002 [Docket No. 4680-N-02] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4240. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Operating Subsidiaries of Federal Branches and Agencies [Docket No. 01-21] (RIN: 1557-AB92) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4241. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District [AZ 063-0046; FRL-7066-7] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4242. A letter from the Prinicpal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units [AD-FRL-7066-4] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4243. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Approval of Section 112(I) Authority for Hazardous Air Pollutants; State of Delaware; Department of Natural Resources and Environmental Control [DE001-1001; FRL-7056-7] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4244. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities [AD-FRL-7067-9] (RIN: 2060-AG91) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4245. A communication from the President of the United States, transmitting His report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council; (H. Doc. No. 107—132); to the Committee on International Relations and ordered to be printed.

4246. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions and Clarifications to the Export Administration Regulations——Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention [Docket No. 010914228-1228-01] (RIN: 0694-AC43) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4247. A letter from the Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atkâ Mackerel in the Central Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 010112013-1013-01; I.D. 091801A] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4248. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Class Deviation from the Provisions of 40 CFR 35. 3.25(b)(1) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4249. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule— Board of Veterans' Appeals: Rules of Practice—Time for Filing Substantive Appeal (RIN: 2900-AK54) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4250. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule— Board of Veterans' Appeals: Rules of Practice—Subpoenas (RIN: 2900-AJ58) received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4251. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—User Fee Airports [T.D. 01-70] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4252. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Name Change Of User Fee Airport in Ocala, Florida [T.D. 01-69] received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4253. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Notice 2001-58] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4254. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definitions Relating to Corporate Reorganizations [Rev. Rul. 2001-46] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4255. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Liabilities Assumed in Certain Corporate Transactions [TD 8964] (RIN: 1545-AY55) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4256. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income—received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4257. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Accrual of Medicaid Rebate Liability— received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4258. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Archer Medical Savings Accounts [Annoucement 2001-99] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4259. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Applicable recovery period under IRC Sec. 168(a) for slot machines, video lottery terminals, and gaming furniture, fixtures and equipment—received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4260. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out inventories [Rev. Rul. 2001-45] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4261. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Loss Utilization in a Life-Nonlife Consolidated Return Separate v. Single Entity Approach—received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4262. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2001-47] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on October 12 (legislative day of October 11), 2001]

Mr. REYNOLDS: Committee on Rules. House Resolution 263. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-237). Referred to the House Calendar.

[Submitted October 12, 2001]

Mr. DIAZ-BALART: Committee on Rules. House Resolution 264. Resolution providing for consideration of the bill (H.R. 2975) to combat terrorism, and for other purposes (Rept. 107-238). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2336. A bill to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers (Rept. 107–239). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1408. Referral to the Committee on the Judiciary extended for a period ending not later than October 16, 2001.

H.R. 2541. Referral to the Committee on the Judiciary extended for a period ending not later than November 2, 2001.

H.R. 3016. Referral to the Committee on the Judiciary extended for a period ending not later than October 16, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 3108. A bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Energy and Commerce, Financial Services, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. Allen, Mr. English, Mr. McNulty, Mr. Walsh, Mr. LaFalce, Mr. Kolbe, Mr. Kind, Mr. Sweeney, Mr. Moore, Mrs. Emerson, Mr. Pomeroy, Mr. McHugh, Mr. Taylor of Mississippi, Mr. Smith of New Jersey, Mr. Frost, Mr. Boehlert, Mr. Hinchey, Mr. Frelinghuysen, Mr. Pallone, Mrs. Roukema, Mr. Borski, Mr. Saxton, Mrs. Mink of Hawaii, Mr. Reynolds, Mr. Capuano, Mr. Ferguson, Mr. Thompson of California, Mr. Kildee, Mr. Andrews, Mr. Stupak, Mr. Oberstar, Ms. Slaughter, Mr. Menendez, Mr. Traficant, Mr. Baldacci, Mr. Ross, and Mr. Brown of Ohio):

H.R. 3109. A bill to amend the title XVIII of the Social Security Act to provide payment to Medicare ambulance suppliers of the full costs of providing such services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. Gephardt, Mr. Lipinski, Mr. DeFazio, Mr. Borski, Mr. Rahall, Mr. Boswell, Mr. Holden, Mr. Clement, Mr. Costello, Mr. Nadler, Ms. Brown of Florida, Mr. Barcia, Ms. Eddie Bernice Johnson of Texas, Ms. Norton, Mrs. Tauscher, Mr. Matheson, Mr. Honda, Mr. Mascara, Mr. Baldacci, Mr. Cummings, Mr. Pascrell, Mr. McGovern, Mr. Lampson, Mr. Baird, Mr. Carson of Oklahoma, Mr. Sandlin, Mr. Blumenauer, Ms. Berkley, Ms. Millender-McDonald, Mr. Larsen of Washington, Mr. Filner, Mr. Menendez, Mr. Berry, Mr. Holt, Mrs. Capps, and Mr. Lantos):

H.R. 3110. A bill to improve aviation security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR:

H.R. 3111. A bill to authorize the Secretary of the Treasury to issue 21st Century Independence Savings Bonds; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. McKeon, and Mr. Sam Johnson of Texas):

H.R. 3112. A bill to amend the Workforce Investment Act of 1998 to establish a national emergency grant program to respond to the terrorist attacks of September 11, 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii (for herself, Mr. Bonior, Ms. Carson of Indiana, Mrs. Clayton, Mr. Clay, Mr. Evans, Mr. Farr of California, Mr. Filner, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Hilliard, Mr. Hinchey, Ms. Eddie Bernice Johnson of Texas, Mr. Kucinich, Ms. Lee, Mr. Lewis of Georgia, Ms. Lofgren, Mr. McDermott, Ms. McKinney, Mrs. Meek of Florida, Mr. Nadler, Ms. Norton, Mr. Owens, Mr. Payne, Ms. Roybal-Allard, Ms. Schakowsky, Ms. Solis, Mr. Stark, Ms. Waters, Ms. Woolsey, and Ms. Brown of Florida):

H.R. 3113. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. ACEVEDO-VILA:

H.R. 3114. A bill to amend the Internal Revenue Code of 1986 to make permanent the increase in the cover over of tax on distilled spirits to Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 3115. A bill to allow letters sent to the White House, marked "America's Fund for Afghan Children", to be mailed free of postage; to the Committee on Government Reform.

By Mr. BENTSEN:

H.R. 3116. A bill to amend the Internal Revenue Code of 1986 to eliminate tax subsidies for ethanol fuel; to the Committee on Ways and Means.

By Mr. CLEMENT:

H.R. 3117. A bill to suspend temporarily the duty on 1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt; to the Committee on Ways and Means.

By Mr. EHRLICH:

H.R. 3118. A bill to amend title 23, United States Code, relating to minimum penalties for repeat offenders for driving while intoxicated or under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida:

H.R. 3119. A bill to amend title II of the Social Security Act to increase to $1,000 the maximum amount of the lump-sum death benefit and to allow for payment of such a benefit, in the absence of an eligible surviving spouse or child, to the legal representative of the estate of the deceased individual; to the Committee on Ways and Means.

By Mr. KELLER:

H.R. 3120. A bill to provide for a study on the feasibility of giving airlines access by computer to lists of suspected terrorists; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself and Mr. Udall of New Mexico):

H.R. 3121. A bill to further continued economic viability in the communities on the High Plains by promoting sustainable groundwater management of the Ogallala Aquifer; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 3122. A bill to extend to the Mayor of the District of Columbia the same authority with respect to the National Guard of the District of Columbia as the Governors of the several States exercise with respect to the National Guard of those States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mrs. Morella, Mr. Gilman, Mr. Payne, Mr. Rothman, Mr. Pallone, Mr. Langevin, Mr. Barcia, Ms. Hooley of Oregon, Mr. Lampson, Mr. Larson of Connecticut, and Mrs. McCarthy of New York):

H.R. 3123. A bill to amend chapter 40 of title 18, United States Code, to increase the penalties for using an instrumentality of interstate commerce to threaten to kill, injure, or intimidate any individual or unlawfully to damage or destroy property by means of fire or an explosive; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 3124. A bill to amend the Internal Revenue Code of 1986 to provide that the special tax imposed on the recognition of built-in gain by an S corporation shall not apply to the extent such gain is reinvested in the business; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 3125. A bill to amend the Truth in Lending Act to impose a temporary cap on credit card interest rates, and for other purposes; to the Committee on Financial Services.

By Mr. SANDLIN:

H.R. 3126. A bill to amend the Truth in Lending Act to impose a temporary cap on credit card interest rates, and for other purposes; to the Committee on Financial Services.

By Mr. UDALL of New Mexico:

H.R. 3127. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture.

By Mr. UNDERWOOD:

H.R. 3128. A bill to authorize the establishment of a National Guard of the Northern Mariana Islands; to the Committee on Armed Services.

By Mr. BROWN of South Carolina (for himself, Mr. ADERHOLT, Mr. BAKER, Mr. BUYER, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. DeMINT, Mr. GRAHAM, Mr. GRAVES, Mr. KERNS, Mr. LARGENT, Mrs. MYRICK, Mr. PHELPS, Mr. PITTS, Mr. PLATTS, Mr. SHIMKUS, Mr. SHOWS, Mr. TAYLOR of Mississippi, Mr. GOODLATTE, Mr. MANZULLO, Ms. HART, Mr. REHBERG, Mr. OSBORNE, Mr. COBLE, Mr. GUTKNECHT, Mr. CALLAHAN, Mr. GRUCCI, Mrs. WILSON, Mr. KELLER, Mr. ISTOOK, Mr. KOLBE, Mr. LUCAS of Oklahoma, Mr. McKEON, Mr. CALVERT, Mr. WELDON of Florida, Mr. CANNON, Mr. GIBBONS, Mr. LoBIONDO, Mr. LEWIS of California, Mr. OTTER, Mr. EHLERS, Mr. REGULA, Mr. ROHRABACHER, Mr. JONES of North Carolina, Mr. EHRLICH, Mr. WICKER, Mr. LATHAM, Mrs. BONO, Mr. HILLEARY, Mr. BRYANT, Mr. GREEN of Wisconsin, Mr. TOOMEY, Mr. WATTS of Oklahoma, Mr. PENCE, Mr. DUNCAN, Mr. HEFLEY, Mr. ISAKSON, Mr. LaTOURETTE, Mr. SIMPSON, Mr. COMBEST, Mr. AKIN, and Mr. DOOLITTLE):

H. Con. Res. 248. Concurrent resolution expressing the sense of the Congress that public schools may display the words "God Bless America" as an expression of support for the Nation; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. GILMAN, and Mr. CROWLEY):

H. Con. Res. 249. Concurrent resolution providing for a joint session of Congress to be held in New York City, New York; to the Committee on the Judiciary.

By Mrs. MYRICK:

H. Res. 265. A resolution amending the rules of the House of Representatives to prohibit access to classified information by Members who do not have the appropriate security clearance required for viewing the information; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 162: Mr. CUMMINGS.

H.R. 218: Mr. COMBEST, Mr. RILEY, and Mr. FOSSELLA.

H.R. 424: Mr. FILNER, Mr. SMITH of New Jersey, and Mr. McGOVERN.

H.R. 482: Mr. FERGUSON.

H.R. 488: Mr. FORD.

H.R. 510: Mr. GRUCCI and Mr. ROTHMAN.

H.R. 674: Mr. ROTHMAN.

H.R. 709: Mr. BACA.

H.R. 782: Mr. LIPINSKI and Mr. GOODE.

H.R. 783: Mr. SMITH of New Jersey.

H.R. 868: Mr. GREEN of Wisconsin.

H.R. 951: Mr. FLETCHER, Mr. DINGELL, Mr. PUTNAM, Mr. LaHOOD, Mr. SMITH of Michigan, and Ms. HART.

H.R. 981: Mr. GRAHAM.

H.R. 1158: Mr. GANSKE.

H.R. 1176: Mr. PRICE of North Carolina.

H.R. 1187: Mrs. BIGGERT.

H.R. 1331: Mr. FORBES.

H.R. 1374: Ms. KILPATRICK, Mr. BONIOR, Ms. RIVERS, Mr. EHLERS, Mr. KNOLLENBERG, and Mr. SMITH of Michigan.

H.R. 1411: Mr. HAYES.

H.R. 1582: Mr. GREEN of Texas.

H.R. 1682: Ms. LEE.

H.R. 1723: Mr. BENTSEN and Ms. CARSON of Indiana.

H.R. 1784: Mr. GUTIERREZ and Ms. HOOLEY of Oregon.

H.R. 1810: Ms. KILPATRICK.

H.R. 1822: Ms. DeGETTE, Mr. HEFLEY, and Ms. McCOLLUM.

H.R. 1861: Ms. BALDWIN.

H.R. 1911: Mr. BEREUTER.

H.R. 1919: Mr. SWEENEY, Mr. FOSSELLA, Mr. SOUDER, Mrs. KELLY, Mr. BLUNT, Mr. GILMAN, Mr. FLETCHER, Mr. FRANK, and Mr. ROTHMAN.

H.R. 1979: Mr. MOORE.

H.R. 2107: Mr. LUCAS of Kentucky.

H.R. 2117: Mr. BERRY.

H.R. 2125: Mr. GEKAS, Mr. CONDIT, and Mr. KLECZKA.

H.R. 2160: Mr. ROTHMAN.

H.R. 2163: Mr. HONDA.

H.R. 2173: Mr. LaHOOD and Mr. ETHERIDGE.

H.R. 2288: Mr. REYES.

H.R. 2329: Mr. PENCE and Mr. VISCLOSKY.

H.R. 2357: Mr. GIBBONS.

H.R. 2381: Mr. SCHAFFER and Mr. FATTAH.

H.R. 2395: Mr. McNULTY.

H.R. 2405: Ms. LEE and Mr. BLAGOJEVICH.

H.R. 2521: Mrs. JOHNSON of Connecticut, Mr. LIPINSKI, Mr. FORD, and Mr. TANNER.

H.R. 2577: Ms. KILPATRICK, Mr. BONIOR, Ms. RIVERS, Mr. EHLERS, Mr. KNOLLENBERG, and Mr. SMITH of Michigan.

H.R. 2610: Mr. OWENS, Mr. McGOVERN, Mr. BLAGOJEVICH, Mr. BACA, Mr. BORSKI, and Mr. CLYBURN.

H.R. 2623: Mr. HONDA.

H.R. 2693: Ms. WATSON, Mr. SHERMAN, and Ms. SOLIS.

H.R. 2695: Mr. JEFFERSON.

H.R. 2715: Ms. PELOSI.

H.R. 2722: Mr. PRICE of North Carolina, Mr. FARR of California, and Mr. BONIOR.

H.R. 2725: Ms. DeLAURO.

H.R. 2747: Mr. ALLEN, Mr. FRANK, and Ms. RIVERS.

H.R. 2769: Mr. FILNER.

H.R. 2805: Mr. RYUN of Kansas.

H.R. 2817: Mrs. ROUKEMA and Mr. GREEN of Wisconsin.

H.R. 2850: Mr. McHUGH, Mr. FROST, and Mr. HINCHEY.

H.R. 2866: Mr. McGOVERN and Mr. WAXMAN.

H.R. 2896: Mr. STEARNS.

H.R. 2897: Mr. ROTHMAN.

H.R. 2902: Ms. CARSON of Indiana.

H.R. 2906: Mr. SOUDER.

H.R. 2940: Ms. CARSON of Indiana and Mr. RANGEL.

H.R. 2946: Mrs. THURMAN, Mr. MALONEY of Connecticut, and Mr. BALDACCI.

H.R. 2950: Mr. BOEHLERT, Mr. ACEVEDO-VILLA, and Mr. KERNS.

H.R. 2951: Mr. GREENWOOD, Mr. HORN, and Mr. MORAN of Virginia.

H.R. 2961: Mr. KANJORSKI.

H.R. 2989: Mr. ENGLISH and Mr. HOLDEN.

H.R. 2998: Mr. NORWOOD and Mr. LINDER.

H.R. 3000: Mrs. JONES of Ohio.

H.R. 3007: Mr. ISAKSON, Mr. GRUCCI, Mrs. MORELLA, and Mr. SWEENEY.

H.R. 3011: Mr. LaFALCE and Ms. CARSON of Indiana.

H.R. 3014: Mr. LaHOOD, Mr. MORAN of Kansas, and Mr. McDERMOTT.

H.R. 3015: Mr. McGOVERN, Ms. CARSON of Indiana, and Mr. CONYERS.

H.R. 3017: Mr. McGOVERN, Mr. EVANS, Mr. FROST, Ms. BROWN of Florida, Mr. FILNER, Mr. FALEOMAVAEGA, and Ms. CARSON of Indiana.

H.R. 3040: Mr. McNULTY and Ms. CARSON of Indiana.

H.R. 3045: Mr. MORAN of Kansas.

H.R. 3046: Mr. GORDON.

H.R. 3059: Mr. TRAFICANT, Mr. CUMMINGS, Ms. MILLENDER-McDONALD, Mr. BISHOP, Ms. KAPTUR, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BROWN of Ohio.

H.R. 3060: Mr. SHERMAN.

H.R. 3067: Mr. BERMAN, Mr. BACA, Mr. FILNER, Mr. REYES, Ms. PELOSI, and Mr. WYNN.

H.R. 3073: Mr. LaFALCE.

H.R. 3085: Mr. ISRAEL.

H.R. 3101: Mr. ROSS, Mr. LARSEN of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, and Mr. UDALL of Colorado.

H.R. 3106: Mr. HASTINGS of Florida and Mr. BOEHLERT.

H. Con. Res. 26: Mr. SMITH of New Jersey and Ms. CARSON of Indiana.

H. Con. Res. 45: Mr. ROGERS of Kentucky and Mr. TOOMEY.

H. Con. Res. 102: Mr. ACKERMAN.

H. Con. Res. 181: Mr. SENSENBRENNER.

H. Con. Res. 184: Mr. ISTOOK, Mr. ROGERS of Michigan, Mr. CANTOR, Mr. BALLENGER, and Mr. COOKSEY.

H. Con. Res. 188: Mr. CALVERT.

H. Con. Res. 197: Mr. WAMP and Mr. OWENS.

H. Con. Res. 211: Mr. PAYNE and Ms. McCARTHY of Missouri.

H. Con. Res. 230: Mr. FALEOMAVAEGA, Mr. FARR of California, Ms. BERKLEY, Mr. COSTELLO, and Mr. MORAN of Virginia.

H. Con. Res. 232: Mr. ENGLISH, Mr. KNOLLENBERG, Mrs. KELLY, Mr. REHBERG, Mr. HYDE, Mr. SHERWOOD, Mr. SHUSTER, Mr. HAYES, Mr. CHAMBLISS, Mr. BURTON, of Indiana, Mr. ADERHOLT, Mr. WATKINS, Mr. THUNE, Mr. GIBBONS, Mr. SESSIONS, Mrs. CAPITO, Mrs. WILSON, Mr. OSBORNE, Mr. MORAN of Kansas, Mr. GALLEGLY, Mrs. JO ANN DAVIS of Virginia, Mrs. MYRICK, and Mr. ROGERS of Kentucky.

H. Con. Res. 233: Mr. WAXMAN and Mr. GOODLATTE.

H. Con. Res. 234: Mr. LaHOOD and Mr. BROWN of Ohio.

H. Con. Res. 243: Mr. GREENWOOD, Mr. SCHAFFER, Mr. ALLEN, Mr. GOODE, Mr. FRELINGHUYSEN, Mr. GARY G. MILLER of California, Mr. DIAZ-BALART, Mrs. ROUKEMA, Mrs. JO ANN DAVIS of Virginia, Mr. WELDON of Pennsylvania, Mr. MICA, Mr. ISSA, Mr. CALLAHAN, Mr. ISTOOK, Mr. SUNUNU, Mr. ROGERS of Michigan, Mr. DREIER, Ms. SANCHEZ, Mr. WAMP, and Mr. FOLEY.

H. Res. 133: Mr. BROWN of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3073: Mr. MEEKS of New York.

EXTENSIONS OF REMARKS

"SUPPORT FOR U.S. FROM AFGHAN COMMUNITY OF NEW ENGLAND"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. FRANK. Mr. Speaker, as are all of us, I have been meeting regularly with people in my district about the terrible mass murders which were inflicted on us and how we should respond. One of the groups with which I was most interested in meeting consists of Afghans who are living in the U.S., and who are strongly supportive of our efforts not simply to repel terrorism against us, but to help their native country free itself from the tyranny now oppressing them under the rule of the Taliban. On Monday, October 8, I had a very useful informative meeting with a number of people from the Afghan community in New England. Given that these are people who believe in freedom, and also practice it, they were not all in complete agreement with everything the U.S. government has done since September 11, nor were they in complete agreement with each other on every point. But they were united on the basic points, embodied in the statement which they presented to me.

We should remember that the major victims of the alliance between the Taliban and Osama bin Laden on a continuing basis are the people of Afghanistan, women especially, but all in Afghanistan who are being subject to a brutal, terroristic regime. To remind us all of this, and to share with my colleagues the insights presented to me by Afghans who are committed to helping us resolve this issue, I ask that their very thoughtful statement be printed here.

October 8, 2001.

Congressman BARNEY FRANK,
Newton, Massachusetts.

CONGRESSMAN BARNEY FRANK: Thank you for the time and for the opportunity you have given us to meet with you in your office. We represent the few Afghan families who live in Massachusetts. There are roughly 100 Afghan families in Massachusetts. Most of us have come to United States in the 1980s when the Russians invaded Afghanistan. Around 20 families have come to United States in the past two years. Those who come in the 1980s are mostly US citizens now.

After the September 11th terrorist attacks in New York and in Washington we, the Afghan Community of New England in Massachusetts, issued a Statement and a Press Release the day after the attack. We strongly condemned these terrorist acts and expressed our solidarity and unity with our President and our Government. We also expressed our sadness, sorrow and condolences with those families who lost their loved ones.

Long before the September 11th attacks, all Afghans in the United States and abroad and the Afghans inside Afghanistan raised their voices loudly and warned the world about the existence and threats of these non-Afghan terrorist groups inside Afghanistan. It is unfortunate to say that the government of Pakistan, its military forces, and the ISI helped, funded, and created these terrorist groups along with Taliban who rules Afghanistan right now. Taliban do not represent the Afghan society. We would like to see a broad based government, which includes all the people of Afghanistan regardless of their ethnic, linguistic, and religious differences. We wished this goal had been accomplished through a peaceful mean.

Today, we are deeply concerned about the fate of the civilians inside Afghanistan. We appreciate the aid package for the refugees inside and outside Afghanistan and the food dropping efforts. We would like to see this humanitarian assistance to continue throughout the wintertime. We would like to see that the United States and the free world not to abandon Afghanistan and to plan for the future of Afghanistan. We need to rebuild and re-construct Afghanistan.

Sincerely yours,
AFGHAN COMMUNITY OF NEW ENGLAND IN MASSACHUSETTS.

TRIBUTE TO MRS. FRANK (CAROLINE) GUARINI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. RANGEL. Mr. Speaker, I rise today in praise of the late Mrs. Frank (Caroline) Guarini, Senior, mother of former Congressman Frank J. Guarini, Jr. Mrs. Guarini's life spanned the entire 20th century; entering our world on March 25, 1900 in Niagara Falls, New York and departing it on September 9, 2001 at her home in Secaucus, New Jersey. On September 13th I was privileged to be in attendance with her loving son and family in a service celebrating her life.

After completing her education in Canada, then Caroline Critelli worked in her family's furniture business before marrying Frank J. Guarini, Sr. in 1923. Never forgetting her Italian immigrant background, she raised her two children Ms. Marie Mangin and Mr. Guarini, Jr. to be proud of their heritage and grateful for all of that life had blessed them with.

To this end, Mrs. Guarini remained devoted to the public throughout her life, contributing to the community through service and through the arts. In November of 1999, Mrs. Guarini was recognized by the Christopher Columbus Foundation for her continuous participation in its Columbus Day Parade where she was referred to as a "child's dream of a fairy Godmother". And in celebration of her 100th birthday in 2000, she played the theme song from Dr. Zhivago on piano on an international television broadcast.

Whether in the capacity of work, family, service, church, or neighbor, everyone who met Mrs. Guarini was touched by her. Those that had the honor of knowing Mrs. Guarini, will forever remember her grace, charm, and beauty.

IN MEMORY OF LUCILLE PERK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the life of Lucille Perk of Cleveland.

Lucille Perk may always be best remembered as an avid bowler. She bowled with Vic's Floral team in the Southeast Ladies League for more than twenty years. When her husband, Ralph Perk, who was the mayor of Cleveland from 1972 through 1977, was invited to a White House dinner with president Nixon, she did not accompany him. Pressed for an explanation, the mayor explained that his wife could not attend because it was her bowling night. People across the country knew the story of the Ohio woman who preferred bowling to dinner at the White House.

As dedicated as she was to her teammates at the bowling alley, she was even more dedicated to her community, her church and her family. The mother of seven, she was named Italian Mother of the Year by the Italian-American Civic Club in 1965. For more than thirty-five years while her husband was in politics, Lucille answered telephone calls from constituents.

Lucille was a regular attendee of meetings of the Parent Teachers Union at Our Lady of Lourdes parochial school. She was a lifelong member of Our Lady of Lourdes parish. She was also a member of the Southeast Isabella Guild of the Knights of Columbus and the Knights of St. John's women's auxiliary. She was a founder of two mission circles supporting priests in El Salvador and South Africa.

Lucille Perk was a dedicated wife, mother, community volunteer, and bowler. She has become a part of the culture of Cleveland. My fellow colleagues, please join me in honoring the life of this remarkable woman.

FARM SECURITY ACT OF 2001

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

Mr. TIAHRT. Mr. Speaker, I offer my thanks and congratulations to the Chairman of the Agriculture Committee, Mr. COMBEST, and the Ranking Members, Mr. STENHOLM, for crafting this bipartisan legislation, which I am pleased

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to support. The bill before us is the result of more than two years of hard work by the Agriculture Committee and I believe the efforts of the Committee are reflected in this Farm Bill.

This legislation comes at a time of historically low commodity prices and high costs for farmers and ranchers. This has resulted in drastically lower production. Last year in my state of Kansas, wheat production was only 80 percent of the previous year's crop. While this was still good enough to enable Kansas to lead the nation in wheat production, it resulted in a production value decrease of nearly $30 million from the previous year. Corn production was down by 4 million bushels from 1999, and sorghum grain production was down 27 percent, though I am pleased to report to my colleagues that Kansas did retain its position as the number one sorghum grain production state in the nation.

The difficulties facing the farmers and ranchers of Kansas did not stop there. Soybean production was down nearly 40 percent and was at its lowest level in five years. And hay production was down 13 percent from 1999. Mr. Speaker, these facts strongly suggest the need for a farm policy which continues current successful agricultural programs and offers a balanced approach for addressing issues of important to those Americans who produce crops and livestock. It is time for Congress to step forward and demonstrate our commitment to the men and women who feed our Nation.

There are numerous reasons why I will vote for the Farm Security Act of 2001. I support this legislation because it offers essential income support to farmers and ranchers, thus guaranteeing a safe, affordable, and dependable food supply for the United States and many parts of the world. The American people are truly a blessed and fortunate people considering that we spend only 11 cents of every dollar we earn on food. In other nations that figure may be as high as fifty cents on the dollar.

It is not just the worker on the farm or ranch who will feel the benefits of this Farm Bill. This legislation provides much-needed resources to the agricultural economy, which will guarantee the continued viability of the food and fiber sector where nearly one-fifth of America's civilian workforce is employed. Mr. Speaker, by supporting production on our farms and ranches, we are ensuring that domestic agriculture remains robust and the job market in America's food and fiber industry is strong.

I heard from many of my constituents back in Kansas regarding the need for additional conservation in this year's Farm Bill. I am pleased to tell them that we have considerably increased funding for conservation programs. This legislation contains an average of $1.285 billion per year for Environmental Quality Incentives Programs, plus an additional fund of $60 million per year to address water issues. The bill added 5.7 million acres to the Conservation Reserve Program, which is 2.8 million acres above the currently authorized acreage. It adds 1.5 million new acres to the Wetlands Reserve Program. It authorizes $25 million for the Wildlife Habitat Incentives Program, an amount that increase to $50 million by the year 2011. Finally, our conservation efforts are augmented by the implementation of the Grasslands Reserve Program which allows up to 2 million acres to be preserved as grasslands. Mr. Speaker, through the Farm Security Act, our commitment to conservation is stronger than ever.

This legislation also reflects America's commitment to the less fortunate in our society who need a helping hand. Through the efforts of the Ag Committee, we have simplified the federal food stamp program to guarantee that needy families throughout our nation have better access to America's food supply. The Farm Security Act accomplished this through making needed improvements in food assistance programs by giving states greater flexibility, doing away with unnecessary barriers to participation, and increasing assistance to working families, or those individuals known as the "working poor." Under this plan, individual states will be able to provide six months of transitional food stamp benefits for families leaving the Temporary Assistance for Needy Families program. It includes incentives for states to improve quality control systems and the Emergency Food Assistance Program will receive an additional $40 million for commodity purchases.

Under this year's Farm Bill, our willingness to help others is not confined to our own borders. This legislation provides increased funds to transport U.S. producers' surplus commodities to the world's developing nations. It also increases the cap on funds used to provide food assistance on a grant basis or on credit terms to struggling countries. Additionally, funding for the Foreign Market Development Program is increased by $7 million per year over its current level. This program is an effective approach to acquiring new foreign customers for American producers and new markets for American crops and livestock. Recent Department of Agriculture figures indicate that in 1980, the United States held a 24 percent share of world agricultural markets. Now, that figure has dropped to nearly 18 percent. I believe this bill improves the ability of our producers to compete.

The Farm Security Act of 2001 is a fair and balanced bill which enjoys the support of agriculture and conservation groups. It addresses critical farm program needs and also makes significant improvements to America's conservation, rural development, export promotion, nutrition and research programs. It fully complies with the budget approved by Congress earlier this year and meets our WTO obligations. I commend the Chairman and the Committee for their work on this Farm Bill and I strongly encourage my colleagues to vote for it.•

ESSAY BY RABBI EMANUEL RACKMAN AND STEPHEN WAGNER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. ENGEL. Mr. Speaker, I rise to call attention to a powerful essay by Rabbi Emanuel Rackman of Bar Ilan University and Stephen Wagner of Bar Ilan University entitled, "Philo-Semitism in the Work of the Polish Nobel Laureate Czeslaw Milosz: He Pays Tribute to Jewish Literature." According to the article, while there has been anti-Semitism among the Polish masses, the Polish aristocracy and intelligencia "were overwhelmingly philo-Semitic." According to the essay, Milosz's opinion "corroborates the views of the great Jewish writer, the poet and novelist Chaim Grade, originally, like Milosz, from Vilna . . ."

For several years, I have been striving to protect the works of Chaim Grade, many of whose writings were lost due to the complexities Grade faced by the copyright laws after he came to the United States following World War II. I urge my colleagues to support my legislation to fully protect Grade's works, H.R. 2971.

I ask unanimous consent that the full text of the Rackman/Wagner essay be printed at this point.

PHILO-SEMITISM IN THE WORK OF THE POLISH NOBEL LAUREATE CZESLAW MILOSZ: HE PAYS TRIBUTE TO JEWISH LITERATURE

Numerous very interested reviews of Czeslaw Milosz's newly published book, Milosz's ABC's inspired us to read it. The various, truly unexpected, unpredictable subjects, alphabetically arranged as if encyclopedia entries, may well require a volume of comments. So we comment here on only one subject, conspicuously absent from this work both as a subject and in spirit—anti-Semitism.

Czeslaw Milosz, a Polish nobleman, gives as much attention and loving devotion to his Jewish friends and acquaintances, subjects and issues, as Polish ones. The absence of the least trace of anti-Semitism in Milosz's book is to us, as American Jews, a revelation, for it corroborates the views of the great Jewish writer, the poet and novelist Chaim Grade, originally, like Milosz, from Vilna, who said that in Poland anti-Semitism was mainly among the masses—evidently under the influence of the Church of pre-Vatican II—whereas the Polish aristocracy and intelligentsia, with rare exceptions, were overwhelmingly philo-Semitic. Indeed, Chaim Grade wrote a poem of homage to the greatest poet of Poland, Adam Mickiewicz, famous as a philo-Semite, calling him "the conscience of Poland."

Chaim Grade is a master of utmost objectivity, well aware of the horrors of anti-Semitism, for which reason in his Lamentations about the program in Kielce, July 1946—not yet translated—he describes the Polish doctor who at the funeral of the victims denounces the murderous mob with the fiery pathos of a Hebrew prophet. It is the very same doctor, a devout Catholic, who rescued more than twenty Jews from the Nazis, hiding them in his house, again as described by Chaim Grade in his acclaimed philosophical Dialogue, My War With Hersh Rassayner, the complete text of which, edited and revised by Chaim Grade himself, has just been translated into English. Scholar agree—and among them Professor Emeritus Millon R. Konvitz of Cornell University—that the Philosophical Dialogue of Chaim Grade is indeed the Book of Job on the Holocaust and that, like the Book of Job, it belongs "among Jewish writings that are considered sacred . . . which in the Hebrew Scriptures are wisely placed in the part known simply as writings." Chaim Grade attended the funeral of the victims of the pogrom of Kielce with Antek Yitzhak Zuckerman, one of the foremost leaders of the Warsaw Ghetto Uprising, who said that "while it took one Pole to betray one hundred Jews, it took one hundred

Poles to save one Jew, and the Poles who were saving Jews are the glory of mankind." Chaim Grade's works reflect this truth.

No doubt, it is Chaim Grade's absolute objectivity and utmost spiritual and intellectual honesty that inspired Czeslaw Milosz, the spiritual and literary heir of Mickiewicz, to devote to him a chapter of homage in Milosz's ABC's, where among other important comments, he reports what a Jewish authority should have reported a long time ago: The Nobel Prize for Isaac Bashevis Singer was cause for violent controversies among Yiddish-speaking New York Jews . . . Above all, . . . in the opinion of the majority of the disputants, Grade was a much better writer than Singer, but little translated into English, which is why members of the Swedish Academy had no access to his writings. Singer gained fame, according to this opinion, by dishonest means. Obsessively concerned with sex, he created his own world of Polish Jews which had nothing in common with reality—erotic, fantastic, filled with apparitions, spirits, and dybbuks, as if that had been the quotidian reality of Jewish towns. Grade was a real writer, faithful to the reality he described, and he deserved the Nobel Prize . . . Grade was attentive to the accuracy of the details he recorded and has been compared with Balzac or Dickens. . . .

This statement by an authority of Czeslaw Milosz's stature, himself a Nobel laureate, is a very serious matter. Czeslaw Milosz goes on to describe Jewish life in Poland as it was and Jewish-Polish relations as they were, all as reflected in the works of Chaim Grade. It is regrettable that he did not know what was very well known in Jewish literary circles, that Chaim Grade forbade all from nominating him for the Nobel prize, mostly because his pre-world war II prophetic and poetic visions of doom were recited like prayers both in the Vilna Ghetto and in Auschwitz, along with the poetry of the great Jewish poet Yitzhak Katznelson, who, together with his wife and sons, perished in Auschwitz, and of whose works very little has been rescued. All this was reported by the surviving eyewitnesses in Yiddish and published in Argentina, then in English in America—check the Jewish Book Annual—the American Yearbook of Jewish Creativity 1990–1991, 5751. Many people regretted Chaim Grade's decision, for it was taken advantage of by the writer unequivocally rejected by the Jewish writers and readers for reasons well explained by Czeslaw Milosz, who, by whatever means, got the prize and paraded the foremost representative of Jewish literature, of the very Judaism. Thus, the issue is not that Chaim Grade does not have the Nobel Prize, but that, from the Jewish viewpoint, the least suitable, the worst possible writer, has it.

As Czeslaw Milosz rightly testifies, the Jewish people have the greatest appreciation for Chaim Grade, especially because of his volumes of lamentations in poetry and prose about the Holocaust, for which Encyclopedia Judaica reports, he is declared "the national Jewish poet, as Bialik was in his day." Chaim Grade's volumes resurrect the life of East European Jewry, such as it truly was, very much as stated by Czeslaw Milosz who, a Pole from Vilna, knew this life very well and is a most reliable witness.

Czeslaw Milosz's report about the Jewish attitude towards the Yiddish Nobel laureate may be corroborated by the following vignette: Professor Saul Lieberman, the Dean of the Jewish Theological Seminary of America, heard the news from Sweden, and exclaimed in utter disbelief, "What?!!! But he wrote only pornography!" When Bar Ilan University in Israel was approached about a prize for the Yiddish laureate, he was rejected so emphatically that the issue was never raised again.

Czeslaw Milosz's report is especially important in view of the general contempt for the Yiddish Nobel laureate. Thus, less than a month before the incomprehensible news from Sweden, John Simon wrote on September 12, 1978, in The Esquire: International understanding is a delightful thing. How nice it was at the recent Pula Film Festival, in Yugoslavia, between looking at films, to find a group of critics and scholars from various countries in agreement about the vast overratedness of that self-inflated, dully repetitious, barely second-rate fictionalist Isaac Bashevis Singer.

And Israel Shenker concluded the definitive literary obituary of the Yiddish laureate in August 1991, in the Book Review of the New York Times: He shied from chicken soup—and chickens—and became a devoted vegetarian . . . "So, in a very small way, I do a favor for the chickens," Singer said. "If I will ever get a monument, chickens will do it for me."

A New York Times reporter in 1978, the year of the shocking choice of the Nobel prize for literature, Israel Shenker is known to have approached the late Eugene Rachlis, the Editor-in-Chief of Bobbs-Merryl, then Chaim Grade's English publisher (now it is Knopf); and asked, "what's going on? Everybody says that it is your man who should have gotten the prize." All this explains why Israel Shenker chose to end the definitive literary obituary of the Yiddish laureate with the laureate's own "chickens" words.

And all this proves the great truth of the words of the man who is America's conscience, Abraham Lincoln, "you can fool all of the people some of the time, you can fool some of the people all of the time, but you cannot fool all of the people all of the time." Most importantly about this case is, of course, not just that the Yiddish laureate is a "pornographic writer," as rightly denounced by Saul Lieberman, nor that he is merely a "self-inflated, dully-repetitious, barely second-rate fictionalist," as rightly stated by John Simon and colleagues, nor that—as he himself knew and said—he is a writer for "chickens,"—whatever this may mean. The most important is precisely as Czeslaw Milosz testifies, "he created his own world of Polish Jews which had nothing in common with reality," as the result of which he has misinformed and mislead people, preventing them from knowing the truth about Jewish life in Eastern Europe, especially about Jewish-Polish relations. It is to be hoped that responsible people like John Simon and Israel Shenker will appreciate Czeslaw Milosz's testimony, that they are aware that the Jewish people are no "chickens," that, prize or no prize, the Jewish people have rejected the so-called Yiddish laureate, that his prize remains an incomprehensible insult, if not an outrage. And we cannot be too grateful to Czeslaw Milosz, the Polish Nobel Laureate, for having made in his ABC's room also for Chaim Grade, the Jewish master, who describes Jewish life in Eastern Europe as it really was, and, above all, the Jewish spirit such as it is, always and everywhere, beyond time and space, the spirit of the Bible.

RABBI EMANUEL RACKMAN,
Chancellor, Bar Ilan University.
STEPHEN WAGNER, ESQ.,
Counsel, Bar Ilan University.

TRIBUTE TO THE COLORADO GENERAL ASSEMBLY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude to the Colorado General Assembly. I respectfully submit the following Colorado Joint Resolution for the RECORD.

HOUSE JOINT RESOLUTION 01S2–1002

By Representative(s) Dean, Spradley, Grossman, Fritz, Cloer, Alexander, Bacon, Berry, Borodkin, Boyd, Cadman, Chavez, Clapp, Coleman, Crane, Daniel, Decker, Fairbank, Garcia, Groff, Hefley, Hodge, Hoppe, Jahn, Jameson, Johnson, Kester, King, Larson, Lawrence, Lee, Mace, Madden, Marshall, Miller, Mitchell, Nunez, Paschall, Plant, Ragsdale, Rhodes, Rippy, Romanoff, Saliman, Sanchez, Schultheis, Scott, Sinclair, Smith, Snook, Spence, Stafford, Stengel, Swenson, Tapia, Tochtrop, Veiga, Vigil, Webster, Weddig, White, William S., Williams T., Witwer, and Young; also Senators(s) Matsunaka, Thiebaut, Andrews, Perlmutter, Anderson, Arnold, Chlouber, Dyer, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, May, McElhany, Musgrave, Nichol, Owen, Phillips, Reeves, Takis, Tate, Taylor, Teck, and Windels.

CONCERNING THE EXPRESSION OF THE SENTIMENTS OF THE GENERAL ASSEMBLY REGARDING THE TERRORIST ATTACKS ON AMERICAN SOIL ON SEPTEMBER 11, 2001.

Whereas, September 11, 2001, may live in infamy as the day on which more people lost their lives or were injured on American soil as the result of acts of terrorism than on any other single day in history; and

Whereas, On that day, terrorists forcibly commandeered four commercial jet airliners scheduled to fly routes from the east coast of the continental United States to the west coast; and

Whereas, Once in control of these aircraft, the terrorists implemented a dastardly, suicidal plan of unparalleled proportions never before carried out in this country or anywhere else in the world; and

Whereas, The terrorists, piloting aircraft fully laden with highly flammable jet fuel and with total disregard for the lives of the passengers and crews on board or persons on the ground, turned these jet airliners into flying weapons of mass destruction, each with tremendous explosive power, and aimed their weapons at targets in New York City and Washington, D.C., our nation's capital, two of the most densely populated areas in our country; and

Whereas, Two of these aircraft were intentionally flown directly into the World Trade Center Towers in New York City, resulting in the terrifying, total destruction of two of the tallest buildings in the world, home to some 50,000 workers and up to 100,000 visitors daily and causing untold loss of life and injury to innocent, unarmed civilians; and

Whereas, A third jetliner slammed into the Pentagon in Washington, D.C., headquarters of our country's national defense and the largest office building in the world, also causing extensive damage, loss of life, and injury to persons; and

Whereas, The fourth plane, presumably aimed at targets in Washington, D.C., or possibly the presidential retreat at Camp David, Maryland, crashed in rural Pennsylvania, killing all on board, including the pilot, United Airlines Captain Jason M. Dahl from the Ken Caryl Valley area of Jefferson County, Colorado, and flight attendant Kathryn Laborie, originally from Colorado Springs, Colorado; and

Whereas, Although we may never know for sure, authorities believe, based on cell phone calls from at least two passengers on the fourth plane, Jeremy Glick and Mark Bingham, to relatives on the ground in New Jersey and California, that passengers heroically struggled with the hijackers and probably took actions that prevented this plane from reaching the terrorists' planned target; and

Whereas, Many firefighters, law enforcement personnel, military personnel, and others worked tirelessly to try to save as many lives as possible in these disasters, and it is possible that more than three hundred fifty police officers and firefighters in New York City lost their lives in the line of duty; and

Whereas, The total loss of life and injuries resulting from these cowardly acts will be in the many thousands of people, if not more, and, in the words of New York Mayor Rudolph W. Giuliani, will be "more than any of us can bear"; and

Whereas, President George W. Bush and the United States Congress, acting in bipartisan agreement, have made available all of the resources of the federal government to hunt down those responsible for these vicious war crimes; and

Whereas, After these events President Bush declared, "The resolve of this great nation is being tested"; and

Whereas, President Bush said in punishing those responsible that "We will make no distinction between the terrorists who committed these acts and those who harbor them"; and

Whereas, President Bush also stated that in punishing the guilty we must guard against assigning guilt to the blameless and must treat all Americans with the respect that they deserve, and we must particularly guard against unjustified discrimination against Muslims, Arab Americans, and others from the Middle East; now, therefore,

Be it Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado, the Senate concurring herein:

(1) That the General Assembly expresses its complete and utter condemnation of and outrage at the terrorist attacks that occurred on our soil on September 11, 2001;

(2) That the General Assembly expresses its heartfelt sympathy for the victims of these tragedies and their families;

(3) That the General Assembly commends the heroism of the many emergency personnel and individual citizens who responded to the scenes of these disasters;

(4) That the General Assembly wants terrorists to know they have failed in their mission to break the American spirit, but rather, these heinous acts have served only to strengthen our resolve; and

(5) That the General Assembly expresses its full support to President George W. Bush and the United States government in its actions to hunt down the perpetrators of these crimes against humanity and to punish those responsible, including any person or government that aids, abets, protects, finances, or harbors the perpetrators, in an appropriate manner.

Be it Further Resolved, That copies of this Resolution be sent to the Honorable George W. Bush, President of the United States, Colorado's delegation in the United States Congress, the Honorable George E. Pataki, Governor of the State of New York, the Honorable James Gilmore III, Governor of the Commonwealth of Virginia, the Honorable Rudolph W. Giuliani, Mayor of the City of New York, the Honorable Anthony A. Williams, Mayor of the District of Columbia, and the families of the late Captain Jason M. Dahl of Jefferson County, Colorado and the late Kathryn Laborie of Colorado Springs, Colorado.

DOUG DEAN,
Speaker of the House of Representatives.
JUDITH RODRIGUE,
Chief Clerk of the House of Representatives.
STAN MATSUNAKA,
President of the Senate.
KAREN GOLDMAN,
Secretary of the Senate.

CONGRATULATIONS TO BILL PUTNAM ON BEING INDUCTED INTO THE BROADCASTERS HALL OF FAME

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take a few moments today to pay tribute to Bill Putnam, a friend and constituent of mine, and a pioneer in the broadcasting arena.

On November 12, 2001, in New York City, Bill Putnam will be inducted into the Broadcasting Hall of Fame for his long and distinguished career in television. It is my privilege to share with you his many accomplishments and to recognize his great work in the Springfield, Massachusetts area. I am pleased to share these remarks and his accomplishments in the CONGRESSIONAL RECORD and to congratulate him on his well-deserved honor.

Bill Putnam started WWLP in Springfield, the first licensed UHF station in the United States. WWLP has a long history of "firsts" in Springfield for a small market station. The station ran editorials, used longer news formats, ran an "As Schools Match Wits" high school quiz show, and aired a considerable amount of local programming. For more than 30 years, Bill Putnam himself did the editorials for the station, making WWLP the example of what local television is supposed to be.

Bill Putnam concentrated not only on the local market, but was a visionary into what broadcasting should become. He lobbied extensively for changes that would treat UHF signals on televisions the same as VHF signals. In the 1950's, many television sets either did not have UHF tuners or had tuners that were simply not as good as their VHF counterparts. The "All Channel Act" and subsequent FCC regulations, of which Bill Putnam was an outspoken advocate, made UHF stations able to get the market share that made them viable in mixed markets. In turn, this created the platform that gave us independent television, and is today the backbone of FOX and the UPN and WB networks.

Bill Putnam later served on the MSTV Board, a reversal that some found ironic since it was a group started by VHF owners trying to keep UHF people out of their market. He was the Secretary of the NBC Affiliates Board and was the head of the All-Industry committee on Teletext in the late 1970s. His contributions were integral as to why Fin-Syn regulations were redone in the early 1980s. Bill Putnam was an outspoken advocate on this issue.

Bill Putnam's interests are greater than broadcasting alone. Bill is a past President and Treasurer of the American Alpine Club and continues to serve as a U.S. delegate to the UIAA, the international standards club for climbing. He is the longest serving member of that group.

In addition, he was written and had published 11 books, with more than two currently underway.

Bill Putnam is also a decorated and distinguished patriot. He is a World War II veteran with two Purple Hearts, a Combat Infantry Badge, and a Silver Star, and he has the scars to prove it. He enlisted as a private in the military and came out as a first lieutenant.

Bill Putnam is currently the Sole Trustee of the Lowell Observatory in Flagstaff, Arizona where he resides with his wife, Kitty Broman, who is also well known in broadcasting circles.

Mr. Speaker, it is my privilege to honor Bill Putnam on being recognized and honored by the Broadcasters Hall of Fame for a long and distinguished career that has benefitted the lives of so many in the Western Massachusetts area. Congratulations on the good work.

IN MEMORY OF MONSIGNOR CASIMIR CIOLEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a wonderful man who has served his community selflessly his entire life, Monsignor Casimir Ciolek.

Monsignor Casimir Ciolek has served the spiritual community of Cleveland in countless capacities, but most recently served as chaplain at Cleveland Hopkins International Airport, where he held daily mass. Past assignments include the director of the St. Vincent de Paul Society in the Cleveland Diocese and also spiritual director for the national St. Vincent de Paul Society's Midwest region.

Monsignor Ciolek attended Cathedral Latin School and John Carroll University before entering the St. Mary seminar to become a priest. After ordination in 1946, Ciolek was appointed chaplain of Parmadale, the first Catholic children's residence of its kind. After a brief period of service, he went to the Catholic University of America in Washington, D.C. to study social work.

After moving back to Cleveland in 1957, he was assigned assistant director of Catholic Charities, and ten years later was promoted director. In 1977 he decided to become pastor of S.S. Peter and Paul Church in Garfield Heights, retiring from his post in 1992.

Monsignor Casimir Ciolek has served selflessly his entire life. His dedication and countless contributions to the Cleveland community have touched and affected the lives of thousands, and his memory will never be forgotten.

Mr. Speaker, please join me in honoring the memory of an incredible man, pastor, and friend, Monsignor Casimir Ciolek. His warm smile and gentle spirit will be remembered by all.

THE MEXICAN SENATE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KOLBE. Mr. Speaker, often on this floor, I have spoken about our friends across our southern border. The country of Mexico is important because it shares a border, because it increasingly shares a culture with us and because it increasingly shares our commitment to democracy and freedom.

On September 11, the U.S. was the object of a still-incredible attack by terrorists. And, on that very day, the Mexican Senate stopped its legislative work to adopt a resolution of sympathy and support for the United States.

One week later, the government of Mexico released a statement which reiterated "our solidarity with the people and government of the United States."

Mr. Speaker, I thank the government and the people of Mexico for their concern and support. I attach these two statements, translated into English, for all our Members to read.

STATEMENT OF THE MEXICAN SENATE, SEPTEMBER 11, 2001

"The Mexican Senate wishes to express to the Government of the United States of America as well as to all Nations, its most profound sympathy and deep indignation relative to the barbarous acts which today have offended the entire world.

"The Mexican Senate calls upon all men and women of good faith to prevent this tragedy from escalating into an interminable blood bath.

"Let us bring together the governments and peoples of the world to work together to guard against further harm; to scrupulously respect human rights throughout the world; and to build together a peaceful, dignified, and just world for all mankind."

THE MEXICAN GOVERNMENT WILL PARTICIPATE IN THE SPECIAL PERMANENT COUNCIL MEETING OF THE OAS

(Statement of the Mexican Government (Deliberated with the Mexican Senate), September 18, 2001)

The Mexican government declared its most energetic and unequivocal indignation for the terrorist atrocities that took place in New York and Washington, D.C. on September 11, 2001, which brought about incalculable human and economic loses and they have caused profound grief in the international community. Regarding this, we reiterate our solidarity with the people and government of the United States.

These events are true crimes against humanity; they shake up the true foundation of civilized co-existence among nations and represent a serious threat for peace and international security. Therefore, the Mexican Government condemns terrorism categorically in every shape or form, being for political, philosophical, ideological, racial, ethnic, religious or whatever reason.

In agreement with resolution 1368 (2001) of the Security Council of the United Nations, the Mexican Government ratifying our peaceful vocation, expresses its total willingness to collaborate, with the urgency and firmness that the situation requires, in the cooperation of international efforts leading to the prevention and eradication of terrorism, as expressed by the General Assembly of the United Nations in resolution A/56/1, dated September 12.

Regarding the diplomatic measures that have been developing in recent days in the Interamerican environment, the Mexican Government manifests its decision to participate actively in the Special Permanent Council Meeting of the OAS, summoned for the 19 of September at the OAS Headquarters, with the intention of reaching a consensus about the political and diplomatic actions that are considered appropriate in responding to the call of the General Assembly of the United Nations and for the decision taken by the Security Council.

Likewise, Mexico applauds its initiative for calling for a Consultation Meeting of the Ministers of Foreign Affairs, in agreement with article 61 of the Charter of the Organization, which establishes the perfect forum in the hemisphere to agree upon the measures that the present situation demands. The decisions that come from that forum must be taken under the protection of article 53 of the Charter of the United Nations, which prohibits the application of restrictive measures adhered to regional agreements or by regional organisms without the explicit authorization of the Security Council, and being fully understood that the decisions adopted and to be adopted by the Security Council and the General Assembly of the United Nations on the subject, must prevail above any other adopted in the hemispheric environment.

Regarding the summons of the Interamerican Reciprocal Assistance Treaty, the Mexican Government considers that, in agreement with what was expressed by the President of Mexico, on September 7 at the OAS Headquarters, this is not the ideal mechanism to confront the present challenges regarding the safety of our region. Mexico considers that a Consultation Meeting of the Foreign Affairs Ministers in the framework of the OAS would have an upgraded hierarchy and greater representation of the continental community, since the Interamerican Reciprocal Assistance Treaty only has half of the amount of members that the OAS has.

Notwithstanding the above mentioned, whichever the hemispheric measures applied that will deal with the tragic happenings of September 11, Mexico will seek a consensus in the region that will actively defend the principles and intentions of the United Nations and will provide political and diplomatic cooperation for the legitimate efforts applied to take to justice those intellectual authors, organizers and sponsors of these actions, as well as those responsible in giving them support and protection.

The Mexican Government, as it has always done and as is its obligation, will proceed with total respect for the traditional principles of our foreign affairs policies specified in our Constitution.

INTRODUCTION OF VETERANS' PENSION IMPROVEMENT ACT OF 2001—H.R. 3087

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. EVANS. Mr. Speaker, I rise today to introduce the Veterans' Pension Improvement Act of 2001. This important legislation would recognize the military service of our Nation's wartime veterans by providing low-income veterans with pension benefits at age 65 without regard to a finding of total and permanent disability. The bill would reinstate a provision of Public Law 90–77, which was repealed in 1990.

From 1967 until 1990, the Department of Veterans Affairs (VA) was authorized to presume that low-income veterans were disabled at age 65. In hearings on the 1967 bill, the American Legion testified that providing for benefits at age 65 would affect less than one-tenth of one percent of pension applicants and that the cost associated with providing medical examinations and disability adjudications would be reduced. Recent evidence indicates that the Legion's 1967 assessment was correct.

In 1990, Congress eliminated the presumption of permanent and total disability at age 65 in Public Law 101–508. At that time, the Congressional Budget Office optimistically predicted that the measure would generate savings of $17 million in 1991 and total savings of $313 million over the five-year period. Such savings have not materialized. According to VA, it is rare for a wartime veteran with income below the pension threshold to be found not permanently and totally disabled. Rather than saving money, VA estimates that it is spending more money to provide medical examinations than would be paid out if benefits were granted at age 65.

A July 1997 sample of pension claims showed that only 5.9 percent of all claims from veterans age 65 and older were initially denied on the basis that the claimants were not permanently and totally disabled. In 1998 and 1999, that number was even lower with only three percent of claims denied on that basis. After taking into account reversals on appeal, VA estimates that fewer than 300 veterans age 65 and older per year are denied disability pension based upon a finding that they are not permanently and totally disabled.

VA projects the annual cost of the benefit will be less than $2 million per year. The cost of providing medical examinations for these claims exceeds $2 million per year. In addition to the costs of the medical examinations, additional costs are incurred in rating the disability. Our current policy is penny-wise and pound-foolish.

Currently VBA has a backlog of 536,626 claims pending in regional offices. Another 95,066 claims are pending appeals to the Board of Veterans Appeals. Requiring the VA to provide a medical examination and make a disability determination on claims, which are almost certain to result in a finding of disability, is exacerbating the backlog with no financial gain to the government. Although prior legislation presumed a finding of disability at age 65, this bill would provide for a service pension without regard to disability similar to that previously provided to veterans of Indian Wars and the Spanish-American War.

VA would only be required to obtain a medical examination and a finding of disability for those veterans over 65 who seek additional benefits based upon a disability which renders them homebound or in need of aid and attendance. This would reduce the cost and workload of providing disability examinations for low-income veterans who are almost always found to be disabled.

The bill does not specifically require that veterans be unemployed to qualify for the benefit. This reflects the practical reality that wartime veterans whose income is low enough to qualify for pension benefits are almost always unemployed. Full-time employment at the minimum wage level provides income which exceeds the pension amount and would therefore disqualify a veteran for benefits.

Mr. Speaker, in order to reduce the backlog and reduce the cost of making expensive disability determinations for claims of elderly wartime veterans. I ask my colleagues from both sides of the aisle to support the Veterans' Pension Improvement Act of 2001.

IN HONOR OF MR. KENNETH A. CARLSON AND HIS DOCUMENTARY "GO TIGERS!"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Kenneth A. Carlson, the writer, director and producer of successful high school football team, the Massillon Tigers.

"GO TIGERS!" has long been a vision for creator Kenneth A. Carlson, and became a reality during the 1999 football season. Carlson, a native Ohioan, has desired to create a film of his hometown for more than 10 years, and focus primarily on the town's incredible love for football. Throughout his travels to the town, he had the opportunity to re-live a part of his life that he thought he had outgrown, but that always remained an important part of his soul.

"GO TIGERS!" chronicles a pivotal season for the Massillon football team; following the team's poor season in the previous year, the entire town was confronted with a school tax levy that was necessary to protect the jobs and livelihood of the school district.

The documentary follows the team, marching band, and fans through a whirlwind season from a town where boys are born with pigskins in hand. Kenneth Carlson has the gift of bringing the season to life, from the personal stories of teammates to great wins and losses. Carlson manages to touch the human spirit and soul with this film and effectively portrays life from a small, Ohio "football town." Carlson truly captures the essence of a small rustbelt town that draws its major identity from football.

Mr. Speaker, please join me in honoring a distinguished writer, director, and producer, Mr. Kenneth Carlson on his stunning documentary, "GO TIGERS!"

FARM SECURITY ACT OF 2001

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

Mr. UDALL of New Mexico. Mr. Speaker, my vote on H.R. 2646, the Farm Security Act of 2001 has been a difficult one. I have struggled to determine how H.R. 2646 would benefit rural farmers and ranchers in northern New Mexico. I have always been a strong advocate for family farmers in New Mexico and I want these hardworking families to be successful and their farms profitable. However, H.R. 2646 fails these families in many ways. This new farm bill encourages overproduction while prices are low, fails to adequately help small farmers, and increases federal spending in times of economic uncertainty.

After much thought, I must agree with President Bush and his analysis of H.R. 2646. I want to support a farm bill that is better for rural America, supports the environment, and expands the opportunities for our farmers in growing world markets. I agree with President Bush that H.R. 2646 fails to meet these objectives. For these and other reasons, I regret that I will vote against H.R. 2646 in its current form.

I encourage the Administration to continue working with Congress to provide a plan that meets these new policy goals. Our current economic uncertainty, and some are starting to call it a recession, forces us to think wisely before spending. Combined with emergency aid, more tax packages and economic aid programs, we are facing some difficult fiscal hardships. For example, within the past several weeks, Congress passed a $40 billion emergency fund in response to the September 11th attacks; we have approved a $15 billion emergency aid package for U.S. commercial airlines; and we currently are negotiating with the President for an economic stimulus package that could reach $75 billion. With that in mind, I can not support H.R. 2646 in its current form and in our current climate.

I agree with President Bush, and I call for a thorough examination of current farm policy. Our current farm bill does not expire until September 2002. Let's take the time to get it right. We must modernize the nation's farm programs to reflect changing technologies, markets, and environmental agendas. Yet, we must develop a farm program that protects and supports small family farmers and ranchers such as those in New Mexico. I question how the Farm Security Act would help the small farmers and ranchers in an equitable way.

Mr. Speaker, the next generation of the nation's farm programs should have the flexibility to meet the diverse needs of all farmers and ranchers. It is time to seize this unique opportunity to develop long-term, progressive farm program solutions that are fair and benefit all farmers and ranchers.

I am hopeful, however, that if this bill returns from a conference committee, it will contain the necessary improvements that will allow me to support this effort. I do support a new farm bill, but one that helps small farmers and ranchers, is strong on conservation, and is fiscally sound in uncertain economic times. I am confident the other body will produce a farm bill that we all can support to keep small family farmers and ranchers strong and in business.

HONORING DR. RALPH W. SHRADER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor a true friend of Northern Virginia, Dr. Ralph W. Shrader, who will receive the Northern Virginia Community Foundation's 2001 Community Leadership Award tomorrow, October 12, 2001, at the Foundation's Gala.

As many of my colleagues know, Dr. Shrader is chairman and chief executive officer of Booz-Allen and Hamilton, one of the world's largest and oldest management and technology consulting firms, based in McLean, Virginia. Dr. Shrader also serves as president of the firm's Worldwide Technology Business division. His expertise in the area of global communications is unparalleled.

I cannot imagine a more deserving recipient of this award. Dr. Shrader's commitment to community service has spanned many years and focused on dozens of projects and programs. Just as importantly, he has set an admirable tone for Booz-Allen's employees, encouraging all personnel to donate their time to worthwhile causes.

Dr. Shrader leads by example. He is currently chairman of The Neediest Kids, a nonprofit organization that donates clothing and school supplies to at-risk children, so that they, too, can reach their full potential in school. But the list of his philanthropic undertakings does not end there: he is a former chairman of the American Cancer Society's Capital Baron's Ball, and works with many other charitable organizations that make our communities better places to live, work and raise families. Group like The National Business and Disability Council and The Women's Center have sought him out to deliver keynote addresses at their conferences.

Booz-Allen employees are quick to point out that Dr. Shrader makes their needs and aspirations a top priority. He formed a Women's Advisory Board at the firm, has supported employee forums on important issues, and received a commendation from the company's Workforce Diversity Council.

Mr. Speaker, in closing, I want to congratulate Dr. Shrader on receiving this award. It strikes me that the theme of this weekend's Foundation Gala, "Transforming Our Community", could not be more appropriate. Dr. Shrader has, indeed, transformed his community for the better, proving that one man can make a difference in the lives of many. He is that rare individual who cares more about doing good than getting credit. I ask all of my colleagues to join me in congratulating Dr. Shrader on this prestigious honor.

INTRODUCTION OF THE NORTH ATLANTIC RIGHT WHALE RECOVERY ACT OF 2001

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. DELAHUNT. Mr. Speaker, I rise today to introduce the North Atlantic Right Whale Recovery Act of 2001 which will coordinate and expand United States and international programs for the conservation and protection of North Atlantic Whale. This bill is designed to improve the management and research activities for right whales and increase the focus on reducing mortality caused by ship collisions, entanglement in fishing gear, and other causes. The most endangered of the great whales, the northern Atlantic right whale has shown no evidence of recovery since the whaling days of the 1900s despite full protection from hunting by a League of Nations agreement since 1935. Today the population of North Atlantic Right Whales remains at less than 350 animals.

Right whales are at risk of extinction from a number of sources. These include, ship strikes, the number one source of known right whale fatalities, entanglement in fishing gear, coastal pollution, habitat degradation, ocean noise and climate change. This legislation requires the Secretary of Commerce to institute a North Atlantic Right Whale Recovery Program, in coordination with the Department of Transportation and other appropriate Federal agencies, States, the Southeast and Northeast Northern Atlantic Right Whale Recovery Plan Implementation Team and the Atlantic Large Whale Take Reduction Team, pursuant to the authority provided under the Endangered Species Act, the Marine Mammal Protection Act, and the Magnuson-Stevens Fishery Conservation and Management Act.

This legislation would require the Secretary of Commerce within 6 months of enactment, to initiate demonstration projects designed to result in the immediate reductions in North Atlantic right whale deaths. There are 4 distinct areas that I believe we should be focusing our attention on. First, we should develop acoustic detection and tracking technologies to monitor the migration of right whales so that ships at sea can avoid right whales. Second, we need to continue work on individual satellite tags for right whales. This is yet another way that we can track whale migration and alert ships at sea of the presence of whales and avoid ship strikes. Third, this legislation would speed up the development of neutrally buoyant line and "weak link" fishing gear, so that we can either avoid having whales become entangled in the first place or when they do the "weak links" break and they can more easily become disentangled. Finally this legislation supports research and testing into developing innovative ways to increase the success of disentanglement efforts.

This legislation allows for the government to provide fishermen "whale safe" fishing gear in high use or critical habitat areas. This is crucial, because once we have developed this "whale safe" gear we need to get it in the water as soon as possible. I believe an assistance program that is fair to fishermen will be needed and we are asking the agencies to tell us the potential costs so we can ensure that the gear can be deployed where needed.

This legislation requires the Secretary of Transportation and Commerce to develop and implement a comprehensive ship strike avoidance plan for Right Whales because ship strikes are the leading cause of right whale mortalities. The plan incorporates the Mandatory Reporting System which I helped shepherd through Congress in 1997. This system requires large vessels traveling through designated critical right whale habitats to contact area Coast Guard authorities. Ship pilots report course, speed, location, destination and route and are alerted to the presence or nearby whales. The system has helped mariners to better navigate away from these endangered animals. Through this legislation, the reporting system will be improved to include the collection and analysis of data on traffic patterns and ship strikes.

This legislation also establishes a right whale research grant program. This program will establish a peer review process of all innovative biological and technical projects designed to protect right whales. In addition to the scientific community, this peer review team will also be comprised of representatives of the fishing industry and the maritime transportation industry. It is important that from the very beginning we have the input of the people who are on the water every day. Their knowledge and experience is absolutely necessary to developing innovative practices and techniques to save right whales.

Congress has appropriated over $8 million dollars in the last two years to protect right whales. I believes that now is the time to develop a comprehensive plan that spells out what we can do immediately to better protect these whales and focus our research efforts on innovative ideas and technologies that can identify whale migrations.

ALL STAR TRANSPLANT REUNION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. GONZALEZ. Mr. Speaker, I rise today to commend the Texas Transplant Institute (TTI) in San Antonio, Texas for hosting a special All Star Transplant Reunion. This event will honor all transplant patients and living donors from every Transplant Institute Program in Texas. Guests will also be joined by Spurs basketball player and donor recipient, Sean Elliott.

San Antonio's Texas Transplant Institute was created in 1999 by combining the solid organ transplant program at Methodist Speciality and Transplant Hospital with the bone marrow/stem cell transplant program at Methodist Hospital. Over the years, the Institute has expanded. In May 2001, a liver transplant program was added to the Institute. And in July, a pediatric kidney transplant program was added to complete the full range of services provided at the Texas Transplant Institute.

Today, the Texas Transplant Institute is the only program in the United States that combines the resources and talents of both the bone marrow/stem cell program and the solid organ transplant program under one entity. Through its mission of "Continuing the Legacy of Hope Through Patient Care, Research and Education," the Texas Transplant Institute is dedicated to serving patients who are in need of organ and bone marrow/stem cell transplants. Collectively, these programs have served over 2,500 patients. It has performed 1,684 kidney transplants, 631 bone marrow/stem cell transplants, 212 heart transplants, and 2 liver transplants to patients all over the United States.

On October 13, 2001, hundreds of transplant recipients, patients on waiting lists, and living donors who are considered an inspiration to more than 80,000 men, women, and children will unite. Many will meet for the first time with their respective donors, as well as other individuals who will attend and are urgently awaiting for a transplant to replace a failing kidney, heart, liver, lung, or pancreas.

Mr. Speaker, once again, I would like to commend the Texas Transplant Institute for hosting this special All Star Transplant Reunion. I especially want to thank the doctors and staff at TTI for their hard work and dedication and I wish them well as they continue their life-saving services to the community.

IN HONOR OF FARAH M. WALTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Ms. Farah M. Walters for her induction into the 2001 Ohio Women's Hall of Fame. As President and Chief Executive Officer of University Hospitals Health System and University Hospitals of Cleveland since 1992, Ms. Walters will be placed in an elite group of women recognized for their outstanding contributions to their state and nation. Ms. Walters presides over a system that serves patients at more than 150 locations in Northeast Ohio and which is the region's largest private sector employer.

Ms. Walters graduated from the executive MBA program at Case Western Reserve University's Weatherhead School of Management and holds a Masters of Science in Nutrition from Case Western Reserve University. She has consulted and lectured for major health organizations such as the Pan American Health Organization, American Hospital Association, National Institutes of Health, the U.S. Army, and various hospitals and universities. Ms. Walters has received numerous prestigious awards for her work. For example, in May 2001 she was awarded the Ellis Island Medal of honor by the National Ethnic Coalition of Organizations Foundation; in February, 1999 she became the first woman to receive the Business Executive of the Year award from the Sales & Marketing Executives of Cleveland; and in May 1998 she became the first woman to receive the Business Statesmanship Award from the Harvard Business

School Club. In January 1993, Mrs. Walters was appointed to Hillary Rodham Clinton's National Health Care Reform Tax Force, and in 1993 Modern Healthcare selected her as one of the 50 individuals in the USA to shape the future of health care in the country. In addition, University Hospitals of Cleveland has been the recipient of many awards under her leadership, including the North Coast 99 Diversity Award from the Employer Resource Council and Enterprise Development and the Exemplary Voluntary Effort Award from the U.S. Department of Labor.

Ms. Walters also serves on a variety of national and local boards and is active in civic affairs. She is on the board of the LTV Corporation and has served on a number of key committees of the Association of American Medical Colleges in Washington, D.C. She also serves on the board of Cleveland Tomorrow, Greater Cleveland Roundtable and Ohio Business Roundtable. In 1994 Ms. Walters was appointed by Governor VOINOVICH to serve on the 15 member Commission to Study the Ohio Economy and Tax Structure. Within the community, she has served as Chairman for the 1997 United Ways Campaign, the first woman and the first CEO of a non-profit organization to be selected for the position.

Ms. Walters will be honored by the Ohio Womens Hall of Fame on October 17, 2001. She and her husband Stephen have one daughter named Stephanie.

HONORING THE CITY OF CLOVIS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to thank the citizens of Clovis, California for their outpouring of sympathy and compassion in the wake of the tragedy which took place in New York City and Washington, DC on September 11.

At this time, I would like to submit for the CONGRESSIONAL RECORD a document sent to me by Clovis Mayor Jose Flores, on behalf of the people of Clovis.

PROCLAMATION HONORING THE VICTIMS OF TERRORIST ATTACKS, THE RESCUE WORKERS AND THE COURAGE OF THE PEOPLE OF THE UNITED STATES

Whereas, the World Trade Center and the Pentagon were attacked by terrorists in a cowardly act on September 11, 2001, resulting in tremendous loss of innocent lives of our fellow Americans; and

Whereas, civilian hostages on some of the aircraft also sacrificed their lives with a last heroic act to intervene to successfully thwart the terrorists; and

Whereas, the citizens of the City of Clovis express their deepest sympathy for the victims of the attack and the families and friends of the victims who must now face such sorrow and loss; and

Whereas, the citizens of the City of Clovis recognize and give thanks for the actions of the rescue workers, many of whom have, through their own selfless actions, given their own lives in an effort to save their fellow citizens; and

Whereas, even in the midst of such a terrible attack on our country, the courage of the people of the United States has shown through for all the world to see; and

Whereas, in such trying times, the American people have shown to the world that we are strong and united have shown to the world that we are strong and united together against terrorism and in support of our country and its values of freedom. Now, Therefore, Be It

Resolved, that the Clovis City Council does hereby extend our deepest sympathy to the families of the victims, our most heartfelt gratitude to the rescue workers seeking to aid our fellow Americans, and our assurance to the world that we, as citizens of the United States, stand united and will not tolerate terrorism or be diminished by its actions, but rather we, as a free people, will prevail against evil and continue to be a beacon of freedom for the world.

A PRAYER FOR MY COUNTRY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SMITH of Michigan. Mr. Speaker, I would like to share with my colleagues a poem written by Sarah Shaw for her Jerome, Michigan, church service, September 30, 2001.

A PRAYER FOR MY COUNTRY

It's utter terror—disbelief, at what my eyes behold.
It's so unbelievable, as I watch this scene unfold.
Where three years ago I'd been there, and had marvelled at the sight.
The majestic New York City skyline, all lit up by night.
Now horror, seeing attacks, watching both towers aflame
Saw the huge plane flying, as for its attack it came
With total disbelief I stood, staring at my T.V.
This cannot be happening!! This cannot truly be!!

But it was real indeed, the U.S.A. had been attacked!
So our nation plunged into war—it's a deadly fact.
The scene was there before me, the story slowly revealed.
For the passengers in four hi-jacked planes—their doom was sealed.
The hi-jackers were so full of hate flying through the sky,
Their aim to "kill America" to do so they would die.
Two of the planes hit both twin towers squarely—all aflame.
One plane to the Capital, the Pentagon, was its aim.
The last plane met resistance from some passengers, so brave,
A Pennsylvania mountain became its deadly grave.

So the tale of this tragedy spread across our Nation,
Dazed people unable to believe this revelation.
How could it be? How can lives be changed in just a moment?
How could anyone hate like that? With so much vengeance vent?
But it was real indeed, the U.S.A. had been attacked,
Our Nation plunged into a war, it was a deadly fact.
Through the days that followed, found me glued to my T.V. set,
This tragedy consumed me, I felt so helpless—and yet
My deep desire was to be a part of the rescue teams,
Then I could go into combat against those evil schemes,
Of those who brought destruction, who had attacked our Nation.
Since I could not go, I'm left with sadness and frustration.

The scene was utter destruction, the question, where to start?
Many rescue workers poured in, coming to do their part.
Firemen and police men, skilled workers with their big machines.
Doctors and nurses and ambulances, also on the scene.
All working tirelessly, upon this mountain of debris.
How frantically they struggled, to find victims to set free.
Then new disaster, damaged buildings suddenly collapsed,
The rescue teams became the victims, as many were trapped.
Rescuers continued working, they knew they must go on.
The missing, numbered thousands, so they searched from dawn to dawn.

Our Nation now in mourning, candles lit across the land.
Our red, white and blue flags waving, many in childrens hands.
At Washington Cathedral, folks of all creeds gathered there.
Joining our President and Congress, in a time of prayer.
Also at this service, four past Presidents of our Nation,
With all heads bowed, aching hearts, seeking God's affirmation.
In churches, and in town halls, in parks all across our land.
Prayers of every creed and language, God will understand.

So now in our sorrow, we must all turn to God above,
May he surround our Nation with his everlasting love! Amen.

CONGRATULATING THE PEOPLE OF TAIWAN ON NATIONAL DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LANGEVIN. Mr. Speaker, I wish to extend to the people of Taiwan my congratulations on the occasion of National Day. Today's event reminds us of the strong ties and shared principles between the United States and the people of Taiwan.

Today, the people in Taiwan continue to enjoy high standards of living. Under the leadership of President Chen Shui-Bian, Taiwan has demonstrated great economic resilience and has made gestures to improve dialogue with the mainland. Additionally, Taiwan's relationship with the United States is becoming increasingly strong. Bilateral trade between Taiwan and the United States topped $64.8 billion last year, and Taiwan is the United States' eighth largest trading partner. Last year, nearly 30,000 students from Taiwan were enrolled in United States colleges and universities. Additionally, the United States, outside of Asia, is the number one destination for Taiwan travelers. Clearly, Taiwan and the United States share many values in common such as attachment to freedom, democracy and human rights.

I also wish to thank President Chen for his strong words of support after the terrorist attacks of September 11. The people of Taiwan recognize the importance of solidarity in times of difficulty, as they recently coped with the devastating effects of two typhoons, and I thank them for their offer to assist in international efforts to eliminate worldwide terrorism.

On this day of celebration for the people of Taiwan, I offer them my best regards and gratitude for their support and friendship.

TRIBUTE TO VENA RICKETTS, MD

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SHERMAN. Mr. Speaker, I rise today to honor Dr. Vena Ricketts for her tremendous contributions to our local and global communities. On October 12, 2001, Olive View-UCLA Medical Center Foundation will honor Dr. Vena Ricketts with the "Nelle Reagan Award for Distinguished Community Service" in Woodland Hills, California.

Dr. Ricketts stands out among physicians as a dedicated volunteer whose efforts reach those in medical need worldwide. She serves as a team leader on missions which provide impoverished people throughout the world with vital medical and dental care. These philanthropic missions have taken Dr. Ricketts to Nepal, Ghana, Bulgaria, Bethlehem, Palestine, Gambia, and most recently, Cambodia.

Dr. Ricketts has also been extremely dedicated to serving her local community throughout her years in practice. She has served as a volunteer physician at the Hollywood Centrum Organization and the local House of Magdalene. In addition, Dr. Ricketts is the Medical Director at the Church on the Way in Van Nuys, California.

Currently, Dr. Ricketts is a professor at the UCLA School of Medicine and Assistant Chair of the Department of Emergency Medicine at the Olive View-UCLA Medical Center. She founded and heads up the hospital's Health Career Day in which hundreds of local students have been provided the opportunity to learn about career options in the medical field.

The innovative teaching methods used by Dr. Ricketts at this career expo have received significant national attention. She received the Department of Emergency Medicine "Golden Award for Excellence in Teaching" as well as the National Emergency Residents Association "Augustine D'Orta Award for Excellence in Health Policy and Community Service".

Dr. Ricketts serves as an inspiration to all of us through her tireless dedication to providing exceptional medical care to people in need around the world. It is a distinct pleasure to ask my colleagues to join me in saluting Dr. Vena Ricketts on her outstanding achievements.

THE OPPRESSED WOMEN OF AFGHANISTAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. GILMAN. Mr. Speaker, I want to thank the gentlelady from California (Ms. SOLIS) for arranging this special order today. I also want to extend my best wishes and prayers to the women of Afghanistan.

Just as we cannot forget the horrific events of September 11, 2001, we must not forget the women of Afghanistan who have been suffering under the brutal Taliban regime since 1996. They were the first victims of the Taliban.

Today, there are thousands of widows in the capital of Afghanistan who are unable to leave their homes, even for food and emergency medical care. Women are forced to cover themselves from head to toe, denied access to education and proper health care, forbidden to work so that they may support their families, and face brutal beatings if they do not comply with the rules set forth by their oppressors. Amnesty International calls Afghanistan under the Taliban "a human right catastrophe." These women are struggling to survive in what has become a police state claiming to be a theocracy.

Nonetheless, by enacting these oppressive measures, the Taliban regime claim they are restoring Afghanistan to the purity of Islam. However, authorities in a number of Muslim countries insist that few of the regime's dictates have a basis in Islam. The religion of Islam requires all Muslims to cherish women, and requires that their status to be equal to that of men. It is the Taliban's interpretation of Islam and treatment of women that is un-Islamic. It is they who are the unbelievers, the oppressors, and the blasphemers. And it is they who continue to use violence and a distorted interpretation of Islam to force their ideology on others.

My sympathies and prayers with the women of Afghanistan, and I hope that their ordeal will soon come to an end.

OPPOSE DELAYS IN ENFORCING EXECUTIVE ORDER 13166

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to the amendment offered by the gentleman from Oklahoma, which would delay enforcement of Executive Order 13166 that requires federal agencies and organizations that receive federal funding to provide translators to limited English proficient individuals.

Executive Order 13166 promotes actions consistent with, but not unduly burdensome to, the fundamental mission of federal programs. Flexibility is recognized as essential—states and providers need only do what they can, given their circumstances, to assist limited English proficiency (LEP) individuals. For example, street signs do not need to be translated into characters and doctors who serve LEP individuals on an infrequent basis are not required to have full-time interpreters or bilingual staff, this would be considered undue burden.

The need for Executive Order 13166 and its implementing guidance cannot be overstated. LEP individuals—many of whom initially enter the United States as refugees and asylees—endure restricted access to critical public health, hospital and medical services which they often desperately need. The most recent Census data that documents over 31 million individuals, over one in nine Americans, speak a language other than English at home. While this reality should be viewed as a cultural strength of our nation, in the health care context an individual's limited English proficiency often results in inadequate health care. An inability to comprehend the patient, mixed with a fear of liability, can also lead some doctors to order expensive, otherwise avoidable tests. Conversely, because of communication problems, non-English speakers often avoid seeking treatment until it is absolutely necessary, which disproportionately causes them to under utilize cost-effective preventive care. This is not only unhealthy, but often more expensive. Without Executive Order 13166 and translation services for LEP populations, citizens and non-citizens alike suffer.

Parents of citizen children, who have limited knowledge of English, can not explain to the doctor what is wrong with their child nor do they understand what the doctor tells them to do for treatment. If a LEP individual arrives at a hospital with symptoms of tuberculosis—or smallpox—without an interpreter, hospital staff and public health officials would be unable to communicate with the patient and a public health hazard could easily spiral out of control.

Here are additional stories that have resulted from inadequate LEP translation services available.

A Korean woman appeared for a gynecology exam, but no interpreter or language line assistance was provided. The clinician used the 16-year-old son of a complete stranger to translate.

A woman requiring treatment for a uterine cyst was unable to receive treatment on two separate occasions because an interpreter was unavailable.

A man suffering from a skin condition requiring laser treatment underwent treatment for over a year. The man endured days of pain after each treatment, but was unable to communicate this because he was never provided with an interpreter. Only after a community organization intervened did the clinic understand the patient's pain and adjust the treatment.

A Russian-speaking woman experienced life-threatening complications from prescribed medications. Without an interpreter or use of a language line, doctors in the emergency room were unable to treat her. Only because a Russian-speaking young girl happened by and agreed to help were doctors able to save the woman's life.

A Russian-speaking woman's none-year-old son had to translate before and after his mother's angioplasty. The hospital refused to use a language line and the child translated for several hours each time.

This Executive Order will have a profoundly positive impact on ensuring that all individuals, regardless of language, receive quality care and that disparities in health care access and outcomes due to language barriers are being addressed. There is no good reason to delay the full enforcement of Executive Order 13166. Therefore, I strongly urge my colleagues to vote against this amendment.

DAVID NEVES, RHODE ISLAND'S TEACHER OF THE YEAR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today to pay tribute to David Neves, a Scituate music teacher who was recently named Rhode Island's Teacher of the Year.

Mr. Neves has been a member of the Scituate High School music department for 25 years and has devoted his career to instilling a love and appreciation for music in all of his students. Throughout his tenure at Scituate, Mr. Neves has directed the band program and served as the conductor for the symphonic band, jazz ensemble and orchestra. Any one of these projects consumes an extraordinary amount of time, yet Mr. Neves has undertaken all four with tireless enthusiasm.

In addition to providing basic music instruction, Mr. Neves has led his students on trips to Montreal, Toronto, Orlando, and Washington, DC, and even allowed them to produce top-quality recordings in professional studios. Through his efforts, the students in Scituate's music program have experienced life beyond their community, and they will relish and draw on those experiences for years to come.

Mr. Neves was selected for this honor from among nominees of schools all over the state. He will now compete for National Teacher of the Year and will be recognized at a Presidential ceremony here in Washington in the spring. I am very much looking forward to welcoming Mr. Neves to our nation's capitol and congratulating him on this impressive honor in person.

I think we all know the impact one exceptional teacher can have on his students. One teacher can change the course of a child's life by inspiring confidence, promoting excellence, and opening his students' eyes to possibility. Mr. Neves is truly an outstanding asset to his profession and community, and for that, I am grateful. I know the entire second district of Rhode Island joins me in extending hearty congratulations on his wonderful achievement.

TRIBUTE TO TRI-ANIM HEALTH SERVICES, INC.

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SHERMAN. Mr. Speaker, I rise today to honor Tri-anim Health Services, Inc. of Sylmar, California. On October 12, 2001, this unique organization will receive the "Outstanding Corporate Contributor of Health Education" award from the Olive View-UCLA Medical Center Foundation in Woodland Hills, California.

Tri-anim Health Services, Inc. is the nation's largest provider of specialty health care products used in respiratory, anesthesia and critical care. Employing over 220 people nationwide with annual sales exceeding 100 million in revenue, Tri-anim prides itself on quality employees who continuously exceed the expectations of customers.

The Tri-anim corporate commitment to exceptional service extends beyond the boundaries of the company. The organization frequently donates medical equipment and supplies throughout the world benefiting thousands of people in Armenia, China, Columbia, Equador, Nicaragua and Russia to name a few. Tri-anim is also active in numerous local philanthropic endeavors. In particular, the company provides strong financial support to the American Cancer Society, Braille Institute and SHARE.

Most recently, Tri-anim donated 13 notebook computers to a Los Angeles school for children with autism. These computers allowed the students to enhance their ability to communicate and learn. In fact, the special software provided enables some students to communicate in sentences for the first time.

Tri-anim is recognized industry-wide for its renowned technological advances. The company's award-winning website was the first one dedicated to respiratory, anesthesia and critical care. The site offers approximately 32,000 products from more than 250 manufacturers.

Tri-anim Health Services, Inc. has risen above and beyond any other organization of its kind through the extraordinary dedication of each employee to providing exceptional service in the health care arena. It is a pleasure to ask my colleagues to join me in saluting Tri-anim on their outstanding achievements.

THE WASHINGTON POST PUTS ITS FINGER ON 'THE ARAB PARADOX'

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. GILMAN. Mr. Speaker, a very astute editorial was printed in today's Washington Post underscoring a provocative point: That the regimes of Arab states, which have little if any democratic legitimacy, use hatred for the United States and Israel to deflect criticism of their internal policies.

In our hearing yesterday in our Committee on International Relations on public diplomacy in the fight against terror, the very same point was made. And, to be sure, it has even been made by some moderate Arab leaders.

The fact is that these policies of blaming others are self-defeating. They do not lead to any long-term reform. They do not even allow any real release of tension. In this modern age, they lead to intolerance of others, support for terrorism, or terrorism itself.

We need to fully consider these points, as do the rulers of the "moderate" Arab states.

For the information of my colleagues, I request that the Washington Post editorial be printed at this point in the RECORD:

[From the Washington Post: Oct. 11, 2001]

THE ARAB PARADOX

Arab nations, including those considered allies of the United States, have been struggling with their response to the U.S.-led military campaign in Afghanistan. If their contortions were not so familiar they would be hard to understand: After all, Osama bin Laden and his al Qaeda organization are sworn enemies of the Egyptian and Saudi governments, which in turn depend on the United States for their security. But it took Egyptian President Hosni Mubarak three days to choke out a statement supporting "measures taken by the United States to resist terrorism"; and even then he coupled it with a parallel demand that Washington "take measures to resolve the Palestinian problem." Meanwhile, Mr. Mubarak's longtime foreign minister, Amr Moussa, now the secretary general of the Arab League, prompted first Arab states and then the 56-nation Islamic Conference to adopt a resolution yesterday opposing U.S. attacks on any Arab country as part of the anti-terrorism campaign—a position that offers cover to Iraq's Saddam Hussein.

In effect, Mr. Mubarak and Mr. Moussa are backing both the military action of the U.S. alliance and the political position of Osama bin Laden, who on Sunday claimed that unjust American policies in Israel and Iraq justified his acts of mass murder. The world, Mr. Moussa said, needs to address the "causes" of the terrorism, and he suggested that a United Nations conference might be the best forum. There's little doubt what he has in mind: After all, Mr. Moussa only a couple of months ago led the attempt to hijack the U.N. conference on racism and revive the libel that "Zionism is racism."

Behind this contradictory rhetoric lies one of the central problems for U.S. policy in the post-Sept. 11 world: The largest single "cause" of Islamic extremism and terrorism is not Israel, nor U.S. policy in Iraq, but the very governments that now purport to support the United States while counseling it to lean on Ariel Sharon and lay off Saddam Hussein. Egypt is the leading example. Its autocratic regime, established a half-century ago under the banner of Arab nationalism and socialism, is politically exhausted and morally bankrupt. Mr. Mubarak, who checked Islamic extremists in Egypt only by torture and massacre, has no modern political program or vision of progress to offer his people as an alternative to Osama bin Laden's Muslim victimology. Those Egyptians who have tried to promote such a program, such as the democratic activist Saad Eddin Ibrahim, are unjustly imprisoned. Instead, Mr. Mubarak props himself up with $2 billion a year in U.S. aid, while allowing and even encouraging state-controlled clerics and media to promote the anti-Western, anti-modern and anti-Jewish propaganda of the Islamic extremists. The policy serves his purpose by deflecting popular frustration with the lack of political freedom or economic development in Egypt. It also explains why so many of Osama bin Laden's recruits are Egyptian.

For years U.S. and other Western governments have been understanding of Mr. Mubarak and other "moderate" Arab leaders. They have to be cautious in helping the United States, it is said, because of the pressures of public opinion—the opinion, that is, that their own policies have been decisive in creating. Though the reasoning is circular, the conclusion has been convenient in sustaining relationships that served U.S. interests, especially during the Cold War. But the Middle East is a region where the already overused notion that Sept. 11 "changed everything" may just turn out to be true. If the United States succeeds in making support or opposition to terrorism and Islamic extremism the defining test of international politics, as President Bush has repeatedly promised, then the straddle that the "moderate" Arabs have practiced for so long could soon become untenable. Much as it has valued its ties with leaders such as Mr. Mubarak, the Bush administration needs to begin preparing for the possibility that, unless they can embrace new policies that offer greater liberty and hope, they will not survive this war.

TRIBUTE TO ABBY HOCHBERG-SHANNON

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LAMPSON. Mr. Speaker, colleagues, as the Chairman of the Congressional Missing and Exploited Children's Caucus, most of you have heard me speak on the House floor about children's issues. Today, I want to wish a fond farewell to the member of my staff who has worked so hard on these issues during my years in Congress—Abby Hochberg-Shannon. Abby is leaving her position as my Legislative Director today to work for the National Center for Missing and Exploited Children.

All of us who serve in Congress know how important our staff members are to us. Abby was one of the first people I hired when I came to Congress in 1997. She has a real passion for children's issues, which was so important when two young constituents were tragically abducted during my first term. Abby's hard work was integral to the establishment of the first-ever Congressional Missing and Exploited Children's Caucus. Now the caucus includes over 150 Members of Congress who provide a loud and unified voice as advocates for missing children.

Now Abby is going to the National Center for Missing and Exploited Children. I am proud that she will be continuing her work on these issues with such an outstanding organization. Although she will be sorely missed, I don't feel like I am losing a staff member. I know that I and other members of the Caucus will continue to work with Abby Hochberg-Shannon and the National Center on this issue so we can 'bring our missing children home'.

Thank you Abby for 5 years of dedicated work. The Hill will miss you.

TRIBUTE TO PROCTER AND GAMBLE

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SHERWOOD. Mr. Speaker, I want to pay tribute to Procter & Gamble and the 2,500 working men and women at the P&G paper products plant in Mehoopany, Pennsylvania, as they celebrate the plant's 35th anniversary on October 17 and 18.

The Mehoopany plant, which is P&G's largest plant in the world, makes a major contribution to the local, state and national economy. The plant's dedicated employees produce Pampers and Luvs disposable diapers, Bounty paper towels, Bounty napkins and Charmin bathroom tissues. The plant's payroll is over $130 million annually. P&G contributes over $200 million a year to the Pennsylvania economy in purchases of materials, freight, supplies and services. Hundreds of additional people are employed to provide those purchases.

Procter & Gamble is making an investment of $350 million to add two new paper-making machines and converting equipment. The Mehoopany site was chosen by P&G for expansion as the most attractive option in meeting their economic, distribution and infrastructure needs.

I am pleased to say that the Mehoopany facility continues to be recognized not only as a business leader, but also for its environmental and safety records. The plant has won two Governor awards for environmental excellence and four safety awards from the American Forestry and Paper Association over the past five years.

P&G's Mehoopany plant not only fills the needs of millions of American consumers, but goes beyond U.S. borders by exporting more than $150 million worth of tissues, towels, napkins and diapers to Canada, Europe and Latin America each year.

I clearly remember when the Mehoopany Plant began operations in 1966. I was just leaving the military and returning to Wyoming County to start my career. Since that time, I have seen the creation of several thousand good paying and stable jobs in Pennsylvania's 10th Congressional District. The plant draws its work force from six northeastern Pennsylvania counties. The continued success of the Mehoopany plant is due to the dedication and commitment of the men and women who work there.

Our nation's economic prosperity depends on companies like Procter & Gamble which are willing to invest in the future of our nation and in the men and women who have done such an outstanding job in producing the high quality products that consumers both domestically and internationally want and need. Congratulations to Procter & Gamble and to its employees on the 35th anniversary of the Mehoopany plant.

IMPROVING TEACHER QUALITY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LANGEVIN. Mr. Speaker, today I had planned to offer an amendment to strengthen teacher quality. However, I withdraw this amendment out of respect for the hard work of Chairman YOUNG, Chairman REGULA, and Ranking Member OBEY in crafting a strong, bipartisan bill.

Mr. Speaker, before I withdraw my amendment, I want to address the importance of training not only our teachers, but our substitutes as well.

Substitute teachers are critical to our children's education, yet less than 15 percent of them participate in any type of professional development. On average, students will spend the equivalent of 1 full year with a substitute teacher before high school graduation. America's substitutes have become an integral part of our teacher workforce, yet in all but 1 State, substitutes need no teaching certification, and in 28 States principals may hire anyone with a high school diploma or a GED who is over 17. In addition, over half of the school districts in this country do not require face-to-face interviews or reference checks for potential substitutes, and almost one-third of districts do not conduct background checks. Moreover, many substitutes want to become full-time teachers. But without training, few pursue this ambition.

Most substitutes cite a lack of discipline among students as one of the most significant reasons they leave the profession. It is no surprise that they are unable to maintain discipline when they have not been trained in basic classroom management. With skills and content training, substitutes would be more inclined to stay and to take on full-time teaching responsibilities.

In the spring, I conducted a survey of all the public schools in my congressional district. Among the many issues revealed, these surveys illuminated the great shortage of qualified substitutes and the desire for more professional development programs for teachers and principals in Rhode Island. These problems are not unique to Rhode Island. They exist nationwide and are likely to be exacerbated in the coming decade as growing levels of teacher attrition and retirement and increased school enrollment combine to create a massive teacher shortage. Indeed, the National Center for Education Statistics estimates that we will need 2.4 million additional teachers over the next 11 years.

Encouraging States and local educational agencies to include substitute training in a comprehensive teacher quality program will improve the work of substitutes, the ability of teachers to attend professional development programs, and ultimately will improve education for our children.

I urge my colleagues to work with me to find innovative ways to help our substitutes as well as our full-time teachers be better prepared for our classrooms and better teachers for our children.

Mr. Speaker, I respectfully withdraw my amendment.

TRIBUTE TO THE ANTI-DEFAMATION LEAGUE AWARD RECIPIENTS

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. ADAM B. SCHIFF

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SHERMAN Mr. Speaker, we rise today to·honor Shirley and Seth Hufstedler, Alan I. Rothenberg, and Erwin Chemerinsky. On October 11, 2001, each of these extraordinary individuals will be recognized at the Anti-Defamation League 2001 Jurisprudence Award Dinner.

Shirley Hufstedler is currently Senior of Counsel at Morrison & Foerster. Previously, she served as a Judge in the Los Angeles County Superior Court and an Associate Justice of the California Court of Appeals. Prior to that, Shirley was appointed and served as the U.S. Secretary of Education in 1979 by President Jimmy Carter.

Her husband, Seth Hufstedler is also Senior of Counsel at Morrison & Foerster. He has argued many cases before the California appellate courts, the 9th Circuit Court of Appeals and the U.S. Supreme Court. More recently he has served as President of the State Bar of California and the Los Angeles County Bar Association.

Alan Rothenberg is the founder of the U.S. Soccer Foundation and has dedicated himself to Major League Soccer for many years. He was Chairman, President, and CEO of the most successful World Cup in History. He also served as Chairman of the Board of the 1999 FIFA Women's World Cup, the most successful women's sporting event in history.

Finally, Erwin Chemerinsky is the author of four books on constitutional law. He has testified many times before Congress, the California Legislature and the Los Angeles City Council. Erwin has argued many cases in the U.S. Courts of Appeals and served as co-counsel in several cases before the United States Supreme Court.

Each of these well-respected individuals have remained dedicated to providing exemplary service to our community. It is a distinct pleasure to ask our colleagues to join with us in saluting them for their outstanding achievements.

HIGHWAY HOME IN HATFIELD, PENNSYLVANIA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to acknowledge the 50th anniversary of the Highway Home in Hatfield, Pennsylvania. The Highway Home has been serving the needs of the elderly and I am honored to join them in their celebration.

The High Home was founded by the Highway Tabernacle Church of Philadelphia in 1951 and is a non-profit organization. Since 1980, the Highway Home has been licensed by the Commonwealth of Pennsylvania with the mission of excellent care to the elderly and enhancing the quality of their lives. They have met this mission with great success.

I am proud to join Highway Home in their celebration. Our community is fortunate to have such a fine facility that meets the important needs of our elderly.

RENEWAL COMMUNITY TECHNICAL LEGISLATION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LAFALCE. Mr. Speaker, today, along with Representatives QUINN and REYNOLDS, I will be introducing legislation designed to enhance the effectiveness of the "Renewal Community" program which Congress adopted just last December. This legislation would allow the expansion of Renewal Communities to include census tracts which are not eligible under 1990 census data, but which are eligible under 2000 census data.

As Congress debates economic stimulus legislation, which is likely to include tax provisions, we urge inclusion of this simple, but important, legislative amendment to the existing Renewal Community program.

Late last year, Congress enacted bi-partisan legislation authorizing the designation of forty "Renewal Communities," each of which will receive substantial investment tax benefits. Applications for selection of these Renewal Communities are due late in October, with final selection by HUD under a competitive process before the end of this year.

All census tracts in a Renewal Community application must meet objective criteria, including benchmarks relating to poverty and unemployment. However, the poverty rates and population used to determine compliance with such criteria are required to be determined using 1900 census data.

Use of dated economic data was probably necessary, given that the selection process will be completed before all 2000 census data is available. However, ironically, the result is that legislation designed to rejuvenate areas with rising poverty and declining economic conditions and population effectively ignores what has taken place over the last decade. The very census tracts that have declined economically over the last decade, as confirmed by objective economic data, are unnecessarily excluded from favorable investment treatment designed to reverse such economic decline.

This makes no sense. Therefore, the legislation we are introducing today in a simple one, which permits applicants that are awarded Renewal Community status to subsequently apply to HUD to expand their boundaries to include census tracts that did not meet the legislation's poverty or population criteria using 1990 census data, but would meet such criteria using 2000 census data.

It does not interfere with the selection process for the forty Renewal Communities, which is already underway. Nor does it alter the objective qualifications that each census tract must meet to qualify for inclusion in a Renewal Community. It merely allows Renewal Communities selected later this year to apply for the inclusion of adjacent census tracts that clearly justify inclusion in the Renewal Community, based on our most recent census data.

HONORING LILIA PULIDO ALVARADO

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Lilia Pulido Alvarado. Mrs. Alvarado is being honored by the International Institute of Flint at their annual dinner on October 13th. She will be given their Golden Door award.

The International Institute pays tribute each year to an outstanding immigrant who has made a significant impact on the greater Flint community. It is the highest award the Institute presents. The recipient has demonstrated a lifelong commitment to improving the quality of life for newly arrived immigrants.

This year's recipient, Lilia Pulido Alvarado is a stellar example of this commitment. She has fought her entire life for immigrants. She immigrated to the United States from Mexico at the age of twelve with her parents and four siblings. Her father had been the Chief of Police in Zacatecas before an accident cut short his career. Lilia's mother worked as a midwife to support the family before the family moved to Michigan.

As a result of her father's accident and the move to a new country the family had a drastic change in their lifestyle. In Mexico the family lived in an 18-room house with servants, and an active social life. In Michigan the family lived in a shanty, sleeping on straw mattresses, cooking over a wood stove and had outdoor toilet facilities. Lilia did not know how to speak English and this created difficulties for her in school. The first day of school Lilia threw a book at the teacher and was expelled. The teacher had wanted her to read in English. Later in life this incident caused Lilia to fight passionately for schools to understand and incorporate the language and culture of the immigrant when teaching the student.

Fortunately, Lilia went on to complete her schooling, eventually earning an associate's degree, a bachelor's degree, a master's degree and a substance abuse counselor license. During this time she married, and raised four children. She paid for her education by picking apples. She has worked as the district director of the Michigan State University research project, "Migrants in Transition;" as a bilingual counselor for Model Cities, a counselor for battered women at the YWCA of Greater Flint, a teacher with the Flint Community Schools and the International Institute and as an insurance specialist for Blue Cross/Blue Shield. Her advocacy stretches beyond Flint to include the indigenous people of Mexico.

The community has recognized Lilia's contributions over the years. She has received awards from the United States Postal Service, United Way of Genesee County, La Raza Advisory Council to the Michigan State Board of Education, the YWCA, and she was cited in Rodolfo Acuna's book "Occupied America, A History of Chicanos."

Mr. Speaker, I ask the House of Representatives to join me in congratulating Lilia Pulido Alvarado as she receives the Golden Door award from the International Institute of Flint. Lilia has worked tirelessly to help make a better world for all.

PROCLAMATION FOR STEPHEN EDWARD MONSEES

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Stephen Edward Monsees. This young man has received the Eagle Scout honor from their peers in recognition of their achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Stephen and bring the attention of Congress to this successful young man on his day of recognition, Friday, October 12, 2001. Congratulations to Stephen and his family.

INTRODUCTION OF THE PROTECTING AMERICA'S CHILDREN AGAINST TERRORISM ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce legislation designed to protect our most vulnerable citizens in the event of a terrorist attack: our children.

The events of September 11 have illustrated only too clearly for us the risks posed to our children by terrorism. Children perished aboard the planes that crashed. Both the World Trade Center and the Pentagon housed day care centers. Nearby schools had to be evacuated. And an estimated 10,000 American children lost a parent as a result of these atrocities—many of them losing their sole or primary caregiver.

In recent weeks, new concerns have emerged. With the threat of bioterrorism and chemical warfare more prominent, we have realized that our understanding of the proper dosages of vaccines and antidotes for children is incomplete. Few health care providers are trained to recognize the early signs of smallpox or anthrax, which can mimic cold or flu symptoms. The National Pharmaceutical Stockpile Program is not necessarily equipped with the supplies necessary to administer drugs or other treatment to large numbers of children.

Other needs have become evident as well. Many schools lack effective evacuation plans or methods of moving children to an alternative safe location. Networks do not exist for informing parents of evacuations and the sites where their children may be found. Mental health services are not always available for children traumatized by catastrophic events.

Finally, the World Trade Center and Pentagon attacks robbed untold numbers of children of their sole parent or caregiver. While these children are now largely being cared for by relatives and friends, they are considered orphans by the government. We must establish a method for settling these children in loving homes and ensuring that all possible aid and services are provided to them in a coordinated, comprehensive fashion.

I am proud to join my colleague, Senator HILLARY RODHAM CLINTON, in introducing today the Protecting America's Children Against Terrorism Act. This bill addresses each of these critical issues, supplying federal resources and coordination to ensure that our children's needs are met in the event of a terrorist attack.

The bill would protect children against bioterrorism by:

Establishing a National Task Force on Children and Terrorism. The task force would examine and make recommendations regarding the preparedness of our Nation's health system for mass casualties of children and youth resulting from bioterrorism.

Establishing a Children and Terrorism Information Network. The network would collect and disseminate information for health providers on how to prepare for a biological or chemical terrorist attack and what steps to take to ensure children get the health care they need in the case of an attack.

Providing research funding on children and bioterrorism.

Supporting training programs for physicians and health care personnel.

Ensuring that the National Pharmaceutical Stockpile Program (NPSP) includes inventories to meet the medical needs of children.

The bill would protect our schoolchildren by:

Recommending advance plans for school evacuations, safe places and parental notification.

Ensuring mental health services for children affected by terrorism and their caregivers.

The bill would secure our social services infrastructure to assist children and families by:

Helping communities provide universal hotlines, such as 2–1–1.

And, finally, the bill would provide services for children orphaned as a result of terrorism by:

Establishing an Office of Children's Services after any disaster in which children have lost their custodial parent(s).

The events of September 11 have revealed to us the gaps in our preparedness for a major disaster. We owe it to our children to ensure that we close these gaps before a future emergency—be it terrorism, natural disaster, or other cause—requires that we take action.

I hope my colleagues will join me in lending strong support to the Protecting America's Children Against Terrorism Act. Our precious children deserve no less.

IN HONOR OF REVEREND W.J. HALL, D.D., PASTOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend W.J. Hall for his many outstanding years of service to the Bethel Baptist Church.

W.J. Hall was born August 1, 1928, to Mr. and Mrs. G.A. Hall in Oxford, NC. He attended elementary and high school in Oxford, NC. After graduating from Mary Potter High School in 1947, he went to Philadelphia, PA, to work. He also attended Temple University. In 1950, Reverend Hall joined the U.S. Army serving as a military policeman and working with the CID (Criminal Investigating Department). Following his honorable discharge from the Army in 1953, he completed a double major in religion and social studies at Shaw University in Raleigh, NC. Reverend Hall also earned 18 semester hours toward a masters degree in education at North Carolina College in Durham, NC. He used this knowledge when he taught 4 years of public school in North Carolina and Virginia. In addition, Reverend Hall is a member of Phi Beta Sigma, a Master Mason, and a member of NAACP.

Reverend Hall has been the pastor of several other churches, including the Olive Grove Baptist Church of Oxford, NC; Spring Street Baptist Church of Henderson, NC; and the Greenwood Baptist Church of Warrenton, NC.

He was married in 1954 to Miss Beatrice Mabel Sellars of Vass, NC. Together he and

Mabel have two daughters, Wanda and Andrea.

Since Reverend Hall arrived at Pastor of the Bethel Baptist Church, he has been busy. Under his leadership, the church membership has greatly increased, the church has been painted and remodeled, a church paper has been published, a new parsonage added, a station wagon purchased and a new pastor's study built. A mural also has been added over the pipe organ, which was purchased by the trustees, along with a Hammond organ purchased. In addition, to his tremendous success at Bethel Baptist Church, he recently, received a divinity degree.

Mr. Speaker, Rev. J.W. Hall has devoted his life to educating others and his church; as such he is more than worthy of receiving our recognition. I ask my colleagues to join me in honoring this dedicated and hard-working man of faith.

RECOGNIZING THE 20TH ANNIVERSARY OF THE CLARENCE SENIOR CENTER

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today to mark the 20th anniversary of the Clarence Senior Center in Clarence, NY.

The Clarence Senior Center is an important gathering place for our community—providing social, educational, recreational, and nutritional support for the town's independent senior population. The center is a place to share friendships and experiences, and encourages independence of its members, who range in age from 60 to 96.

Mr. Speaker, I ask that this Congress join me in saluting Clarence Senor Citizens, Inc., upon the occasion of the 20th anniversary of its center, and that this honorable body extend its sincerest appreciation to the staff, volunteers, members, and visitors who have made this facility such a tremendous asset to our community.

IN MEMORY OF MAJOR WALLACE COLE HOGAN, JR.

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. CHAMBLISS. Mr. Speaker, today I honor Major Wallace Cole Hogan, Jr. for serving our country in the United States Army. Major Hogan grew up in Macon, Georgia, and attended Valdosta State University. After graduation, he joined the Georgia Army National Guard as a Rifle and Mortar Platoon Leader.

Major Hogan was truly born to serve. His time with the National Guard included the 19th Special Forces Group Airborne, Commander of the Colorado Army National Guard, 20th Special Forces Group Airborne, and Alabama Army National Guard as a Detachment Commander. On April 4, 1993 Major Hogan accepted in Army active duty appointment in the grade of Captain. He was a member of the Green Berets and fought in the Persian Gulf War with the 1st Special Forces Group Airborne as a Battalion Operations officer and Detachment Commander. He also served as the Commander, Special Forces Instructor Detachment, U.S. Army Jungle Operations Training Battalion, Fort Sherman, Panama.

Ultimately, Major Hogan arrived at the Pentagon and joined the Office of the Deputy Chief of Staff for Operations and Plans in June 1999. His work at the Pentagon included Special Operations Staff Officer in the Directorate of Operations, Readiness, and Mobilization and Executive Officer for the Assistant Deputy Chief of Staff for Operations and Plans. A committed serviceman, Major Hogan dedicated his entire professional life to the United States Army.

On September 11, terrorists claimed the lives of our friends, family and loved ones from all over this nation and the world. Major Cole Hogan was one of these loved ones. His parents are from Macon and happen to be personal friends of mine. My wife and I have two children and I can't imagine any greater pain than that which floods ones heart upon the death of a child. My prayers are with the Hogans during their most difficult time of grief.

In our mourning, we can't help but question how such a heinous act could come to fruition on American soil. But in a time where questions are many and words are few, I want to offer my most sincere condolences to the family of Major Hogan; his wife, Air Force Major Pat Hogan of Alexandria, VA and his parents, Mr. and Mrs. Wallace C. Hogan, Sr. of Macon, GA.

In a lifetime of service that spanned half the globe, Major Hogan served from Hawaii to Panama before coming to work at the Pentagon. His outstanding accomplishments have not gone unnoticed as evident by the numerous decorations and awards earned during his service. These recognitions include: The Meritorious Service Medal with two oak leaf clusters, Army Commendation Medal with oak leaf cluster, Army Achievement Medal with five oak leaf clusters, Army Reserve Components Achievement Medal with two oak leaf clusters, Armed Forces Reserve Medal, Army Service Ribbon, Special Forces Tab, Ranger Tab, Scuba Diver Badge, Senior Parachutist Badge, and Pathfinder Badge.

I think we have a lot to learn from Americans like Major Cole Hogan. His dedication and patriotism are unwavering and a standard we all should strive to emulate. Major Hogan will be missed, as will so many others. These lives will not be forgotten. We must honor them by living on as they lived. The lives stolen by terrorists so easily could've been our own. We owe it to the fallen to press on and take hold of all that our forefathers fought for and dreamed we would live to enjoy. As a nation, Americans have always shown strength through adversity.

I commend Major Hogan for his service and I thank his family for raising up a man whose heart was to give his all for his country. His presence will be misdeed and his legacy will not be forgotten.

IMPACT AID

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of the Impact Aid program. Impact Aid remains one of the oldest, and most critical, elementary and secondary education programs administered by the Department of Education.

It is vital to more than 1,500 federally impacted school districts and 1.5 million children across the country who depend on the program for a quality education. This funding not only affects military children and children residing on Indian lands, but also an estimated 17.5 million children who attend financially strapped schools due to a large federal presence in their school districts. By increasing funding, we help local school districts, which have lost tax revenue as a result of the federal presence in their district, better serve their communities.

The Impact Aid program is an example of an effective, successful partnership and shared responsibility between federal, state, and local governments. Therefore, we must increase funding to ensure that students who attend federally impacted schools continue to receive a quality education. I urge my colleagues to join me in supporting the Impact Aid program.

TRIBUTE TO FRED R. JOHNSON OF ROME, GEORGIA, OCTOBER 1, 1927 TO OCTOBER 10, 2001

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. BARR of Georgia. Mr. Speaker, Rome, Georgia has lost one of its finest citizens. Frederick Ross (Fred) Johnson, a native of Floyd County, Georgia passed away on October 10, 2001. Fred attended Darlington School in Rome, and was a graduate of Auburn University and the Institute of Insurance Marketing at SMU.

Fred entered the Life Insurance Business in December 1949. He quickly became known as "icon" in the insurance industry, throughout Georgia, and nationally. As general agent, he developed the Rome-based Piedmont Agency into one of the largest life insurance agencies in the country. The Piedmont Agency was Georgia International's Agency of the Year for an unbelievable 30 consecutive years. His brother and partner in the Piedmont Agency, Bob Johnson, describes Fred as someone who loved a challenge and was very competitive. According to Bob, "if the tree was the tallest, he wanted to get to the top." In an interview several months before his death, Fred said he believed the secret to selling life insurance, or anything else, was to get up in the morning with the resolution to follow through. He was the author of, "The Secret of Selling Life Insurance," a training tool for agents, published earlier this year by New York Life Insurance Company.

Fred was a Director of the Rome Bank and Trust Company, and a member and current trustee at First Presbyterian Church. He served on the Board of Directors of Hand and Associates in Houston, Texas, and was a member of the Coosa Country Club. He was active in many other professional and community activities; and had a lifelong passion for politics. Fred Johnson was a fine family man, and a true friend to all in his community, including, thankfully, me. We will miss him.

A TRIBUTE TO CAPTAIN JASON M. DAHL, UNITED AIRLINES FLIGHT 93

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. HONDA. Mr. Speaker, I rise today to honor Captain Jason Matthew Dahl, the pilot of United Airlines Flight 93, and a true American hero. He was doing what he loved to do when he lost his life along with thousands of others in the horrible assault on our nation that occurred on September 11. His bravery on that flight was reflective of the American spirit displayed in abundance by countless Americans that day. Jason grew up in the San Jose community, and his parents, who were the proprietors of Dahl's Dairy Delivery, used to deliver milk to Hillsdale Elementary School, where I served as principal.

From his childhood years, Jason had a strong desire to fly. His passionate devotion to this endeavor was only matched during his lifetime by his devotion to his family. Jason was born the youngest of five children on November 2, 1957, in San Jose, California, and grew up on Haga Drive, in the house where his widowed mother, Mildred, still lives. He attended Hillsdale Middle School and Sylvandale Middle School, both of which I would eventually helm as principal. He first manifested his affinity for flight during his years at Sylvandale, where he started building radio-controlled airplanes, and would fly these planes with his friend, Roger. He then joined the Civil Air Patrol, and was soon taking flying lessons from Amelia Reid at Reid Hillview Airport. He was a quick study, and was flying solo by the youthful age of 16. During this early period, Jason gave his father a photograph, depicting the two of them standing in front of a Cessna, on which Jason had written: "Maybe someday this will be a 747."

Jason attended my alma mater, San Jose State University, from 1975 to 1980, and graduated with a Bachelor of Science degree in Aeronautical Operations. While at San Jose State, Jason developed close, lasting relationships with a group of classmates, fellow members of the "Flying Twenties" club, who cemented their friendships while pumping fuel at Reid Hillview Airport in order to earn money to rent planes and buy their own fuel. Jason supported himself during his college years working at this job, as well as by flying advertising banners, doing aerial photo surveys, and teaching private flying lessons.

After graduating from college, Jason was hired by Ron Nelson Construction as a corporate pilot. A few years later, he applied to the commercial airlines, and he realized his dream when he got the call from United Airlines in June 1985. He steadily moved up the ranks at United, and when he was offered the position of flight instructor, he accepted it. Although Jason loved to fly, working at the training center allowed him to spend more time with his family.

Balancing the demands of career and family is a daunting challenge, especially for a pilot, but family was greatly important to Jason. No matter how busy his flight schedule, he always made the time for his wife, Sandy, and his children, Matt and Jennifer.

Captain Dahl was an emblem of the American dream. He was a committed family man and a successful pilot. His heroism on the morning of September 11, 2001, saved the lives of countless Americans in Washington, DC, and quite possibly many Members of Congress and others who work in the United States Capitol Building. Jason's mother recently told me that though she accepted his tremendous love of flying early on, she never could quell the concern any pilot's mother has for her child's safety. She said that Jason would reassure her by saying that if he ever were to experience an airborne disaster, he would be sure to go down over trees or an open field, and not over a populated area. Over the woods of western Pennsylvania on the morning of September 11, Captain Jason M. Dahl kept his word.

"UNITED IN MEMORY" MEMORIAL SERVICE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SAM JOHNSON of Texas. Mr. Speaker, one month ago, the most lethal terrorist attack in history was visited upon this Nation. Today, about 25,000 people attended the Department of Defense's "United in Memory" memorial service to celebrate the lives and mourn the loss of the people claimed in this attack. Members of the Cabinet and Congress joined the public on the grounds of the Pentagon "to console and pray" with the families of the victims and, as Secretary Rumsfeld said, "remember them as believers in the heroic ideal for which this Nation stands and for which this building exists."

The President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff all spoke of the loss we suffered on September 11 and the resolve that it has spawned. In the words of President Bush, "Brick by brick we will quickly rebuild the Pentagon. In the missions ahead for the military you will have everything you need, every resource, every weapon, every means to assure full victory for the United States and the cause of freedom."

I'd like to insert the following remarks into the RECORD so that they may forever pay tribute to those affected by terror on September 11th.

PRESIDENT PAYS TRIBUTE AT PENTAGON MEMORIAL

The President. Please be seated. President and Senator Clinton, thank you all for being here. We have come here to pay our respects to 125 men and women who died in the service of America. We also remember 64 passengers on a hijacked plane; those men and women, boys and girls who fell into the hands of evildoers, and also died here exactly one month ago.

On September 11th, great sorrow came to our country. And from that sorrow has come great resolve. Today, we are a nation awakened to the evil of terrorism, and determined to destroy it. That work began the moment we were attacked; and it will continue until justice is delivered.

Americans are returning, as we must, to the normal pursuits of life. (Applause.) Americans are returning, as we must, to the normal pursuits of life. But we know that if you lost a son or daughter here, or a husband, or a wife, or a mom or dad, life will never again be as it was. The loss was sudden, and hard, and permanent. So difficult to explain. So difficult to accept.

Three schoolchildren traveling with their teacher. An Army general. A budget analyst who reported to work here for 30 years. A lieutenant commander in the Naval Reserve who left behind a wife, a four-year-old son, and another child on the way.

One life touches so many others. One death can leave sorrow that seems almost unbearable. But to all of you who lost someone here, I want to say: You are not alone. The American people will never forget the cruelty that was done here and in New York, and in the sky over Pennsylvania.

We will never forget all the innocent people killed by the hatred of a few. We know the loneliness you feel in your loss. The entire nation, entire nation shares in your sadness. And we pray for you and your loved ones. And we will always honor their memory.

The hijackers were instruments of evil who died in vain. Behind them is a cult of evil which seeks to harm the innocent and thrives on human suffering. Theirs is the worst kind of cruelty, the cruelty that is fed, not weakened, by tears. Theirs is the worst kind of violence, pure malice, while daring to claim the authority of God. We cannot fully understand the designs and power of evil. It is enough to know that evil, like goodness, exists. And in the terrorists, evil has found a willing servant.

In New York, the terrorists chose as their target a symbol of America's freedom and confidence. Here, they struck a symbol of our strength in the world. And the attack on the Pentagon, on that day, was more symbolic than they knew. It was on another September 11th—September 11th, 1941—that construction on this building first began. America was just then awakening to another menace: The Nazi terror in Europe.

And on that very night, President Franklin Roosevelt spoke to the nation. The danger, he warned, has long ceased to be a mere possibility. The danger is here now. Not only from a military enemy, but from an enemy of all law, all liberty, all morality, all religion.

For us too, in the year 2001, an enemy has emerged that rejects every limit of law, morality, and religion. The terrorists have no true home in any country, or culture, or faith. They dwell in dark corners of earth. And there, we will find them.

This week, I have called—(applause)—this week, I have called the Armed Forces into action. One by one, we are eliminating power centers of a regime that harbors al Qaeda terrorists. We gave that regime a choice: Turn over the terrorists, or face your ruin. They chose unwisely. (Applause.)

The Taliban regime has brought nothing but fear and misery to the people of Afghanistan. These rulers call themselves holy men, even with their record of drawing money from heroin trafficking. They consider themselves pious and devout, while subjecting women to fierce brutality.

The Taliban has allied itself with murderers and gave them shelter. But today, for al Qaeda and the Taliban, there is no shelter. (Applause.) As Americans did 60 years ago, we have entered a struggle of uncertain duration. But now, as then, we can be certain of the outcome, because we have a number of decisive assets.

We have a unified country. We have the patience to fight and win on many fronts: Blocking terrorist plans, seizing their funds, arresting their networks, disrupting their communications, opposing their sponsors. And we have one more great asset in this cause: The brave men and women of the United States military. (Applause.)

From my first days in this office, I have felt and seen the strong spirit of the Armed Forces. I saw it at Fort Stewart, Georgia, when I first reviewed our troops as Commander-in-Chief, and looked into the faces of proud and determined soldiers. I saw it in Annapolis on a graduation day, at Camp Pendleton in California, Camp Bondsteel in Kosovo. And I have seen this spirit at the Pentagon, before and after the attack on this building.

You've responded to a great emergency with calm and courage. And for that, your country honors you. A Commander-in-Chief must know, must know that he can count on the skill and readiness of servicemen and women at every point in the chain of command. You have given me that confidence.

And I give you these commitments. The wound to this building will not be forgotten, but it will be repaired. Brick by brick, we will quickly rebuild the Pentagon. (Applause.) In the missions ahead for the military, you will have everything you need, every resource, every weapon—(applause)—every means to assure full victory for the United States and the cause of freedom. (Applause.)

And I pledge to you that America will never relent on this war against terror. (Applause.) There will be times of swift, dramatic action. There will be times of steady, quiet progress. Over time, with patience and precision, the terrorists will be pursued. They will be isolated, surrounded, cornered, until there is no place to run, or hide, or rest. (Applause.)

As military and civilian personnel in the Pentagon, you are an important part of the struggle we have entered. You know the risks of your calling, and you have willingly accepted them. You believe in our country, and our country believes in you. (Applause.)

Within sight of this building is Arlington Cemetery, the final resting place of many thousands who died for our country over the generations. Enemies of America have now added to these graves, and they wish to add more. Unlike our enemies, we value every life, and we mourn every loss.

Yet we're not afraid. Our cause is just, and worthy of sacrifice. Our nation is strong of heart, firm of purpose. Inspired by all the courage that has come before, we will meet our moment and we will prevail. (Applause.)

May God bless you all, and may God bless America. (Applause.)

MEMORIAL SERVICE IN REMEMBRANCE OF THOSE LOST ON SEPTEMBER 11TH

REMARKS BY SECRETARY OF DEFENSE DONALD H. RUMSFELD

We are gathered here because of what happened here on September 11th. Events that bring to mind tragedy—but also our gratitude to those who came to assist that day and afterwards, those we saw at the Pentagon site everyday—the guards, police, fire and rescue workers, the Defense Protective service, hospitals, Red Cross, family center professionals and volunteers and many others.

And yet our reason for being here today is something else.

We are gathered here to remember, to console and to pray.

To remember comrades and colleagues, friends and family members—those lost to us on Sept. 11th.

We remember them as heroes. And we are right to do so. They died because—in words of justification offered by their attackers—they were Americans. They died, then, because of how they lived—as free men and women, proud of their freedom, proud of their country and proud of their country's cause—the cause of human freedom.

And they died for another reason—the simple fact they worked here in this building—the Pentagon.

It is seen as a place of power, the locus of command for what has been called the greatest accumulation of military might in history. And yet a might used far differently than the long course of history has usually known.

In the last century, this building existed to oppose two totalitarian regimes that sought to oppress and to rule other nations. And it is no exaggeration of historical judgment to say that without this building, and those who worked here, those two regimes would not have been stopped or thwarted in their oppression of countless millions.

But just as those regimes sought to rule and oppress, others in this century seek to do the same by corrupting a noble religion. Our President has been right to see the similarity—and to say that the fault, the evil is the same. It is the will to power, the urge to dominion over others, to the point of oppressing them, even to taking thousands of innocent lives—or more. And that this oppression makes the terrorist a believer—not in the theology of God, but the theology of self—and in the whispered words of temptation: "Ye shall be as Gods."

In targeting this place, then, and those who worked here, the attackers, the evildoers correctly sensed that the opposite of all they were, and stood for, resided here.

Those who worked here—those who on Sept. 11 died here—whether civilians or in uniform—side by side they sought not to rule, but to serve. They sought not to oppress, but to liberate. They worked not to take lives, but to protect them. And they tried not to preempt God, but see to it His creatures lived as He intended—in the light and dignity of human freedom.

Our first task then is to remember the fallen as they were—as they would have wanted to be remembered—living in freedom, blessed by it, proud of it and willing—like so many others before them, and like so many today, to die for it.

And to remember them as believers in the heroic ideal for which this nation stands and for which this building exists—the ideal of service to country and to others.

Beyond all this, their deaths remind us of a new kind of evil, the evil of a threat and menace to which this nation and the world has now fully awakened, because of them.

In causing this awakening, then, the terrorists have assured their own destruction. And those we mourn today, have, in the moment of their death, assured their own triumph over hate and fear. For out of this act of terror—and the awakening it brings—here and across the globe—will surely come a victory over terrorism. A victory that one day may save millions from the harm of weapons of mass destruction. And this victory—their victory—we pledge today.

But if we gather here to remember them—we are also here to console those who shared their lives, those who loved them. And yet, the irony is that those whom we have come to console have given us the best of all consolations, by reminding us not only of the meaning of the deaths, but of the lives of their loved ones.

"He was a hero long before the eleventh of September," said a friend of one of those we have lost—"a hero every single day, a hero to his family, to his friends and to his professional peers."

A veteran of the Gulf War—hardworking, who showed up at the Pentagon at 3:30 in the morning, and then headed home in the afternoon to be with his children—all of whom he loved dearly, but one of whom he gave very special care, because she needs very special care and love.

About him and those who served with him, his wife said: "It's not just when a plane hits their building. They are heroes every day."

"Heroes every day." We are here to affirm that. And to do this on behalf of America. And also to say to those who mourn, who have lost loved ones: Know that the heart of America is here today, and that it speaks to each one of you words of sympathy, consolation, compassion and love. All the love that the heart of America—and a great heart it is—can muster.

Watching and listening today, Americans everywhere are saying: I wish I could be there to tell them how sorry we are, how much we grieve for them. And to tell them too, how thankful we are for those they loved, and that we will remember them, and recall always the meaning of their deaths and their lives.

A Marine chaplain, in trying to explain why there could be no human explanation for a tragedy such as this, said once: "You would think it would break the heart of God."

We stand today in the midst of tragedy—the mystery of tragedy. Yet a mystery that is part of that larger awe and wonder that causes us to bow our heads in faith and say of those we mourn, those we have lost, the words of scripture: "Lord now let Thy servants go in peace, Thy word has been fulfilled."

To the families and friends of our fallen colleagues and comrades we extend today our deepest sympathy and condolences—and those of the American people.

We pray that God will give some share of the peace that now belongs to those we lost, to those who knew and loved them in this life.

But as we grieve together we are also thankful—thankful for their lives, thankful for the time we had with them. And proud too—as proud as they were—that they lived their lives as Americans.

We are mindful too—and resolute that their deaths, like their lives, shall have meaning. And that the birthright of human freedom—a birthright that was theirs as Americans and for which they died—will always be ours and our children's. And through our efforts and example, one day, the birthright of every man, woman, and child on earth.

PENTAGON MEMORIAL SERVICE

REMARKS BY GENERAL RICHARD B. MYERS, USAF, CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Ladies and gentlemen, Today we remember family members, friends, and colleagues lost in the barbaric attack on the Pentagon—civilian and military Pentagon employees, the contractors who support us, and the passenger and crew of Flight 77. We also grieve with the rest of America and the world for those killed in New York City and Pennsylvania. We gather to comfort each other and to honor the dead.

Our DOD colleagues working in the Pentagon that day would insist that they were only doing their jobs. But we know better. We know, and they knew, that they were serving their country. And suddenly, on 11 September they were called to make the ultimate sacrifice. For that, we call them heroes.

We honor the heroism of defending our Nation. We honor the heroism of taking an oath to support the Constitution. We honor the heroism of standing ready to serve the greater good of our society.

That same heroism was on display at the Pentagon in the aftermath of the attack. Coworkers, firefighters, police officers, medics—even private citizens driving past on the highway—all rushed to help and put themselves in grave danger to rescue survivors and treat the injured.

One of them, who I had a chance to meet recently, was Army Sergeant Adis Goodwill, a young emergency medical technician. She drove the first ambulance from Walter Reed Army Hospital to arrive at the scene.

Sergeant Goodwill spent long hours treating the wounded—simply doing her duty—all the while not knowing, and worrying about, the fate of her sister, Lia, who worked in the World Trade Center. She would eventually learn that Lia was OK.

Prior to 11 September, Sergeant Goodwill hadn't decided whether to reenlist in the Army or not. After the tragic events of that day, her course was clear. And three weeks ago, I had the privilege of reenlisting her. With tears of pride in their eyes, her family, including her sister Lia, watched her take the oath of office. Sergeant Goodwill is with us today.

The heroes kept coming in the days following the 11th—individual volunteers, both civilian and military; firefighters; police officers; and civil and military rescue units working on the site. Other Americans helped too, as General Van Alstyne said, with donations of equipment, supplies, and food; letters and posters from school children; and American flags everywhere.

Today, we mourn our losses, but we should also celebrate the spirit of the heroes of 11 September, both living and dead, and the heroic spirit that remains at the core of our great Nation. This is what our enemies do not understand. They can knock us off stride for a moment or two. But then, we will gather ourselves with an unmatched unity of purpose and will rise to defend the ideals that make this country a beacon of hope around the world.

In speaking of those ideals, John Quincy Adams once said, "I am well aware of the toil and blood and treasure that it will cost to . . . support and defend these states; yet, through all the gloom I can see the rays of light and glory." The light and glory of our ideals remain within our grasp. That's what our heroes died for.

Some of them—the uniformed military members—made the commitment to fight for, and if necessary, to die for our country from the beginnings of their careers. Our civilian DOD employees had chosen to serve in a different way but are now bound to their uniformed comrades in the same sacrifice. Other victims, employees of contractors and the passengers and crew of the airliner, were innocents—casualties of a war not of their choosing.

But if by some miracle, we were able to ask all of them today whether a Nation and government such as ours is worth their sacrifices; if we were able to ask them today whether that light and glory is worth future sacrifices; the answer, surely, would be a resounding "yes." The terrorists who perpetrated this violence should know that there are millions more American patriots who echo that resounding yes.

We who defend this Nation say to those who threaten us—here we stand—resolute in our allegiance to the Constitution; united in our service to the American people and the preservation of our way of life; undaunted in our devotion to duty and honor.

We remember the dead. We call them heroes, not because they died, but because they lived in service to the greater good. We know that's small comfort to those who have lost family members and dear friends. To you, this tragedy is very personal, and our thoughts and our prayers are with you. We will never forget the sacrifices of your loved ones.

We ask God to bless and keep them. We pray for their families, and we also pray for wisdom and courage as we face the many challenges to come. And may God bless America.

TO HONOR MR. FRANK RIVERA AND ALT INC. AS A RECIPIENT OF THE NATIONAL MINORITY SERVICE FIRM OF THE YEAR

SPEECH OF

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to draw attention to one of my constituents, Mr. Frank Rivera, and his business, ATL, Inc., which recently was selected to receive the National Minority Service Firm of the Year Award by the U.S. Department of Commerce's Minority Business Development Agency. Mr. Rivera was presented with this award in September during the 19th Annual National Minority Enterprise Development Week Conference.

Mr. Rivera, President and CEO of ATL, Inc., was selected to receive this honor because of his achievements and the role he has played to further the progress of minority business development. This award is a great honor, as Mr. Rivera competed with 32 nominees from nine states. He then was selected from a pool of regional winners from around the country for the National Minority Service Firm of the Year Award.

Minority Enterprise Development Week is an annual national celebration in recognition of the contributions made by minority businesses to the nation's economy. It is the largest federally-sponsored activity held on behalf of minority business development and attracts the participation of both public and private sector officials.

To give you some background on Mr. Rivera, he was born in 1944 in a small mining community of Globe, Arizona. The community at that time was segregated with the Caucasian land owners living on one side of town and the Hispanic mine workers living on the other side. Frank's father worked hard in the copper mines and the local utility company so Frank could have better opportunities for his life. The senior Mr. Rivera wanted the young Mr. Rivera to have career options and knew that only an excellent education could provide his son with the opportunities he never had. Mr. Rivera's mother, a homemaker, instilled her religious roots and an appreciation for his Hispanic culture into her son, that gave him his religious and cultural roots.

In 1968, the young Mr. Rivera graduated from Arizona State University with a Bachelor's of Science degree in construction management. He would then go on to amass experience working for various construction firms. In March 1988, Mr. Rivera accepted a position at ATL, Inc., overseeing material testing and inspection for a light rail project with the Los Angeles Metropolitan Transit Authority. Upon completion of this assignment, Frank Rivera was offered the opportunity to purchase ATL, Inc. He marshaled his resources and in October of 1992, Frank and his partner David Hayes purchased ATL, Inc.

Mr. Rivera had a vision for ATL, Inc. He wanted to make it the best materials testing and geotechnical-engineering consultant in the state. Under his direction, he took the $800,000 annual business and grew it into a multi-million dollar firm. ATL's annual sales now top $4 million and will exceed $5 million annually within the next two years. Since 1992, it has grown to employ 57 people and currently is seeking more qualified engineers and technicians.

In addition to the success he has experience with ATL, Mr. Rivera has become a well-respected leader who has volunteered for numerous roles on various organizations. He is a Commissioner on the City of Phoenix Human Relations Commission and also Chairs its Business Development Committee. He is Chairman of the Associated Minority Contractors of America, Vice Chair of the Board of Directors for the Arizona Hispanic Chamber of Commerce and Chairs its Public Policy Committee. He also is a member of the Board of Directors of the Hispanic Contractors of America and the Valley of the Sun YMCA. In addition, he is a member of the Grand Canyon Minority Supplier Development Council, American Society of Professional Estimators, Society of American Military Engineers, American Welding Society, American Society for Nondestructive Testing and the Arizona State University Industry Advisory Council.

As you can tell Mr. Speaker, this award bestowed on Mr. Rivera and his company was earned through hard work and is well deserved. I ask you and my colleagues to join me in congratulating Mr. Frank Rivera and ATL, Inc.

REPORT ON THE 2001 OTTAWA MEETING OF THE NATO PARLIAMENTARY ASSEMBLY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. BEREUTER. Mr. Speaker, as you know, this Member led the House delegation of 13 Members of the House of Representatives to the major annual meeting of the NATO Parliamentary Assembly held in Ottawa, Canada, during October 5–9, 2001. In addition, to the usual variety of important issues involving NATO and the national legislative bodies of the NATO-member countries and those of associate member countries of this Parliamentary Assembly, such as America's missile defense program, NATO involvement in the Balkans, NATO expansion plans, and the European Security and Defense Program, this meeting was understandably pre-occupied by the American war against terrorism after the tragic events of September 11th at the World Trade Center in New York City, at the Pentagon, and at the crash site of a hijacked airliner in a Pennsylvania field.

Clearly, the most important signal of international support for our war against terrorism was the unprecedented invocation of Article 5 of the NATO Treaty by the North Atlantic Council for the 19 member nations. It is a formal recognition by NATO that a foreign attack on the United States is regarded as an attack on all the NATO members and thus it puts in place the resources for collective action upon request. It was not surprising, therefore, that the degree of solidarity by all of the NATO members delegations and those of the Parliamentary Assembly observer countries and associate member nations, including the Russian Federation, was very positive. Indeed it was overwhelmingly apparent, with a sense of unity, commitment, and pledges and action on cooperation that were evident in every ideological or partisan element of the Parliamentary Assembly.

Our delegation went to Ottawa with the expressed purpose of assessing that solidarity; reinforcing it, if necessary; responding to inquiries; and expressing our gratitude to our NATO partners and especially to the host country of Canada for their solidarity with us in this war and assistance to us in the aftermath of the horrific terrorist attack. We, the House delegation, believed and are now even more convinced that, during this past weekend, when the House was not in active session, the most important mission and place for us to be, when the House was not in session, was at the NATO Parliamentary Assembly meeting. As it turned out, this was undoubtedly one of the most poignant and important Assembly meetings in the 47 year history of this organization, which is the linchpin of parliamentary support for the most effective multilateral defense alliance in the history of the world.

Mr. Speaker, we were especially pleased that on your initiative you offered to come to address the NATO Parliamentary Assembly and deliver a written message from President George W. Bush. that initiative was rapidly and enthusiastically welcomed with a formal invitation. This is an exceedingly rare circumstance when the top elected leader of a NATO country, not the host country, addresses the Assembly. Thus we were very pleased and honored that you traveled on the weekend from your Illinois home to, a New York City event related to the recovery of that city, to Ottawa for your speech to the Plenary Session. There along with the addresses of Canadian Prime Minister Jean Chretien; Lord Robertson of Port Ellen, the Secretary General of NATO, and Ambassador Marc Grossman, U.S. Under-Secretary of State, for Political Affairs, you set the proper tone for the Assembly deliberations and the legislative and executive actions that will follow around NATO nations and other countries. The great response to your speech, to your meetings with the governmental leaders of Canada, and to your sincere expressions of gratitude to the Canadian people for their extraordinary support and outpouring of sympathy, condolences, and solidarity after the horrendous terrorist attack on America, were so obviously appreciated. Your presence helped us under-gird the sense of NATO and broader international support for the war against terrorism which our country will lead.

Mr. Speaker, for the benefit of all our colleagues, I am including a copy of your speech to the Parliamentary Assembly, the message of President Bush to the Delegates, and the statement of this Member, the Chairman of the U.S. House delegation, who was privileged to follow you to the podium to speak for the American delegation.

STATEMENT BY THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES J. DENNIS HASTERT TO THE NATO PARLIAMENTARY ASSEMBLY, OCTOBER 9, 2001, OTTAWA, CANADA

Mr. President, thank you for allowing me to address this body today. It is a great honor for me and I thank you for this courtesy.

Mr. President, on September 11, 2001, a sworn enemy—an enemy that dares not confront us in the open—attacked us in the most cowardly fashion—by targeting innocent citizens. And make no mistake; it was not just an attack on America, it was an attack on all of us. It was an attack on the values of freedom and democracy that are embodied in each of the Parliaments represented in this Assembly.

This enemy operates in the shadows, hates with an unnatural passion, and practices political fanaticism that glorifies violent death and condemns innocent life.

These terrorists are cowards who flout international law and any standard of common decency. They hate freedom. But they also misunderstand something very fundamental. As my colleague the Minority Leader Mr. Gephardt said so clearly: and I quote "They think freedom is our vulnerability.—It is our strength."

Some say that America cannot serve as the world's policeman. Frankly, it is a role that Americans as peace loving people tend to shy away from. But the people of the United States are resolved—more resolved than I have ever seen them in my lifetime—to carry whatever burden is necessary to rid our world of the evil that threatens our democratic way of life.

True, the burden is heavy, but our strength as an alliance is mighty. And our cause is being joined by freedom loving nations around the world—even by those who traditionally have not been our allies at all. Together we must enforce the rules of common decency; together we must take the steps necessary to protect our citizens from these lawless and evil bandits.

And so the campaign has begun. Some of it quietly and some, as it began on Sunday, with military action, as American and British forces hit terrorist camps and Taliban strongholds.

Let there be no mistake, no uncertainty in the minds of those who wish us harm—you will be found, you will be punished and your roots will be destroyed so those who share your demonic views cannot rise again.

While the grim images from New York and Washington and a field in Pennsylvania will forever be seared in our minds, I am heartened by the support we've received in the days following these attacks.

Within 48 hours, my office had received letters of condolence and support from governments and parliaments worldwide, including governments from every nation represented in this room.

My fellow parliamentarians, on behalf of the United States Congress, and all Americans, I come before you to say thank you. Thank you for your condolences. Thank you for your solidarity. And thank you for your enduring support.

I want to mention a special word of thanks to America's northern neighbor and our hosts here today: Canada. More than 100,000 Canadians gathered in this city just days after the attack to express solidarity, in the words of the Prime Minister, "as friends, as neighbors and as family." And in the spirit of family, the Canadian people welcomed some 45,000 Americans who found themselves here. In many instances Canadians spontaneously drove to airports and took stranded passengers into their homes.

At the other end of this great country two Vancouver police officers collected thousands of dollars for the families of police officers who died in the attack—and offered each donor a sticker with the Statute of Liberty, and American flag and the words, "Never Forget."

To the Canadian delegation I say thank you. You gave us shelter, you gave us comfort, and you gave us hope. No nation could have a finer neighbor than America has in Canada, and that is something we will "Never Forget."

Today, four weeks after these horrific acts, this massive outpouring of sympathy and fraternity continues to overwhelm. I recall vividly:

British Prime Minister Tony Blair crossing the ocean to stand with us in solidarity during a rare joint session of the United States Congress;

Tens of thousands of German citizens assemble at the Brandenburg Gate waving American flags;

Poles lighting candles outside the American embassy in Warsaw;

And in my ancestral home of Osweiler, Luxembourg each of the 139 families who reside in that tiny village flew the American flag on their homes—a village awash in red, white and blue.

These act of kindness and solidarity—and the thousands of others in every nation represented in this room, have moved our hearts and given strength to the American people.

Much has been written about America's willingness to stand with its European neighbors during and after World War II. I assure you, as the history of this new war—the war on terrorism—is written, the first chapter will be dedicated to you—our NATO allies—and others around the world—who stood tall in support of America.

Let me also tell you that Americans know that other nations, too, are crying out in pain. For the terrorists did not simply attack America that day, they assaulted the world.

Citizens from more than sixty nations perished. Among the dead are hundreds of Britons, Turks, Germans and Canadians. Gone too are Danes, Belgians, Italians, Spaniards, Portuguese, Irish, Czechs and others.

Clearly the attack on America was not an attack against one, it was an attack against all.

And let me hasten to add that this utterly evil act did not differentiate among religions. Alongside Christians, Sikhs, and Jews, the terrorists killed Muslims from Pakistan; Indonesia, Bangladesh, America, and many other nations.

My fellow Parliamentarians, President Bush told America and the world, we "should not expect one battle, but a lengthy campaign, unlike any other we have ever seen. It may include dramatic strikes, visible on T.V., and covert operations, secret even in success."

Less important in this unconventional war will be your governments' commitments of infantry battalions, of naval vessels, or of fighter aircraft—although some will be needed. Each of us who serves in a Parliament must rethink our level of defense, security and intelligence expenditures. It can no longer be business as usual.

As President Bush and the other NATO heads of state join in solidarity, so too must we, as parliamentarians, continue to stand together. The events of September 11 remind us that there is so much that binds us, and so little that can divide us.

In the days after the attacks, the United States Congress convened for a solemn debate authorize our President to use "all necessary and appropriate force" to respond to the attacks and to deter future ones.

We approved a massive emergency spending package to begin rebuilding what the terrorists destroyed; to lend assistance for our troubled economy; and to buttress our military and intelligence efforts.

And while the NATO heads of state conduct the appropriate diplomatic, political, and military response to these attacks, we—as legislators—can and must work in tandem to fight these terrorists.

Much as we yearn to return to life as we knew it before September 11, we cannot, because the threat is still real—and it will be for sometime to come. As President Roosevelt said after the other great attack on American soil nearly 60 years ago, "Hostilities exist. There is no blinking at the fact that our people, our territory and our interests are in grave danger."

I am aware that during these deliberations and at previous sessions, you have debated the complex issue of missile defense. As we say in America, let me put in my two cents. Can there be any doubt that we must together work to develop and deploy defenses against all forms of attack? For if these terrorists could plan and execute the sinister acts of September 11, surely, if given the capability, they would not hesitate to launch missiles against our cities as well. They killed six thousand—they targeted fifty thousand—why would they hesitate to kill millions?

We as parliamentarians must enact or modify laws that enhance law enforcement cooperation. We must strengthen international financial safeguards, improve airline and airport security, and broaden immigration information and intelligence sharing.

Together, we must enact statutes that allow us to bring justice to the terrorists now operating a web of hate around the world.

These are difficult, complicated issues but we know how to sort them out. Writing laws is our profession—and we are good at it. But we must not get bogged down in indecision and let the perfect become the enemy of the good. We must not become complacent or allow ourselves to be distracted by other urgent needs. We simply need to get the job done or the horror that visited my nation on September 11 will be repeated, perhaps in your nation.

And, equally important, our Parliaments must continue to protect the freedoms and liberties that each of our nations hold sacred.

Only moments after granting our President the authority to employ military force against those responsible for the events of September 11, the United States House of Representatives took up a resolution calling for tolerance toward Muslims, toward Arabs, and toward others in America who might be unjustly treated based upon the acts of these few extremists.

The civilized and free world must do as much to embody the principles we proclaim, as we do to protect them.

Mr. President, I bring with me a personal message to this Assembly from the President of the United States in support of your resolution and to express appreciation to the nations assembled here "for the sympathy expressed and the support offered by your governments and by your people." We will distribute that message to the delegations in writing. It says in part: and I quote "to our Allies, our partners, and our friends around the world, I want to emphasize that we welcome all nations into an international coalition committed to finding, stopping, and defeating terrorism. The choice is clear, and all must choose. . . . Our cause is just and our cause is justice itself. . . . We ask for your support for this resolution and for this endeavor" unquote.

When I hear President Bush speak of our cause as "justice itself," I am reminded of the words of one of his predecessors, from my own home State of Illinois, the sixteenth President of the United States, Abraham Lincoln. Although he was speaking almost 150 years ago, his words still ring true today as we struggle to preserve for the future our sacred values. Abraham Lincoln said, "let all Americans—let all lovers of liberty everywhere—join in the great and good work. If we do this . . . succeeding millions of free, happy people, the world over, shall rise up, and call us blessed . . ."

Mr. President, as an alliance—as a World Community—we have been awakened to a new and horrible threat. But we are strong. And we are determined. Even as we pray for our young men and women who we have put in harms way, we are confident of their skill in battle, their patriotism, and their willingness to sacrifice.

None of us can predict the future but of one thing I am certain. We in America, and we in this proud Alliance, will continue to pursue freedom, democracy and peace, and we—not the terrorists—will be the victors.

I thank you.

A MESSAGE TO THE DELEGATES OF THE NATO PARLIAMENTARY ASSEMBLY FROM THE PRESIDENT OF THE UNITED STATES, OCTOBER 9, 2001, OTTAWA, CANADA

Distinguished representatives of the NATO Parliamentary Assembly, you come together today in mourning but with renewed conviction to act together in fighting the scourge of terrorism. The heinous events of September 11 represent an attack not only on the territory of one member of this Alliance or on the citizens of many but on the fundamental values that all civilized societies hold dear.

You come together today in an agreement. The resolution before you recognizes that terrorism is a new enemy but a common enemy. To confront this threat NATO will adjust its tactics as required to accomplish the coalition's strategic objective. We will cooperate in the new areas to uphold the true intent of the Alliance: the preservation of freedom. With the historic invocation of Article 5 on September 12, NATO members proclaimed their resolve to act.

And act we shall. With this resolution today, we can underscore our intention to take action on all fronts and by any and all means at our disposal. Those actions are already underway.

To our Allies, our partners, and our friends around the world, I want to emphasize that we welcome all nations into an international coalition committed to finding, stopping, and defeating terrorism. The choice is clear, and all must choose.

All must know, too, that we are fighting terrorists and the states that support and sponsor them, not the religion they pervert and profane. Our mission is to defend the rights we hold to be universal, not deprive others of them.

Our cause is just because our cause I justice itself.

Ladies and Gentlemen, the events of September 11 were beyond comprehension. On behalf of the American people, let me thank you for the sympathy expressed and the support offered by your governments and by your people, which have been beyond description. These past weeks have proven what we have always known: this is an Alliance of nations, of people, and of principles.

And let me give special thanks to the hosts of this assembly, the government and people of Canada. Our neighbors in Canada have welcomed you here to North America to multiply the solidarity that they have shown with the United States since the first moments of the crisis. Ottawa is a uniquely fitting place to declare transatlantic unity in this fight.

Many have said that the world changed on September 11. Let us say, with this resolution and with our continuing resolve, that it will indeed change with the defeat of international terrorism.

We ask for your support for this resolution and for this endeavor.

STATEMENT BY HONORABLE DOUGLAS BEREUTER, MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, NATO PARLIAMENTARY ASSEMBLY, OTTAWA, CANADA, OCTOBER 9, 2001

President Estrella, Speaker Hastert, my parliamentary colleagues, and honored guests: I appreciate the privilege to address the Assembly. My country, the United States of America, and my countrymen, have been dramatically affected by the events of September 11th and the aftermath. You have seen, and the world has seen, the absolutely horrific terrorist attacks on the towers of the World Trade Center in New York City and the Pentagon. Seared into our memory are the images of the explosion and collapse of those towers. We can only imagine, and involuntarily shudder with anguish, at the terrible choice that caused perhaps a score of people to leap to their deaths from the upper floors of those towers. We can only attempt to grasp the terror of the brutalized passengers in the four doomed commercial airliners that were hijacked. This attack on America was tantamount to an attack on the world and on civilization. Among the more than 6,000 people who perished were the citizens of nearly eighty other countries. Most of you here today lost some of your countrymen, and for some the toll reaches into the hundreds.

I can assure you that America greatly appreciates your incredible outpouring of sympathy and concern, and we return it in kind. We also appreciate the generous and crucial support for our people and our government—expressed by hundreds of thousands of your citizens and your governments. In simple, heartfelt, and generous ways you have reassured us. You have made the very crucial commitments that will enable us, together, as a community of nations, to win the battles ahead and the war against terrorism.

President George W. Bush addressed us in a Joint Session of Congress nine days after the attack. He spoke to the American people—indeed to the world—and proclaimed that "the entire world has seen for itself the state of the [American] Union—and it is strong." We mourned our dead, and lauded the heroism of the policemen, firemen, and the passengers who gave their lives to thwart the fourth airliner from reaching its target on Capitol Hill or the White House. We absorbed the shock of massive foreign terrorism on American soil, something too many of our citizens thought or naively hoped would never happen. As a nation we rallied. It is no exaggeration to note that there is a sense of unity and resolve—across the whole country—which has not been equaled since we were attacked at Pearl Harbor. The patriotic fervor is palpable.The supply of American flags in our stores was exhausted, replenished and exhausted again and again.

For good reasons our President has labeled what lies ahead for our nation as "war"—a war like none that we have seen before. Americans, notoriously an impatient people, have been counseled repeatedly that this will undoubtedly be a long and trying effort. We have been cautioned that we must be patient and persistent, and that we must recoil from acts of future terrorism against innocent civilians, ever stronger, more resolute, more committed. We can not cower from, or compromise with, this evil and extremist network of terrorists that has corrupted the precepts of the Islamic religion. We must know, too, that this evil is not personified simply in the being of Osama bin Laden, a tendency in the media. He wasn't mentioned in the President's address to Congress. President Bush properly framed the task ahead by saying—in his words:

"Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated."

My colleagues, I think we understand all too well that we will never completely eliminate every act of terrorism when there are people willing to launch suicide attacks. But, we must do everything possible to root out the terrorist cells and the network of terrorists organizations that has been allowed to grow in the absence of a concerted international effort. We must deny them the financial and technical resources to harm us. We must have increased vigilance to prevent such acts of terrorism and to protect each other. Changing our respective principles and policies, or retreating from involvement in the Middle East or elsewhere, will not placate these terrorists. For, at the heart of this matter is the fact they hate—they are fundamentally threatened by—the freedoms the countries of this Assembly hold dear. They are threatened by our freedom of speech, freedom of religion, freedom of assembly, freedom to pursue a desired course in life, and our democratic form of government.

Members of the Assembly, one thing is very clear to me. Perhaps every Member of U.S. Congress now realizes, and the American people increasing understand, that to effectively protect ourselves from terrorism, and to win the war against terrorism, we must have international cooperation in our intelligence and law enforcement. That cooperation must be broad-scale and effective. It must involved as many countries of the civilized world as possible. Certainly it must include all NATO countries and those nations which aspire to NATO membership. We need full Russian involvement and that of the important nations of Asia, the Middle East, North Africa, and key nations around the world.

Americans are enormously grateful and buoyed by the early decision of our NATO allies, in unprecedented action, to invoke Article 5 of the NATO Charter. This is the most important signal possible that the international community will stand beside the United States in our fight against terrorism. The early expression of support by the United Nations is also an important statement of solidarity against terrorism. From around the world, nation's leaders have expressed their concern and condolences, and their general, and sometimes very specific, offers of cooperation and assistance. As an example of the kind of support we will need, from the other side of the world we heard Australia's Prime Minister John Howard say his country would provide all the assistance needed—that Australia in his words "would not be an 80 percent ally."

Americans note with great appreciation the attendance of British Prime Minister Tony Blair at the joint session of Congress and the very strong words of support and solidarity he has expressed on behalf of the British people. They have begun this fight against terrorism with us. Thus begins one more chapter in our long and re-enforcing bilateral relationship. Already Canada, France, Germany, and Australia have joined this military force. Others undoubtedly are equally ready for this commitment of force.

As we face future terrorist attacks against the military and civilian populations of the nations that enlist in this war against terrorism, we must maintain our resolve—a full and continuing commitment. Not all of our tactics in these battles against terrorism will work exactly as planned. Parts of our populations, out of pacifism or naiveté, will seek, impossibly, to compromise and rationalize with these terrorists—who seek to undermine the resolve of the international community. That must not happen!

Since our venue is Ottawa, and we are enjoying the great hospitality of Canadians, the country with which the United States, overall, has the closest relationship, it is appropriate to first say to our Canadian neighbors that our hearts were lifted and our confidence was strengthened even further to have seen those 100,000 Canadians express their respect, friendship, condolences, and solidarity as they gathered here at Parliament Square. The hospitality, overwhelming generosity, and unconditional support you have offered truly warms the American heart and strengthens us immeasurably for the task ahead.

And, we are reminded again, of the time when Canadians took great risks to help stranded Americans escape from Iran. It is not by accident that all precedents were broken to permit the Canadian embassy to be the only one built on America's premiere historic avenue—Pennsylvania Avenue—between the Capitol Building and the White House.

We know that it is not always easy for Canadians to be our neighbors—there are frictions. We sometimes take our friendship for granted since we have so very much in common. We acknowledge that there are trade problems, a range of other minor irritations, and we know that you have concerns, for example, that some aspects of our entertainment industry are so destructive of family life and our societies. We understand that living next to the behemoth to your south is not always comfortable. However, as Speaker Hastert reminded us, both our peoples have always been proud and grateful to live next to the longest undefended international border in the world. The $1.4 billion dollar a day export-import flow across that border is unmatched in world commerce and a reminder of how inextricably linked our economies and peoples really are.

I'm pleased that current polling of Canadians reflects a very strong recognition of what Americans have also concluded—that prevention procedures—sensitive and efficient, but also effective, must quickly be put in place, cooperatively, at that border. Some of us in Congress have been warning that our immigration and refugee screening systems, and especially our visa control system within the United States, are an open invitation to terrorism and crime. As your neighbor and friend, may I frankly and simply say that your border controls also certainly are not as strong as they should be. Our two societies are very open, with a renowned history of welcoming immigrants and refugees from around the world. We have seen this very highly commendable tradition and source of strength for both countries exploited by the terrorist cells of al Qaida. There undoubtedly are dangerous "sleeper cells" waiting in Canada and Europe, and the United States. They will unleash new terrorist attacks on our citizens if we don't neutralize them. Neither the United States nor Canada should forget the example of the terrorist cell living undisturbed in Montreal, which sent a member across the British Columbia border to bring terror to Americans at Los Angeles International Airport during the Millennium celebration. We, as law-makers, and our governmental agencies in both countries, have urgent work before us. We need to protect each other.

My parliamentary colleagues, permit me to close my remarks today by very briefly sketching out six points for consideration by NATO countries and NATO aspirants. They are an addition to the eight measures the North Atlantic Council on October 4th agreed to provide to the United States, individually and collectively. My additional points are as follows:

1. The positive comments and specific offers of support and assistance by President

Vladamir Putin and other high-level Russian officials should be highly applauded and accepted as appropriate. Surely we receive very favorably President Putin's forward-looking comments about NATO expansion. Out of the darkly tragic terrorist acts can come recognition of the need for common concern and action against terrorism. China, too, may recognize they have common interest in this war against terror and join more effectively in stopping the proliferation of weapons of mass destruction and missile technology.

2. The NATO countries and all developed countries need to be totally committed to stop the flow of critical technology for weapons of mass destruction and missile technology to states that sponsor terrorism and to all terrorist organizations. International export competition or individual and corporate profit motives absolutely cannot be an acceptable excuse for the proliferation of such technology for terrorism.

3. The consensus for a total international war against terrorism must not be undermined by the faulty arguments we are starting to hear from a few of the best-intentioned and very humanely-oriented citizens of our respective countries. They argue that the violent terrorist attacks against the United States have their roots in poverty. Poverty is one factor that may bring recruits to terrorist groups. However, let there be no doubt about it, at its heart the source of terrorism and the motivation of the terrorist leaders is a fundamental fear and hatred of the freedoms that are the core principles of our democratic governments. The terrorists reject free and open societies, and democracy threatens their goals. Poverty alleviation and sustainable development assistance must, of course, be continued and accelerated by the international community, but we categorically reject the weak-minded efforts to create a moral equivalence between the free states of the North Atlantic Alliance and the terrorist assassins of al Qaida.

4. Our governments need to be concerned, and take all reasonable steps in concert, about the legacy we leave as a result of the successes we will have in the war against terrorism. First, we should have learned that we must not leave vacuums that are filled by totalitarian, repressive regimes or groups. Relatedly, the fact that in this war against terrorism we take up common cause with authoritarian regimes which have little if any democracy or basic freedoms and human rights for their citizens is not an acceptance of the status quo. Nor in any way should it be interpreted as a sign of NATO countries' complacency about such problems.

My colleagues, I've saved my last two points, number 5 and 6 for reason of importance and emphasis as I see it.

5. The importance of more effective international cooperation in law enforcement and related intelligence-sharing among all of the responsible partners in the war against terrorism cannot possibly be over-estimated. As President Bush emphasized, it should be directed against "every terrorist group of global reach." One very positive impact of such an invigorated international effort is that it will also dramatically reduce the financial resources and success of drug cartels and criminal syndicates. Carrying through on this resolve will win important battles against the twin scourges of drugs and organized crime.

6. Finally, and of fundamental importance, we must recognize that the way of life and the basic freedoms which we cherish, and which largely define our democratic societies, made us particularly vulnerable to terrorist attacks. We have seen all too clearly that terrorists can use very ordinary practices, with low-tech means, inexpensively financed, to implement demonically clever plans for unleashing terror against our citizens. Therefore, our first line of defense, to defend so many vulnerable targets, is our citizenry. Every one of us must be vigilant to protect each other. Citizens must understand this is a new responsibility of citizenship is an open democratic society. It must be a vigilance. I emphasize, that does not descend to paranoia. It must not and need not result in mindless discrimination. My assembly colleagues, it was perhaps prescient that we recently changed the name of the "Civilian Affairs Committee" to the Committee on the Civil Dimension of Security. What better place to help our NATO countries and allies to educate our citizens to their new responsibility for individual vigilance against terrorism.

In each country—our citizens and the foreign nationals among us must work together. Citizen vigilance must be put in practice in the entire international community. Our civil liberties, our freedoms, and our ability to go on through life without fear depends upon this form of responsible and vigilant citizenship.

My colleagues, ladies and gentlemen, together we will win this war against terrorism. We will, we must; ultimately our treasured freedoms, civilization and our way of life depends upon our victory!

IN HONOR OF PATROL OFFICER JIM BENEDICT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the achievements and dedicated service of Patrol Officer Jim Benedict after his 32 years of service to the city of Cleveland.

Officer Benedict has served as a model officer for the city of Cleveland; he has remained steadfast in his convictions and principles. He has served his city and Nation with great dignity and honor, and has gained and earned the respect of his fellow man.

Throughout his term of service, Officer Benedict has served the force and city in countless capacities. His love of justice drove him to great lengths to uphold the law.

Officer Benedict served the Cleveland force for 32 years. During his entire term of service he was called a close friend and a true public servant. His selfless service earned him the respect of all his colleagues.

Mr. Speaker, please join me in honoring and recognizing Officer Jim Benedict for 32 years of dedicated and selfless service to the Cleveland community.

IN HONOR OF NAOMI SOLOMON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. ESHOO. Mr. Speaker, it is with a deep sense of sadness that I rise today to honor the life of Naomi Solomon, a victim of the terrorist attacks at the World Trade Center.

Naomi Solomon, beloved daughter of Herbert and Lottie, sister of Jed and Mark, aunt and friend, grew up on the campus of Stanford University where her father was a professor and today a Professor Emeritus of Statistics. Upon graduating from Henry Gunn Senior High School in Palo Alto, California, as class valedictorian, she attended Stanford University.

Naomi touched the lives of everyone who was blessed to know her. She was a talented classical pianist, an avid traveler and a successful businesswoman. In her professional life, she worked hard and smart, and she accomplished much. In the mid-1970's she was recruited by Bank of America where she worked for 13 years, becoming one of the very few female vice presidents. She then went on to work for Chase Manhattan for nine years and most recently worked for Callixa, a San Francisco based software company, where she was Vice President of Business Development. Naomi was attending a conference in the North Tower of the World Trade Center on September 11th when the terrorists viciously attacked our Nation.

Naomi was committed and found great joy in her professional life, but her greatest devotion was to her family. No matter where she was in the world she always made time to call her mother every day. She loved her brother Jed's children as though they were her own, calling them several times a week just to chat. Her brother Mark and his wife recently welcomed their first child into the world and while he will never know his Aunt Naomi, he has been named Nathaniel after her.

Mr. Speaker, Naomi Solomon enriched the lives of everyone she knew and loved. We grieve with her family, one of the finest families I've ever known and whom I have an enduring friendship, and who I have the privilege of representing.

I ask my colleagues to join me in offering our deepest sympathy and that of our entire Nation to the Solomon family. We give gratitude for her all-too-brief life and we commend her into God's hands.

TRIBUTE TO SWIFT AND COMPANY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to Swift & Company of Greeley, Colorado. Swift & Company is the distinguished recipient of a major contract providing high-quality pork products to the U.S. Military.

Through this contract, Swift & Company will supply fresh pork products to Defense Commissary Agency Stores in California, Arizona, Utah, and Nevada. For this, Mr. Speaker, I congratulate the company. This exemplary company was chosen by the Defense Commissary Agency out of twenty different competing firms. The pork it supplies the armed forces will be produced in Swift's Greeley, Colorado plant.

Swift & Company has been a shining example of what every company must strive for, producing a quality product while maintaining reasonable prices and high safety standards. I applaud the company for its noble effort to become a supplier of the U.S. Military.

As a company located in Colorado's Fourth Congressional District, Swift & Company not only makes its community proud but also those of its state and country. It is a true honor to have such an extraordinary company reside in Colorado and we owe it a debt of gratitude for its service. I ask the House to join me in extending wholehearted congratulations to Swift & Company.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. LEE. Mr. Chairman, I rise today in strong opposition to the Istook Amendment.

This Amendment will increase federal spending for abstinence education only. It is imperative that we continue to support not only abstinence, but comprehensive sex education as well. 82% of American parents support a comprehensive approach to sex education being taught in our schools, including birth control, safer sex and abstinence.

We should not just spend taxpayer dollars on abstinence only programs while censoring information and access to information about contraception, which prevents unwanted pregnancies, decreases abortions and prevents sexually transmitted diseases, including the deadly HIV/AIDS virus.

According to Advocates for Youth, 93% of Americans support teaching comprehensive sex education in high schools, while 84% of Americans support sex education being taught in middle/junior high schools.

Also, seven out of ten Americans believe teaching abstinence only prohibits education on the use of condoms, preventing HIV/AIDS, and other sexually transmitted diseases.

In the United States more than 4 million teens acquire a sexually transmitted disease each year. The Centers for Disease Control reported that almost 3000 adolescents between the ages of 13–19 had been diagnosed with AIDS between 1995 and 1997.

We must act responsibly and not fail our children, parents, educators, and medical professions who oppose this amendment.

Research has also shown that 75 percent of the decrease in teen pregnancy between 1988 and 1995 was due to improved contraceptive use, while 25 percent was due to increased abstinence.

Soon, I will be introducing the "Family Life Education Act of 2001," which would reform the abstinence only provision in the 1996 Welfare Reform Act to allow states to receive money for both abstinence and comprehensive sexual education, including contraception. Currently, states are only allowed to receive this money if they teach abstinence only.

Other supporters of teaching comprehensive sex education in schools include the American Medical Association, the American Academy of Pediatrics, and the Society of Adolescent Medicine.

I strongly urge my colleagues to join with me in voting no on the Istook Amendment. We must support our young people by providing them with the education necessary to prevent unwanted pregnancies, HIV/AIDS and other sexually transmitted diseases.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to bring attention to the need for an additional $5.1 million to the Office of Civil Rights.

The mission of the Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. They serve student populations facing discrimination and the advocates and institutions promoting systemic solutions to civil rights problems. An important responsibility is resolving complaints of discrimination. The Office for Civil Rights enforces five Federal statutes that prohibit discrimination in education programs and activities that receive Federal financial assistance. Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964; sex discrimination is prohibited by Title IX of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973; and age discrimination is prohibited by the Age Discrimination Act of 1975. The Department of Justice also has delegated OCR responsibility for enforcing Title 11 of the Americans with Disabilities Act of 1990. The civil rights laws enforced by OCR extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds.

Though the Office of Civil Rights is so important, the current budget does not increase its funding.

While public schools remain more integrated today than they were prior to the civil rights movement, they are resegregating at accelerating rates and this spells trouble for minority students. A recent study by The Civil Rights Project of Harvard University found that segregation within the nation's schools has returned. During the 1990s, classrooms grew more segregated. Now, more than seventy percent of Black students attend schools with predominantly minority student bodies, which is a sizable jump from sixty-three percent in 1980, and nearly a third of Black children attend schools that are ninety to one hundred percent minority.

Mr. Chairman, this new segregation certainly undermines the educational prospects of not only Black, but all American children. Now is not the time to allow a retrenchment of segregation in education. I implore that we appropriate more funding to the Office of Civil Rights in the Department of Education in order to provide it with the tools needed to reverse this new found segregation.

Mr. Chairman, we cannot wait another year, five years, or ten years to appropriate additional funds to the Office for Civil Rights. I believe that we know more now than we did a month ago the affect visible isolation and separation can have on our country. Let us not ignore the visible segregation that is going on in our education system. In an effort to leave no child behind, I request my colleagues vote in favor of this amendment to address this new segregation now.

IN RECOGNITION OF AFRICA WEEK AND THE AFRICAN CULTURAL EXCHANGE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the African Cultural Exchange on the 8th Annual 2001 Celebration of Africa Week held at the Hilton University of Houston, Texas, from September 27–October 4, 2001.

The late Dr. Kwame Nkrumah, the first President of Ghana, established the Africa Week program in 1954 to promote onward progress and global unity towards social, economic and cultural awareness. Dr. Kwame Nkrumah encouraged people of African descent all over the world to implement an annual Africa Week event.

Africa Week 2001 is organized by the Houston based Africa Cultural Exchange, Inc. (a nonprofit 50lc3), in collaboration with the International Guardian Newspapers, and the African News Digest. This event is supported and co-sponsored by the City of Houston, Alpha Phi Beta fraternity, and the Black Student Union of the University of Houston. In attendance this Africa Week were many members of the academic community, elected officials, community leaders, foreign embassy officials, youth, and elders all of whom are members of various ethnic backgrounds. Africa Week has become the symbol of international diversity, and this year's honorary guest and keynote speaker, exemplify that diversity.

The Honorary Guest for the 2001 Africa Week Celebration was His Majesty Rukirabasija Agutamba Solomon Gafabusa Iguru I, Omukama of Bunyoro Kitara Uganda. His Majesty Rukirabasija Agutamba Solomon Gafabusa Igura I has made many valuable contributions to the world community through his unselfish public service. The Keynote Speaker for the 2001 Africa Week Celebration is United States Senator KAY BAILEY HUTCHINSON of Texas.

Again, I want to congratulate The African Cultural Exchange and all of its collaborative partners on the 8th annual Africa Week. I wish them great success in the future, and thank them for their valuable service to the global community.

ECONOMIC STIMULUS AND WORKING FAMILIES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. SOLIS. Mr. Speaker, I rise today to speak about the urgent need to provide immediate economic stimulus to this country in the form of a payroll tax rebate for working families.

The United States is facing a crisis, and it is not merely a security crisis. There is a visible, pressing need for economic stimulus and worker relief.

We should move quickly to jumpstart the economy by putting money into the hands of the tax paying lower wage workers that are more likely to spend it immediately.

My bill, the Working Families Tax Rebate Act will do just that.

This bill will provide an immediate payroll tax rebate of up to $300 to people who didn't benefit from the tax cut signed into law in June.

The dramatic decrease in travel and tourism not only affects those workers employed by the airline industry.

Working men and women in the hospitality industry and service sector are also facing massive layoffs.

These people need immediate help with buying their groceries, preparing for the holidays, and paying their heating bills. Our shop keepers need consumers back in the stores.

I urge my colleagues to support H.R. 3015. Because this country needs economic stimulus now.

IN HONOR OF MR. MARTIN VITTARDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize Mr. Martin Vittardi, Clerk of the City of Parma's Municipal Court and 2001 Honoree of the Year for the Italian American Brotherhood Club.

Mr. Vittardi has a long and distinguished history of public service in the Cleveland area. Upon graduation from John Carroll University in 1977, he took the position of Deputy Clerk for Cuyahoga County Probates Court and later decided to serve as Legislative Representative for the Seafarers International Union until 1988. Throughout his tenure in that position, Mr. Vittardi had the opportunity to lobby on behalf of countless labor issues in not only Columbus, but Washington D.C. as well.

Mr. Vittardi served in many different capacities, and was a true public servant. In 1987, then Councilman Martin Vittardi coordinated the very successful campaign of his good friend Mr. Mike Ries for Mayor. After inauguration, Mayor Ries appointed Mr. Vittardi Public Service Director for the City of Parma, where he oversaw countless city manners, including: community development, engineering, senior citizen programs, public lands and buildings, recreation, streets, and sewers.

In 1982, Mr. Vittardi served as Cuyahoga County Democratic Executive Committeeman. Soon thereafter he was elected Parma Councilman in Ward 3. In 1991, he was elected for a six-year term as Clerk of Court for Parma Municipal Court and re-elected again in 1997. In addition, Mr. Vittardi had the honor of serving as President of the Northeast Ohio Municipal Court Clerks Association in 1996–1997, and is currently serving as the President of the State of Ohio Municipal Clerks Association.

Mr. Vittardi has obviously been a great asset to not only his local community, but also throughout Northeast Ohio. He has earned the respect of his constituents, and served the public selflessly.

Mr. Speaker, please join me in honoring and recognizing Mr. Martin Vittardi on his long and distinguished career in public service, and in recognition of the Italian American Brotherhood Club's 2001 Awards.

HONORING CADENCE DESIGN SYSTEMS ON THE OCCASION OF THE NINTH STARS AND STRIKES CHARITY BOWLING TOURNAMENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. ESHOO. Mr. Speaker, I rise today to salute Cadence Design Systems led by their extraordinary President and Chief Executive Officer, H. Raymond Bingham, on the occasion of their ninth Stars & Strikes Charity Bowling Tournament to be held in San Jose, California on Sunday, October 14, 2001.

Since its inception in 1990, Stars & Strikes has become among the largest fundraisers of its kind in Silicon Valley, with Cadence donating 100% of all proceeds to deserving charitable organizations in the Bay Area. Working in partnership with other local corporations and individuals, Cadence has raised more than $1.7 million dollars for programs in the Bay Area. This year's event, featuring members of the San Jose Sharks hockey team, is expected to raise $500,000 to benefit the San Jose-based Resource Area for Teachers (RAFT), a non-profit organization serving more than 4500 teachers in Bay Area.

In an unprecedented effort to assist those affected by the recent terrorist attacks on the World Trade Center and the Pentagon, Cadence has pledged to match all funds raised for RAFT with a contribution to the American Red Cross and to the New York Firefighters' 9–11 Disaster Relief Fund. In doing this the company will build upon a long-standing tradition of community involvement and an abiding sense of corporate and civic responsibility. Under the able stewardship of Ray Bingham, Cadence has transformed itself from a $369 million supplier of electronic design automation tools to its current $1.3 billion position as one of the world's leading suppliers of electronic design automation products, methodology services, and design services.

Mr. Speaker, I ask my colleagues to join me in wishing Cadence Design Systems great success with this year's Stars & Strikes Charity Tournament. I pay tribute to and honor Ray Bingham for his special leadership and I thank all Cadence employees for their contributions to our community and our country.

TRIBUTE TO FARMER-CHEF MARKETING ALLIANCE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to the Farmer-Chef Marketing Alliance of Fort Collins, Colorado. The alliance prides itself on bringing together farmers and restaurant chefs to benefit local agriculture and businesses.

The Farmer-Chef Marketing Alliance, coordinated by Colorado State University and the Colorado Department of Agriculture's markets division, has created new opportunities for local farmers to sell fresh vegetables to local chefs. This innovative and unique program has given chefs fresher produce for their restaurants, enhancing the quality of their food while also supporting local farmers. In a recent edition of the Fort Collins Coloradoan, Dawn Thilmany, Associate Professor of Agriculture and Resource Economics at Colorado State University, said, "There's a push for community-supported agriculture, and we think this is a good way to do it."

The Farmer-Chef Marketing Alliance is a shining example of two different sectors coming together to achieve a common goal. I applaud the alliance for its courageous and noble efforts to enhance the quality of community restaurants while also supporting local agriculture through teamwork.

As an exceptional program located in Colorado's Fourth Congressional District, the Farmer-Chef Marketing Alliance not only makes its community proud, but also those of its state and country. It is a true honor to have this alliance reside in Colorado, and we owe it a debt of gratitude for its service. I ask the

House to join me in extending wholehearted congratulations to the Farmer-Chef Marketing Alliance.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. LEE. Mr. Chairman, I rise today to express my support for the H.R. 3061.

I believe this bill represents a good bipartisan effort which focuses on priorities many good programs that will benefit our nations and its citizen.

This bill also contains provisions which will be crucial in our efforts to rebuild the nation's confidence during the difficult days since the events of September 11, 2001.

I want to also express my appreciation to the chairman and the ranking Appropriations Committee and the Chairman and Ranking Member of Labor, Health and Human Services, and Education Appropriations Subcommittee, who had the responsibility of crafting this legislation and included provisions for the global fight against HIV/AIDS, tuberculosis and malaria.

These provisions will expand funding for our global HIV/AIDS, tuberculosis and malaria efforts on the African continent, and in developing countries throughout the world.

As many of you know, more than two years ago, I began to work with my colleagues to build a bipartisan and bicameral coalition to raise the level of attention and expand the United States response to the global AIDS crisis.

Although we can and must do more to fight this killer disease, the provisions funded in this bill provide proof that with leadership and a strong will to bring relief to those who need it most, we can and will work together toward eradicating the global scourge of AIDS from the face of the earth.

We all know that HIV/AIDS, TB and malaria continue to ravage Africa and developing countries throughout the world.

Each day, over 17,000 people die each day from AIDS, tuberculosis and malaria worldwide! Our nation is leading the global fight against these infectious diseases. However, we can and must do more.

We have only reached the tip of the iceberg in the global AIDS crisis and it is compounded by TB and malaria mortality rates. It is clear that our fight must continue.

Without an expanded and coordinated response, the CDC, international AIDS experts and health experts indicate that new HIV infections, alone, will rise to 100 million by the year 2007. Already over 50 million people have been infected worldwide—over 70% of those infections are in sub-Saharan Africa.

Once the global AIDS fund is operational, it will support a wide range of interventions, from education and prevention to the procurement of HIV/AIDS/TB related drugs and commodities, including antiretroviral agents in situations where their use can be effectively managed, and anti-malaria interventions such as insecticide-treated bed nets.

The goal is to have the global fund in operation with the capacity to manage resources and procure essential drugs and commodities by early 2002. To maximize the global fund's impact, the funds should be used for results-based programs that specifically increase the number of people covered by the direct provision of drugs, other commodities and services to beneficiaries in countries severely affected by these diseases.

The fact that techniques which prevent the spread of HIV infection exist, and that drugs exist that can substantially reduce the rate of mother-to-child transmission and prolong the lives of people who are infected, makes it incumbent on us to immediately utilize whatever budgetary mechanisms are available.

The funding provided in this bill moves us closer to that goal.

It is for these reasons that I support this legislation and urge my colleague to also support it.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Department of labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to bring attention to the need to appropriate an additional $5 million to Education Technology State Grants. This will offset the Safe and Drug-Free Schools by $5 million.

Throughout the last two decades, information technology has become increasingly prevalent in society. We, as policymakers, have been interested in the use of this technology in elementary and secondary schools partly out of concern over poor student performance, and the idea that educational technology can improve that performance. Also, many of us feel that students in America should receive training in school that will enable them to work in an increasingly technological environment. Furthermore, the Administration has stated that schools should use technology as a tool to improve academic achievement, and that using the latest technology in the classroom should not be an end unto itself.

The purpose of my amendment speaks to the interests of Congress and that of the Administration. This amendment will provide more funding to a program that has worked for our kids. For fiscal year 2002, this bill will appropriate the same amount of funding it did last year. If we truly want our students to excel in technology so that they can successfully compete in this increasingly technological environment, we must continue to provide them with the tools necessary to do so. This is exactly what education technology state grants provide.

Education technology state grants provide schools with the necessary support for the acquisition and use of technology and technology enhanced curriculums, instructions, and administrative support to improve education in elementary and secondary schools. Funds are allocated to states proportionate to their share of ESEA Title 1, Part A funding, which speaks to the heart of the digital divide—providing technology to those who otherwise would not have the opportunity to access it.

Mr. Chairman, as the need for more people who are technologically savvy increases, we need to be certain that our students have the ability to successfully compete globally. There is no reason why companies on American soil continue to look for technologists outside of our country when we have able minds and bodies here. Let us take care of our country's future now. Let us assure America and its people that a decade from now we will have Americans who can run our computer programs and be the inventors of the latest technology.

If the need to be competitive does not steer my colleagues in the right direction, let the need to have Americans only have access to our computers. Let Americans only have the ability to decode top secret information that may prevent further attacks against us. Let Americans lead us out of our vulnerable stage.

I urge my colleagues to support my amendment and continue supporting our children in their efforts to become technologically savvy so that they may control our future.

INTRODUCING POSTAGE WAIVER BILL FOR DONATIONS TO "AMERICA'S FUND FOR AFGHAN CHILDREN"

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. BENTSEN. Mr. Speaker, on October 11, 2001, President Bush announced the establishment of the "America's Fund For Afghan Children" and asked America's children to send one dollar to the children of Afghanistan. In order to enhance the impact of our children's charitable contributions, I am introducing legislation to waive U.S. postage for donations to this fund.

The "America's Fund For Afghan Children," will be overseen by the American Red Cross, will provide America's children, who are blessed with so much, with the opportunity to reach out to aid the innocent children of Afghanistan who suffer constant oppression, chronic malnourishment and grossly inadequate medical care.

Mr. Speaker, because I believe that we, in Congress, can play a vital role in ensuring that none of the money that is raised by our youngest citizens is consumed by postage. This measure encourages participation in this worthwhile endeavor and advances the President's effort to provide America's children with a tangible way to bring much needed humanitarian relief to the children of Afghanistan. Under this measure, donations sent to the following address would be delivered free of postage: America's Fund for Afghan Children, The White House, 1600 Pennsylvania Avenue, Washington, DC 20509–1600.

Mr. Speaker, I urge the House to pass this legislation that sends the message that the U.S. Congress supports their efforts to help the children of Afghanistan.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. SOLIS. Mr. Chairman, I rise today to voice my opposition to Congressman ISTOOK'S amendment to the Labor, Health, Human Services and Education Appropriations bill.

I am concerned with Congressman ISTOOK'S proposal to increase the abstinence-until-marriage education program by $33 million.

Although I believe that educating teenagers about sexual abstinence can be beneficial it cannot be the course of sexual education.

There is no substantive evidence that shows that abstinence-only education is effective.

Instead, research repeatedly shows that the most effective route to combat teenage pregnancy is a comprehensive sexual education program.

In my community, the Latino community, an abstinence-only lifestyle is preached in most households.

Young Latinas are repeatedly told that if they have sex outside of marriage or become pregnant, they will be cut off from their families.

However, 13 percent of Hispanic women in the United States aged 15–19 still become pregnant each year.

Teenagers are sexually active; therefore they should know about the family planning methods available.

In fact, each year, family planning services prevent about 386,000 teenage pregnancies.

While I am pleased that Congressman ISTOOK'S amendment does not draw any funding away from the much-need Title X family planning program, I still cannot support such a large funding increase for a program that is so limited in scope and whose effectiveness has yet to be determined.

I urge my colleagues to oppose this amendment.

IN HONOR OF COUNTY COMMISSIONER JIMMY DIMORA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor a great man who has affected the lives of thousands in Northeast Ohio, County Commissioner Jimmy Dimora, recipient of the Bikur Cholim Hospital's 2001 International Brotherhood Award.

Mr. Dimora is a great man, skilled politician, public servant, and most importantly, a friend. In January 1999 he began his term as Cuyahoga County Commissioner with the one simple goal to simplify county government and make it "user friendly" for his constituents. Commissioner Dimora's main goal was to bring common sense to political dilemmas, and solve problems rather then to create them. He was soon, thereafter, elected by his fellow commissioners as President of the Board of Cuyahoga County Commissioners.

Before working in County government, Commissioner Dimora was a dedicated public servant in the city of Bedford Heights. He served as Mayor from 1982 through 1998, running for re-election without opposition every time. He served before that as Council-at-Large for four years, and also was a city employee for six years. Mr. Dimora has dedicated his entire life to selflessly serving the public. As Mayor, he accomplished countless great feats: he instituted new programs and expanded services without raising property or city income taxes, expanded a full-service jail, and renovated the largest and best-equipped recreational facility of its kind in the state.

Commissioner Dimora is truly dedicated to serving his fellow man. He is a people person, a problem solver, and a consensus-builder. His tenure as Chairman of the Democratic Party in Cuyahoga County has demonstrated his incredible honor and the respect he has gained from his fellow colleagues.

Mr. Speaker, please join me in honoring a very fine man on his recipient of the Bikur Cholim Hospital's 2001 International Brotherhood Award. Commissioner Jimmy Dimora is truly a man of the people, and has served the Cleveland community selflessly his entire life.

TRIBUTE TO EDWARD A KELLY, JR.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Edward A. Kelly, Jr., my good friend and a mainstay of Burlington County for over 40 years.

Born in Philadelphia, Pennsylvania into a family of seven children, his parents were born in Ireland, emigrating to the United States in their twenties. Growing up in a working-class neighborhood, his early youth was spent in sports, while attending West Catholic High School.

Married to the former Mildred "Millie" Hansberry, the Kellys become one of the first families to settle in Levittown, New Jersey, now known as Willingboro.

Having served on the Willingboro Board of Education, and later as a member of the Willingboro Council, Ed was elected Clerk of Burlington County in 1969. His rising popularity brought about his reelection to an additional four five-year terms, from which he retired at the end of 1994, after more than 25 years of continuous service.

A member of nearly 70 different service clubs, his service as a member of the Board of Directors of the Burlington County Chapter of the Boy Scouts of America earned him the Silver Beaver Award, scouting's highest honor.

A major supporter of our active duty military and retirees, Ed is a founding member of the Burlington County Military Affairs Committee (BCMAC). His commitment to our military is so highly-regarded that he was appointed by Governor Christine Todd Whitman to the New Jersey Veterans Service Council.

His six-year term as State Chairman, New Jersey Employer Support of the Guard and Reserve Committee (ESGR) came to a close on September 30, 2001. His leadership will be sorely missed.

For his many years of dedicated service both as a long-time member of the ESGR, and especially, during his six-year term as State Chairman, and as one of his loyal supporters, I pay tribute to him today.

IN HONOR OF SPECIAL AGENTS GIL AMOROSO AND EMIR BENITEZ

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. CANTOR. Mr. Speaker, I would like to pay tribute to Special Agent Gil Amoroso and Special Agent Emir Benitez.

Agent Amoroso provided a great service for Richmond, Virginia, during his time with the Drug Enforcement Administration (DEA).

Agent Benitez served America's communities, as well, through the DEA, sacrificing his life on duty.

These two individuals greatly sacrificed to help fight America's war on drugs.

The DEA is an essential law-enforcement agency, contributing to the safety and well-being of our schools, our playgrounds, and the streets in our communities.

Each of us can recall an individual, either an acquaintance or a public figure, whose life has been ravaged by drugs.

In America, drugs have become a very destructive force affecting our children.

Now, each of us who is a parent knows the importance of sitting down with our children and warning them about the danger of drugs.

But men and women, like Amoroso and Benitez, who serve in the DEA, help our nation to curb the drug problem at its source. They work to keep illegal substances out of our country and investigate the culprits who are making illegal drugs available to our children, our communities, and even our workplaces.

In addition to their personal efforts to curb drug offenses, Amoroso and Benitez have left a legacy. They both have family members who fight the war on drugs today in Richmond.

Drug enforcement efforts have heightened in importance in the wake of the September 11 terrorist attacks in Washington and New York.

As confirmed by DEA Administrator Hutchinson, there is a lot of evidence to suggest that the ruling Taliban regime in Afghanistan receives financial benefit from the drug trade. This fuels the terrorist attacks on the civilized world. DEA efforts to target international drug trafficking are critical to America's war against terrorism.

The fight against drugs is essential to the security of our homes and of our country.

Thank you for your service.

Thank you, Mrs. Amoroso and Mrs. LaRosa, for your ongoing efforts on behalf of our country.

May God continue to bless America.

REMARKS ON H.R. 3067

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. HARMAN. Mr. Speaker, I rise today to introduce legislation (H.R. 3067) that directs the Secretary of Transportation to develop regulations giving priority in government and private contractor hiring for aviation-related security positions to qualified workers who were laid-off as a result of the September 11 attacks.

The terrorist attacks have had a devastating impact on the men and women who work in aviation and aviation-related industries.

I participated in a video teleconference earlier this week with union leaders in my district, which includes Los Angeles International Airport, the nation's third-largest airport.

Representatives from the Flight Attendants Association, the International Association of Machinists, the National Air Traffic Controllers Association, SEIU, National Treasury Employees Union and the Transportation Workers Union testified about how the attacks have affected their members. Some, like SEIU, NTEU and the Flight Attendants, lost members in the attacks.

All have seen tremendous job losses. 6,000 flight attendants. 140,000 in the transportation sector as a whole. 110,000 in the hospitality sector. We can not let this continue. We must help these men and women. My bill does that.

It has been nearly three weeks—three weeks!—since this body acted to provide airlines with a $15 billion bail-out package. I struggled with that vote. The airlines are at the core of the aviation-economy; we could not let them go bankrupt. At the same time, I and other members of this body were deeply concerned that the bill did not do enough for those workers.

The time to help them is now. One way to do that is by giving those who lost jobs preference when new jobs are created. My bill directs the Secretary of Transportation to ensure that the first priority in hiring aviation security personnel is given to the men and women who were working in aviation and at airports before September 11 and were laid off as a result of the attacks.

I urge Members to help these men and women and support this legislation.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. VELÁZQUEZ. Mr. Speaker, on Thursday, October 11, 2001, I was unavoidably detained in my district. As a result, I missed five votes on the House floor.

Had I been present, I would have voted "yes" on rollcall vote 381, to pass the Labor-HHS-Education Appropriations Act for Fiscal Year 2002.

In addition, I would have voted "no" on rollcall vote 380, the Istook amendment to increase the bill's funding for abstinence education by cutting funding for the Centers for Disease Control; rollcall vote 379, the Istook amendment to delay the enforcement of Executive Order 13166; rollcall vote 378, the Stearns amendment to shift funding from the Corporation for Public Broadcasting to the Centers for Disease Control; and rollcall vote 377, the Schaffer amendment to fully fund the Individuals with Disabilities Act by cutting other education programs.

A BILL TO EXTEND THE MAYOR OF THE DISTRICT OF COLUMBIA THE SAME AUTHORITY WITH RESPECT TO THE NATIONAL GUARD OF THE DISTRICT OF COLUMBIA AS THE GOVERNORS OF THE SEVERAL STATES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. NORTON. Mr. Speaker, today I am introducing a bill to give the mayor of the District of Columbia the same authority over the National Guard as the Governors of all 50 states. This bill is another important step necessary to complete the transfer of full self-government powers to the District of Columbia that Congress itself began with the passage of the Home Rule Act of 1973. District authority over its own National Guard apparently was not raised during the Home Rule Act process. However, it was unthinkable then that there would be war in the homeland, much less terrorist threats to the nation's capital.

While the National Guards in the 50 states operate under dual jurisdictions, federal and local, the D.C. National Guard (DCNG) has no local jurisdiction, no matter the local emergency. The President of the United States as the Commander-in-Chief alone has the authority to call upon the National Guard for any purpose, local or national here. Each governor, however, as the head of state, has the authority to mobilize her National Guard to protect the local jurisdiction, just as local militia have always done historically. Most often, this has meant calling upon the National Guard to restore order in the wake of civil disturbances and natural disasters. For such local emergencies, it makes sense that the governor would have exclusive control over the mobilization and deployment of the state militia, and it makes the same sense for the mayor of the District of Columbia with a population the size of that of small states, to have the same authority.

The mayor of the District of Columbia, acting as head of state, should have the authority to call upon the DCNG in instances that do not rise to a level of federal importance or involvement. Currently, needless formalism requiring action by the President of the United States could endanger the life and health of D.C. residents and many more who work here in the event of an emergency. Today, the mayor must request the needed assistance from the President, who serves as the Commander-in-Chief for a local National Guard. In an emergency unique to the District, the mayor, who knows the city better than any federal official, can deploy his own National Guard only by relying on the President, who is necessarily preoccupied with national matters, including perhaps war or homeland attack.

Following the September 11th terrorist attacks, the House has recognized that the District of Columbia must be an integral part of the planning, implementation, and execution, of national plans to protect city residents, federal employees, and visitors by including the District of Columbia as a separate and full partner and first responder in federal domestic preparedness legislation. Allowing the mayor control over the DCNG at a minimum demonstrates the respect for local governance and home rule that every jurisdiction that recruits members of the military to its National Guard deserves. If the mayor has local control over his own Guard, the Executive would give up nothing of his necessary control because the President would retain his right to nationalize the DCNG at will, as he can for the states.

The confusion that accompanied the September 11th attack plainly showed the danger inherent in allowing bureaucratic steps to stand in the way of responding to emergencies in the nation's capital. September 11th has made local control of the DCNG an imperative. I urge my colleagues to support this bill.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

Mr. PAUL. Mr. Speaker, HR 2883, the Intelligence Authorization Act, is brought before us today under a process which denies members of Congress our constitutional right as elected officials to be informed on crucial aspects of the programs we are asked to authorize. Information about this bill is limited to dollars amounts and personnel ceilings for the individual intelligence programs and even that information is restricted to viewing in a classified annex available to members during regular business hours for "security reasons."

Given the many questions the American people have about the performance of the intelligence agencies prior to September 11, and the many concerns as to whether the intelligence agencies can effectively respond to the challenges of international terrorism, I believe that the American people would be well served by a full debate on the ways the intelligence community plans to respond to these challenges. I also believe the American people would be well-served if members of Congress could debate the prudence of activities authorized under this bill, such as using taxpayer monies for drug interdiction, is an efficient use of intelligence resources or if those resources could be better used to counter other, more significant threats. Perhaps the money targeted for drug interdiction and whether it should be directed to anti-terrorism efforts. However, Mr. Speaker, such a debate cannot occur when members are denied crucial facts regarding the programs authorized in this bill or, at a minimum, are not free to debate in an open forum. Therefore, Congress is denied a crucial opportunity to consider how we might improve America's intelligence programs.

We are told that information about this bill must be limited to a select few for "security reasons." However, there are other ways to handle legitimate security concerns than by limiting the information to those members who happen to sit on the Intelligence Committee. If any member were to reveal information that may compromise the security of the United States, I certainly would support efforts to punish that member for violating his office and the trust of his country. I believe that if Congress and the Executive Branch exercised sufficient political will to make it known that any member who dared reveal damaging information would suffer full punishment of the law, there would not be a serious risk of a member leaking classified information.

In conclusion, Mr. Speaker, it is inexcusable for members to be denied crucial facts regarding the intelligence program authorized by this bill, especially at a time when the nation's attention is focused on security issues. Therefore, I hope my colleagues will reject HR 2883 and all other intelligence authorization or funding bills until every member of Congress is allowed to fully perform their constitutional role of overseeing these agencies and participating in the debate on this vital aspect of America's national security policy.

COLORADO'S NOBEL LAUREATES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise to call attention to the tremendous accomplishments of two of my constituents, Dr. Carl Wieman and Dr. Eric Cornell. It was announced this week that Dr. Wieman and Dr. Cornell have been awarded the Nobel Prize for Physics for their work in creating a new state of matter. Dr. Wolfgang Ketterle, a professor of physics at the Massachusetts Institute of Technology, was also awarded the prize.

The goal of the scientists was to create Bose-Einstein condensation, an extreme state of matter predicted by Indian physicist Satyendra Nath Bose and later expounded upon by Albert Einstein.

Beginning with atoms of rubidium gas at room temperature, the Colorado team—led by Eric Cornell and Carl Wieman, and including CU-Boulder undergraduate and graduate students and postdoctoral researchers—cooled the atoms to less than 170 billionths of a degree above absolute zero. This low temperature caused the individual atoms to behave as one "superatom."

To cause matter to behave in this controlled way has long been a challenge for researchers. Physicists were initially skeptical about the approach taken by Wieman and Cornell to create the condensate, but they soon came around when they recognized the advances the scientists were making.

As the Royal Swedish Academy of Sciences noted upon awarding the prize, this year's Nobel Laureates have caused atoms to "sing in unison." The creation of Bose-Einstein condensate is a ground-breaking accomplishment that will significantly affect the scientific community, its work, and its direction for years to come. I am proud that the work of Dr. Wieman and Dr. Cornell is a result of federally funded research at the University of Colorado, JILA, and the National Institute of Standards and Technology. I am proud that the institutions in the 2nd Congressional District are capable of attracting and producing such talent. Finally, I am proud that these two men call Colorado their home.

Again, I congratulate Dr. Wieman and Dr. Cornell for their extraordinary work and for the great honor that has been bestowed upon them.

HALLOWEEN FOR HEROES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mrs. MORELLA. Mr. Speaker, it is with great pride that I rise to recognize three young, ambitious constituents who have launched an extraordinary fundraising initiative called, "Halloween for Heroes." Zack Beauchamp, Woody Wiegmann, and Conor Murphy of Rockville, Maryland co-founded this honorable enterprise to assist the victims of the horrific September 11th terrorist attacks.

On Halloween night, these three dedicated young men will go through their neighborhood to collect relief donations instead of candy. The proceeds will be designated for a charity to create a scholarship fund for the children impacted by the attack on our nation. Of course, adults are also encouraged to participate in this effort.

I am so proud of these boys who have committed their time and hard work to raise funds for the benefit of children who have suffered during this time of national tragedy. Their efforts are an exemplary way for children across the region and across the country to get involved in relief efforts.

Mr. Speaker, I offer my warmest thanks and congratulations to Zack, Woody, and Conor for their dedication and caring spirit. This year will truly be a Halloween for Heroes.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of H.R. 3061, the Labor-HHS—Education Appropriations bill for Fiscal Year 2002. This bill provides critical funding for our nation's students, teachers, doctors, patients, and numerous important programs within the Department of Labor.

Before I go any further, I would like to take a moment to thank Chairman REGULA, Ranking Member OBEY, and the Majority and Minority Committee Staffs for their hard work on this excellent, bipartisan legislation. They all did an excellent job and should be commended for their efforts.

Mr. Chairman, perhaps no resource in our great country is more important than our young people—our students. H.R. 3061 recognizes the vital role that this group plays in the future for our nation and for the world by increasing funding for the Department of Education by 16% over FY01 funding levels.

Specifically, I am extremely pleased to see a funding increase of $1.4 billion for IDEA, $137 million increase for Impact Aid, $1.7 billion increase for Title I grants, just to name a few of the critical programs that are receiving an increase in funding.

In addition, Mr. Chairman, funding for the Department of Health and Human Services has been increased by 13 percent in this legislation. Critical programs for rural health care providers and patients, which are very important to many rural areas that I represent in northern New Mexico, have received significant funds, including $142 million for the National Health Service Corps, $27.6 million for the Rural Telemedicine Grant Program, and $4 million for a State Offices of Rural Health Grant Program, just to name a few.

Furthermore, this bill provides $120 million for the Community Access Program, which provides critical funding for 3 health care service providers in New Mexico.

Also, of nationwide concern, this bill provides $ 100 million more than the FY01 level for countering bioterrorism programs at CDC and HHS.

Last but not least, Mr. Chairman, a 3% increase for the Department of Labor will provide vital funding for adult job training programs, youth training programs, Job Corps, and OSHA.

I urge my colleagues to support this bipartisan legislation. The committee has done an excellent job in crafting this bill to help address the many needs of our nation and I believe we should support the work of our colleagues on the committee.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Sanders amendment.

I understand that corporations need to pass along research costs to customers—when they pay for the research themselves.

But something is amiss when taxpayers pay for drug research and pharmaceutical companies charge those same taxpayers exorbitant prices for drugs the government develops and licenses to them.

This isn't just egregious corporate welfare.

It's a matter of life and death.

And it happens every day, all the time, all over America, with drugs that treat AIDS, cancer, high blood pressure, and other deadly diseases.

It's enough to make anybody sick, especially those forced to choose between treatment and food.

This amendment would simply ensure that pharmaceutical companies offer the benefits of federal drug research at a reasonable price.

This amendment is a prescription for fairness and compassion.

NIH should subsidize drug research not pharmaceutical companies.

I urge my colleagues to support the Sanders amendment.

RESOLUTION OF SUPPORT FOR THE PRESIDENT AND OUR ARMED SERVICES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. HYDE. Mr. Speaker, I am proud to represent the people of the Village of Glendale Heights, Illinois. On Oct. 4, Village President Linda Jackson and the Village Trustees adopted the following resolution which I am both proud and pleased to bring to the attention of my colleagues:

> Whereas, in the aftermath of horrifying events of September 11, 2001, the people of the Village of Glendale Heights share the resolve and determination of all Americans as we unite as one nation;
>
> Whereas, the people of the Village of Glendale Heights wish to show our solidarity with those who work and live in Washington D.C., our nation's capital, and we salute the heroic efforts of the brave men and women, both civilian and military, who are working to recover and rebuild following the brutal attack which struck at the very heart of our nation;
>
> Whereas, the people of the Village of Glendale Heights wish to express our deepest gratitude to our brothers and sisters in the United States Armed Forces for their steadfast courage and dedication as they stand ready to protect and defend our lives and liberty.
>
> Now, therefore, be it resolved, by the President and the Board of Trustees of the Village of Glendale Heights, on behalf of all the residents of the Village, as follows:
>
> Section 1: That we as a community look to our President and our nation's leadership for guidance and wisdom in this time of uncertainty, and pledge our support to our leaders and our military as we seek to bring justice to those who perpetrated these acts of war on the American people.
>
> Section 2: That although Americans are no strangers to casualties of war, we recognize the gravity and magnitude of the terrorist attacks on our own soil at the nation's center of government, designed to destroy our unity and freedom—the very hallmarks of the American Spirit.
>
> Section 3: That the people of the Village of Glendale Heights stand up with all Americans to proclaim our unity as a nation, and to assure the world that the tragic events of Sept. 11, 2001, did not destroy us, but rather strengthened our resolve and dedication to the ideals of democracy and freedom upon which this country was built.
>
> Section 4: That this Resolution shall be in full force and effect upon its passage and approval in accordance with law.
>
> Ayes: Trustees, Pope, Fonte, Tolentino, Giampa, Biondini, Schroeder and President Jackson.
>
> Nays: None.
>
> Absent: None.

IN MEMORY OF MAJOR WALLACE COLE HOGAN, JR.

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. CHAMBLISS. Mr. Speaker, today I honor Major Wallace Cole Hogan, Jr. for serving our country in the United States Army. Major Hogan was truly born to serve.

Major Hogan grew up in Macon, Georgia, and attended Valdosta State University. After graduation, he joined the Georgia Army National Guard as a Rifle and Mortar Platoon Leader. His time with the National Guard included the Commander of the 19th Special Forces Group Airborne, Colorado Army National Guard, Detachment Commander of the 20th Special Forces Group Airborne, Alabama Army National Guard. On April 4, 1993, Major Hogan accepted an Army active duty appointment as a Captain. He was a member of the Green Berets and fought in the Persian Gulf War with the 1st Special Forces Group Airborne as a Battalion Operations officer and Detachment Commander. He also served as the Commander, Special Forces Instructor Detachment, U.S. Army Jungle Operations Training Battalion, Fort Sherman, Panama.

Major Hogan joined the Office of the Deputy Chief of Staff for Operations and Plans in June 1999. His work at the Pentagon included Special Operations Staff Officer in the Directorate of Operations, Readiness, and Mobilization and Executive Officer for the Assistant Deputy Chief of Staff for Operations and Plans. A committed serviceman, Major Hogan dedicated his entire professional life to the United States Army and serving his country.

On September 11, terrorists claimed the lives of our friends, family and loved ones from all over this nation and the world. Major Cole Hogan was one of these loved ones. His parents are from Macon and happen to be personal friends of mine. My wife and I have two children and I can't imagine any greater pain than that which floods one's heart upon the death of a child. My prayers are with the Hogans during their most difficult time of grief.

In our mourning, we can't help but question how such a heinous act could come to fruition on American soil. But in a time where questions are many and words are few, I want to offer my most sincere condolences to the family of Major Hogan; his wife, Air Force Major Pat Hogan of Alexandria, VA and his parents, Jane and Wallace Hogan of Macon, Georgia.

In a lifetime of service that spanned half the globe, Major Hogan served from Hawaii to Panama before coming to work at the Pentagon. His outstanding accomplishments have not gone unnoticed as evident by the numerous decorations and awards earned during his service. These recognitions include: the Meritorious Service Medal with two oak leaf clusters, Army Commendation Medal with oak leaf cluster, Army Achievement Medal with five oak leaf clusters, Army Reserve Components Achievement Medal with two oak leaf clusters, Armed Forces Reserve Medal, Army Service Ribbon, Special Forces Tab, Ranger Tab, Scuba Diver Badge, Senior Parachutist Badge, and Pathfinder Badge.

I think we have a lot to learn from Americans like Cole Hogan. His dedication and patriotism are unwavering and a standard we all should strive to emulate. Cole Hogan will be missed, as will so many others. These lives will not be forgotten. We must honor them by living on as they lived. The lives stolen by terrorists so easily could've been our own. We owe it to the fallen to press on and take hold of all that our forefathers fought for and dreamed we would live to enjoy. As a nation, Americans have always shown strength through adversity.

I commend Major Hogan for his service and I thank his family for raising a man whose heart was to give his all for his country. His presence will be missed and his legacy will not be forgotten.

SUPPORT FOR TAIWAN'S PARTICIPATION IN THE U.N.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. PALLONE. Mr. Speaker, the horrific events of September 11 underscore the renewed importance for democracies of the world to stand together in the fight against terrorism.

The United Nations serves as a vital forum in the effort to eradicate terrorism once and for all. Unfortunately, one of the most vibrant democracies in the world that is willing and economically capable of aiding with the efforts against terrorism has consistently been denied re-admission to the U.N. Taiwan is a democracy with a strong economy, commitment to human rights and support for fundamental freedoms. Its GNP and population are larger than three-quarters of the existing member countries of the U.N. On behalf of its 23 million people, Taiwan should be allowed membership in the United Nations.

Both Houses of the U.S. Congress, with broad bipartisan support, have repeatedly endorsed Taiwan's desire for participation in the United Nations and in other international organizations including the World Health Organization, the Asian Development Bank, admission to the Asia-Pacific Economic Cooperation Group and the World Trade Organization. The Taiwan Policy Review of 1994 mandated overwhelmingly by Congress expressed strong support for a more active policy in support of Taiwan's participation in international organizations. On May 24, 2000, the House passed H.R. 444 advocating Taiwan's full membership into the WTO.

Taiwan has built one of the most consistently solid economies in the world and its people enjoy one of the highest standards of living in Asia. It ranks as the seventh largest trading partner to the United States. Using its economic success, Taiwan has served as a model for other nations by assisting developing economies and by contributing to international organizations.

Having elected Chen Shui-bian—the first member of the opposition to assume the Presidency last year, Taiwan boasts a strong, participatory, multi-party democracy holding free elections at all levels. President Chen has been a champion of civil liberties, the rule of law and human rights. He has committed Taiwan to upholding the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Declaration and Action Program of the 1993 Vienna Conference on Human Rights. Taiwan has made major strides in upholding and maintaining human rights.

Examples of East and West Germany admitted to the UN in 1973 and later unified and North and South Korea admitted in 1991 show that Taiwan could be given membership to the U.N. without prejudice to the final resolution of the differences between the People's Republic of China and the Republic of China.

Taiwan's 23 million citizens deserve meaningful participation in the United Nations and the benefits that would accrue to world peace and stability if Taiwan were formally brought into the community of nations.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mr. SHUSTER. Mr. Chairman, my vote in favor of the Labor-HHS Education Appropriations bill was not recorded. I am here to make sure that I am on record as officially supporting this bipartisan bill. Chairman REGULA and Ranking Member OBEY crafted a fine bill, proven by the fact that 85 percent of this Chamber supported it. I congratulate the chairman and ranking member in their efforts and want to let them know that I too am supportive of their efforts.

KAZAKHSTAN AND THE KYRGYZ REPUBLIC

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. WAMP. Mr. Speaker, in the rugged region of Central Asia, two nations have been dealing with proposed changes to current religion laws. In both Kazakhstan and the Kyrgyz Republic, new religion laws have emerged partially in response to real concerns about terrorism and state security. After the events of September 11, our whole country has a very clear understanding of the threat terrorists pose. Still, our commitment to democracy and religious freedom stands firm.

Consequently, I want to highlight and praise both countries for seeking assistance from the OSCE Advisory Panel on Freedom of Religion or Belief. The choice to seek assistance and working to ensure the new legislation is in line with protecting human rights is a mark of wise governance. Even more, I want to encourage these governments to continue their close cooperation with this body of experts, and to continue to strive to uphold OSCE commitments and international norms for religious freedom.

In Kazakhstan, there has been great discussion over a proposed amendment to its 1992 law "On Freedom of Religion and Religious Associations." The Kazakh Government has been responsive to critiques of the law and removed it from consideration during this past summer. Furthermore, it has listened to the comments made by the OSCE Advisory Panel and modified some of the more troubling sections of the proposed law. However, concerns still exist in the area of registering Islamic religious groups by the Kazakhstan Moslem Spiritual Administration. It seems likely that with the various Islamic religious groups that are at odds over purely theological issues, registration could be denied for merely being out of favor with the Spiritual Administration. This is problematic; religious organizations should not be denied registration solely on the basis of their religious beliefs. Before the proposed law is reintroduced, I hope Kazakhstan will address these issues, so as to ensure its compliance with all OSCE commitments.

The Kyrgyz Republic is currently considering a proposed law entitled "On Freedom of Conscience and Religious Organizations," which would replace the 1991 Law on Freedom of Religion and Religious Organizations. In the Kyrgyzstan's short history of independence, it has consistently joined international human rights covenants. As one of the 55 participating States in the OSCE, the Kyrgyz Republic agreed to abide by the Helsinki Final Act and all subsequent agreements, in which clear language concerning religious freedom exists. This new legislation, made long before the events of September 11, was in response to real fears about terrorism. With religion often being used as a guise to legitimize criminal activities, I recognize the genuine concerns of Kyrgyz authorities about religious organizations existing in their country. However, while the United States has new understanding of the threat of terrorists, I want to encourage the Kyrgyz Republic from overreacting and unnecessarily limiting religious freedom.

While the current law on religion is generally in line with its OSCE commitments, it is my concern that if the new law is enacted, Kyrgyzstan will no longer be in compliance with its international obligations. This is especially true concerning the provisions addressing registration of religious groups. In its current form, the draft law's use of registration requirements appears complex, confusing and convoluted. The two step process of registering religious groups appears to be more an exercise for government involvement rather than a well outlined procedure for recognizing religious communities. The vague requirement of "record-keeping" registration is especially problematic, as it could serve as a major obstacle for successful registration that the government can utilize to block an application. Clear and transparent guidelines would be a superior way to prevent arbitrary tampering by government officials in the process of registration.

In closing, I hope both the Kazakh and Kyrgyz Governments will be mindful of 1989 Vienna Concluding Document, (para 16.3), which states that governments are obligated to "grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their states, recognition of the status provided for them in their respective countries."

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. MANZULLO. Mr. Speaker, this last Wednesday, on rollcall vote No. 375, I want it to be in the RECORD that I was present on the House floor, and I did vote in favor of that bill. Unfortunately, there was a malfunction with the House voting machine, and it did not record my vote.

TRIBUTE TO MR. ERIC BENNETT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KILDEE. Mr. Speaker, I rise today to express my condolences and sympathies to the family of Eric Bennett. On September 11, Eric Bennett was in a business conference on the 102nd floor of tower one in the World Trade Center when American Airlines flight 11 crashed into the 89th floor.

Eric Bennett, 29 years old, grew up in Genesee Township and moved to New York City after college to pursue a successful career in computer programming. According to his parents and those fortunate enough to know him, Eric possessed a determination to succeed and a passion for life.

Shortly after learning that Eric was missing, Elizabeth and Terry Bennett traveled to New York City to search the hospitals for their son. Unfortunately, Eric's parents were unable to find him and they have now accepted the fact that he did not survive the attack.

On behalf of the people in the Ninth District of Michigan, I would like to extend my thoughts and prayers to Eric's family and friends. A memorial service celebrating Eric Bennett's life will be held at the Elks Club in Grand Blanc Township on October 14 from 2–5 p.m.

INTRODUCTION OF THE CNMI NATIONAL GUARD ACT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. UNDERWOOD. Mr. Speaker, today I am introducing legislation authorizing the establishment of a National Guard unit for the Commonwealth of the Northern Mariana Islands (CNMI). As my colleagues may know, Guam shares geographic proximity and ancestral ties with the Northern Marianas. Therefore, it is only proper that this bill is introduced for our Pacific neighbors. I have other legislation pending that would afford the CNMI a Delegate to this House, but until such a proposal becomes a reality I believe it is my obligation to help their cause in Washington, DC.

This legislation is timely and needed. In the weeks following the tragic events and terrorist attacks of September 11, our Nation has been focused on strengthening our homeland security. As we continue to reevaluate and reassess our preparedness capability, I hope that we take the opportunity to pass this legislation for the benefit of our national security and for equal protection for all jurisdictions under the U.S. flag. The events of the past month have illustrated the detriments to communities without National Guard units. While the Federal Aviation Administration has established new and more stringent aviation security requirements, the task of providing security for the CNMI's three principal airports has been borne solely by civilians from the Northern Marianas. While other governors across the nation were able to activate their guard units, the CNMI was not afforded this option. This legislation would correct this oversight and extend to the CNMI the centuries old American tradition of having its citizenry contribute towards the defense and security of their homeland.

In conclusion, I want to thank the Resident Representative of the CNMI, Juan Babauta, for bringing this issue to my attention and for his diligence in working on behalf of his people. He had the foresight to raise this issue with the National Guard Bureau long before recent events. He has long maintained an interest in establishing a National Guard unit trained and equipped to protect the life and property of CNMI citizens, while providing to the Nation a force ready to defend the United States and its interests.

IN HONOR OF THE HIGH SCHOOL OF ECONOMICS AND FINANCE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. NADLER. Mr. Speaker, I rise today to honor the staff of the High School of Economics and Finance for their outstanding response to the tragedy of September 11, 2001. Situated just one block south of the World Trade Center, the High School of Economics and Finance was the closest school to the epicenter of the horrifying disaster of September 11th. The administrators, teachers, guidance counselors, school safety and support staff of the school took immediate, efficient, and lifesaving action to protect all 750 students in their care.

Their praiseworthy efficiency in evacuating all 750 students from their building deserves an enormous debt of gratitude from our community. The staff members mobilized immediately to protect the safety, welfare and well-being of all students in the most professional fashion possible. So closely situated near "ground zero," there is no question that the staff's organized evacuation saved countless lives.

The building housing the High School of Economics and Finance was heavily damaged by the disastrous acts of September 11, 2001. On September 20, 2001, the staff and students relocated to Norman Thomas High School, on 33rd Street in midtown Manhattan. It is a demonstration of the high level of professionalism of all staff members that students have returned to school and are currently progressing with their studies while receiving counseling and care from their dedicated teachers and staff members.

The courage, vigilance, valor, and bravery shown by the staff of the High School of Economics and Finance in their attentive supervision of the students are admirable. Similarly, the swift return to school and the teaching, mentoring and guiding of the students through this terrible time is deeply commendable.

I heartily commemorate and congratulate the staff of the High School of Economics and Finance for all that they have done on behalf of their students, city and country. I thank them all for their truly courageous leadership.

TRIBUTE TO LEONARD F. SPRINGS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Leonard F. Springs II, a native of South Carolina who will be honored this evening during the annual meeting of the South Carolina State Conference of the National Association for the Advancement of Colored People (NAACP). Tonight's Leadership Tribute is a component of the 2001 Civil Rights Conference, which commemorates the 60th annual Convention of the South Carolina State NAACP. I am pleased to join the South Carolina State NAACP in honoring my good friend and "soulmate", "Lenny" Springs.

Leonard Springs, II—Senior Vice-President of Corporate Relations at First Union Corporation—is a graduate of Voorhees College, Denmark, South Carolina and the University of South Carolina. He has dedicated more than 25 years of his life to developing and managing community reinvestment programs in the banking industry and non-profits sector. Dollars and Sense Magazine affirms that he is "one of America's top corporate officers." In 1988, Mr. Springs became Vice President, Corporate Affairs Relations at First Union National Bank of Georgia and held that position until 1990. During his service in Atlanta and with his energetic leadership, Mr. Springs made a truly significant impact throughout the minority business community. As a board member of the Atlanta Mortgage Consortium, he initiated efforts to make affordable housing accessible to low-income citizens. He also served as Chairman of the Economic Development Committee for the city of Atlanta Main Street-Auburn Avenue Project.

Included among his many achievements, are designing and implementing programs, procedures and practices to ensure compliance with regulations of the Community Reinvestment Act (CRA); creating a CRA training module in conjunction with the American Banking Association; developing a number of commercial lending programs for small businesses; developing a CRA procedure manual; and authoring a column for "Money Matters" magazine. Mr. Springs is recognized as a leading authority on banking information throughout the Carolinas.

Mr. Springs embarked upon his professional career in 1974 as a Field Representative of the Labor Education Advancement Program of the Columbia Urban League in South Carolina. Two years later he became Executive Director of the Greenville Urban League where he remained with the Greenville Urban League for seven years. He later became Assistant Vice President of Community Relations for Southern Bank & Trust in Greenville. Mr. Springs would further advance his career by accepting a similar position with First Union National Bank of South Carolina in 1985.

Serving as a member of the NAACP National Board of Directors, he lead the search to obtain the association's current national president, Kwisei Mfume. Mr. Springs professional affiliations and board appointments, past and present, are reflective of his outstanding service to various communities and include: Channel WTVI Board of Directors which oversees the Charlotte Mecklenburg Public Broadcasting Authority; Charlotte Auditorium-Coliseum Convention Authority Board of Directors; Presidential Administrative Appointee to the US Department of the Treasury Bank Secrecy Advisory Group; Vice Chairman of the South Carolina Human Affairs Commission during my tenure as Commissioner; Chairman, NAACP Special Contribution Fund Board of Trustees, Past President, Founder and Board Member of the Charlotte Chapter of 100 Black Men, Inc.; Board Member of Central Carolina Urban League; National Alliance of Business Southeast Regional Board; Business Policy Review Council; Board of Directors, Carolinas Minority Supplier Development Council Inc.; Past President, Voorhees College National Alumni Association; member, National Urban Bankers Association; Southern Region Board of Directors, Boy Scouts of America; Barber-Scotia College Board of Visitors; Johnson C. Smith University Board of Visitors; Elizabeth City State University Board of Trustees; Florida Memorial College Board of Directors; South Carolina State University Foundations Board of Directors; and Spirit Square, Charlotte, NC, Board of Directors.

Mr. Speaker, I ask you to join me today in honoring Leonard F. Springs II, a personal friend and former employer, for his contributions to the business community, involvements in community revitalization, and overall public service. I sincerely thank Mr. Springs for the dedicated service he has provided to the citizens of South Carolina and the noteworthy contributions he has made to minority business development throughout the nation. I congratulate him on his recognition by the South Carolina Conference of Branches of the NAACP and wish him good luck and Godspeed in all of his future endeavors.

TRIBUTE TO THE LATE TONY MARTINEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. BACA. Mr. Speaker, it is with regret and deep sadness that I rise to honor Tony Martinez, former constituent from Colton, California who passed away on October 4, 2001. I cannot begin to express how saddened I am by the passing of my friend Tony Martinez. All men die, but not all men really live; we can honestly say that Tony lived. He was a model citizen, community leader, father, grandfather, great-grandfather, and an extraordinary man.

Tony Martinez was born in Colton but lived in Redlands for most of his life. Tony was a remarkable example of humanity. He left high school at sixteen to start his own trucking company, and until the day he was drafted to fight in World War II, he hauled fertilizer, fruits, and vegetables from Mexicali to Los Angeles. When Tony returned from the war he moved to East Los Angeles, where he had his first taste of politics.

The California Community Service Organization was in its infancy and Ed Roybal, later to become Congressman and the father of Californian Latino politics, needed good men and women to help fight for Latino civil rights. Tony Martinez jumped headfirst and worked alongside the likes of Ed Roybal and Cesar Chavez to improve the lot in life of the average Latino. In the words of Congressman Ed Roybal, "Tony is a man of great integrity . . . active in community affairs." Tony and Ed knew each other for over forty years and held each other in the highest esteem.

Tony Martinez moved to Redlands in 1952 and since then became a fixture of the community. He worked hard every day to provide to his family and to improve his community. In 1973 he helped save the local Head Start program and soon after dedicated himself to the building of a community senior center. Tony was unyielding and unwavering in his dedication to this dream and his community. Tomorrow, the Redlands Community Center/Senior Nutrition Center will celebrate Tony's life to thank him for his selfless dedication. Although he was defeated three times for Redlands City Council, he never lost his faith in the community or the democratic process. In fact, he was one of the leading voices in a successful ballot measure to create city council wards, after the city council voted to eliminate them.

Thanksgiving is a time of the year for family unity and to thank the blessings God has given us. Predictably, Tony had his own way to thank God for all his blessings; his daughter Anita remembers, "I was seven years old and saw my dad dressed as Santa Claus taking pictures with the local kids and then he would make us all race over to the community center to hand out turkeys to poor families." If Tony was not busy showing the kids at the Boys and Girls Club to box, he was busy with his home-operated charity to fight poverty and hunger—Su Casa de Amistad. Not a single day was ever wasted. Tony used to say, "anyone staying in front of the TV drinking beer is not going to last on this world." Tony Martinez is proof that we can live life to the fullest until our last day. At the age of 82, until the day he died, he worked tirelessly for his community. We will all miss you.

Tony Martinez is survived by his wife Rosa Martinez, five children (Tony, Michael, Rebecca, Maria, and Anita), eight grandchildren, and three great-grandchildren. Tony is irreplaceable and we will not live one day without remembering this kind and gentle man.

IN RECOGNITION OF THE COUNTY OF OCONTO

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. GREEN of Wisconsin. Mr. Speaker, today I recognize and honor Wisconsin's Oconto county one of the most naturally beautiful areas of our country. On November 4, the county will celebrate its 150th anniversary.

Oconto has a rich history of Menominee Indian, French and English settlers. The industry of Oconto through its early history changed from fur trading to lumber. In 1848, Wisconsin gained statehood, putting Oconto one step closer to formation. In 1850, census data showed that the region of Oconto held 415 residents. On November 4, 1851 the first election was held to found Oconto County, establishing the county seat in the small mill settlement of Oconto.

In the twentieth century, lumber companies were the largest businesses in the region producing more than 60 million board feet of lumber per year. This lumbering tradition exemplifies the hard working drive and dedication of the people of Oconto.

Through the years Oconto's business and commerce has increased due to the ingenuity and productivity of its citizens. From Oconto to Townsend, Lena to Lakewood, Gillett to Mountain and everywhere in between, we see those characteristics manifesting themselves in the people and progress in Oconto County. Today, educators, doctors, business owners, loggers, and state employees all make up a strong and vibrant Wisconsin community called Oconto.

On this sesquicentennial of the inception of Oconto County, I offer my congratulations to the county and its residents. Oconto is a true representation of our Wisconsin spirit and values in industry, business, and its people.

TRIBUTE TO ANNA MARIA ARIAS

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today with a heavy heart to honor the memory of an exceptional woman, Anna Maria Arias. On Monday, October 1, 2001, Anna Maria lost a seven-year battle against aplastic anemia and passed away from complications related to a bone marrow transplant procedure at MD Anderson Medical Center in Houston, TX.

Anna Maria Arias was born on July 12, 1960 in San Bernardino, California. She attended San Diego State University but her passion for media and journalism eventually led her to Hawaii Pacific University where she received a Bachelor of Arts degree in communications. When she was offered a Congressional Hispanic Caucus Institute Fellowship to Washington, D.C. Anna Maria saw her opportunity. She accepted the CHCI fellowship and was assigned to the Washington, D.C. bureau of CNN where she became part of the production team at CNN's Crossfire program.

As the founder and president of Arias Communications, Anna Maria enjoyed a varied and accomplished communications career. She worked as a radio news anchor, news-writer, and as a media and campaign organizer for presidential and local candidates at the Democratic National Committee. Anna Maria honed her publishing skills and earned the respect of her peers during her five years as managing editor for Hispanic Magazine. Her editorial direction and keen insight into the issues affecting the Hispanic community were instrumental in making the publication one of the most respected media vehicles in the Hispanic market.

In October of 1994, she launched a brand new, long awaited Hispanic publication and fittingly named it Latina Style Magazine. To this day, the magazine remains the only national publication that is one hundred percent Latina-owned. With a circulation of 150,000 and a readership of more than 600,000, Latina Style Magazine is the first national magazine that covers issues pertinent to the contemporary, professional, Hispanic working-woman from a Latina point of view.

Anna Maria wanted to make Latina Style Magazine not just a medium to express Latina society and culture, but also a source of valuable information to the Latina professional, business owner, and college student to help them succeed in their endeavors. Anna Maria's passion and commitment bore fruit when Latina Style Magazine was selected by the National Association of Hispanic Publications as the Outstanding English or Bilingual Magazine for 1999. During the same year, Anna Maria was honored by the Greater Washington Hispanic Chamber of Commerce with the 1999 Entrepreneur of the Year Award and by the Changing Images in America Foundation with the Entrepreneurship Award.

Everyone who knew Anna Maria will tell you that from her youth, she was one of the most dedicated individuals they had ever met. Once she set her sights on something, there was no stopping her. When family and ftiends asked why she was choosing to undergo the complicated bone marrow surgery, Anna Maria simply said, "I have to do this, we have important work to do and this thing keeps getting in the way." That was Anna Maria, totally devoted to her work and committed to serving others.

Last Sunday, I attended Anna Maria Arias' memorial mass at the Church of Guadalupe and her burial ceremony at Mt. View Cemetery, in San Bernardino, CA. Her husband Robert Bard and her mother Rita Valenzuela spoke of the tremendous courage and determination of one so young.

Mr. Speaker, I ask all my colleagues to please join me in honoring the life and achievements of a great Latina role model and leader, Anna Maria Arias. She has, by example, inspired generations of young Latinas to reach for their dreams. Her enthusiasm, her zest of life, her caring nature, and love for her family, friends and co-workers will never be forgotten. Anna Maria, amiga querida, dios te llamo y nos dejoste un gran vacio. Adios.

RECOGNITION OF PUBLIC SAFETY AND MILITARY PERSONNEL EFFORTS ON SEPTEMBER 11

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to recognize the efforts of America's public safety and military personnel whose heroic actions at the Pentagon, the World Trade Center and the Pennsylvania site saved countless lives. As the Chairman of the House Armed Services Procurement Subcommittee and the founder of the Congressional Fire Services Caucus, I know well the overwhelming situations our civilian and military responders faced. That they persevered in the face of this tragedy is a testament to the dedication of these public servants.

All of these personnel, whether local, state or federal, civilian or military, paid or volunteer, deserve the applause of this body. To highlight their combined efforts I wish to recognize three individuals. Their efforts represent the heroic actions of the thousands who responded to the calls for help on September 11 and throughout the days following the attack.

Volunteer firefighter/paramedic Eric Jones, Army Staff Sgt. Christopher Braman, and Marine Corps Major Dan Pantaleo were featured rescuing a Marine Corps flag from the burning Pentagon on the front pages of newspapers and magazines around the world. It is this image that will remain in our memories as a symbol of American patriotism, unity and strength.

In the days following the publication of their picture, they received many requests for press interviews. They declined each of these requests, because as true public servants, they neither expect nor desire any recognition for their efforts. What few know is that these individuals, through their countless acts of bravery, not only saved the flag, but also many Americans. At 9:40 A.M. on September 11 all three were called by destiny to perform heroic feats. As fire raged through the Pentagon, Mr. Jones, Staff Sgt. Braman, and Major Pantaleo rushed inside. These three men along with all the public safety and military personnel at the scene were responsible for rescuing hundreds of men and women injured by the explosion, the building collapse and burning jet fuel during the first minutes following the attack. After the injured had been saved, they remained on the site for many days to recover the bodies of those who perished.

I salute all Americans who answered the call for help on September 11. I am especially proud to highlight Eric, Christopher and Dan as examples of our public safety and military personnel whose contributions saved thousands from succumbing to the consequences of these terrorist attacks.

THE INTRODUCTION OF LEGISLATION THAT WILL AMEND THE TRANSPORTATION EQUITY ACT

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. EHRLICH. Mr. Speaker, I rise today to announce the introduction of legislation that will amend the Transportation Equity Act for the 21st Century ("TEA–21") (Pub. L. 105–178) to provide states with flexibility in complying with the minimum penalties for repeat offenders for driving while intoxicated or driving while under the influence (23 U.S.C. § 164). The bill I am sponsoring is based upon recommendations made by the National Association of Governors' Highway and Safety Representatives in their report entitled "Taking the Temperature of TEA–21: An Evaluation and Prescription for Safety."

Under current federal law, the definition of a "repeat intoxicated driver law" includes a 1-year "hard" suspension of the repeat offender's driver's license; impoundment or installation of an ignition interlock system of the individual's motor vehicles; an assessment of the individuals alcohol abuse and treatment; and community service and imprisonment (23 U.S.C. § 164(a)(5)). If a state does not enact a repeat intoxicated driver law compliant with § 164(a)(5), the Department of Transportation transfers 1.5 percent of funds under § 104(b) to § 402.

In my view, there are two reasons why Congress should improve the current law. First, a 1-year "hard" suspension, in many cases, does not sufficiently deter repeat drunk drivers from driving under the influence. While a 1-year suspension looks good on paper, statistics, sting operations, and just plain commonsense reflect the notion that suspended drivers continue to drive illegally on our roads. For example, the National Highway Traffic Safety Administration estimates that 70 percent of individuals with revoked licenses continue to drive. Second, transferring funds from one transportation account to another may motivate some states to adopt new laws; however, the overall experience since TEA–21 enactment is that many states simply find ways to shift funds within their own accounts.

Accordingly, I am introducing legislation that will require states to continue to enact a 1-year "hard" suspension; however, the suspension may be modified if states mandate the use of an ignition interlock system. My own state of Maryland has proven this policy to be an effective tool in the fight against drunk driving. Further, this legislation reflects my philosophy of providing states with flexibility over laws of public safety.

I encourage all members to join with me in supporting this legislation.

"IN HONOR OF MICHELE KRAGAN BALABAN"

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. HONDA. Mr. Speaker, I rise today to honor Michele Kragan Balaban for her long and distinguished record of service to the Silicon Valley Jewish community. This Saturday, I will be joining many friends and community members to celebrate the thirtieth anniversary of Hillel of Silicon Valley at "Hillel Goes to Hollywood," a gala which will benefit this campus organization that fosters Jewish identity and connections at eight colleges and universities in the South Bay Area. Michele, known to many as "Mishy," was selected as this year's distinguished guest of honor for her many contributions to Hillel of Silicon Valley and the entire South Bay Area Jewish community.

Mishy Balaban has contributed to the growth of numerous Silicon Valley Jewish organizations. She served for many years as a member of the Allocations Committee, and then as campaign chair and president of the Women's Division, of the Jewish Federation of Greater San Jose. She was also a member of the Yavneh Board of Trustees, and helped to establish Yavneh's Technology Fund. Last year, in her capacity as president of the Yavneh Parent Association, she made great strides in revitalizing that organization.

Under Mishy's guidance as president of the Advisory Board of Hillel of Silicon Valley, the chapter expanded to include students at the College of San Mateo, De Anza College Evergreen College, Foothill College, San Jose City College, Santa Clara University, and West Valley College, in addition the pre-existing members at San Jose State University. This expansion also included a move to a new home, significantly increased professional and volunteer staffing levels, and affiliation with International Hillel, the Foundation for Jewish Campus Life.

The evolution of Hillel of Silicon Valley into a full-fledged institution of the Jewish community can be greatly attributed to the continuing dedication of Mishy Balaban. She has put her community before her own needs, and set the standard for volunteer leadership. Mishy is the recipient of the "Exemplar of Excellence Award" from International Hillel for her work with Hillel of Silicon Valley, which, I think everyone in the Silicon Valley Jewish community would agree, thrives today thanks in large part to the dedication, love, and energy of this impressive woman.

INTRODUCING LEGISLATION TO AMEND THE SOCIAL SECURITY ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation to amend the Social Security Act to increase the maximum amount of the death benefit lump-sum from $255 to $1,000. The current benefit is not only grossly inadequate but unfairly distributed. It is an unjust system that deprives individuals and their families of up to a month's worth of compensation. Even when the benefit is received, it is too little to be of much significance. It appears that our Social Security system fails to adequately provide for the care of our elderly citizens, even when they die.

Under current law, social security benefits are not paid for the month in which a recipient dies. For example, if an individual were to die on July 31, his heirs will receive no compensation for all of the expenses incurred during the month of July. If that person had died on August 1 instead, he or she would have received full coverage for the previous month. In some cases, when the Social Security Administration is not told of the death in time to stop the payment, family members of the deceased must return the check for the month. It is nothing short of disgraceful to add the psychological stress of dealing with complex financial legalities to family members who are already grieving for a loved one.

I support legislation that would entitle an individual to benefits proportionate to the number of days during the month that he or she lived. One of my distinguished colleagues has already introduced a bill to this end, H.R. 210, the Social Security Descendent's Family Relief Act of 2001. It makes much more sense that if a person lives until July 15, he should receive compensation for those 15 days.

In addition to this unreasonable benefit system, the $255 lump-sum available to families of the deceased is woefully inadequate. The $255 sum, which was provisioned in 1981 and was a modest sum at that time, is not even remotely close to meeting the expenses families face in the 21st century. What cost $255 in 1981 costs over $513 today. Surely it is not unreasonable for families to expect an inflation-adjustment for that benefit. Furthermore, the average retired worker receives $845 in social security monthly benefits. Clearly a $255 lump sum does not compensate for this amount. And, according to the National Funeral Directors Association, the national average cost of a funeral is $5700. Families need more, not less, money at this time.

My bill would increase the amount of the lump sum benefit from $255 to $1000. That equates to a net gain of $745, compared to a potential loss of up to $845 under the current system should an individual die towards the end of the month and thus fall victim to prorating.

Mr. Speaker, surely one of our most important priorities should be to give American families the money they need and rightfully deserve. It is our duty to correct the discrepancies in a flawed process so that all Americans enjoy the benefits of a system designed to help them. I sincerely hope that my colleagues will work with me to ensure the passage of this important legislation.

TO HONOR THE PHOENIX FIRE DEPARTMENT'S URBAN SEARCH AND RESCUE TEAM/ARIZONA TASK FORCE–1

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to honor a group of true American heroes who are a source of great pride for Phoenix, Arizona and our country. The group of people I am speaking about are the Phoenix Fire Department's Urban Search and Rescue Team/Arizona Task Force-1. Sixty-three members of this 200-member team, also known as Phoenix Fire AZTF–1 traveled from Phoenix to New York City on Sept. 19 to offer their assistance to their fellow firefighters in New York and other rescuers helping in the aftermath of the Sept. 11 destruction of the World Trade Centers.

The Phoenix team, which consists of rescue and technical specialists, doctors, paramedics, canine search specialists, logistics specialists, structural engineers, hazardous materials specialists, a chaplain and task force managers, was among the group of rescuers summoned to New York City by the Federal Emergency Management Agency to assist public safety officials. Although they knew a grim task was before them, they considered it to be an honor to be selected to help out in this time of national tragedy. Eagerly, they awaited to be called to duty in New York City and once they were called, they transported a cache that included 60,000 pounds of specialized equipment, making them fully self-sufficient upon arrival at the scene of the World Trade Center.

Upon arrival, the Phoenix team tirelessly and passionately used their expertise to help other firefighters and public safety officials dig through the rubble for survivors and bodies of the victims. They remained focused on the task, knowing that some of the victims would be other firefighters, police officers or public safety officials. Surrounded by human tragedy, they steadfastly worked for a week assisting where they could.

Personally, I was very moved when I visited the World Trade Center disaster site on Sept. 22 and ran into this team from my hometown. I was filled with pride to see them at work in New York, knowing that they were helping America, again, in its time of need. As you may know, AZTF–1 also was called to duty to Oklahoma City after the bombing in 1995.

Most of us don't have dangerous jobs and will probably never face the devastation seen at the World Trade Center. But everyday, firefighters risk the greatest gift of all—their lives— to save lives. They do it unhesitatingly and with a sense of duty. The incidents of Sept. 11 were very tragic, but the united effort by all firefighters and emergency service workers who came together on that horrible day will always be an example to all Americans that this country is at its strongest when we work together. I thank them for that lesson and with great pride, I ask you and my colleagues to join me in paying tribute to Firefighters from Phoenix Fire Department's Urban Search and Rescue Team/Arizona Task Force-1.

STATE OF EMERGENCY AT BORDER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. ORTIZ. Mr. Speaker, thanks to the gentleman from Califorfiia, BOB FILNER, for organizing this special order series.

Living on the border is never easy.

NAFTA—commerce in the 1990s—brought lower unemployment, a larger tax base for border communities.

Like the nation, South Texas affected by national economy . . . so the economy been hurt by the dip in the national economy.

Increased inspections as a result of heightened security have resulted in longer wait times (sometimes more than four hours), that discourage thousands of Mexican citizens who legally cross into the U.S. to shop and conduct business along the border.

As former law enforcement officer, a border member—understand the need for security.

Say this only to illustrate small part of the picture that affects the border economy.

Weekend after the attack on the United States, barge hits the only bridge connecting South Padre Island to the mainland of South Texas.

Accident added even more to the burden of a faltering economy.

On Wednesday, immigration inspectors began checking the ID of each pedestrian against databases of 19 federal agencies, adding much more strain to an already difficult situation.

Finally, with Congress not extending laser visa deadline flow of traffic and commerce across our borders considerably slower.

Join my colleagues in asking President Bush to declare a state of emergency along the border in response to these assorted body-blows to the border economy.

The hostilities of September 11—and the resulting increased security throughout our nation—affected all of us . . . but they affect those who live on the border most profoundly.

Need to protect borders—ensure that terrorists who would do us harm not enter U.S. via our neighbors.

Stories of economic hardship in the past month are heart-wrenching.

Need for relief along the border in the economic stimulus package is evident.

In the Brownsville-Matamoros area: Traffic at bridges has decreased 40% (causing area bridges to lose almost $5,000 daily) and businesses along the border are seeing sharp declines in sales; border crossers face increased border wait times for vehicle and pedestrian traffic; the causeway accident has had a major impact; under-staffing of Border Patrol and Customs agents continues to cause concern; lack of attention and sensitivity to border community are also concerns; and the laser visa deadline has only exacerbated the situation and will have drastic effects as the holiday season nears.

The Brownsville-South Padre Island airport is feeling the direct impact of the terrorist attack on airport revenue: As is the case elsewhere in the country, passenger traffic there is down about 35%; the airport projects their annual cost for new security measures alone $632,000—an unbudgeted, unfunded cost which equals 35% of the annual airport budget, and the overall cost, of all these factors, to the airport will be $845,000.

Border economies require immediate help.

Low-cost loans and grants, and other forms of help, are urgently needed.

Everything is affected—tourism, airports, maquiladora production and Brownsville merchants.

Here is an example of how intertwined the U.S.-Mexican economies are: Mexicans who come to the U.S. to shop derive much of that money from Winter Texans, who cross the border about six times while they are in the Valley.

This combination of factors means Winter Texans will cross less, therefore spend less—with a result of less income for Mexicans to spend in the U.S.

I urge the Ways and Means Committee, as well as the House leadership, to consider economic relief for the border communities in the upcoming stimulus package.

IN HONOR OF THE 75TH ANNIVERSARY OF THE VETERAN'S OF FOREIGN WARS OF THE U.S.—NATHAN HALE POST NO. 1469

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the Veterans of Foreign Wars of the U.S., Nathan Hale Post No. 1469. On October 16, 2001, the post will celebrate its 75th Anniversary in Huntington New York.

Chartered by Congress on October 14, 1926, the Post began with a membership of 40 veterans. Included among the original members were veterans of World War I, as well as a veteran of the Spanish—American War who survived the 1898 torpedo attack on the USS Maine. Today, with nearly 800 members, Post No. 1469 is the largest Veterans of Foreign Wars Post on Long Island and throughout downstate New York. Present members are veterans who proudly served in World War II, Korea, Vietnam, Lebanon, the Gulf War as well as conflicts and actions around the globe.

The leadership of the Post has been very active in the local level offices as well as the County, District and State offices. The current Commander serves both as Post Commander and Jr. Vice Commander of Suffolk County which has a total of 48 Posts.

Post No. 1469 has also made outstanding contributions, both financially and with their time and efforts, to the local community. These include sponsoring the local Boy Scouts Troop members, holding chairs on the Town of Huntington Veterans Advisory Board, providing scholarships to students in the community and hosting ward parties for veterans confined to the local VA hospital.

I am proud to represent such an exceptional Post and wish them many more years of success as they celebrate their 75th Anniversary. I ask my colleagues in the House of Representatives to please join me in recognizing this milestone and congratulating these brave veterans.

FARM SECURITY ACT OF 2001

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

Mrs. CLAYTON. Mr. Speaker, the reauthorization of this country's agricultural policy is an occasion that we should treat with great seriousness and thoughtfulness. If we do not, we turn our backs not only on our agricultural producers, but on all of rural America.

Recent years have been devastating for our nation's farmers. Record low commodity prices, increased production overseas, and pressures from internal markets and agricultural consolidation have combined to depress farm income significantly. In recent years Congress has provided supplemental income assistance to American farmers. While this has prevented mass bankruptcy among our farmers, it has done little to provide them with income stability or to give them an assurance that in future years the market will better serve them.

The Farm Security Act, H.R. 2646, provides American farmers with a secure safety net. With this safety net firmly in place, some of our farmers can plant secure in the knowledge that, while the markets may fail them, America will not. The Farm Security Act sends the important message to our farmers that, because you have supported us for so long, so too will we support you. I support the Farm Security Act because it provides the measures necessary to ensure that agriculture can play the same important role in the 21st century that it did in the 20th.

However, the reauthorization of our farm policy must not be about only agricultural production, but about the long-term viability of our rural communities. The Agriculture Committee has been vested with responsibility for all of rural America. It is therefore appropriate that the Farm Bill should include significant components that speak to the specific non-farm struggles of rural America. While it is true that the farm economy must be strong for rural America to prosper, the farm economy alone is not enough to prevent the "great hollowing" out of rural America currently taking place.

The Farm Security Act, by including $2 billion dollars for rural development, recognizes the entire mosaic of our rural communities and takes steps to provide for their long-term health. I am especially pleased that the Farm Security Act provides significant rural development funds for water infrastructure and for rural strategic planning grants. Without a sound public and municipal infrastructure, our rural communities can have no economic base. Without funds for long-term planning and implementation, even the soundest of public infrastructures goes to waste. These two matters fit together for the benefit of our rural communities. I support the Farm Security Act, in part, because of the investment that it provides in these areas.

Finally, I am supportive of this Farm Bill because it recognizes the important connections between American agricultural producers and struggling working Americans who work so hard to put food on the table. This bill makes important investments in the Food Stamp Program that will make the program more user friendly both for those who utilize the Food Stamp Program and for those who administer it. I am especially proud of the measures that this bill takes to support working families who struggle in the low-wage sector of the economy. No longer is it enough just to have a job. In too many cases, a job isn't a ticket out of poverty but simply the maintenance of it. We must do more to support those working families who abide by the rules by ensuring that their children will not go to bed hungry.

This is not to say that I do not have reservations with the bill, some of them serious. In fact there are a number of areas where I believe that we can and should improve upon the bill reported out by the House of Representatives on Friday, October 5.

First, we must do more to pay attention to the needs of small, middle-income, and disadvantaged farmers. It is no secret that US farm policy has long favored large producers who are both politically and economically connected to the agricultural community. However, this trend has grown even more pronounced in the years since passage of the "Freedom to Farm" bill in 1996. A recent report from the General Accounting Office found that the vast majority of US farm payments go to large producers of a small segment of commodities that are grown primarily in the nation's heartland. This must change. A farm bill should benefit all producers, large and small, in California, in Nebraska, and in North Carolina.

We have done an especially poor job of providing assistance to low and medium-income farmers, producers of specialty crops, and disadvantaged and minority farmers. As the Farm Bill moves forward, we must do more to treat all farmers equitably. Such an effort should involve increased outreach to small and minority farmers and equitable distribution of farm payments, geographically, by farm size, and by commodity type. If we do not accomplish this, we are negligent in our responsibility to producers of all sizes and types.

Finally, I would like to express my disappointment that this bill does not do more for the minority-serving colleges and research institutions. The minority-serving institutions have long played a positive role in advancing the interests of not only the minority agricultural community, but of American agriculture as a whole. The minority-serving institutions, even more than other institutions, are strategically placed to ensure that the American agricultural community enters the 21st century a diverse and vibrant one.

However, the minority-serving institutions have long suffered from lack of resources and historic inequities in research and development funding. As a result, these institutions have fared poorly in competitively awarded research grants. For example, a cursory examination of the grants awarded under the National Research Initiative reveals that, fiscal year 1999, the 1890s obtained just one half of one percent of total funding. Clearly, this situation warrants closer examination and amelioration.

This Farm Bill does nothing to change that situation and I will continue to work to see that it does. The current bifurcation between the mainstream land-grant institutions and the minority-serving institutions is unacceptable and it must change.

The burden now lies squarely with the Senate to draft their version of the Farm Bill. I look forward to their efforts and to working with them to achieve a final product which is not only fair to American farmers, but to all of the other myriad interests that this Congress must represent with the Farm Bill.

MEMORIAL FOR THE HEROES OF SEPTEMBER 11TH

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. OWENS. Mr. Speaker, the horror, pain and anger of the catastrophe of the World Trade Center Towers on September 11th defy description in words. Nevertheless, in memory of the thousands who died, poets, musicians and artists of all kinds must make the effort to express our sorrow, appreciation and hope. The following RAP poem is one of the numerous attempts to call forth hope out of this unprecedented devastation.

TOWERS OF FLOWERS

Pyramid for our age
Funeral pyre
Souls on fire;
Monumental Massacre
Mound of mourning
Futures burning
Desperate yearning
Excruciating churning;
For all the hijacked years
Cry rivers,
Feel the death chill
Iceberg of frozen
Bloody tears;
Defiant orations of Pericles
Must now rise
Out of the ashes
Jefferson's profound principles
Will outlive the crashes.
Funeral pyre
Souls on fire
Lincoln's steel will
In the fiery furnace;
Mound of mourning
Futures burning
Desperate yearning;
Thousands of honored dead
Perished in pain
But not in vain,
Martin Luther Kings courage
Will scrub the stain;
A new nation
Will overcome its rage
And for peace
March forever fully engaged.
Souls on fire
Funeral pyre
Pyramid for our age;
O say can you see
The monument of towers
Ashes hot with anger
Mountain of sacred flowers
Under God
Blooming with new powers.

A PROCLAMATION RECOGNIZING DONALD R. MYERS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. NEY. Mr. Speaker, Whereas, Mr. Myers was born and raised in Martins Ferry, Ohio; and,

Whereas, Mr. Myers is one of six Manpower Specialists in the United States; and

Whereas, his expertise has contributed to the creation of the Ohio Valley Plaza, Fox Commerce Industrial Park, Belmont Correctional Institution, Ohio Carings Company, Mayflower Vehicle Systems, Lesco, and Fox Run Hospital; and

Whereas, Mr. Myers served 16 years as the Director of Development for Martins Ferry, Ohio, before being named Assistant Director of Belmont County in 1987, and then in 1990 serving as Belmont's Development Director; and

Whereas, Mr. Myers currently serves as the President of Eastern Ohio Development Alliance and Ohio Mid-Eastern Government's Association;

Therefore, I invite my colleagues to join with me and the citizens of Ohio in thanking and recognizing Donald R. Myers for his countless years of service to the state of Ohio.

IN HONOR OF THE MIDWEST ASSOCIATION FOR LATIN AMERICAN STUDIES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize the Midwest Association for Latin American Studies, MALAS, on their 51st Annual Conference at Cleveland State University.

The Midwest Association for Latin American Studies was originally organized as an interdisciplinary program designed to encourage students and practitioners of Latin American Studies to come together for formal events and informal networking. To accomplish this objective, MALAS organizes national and international annual conferences that address the many themes reflected in the diverse interests of the membership. This association provides for tremendous opportunities for those studying Latin America and a great way for these people to come together and truly discuss issues.

The Midwestern Association for Latin American Studies not only hosts an annual conference, but rather works year-round publishing newsletters, maintaining list serves, providing scholarships and awards, and so much more. Throughout the years, the association has continued to grow and foster even more activities for its members, and offers both academic and professional opportunities.

The Midwestern Association for Latin American Studies is an organization that truly embodies great principles and strongholds of education, and fosters an environment of learning and networking.

Mr. Speaker, please join me in honoring the 51st Annual Conference of the Midwest Association for Latin American Studies. The conference is bound to be a great success.

POPULATION AWARENESS WEEK

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. ALLEN. Mr. Speaker, Rapid population growth and urbanization have become catalysts for many serious environmental problems that are applying substantial pressures on our country's infrastructure. This is especially apparent in sanitation, health, and public safety problems, making urbanization an issue we cannot afford to ignore. Cities and urban areas today occupy only 2 percent of the earth's land, but contain half of the world's population and consume 75 percent of its resources.

It is therefore important for us to recognize the problems associated with rapid population growth and urbanization. Governor Angus King has proclaimed the week of October 21–27 of this year as Population Awareness Week in the great state of Maine, and I would like to support the Governor in this effort by entering his proclamation into the CONGRESSIONAL RECORD.

Whereas, the world population stands today at more than 6.1 billion and increases by one billion people every 13 years; and

Whereas, the most significant feature of the 20th century phenomenon of unprecedented world population growth was rapid urbanization; and

Whereas, cities and urban areas today occupy only 2% of the earth's land, but contain 50% of its population and consume 74% of its resources; and

Whereas, the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

Whereas, along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health and crime problems; and

Whereas, in the interest of national and environmental security, rations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of their citizens.

Now, therefore, I, Angus S. King, Jr., Governor of the State of Maine, do hereby proclaim October 21–28, 2001 as Population Awareness Week throughout the State of Maine, and urge all citizens to take cognizance of this event.

Senate—*Monday, October 15, 2001*

The Senate met at 3:30 p.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, as the war against terrorism continues, and now takes on even more immediate dangers here in the United States Senate, we cry out to You for Your protection and Your power. Protect the Senators and all of us who work with and for them from the insidious threats of bio-terrorism. Calm our nerves; replace panic with Your peace. Especially we pray for our Majority Leader TOM DASCHLE and his staff in this time of examination of the possible threat to their health from today's incident. Help us all to be alert to further dangers, but give us courage to press on in our work with a renewed commitment to serve our Nation here in the Senate with even greater patriotism than ever before. You have promised to be with us in our times of greatest need. We need You now, dear God. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

APPOINTMENTS

The PRESIDENT pro tempore. The Chair, on behalf of the Republican leader, pursuant to Public Law 100-696, announces the appointment of the Senator from Utah, Mr. BENNETT, as a member of the United States Capitol Preservation Commission; vice the Senator from Illinois, Mr. DURBIN.

The Chair, pursuant to Public Law 100-696, appoints the following Senators as members of the United States Capitol Preservation Commission:

The Senator from Illinois, Mr. DURBIN; vice the Senator from Utah, Mr. BENNETT.

The Senator from Nevada, Mr. REID; vice the Senator from Ohio, Mr. DEWINE.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, first of all, the Senate will be in a period of morning business until 4:30 this afternoon. At 4:30, the Senate will resume consideration of the motion to proceed to H.R. 2506, the Foreign Operations Appropriations Act, with the time until 5:30 evenly divided between the chairman, Senator LEAHY, and the ranking member, Senator MCCONNELL. We will have a cloture vote at 5:30.

THE RECENT FOCUS ON ISLAM

Mr. REID. Mr. President, during this time of trouble, since September 11, there has been a lot of attention focused on Islam. I can say that I have had some exposure to this religion. It is a religion that builds great character. It is a religion that has a very fine health code. It is basically a very good religion. My wife, who has had some illness in her time, has two physicians who are Muslims. They are wonderful men. They are close friends. One is an internist and one is a surgeon. Her family physician—the person who takes care of her more often than not—is Dr. Anwar. Her surgeon is Dr. Khan. I have been in their homes on several occasions, going back almost 20 years—well, more than that, 25 years. We are social friends. I have had the pleasure of going to their beautiful new mosque in Las Vegas, where these two men and their families worship.

We in America, this past 4 weeks, have come to better understand this religion. But we have a lot more that we need to understand. I received a letter—and I am sure other Senators received the same letter—which I would like to read into the RECORD. It is a letter addressed to me, dated September 14, 2001. It says:

> Honorable Senator: We are writing this letter in light of the horrific tragedy that struck America on September 11, 2001. We would like to extend our heartfelt sympathies and condolences to families of all civilians and rescue workers who lost their loved ones in the tragedy. May Allah bless them and give them courage during this time of grief and extreme sadness. We also pray for the steady and early recovery of individuals who suffered injuries as a result of the incident.
>
> We would like you to know that although perpetrators of such heinous crimes more often than not justify these acts in the name of religion, we do not support their ideas. Islam for instance, condemns senseless acts of violence against fellow human beings. As the Qur'an so aptly states in Chapter 5, vs. 32, "For that cause we decreed for the children of Israel that whosoever killeth a human being for other than manslaughter or corruption in the earth, it shall be as if he had killed all mankind, and whoso saveth the life of one, it shall be as if he had saved the life of all mankind." All in all, Islam values human life and applauds its preservation rather than its destruction. It is a religion that preaches peace, love, justice and tolerance for people from all walks of life.
>
> Moreover, we would like to clarify a misconception that many people harbor in their minds about Islam. Islam is not a religion that was founded by Prophet Muhammad rather, it is a continuation of the earlier Revelations that were made to Prophets Abraham (Ibrahim), David (Dawood), Moses (Musa) and Jesus (Issa) in the Torah and the Bible, Prophet Mohammed was the last Prophet though whom the Final Revelation was made—that Final Revelation is the Qur'an. On that note, please accept the enclosed copy of the Holy Qur'an as a token of our support.

I do have that and I have read part of that since having received it.

The letter goes on:

> Finally, we would like to applaud the tireless rescue efforts that have been underway for the past few days and also pray for all those who are involved in this mission and wish them every success.

Signed by Aunali Khalfan, who is with the Tahrike Tarsile Qur'an, Inc., based in Elmhurst, NY.

I believed it was appropriate to spread across the RECORD of this Senate this very thoughtful letter that I received hoping it will lead to a better understanding of this very fine religion which 6 million Americans follow, the teachings of Islam.

I ask unanimous consent—I see my friend from Alaska here—that I be allowed 10 more minutes to complete a statement on another subject.

The PRESIDENT pro tempore. Is there objection?

Hearing no objection, the Senator from Nevada is recognized for 10 additional minutes.

SENATE BUSINESS

Mr. REID. Mr. President, last week the Senate continued demonstrating its resolve to move forward in a bipartisan manner, following on the footsteps of the resolution allowing force,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the $40 billion for New York-related matters, moneys that were made available, and the airline bailout, costing billions of additional dollars, plus legislation which allowed relief for those people who were injured physically and killed in that incident. Last week we moved even further; we passed a very strong aviation security bill and extremely tough antiterrorism legislation. I believe this sends a strong message to those who are watching our Nation's response to the attacks of September 11.

Everywhere I go—and I am sure it is the same with the President pro tempore and my friend from Alaska who is in the Chamber—people are amazed and appreciative of the bipartisanship that has been shown these past 5 weeks. People all over America—Nevada is no exception—hope we can maintain this bipartisanship and pass legislation that is good for this country.

If there is legislation that passes that is good, everyone can take credit for that, but if we do not pass legislation that is necessary for the wellbeing of this country, everyone rightfully has to take blame for that.

We as Democrats are working closely with the President to provide our military with the support it needs to fight this war against terrorism. We are working with our Republican colleagues on the other side of the aisle. We are proceeding with the proper amount of caution and purpose, but we are meeting our obligation to complete our work in an orderly manner. I hope that can continue this week.

The reason I say that is we are voting at 5:30 p.m. today on something I think is totally unnecessary. We are trying to move forward and complete our appropriations bills. We have an extremely important piece of legislation. It is the foreign operations appropriations bill that funds our involvement in the world. It is one of the 13 appropriations bills. We were unable to move to that last week. We had to file a cloture motion on a motion to proceed to the legislation.

That is just wrong, and to the people who are causing us to go through these procedural hoops to get to this legislation, I have to say respectfully, it is not good for this country. Why are they not allowing us to go forward on this most important legislation? Because they say we are not approving enough judges.

Senator LEAHY, who is an outstanding Member of this Senate—there is not a better patriot anyplace in America than PAT LEAHY—working with the ranking member, ORRIN HATCH, has been working very hard. Antiterrorism legislation has taken up every spare minute they have had, but in spite of that, they also have been able to report out some judges.

Maybe it is not enough. I am willing to accept maybe it is not enough, but work with us and let's get some more done.

What we could have said was we were not going to have any more judges until you allowed us to go forward on these appropriations bills. We have not done that. Whenever judges are ready to move through the Senate, we approve them. We approved two last week. More are going to be ready this week. We are going to approve those judges in spite of what I believe is a wrongheaded legislative tactic on behalf of some people in the minority.

We have to complete action on these annual appropriations bills. There is no more reassuring message we can send to the American people than to pass these bills.

Now, more than ever, people are turning to government, especially the Federal Government, for assurances that we are ready to respond to anything. Certainly we should be able to do the basic things this Government has to do every year; that is, pass these appropriations bills. Keeping our Government open and running can only be accomplished with the passage of these appropriations bills. To not act on these bills now is irresponsible. We are trying to be responsible.

The Presiding Officer is the chairman of the Appropriations Committee. It is a distinct honor to be chairman of that Appropriations Committee, no question, but there is no one in the United States who has more knowledge of the legislative process than the President pro tempore. I cannot imagine how he must feel in that we are not able to move forward on these appropriations bills—held up over somebody thinking we are not approving enough judges.

The American people have a lot of problems on their minds right now, but I bet there are very few who are concerned about us not having more judges. I have yet to have anybody from Nevada say: Could you get us some more judges? And Nevada is the most rapidly growing State in the Nation. We have two judges who are in the pipeline. They are going to be approved, Mr. President. I am not worried about it.

My two friends are going to be judges: Mr. Hicks and Judge Mayhan. They are going to be approved. These people are not doing those two men any favors by holding up these appropriations bills.

Secretary Powell, Secretary Rumsfeld, Secretary Thompson, and Attorney General Ashcroft are not worrying about whether there are enough judges. Some believe this is our way to get us some more judges.

Senator DASCHLE, the majority leader, and I have said on many occasions, this is not payback time as to the fact we did not get many judges. We are approving the judges as quickly as we can. I am sure there was more that could have been done in the Judiciary Committee. Maybe Senator LEAHY and Senator HATCH should have set aside some of the antiterrorism work they were doing and moved on some of these judges. As one of my children would say: Give us a break; we are doing our best. This is not good government. I hope we can move forward on at least a motion to proceed today so we can get this legislation out of the way.

I see my friend—as I have said a couple times today—from Alaska. I am sure, if I know him, he is going to be talking about energy policy. There is not a chance we can do any energy legislation until we finish our appropriations bills. Senator DASCHLE has said he will at the earliest possible time move to energy, but we cannot do that until we finish our appropriations work. We have conferences we have to complete. We have bills we have to pass.

We have some complicated bills. We have the Defense appropriations bill, Labor-HHS. When they come to the floor, we cannot finish those in an hour. These are very difficult bills involving billions and billions of dollars. All we are saying to those who are holding this legislation up because of judges: Let us do our work.

We have matched circuit judges who were approved during the first Clinton administration. We can prove anything with statistics. They can prove anything with statistics; we can prove anything with statistics.

All I am saying is, as a matter of common sense, let us move forward on appropriations bills. There is a time and a place for everything. I do not think this is the time to hold up legislation because we are not moving enough judges. We are moving judges. As I said before, we are moving all the judges we can clear. We could have held those back, but we are not doing that. We are moving forward. This is not the time to horse trade on judges. This is the time to keep our Government open and running, not on a week-to-week basis, but get it done for the next year.

The public deserves to see stability and responsiveness from its elected leaders. Passing appropriations bills in an orderly manner sends just that message.

I hope we can move forward with other appropriations bills. We could finish foreign operations maybe tonight or tomorrow. Certainly we should move forward. We have to do an agricultural appropriations bill. We have many people coming from the heartland of this country who are extremely desperate to get a new agricultural bill. We cannot do that until we finish the appropriations bills.

Mr. DORGAN. Mr. President, will the Senator from Nevada yield for a question?

Mr. REID. I will be happy to yield to my friend from North Dakota for a question.

Mr. DORGAN. Mr. President, the Senator from Nevada talks about the importance of moving the appropriations bills. I observe the deadline for the appropriations bills was October 1. The deadline was October 1, and the chairman of the Appropriations Committee and the ranking member have done everything humanly possible to try to move these bills, and yet we discover we cannot even get past the motion to proceed on an appropriations bill, which is just unthinkable to me.

Is it not the case we had to break a filibuster on the motion to proceed not just on appropriations bills but even on the aviation security bill and the bill before that?

This is not a time to be having filibusters on motions to proceed. Will the Senator from Nevada agree with that?

The PRESIDENT pro tempore. The time of the Senator from Nevada has expired.

Mr. REID. I ask unanimous consent to have time to answer my friend's question.

The PRESIDENT pro tempore. How much time?

Mr. REID. Two minutes.

The PRESIDENT pro tempore. Without objection, the Senator is recognized for 2 minutes.

Mr. REID. I also express my appreciation to my friend from Alaska for allowing me to proceed.

I say to my friend from North Dakota, the distinguished Senator, this is not the time to play legislative games. Yes, it is true that to move forward on airport security we had to break a filibuster. Hard to believe, but that is true.

I stated, before the Senator arrived, that I believe the majority has set an example of bipartisanship. Senator DASCHLE has gone out of his way to work with the President of the United States. They have developed a very fine relationship. They talk several times a day on this country's business. I think the very least we could do is move forward on the appropriations bills.

Mr. DORGAN. Mr. President, will the Senator yield for one additional question?

Mr. REID. I will be happy to yield.

Mr. DORGAN. As a member of the Appropriations Committee, let me say there is no more bipartisan committee in the Congress than the Senate Appropriations Committee. These are Republicans and Democrats working together in a very significant way. It is completely bipartisan in its culture, and I am proud to be a part of that.

I am proud to be on the Appropriations Committee. It is just disappointing that the appropriations bills Senator BYRD and Senator STEVENS have helped us fashion can now not be brought to the floor because of people blocking the motion to proceed. That does not serve the Senate's interests, and it does not serve the country's interests. My hope is those who are blocking this will decide that they should step aside and allow us to do the Appropriations Committee's work. It is very important we do that. It is important for us, and it is certainly important for the country.

I appreciate the Senator from Nevada yielding.

The PRESIDENT pro tempore. The majority leader.

FIELD TESTS CONFIRM PRESENCE OF ANTHRAX

Mr. DASCHLE. Mr. President, I will use some of my leader time. I think this is an appropriate time to inform my colleagues about the events of the day, and I want to take just a couple of minutes to do so at this time.

At about 10:15 this morning, a member of my staff opened an envelope. It became clear from the very beginning that the envelope contained a suspicious substance. My office notified the Capitol Police and the Capitol physician, who responded almost instantaneously. The tests were taken immediately. They call them field tests. Two field tests were taken on the scene. Both tests confirmed the substance was anthrax. I say "confirmed" advisedly because a far more sophisticated test is underway. We will not have that information available for approximately 24 hours.

Based upon the preliminary tests, members of my staff most directly involved were tested and given an antibiotic. The office was quarantined, and all mail from our office was returned. I immediately contacted the other leaders to inform them of the incident.

The President happened to be calling at that point, and I informed him as well. I say the antibiotic is so effective it is 100-percent successful in killing the bacteria once that bacteria has been released. So we are supremely confident of our ability to deal with circumstances such as this.

I must compliment the Sergeant at Arms, the Capitol Police, and our Capitol physician for their extraordinary response, organizationally and medically. I am very grateful to all of those who have been involved so far.

The office has been quarantined and will not be open for several days as the office cleanup takes place. We have asked that all offices return all mail, and that is being done this afternoon. We will have meetings in our caucuses tomorrow wherein we will hear from the Sergeant at Arms, the Capitol Police, the Capitol physician, and others who will brief us about the specific ramifications of incidents such as this.

I will say, however—it is very important to me, and I have talked to Senator LOTT and to many of my colleagues—this Senate and this institution will not stop. We will not cease our business. We will continue to work.

I am confident we can put in place practices that will minimize the exposure to any danger our staff may have to endure. I am especially confident about our ability to respond as we have today.

So our work will continue. We will be in session tomorrow. I hope all offices will conduct their business as we would expect them to conduct it, with the exception of my office, until the inspection and the investigation and the cleanup can take place.

I also want to express my heartfelt sympathy to my staff for what they have had to endure. I have been in contact with many of the families of my staff throughout the day, and while this has been an extraordinary experience for each of them, I am proud of the way they have handled themselves. I am proud of the attitude they bring even now to their work and to their mission, and I am especially proud of the fact that under these circumstances they have been so responsive, courageous, and upbeat.

I simply want to encourage all colleagues to continue to conduct their work with the knowledge that we are taking every step and we will take additional steps as we become more aware of what can be done in a preventive way to deal with these circumstances in the future.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Alaska, Mr. MURKOWSKI.

Mr. MURKOWSKI. I thank the Chair.

In regard to the comments by the majority leader, when I left my office we had found a very strange envelope, which appeared with no postage, that was apparently left in the office with no identification. We contacted the Capitol Police and were advised there would be someone on the scene very soon.

When I left the office, the police were in the office. They were waiting for the specialist to come over to identify the particular envelope. We were advised at that time we were No. 12 on the list of official notices that had been given to the Capitol Police relative to strange, unidentified postal packages or letters that have come in.

I wish to emphasize we have no indication of what was in this particular article. It was not mailed. It did not have stamps. Nevertheless, I think it represents the precautions that are necessary to be taken.

Again, I do not want to alarm anyone, but I commend the Capitol Police for the manner in which they came on the scene with instructions. I think all offices received instructions today on how to handle mail.

Mr. President, I ask unanimous consent that I may speak as in morning business for 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Alaska is recognized for 15 minutes.

NOMINATIONS

Mr. MURKOWSKI. Mr. President, I listened very carefully to the comments from the majority whip relative to the next business at hand, the foreign operations appropriations bill and the issue of holding that up because of judges. It is my understanding that there are 52 judges in committee. Currently, 8 have been passed out of committee. It seems the committees could work more expeditiously to get the judges out of committee so we can address them. I understand 12½ percent of all Federal judicial positions are open at this time. As I indicated, there are 52 pending nominations with only 8 confirmations.

The reality is the committees have a lot of work to do. I encourage, as a consequence of that, they be expeditious so we can get on with the business at hand.

HOMELAND ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I will be speaking each day this week on the issue of homeland energy security. I have come before the Senate on many occasions to discuss our needs for national energy in this country, some form of a national energy policy. I think my colleagues' focus for the most part is on the issue of opening and exploring that small sliver of the 19 million acres known as ANWR, an area the size of the State of South Carolina. This is a sliver because it represents roughly 1.5 million acres open for exploration that only Congress can allow, and the realization in the House-passed bill that there was only an authorization of 2000 acres, not much bigger than a small farm. This is the issue of opening up ANWR in my State of Alaska.

Last spring, for example, Senator BREAUX and I proposed a comprehensive bipartisan energy policy with some 300 pages. All that most people focused on was the two pages remitted to opening ANWR. I am a man of few words. It is fair to say some of the radical environmental groups have used ANWR as a cash cow in that they have milked it for all it is worth from the standpoint of membership and dollars. It is a great issue because it is far away—the American people cannot see for themselves and understand and appreciate the dimension, size, and magnitude nor the response we had in producing Prudhoe Bay, which could be transferred to the ANWR area.

ANWR will be opened. The radical environmental groups will move on to another issue in the course of future action. Nevertheless, this discussion is not just about ANWR. I am not in favor of opening ANWR simply because it is the right thing to do for my State or it is the right thing to do for the Nation. My concern with our increasing dependence on unstable sources of energy is not a smokescreen for narrow political gain. I am in fear of opening ANWR simply as an integral part of our overall energy strategy, a policy balance between production and conservation.

I was pleased to note the President's remarks a few days ago when he commented: There are two other aspects of a good, strong, economic stimulus package, one of which is trade promotion authority, and the other is an energy bill. Now there was a good energy bill passed out of the House of Representatives, and the reason it passed is because Members of both parties understood an energy bill was not only good for jobs or stimulus, it is important for our national security to have a good energy policy.

I urge the Senate to listen to the will of the Senators and move a bill that will help Americans find work and also make it easier for all of us around this table to protect the security of the country. The less dependent we are on foreign sources of crude oil, the more secure we are at home. We have spent a lot of time talking about homeland security. An integral piece of homeland security is energy independence, and I will ask the Senate to respond to the call to get an energy bill moving.

The facts speak for themselves. In 1973, we were 37 percent dependent on foreign oil and the Arab oil embargo brought us to our knees. How quickly we forget about gas lines around the block. In 1991, we fought a war with Iraq largely over oil. We spent billions and billions of dollars to keep Saddam Hussein in check largely in order to keep a stable source of supply coming from the Persian Gulf.

I ask unanimous consent to have printed in the RECORD an editorial from October 11 in the Washington Post by Robert Samuelson.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 11, 2001]

NOW DO WE GET SERIOUS ON OIL?

(By Robert J. Samuelson)

If politics is the art of the possible, then things ought to be possible now that weren't before Sept. 11. Or perhaps not. For three decades, Americans have only haphazardly tried to fortify themselves against a catastrophic cutoff of oil from the Middle East, which accounts for about a third of world production and two-thirds of known reserves. Little seems to have changed in the past month, although the terrorism highlighted our vulnerability. Oil is barely part of the discussion.

Over the past 30 years, we have suffered Middle East supply disruptions caused by the Yom Kippur War of 1973, the fall of the shah of Iran in 1979 and Iraq's invasion of Kuwait in 1990. We have fought one war for access to oil—the Persian Gulf War. How many times do we have to be hit before we pay attention? No one can foresee what might lead to a huge supply shutdown or whether the present attack on Afghanistan might trigger disastrous changes. A collapse of the Saudi regime? A change in its policy? Massive sabotage of pipelines? Another Arab-Israeli war? Take your pick.

Even if we avoid trouble now, the threat will remain. In 2000 the United States imported 53 percent of its oil; almost a quarter of that came from the Persian Gulf. Weaning ourselves from Middle Eastern oil would still leave us vulnerable, because much of the rest of the industrial world—Europe, Japan, Asia—needs it. Without it, the world economy would collapse. Of course, countries that have oil can't benefit from it unless they sell it. The trouble is they can sell it on their terms, which might include a large measure of political or economic blackmail.

They, too, run a risk. Oil extortion might provoke a massive military response. It is precisely because the hazards are so acute and unpredictable for both sides that Persian Gulf suppliers have recently tried to separate politics from oil decisions. (Indeed, prices have dropped since the terrorist attacks.) But in the Middle East, logic is no defense against instability. We need to make it harder for them to use the oil weapon and take steps to protect ourselves if it is used.

The outlines of a program are clear:

Raise CAFE ("corporate average fuel economy") standards. America's cars and light trucks—pickups, minivans and sport-utility vehicles—consume a tenth of annual global oil production, about 8 million barrels a day out of 77 million. Tempering oil demand requires lowering the thirst of U.S. cars. The current CAFE standards are 27.5 miles per gallon for cars and 20,7 mpg for light trucks. With existing technologies, fuel economy could be raised by 17 percent to 36 percent for cars and by 27 percent to 47 percent for light trucks without harming safety and performance, according to the National Research Council. Changes would have to occur over a decade to give manufacturers time to convert.

Impose a gasoline or energy tax. People won't buy fuel-efficient vehicles unless it pays to do so. Cheap gasoline prices also cause people to drive more. An effective tax would be at least 35 cents to 50 cents a gallon. It ought to be introduced over two or three years beginning in 2003. (To impose the tax would worsen the recession.) A 50-cent-a-gallon tax might raise about $60 billion a year. Some of this might be returned in other tax cuts; some might be needed to cover higher defense and "homeland security" costs.

Relax restrictions against domestic drilling. The other way to dampen import dependence is to raise domestic production. It peaked in 1970 and since then has dropped about 28 percent. The easiest way to cushion the decline is to open up areas where drilling is now prohibited, including the Arctic National Wildlife Refuge (ANWR) and areas off both the Atlantic and Pacific coasts. This would aid both oil and natural gas production.

Expand the Strategic Petroleum Reserve. Tapping the SPR is the only way to offset a huge oil loss until a military or diplomatic solution is reached. Created in 1975, the SPR was envisioned to reach 1 billion barrels. At the end of 2000, it had 541 million barrels, roughly where it was in 1992. The failure to increase the SPR in the Clinton years was astonishingly shortsighted. When oil prices are low—as now—the SPR should be slowly expanded to at least 2 billion barrels. Other industrial countries should also raise their oil stocks.

What prevents a program such as this is a failure of political imagination. There ought to be a natural coalition between environmentalists and defense groups. Environmentalists want to reduce air pollution and greenhouse gas emissions. Defense groups want to limit our vulnerability to oil cutoffs or blackmail. A common denominator is the need to control cars' gasoline use. But these groups aren't allies, because their dogmas discourage compromise. Environmentalists don't like more drilling in places such as ANWR, despite modest environmental hazards; and defense types (read: the Bush administration) want to expand production and dislike CAFE, because it compromises the freedom they seek to defend. Both shun unpopular energy taxes.

The American way of life doesn't depend on $1 or $1.50 gasoline. It does depend on reliable sources of energy. Unless vast reserves are discovered outside the Middle East—or new technologies eliminate the need for oil—the world's dependence on fuel from the Persian Gulf seems destined to grow. The dangers have been obvious for years, and our failure to react ought to be a source of deep national embarrassment. This is a long-term problem; anything we do now won't have significant effects for years. But if we fail to heed the latest warning, the neglect would be almost criminal.

Mr. MURKOWSKI. In this article he rightly points out:

> Even if we avoid trouble now, the threat will remain. In 2000 the United States imported 53 percent of its oil.

I pointed out that factually, it was 56 percent and will be closer to 62 percent in the next few years, according to the Department of Energy, with the biggest increase coming from the Persian Gulf. Mr. Samuelson points out the terrible threat to our economic stability created by this state of affairs.

I don't necessarily draw the same conclusions, but I agree we need a comprehensive program to address the situation. There are those who tried to shut down the discussion on energy that are so bound to narrow parochial interests of one group that they refuse to address the clear and evident need for energy now. What we need is a balanced policy based on conservation and increasing our own domestic production. These are solutions that are available and as a consequence we must look to develop these solutions—not a moratorium on discussion of what that balance will mean. I fear we will not address this situation until it is too late. That seems to be the case.

I fear the United States is in denial about the reality of the situation. What is it going to take to wake up? Is it going to take another crisis, the overthrow of our friends in the gulf? We know that Saudi Arabia, one of our staunchest allies in the gulf, has told the United States that it is unable to cooperate in freezing the assets of bin Laden and his associates. What kind of signal does that send us? The money supply is his lifeline. Evidently, bin Laden is still intact. The Saudi regime is providing little help to Federal investigators with background checks on suspected terrorists. The Saudi Government, as we have learned, has also asked Britain's Prime Minister, Tony Blair, to stay away for the time being and not visit the Kingdom as part of its efforts to build support for the international coalition against terrorism. What kind of a signal is that? I understand why the Saudi regime is uncomfortable with being helpful in our efforts to track down bin Laden, and I can understand why the Saudis are uncomfortable, seemingly overfriendly to the United States at this time. There is a sizable constituency in Saudi Arabia that supports bin Laden, and we know that.

By overtly choosing sides against him, the regime would endanger its own rule. But by siding with the United States, the Saudis risk an uprising which could make the ones going on in Pakistan, Israel, and Indonesia right now look very tame.

The Saudis are rightly worried about their political future, and I can understand that. But I also suggest if the Saudis are worried about the stability of their regime, then we should be worried, too. If the Saudis, from whom we get 16 percent of our oil, view our close relationship as destabilizing, we should, too.

It is interesting to look at where we get our oil. Let me show you this chart. This is pretty much where the inputs into the United States come from. There are about 6 million barrels a day coming into the United States. Saudi Arabia is the largest contributor at about 1.7 million barrels, then Libya, Nigeria, Venezuela, Indonesia, Bahrain, Iraq, Kuwait, the United Arab Emirates, Qatar, and so forth.

The interesting thing is the significance of the oil that we seem to be getting from Iraq. It is a little over 1 million barrels a day. It was 862,000. Lest we forget, we are enforcing a no-fly zone over Iraq. From our friend Saddam Hussein, who since the Persian Gulf war has been a thorn in our side, we are importing nearly 1 million barrels a day. We are taking his oil, putting it in our aircraft and enforcing a no-fly zone in the air, which is very similar to a blockade, in theory.

What is he doing with our money? We know he takes the money for the oil and obviously pays his Republican Guard that contribute to his livelihood, or he develops a missile capability with biological warfare capability and for all practical purposes may aim it at Israel. So here we are taking the oil, fueling his aircraft, we bomb some of his sites. Aspects of that are associated, realistically, with where we have vulnerability. The vulnerability of our country speaks for itself.

Before I go to a couple more charts, I wish to identify our reliance on the Persian Gulf in the sense we rely on the Persian Gulf to get our children to school in the morning, inasmuch as our fuel comes from there; we get the food from the farms, inasmuch as the oil fuels our tractors; and to heat our homes in the winter.

There are some in this body who believe the urgency behind the development of energy policy faded on that disastrous day of September 11. There are those who would put aside the energy issue and move to more pressing affairs. I cannot disagree more. Mark my words, energy is front and center on the war on terrorism. If you go back and find out where terrorism is being funded, it is being funded indirectly through Mideast oil.

Bin Laden refers to oil as Islamic wealth. He believes the United States owes Muslims $36 trillion because we paid artificially low prices for energy.

I think we are becoming more and more aware of bin Laden's writings. I ask unanimous consent to print an article bylined Donna Abu-Nasr, under the headline, "Bin Laden's Past Words Revisited."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Associated Press, Sept. 28, 2001]

BIN LADEN'S PAST WORDS REVISITED

(By Donna Abu-Nasr)

All American men are the enemy, Osama bin Laden says. And the United States owes Muslims $36 trillion, payback for "the biggest theft" in history—the purchase of cheap oil from the Persian Gulf.

A book with that and more of bin Laden in his own words has been snapped up by Arabic readers in the weeks since he was named the No. 1 suspect in the Sept. 11 suicide bombings in New York and Washington. The book, "Bin Laden, Al-Jazeera—and I" by Jamal Abdul Latif Ismail, includes a 54-page transcript of the complete 1998 interview that was broadcast in abbreviated form on Al-Jazeera, a popular television program. Al-Jazeera has rebroadcast its version of the interview, conducted by Ismail, since the attacks. Those hungry for more often found copies sold out in book stores across the Mideast. Readers have been borrowing and photocopying the book from friends.

Bin Laden spoke to Ismail in a tent in mountainous southern Afghanistan four months after the August 1998 bombings of two U.S. embassies in Africa—attacks in which he's also a suspect.

Bin Laden began the interview with personal notes, saying he was born 45 years ago, in the Muslim year of 1377, in the Saudi capital of Riyadh. The family later moved between the two holy cities of Mecca and Medina and the port city of Jiddah.

Bin Laden's father, Muhammad, who was born in the Yemeni region of Hadramawt, was a prominent construction magnate who built the major mosques in mecca and Medina and undertook repairs on Jerusalem's Dome of the Rock. He died when bin Laden was 10.

After getting a degree in economics at a university in Jiddah, bin Laden joined his father's company before beginning his road to jihad.

Even before President Bush mentioned the word "crusade" in describing the anti-terror campaign, bin Laden was using that term to describe alleged U.S. intentions against Muslims.

"There's a campaign that's part of the ongoing Crusader-Jewish wars against Islam," bin Laden told Ismail.

> Asked about his 1998 fatwa, or edict, urging Muslims to target not only the U.S. military, but also American civilians, bin Laden said only American men were the target. "Every American man is an enemy whether he is among the fighters who fight us directly or among those who pay taxes," bin Laden said.
>
> Bin Laden claimed Western attacks on Arabs, such as the British-U.S. bombings of Iraq, were directed by Israelis and Jews who have infiltrated the White House, the Defense Department, the State Department and the CIA.
>
> His views on other issues:
>
> —On reports he was trying to acquire chemical, biological and nuclear weapons, bin Laden said:
>
> "At a time when Israel stores hundreds of nuclear warheads and bombs and the Western crusaders control a large percentage of these weapons, this should not be considered an accusation but a right. . . . It's like asking a man, 'Why are you such a courageous fighter?' Only an unbalanced person would ask such a question.
>
> "It's the duty of Muslims to own (the weapons), and America knows that, today, Muslims have acquired such a weapon."
>
> —On whether he's ready to stand trial in an Islamic court: "We are ready at any time for a legitimate court . . . If the plaintiff is the United States of America, we at the same time will sue it for many things . . . it committed in the land of Muslims."
>
> —Bin Laden denied he was behind the 1998 embassy bombings, but acknowledged he "has incited (Muslims) to wage jihad."
>
> —Asked about the freezing of his assets, bin Laden said even though the United States has pressured several countries to "rob us of our rights," he and his followers have survived. "We feel that the whole universe is with us and money is like a passing shadow. We urge Muslims to spend their money on jihad and especially on the movements that have devoted themselves to the killing of Jews and the crusaders."
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> —On the U.S.-backed fight against the Soviet presence in Afghanistan: "Those who waged jihad in Afghanistan . . . knew they could, with a few RPGs (rocket-propelled grenades), a few anti-tank mines and a few Kalashnikovs, destroy the biggest military myth humanity has even known. The biggest military machines was smashed and with it vanished from our minds what's called the superpower."
>
> —Asked about the money the United States put on his head, bin Laden said: "Because America worships money, it believes that people think that way too. By Allah, I haven't changed a single man (guard) after these reports."
>
> —Bin Laden claimed the United States has carried out the "biggest theft in history" by buying oil from Persian Gulf countries at low prices. According to bin Laden, a barrel of oil today should cost $144. Based on that calculation, he said, the Americans have stolen $36 trillion from Muslims and they owe each member of the faith $30,000.
>
> "Do you want (Muslims) to remain silent in the face of such a huge theft?" bin Laden said.
>
> —His message to the world: "Regimes and the media want to strip us of our manhood. We believe we are men, Muslim men. We should be the ones defending the greatest house in the world, the blessed Kaaba . . . and not the female, both Jewish and Christian, American soldiers." Bin Laden was referring to the U.S. troops that have deployed in Saudi Arabia since 1990 following Iraq's invasion on Kuwait.
>
> "The rulers in the region said the Americans would stay a few months, but they lied from the start. . . . Months passed, and the first and second years passed and now we're in the ninth year and the Americans lie to everyone. . . . The enemy robs the owner, you tell him you're stealing and he tells you, 'It's in my interest.'
>
> "Our goal is to liberate the land of Islam from the infidels and establish the law of Allah."

Mr. MURKOWSKI. I will just refer to two very short paragraphs.

> All American men are the enemy, Osama bin Laden says. And the United States owes Muslims $36 trillion, payback for "the biggest theft" in history—the purchase of cheap oil from the Persian Gulf.

It further goes on to say:

> Bin Laden claimed the United States has carried out the "biggest theft in history" by buying oil from Persian Gulf countries at low prices. According to bin Laden, a barrel of oil today should cost $144. Based on that calculation, he said, the Americans have stolen $36 trillion from Muslims and they owe each member of the faith $30,000.

If there is any motivation in the connection of oil, I remind you of that.

Control of Arab oil is the core of bin Laden's philosophy and at the heart of Saddam Hussein's politics. There is no question about it; oil is the key, not only to bin Laden but Saddam Hussein. Our Achilles' heel in this war is our dependence on foreign oil. Bin Laden knows it. Saddam Hussein knows it. That the Senate does not yet seem to know it is to our immense discredit. I hope I have helped enlighten us a little bit today. That we do not recognize it and did not recognize it on September 11 is to our immense discredit. If we do not recognize it soon, God help us all.

I thank the Chair.

The PRESIDENT pro tempore. The Senator from Oregon, Mr. WYDEN.

PROHIBITING UNDERCOVER INVESTIGATIONS

Mr. WYDEN. Mr. President, today I rise to say the national antiterrorism legislation passed by this body is in grave danger of being rendered useless. The bill passed by this body corrected an immediate and severe impediment to the undercover investigations that must be employed to shut down terrorism in our Nation. The antiterrorism bill passed by this body included legislation introduced by Senator LEAHY, Senator HATCH, and myself that would untie the hands of Federal prosecutors in my home State of Oregon and remove the roadblocks that currently all but prohibit undercover investigations there.

Unfortunately, the antiterrorism legislation passed by the House strips that provision and rips back open the enormous loophole that potentially makes Oregon a safe haven for dangerous criminals and terrorists everywhere.

For more than a year now, State and Federal prosecuting attorneys in Oregon have been legally prohibited from advising or participating in law enforcement undercover investigations. Without advice of counsel, law enforcement operatives cannot conduct wiretaps, sting operations, or infiltrate dangerous criminal operations. Covert investigations in my State have been shut down for more than a year. If the Senate does not insist on antiterrorism language to restart these investigations in Oregon, the national antiterrorism legislation will not be national at all; it will cover 49 States and it will give dangerous criminals, including terrorists, not just a license but practically an engraved invitation to set up shop in Oregon with little fear of detection or apprehension through undercover or covert methods. It would endanger, not just the people of my State but all Americans.

I wish to explain briefly how this situation came about. It started here in Washington in 1998. An amendment to the omnibus appropriations bill started the ball rolling in Washington, DC. A McDade-Murtha amendment required Federal prosecutors to abide by the State ethics laws and rules in the State in which they work. In Oregon, the State bar association enacted a disciplinary rule making it unethical for attorneys to take part in any practice involving "deceit or misrepresentation of any kind."

When an Oregon attorney misrepresented his identity to investigate a claim, the State supreme court found him guilty of an ethics violation. The McDade-Murtha amendment backed that up. It became very clear no matter how vital the investigation, no matter how great the need, no matter how dangerous the criminals, attorneys—including Federal, State, and local prosecutors—are simply absolutely not allowed to take a single step, not even to give advice, to help in an undercover investigation. If an undercover investigator cannot get advice from a Federal, State, or local prosecutor, that undercover investigator cannot go forward. It is that simple: no wiretaps, no sting operations, no infiltrating or gathering information on any criminal group no matter how dangerous their bent or how dastardly their plans.

I have been working on a bipartisan basis for more than a year now with Senator LEAHY and Senator HATCH. They have been very helpful, but the stakes are getting higher and the solution is more important than ever.

Federal officials have informed me that criminals have admitted that they set up shop in Oregon because the McDade situation makes it easier for them to remain undetected and unpunished—even more particularly sophisticated criminals. But garden-variety criminals have recognized the opportunities the loophole allows, and certainly more sophisticated criminal elements and terrorists can as well.

Criminals operating in my State involved in serious crimes such as child pornography, drug sales, and eco-terrorism have been breathing easier, safe in the knowledge that law enforcement will have a much tougher time catching them without the best weapon in the war against these criminals. Several important investigations have in fact been terminated or impeded.

For example, the Portland Innocent Images Undercover Program, which targeted child pornography and exploitation, was shut down when the U.S. attorney's office informed the FBI field office it would not concur or participate in the use of long-used and highly productive techniques such as undercover operations and conventional monitoring of phone calls that could be deemed excessive.

If unsophisticated criminals were aware of enough to be attracted to Oregon because of this situation, I am extremely concerned that more sophisticated criminals and terrorists are equally aware that they can exploit this loophole.

The House-passed version of the antiterrorism bill undoes the important work that Senator LEAHY, Senator HATCH, and I did on the bipartisan basis, because the House bill specifically excludes the language that would fix the McDade problem.

I say today that that must not be acceptable to the Senate. This body must act, and act now, to find the solution. Senators HATCH and LEAHY and I worked on a bipartisan basis with the FBI and the Department of Justice to introduce the language that would allow prosecutors in Oregon to once again advise, consult, and participate in legal undercover investigations with law enforcement agencies. But if it doesn't get done in this conference on antiterrorist legislation, my concern is it will not get done at all.

When the differences between the Senate and House antiterrorism bills are taken up in conference, Senate conferees must insist that the McDade fix is in the bill that goes to the President's desk. Anything less would make this antiterrorism legislation a toothless tiger, seemingly strong but incapable of defending or protecting any Americans, including the language that could possibly allow Oregon to be an easy basing State for future terrorist attacks that would be devastating to our Nation.

The terrorists made their homes in Florida and New Jersey before striking Americans in New York and Virginia. I don't want to find 6 months from now that the terrorists made their homes in Oregon because this body failed in its resolve to shut them down in every State in our country. Leaving one State vulnerable makes each State in this country vulnerable.

I implore the conferees, and indeed the Congress, to act swiftly and judicially to guarantee that our Federal prosecutors and investigators have these essential tools that they have asked us to support on a bipartisan basis so they can conduct covert operations that are necessary to prevent and prosecute criminals in terrorist acts.

I conclude by asking unanimous consent that several news articles that highlight the concerns Senators LEAHY and HATCH and I have on a bipartisan basis be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Aug. 4, 2001]

OREGON ETHICS RULING CHIDED FOR HANDCUFFING POLICE WORK

(By V. Dion Haynes)

For the last year, police and law-enforcement officials say they have been handcuffed by a state Supreme Court ruling that all but prohibits undercover work, a staple of crime investigations.

Nationwide, sting operations—those involving paid informants, surveillance and undercover officers—have become the preferred weapon in the investigative arsenals of law-enforcement agencies battling crime. Typically, prosecutors direct the operations to ensure that law-enforcement agencies do not entrap suspects and do not break rules in gathering evidence.

But prosecutors reluctantly severed their ties to some undercover investigations and disbanded others after the Oregon's highest court ruled a year ago that prosecutors are not exempt from state bar ethics codes prohibiting lawyers from engaging in "dishonesty, fraud, deceit or misrepresentation."

While the ethics codes of most state bars forbid dishonesty, Oregon is the only state to apply that rule to prosecutors involved in undercover investigations in which informants or detectives must misrepresent themselves.

Undercover operations in Oregon have continued since the ruling, but without legal advice from prosecutors.

ABA TO ADDRESS ISSUE

The American Bar Association, now meeting in Chicago, plans to address a related controversy over a federal law requiring Justice Department prosecutors to submit to state ethics guidelines.

Some criminal defense lawyers praise the Oregon Supreme Court ruling, saying all lawyers should be subject to the same standards. The ruling is helping rein in prosecutors and investigators who often rely too heavily on undercover work, they say.

"As a matter of public policy in a democratic system, government lawyers should not be allowed to engage in deceit while other lawyers are precluded from doing so by bar disciplinary rules," said Steven Wax, a federal public defender in Portland.

But the FBI, U.S. attorney's office, Drug Enforcement Administration, state attorney general, Oregon State Police, county district attorneys and local police departments say the ruling has curtailed their investigative work, hindering their ability to fight narcotics, child-sex abuse, prostitution, organized crime, housing discrimination and consumer fraud.

"I think it's generally true that the worst criminals are smart enough to hide their crimes and can only be found through undercover operations," said Oregon U.S. Atty. Mike Mosman.

Oregon's court decision, in part, illustrates a long-standing, bitter dispute over whether Justice Department prosecutors should be subject to local bar association ethics codes in the states where they serve.

The debate started during the first Bush administration and continued in the Clinton administration, when the attorneys general issued policies exempting federal lawyers from state ethics codes.

MC DADE AMENDMENT

Last year, Congress reversed a Justice Department policy with the so-called McDade Amendment, which requires lawyers and federal prosecutors in all states to comply with local ethics and court rules.

The law stemmed from concerns about "how far should government go in preventing crime," said John Henry Hingson, a defense attorney in Oregon City, Ore., and a former president of the National Association of Criminal Defense Lawyers.

"Many Americans believe that undercover operations go into entrapment," he added.

The question of whether an ethical double standard exists for government lawyers and defense lawyers arose in Oregon with the case that prompted the August 2000 state Supreme Court ruling banning misleading practices by prosecutors.

Using the tactics of government undercover operations, personal injury lawyer Daniel Gatti allegedly posed as a doctor in phone calls to an insurance company he was planning to sue, according to the Oregon State Bar.

Citing the ethics code prohibiting lawyers from using fraud and deceit, the state high court publicly reprimanded Gatti.

The U.S. Justice Department asked that state Supreme Court to exempt prosecutors from the code, but the court ruled that the ethics code does not allow exceptions. The opinion further forbade lawyers from encouraging anyone else to participate in the misconduct.

"I have not authorized certain investigations or I have shut down other investigations because I did not have a prosecutor or U.S. attorney involved," said Capt. Jim Ferraris of the Portland Police Bureau's drug and vice division.

DRAFTING AN EXEMPTION

A state bar committee is drafting a rule change that would exempt all prosecutors from the ethics code prohibition on deeeption, thereby allowing them to again supervise undercover operations. If it passes the bar's House of Delegates next month, the proposed rule would go to the Supreme Court for final approval. The high court early this year rejected a similar proposal.

The Justice Department is pressing Congress to repeal the law requiring federal prosecutors to follow state ethics rules and it is suing the Oregon State Bar over its disciplinary code.

Meanwhile, the American Bar Association is proposing a change in state ethics codes that would preserve the federal law's requirement that government prosecutors submit to state disciplinary rules but would give the Justice Department latitude in its investigations—with a court order.

[From the Associated Press, Oct. 12, 2001]

HOUSE FAILS TO INCLUDE OREGON INVESTIGATION MEASURE IN ANTI-TERRORISM PACKAGE

(By Katherine Pfleger)

WASHINGTON.—The House anti-terrorism package passed Friday failed to include a measure designed to remove barriers faced by federal attorneys conducting covert investigations in Oregon, including those into suspected terrorists.

The measure, which the Senate approved Thursday, would have lifted restrictions in Oregon that hinder federal prosecutors from approving undercover operations to catch suspected criminals.

But Reps. Henry Hyde, R–Ill., and at least one other congressman had the language removed from the House anti-terrorism package. "I believe U.S. attorneys ought to obey ethical requirements of the state," Hyde said Friday.

As a result, Sen. Ron Wyden, D–Ore., said he worries that Oregon could remain "a safe-haven" for terrorists and other criminals. He sponsored the measure with Sen. Patrick Leahy, D–Vt.

Wyden's Chief of Staff Josh Kardon said the senator won't discuss classified security issues.

But "I find it difficult to believe that he would be putting this many hours into this legislation, with all that is going on right now, if he don't believe that there is a current threat to the nation's security," Kardon said.

Kardon said withdrawal of White House support contributed to the measure's downfall.

The restrictions stem from an Oregon Supreme Court decision that said all attorneys—including federal prosecutors—must abide by Oregon State Bar ethics rules that prohibit deceit.

A former senior Justice Department official, speaking on condition of anonymity, said investigators have found information about the court decision during searches of suspects, unrelated to the terrorist investigation.

"If the ordinary garden variety of crooks know this, it paints a bull's eye on the state," the official said. "Looking at what these guys did on Sept. 11, you can see they paid attention to some pretty sophisticated things."

Four men with Oregon addresses are on an international list compiled by anti-terrorism agencies that are tying to lock down assets of those with suspected ties to the Sept. 11 terrorist attacks. It was inadvertently posted on a Web site earlier this month by Finland's financial regulator.

None of the men still live in the state.

U.S. Attorney Michael Mosman, Oregon's top law enforcement officer, wouldn't comment on whether the state court's ruling was hampering any investigations involving the Sept. 11 terrorist attacks.

However, Mosman said, more broadly the ruling ties the hands of federal prosecutors working in Oregon, both in state-specific cases or more sweeping national ones.

"Federal prosecutors are in a box with our sworn oath to uphold the law, which doesn't allow us currently to do undercover work, and our sworn duty to protect the public," he said.

For instance, Mosman said, in some cases investigators may need to get approval from the U.S. attorney before using more serious undercover techniques, such as wiretaps, but Mosman is barred from participating.

Charles Williamson, a member of the Oregon State Bar board of governors, said he personally has concerns on his initial read of Wyden's legislation.

"It may give federal prosecutors too much latitude," Williamson said. "Could they lie to a judge? Could they lie to defense council in a case?"

Wyden's legislation would have altered the "McDade amendment," pushed by Hyde and Joe McDade, a former congressman whose reputation was clouded by an eight-year racketeering case before he won acquittal in 1996.

The amendment prevented federal prosecutors from using investigative techniques such as wiretaps, undercover stings and contacting company whistleblowers that are not barred by federal law but are disallowed by some ethics rules enforced by state and local bar associations.

Passed this week, the House and Senate anti-terrorism packages expanded the FBI's wiretapping authority, imposed stronger penalties on those who harbor or finance terrorists and increased punishment for terrorists, among other measures.

The two versions could go to a conference committee to iron out the differences, or the Senate cold decide to simply vote on the House legislation.

Kardon said Wyden is outraged his measure isn't included in the House bill.

"He has put the Senate leadership on notice that he plans to fight to retain his legislation in the anti-terrorism bill," Kardon said.

Rep. Greg Walden, R–Ore., is considering a few options, including efforts to get the legislation passed as a stand-alone bill, if necessary, said Dallas Boyd, Walden's legislative assistance for defense.

Meanwhile, Rep. Peter DeFazio, D–Ore., complained the House bill was cobbled together overnight.

"A lot of people don't know what else was in there, including me," he said. "It was rushed though the House. The process broke down."

[From the Portland Oregonian, Oct. 13, 2001]

House Bill Loses Oregon Provision

(By Ashbel S. Green—The Oregonian Staff writer Jim Barnett contributed to this report)

The U.S. House of Representatives on Friday stripped a sweeping anti-terrorism bill of a provision designed to allow suspended federal undercover investigations in Oregon to resume.

The bill, which included the "Oregon provision" in the version the U.S. Senate passed Thursday night, will head to a conference committee, where representatives of the two chambers will try to work out the differences next week.

The Oregon provision would allow federal prosecutors to supervise undercover operations, even if they required using deceit.

Sen. Ron Wyden, who proposed the Oregon provision after the Sept. 11 attacks, and more recently inserted it in the anti-terrorism bill requested by President Bush, will fight to put it back into the bill, according to his staff.

Without the provision, "in essence, the bill will be an anti-terrorism bill for 49 states," said Josh Kardon, Wyden's chief of staff." A bill that addresses only 49 states leaves the entire nation in jeopardy."

The provision would amend a controversial 1998 law that requires federal prosecutors to comply with the laws and state bar rules of every state in which they conduct enforcement activities.

That law, passed at the behest of Rep. Joseph M. McDade, R-Pa., and Rep. John P. Murtha, D-Pa., was designed to curtail prosecutorial excessiveness. McDade was once indicted on federal corruption charges but later was acquitted.

Murtha and Rep. Henry Hyde, R-Ill., who are big supporters of the 1998 law, demanded that the Oregon provision be stripped out of the anti-terrorism bill, Kardon said.

Molly Rowley, a spokeswoman for Senate Majority Leader Tom Daschle, D-S.D., said the Senate would conduct a legislative conference on the bill with the House early next week.

Last year, federal law enforcement officials suspended many undercover operations in response to an Oregon Supreme Court ruling that prosecutors were excepted from state bar rules against lawyers' lying.

In 2000, the Oregon Supreme Court upheld a disciplinary action against Daniel J. Gatti, a Salem attorney who misrepresented himself as a chiropractor while investigating whether to file a lawsuit.

The Oregon State Bar responded in January by passing a rule that allowed all lawyers to supervise undercover operations, but the Supreme Court rejected the change.

Last month, the bar passed a more limited rule that allowed only government lawyers and legal aid groups to supervise undercover operations. The Supreme Court has yet to decide on that change.

In the meantime, earlier this year the U.S. Department of Justice sued the state bar over the rule, seeking to block it from being enforced against federal prosecutors.

A hearing in that case is scheduled for next month.

[From the Statesman Journal, Oct. 13, 2001]

House Measure Ignores Oregon

COVERT CRIMINAL INVESTIGATIONS ARE HAMPERED HERE BY RESTRICTIVE LAWS

WASHINGTON.—The House anti-terrorism package passed Friday failed to include a measure designed to remove barriers faced by federal attorneys conducting covert investigations in Oregon, including those into suspected terrorists.

The measure, which the Senate approved Thursday, would have lifted restrictions in Oregon that hinder federal prosecutors from approving undercover operations to catch suspected criminals.

But Reps. Henry Hyde, R-Ill., and at least one other congressman had the language removed from the House anti-terrorism package. "I believe U.S. attorneys ought to obey ethical requirements of the state," Hyde said Friday.

As a result, Sen. Ron Wyden, D-Ore., said he worries that Oregon could remain "a safe haven" for terrorists and other criminals. He sponsored the measure with Sen. Patrick Leahy, D-Vt.

Wyden's Chief of Staff Josh Kardon said the senator won't discuss classified security issues.

But "I find it difficult to believe that he would be putting this many hours into this legislation, with all that is going on right now, if he didn't believe that there is a current threat to the nation's security," Kardon said.

Kardon said withdrawal of White House support contributed to the measure's downfall.

The restrictions stem from an Oregon Supreme Court decision that said all attorneys—including federal prosecutors—must abide by Oregon State Bar ethics rules that prohibit deceit.

A former senior Justice Department official, speaking on condition of anonymity, said investigators have found information about the court decision during searches of suspects, unrelated to the terrorist investigation.

"If the ordinary garden variety of crooks know this, it paints a bull's eye on the state," the official said. "Looking at what these guys did on Sept. 11, you can see they paid attention to some pretty sophisticated things."

Mr. WYDEN. Thank you, Mr. President. I yield the floor.

The PRESIDENT pro tempore. The Senator from Arizona, Mr. KYL, is recognized.

Mr. KYL. Mr. President, I believe that among staff there is an informal agreement we would extend the morning business time for a period up to 5 o'clock, which would take us beyond the 4:30 time. When someone is ready to propound that unanimous consent request, I will be prepared to stop since my time will go beyond 4:30, which I understand is the current time. I thought I would note that. I will be particularly speaking after 4:30 based upon that understanding.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator is recognized.

Mr. KYL. I thank the Chair.

JUDICIAL VACANCIES

Mr. KYL. Mr. President, I could not help thinking, particularly as I listened to the distinguished majority leader discuss the activity in his office today and the concern about his staff and their current terrorist threat that reaches the U.S. Capitol staff now, about how many ways this threat of terrorism affects all of us. I certainly hope all of the majority leader's staff is well and suffers no ill effects from what may well have been another reach of terrorist attack here in the United States.

It reminds us how this kind of unlawful extralegal activity can affect a society which has always been so free and so open, precisely because we are a nation of laws and precisely because we believe in the rule of law.

Of course, in our society that rule of law ultimately rests upon the judge and our courts for its administration. Of course, it is the judges who are the ultimate arbiters of the law. We could not function long as a free society without our judges. Yet today we are speaking about the fact that an unacceptable number of vacancies exist in our courts, vacancies that must be filled if we are to be able to properly administer that law we revere so much.

Currently, there are 108 empty seats in the Federal judiciary. We are speaking of the Federal courts alone. That represents a 12.6-percent vacancy in the total number of judgeships.

I note, as others I believe have perhaps also noted, that of those, there are 41 judicial emergencies. In other words, more than a third of these vacancies, according to the Administrative Office of the Courts, represents judicial emergencies—meaning that they are in districts and in courts in which there is an overwhelming burden of cases in which, without having a judge to fill the court position, essential justice will not be done. It certainly raises the question about why we as a Senate are not able to act on the judges or the candidates for judge whom the President has nominated.

It is in this regard that I feel my responsibility most strongly because not only am I a Member of this body but I am also a member of the Judiciary Committee. Until the Judiciary Committee acts, we as a body are not able to give our final advice and consent. In fact, I am especially keen on the issue because three of these vacancies represent nominations for a district court for my own State of Arizona. All three of them are also designated by the administrative office as judicial emergencies.

This is not a hypothetical or a theoretical matter; it is a very real matter for us today, which should touch all of us, but it certainly touches some of us very strongly. It is, therefore, with some sadness that I hear my colleagues talk about the potential of holding up action on appropriations bills in order to take up the matter of judicial nominations.

Historically, the Senate has been able to do many things at the same time. We have considered legislative matters on the floor when we have had other calendars from which we took up matters. Indeed, many of the nominations, including judicial nominations, are considered as a relatively routine matter, sometimes at the end of the legislative day when the majority leader will simply ask for unanimous consent to consider a number of nominees. It is mostly the case that judicial nominees as well as others are considered in that fashion without even having a rollcall vote.

It has been the custom of the current chairman of the Judiciary Committee this year to call for, I believe in most all cases, rollcall votes, which is fine. I would actually prefer to do it that way. But it has not been deemed necessary in the past because most of these nominations are not controversial—my point being that we can consider and act upon frequently large numbers of nominations without having to take a lot of the Senate's time for debate. It has always been that way. The Senate can do many things at once. We hold committee hearings when we have actions pending on the floor. It is simply not true that we can only do one thing at a time.

Part of the reason we don't have the number of judges confirmed we should is that some have made the arguments that we are too busy doing other things and we have to be on the floor doing the antiterrorist legislation, or some other business before the Senate, and therefore we can't take up the nominations. That, I submit, is not an accurate statement of the way the Senate operates.

But for those who say we can't do more than one thing at a time, I have said: Fine; then given the fact that we have time and time again asked for action on judicial nominations that has not been forthcoming by and large, perhaps it is time to give those nominations the proper priority they deserve and to get them on the calendar so we can consider them. As a result of that, I, on a couple of other occasions, suggested that rather than taking up a particular appropriations bill, we should get on with nominations. No. Some colleagues argued: We need to get on with these appropriations bills. We will take up those nominations in due course.

As a matter of fact, there have been two explicit agreements reached between the majority leader, minority leader, and others about how to follow this process, with the specific commitment made to take action on those nominees, at least those who were nominated prior to the August recess. Still, we do not see action occurring at a pace fast enough to be able to conclude that by the end of our session this year we will have, indeed, taken action on the nominations pending prior to the August recess.

That is why I have decided that if, in fact, it is the case that we cannot do more than one thing at a time, then we will simply call a timeout on the appropriations process, go to these nominations, see how many of them we can get done as appropriate, and then return to the appropriations process.

No one suggests we will not complete that process this year. We have to do it. We will do it. I will be supportive of it, as well. That is essentially the reason why I have suggested we call a timeout on that process, so we can get those nominations done.

I will continue my statement, but I know the distinguished majority whip wishes to speak.

Mr. REID. I apologize for the interruption, but I want to make clear I thought there was going to be a request for morning business. We have no one on our side wishing more morning business.

I want to make sure that everyone understands the next hour is that time set aside for Senator LEAHY and Senator McCONNELL. So any time that is going to be used would have to be, under the previous agreement, given to them by the managers of the legislation or whoever decides to dole out the time for each side.

Mr. THOMAS. Will the Senator yield for a question?

Mr. REID. Yes.

Mr. THOMAS. Would it be appropriate to ask unanimous consent that we have morning business until 5 p.m.?

Mr. REID. I have spoken to Senator LEAHY. He would agree to give up 15 minutes of his time.

Would Senator McCONNELL be willing to give up 15 minutes of his time?

Mr. KYL. I say to the Senator from Nevada, Senator McCONNELL has asked me to represent him during this period of time. I would be happy to do that if that would be the preference of the Senator from Nevada and the Senator from Vermont.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I say that I do not see anyone in the Chamber wishing to speak on the Democrat side; I am sure there will be somebody shortly. Why not have until 5 o'clock set aside equally between the majority and minority for morning business, and at 5 o'clock Senator LEAHY and Senator McCONNELL will use their time as appropriate. I ask unanimous consent that be the order.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. KYL. I thank the Senator from Nevada.

JUDICIAL VACANCIES

Mr. KYL. Let me summarize where I was, Mr. President.

The point is, we are a country that relies upon our courts to administer the rule of law. At the Federal level that means we need to have a fully staffed Federal judiciary. We always know there are a certain number of vacancies at any given time. But we need to complete action on as many of the nominations pending before us as possible, certainly before we leave perhaps some time next month.

In the past, it has been the case that Members of both parties have expressed concern about the fact that we have vacancies and that we need to fill those vacancies. I will make note of that in just a moment because some of my colleagues on the other side have been eloquent about their commitment to try to get the process done.

My point is, with over 40 vacancies designated as emergencies by the Administrative Office of the Courts that characterizes vacancies as "emergency" or "nonemergency," with over 100 vacancies now, over 40 of which are emergencies, it is not business as usual. We cannot continue to have maybe one hearing a week, with maybe one or two judges being considered. We have only confirmed eight judges this entire year; most of them quite recently—only eight.

At that pace, we are clearly not going to be able to act even on the President's nominees that existed at the time we began the August recess. These are nominations made in May, in June, I believe, mostly—maybe a couple in July. Clearly, we ought to at least act on those nominations before we terminate our business this session.

But if we do not get about that task very soon, there will not be enough in the pipeline coming from the Judiciary Committee to get that work done. That is why I have said we are going to have to have a timeout. If the argument is we just don't have time, we are too busy doing other things, then I am willing to say: Then let's call a timeout. Let's get to the nominations. And when there is a sufficient number of nominations completed, then we will go back to our other priorities.

We will continue to pass continuing resolutions to fund all of the various operations that are the subject of the appropriations bills. There will be nothing lost from that process.

We will pass the appropriations bills. No one suggests otherwise. But in terms of priorities, if we do not act soon on these judges, two things will happen: No. 1, we are not going to have enough time to complete the work on those before we quit; second, we will not fill these vacancies that have been declared emergency vacancies by the Administrative Office of the Courts.

So that is my reason for calling this timeout. It is my reason for urging people to vote against the motion to proceed to the foreign operations bill, which I very strongly support, incidentally.

I will represent to my colleagues that Senator McCONNELL, who is the ranking member of that subcommittee, did, indeed, ask me to represent him until he arrives this afternoon. He may be in the Chamber by 5 o'clock. He may not. But it is his view that this is an appropriate objection at this time to moving forward with action on that bill.

Since I see a couple of my colleagues are in the Chamber to speak, let me simply say, when I resume my comments, I will speak statistically to where we are in this current situation vis-a-vis past administrations and make the point that it pretty much does not matter how you cut it. By any statistical measure, we are far behind.

In the Reagan administration of 8 years, in the Clinton administration of 8 years, in the previous Bush administration of 4 years—in every case, with one exception, every single Presidential nominee for the courts that was made prior to the August recess was acted upon before Congress adjourned for the year.

There are 30-some vacancies for the courts now. I do not see, at the current pace at which we are operating, how we can come close to completing action on those nominations. Actually, if you were to compare the numbers through October 31, it would be a better measure, and that would make it virtually impossible for us to get all these nominations done when we are so far behind at this point.

I think an even more conservative proposal of just acting on those nominees the President sent to the Senate prior to August would be perfectly appropriate. I see no reason for us not to do it. That is why I am willing to say until we do that, we need to defer action on our other business so we can indeed get about this job.

With that, Mr. President, I reserve the time until we take up the motion to proceed to the bill.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to follow up a bit on what my friend from Arizona has talked about. Certainly, each of us recognizes that things have changed substantially since September 11.

I spent the weekend in Cheyenne, WY, and much of it with the National Guard. These great men and women are continuing to carry out their duties in protecting the country, as well as now doing the special things, such as airport security, and other requirements they have. Some have just returned from Bosnia, as a matter of fact.

I guess my point is, things changed for all of us; and special things come up at times such as we are in now. But it is also necessary for us, after we have done the things we have to do for those special times, to go ahead and do the things that we ordinarily have to do. Life goes on, and we have to continue to pursue that.

I think very much that is the case now with issues we have before us, special things such as airport security, special things such as the declaration, really, of war on terrorism, which we have done. Those things needed to be done.

Now, of course, we need to do appropriations. But we also have to do the mundane things such as the confirmation of judges, the seating of U.S. attorneys, many of whom have a very real role in this matter of domestic terrorism.

I, too, believe we have to work these two things out together. I understand the frustration of the leadership in the majority when they are seeking to move things, but I have to remind us, for example, that on July 21, 2000, while objecting to Majority Leader LOTT's attempt to proceed with the intelligence authorization bill, the minority leader—now majority leader—said this:

> I hope we can accommodate this unanimous consent request for intelligence authorization. As does Senator Lott, I recognize that it's important. I hope we can address it. We must address additional appropriations bills. There is no reason that we can't. We will find a compromise if there is a will, and I am sure there is. But we also want to see the list of what we expect will probably be the final list of judicial nominees to be considered in hearings before the Judiciary Committee.

This is what he said as he held up that appropriations bill.

Our friend from Nevada, on July 24, while objecting to Senator LOTT's repeated attempt to move forward, said:

> We believe there should be certain rights protected. Under this Constitution, we have

> a situation that was developed by our Founding Fathers in which Senators would give the executive branch, the President, recommendations for people to serve in the Judiciary. Once these recommendations are made, the President would send the names to the Senate and we would confirm them and approve of those names. One of the problems we are having is it is very difficult to get people approved and confirmed. This has nothing to do with the energy and water bill. It does, however, have something to do with other bills.

That was as he objected to continuation.

We find ourselves in the same position. We need to move forward to do the things that must be done. We need to do the things that are ordinarily done. I suggest we can do those things at the same time.

The PRESIDING OFFICER. The Senator from Kansas.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 1546 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada.

JUDICIAL NOMINEES

Mr. REID. Mr. President, if I could take just a couple minutes to say a few words.

I have listened to my friend from Arizona, but he has to understand—the whole world has to understand—we, the Democrats, just took control of the Senate in June. For the first 6 months this year, the Republicans controlled the Senate Judiciary Committee. The chairman was ORRIN HATCH. During that period of time, there was not a single confirmation hearing or a single judicial confirmation.

They have to get real. They are not.

My friend from Arizona says we are going to have to take time out and do nothing here. That is what we will be doing because we have to finish the appropriations bills.

I also say what we have to do is very important. We have appropriation bills we must complete. No one is saying we will not confirm judges. Even though we didn't get many confirmations for President Clinton, this is not payback time. We are going to do the very best we can, and the Judiciary Committee has done the very best it can. There are hearings scheduled for this Thursday to report out a significant number of judges. They have known that. These hearings are not something we just planned. They have been planned for a long period of time.

There was talk from my friend from Wyoming that we have to do U.S. attorneys. I don't know how many U.S. attorneys we did the past week, but it was 10 or 15 U.S. attorneys.

Mr. LEAHY. Fourteen, I say to the Senator from Nevada. Not only 14, but we have been doing U.S. attorneys as fast as they have come in—26 so far for the year. At times when we have gone to a markup for U.S. attorneys, the White House wouldn't even send up their material. We had my staff working until 3 in the morning to help them complete—for President Bush's nominees, to help them complete their paperwork to get it through. We are still waiting for them to send up the U.S. marshals. In 26 years, I have never known any President, Republican or Democrat, to take this long.

And as the Senator from Nevada said, during the half a year the Republicans controlled the Senate, of course, they didn't have a single judicial confirmation hearing. They didn't confirm a single judge. We are now, of course, confirming them much faster than they were confirmed during the first year of the Clinton term or the first year of former President Bush's term. Actually, as I recall, when the Republicans controlled the Senate during the Clinton years, we had 34 months that they didn't even have hearings on judges.

We have been doing hearings every single month, whether we are in recess or not. So I suppose I could take a partisan attitude and say we will go as slowly on judges as they did with President Clinton. I thought that was unfair then; of course it is unfair now. I have no intention of taking the irresponsible position my Republicans colleagues did during that time.

What we are doing is debating a motion to proceed to the foreign operations appropriations bill. Senators have asked me earlier: Is all our Middle East money in the foreign operations bill? Yes, it is.

Is money in there for such things as President Bush has talked about; for example, for aid to the Afghan people? Yes, some of that is in that bill.

Some have asked me if the money we provide to countries we have been calling on to stand up for the United States during this time—some of that money is in this bill that the other side wants to hold up. An amazing fact, Mr. President. Everywhere President Bush has said we want to help and work together, and we want your help; and we want to help you, I say to the leaders, that money the President is talking about, which he wants us to support him on, guess what. It is in this bill.

I suspect that all Democrats are going to vote to go forward. We want to give the President the money he needs to help in this effort against terrorism. I am amazed that some Senators want to stop the President from getting that money. If they vote against going forward, then he will not get it. That is why I am amazed to find—I read in one of the papers, Republican Senators would hold up this bill—the bill that funds our foreign policy—at a time when the President of the United States is going around the world asking for support. It makes no sense.

Every Senator has a right to vote the way he or she wants. But I can imagine what would be said if Democrats had ever done that to any President—Republican or Democrat. They would probably be calling for our impeachment.

Mr. REID. If the Senator will yield, I ask the chairman: Would the Senator agree that during this time of trouble and strife we have been going through, two of our greatest allies have been Israel and Egypt?

Mr. LEAHY. Absolutely true.

Mr. REID. Now, as a result of the inaction of the Senate, as has been threatened by the Senator from Arizona, these two countries that have been such a stalwart friend of the United States, they won't be getting the aid we have set forth in this bill, will they?

Mr. LEAHY. No. In fact, we have a procedure when we pass the bill; a certain amount is provided upfront. That is not going to be there because we can't do it under a continuing resolution. It would be misleading to suggest otherwise. We have billions of dollars for our friends in the Middle East, held up, as the Senator said. We have military assistance for our European allies. We asked them to stand behind us. We have antiterrorism assistance in this bill.

Imagine that. This bill has $38 million in antiterrorism assistance. I wonder how many Senators who would vote against sending this bill forward are willing to go back home and explain, well, even though the Democrats went a lot faster in judicial nominations than we did, we held up antiterrorism assistance. I would hate to have to make that argument back home, but they are going to have to.

We have assistance for refugees in Africa—the poorest of the poor. Are we going to hold up that money? We have victims of drought and earthquakes in Central America. Are we going to hold up that money? We have funding to combat HIV/AIDS, the worst public health crisis in half a millennium. Are we going to hold up that money? How about assistance for combating poverty around the world, which breeds the hopelessness and resentment that provides the fertile breeding grounds for terrorists?

President Bush spoke about that. The Secretary of State has made the same point. Do we want to hold up that money?

It is self-defeating and shortsighted, and it is irresponsible to hold up funding for foreign policy when anyone can see we have shortchanged foreign policy for years.

It is time to recognize that global leadership requires acting like a leader, not like petulant children in a school ground. It is about more than dropping bombs; it is about diplomacy and foreign assistance.

Let's stop holding up this bill and get on with the Senate's business. It is utterly lacking in judgment. It unfairly punishes the entire Nation to hold up this bill.

Think of the things that are being held back. Then look at the reason. They claim it is because judges are being held up.

I have a chart. I mention this because my friend from Nevada mentioned it earlier. He mentioned how Republicans—Republicans didn't hold a single hearing on a judicial nomination, not one, didn't confirm a single judicial nominee. When I became chairman of the reconstituted committee, 10 minutes after that we started having hearings. In fact, the Presiding Officer knows that a Republican appointee from his State, a nominee to the circuit court of appeals, the Presiding Officer and his colleague came to me and talked to me about it. That judge moved forward. Look at this chart. We have here the green line.

This is what happened in the first term of George Herbert Walker Bush. By October 15, they had four judges. Take a look at President Clinton. He didn't get his first judge until September. By this time, we had four. Look what happened under our chairmanship. Within a couple of weeks of becoming Chair, I was having hearings on nominations. So this baloney about numbers—I thought I would share the facts.

An easy fact to remember is that during this part of the year the Republicans didn't hold a single confirmation hearing or confirm a single judge. I have gone now faster than the first year of the last two Presidents—both President Bush and President Clinton—twice as fast, actually, moving judges through than it was done in their terms. That is only since becoming chairman of the committee in July. I held hearings two different days during the August recess. I was roundly criticized by two Republican members on the Judiciary Committee for even holding the hearings. You are almost damned if you do, damned if you don't.

That is fine. They have an absolute right. I believe in the first amendment.

The more important question here is not the judges.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair needs to interrupt for a moment to close morning business.

Mr. LEAHY. I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will resume consideration of the motion to proceed to H.R. 2506, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, for the edification of the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Senator McCONNELL asked that during the period of time prior to the vote I represent him. I will be happy to do that. I assume that since the proponent of the legislation is the Senator from Vermont, he will want to begin, and I respect that.

I presume from the shrug, the Senator from Vermont does not wish to move forward, in which case I will be happy to continue with the discussion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will respond to a couple things the Senator from Vermont had to say. I very much appreciate the burden he carries as chairman of the Judiciary Committee, and the fact he was not in the majority until June. However, I think it important to point out there is a reason the chairman of the Judiciary Committee before him did not hold hearings on nominees.

We will all recall that it took President Bush a little while to secure his office this time, and he was probably a good 6 weeks or so behind. I am not sure how that translates into making nominations to the bench, but by early May he, indeed, was making nominations. There are a whole number of nominations that were made on May 9, as a matter of fact, and then following that, on May 25 and then in June, and so on.

Very shortly after he was sworn in, he began the work of nominating people to fill the vacancies on the court. It is important to point out that, probably more than any of the last four Presidents, himself included, he has acted with alacrity to fill vacancies. As a matter of fact, by the beginning of the August recess, in the short time that President Bush held office, the President had submitted to the Senate 44 judicial nominees. Let me put this in perspective.

President Reagan had submitted 8 nominees before the end of the August recess, President Bush submitted 8 nominees before the August recess, and President Clinton submitted 14 nominees before the August recess. President Bush submitted, as I said, 44 nominees before the August recess.

It is true that those were not submitted in February and March and April. Obviously, he was just taking office at that time. To point out no hearings were held before the distinguished Senator from Vermont became chairman of the committee I think does not represent the situation in any accurate way for us to take action now.

The fact is, we had 44 nominees pending prior to the August recess, 108 vacancies currently, and therefore it is time to act. Whatever the situation was before June, we now know we have all of these nominees. My question is, Why are we not acting on them?

In terms of hearings, it is true the Senator from Vermont has held hearings, but the problem is he does not put very many judicial nominations on the hearing calendar. In contrast to his predecessor, Senator HATCH, who averaged 4.2 judicial nominees per confirmation hearing, Senator LEAHY has been moving at about a third of that place—1.4 judicial nominees per confirmation hearing. It is a little hard to fill these 108 vacancies when you are only having 1.4 nominees per hearing and you only hold the hearings on the schedule they have been held so far.

As a result, we have only confirmed eight judges. That is the reality of where we are today.

The fact that we have 41 designated emergency judges as indicated by the Administrative Office of the Courts does not concern anyone? It certainly concerns me as a Senator representing a border State, where I have three nominations pending, with no action being taken on those.

There are 21 nominees pending in the Judiciary Committee who are slated to fill positions which have been declared judicial emergencies by the Administrative Office of the Courts. Why are we not holding hearings on these nominations? As far as I know, there is nothing to prevent us from holding hearings, and if I am wrong, I ask the distinguished chairman of the committee to tell me how I am wrong.

He says anyone who takes the position I have taken is utterly lacking in judgment. I ask him to perhaps reconsider that comment. Perhaps I can ask the Senator from Vermont who he thinks is acting like petulant children in the schoolyard—the other comment he made.

The fact is, we have had time to hold hearings, and there are all of these nominations pending. They were pending before the August recess. There is nothing preventing us from holding the hearings. There is nothing preventing us from voting on those nominations in the hearing, nothing except politics, I submit, and that, at the end of the day, is apparently where we are.

I do not like to hold up other business any more than anyone else. It is important to get the foreign operations bill done. Clearly, we will do that. But for those who say we are just so busy doing other things, then I am forced to say, fine. Then let's stop until we can get some of these nominations to the floor for a vote and acted on.

Mr. President, I wish to make one other comment. These are not my words but the words of the distinguished Senator from Vermont. When Bill Clinton was President and there were fewer than 85 vacancies—now there are 108—Senator LEAHY took the position that "[a]ny week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis."

When there were fewer than 70 judicial vacancies, the Senator told the Judiciary Committee:

> [W]e must redouble our efforts to work with the President to end the longstanding vacancies that plague the Federal courts and disadvantage all Americans. That is our constitutional responsibility.

I certainly agree with the Senator.

Finally, in May of 2000 Senator LEAHY argued that we should move more judges than had been moved before at a time when they were being moved faster than they are now. He said:

> I have challenged the Senate to regain the pace met in 1998 when the committee held 13 hearings and the Senate confirmed 65 judges.

I suggest if it was an appropriate pace then, it is an appropriate pace now. There is no reason not to do it. Therefore, we should get on with that task.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am going to speak on this issue of judicial nominations for a few moments. I urge us to get as many of these judges reported as possible, but I do also think we need to stick to some of the facts. I will put in the RECORD a few facts.

President Bush has submitted 60 nominees for confirmation to us this year; we have confirmed 8. That is 13 percent. President Clinton through all of 1993—the Senate confirmed 27; he submitted 47; so that was a total of 57 percent.

The first President Bush, in 1989, in his first year, submitted 24. We confirmed 15. So he had 62 percent of the judges he submitted to Congress in his first year be confirmed.

President Reagan, in 1981, submitted 45. Forty-one were confirmed for a confirmation rate of 91 percent. For President Reagan, we confirmed 91 percent of the judges he submitted in his first year in office; President Bush, 62 percent; President Clinton, 57 percent. This year with President George W. Bush, we have confirmed 8 out of 60—only 13 percent. So we are way behind compared to the three previous Presidents. We have a lot of catching up to do.

Those are the facts. We are way behind on circuit court nominees. We have had more circuit court nominees submitted this time than in the past. We have only confirmed 4, but we have had 25 submitted. So we have only confirmed 16 percent of the circuit court nominees. I just mention that.

For the district court, 35 have been submitted, and we have only confirmed 4. We have a few more in the pipeline, and hopefully we will get those through, but we still have a lot.

My point is, out of 60 judges submitted by President Bush this year, we have confirmed 8. That is only 13 percent. That is far behind the 57 percent for President Clinton's judges. Sixty-two percent of President Bush's judges and 91 percent of President Reagan's judges were confirmed in the first year. So we are moving very slowly. We need to accelerate. That is the reason why some of us are saying wait a minute before we agree to move forward on all the appropriations bills. Let us try to see if we cannot come up with an agreement where we can have expeditious consideration of these judges. They should not be penalized.

This Congress should confirm the judges. I know Senator DASCHLE and Senator REID have told me they concur with that. So I hope in the very near future we come up with an agreement on how to proceed that all would say is a fair way of dealing with these judges.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. MCCONNELL. Am I in control of the time on this side? If so, how much time remains?

The PRESIDING OFFICER. Three and a half minutes.

Mr. MCCONNELL. Mr. President, I have been a longtime friend of the chairman of the Judiciary Committee. In fact, he and I have worked together for some 9 years on the foreign operations bill, the bill that will at some point in the future be before the Senate. Sometimes he has been chairman and sometimes I have been chairman. Right now he is chairman.

As an appropriator, I am mindful of the need to complete appropriations bills in a timely fashion. This year, the Foreign Operations Subcommittee has put together what I believe to be a good bill, and I certainly support that bill and want to see it become law at the earliest possible time. Nevertheless, I do intend to vote against cloture on the motion to proceed because regretfully this seems to be the only tool with which we are left to try to advance the President's judicial nominations.

While I am aware of the importance of the timely completion of appropriations bills, I am also cognizant of the need to make sure that our Federal judiciary is adequately staffed. It is because I am concerned that some of my colleagues do not fully appreciate the crisis facing the Federal judiciary that I feel it is necessary to object proceeding to this bill. I hope that by doing so, we can get a concrete agreement on timely confirming the President's nominees and remedying the situation facing the judiciary.

I have great respect for the chairman of the Judiciary Committee, who is also chairman of the Foreign Operations Subcommittee, but the cold, hard fact is there are 108 judicial vacancies, almost 13 percent of the Federal bench, which means that the Federal judiciary is woefully understaffed. And we are running out of time in this fall session.

It will do us precious little good to pass important counter-terrorism legislation, for example, if there are not enough judges to review search warrants and to try cases in a timely fashion. We are engaged in a massive war on terrorism with, as we have seen today, new fronts emerging each and every day. With such a massive law enforcement operation, we need U.S. Attorneys, and we need Federal judges.

I am particularly puzzled that my colleagues across the aisle, who have cried for adequate judicial safeguards in our counter-terrorism package, would not support our request for the expeditious consideration of the President's judicial nominees.

If we look at the first year of the last three administrations, all but one of the judges nominated before the August recess were confirmed. Clearly, for whatever reason, we are not getting the job done in the Judiciary Committee.

We need to have an adequate complement of Federal judges on the bench. Given the sorry state of the vacancy situation, timely consideration is certainly needed. It is the middle of October, and the President has only eight judicial nominees confirmed. By contrast, at the end of his first year in office, President Clinton had 27 or 28 judges confirmed.

This is not President Bush's fault. He submitted 44 nominees before the August recess. Indeed, President Bush submitted his first batch of nominees back in May. This, again, is another record, at least for the last couple of decades.

Rather, the reason for this delay is that while we have had some hearings, we have not come close to getting the most out of these hearings. I expect this afternoon there has been a lot of talk about hearings, but the fact is we have gotten the least out of the most.

Specifically, while from 1998 to 2000 the Judiciary Committee averaged 4.2 judicial nominees per hearing, this year we have averaged only 1.4 judicial nominees per hearing. That is a pace that is three times as slow as was the case from 1998 to 2000.

We can do better than that. We must do better than that. The chairman of the Judiciary Committee and my friend, Senator LEAHY, was constantly complaining prior to this year about the slow pace of the previous Senate. The fact is, it was moving a lot more rapidly than we are at the moment.

Now, my colleagues on the other side of the aisle will say, "MCCONNELL, you got it all wrong. You need to look at 'this.' And you need to look at 'that.' And you need to look at the other.'" Well, I and my colleagues are not going to be distracted by "this, that, and the other," and we are going to make sure the American public is not either. We are going to keep our eyes fixed on the bottom line, and the bottom line is that President Bush's 8 judicial nominees is woefully inadequate when compared to his predecessors, and particularly President Clinton who got 28 judges confirmed in his first year.

So I urge my colleagues to support the President, the Federal judiciary, and the law enforcement community, which is on the front lines of our nation's war against terrorism. Vote no on this motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator controls 15 minutes.

Mr. LEAHY. Then do we vote?

The PRESIDING OFFICER. At 5:30, by agreement, there will be a cloture vote.

Mr. LEAHY. I thank the distinguished Chair. The former Governor of Nebraska has spent an enormous amount of time in that chair. I know he is now giving up the chair, but he has done the Senate a great service with the amount of time he has spent there. I have a feeling the Senator from Nebraska, when he came from the executive branch, never thought he would be presiding as much, but he has done the Senate a great service.

I love to hear quotes, especially those taken out of context. Back when the Republicans controlled the Senate I urged that they move quicker on judicial nominations. I think it is because they left an extraordinary number of President Clinton's nominees at the end of his term on which they never even allowed a vote. He had women, Hispanics, others who would wait 3, 4, 5 years and never even get a hearing. That created a real problem. Now, having created all of those vacancies, they come in and say, oh, my gosh, we have judicial vacancies.

President Clinton tried to fill those judicial vacancies, as my colleagues may recall, and the Republican-controlled Senate refused to allow him. Time and time again, they would hold them up. They would keep sending more questions to them. They would not allow them to come forward. They would not have a hearing. They would not have a vote, and finally the nominations died. So, of course, there were vacancies. All the vacancies would have been filled if they had even allowed votes on these because, when on the rare occasions they would allow a vote, the person would get 90 votes, 95 votes, sometimes 100 votes. They would go through easily, but they would not allow them to have a vote. So the vacancies occurred.

It is a little bit like the young person who is before the court. He is there for murdering his parents and he says, Your Honor, you have to have mercy on me. I am an orphan. Well, this is the same thing. Republicans spent 2, 3, 4, 5, 6 years creating enormous judicial vacancies and then they come in and say we have to fill these judicial vacancies.

We are going to have hearings for five judges on Thursday. We will have a hearing for them. So there are five judges on Thursday alone who are coming up. As we wait for them to finish their questionnaires, I think it is good if we can find out if they have criminal records or things such as that before we go forward. If they fit at least a basic level of competence before they go forward, we will continue to have those hearings. I am not going to do what the Republicans did and have 34 months without having any hearings at all. We have been having hearings every month.

It is an interesting complaint they make, when they had 6 months that they controlled the Senate and did not have any confirmation hearings of judges or votes. We started having them within a week after taking over the Senate.

Be that as it may, maybe someone sits in a room somewhere and thinks we don't have enough work to do. After all, we spent 3 weeks putting together an antiterrorism bill—which did take up a little bit of time. I remember the number of times I was here late at night, and then to hear complaints we have not had Judiciary hearings—actually, we had a couple while we were working on the antiterrorism bill.

Some things have happened in the last month in this country that have needed our attention. We have been trying to move U.S. attorneys as fast as they come up, but it is like pulling teeth to get them out of the White House so we can move them. I don't know if we have had any marshal nominations come up, but a week ago we had not had a single one. I have never known a President in my term to take that long.

Holding up the foreign aid bill is an interesting tactic. I cannot figure out why. If Senators want to criticize me on judges, I am happy to make a commitment to move as fast as they moved the nominees of President Clinton, but I have a feeling no one would be happy if I, as chairman, were to treat President Bush's judicial nominees the way they treated President Clinton's. If I did that, we would hear screams. I think we would hear screams from Democrats, too, because it would be so patently unfair if we did to them what the Republicans did to President Clinton. I am not going to do that. I don't believe in doing that. When we get done, whatever time I am chairman of the Judiciary Committee, we will find President Bush's nominees were handled far more fairly than those of President Clinton.

Having said that, I wonder what in Heaven's name is the masochistic attitude that is holding up this bill so they can make political points on the weekend talk shows. I cannot understand that. Secretary Powell is overseas now trying to solidify our antiterrorism coalition. Democrats have united behind the President and the Secretary of State in helping to bring together the support of leaders of other countries. The distinguished majority leader has pushed hard to get through money and authorization for President Bush to fight terrorism. We went the extra mile to get the antiterrorism bill completed.

Having done that, we are now saying to the President: Look, Mr. President, you can call on all these people overseas, ask them to support us in our antiterrorism activities, but we are not going to give you your foreign aid bill. We will not give you the money you are now promising the foreign leaders for their help. We are not going to give you the money that goes to NATO allies. We will not give you the money that goes to the Middle East Camp David signers. We will not give you the money to fight AIDS in Africa. We are not going to give you the money to give child immunizations. We are not going to give you the money, apparently, to help feed the Afghanistan people after this war ends.

It is a sad day when, for partisan reasons, an important appropriations bill is sabotaged. Even the ranking member of the foreign appropriations subcommittee will vote against proceeding to the appropriations bill. It is unfortunate, unjustified, especially after I have bent over backwards to work with him on this bill. Our economy is intricately intertwined with the global economy. Our health depends on our ability and the ability of countries in Africa, Asia, and Latin America to control the spread of deadly infectious diseases. Our security is linked to the spread of nuclear, biological, and chemical weapons and our ability to stop terrorism and narcotrafficking and organized crime. These threats are prevalent from as far away as China to our own cities.

No less a threat but potentially the trigger that ignites many others is poverty. We are surrounded by a sea of desperate people. Two billion people, a third of the world's inhabitants, live on the edge of starvation. They barely survive on whatever scraps they can scavenge. Many children die before the age of 5. This grinding, hopeless, desperate existence is overladen with despair. That despair fuels hatred, fear, violence, and even the terrorism that hit this country a month ago. We see it on many continents, including today in Pakistan, where thousands of people are threatening to overthrow their own government if it gives American troops access to Pakistani territory. We see it across Africa and in Colombia and Indonesia. We see it in the form of refugees and people displaced from their homes who number in the tens of millions.

The world is on fire in too many places to count, and in most of those flashpoints poverty and the injustice that perpetuates it are at the root of instability.

Our foreign assistance programs provide economic support to poor countries, health care to the world's neediest women and children, food and shelter to refugees and victims of natural and manmade disasters, and technical expertise to promote democracy, free markets, human rights, and the rule of law. This is as it should be. But as important as this is, what we give is a pittance when considered in terms of our wealth and the seriousness of the threats we face. Even this pittance, the other side doesn't want us to even vote on. Stand up and say we are all against terrorism. Of course we are. Wave the flag and say you want to protect America. Of course we do. But to say we might do something to actually stop some of the root causes of terrorism—well, not if it interferes with the partisan political agenda; we can't do that.

The approximately $10 billion we provide in this type of assistance—whether through the State Department and the Agency for International Development or as contributions to the World Bank, the U.N. Development Program, the World Food Program, and other organizations—amounts to less than $40 per person in this country.

We are all willing to give far more money than that—we were in my family—for the victims of terrorism. But at least give something that maybe will stop the terrorism from happening in the first place. We are also trying to help people in our country because our economy is suffering. But we cannot bury our heads in the sand and protect our national interests, in today's complex and dangerous world, on a foreign assistance budget that is less in real terms than it was 15 years ago.

Our world is not simply our towns and our States and our country, it is the whole world. We live in a global economy. The Ebola virus is like a terrorist—the terrorists could get on a plane in one part of the world and could be in our backyard hours later. We can try our best to control our borders, but we cannot hide behind an impenetrable wall.

We have to go to the source of the problem, to the countries that are failing from ignorance, poverty, and injustice.

Almost 60 percent of the world's people live in Asia. That number is growing. Seventy percent of the world's people are nonwhite, 70 percent are non-Christian, 5 percent own more than half the world's wealth, half the world's people suffer from malnutrition, and 70 percent are illiterate.

These people may not knock down skyscrapers that kill 6,000 Americans in a single day. But they pose immense long-term threats to our way of life: Extreme poverty on a massive scale in countries that cannot feed their people today, and the poisoning of our environment. All of these things should be attacked by us just as much as we attack the networks of Osama bin Laden.

We give no credit to the Senate—the greatest parliamentary body—we give no credit to this great body if we block the foreign aid bill from going forward.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 147, H.R. 2506, the foreign operations appropriations bill, 2002:

Harry Reid, Patrick Leahy, Richard J. Durbin, Ron Wyden, Barbara A. Mikulski, Daniel K. Akaka, Russell D. Feingold, Jack Reed, Zell Miller, Tim Johnson, Paul S. Sarbanes, Jean Carnahan, Daniel K. Inouye, Barbara Boxer, Ernest F. Hollings, Patty Murray, Edward M. Kennedy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2506, an act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Ms. CANTWELL) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. LOTT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

The PRESIDING OFFICER (Mr. CLELAND). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 46, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—46

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Kyl
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—4

Cantwell
Inhofe
Lott
McCain

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to H.R. 2506, the Foreign Operations Appropriations bill.

Pat Leahy, Harry Reid, Tom Daschle, Ben Nelson of Nebraska, Kent Conrad, Zell Miller, Byron L. Dorgan, Russell D. Feingold, Paul Wellstone, Joseph Lieberman, Debbie Stabenow, Bill Nelson of Florida, Max Cleland, Patty Murray, Mark Dayton, Jack Reed of Rhode Island, Barbara Mikulski, and Herb Kohl.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators allowed to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM

Mr. BIDEN. Mr. President, 5 years ago I stood here and called upon the Senate to join the fight against terrorism. Back then terrorism seemed like something that happened far away, in distant lands over distant conflicts. Well, that has all changed.

Terrorism has come to America.

We have to be a little proactive now. Back then, I proposed a series of precise antiterrorism tools to help law enforcement catch terrorists before they commit their deadly acts, not ever imagining the events of September 11.

In particular, I said that it simply did not make sense that many of our law enforcement tools were not available for terrorism cases.

For example, the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What's good for the Mob should be good for terrorists!

Anyway, some of my proposals were enacted into law, a number were not.

There were those who decided that the threat to Americans was apparently not serious enough to give the President all the changes in the law he requested.

Today, five years later, I again call on my colleagues to provide law enforcement with a number of the tools which they declined to do back then. The anti-terrorism bill we passed judgment on Thursday, S. 1510, is measured and prudent. It takes a number of important steps in waging an effective war on terrorism.

It allows law enforcement to keep up with the modern technology these terrorists are using. The bill contains several provisions which are identical or near-identical to those I previously proposed.

For example: it allows the FBI to get wiretaps to investigate terrorists, just like they do for the Mafia or drug kingpins; it allows the FBI to get a "roving wiretap" to investigate terrorists—so they can follow a particular suspect, regardless of how many different forms of communication that person uses; it allows terrorists to be charged with federal "racketeering offenses"—serious criminal charges available against organizations which engage in criminal conduct as a group—for their crimes; it includes a provision similar to legislation I introduced last Congress, S. 3202, to prohibit terrorists, and others, from possessing biological materials when that person does not have any lawful reason for having them. Right now, it's only illegal if you intend to use such materials as a weapon, the FBI tells me that that is simply too difficult a burden for them to prove in many cases, and that the new offense we create in this bill will be helpful in prosecuting terrorists who possess dangerous biological agents; it incorporates the language of S. 899, legislation Senator HATCH and I introduced earlier this year to raise the payment to families of public safety officers killed or permanently disabled in the line of duty from $100,000 to $250,000.

Let's be clear. This bill is a step in the right direction. Some will say that it doesn't go far enough.

I have to say, I was disappointed that the Administration dropped some proposals from an early draft of its bill, measures which I called for five years ago. Those antiterrorism measures are NOT in the bill, but I continue to believe that they're common-sense tools which law enforcement should have.

We should be extending 48 hour "emergency" wiretaps and "pen registers," "caller-ID"-type devices to track incoming and outgoing phone calls from suspects, to terrorism crimes. This would allow police, in an emergency situation, to obtain immediately surveillance means against a terrorist, provided the police go to a judge within 48 hours and prove that they had the right to get the wiretap and that the emergency circumstances prevented them from going to the judge in the first place. Right now, these emergency means are available only for organized crime cases.

We should be extending the Supreme Court's "good faith" exception to wiretaps. This well-accepted doctrine prevents criminals in other types of offenses from going free when the police make an honest mistake in seizing evidence or statements from a suspect. We should apply this "good faith" exception to terrorist crimes as well, to prevent terrorists from getting away when the police make an honest mistake in obtaining a wiretap.

I'm also pleased that Chairman LEAHY and the administration were able to reach consensus on the two areas which gave me some pause in the administration's original proposal: those provisions dealing with mandatory detention of illegal aliens and with greater information sharing between the intelligence and law enforcement communities.

Overall, the agreement Chairman LEAHY reached has satisfied me that these new law enforcement powers will not upset the balance between effective law enforcement and the civil liberties we all value.

This bill is not perfect. No one here claims it has all the answers. This fight may be lengthy. But I am confident that by treating terrorism as seriously as we do the Mob, that we are taking a step in the right direction.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Last Friday marked the three-year anniversary of a heinous crime that occurred in Laramie, WY. On October 12, 1998, Matthew Shepard, 21, an openly gay student at the University of Wyoming, was savagely beaten to death, burned, and tied to a wooden fence. Russell A. Henderson, 21, and Aaron McKinney were convicted of first-degree felony murder, kidnapping, and aggravated battery. The duo had met Shepard at a bar, pretended to be gay, and lured him to their truck where they intended to rob him. After being pistol whipped and burned, Shepard was found 18 hours later tied to a fence and in a coma. He died later that night in Poudre Valley Hospital in Fort Collins, CO. The pair's girlfriends, Chasity V. Pasley, 20, and Kristen L. Price, 18, were convicted for being accessories after the fact.

On a personal note, I want to state that my involvement with hate crimes legislation stems from this murder. I was in Portland, OR watching the televised vigil on the steps of the Capitol following Matt's death. It caused me great sorrow to note that no sitting Republican Senator was involved in this vigil. I resolved then to help change our current hate crimes law in part so that what happened to Matt, would never happen again.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

HISPANIC HERITAGE MONTH

Mr. LEVIN. Mr. President, this autumn from September 15th to October

15th, we commemorate the Nation's 33rd Hispanic Heritage Month. In 1968, Congress designated a week to celebrate Hispanic culture nationally. Twenty years later in 1988, the week-long festivity was transformed into a month-long variety of activities aimed at raising national awareness of the tradition and achievement of Hispanics in America.

In that spirit I would like to recognize the initiating force behind this celebration, Gil Coronado. Colonel Coronado envisioned a week-long celebration of culture and pride and as founder and chairman of "Heroes and Heritage: Saluting a Legacy of Hispanic Patriotism and Pride" a non-profit organization, set forth to make his dream a reality. A hero himself, Colonel Coronado enlisted with the Air Force at age 16 and would serve for 30 years in Vietnam, Panama, Germany and Spain before he retired with over 35 awards including the Legion of Merit and the Bronze Star. Hispanic Americans like Colonel Coronado, have risen to the call of duty, defending the liberty and freedom the United States stands for, just as they continue to do so today in our armed services.

Hispanic contributions to our culture and society go back almost 500 years, to when Juan Ponce de Leon first arrived in Florida in 1513. His fellow explorers like Alvarez de Pinela and Cabeza de Vaca would traverse what is now the American "Sunbelt." In fact, the arrival of De Soto in Mississippi in 1541 is commemorated in one of the great historical canvases in the Rotunda of the Capitol building in which we work.

Today, Hispanics continue to be pioneers in our society. Fernando Bujones was 19 when he became the first American to win a gold medal at the 1972 International Ballet Competition in Varma, Bulgaria. Mari Luci Jamarillo would be appointed by President Jimmy Carter as the Ambassador to Honduras in 1977, distinguishing her as the first woman ambassador of Hispanic descent.

I would also like to make special note of two people affiliated with my home state of Michigan. In 1990, Antonia Novello became the first female Hispanic U.S. Surgeon General. Dr. Novello started her medical career at University of Michigan where she was named "Intern of the Year," the first woman to ever receive such an award. Detroit would also be the starting point for Jose Feliciano's musical career. A native of Puerto Rico, Feliciano was born blind, but he mastered multiple instruments like the 6 and 12 string guitars, the bass, banjo, mandolin, organ, bongo drums, piano, harpsichord, harmonica and trumpet. He would achieve stardom with his Latin-soul version of "Light My Fire." However, he would gain even more popularity with his unorthodox blues-rock rendition of "The Star-Spangled Banner" during the 1968 World Series game in Detroit.

These are just a few outstanding examples of Hispanic contributions to American society. It is a pleasure for me to stand today with my Senate colleagues as we continue to recognize the contributions of our Hispanic community during National Hispanic Heritage month.

Mr. WELLSTONE. Mr. President, I rise today on behalf of this year's Hispanic Heritage Month, commemorated annually between September 15 and October 15. This celebration is an opportunity to honor a community devoted to family, faith, country and hard work. It is also a demonstration of patriotism as we appreciate the diversity from which our country derives its strength.

This month, and all year, we honor the courage, talent, determination, leadership and vision of Hispanic men, women and children who have done so much for our Nation in the face of incredible obstacles. We also honor the rich culture and heritage of the Chicano/Latino community and the tremendous gifts the community has given to our country.

Our greatness lies in the diversity of our beliefs as well as in the strength of our common ideals. The history of our country, its values and beliefs, are thus intertwined with the Chicano/Latino community.

In acknowledging the rich heritage of the Chicano/Latino community, I would like particularly to acknowledge the outstanding contributions of four Chicano/Latino institutions in my State of Minnesota. Their efforts have helped shape the social, economic and political landscape of their vibrant community as well as the community at large.

The Chicanos Latinos Unidos en Servicio, CLUES, has provided critical services to advance the Chicano/Latino community. Founded in 1981 in St. Paul to provide culturally appropriate and bilingual mental health services, CLUES has just opened a new office in Minneapolis that provides mental health, chemical health, education, employment and elder wellness programs.

The Chicano Latino Affairs Council, CLAC, advises the Government and State legislature on issues of importance to the Minnesota Chicano/Latino community. CLAC consists of 15 members appointed by the Governor of Minnesota from all different levels of government. The CLAC educates the legislature, the general public, the media, and agency heads on the contributions of Chicano/Latinos and the issues facing the community.

In addition, Minnesota has funded a bi-lingual charter school, El Colegio, designed to improve the achievement of high school students. Its mission is to engage students in experiences that help them find meaning and purpose in their lives. This experimental education uses Hispanic, Chicano and Mexican perspectives to study art, environment and technology. The school helps students take pride in who they are and in what they can do for American society. One student, David Juanez is currently helping me with legislation which would allow States to create permanent resident status for undocumented students in good standing, enabling them to receive state funding when applying to college. This is only an example of what these students can do when given the opportunity.

A further great contribution to the Chicano/Latino community has been the opening of Mercado Central in August, 1999 and its ongoing operation since then. The market features 45 Latino merchants offering authentic foods, housewares, gifts, and groceries. The entrepreneurs that have opened this market have changed the face of Minneapolis' Lake Street forever. Its addition is a celebration of the Hispanic, Chicano, and Mexican community here in Minnesota.

At a time when we are faced with national challenge, we must strive even more to continue building a society in which people of diverse backgrounds are valued for the richness of their contributions. I hope that we can use this special occasion of Hispanic Heritage Month to bring the American people closer together.

FLIGHT FOR FREEDOM

Mr. SMITH of Oregon. Mr. President, ever since the days of the pioneers, when folks would gather from miles around to participate in community barn raisings, the spirit of neighbor helping neighbor has been an Oregon tradition.

I rise today with great pride in my State to tell you that the tradition of neighbor helping neighbor reached new heights these past few days in a remarkable project entitled "Flight for Freedom".

Spurred by New York City Mayor Rudy Giuliani's call that New York City was open for business, Portland Mayor Vera Katz and Portland businessman Sho Dozono came up with the idea of sending a delegation of Oregonians to New York City to lend whatever support they could to the residents of the Big Apple.

It wasn't too long before 100 Oregonians signed up, and then 200, and then 500, and then 750, and when all was said and done, over 1,000 Oregonians from every corner of my state boarded planes and traveled to New York City last weekend.

This delegation brought a great deal of business to New York hotels, restaurants and stores. But more important than that, they brought a great message. A message that we are one Nation. A message that the 3,000 miles between New York City and Oregon was made non-existent on September 11. A message that as New Yorkers move forward in the days and weeks ahead, Oregonians and Americans will stand with them.

It was a message expressed in the tee-shirts that members of the Flight to Freedom wore and distributed as they marched in the Columbus Day Parade. The shirt said simply "Oregon loves New York."

Many participants in the Flight for Freedom have described the trip as the most moving and most memorable of their life. They will always remember the gratitude New Yorkers extended to them. They will always remember the words of a New York policeman who said, "The gap in the New York skyline is incredible. It can't ever be replaced. But we'll bounce back with the help of people like you in Oregon."

I know my colleague Senator WYDEN joins with me in saying to Senator SCHUMER and Senator CLINTON that we share the sentiments expressed by our fellow Oregonians last weekend. We, too, love New York, and we, too, will stand with you every step of the way.

The State motto of Oregon is "She flies with her own wings." And it seems to me that Oregon, New York City, and all of America are flying just a little bit higher today because of the spirit and leadership of Mayor Vera Katz, Sho Dozono, and all those who made the Flight to Freedom such a remarkable success.

IN MEMORY OF KARLETON DOUGLAS BEYE FYFE

Mr. EDWARDS. Mr. President, at 8:48 a.m. on September 11, 2001, America lost one of its finest citizens, one of the many who gave their lives in the senseless acts of terror visited upon our country that day. His name is Karleton Douglas Beye Fyfe, and he deserves to be remembered. He died aboard American Airlines Flight 11, scheduled to fly from Boston to Los Angeles. He died at the age of 31 in the service of his family, of his profession and of his country. He died among the very first victims of this tragedy which has so unsettled our Nation. He would have had strong views about the aftermath of this tragedy, and he would not have been shy about expressing them.

Mr. Fyfe's loss leaves his many survivors devastated. He was a devoted father and loving son, a constant husband and loyal friend, an outstanding student and solid professional.

Mr. Fyfe grew up in North Carolina and attended the University of North Carolina at Chapel Hill, where he majored in economics and philosophy. At Chapel Hill, Mr. Fyfe's lightning intellect flourished; he was equally at home both inside and outside his chosen disciplines. His instructors describe Karleton as a prodigy, the kind of student who makes teaching exciting, rewarding, and easy.

Mr. Fyfe served his family and his country as a successful member of America's financial community in Boston, working as an analyst with Fidelity Investments for eight years before joining John Hancock as a telecom analyst in January. As a financial analyst, he would tell his friends of the seriousness with which he took his important work: "These are people's lives" is how he would describe the retirement accounts in his care.

Mr. Fyfe's family and friends all remember his unique, disarming sense of humor, a quality he used to overcome awkward moments and often to make a point. He died, and his voice has been silenced, but those who had the honor of knowing Karleton are certain that he would have views about his country's reaction to the horror that took his life.

A close friend imagined that Karleton might say: "If you must go to war, be sure somebody is in charge of protecting the innocent. Make sure that our country emerges from this enterprise having improved the condition of all the women and children it will inevitably affect."

Let us take a moment to hear those words. If he thought they could be heard in this forum, Mr. Fyfe would have been glad to give his life in the service of his family, his profession, his country, and the innocent.

I ask consent that two important insertions into the RECORD be in order. The first will be the text of Mr. Fyfe's death notice as published in the Raleigh News and Observer on Thursday, September 13, 2001; it reiterates the profound loss suffered by his family and friends, and it emphasizes the message, which must emerge from his death, of protecting the innocents. The second is an account of Mr. Fyfe's character, friendship, and sense of humor, written by his dear friend, Ric Schellhorn, as published in the Raleigh News and Observer on Tuesday, September 18, 2001; it characterizes Karleton's humanity and humor as only a best friend can.

I now ask consent, that the two documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KARLETON DOUGLAS BEYE FYFE

DURHAM.—Karleton Douglas Beye Fyfe's life was taken yesterday on AA flight 11 by the hatred that so poisons part of our humanity—he would not want us to take revenge on innocent people for this cruel, senseless act.

Karleton was born in San Antonio, Texas on a warm, sunny February 10th in 1970. He spent his growing up years in Durham County and graduated from Southern High. He majored in philosophy and economics at UNC and then worked for Fidelity Investments of Boston for eight years. During that time he married Haven Conley from the Chapel Hill-Durham area, earned a Masters degree in business from Boston University and a CFA certificate, and became father to Jackson before joining the John Hancock Company as a financial analyst in January of this year.

He is survived by his wonderful wife Haven, his adoring son Jackson of 19 months, his parents, Barbara and Jim of Durham, his older sister Tiffany Tanguilig and husband Larry of Alpharetta, GA, his younger sister Erin Yang and husband Carl of Cambridge, MA, his niece and nephew Sydney and Tyler Tanguilig, and his many loving relatives, friends and associates.

Karleton's quick wit, gracious friendliness, keen intelligence and loving family loyalty will be missed by us all.

A memorial service will be held at the Community Church of Chapel Hill at a time to be arranged later. In lieu of flowers the family would be happy to see any donations made to the Orange Durham Coalition for Battered Women in Karleton's name.

POINT OF VIEW: ONE AMONG THE THOUSANDS

(By Eric Schellhorn)

SAN DIEGO.—Three of us were on the phone the other night reminiscing about our friend when all at once, for a few long, uncomfortable seconds, everyone stopped talking.

Karleton—Karleton D.B. Fyfe, formerly of Durham and Chapel Hill—would have savored the moment: "Pretty cool awkward silence we got going here," he'd have piped up, as he always did when a sober moment rudely encroached on an otherwise loose and limber good time. It was a stock Karleton line, one of his trademarks. Try it sometime. See if anyone in the room can keep a straight face, even if you happen to be talking about the absurd, violent death of a dear friend.

"Writing about me for The N&O, huh?" I hear him saying now, deadpan as you please. "Don't forget to tell them all what a handsome devil I was. And remember to spell 'genius' right. Big newspapers hate typos."

I won't reduce a dignified and accomplished young life to a series of one-liners, but making an indelible impression on people's senses of humor strikes me as an even more lofty accomplishment than the ones you'll read in his formal bio: 31-year-old telecom-industry analyst for John Hancock, MBA from Boston University, earned at night some years back while working full-time for a major mutual fund broker. Those are just the facts, man, and they don't tell you the part of the story that's most worth remembering.

He was a junior from Durham majoring in economics and philosophy when I met him as a first-year grad student at UNC-Chapel Hill. In anyone else, you might have dismissed that incongruous pairing of academic pursuits as an affectation, or a resume-builder. For Karleton, reading Kant or Hegel was the perfect antidote to a steady diet of Keynes and Adam Smith. He'd say: "The best part about reading brilliant economists and brilliant philosophers is that now I have no clue what people in two completely different disciplines are talking about."

Most lives worth remembering embody just these kinds of contradictions: economics and philosophy, class-clown with a work ethic that kept him away from his wife and young son far more than he would have liked, new-era Southern gentleman who inexplicably found himself working shoulder-to-shoulder with Harvard grads in the financial heart of Boston Brahmin country, connoisseur of both Tar Heel baseball caps and fine European-tailored suits.

Back at school, you might have watched him schlep his 6-foot-4 frame around in khaki shorts and T-shirts for three straight months, but you wouldn't have considered trucking out to a morning job interview without rousing him from a sound sleep and asking if the jacket or slacks you'd picked out for yourself made you look like an apprentice televangelist. On one such occasion, I wandered into Karleton's room in the house we shared at school for just this kind of fashion consultation. Chucking diplomacy to the breeze, he wordlessly sized me up, went to his own closet and picked out a necktie of his own that, as he later put it, was a little less "Carnaby Street."

There are people you're proud to call friends, and then there are people whose friends you're proud to be. I always felt I got the better end of our bargain. When Karleton asked me to be the best man at his wedding in 1994, it was like being nominated to an elite inner circle. I repaid the distinction by getting the flu on the morning of his nuptials and passing out cold, mid-ceremony in the early October North Carolina heat. An hour later, the vows exchanged in my absence, he came inside to the couch where I was recovering, threw his arms around me, and said, without a trace of annoyance, "Thanks for giving us the only wedding video in history that'll be worth watching in slo-mo."

Armchair psychologists will tell you people who respond reflexively to tragic or unpleasant events with a joke or offhand remark are invoking a classic little pain-saving defense mechanism called "reaction formation."

Karleton was a world-class reaction-former. I can't say for sure, but my guess is that if he'd been watching Tuesday's events on TV at home, rather than sitting on a plane bound for Los Angeles, he would have summed everything up with a vintage understatement: "Man, whoever did all this . . . they're gonna have to give back a lot of those humanitarian awards."

IN MEMORY OF CLYDE L. CHOATE

Mr. DURBIN. Mr. President, I rise today with great sadness to mark the passing of an American hero and an Illinois legend. Clyde Choate spent his 81 years in service to his country and to his State, and we are fortunate indeed to have known him.

Clyde Choate was an Illinoisan through and through, born in downstate Franklin County and a lifelong resident of nearby Union County. Southern Illinois is the heart of coal country, and Clyde came from a family for whom mining was both a way of living and a way of life. Perhaps we can trace his later ability to stand up for himself as a State legislator to the fact that he had 11 brothers and sisters. Anyone growing up in a 14-member household would feel right at home in a large deliberative body.

Shortly after the outbreak of World War II, Clyde enlisted as a private in the U.S. Army and found himself deployed to the European theater, where he spent some 31 months. It was there, on the battlefields of France, that Staff Sergeant Clyde Choate demonstrated a determination and pride that would mark his public service for the rest of his life.

In late October of 1944, the tank destroyer battalion Choate commanded was engaged by a German tank and company of infantrymen. With his anti-tank weaponry destroyed, Staff Sergeant Choate left a position of safety to search for trapped comrades and to chase the enemy tank, which was by then moving to attack American troops nearby. Grabbing a rocket launcher, Choate singlehandedly attacked the tank, disabling it, and then killed its crew with his pistol. He completed destruction of the German vehicle while under heavy enemy fire by dropping a grenade into the turret. With their firepower rendered useless, the German troops retreated, having been turned back solely through the heroic actions of Staff Sergeant Clyde Choate.

In presenting him with the Congressional Medal of Honor, this country's highest award, in the East Room of the White House on August 23, 1945, President Harry Truman noted that "Staff Sergeant Choate's great daring in assaulting an enemy tank single-handed, his determination to follow the vehicle after it had passed his position, and his skill and crushing thoroughness in the attack prevented the enemy from capturing a battalion command post and turned a probable defeat into a tactical success."

A New York Times story written that day notes that President Truman thanked the medal recipients and commented that their "deeds demonstrated that when leadership was required, no matter what the emergency, it came to the top through the young men of America." How true these words ring today when we think about the young men and women who are defending our country in the battle against a new and frightening enemy.

Leadership rose to the top through Clyde Choate on a daily basis. His political career was born that late summer day in our Nation's capital when the young veteran seized his opportunity to lobby at the highest level and expressed to President Truman his concerns about the coal industry in southern Illinois. Perhaps, President Truman suggested, the young Clyde Choate should run for public office. The very next year, Clyde was a candidate for the Illinois House of Representatives and won. He took up residence in Union County's seat and kept it warm for the next 30 years. In that three-decade span, he served as both minority and majority leader of the Illinois House many times.

I remember State Representative Clyde Choate. He was passionately committed to southern Illinois but could always find common ground with his colleagues from the ethnic neighborhoods of our State's biggest cities. His common sense and great sense of humor made him a trusted leader and favorite friend of Democrats and Republicans alike. After leaving the Illinois General Assembly, Clyde Choate became a strong voice for Southern Illinois University.

Last year when I visited southern Illinois, my friend Clyde Choate came to my town meeting. Though illness had dimmed his vision, nothing could dim his insight. He pulled me to the side and in his characteristic style whispered into my ear about politics, the President and our national agenda. His title was gone but his passion for the important issues of our time was undiminished.

Clyde Choate was a soldier for our great nation and a fighter for the great State of Illinois. We have benefitted tremendously from his dedication, his drive and above all, his leadership. He will be sorely missed by the people of Illinois and, most especially, by his neighbors and friends in Union County, all of whom he so tirelessly served.

ADDITIONAL STATEMENTS

THE 100TH ANNIVERSARY OF THE SEAFORD, DELAWARE FIRE DEPARTMENT

• Mr. BIDEN. Mr. President, on November 10th, 1901, several leading citizens of Seaford, DE met in the Town Council room to discuss the organization of a fire company. They understood what we are so very mindful of today, that local firefighters are a key part of our first and best defense against disaster.

By the end of November 1901, there were more than 50 members of the new Seaford Volunteer Fire Department, and W.H. Miller had been elected to serve as its first president. The first chief, T.H. Scott, was elected in early December, and soon after led the company on its first fire response on December 18th, 1901, at a building that was both a store and a home on Seaford's High Street.

The Seaford firefighters used hand-drawn hose reels and ladder trailers until 1921, when the first fire engine was purchased. It is worth taking note that Government money helped buy that first engine, a reminder that a public investment in the fire service is necessary and appropriate. This partnership is all the more important 80 years later, when we ask our firefighters to respond to such a range of threats and dangers.

Today, the Seaford Volunteer Fire Company fleet includes four Pierce fire engines, an aerial truck, two ambulances, a rescue truck, a brush truck, a utility truck and a van, as well as "Old Number 4," a 1948 Seagraves used for fire prevention programs. Four paid ambulance attendants now serve the community, with more than 50 volunteer firefighters still ready to answer the call when their neighbors need them, and 50 more volunteers working in support of the Department.

As we honor the heroes of September 11th, including so many members of New York's Bravest, we stand in prayerful wonder and immeasurable gratitude for what firefighters sacrifice and risk on our behalf. They are, truly, the best of neighbors and the best of citizens.

The Seaford Volunteer Fire Department has been a part of that great tradition for 100 years, and on behalf of the people of my state, and on behalf of the United States Senate, I am proud to extend congratulations to Chief Steve Mayer, President Rich Toulson and all the men and women who have kept the Department and the community strong into a second century of service. Again, we are very proud, and we are deeply grateful.●

CONGRATULATING BARBARA ELY RITTER ON 30 YEARS' FEDERAL SERVICE WITH THE U.S. FISH AND WILDLIFE SERVICE

● Mr. MURKOWSKI. Mr. President, I would like to take a moment to congratulate an exceptional Federal employee and friend, Barbara Ely Ritter, who on October 18 of this year will complete 30 years of Federal service with the United States Fish and Wildlife Service.

Mrs. Ritter is currently Chief of Budget Execution for the USFWS here in Washington, D.C. But her career extends back to 1971 when, as she tells it, as a newly arrived "Cheechako" in Anchorage, Alaska, confronting an extremely tight job market, she was faced with a choice between two career paths: night clerk in a liquor store or temporary clerk/typist with the USFWS. Fortunately for the Service and for the taxpayers, Mrs. Ritter chose the latter path.

Thus began a career that has taken her from Alaska to New Mexico to North Carolina to Washington, D.C. to Oregon, and back again to Alaska and the District of Columbia. In each transfer Mrs. Ritter has moved into positions of greater and greater responsibility, establishing along the way a reputation for getting things done and done right. Indeed, she is known in the Service as one of the "go-to" people on budget matters. In addition, she has chosen to share her experience and knowledge with up-and-coming USFWS managers and budget specialists by mentoring and instructing prospective managers through the Service's "Stepping Up to Leadership" program.

She is a regular lecturer at the National Conservation Training Center in Shepardstown, WV, as well as co-developer of the NCTC's course of budget instruction. In addition, in her various management positions Mrs. Ritter has effectively implemented the Federal Government's oft-stated hiring goals of diversity and quality in its workforce. As an example, she personally led efforts to hire the first visually impaired employee in the USFWS Portland, OR, office—an employee who is, herself, coming up on 10 years' service with the USFWS.

Our nation's future depends to a large degree on the quality and professionalism of the Federal employee. Oft-maligned unjustly, the Federal employee is the person who, ultimately, has to get the job done for America. Barbara Ely Ritter's 30-year career with the U.S. Fish and Wildlife Service and her inspiring rise from temporary employee to division chief, stands as a vivid example of what our dedicated, hard-working, professional Federal employees are capable of.●

IN MEMORY OF REVEREND DOCTOR FREDERICK GEORGE SAMPSON

● Mr. LEVIN. Mr. President, today I would like to pay tribute to the achievements of a beloved religious leader, heroic civil rights advocate, inspiring preacher and dedicated father from my home State of Michigan, Reverend Doctor Frederick George Sampson.

For the past 30 years, my home town of Detroit has been able to claim Reverend Sampson as one of its own. However, his deep faith, keen intellect, and concern for others enabled him to touch the lives of countless people the world over.

Born in Port Arthur, TX, Reverend Sampson's insatiable thirst for knowledge compelled him to earn three bachelor's degrees, two master's degrees, a doctor of divinity degree from Virginia Theological Seminary as well as certificates in economics and medicine. In addition, three colleges awarded him honorary degrees.

While he was indeed a man of learning, Reverend Sampson was also a man of action who sought to integrate his education and faith into all he did. His learning and faith could be heard in his powerful sermons. Such was the influence of these sermons, that Ebony Magazine twice named Reverend Sampson as one of the Nation's "Greatest Black Preachers in America."

Central to all the Reverend's work was his untiring advocacy on behalf of the civil rights movement. A close aide to the Reverend Martin Luther King, Jr., Dr. Sampson helped organize the 1965 voting rights march in Montgomery, AL, and he helped write and edit many important speeches given during the early days of the civil rights movement. In addition, he was a life member of the National Association for the Advancement of Colored People as well as a former President of the Detroit branch of the NAACP. Much of the success of the civil rights movement has been due to the untiring efforts by people of faith, such as Reverend Sampson, who reminded us about the dignity and worth of all people regardless of their race, creed or gender.

After serving two decades in various churches throughout the nation, Reverend Sampson came to Detroit to serve as Senior Pastor at the Tabernacle Missionary Baptist Church. During his tenure as pastor, this parish of 5,000 served as a beacon of hope to the entire community. Tabernacle Church cares for the body and mind as well as the soul, and Reverend Sampson deserves much of the credit for this. The church offers computer training, GED tutoring, runs a soup kitchen, administers a food pantry and among other things has a scholarship program in addition to its services and Bible studies.

As one who early in his life deferred a career in medicine to serve God as a preacher, Reverend Sampson was able to use his role as a minister to increase awareness about health matters. Besides speaking extensively about health and spirituality, Reverend Sampson was able to display considerable courage in his personal life when he was diagnosed with prostate cancer. After this diagnosis, Reverend Sampson and his daughter Freda sought to highlight the threat that prostate cancer poses, particularly to African American males, by teaming with the American Cancer Society and the Southern Christian Leadership Conference to raise awareness of this disease.

Reverend Sampson has been a community and spiritual leader for nearly five decades. I have been able to witness, firsthand, his passionate oratory, his love of his Lord and his commitment to helping others. Reverend Sampson touched the lives of all who met him. I know my Senate colleagues join me in commemorating the life of Reverend Doctor Frederick George Sampson, and in offering their condolences to his son Pastor Frederick Sampson III, his daughter Freda and his extended family.●

NATIONAL BUSINESS WOMEN'S WEEK

● Mr. BIDEN. Mr. President, this week, for the 73rd year, our nation will commemorate National Business Women's Week. Since it was first observed in 1928, the event has been sponsored by Business and Professional Women, (BPW)/USA as a national tribute to all working women. It has helped increase awareness of the continuing challenges that working women face, and has highlighted their many successes that have strengthened our nation.

With well over 60 million women in the American labor force, including more than 70 percent of women with children, and an increasing percentage of women who help care for an elderly relative, the issues that challenge working women must be priorities for all of us, from balancing responsibilities within our own families to our debates on national and, indeed, multinational policy. And, as has been the case for all of the 73 years that we've had National Business Women's Week, we start from a position where there is good news and bad news: we've come a long way, and we have a long way to go.

In 1999, there were nine million women-owned firms, representing 38 percent of all American businesses, a 103 percent increase in just over 10 years; and the rate of growth for women-owned businesses in America is nearly three times faster than the overall rate. Women-owned businesses are also as financially secure and credit-worthy as other firms, and, in fact, are more likely to stay in business.

Yet, even with that powerful place in our economy, women entrepreneurs still have lower levels of available credit than their male counterparts. And as for employees, women still face a wage gap; for every dollar earned by men in 1998, women earned an average of 73 cents. The gap is even wider for women of color, and it gets worse as the workers get older, presumably progressing in their careers.

In the highest echelons of the business world, the Fortune 500, the good news is that the number of women corporate officers has increased by 37 percent over the past five years; the bad news is that the total number of women officers is still alarmingly low. The number of women in the highest officer positions, like CEO, president and high-ranking vice presidencies, has increased by 113 percent since 1995, but that still translates into just 114 women in those jobs, or about five percent of top office holders.

We've, seen similar progress, with corresponding long ways to go, in women working in government and higher education. In my State last year, we elected our first woman Governor—a Governor, I might add, who is also a small business owner. While we rightly celebrate her victory, she was just the 11th of 12 American women ever to have been elected to that office outright. Here in the Senate, we have seen progress—with a record 13 women currently serving as U.S. Senators—but we still cannot call it success. And in academia, too, although some numbers are getting better, some problems persist, including what the American Association of University Professors described as substantial disparities in salary, rank and tenure.

And so, as we approach National Business Women's Week, we have some work to do. Achieving equity on the job is a process, and it proceeds not on an isolated track but with almost constant overlap with policies that affect home and family life, from providing adequate health care to combating domestic violence, from meeting the needs of our young children to responding to the needs of our aging parents. As a national interest, work and family exist in partnership.

We celebrate the progress and contributions of working women in America, recognizing that our prosperity—as well as the full expression of our values and national character—depend upon women having the opportunity to participate fully in our economic life. We are not there, but we are inspired by the women who continue to lead the way, and during National Business Women's Week, we are reminded to honor their uniquely valuable contributions to the strength of our economy and our society, and to the promise of our future.●

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 12, 2001, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 68. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

S.J. Res. 19. A joint resolution providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20. A joint resolution providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

Under the authority of the order of the Senate of January 3, 2001, the enrolled joint resolutions were signed subsequently by the President pro tempore (Mr. BYRD) on October 12, 2001.

At 3:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2975. An act to deter and punish terrorist act in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

H.R. 3061. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3061. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The following bill was read the first and second times by unanimous consent, and ordered placed on the calendar:

H.R. 2975. An act to deter and punish terrorist act in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on, October 12, 2001, she had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 19. A joint resolution providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20. A joint resolution providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4421. A communication from the President of the United States, transmitting, pursuant to law, a report on the Status of U.S. Efforts Regarding Iraq's Compliance with UN Security Council Resolutions; to the Committee on Foreign Relations.

EC-4422. A communication from the General Counsel of the Department of Defense, transmitting, a report on the results of the Department of Defense review of the report of the Department of Defense Panel on Military Justice in The National Guard When Not In Federal Service; to the Committee on Armed Services.

EC-4423. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Special Operations, Low Intensity Conflict, received on October 5, 2001; to the Committee on Armed Services.

EC-4424. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4425. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; CHAMUS; Payments for Professional Services in Low-Access Locations" (RIN0720-AA58) received on October 10, 2001; to the Committee on Armed Services.

EC-4426. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4427. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to the Independent Safety Board Act of 1974, a report relative to any budget estimate, request, or information submitted to the Office of Management and Budget, and a report regarding the 2002 budget request; to the Committee on Commerce, Science, and Transportation.

EC–4428. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services" (Doc. No. 92-235, FCC 00-439) received on October 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4429. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Actions for the Recreational, Commercial, and Tribal Salmon Seasons from the U.S.-Canada Border to the Oregon-California Border" received on October 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4430. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment for the Commercial Salmon Season from Humbug MT., OR, to the OR-CA Border" received on October 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4431. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Closure of the Commercial Fishery from Horse Mountain to Point Arena, CA" received on October 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4432. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Closure of the Commercial Fishery from Horse Mountain to Point Arena, CA" received on October 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4433. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures. Revision to Emergency Rule" (RIN0648–AP31) received on October 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4434. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation" received on October 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4435. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of United States Parole Commissioner, Department of Justice, received on October 10, 2001; to the Committee on the Judiciary.

EC–4436. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of United States Parole Commissioner, Department of Justice, received on October 10, 2001; to the Committee on the Judiciary.

EC–4437. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Special Counsel for Immigration-Related Unfair Employment Practices, Department of Justice, received on October 10, 2001; to the Committee on the Judiciary.

EC–4438. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Director of the United States Marshals Service, Department of Justice, received on October 10, 2001; to the Committee on the Judiciary.

EC–4439. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director of the Bureau of Justice Assistance, Department of Justice, received on October 10, 2001; to the Committee on the Judiciary.

EC–4440. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director of the Office for Victims of Crime, Department of Justice, received on October 10, 2001; to the Committee on the Judiciary.

EC–4441. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service, in acting role for the position of Assistant Attorney General, Office of Justice Programs, Department of Justice, received on October 10, 2001; to the Committee on the Judiciary.

EC–4442. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role in the position of Assistant Attorney General, Office of Justice Programs, Department of Justice, received on October 10, 2001; to the Committee on the Judiciary.

EC–4443. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Office of Justice Programs, Department of Justice, received on October 10, 2001; to the Committee on the Judiciary.

EC–4444. A communication from the Administrator of the Drug Enforcement Administration Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Interpretation of Listing of "Tetrahydrocannabinols" in Schedule I" (RIN1117–AA55) received on October 10, 2001; to the Committee on the Judiciary.

EC–4445. A communication from the Administrator of the Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption from Control of Certain Industrial Products and Material Derived for the Cannabis Plant" (RIN1117–AA55) received on October 10, 2001; to the Committee on the Judiciary.

EC–4446. A communication from the Administrator of the Drug Enforcement Administration Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Clarification of Listing of "Tetrahydrocannabinols" in Schedule I" (RIN1117–AA55) received on October 10, 2001; to the Committee on the Judiciary.

EC–4447. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator of the Federal Highway Administration, received on October 4, 2001; to the Committee on Environment and Public Works.

EC–4448. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Interim Storage for Greater than Class C Waste—10 CFR Parts 30, 70, 72, and 150" (RIN3150–AG33) received on October 9, 2001; to the Committee on Environment and Public Works.

EC–4449. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Approval of Revisions to State Implementation Plan, Specific Requirements, and Nonregulatory Provisions" (FRL7083–1a) received on October 10, 2001; to the Committee on Environment and Public Works.

EC–4450. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Requirements for Volatile Organic Compounds and Nitrogen Oxides in the Pittsburgh-Beaver Area" (FRL7083–3) received on October 10, 2001; to the Committee on Environment and Public Works.

EC–4451. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans, Kentucky: Approval of Revisions to Kentucky State Implementation Plan" (FRL7082–8) received on October 10, 2001; to the Committee on Environment and Public Works.

EC–4452. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; and Redesignation of Areas for Air Quality Planning Purposes; Kentucky and Indiana; Approval of Revisions to State Implementation Plan; Kentucky" (FRL7082–9) received on October 10, 2001; to the Committee on Environment and Public Works.

EC–4453. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois Trading Program" (FRL7056–6) received on October 10, 2001; to the Committee on Environment and Public Works.

EC–4454. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7082–6) received on October 10, 2001; to the Committee on Environment and Public Works.

EC–4455. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, Ventura County Air Pollution Control District" (FRL7067-2) received on October 10, 2001; to the Committee on Environment and Public Works.

EC-4456. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Kentucky: Approval of Revisions to State Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Jefferson County, Kentucky" (FRL7082-7) received on October 10, 2001; to the Committee on Environment and Public Works.

EC-4457. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Uniformed Services Accounts" received on October 4, 2001; to the Committee on Governmental Affairs.

EC-4458. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting , pursuant to law, a report entitled "Statistical Programs of the United States Government: Fiscal Year 2002"; to the Committee on Governmental Affairs.

EC-4459. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, the report of the list of General Accounting Office reports for August 2001; to the Committee on Governmental Affairs.

EC-4460. A communication from the Executive Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, a report relative to Inventory Commercial Activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-4461. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Inventory of Commercial Activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. LANDRIEU, from the Committee on Appropriations, without amendment:

S. 1543: An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes. (Rept. No. 107-85).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1088: A bill to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes. (Rept. No. 107-86).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, without amendment:

S. 1090: A bill to increase, effective as of December 1, 2001, the rates of compensation for veterans with service-connected disabilities and the rates dependency and indemnity compensation for the survivors of certain disabled veterans. (Rept. No. 107-87).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Linton F. Brooks, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

*William Winkenwerder, Jr., of Massachusetts, to be an Assistant Secretary of Defense.

Army nomination of Brig. Gen. Michael J. Marchand.

Navy nominations beginning Capt. Richard K. Gallagher and ending Capt. Thomas J. Kilcline Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 10, 2001.

Army nomination of Maj. Gen. John M. Le Moyne.

Air Force nominations beginning Col. David F. Brubaker and ending Col. Michael W. Corbett, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 21, 2001.

Army nomination of Lt. Gen. Larry R. Jordan.

Army nomination of Lt. Gen. Kevin P. Byrnes.

Army nomination of Lt. Gen. Paul J. Kern.

Army nomination of Maj. Gen. Joseph R. Inge.

Army nomination of Lt. Gen. John P. Abizaid.

Army nomination of Maj. Gen. George W. Casey Jr.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nominations beginning George M. Gouzy III and ending Carrol H. Kinsey Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 21, 2001.

Army nominations beginning Jeffrey E. Arnold and ending Timothy L. Sheppard, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 21, 2001.

Marine Corps nomination of Henry J. Goodrum.

Navy nominations beginning Richard D. Anderson III and ending James P. Ingram, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 21, 2001.

Navy nomination of Bradley J. Smith.

Army nomination of Gregory A. Antoine.

Navy nominations beginning Richard A. Guerra and ending Jeff B. Jorden, which nominations were received by the Senate and appeared in the CONGRESIONAL RECORD on October 2, 2001.

Navy nomination of Martin B. Harrison.

Army nomination of Stephen C. Burritt.

Navy nomination of Michael S. Speicher.

Navy nomination of Gary W. Latson.

Navy nomination of Robert S. Sullivan.

Air Force nominations beginning Gino L. Auteri and ending Jesus E. Zarate, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 20, 2001.

Air Force nominations beginning Richard E. Aaron and ending *Delia Zorrilla, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 2001.

Navy nominations beginning Kevin T. Aanestad and ending John J. Zuhowski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 2001.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1543. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. KENNEDY:

S. 1544. A bill to direct the Secretary of Transportation to give certain workers who have lost their jobs as a result of the terrorist attacks of September 11, 2001, priority in hiring for aviation-related security positions; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 1545. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; to the Committee on Finance.

By Mr. ROBERTS:

S. 1546. A bill to provide additional funding to combat bioterrorism; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SHELBY:

S. 1547. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for producing fuel from a nonconventional source; to the Committee on Finance.

By Mrs. CARNAHAN:

S. 1548. A bill to allow the Director of the Centers for Disease Control and Prevention to award a grant to create and maintain a website with information regarding bioterrorism; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Ms. MIKULSKI, Mr. BOND, Mr. FRIST, and Mr. DOMENICI):

S. 1549. A bill to provide for increasing the technically trained workforce in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS (for himself and Mr. MCCAIN):

S. 1550. A bill to provide for rail safety and security assistance; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:

S. 1551. A bill to amend the Federal Food, Drug, and Cosmetic Act to add provisions regarding protecting the United States food supply; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DEWINE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 727

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 727, a bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools.

S. 790

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. SMITH of Oregon) was withdrawn as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1071

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1071, a bill to amend title 23, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable fuel projects eligible under that program, and for other purposes.

S. 1111

At the request of Mr. CRAIG, the names of the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1163

At the request of Mr. CORZINE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1163, a bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance.

S. 1203

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1203, a bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units.

S. 1262

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1262 , a bill to make improvements in mathematics and science education, and for other purposes.

S. 1328

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1328, a bill entitled the "Conservation and Reinvestment Act".

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1433

At the request of Mr. ALLEN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1433, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Delaware (Mr. BIDEN), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1447

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1447, a bill to improve aviation security, and for other purposes.

S. 1486

At the request of Mr. EDWARDS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1486, a bill to ensure that the United States is prepared for an attack using biological or chemical weapons.

S. 1496

At the request of Mr. GRAHAM, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1496, a bill to clarify the accounting treatment for Federal income tax purposes of deposits and similar amounts received by a tour operator for a tour arranged by such operator.

S.J. RES. 24

At the request of Mr. SPECTER, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Montana (Mr. BURNS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S.J. Res. 24, a joint resolution honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell and her daughter Rita Revell.

S. RES. 171

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Res. 171, a resolution expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response.

S. CON. RES. 74

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 1544. A bill to direct the Secretary of Transportation to give certain workers who have lost their jobs as a result of the terrorist attacks of September 11, 2001, priority in hiring for aviation-related security positions; to the Committee on Commerce, Science, and Transportation.

Mr. KENNEDY. Mr. President it's a privilege to introduce this bill to ensure that laid-off aviation industry workers receive first priority when the Federal Government and private security firms under Federal contracts hire new employees. Identical legislation was introduced last week in the House of Representatives by Representative Jane Harman of California, and I commend her for her leadership.

Under our legislation, the Secretary of Transportation will develop regulations giving priority in such hiring for aviation-related security positions to qualified airline workers who were laid-off as a result of the September 11 terrorist attacks.

Those attacks have had a devastating impact on large numbers of the men and women who work in aviation and related industries. Immense job losses have taken place. Since September 11, layoffs of more than 140,000 aviation workers have been announced, and nearly 80,000 of those workers are already out of work. Clearly, Congress should do all it can to help the men and women in the industry who have lost their jobs. These workers should get preference for training and new employment opportunities.

Last week, the Senate passed the aviation security bill that federalizes airport security, including 18,000 baggage screeners and 10,000 other security-related positions. The bill that Representative Harman and I am sponsoring gives first priority in hiring for these airport security jobs to the thousands of men and women who were working in the aviation industry and at airports before September 11, and who have been laid off as a result of the terrorist attacks.

The time to help these workers is now. We must help these workers get back to work. One of the most effective ways to do that is by giving preference to those who lost their jobs for these airport security positions. I urge my colleagues to help these dedicated men and women by supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Without objection, it is so ordered.

S. 1544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIORITY IN HIRING.

Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall issue regulations directing that the Department of Transportation, agencies within the Department, and private companies contracted to provide aviation-related security shall give first priority in hiring, for employment related to security at airports and on aircraft operated by air carriers in air transportation and intrastate air transportation, to individuals who—

(1) were employed before September 11, 2001—

(A) in a security-related position at an airport;

(B) by an air carrier;

(C) at a facility at, or immediately adjacent to, an airport;

(D) in providing transportation to or from an airport; or

(E) in other employment directly related to commercial aviation;

(2) have been laid off, terminated, released, or otherwise lost their jobs as a result of the terrorist attacks of September 11, 2001; and

(3) are qualified for those positions or for training programs needed to qualify for those positions.

By Mr. INHOFE:

S. 1545. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; to the Committee on Finance.

Mr. INHOFE. Mr. President, Today I rise to introduce the Medicare Regulatory and Contracting Reform Act of 2001.

I do so at this time because, within the past month, I have received two letters from Medicare Contractors who are withdrawing their services from some Oklahoma counties and other markets across the country. One letter reads, ". . .over-regulation will force health plans to make the difficult decision to withdraw from some markets. . .". Nearly half a million seniors will lose their Medicare+Choice health coverage this year. This is unacceptable. Over-regulation and reimbursement issues plague many Medicare contractors and providers. If we do not act to alleviate the ills of this system, more and more Americans will suffer the consequence.

This legislation will substantially alter the current system to reduce the regulatory burden on Medicare providers, carriers, fiscal intermediaries and beneficiaries, and it will improve the efficiency and quality of the contracting system by which Medicare operates on a daily basis.

In order to help providers, carriers, and beneficiaries understand and implement Medicare regulations, this legislation consolidates the rule-making process for the Secretary of the Department of Health and Human Services, HHS. It also provides for the education and training of all parties involved. Should this bill become law, the Secretary of HHS will be required to utilize the mechanisms of competition and incentives in the Medicare contracting process. Both competition and incentives increase performance and quality of service. Streamlining the claims-appeals process to expedite reviews and amending the process of payment recovery will further benefit providers. This legislation enhances the technical support for small rural providers that currently do not have the resources to comply with electronic billing requirements. Finally, to directly assist Medicare recipients, this bill establishes a resource person to answer questions and work through obstacles that arise in the health care process.

Passage of this legislation is necessary to stabilize and strengthen a Medicare system that is disintegrating. I am confident that we can bring about beneficial change for millions of Americans who depend on Medicare. I hope that my colleagues will join me in this effort.

Mr. INHOFE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Regulatory and Contracting Reform Act of 2001".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; table of contents.
Sec. 2. Issuance of regulations.
Sec. 3. Compliance with changes in regulations and policies.
Sec. 4. Increased flexibility in medicare administration.
Sec. 5. Provider education and technical assistance.
Sec. 6. Small provider technical assistance demonstration program.
Sec. 7. Medicare Provider Ombudsman.
Sec. 8. Provider appeals.
Sec. 9. Recovery of overpayments and prepayment review; enrollment of providers.
Sec. 10. Beneficiary outreach demonstration program.
Sec. 11. Policy development regarding evaluation and management (E & M) documentation guidelines.

(d) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to compromise or affect existing legal authority for addressing fraud or abuse, whether it be criminal prosecution, civil enforcement, or administrative remedies, including under sections 3729 through 3733 of title 31, United States Code (known as the False Claims Act); or

(2) to prevent or impede the Department of Health and Human Services in any way from its ongoing efforts to eliminate waste, fraud, and abuse in the medicare program.

Furthermore, the consolidation of medicare administrative contracting set forth in this Act does not constitute consolidation of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund or reflect any position on that issue.

SEC. 2. ISSUANCE OF REGULATIONS.

(a) CONSOLIDATION OF PROMULGATION TO ONCE A MONTH.—

(1) IN GENERAL.—Section 1871 (42 U.S.C. 1395hh) is amended by adding at the end the following new subsection:

"(d) The Secretary shall issue proposed or final (including interim final) regulations to carry out this title only on one business day of every month unless publication on another date is necessary to comply with requirements under law.".

(2) REPORT ON PUBLICATION OF REGULATIONS ON A QUARTERLY BASIS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the feasibility of requiring that regulations described in section 1871(d) of the Social Security Act only be promulgated on a single day every calendar quarter.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to regulations promulgated on or after the date that is 30 days after the date of the enactment of this Act.

(b) REGULAR TIMELINE FOR PUBLICATION OF FINAL RULES.—

(1) IN GENERAL.—Section 1871(a) (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

"(3) The Secretary, in consultation with the Director of the Office of Management and Budget, shall establish a regular timeline for the publication of final regulations based on the previous publication of a proposed regulation or an interim final regulation. Such timeline may vary among different regulations based on differences in the complexity of the regulation, the number and scope of comments received, and other relevant factors. In the case of interim final regulations, upon the expiration of the regular timeline established under this paragraph for the publication of a final regulation after opportunity for public comment, the interim final regulation shall not continue in effect unless the Secretary publishes a notice of continuation of the regulation that includes an explanation of why the regular timeline was not complied with. If such a notice is published, the regular timeline for publication of the final regulation shall be treated as having begun again as of the date of publication of the notice.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act. The Secretary of Health and Human Services shall provide for an appropriation transition to take into account the backlog of previously published interim final regulations.

(c) LIMITATIONS ON NEW MATTER IN FINAL REGULATIONS.—

(1) IN GENERAL.—Section 1871(a) (42 U.S.C. 1395hh(a)), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

"(4) Insofar as a final regulation (other than an interim final regulation) includes a provision that is not a logical outgrowth of the relevant notice of proposed rulemaking relating to such regulation, that provision shall be treated as a proposed regulation and shall not take effect until there is the further opportunity for public comment and a publication of the provision again as a final regulation.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to final regulations published on or after the date of the enactment of this Act.

SEC. 3. COMPLIANCE WITH CHANGES IN REGULATIONS AND POLICIES.

(a) NO RETROACTIVE APPLICATION OF SUBSTANTIVE CHANGES; TIMELINE FOR COMPLIANCE WITH SUBSTANTIVE CHANGES AFTER NOTICE.—Section 1871 (42 U.S.C. 1395hh), as amended by section 2(a), is amended by adding at the end the following new subsection:

"(e)(1)(A) A substantive change in regulations, manual instructions, interpretative rules, statements of policy, or guidelines of general applicability under this title shall not be applied (by extrapolation or otherwise) retroactively to items and services furnished before the date the change was issued, unless the Secretary determines that such retroactive application would have a positive impact on beneficiaries or providers of services, physicians, practitioners, and other suppliers or would be necessary to comply with statutory requirements.

"(B) No compliance action shall be made against a provider of services, physician, practitioner, or other supplier with respect to noncompliance with such a substantive change for items and services furnished on or before the date that is 30 days after the date of issuance of the change, unless the Secretary provides otherwise.".

(b) RELIANCE ON GUIDANCE.—Section 1871(e), as added by subsection (a), is further amended by adding at the end the following new paragraph:

"(2) If—

"(A) a provider of services, physician, practitioner, or other supplier follows the written guidance provided by the Secretary or by a medicare contractor (as defined in section 1889(f)) acting within the scope of the contractor's contract authority with respect to the furnishing of items or services and submission of a claim for benefits for such items or services;

"(B) the Secretary determines that the provider of services, physician, practitioner, or supplier has accurately presented the circumstances relating to such items, services, and claim to the contractor in writing; and

"(C) the guidance was in error;

the provider of services, physician, practitioner or supplier shall not be subject to any sanction if the provider of services, physician, practitioner, or supplier reasonably relied on such guidance.".

SEC. 4. INCREASED FLEXIBILITY IN MEDICARE ADMINISTRATION.

(a) CONSOLIDATION AND FLEXIBILITY IN MEDICARE ADMINISTRATION.—

(1) IN GENERAL.—Title XVIII is amended by inserting after section 1874 the following new section:

"CONTRACTS WITH MEDICARE ADMINISTRATIVE CONTRACTORS

"SEC. 1874A. (a) AUTHORITY.—

"(1) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with any entity to serve as a medicare administrative contractor with respect to the performance of any or all of the functions described in paragraph (3) or parts of those functions (or, to the extent provided in a contract, to secure performance thereof by other entities).

"(2) MEDICARE ADMINISTRATIVE CONTRACTOR DEFINED.—For purposes of this title and title XI:

"(A) IN GENERAL.—The term 'medicare administrative contractor' means an agency, organization, or other person with a contract under this section.

"(B) APPROPRIATE MEDICARE ADMINISTRATIVE CONTRACTOR.—With respect to the performance of a particular function or activity in relation to an individual entitled to benefits under part A or enrolled under part B, or both, a specific provider of services, physician, practitioner, or supplier (or class of such providers of services, physicians, practitioners, or suppliers), the 'appropriate' medicare administrative contractor is the medicare administrative contractor that has a contract under this section with respect to the performance of that function or activity in relation to that individual, provider of services, physician, practitioner, or supplier or class of provider of services, physician, practitioner, or supplier.

"(3) FUNCTIONS DESCRIBED.—The functions referred to in paragraph (1) are payment functions, provider services functions, and beneficiary services functions as follows:

"(A) DETERMINATION OF PAYMENT AMOUNTS.—Determining (subject to the provisions of section 1878 and to such review by the Secretary as may be provided for by the contracts) the amount of the payments required pursuant to this title to be made to providers of services, physicians, practitioners, and suppliers.

"(B) MAKING PAYMENTS.—Making payments described in subparagraph (A).

"(C) BENEFICIARY EDUCATION AND ASSISTANCE.—Serving as a center for, and communicating to individuals entitled to benefits under part A or enrolled under part B, or both, with respect to education and outreach for those individuals, and assistance with specific issues, concerns or problems of those individuals.

"(D) PROVIDER CONSULTATIVE SERVICES.—Providing consultative services to institutions, agencies, and other persons to enable them to establish and maintain fiscal records necessary for purposes of this title and otherwise to qualify as providers of services, physicians, practitioners, or suppliers.

"(E) COMMUNICATION WITH PROVIDERS.—Serving as a center for, and communicating to providers of services, physicians, practitioners, and suppliers, any information or instructions furnished to the medicare administrative contractor by the Secretary, and serving as a channel of communication from such providers, physicians, practitioners, and suppliers to the Secretary.

"(F) PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.—Performing the functions described in subsections (e) and (f), relating to provider education, training, and technical assistance.

"(G) ADDITIONAL FUNCTIONS.—Performing such other functions as are necessary to carry out the purposes of this title.

"(4) RELATIONSHIP TO MIP CONTRACTS.—

"(A) NONDUPLICATION OF DUTIES.—In entering into contracts under this section, the Secretary shall assure that functions of medicare administrative contractors in carrying out activities under parts A and B do not duplicate functions carried out under the Medicare Integrity Program under section 1893. The previous sentence shall not apply with respect to the activity described in section 1893(b)(5) (relating to prior authorization of certain items of durable medical equipment under section 1834(a)(15)).

"(B) CONSTRUCTION.—An entity shall not be treated as a medicare administrative contractor merely by reason of having entered into a contract with the Secretary under section 1893.

"(b) CONTRACTING REQUIREMENTS.—

"(1) USE OF COMPETITIVE PROCEDURES.—

"(A) IN GENERAL.—Notwithstanding any law with general applicability to Federal acquisition and procurement and except as provided in subparagraph (B), the Secretary shall use competitive procedures when entering into contracts with medicare administrative contractors under this section.

"(B) RENEWAL OF CONTRACTS.—The Secretary may renew a contract with a medicare administrative contractor under this section from term to term without regard to section 5 of title 41, United States Code, or any other provision of law requiring competition, if the medicare administrative contractor has met or exceeded the performance requirements applicable with respect to the contract and contractor.

"(C) Transfer of functions.—Functions may be transferred among medicare administrative contractors in accordance with the provisions of this paragraph. The Secretary shall ensure that performance quality is considered in such transfers.

"(D) Incentives for quality.—The Secretary shall provide financial incentives and such other incentives as the Secretary determines appropriate for medicare administrative contractors to provide quality service and to promote efficiency.

"(2) Compliance with requirements.—No contract under this section shall be entered into with any medicare administrative contractor unless the Secretary finds that such medicare administrative contractor will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Secretary finds pertinent.

"(3) Development of specific performance requirements.—In developing contract performance requirements, the Secretary shall develop performance requirements to carry out the specific requirements applicable under this title to a function described in subsection (a)(3).

"(4) Information requirements.—The Secretary shall not enter into a contract with a medicare administrative contractor under this section unless the contractor agrees—

"(A) to furnish to the Secretary such timely information and reports as the Secretary may find necessary in performing his functions under this title; and

"(B) to maintain such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of the information and reports under subparagraph (A) and otherwise to carry out the purposes of this title.

"(5) Surety bond.—A contract with a medicare administrative contractor under this section may require the medicare administrative contractor, and any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amount as the Secretary may deem appropriate.

"(c) Terms and Conditions.—

"(1) In general.—A contract with any medicare administrative contractor under this section may contain such terms and conditions as the Secretary finds necessary or appropriate and may provide for advances of funds to the medicare administrative contractor for the making of payments by it under subsection (a)(3)(B).

"(2) Prohibition on mandates for certain data collection.—The Secretary may not require, as a condition of entering into a contract under this section, that the medicare administrative contractor match data obtained other than in its activities under this title with data used in the administration of this title for purposes of identifying situations in which the provisions of section 1862(b) may apply.

"(d) Limitation on Liability of Medicare Administrative Contractors and Certain Officers.—

"(1) Certifying officer.—No individual designated pursuant to a contract under this section as a certifying officer shall, in the absence of negligence or intent to defraud the United States, be liable with respect to any payments certified by the individual under this section.

"(2) Disbursing officer.—No disbursing officer shall, in the absence of negligence or intent to defraud the United States, be liable with respect to any payment by such officer under this section if it was based upon an authorization (which meets the applicable requirements for such internal controls established by the Comptroller General) of a certifying officer designated as provided in paragraph (1) of this subsection.

"(3) Liability of medicare administrative contractor.—A medicare administrative contractor shall be liable to the United States for a payment referred to in paragraph (1) or (2) if, in connection with such payment, an individual referred to in either such paragraph acted with gross negligence or intent to defraud the United States.".

(2) Consideration of incorporation of current law standards.—In developing contract performance requirements under section 1874A(b) of the Social Security Act, as inserted by paragraph (1), the Secretary of Health and Human Services shall consider inclusion of the performance standards described in sections 1816(f)(2) of such Act (relating to timely processing of reconsiderations and applications for exemptions) and section 1842(b)(2)(B) of such Act (relating to timely review of determinations and fair hearing requests), as such sections were in effect before the date of the enactment of this Act.

(b) Conforming Amendments to Section 1816 (Relating to Fiscal Intermediaries).—Section 1816 (42 U.S.C. 1395h) is amended as follows:

(1) The heading is amended to read as follows:

"PROVISIONS RELATING TO THE
ADMINISTRATION OF PART A".

(2) Subsection (a) is amended to read as follows:

"(a) The administration of this part shall be conducted through contracts with medicare administrative contractors under section 1874A.".

(3) Subsection (b) is repealed.

(4) Subsection (c) is amended—

(A) by striking paragraph (1); and

(B) in each of paragraphs (2)(A) and (3)(A), by striking "agreement under this section" and inserting "contract under section 1874A that provides for making payments under this part".

(5) Subsections (d) through (i) are repealed.

(6) Subsections (j) and (k) are each amended—

(A) by striking "An agreement with an agency or organization under this section" and inserting "A contract with a medicare administrative contractor under section 1874A with respect to the administration of this part"; and

(B) by striking "such agency or organization" and inserting "such medicare administrative contractor" each place it appears.

(7) Subsection (l) is repealed.

(c) Conforming Amendments to Section 1842 (Relating to Carriers).—Section 1842 (42 U.S.C. 1395u) is amended as follows:

(1) The heading is amended to read as follows:

"PROVISIONS RELATING TO THE
ADMINISTRATION OF PART B".

(2) Subsection (a) is amended to read as follows:

"(a) The administration of this part shall be conducted through contracts with medicare administrative contractors under section 1874A.".

(3) Subsection (b) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B);

(ii) in subparagraph (C), by striking "carriers" and inserting "medicare administrative contractors"; and

(iii) by striking subparagraphs (D) and (E);

(C) in paragraph (3)—

(i) in the matter before subparagraph (A), by striking "Each such contract shall provide that the carrier" and inserting "The Secretary";

(ii) in subparagraph (B), in the matter before clause (i), by striking "to the policyholders and subscribers of the carrier" and inserting "to the policyholders and subscribers of the medicare administrative contractor";

(iii) by striking subparagraphs (C), (D), and (E);

(iv) in subparagraph (H)—

(I) by striking "it" and inserting "the Secretary"; and

(II) by striking "carrier" and inserting "medicare administrative contractor"; and

(v) in the seventh sentence, by inserting "medicare administrative contractor," after "carrier,"; and

(D) by striking paragraph (5); and

(E) in paragraph (7) and succeeding paragraphs, by striking "the carrier" and inserting "the Secretary" each place it appears.

(4) Subsection (c) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2), by striking "contract under this section which provides for the disbursement of funds, as described in subsection (a)(1)(B)," and inserting "contract under section 1874A that provides for making payments under this part shall provide that the medicare administrative contractor";

(C) in paragraph (4), by striking "a carrier" and inserting "medicare administrative contractor";

(D) in paragraph (5), by striking "contract under this section which provides for the disbursement of funds, as described in subsection (a)(1)(B), shall require the carrier" and inserting "contract under section 1874A that provides for making payments under this part shall require the medicare administrative contractor"; and

(E) by striking paragraph (6).

(5) Subsections (d), (e), and (f) are repealed.

(6) Subsection (g) is amended by striking "carrier or carriers" and inserting "medicare administrative contractor or contractors".

(7) Subsection (h) is amended—

(A) in paragraph (2)—

(i) by striking "Each carrier having an agreement with the Secretary under subsection (a)" and inserting "The Secretary"; and

(ii) by striking "Each such carrier" and inserting "The Secretary"; and

(B) in paragraph (3)(A)—

(i) by striking "a carrier having an agreement with the Secretary under subsection (a)" and inserting "medicare administrative contractor having a contract under section 1874A that provides for making payments under this part"; and

(ii) by striking "such carrier" and inserting "such contractor".

(d) Effective Date; Transition Rule.—

(1) Effective date.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on October 1, 2003, and the Secretary of Health and Human Services is authorized to take such

steps before such date as may be necessary to implement such amendments on a timely basis.

(2) GENERAL TRANSITION RULES.—(A) The Secretary shall take such steps as are necessary to provide for an appropriate transition from contracts under section 1816 and section 1842 of the Social Security Act (42 U.S.C. 1395h, 1395u) to contracts under section 1874A, as added by subsection (a)(1).

(B) Any such contract under such sections 1816 or 1842 whose periods begin before or during the 1-year period that begins on the first day of the fourth calendar month that begins after the date of enactment of this Act may be entered into without regard to any provision of law requiring the use of competitive procedures.

(3) AUTHORIZING CONTINUATION OF MIP FUNCTIONS UNDER CURRENT CONTRACTS AND AGREEMENTS AND UNDER ROLLOVER CONTRACTS.—The provisions contained in the exception in section 1893(d)(2) of the Social Security Act (42 U.S.C. 1395ddd(d)(2)) shall continue to apply notwithstanding the amendments made by this section, and any reference in such provisions to an agreement or contract shall be deemed to include a contract under section 1874A of such Act, as inserted by subsection (a)(1), that continues the activities referred to in such provisions.

(e) REFERENCES.—On and after the effective date provided under subsection (d), any reference to a fiscal intermediary or carrier under title XI or XVIII of the Social Security Act (or any regulation, manual instruction, interpretative rule, statement of policy, or guideline issued to carry out such titles) shall be deemed a reference to an appropriate medicare administrative contractor (as provided under section 1874A of the Social Security Act).

(f) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this section.

SEC. 5. PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.

(a) COORDINATION OF EDUCATION FUNDING.—

(1) IN GENERAL.—The Social Security Act is amended by inserting after section 1888 the following new section:

"PROVIDER EDUCATION AND TECHNICAL ASSISTANCE

"SEC. 1889. (a) COORDINATION OF EDUCATION FUNDING.—The Secretary shall coordinate the educational activities provided through medicare contractors (as defined in subsection (i), including under section 1893) in order to maximize the effectiveness of Federal education efforts for providers of services, physicians, practitioners, and suppliers.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) REPORT.—Not later than October 1, 2002, the Secretary of Health and Human Services shall submit to Congress a report that includes a description and evaluation of the steps taken to coordinate the funding of provider education under section 1889(a) of the Social Security Act, as added by paragraph (1).

(b) INCENTIVES TO IMPROVE CONTRACTOR PERFORMANCE.—

(1) IN GENERAL.—Section 1874A, as added by section 4(a)(1), is amended by adding at the end the following new subsection:

"(e) INCENTIVES TO IMPROVE CONTRACTOR PERFORMANCE IN PROVIDER EDUCATION AND OUTREACH.—

"(1) METHODOLOGY TO MEASURE CONTRACTOR ERROR RATES.—In order to give medicare administrative contractors an incentive to implement effective education and outreach programs for providers of services, physicians, practitioners, and suppliers, the Secretary shall develop and implement by October 1, 2002, a methodology to measure the specific claims payment error rates of such contractors in the processing or reviewing of medicare claims.

"(2) IDENTIFICATION OF BEST PRACTICES.—The Secretary shall identify the best practices developed by individual medicare administrative contractors for educating providers of services, physicians, practitioners, and suppliers and how to encourage the use of such best practices nationwide.".

(2) REPORT.—Not later than October 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report that describes how the Secretary intends to use the methodology developed under section 1874A(e)(1) of the Social Security Act, as added by paragraph (1), in assessing medicare contractor performance in implementing effective education and outreach programs, including whether to use such methodology as the basis for performance bonuses.

(c) PROVISION OF ACCESS TO AND PROMPT RESPONSES FROM MEDICARE ADMINISTRATIVE CONTRACTORS.—

(1) IN GENERAL.—Section 1874A, as added by section 4(a)(1) and as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(f) RESPONSE TO INQUIRIES; TOLL-FREE LINES.—

"(1) CONTRACTOR RESPONSIBILITY.—Each medicare administrative contractor shall, for those providers of services, physicians, practitioners, and suppliers which submit claims to the contractor for claims processing—

"(A) respond in a clear, concise, and accurate manner to specific billing and cost reporting questions of providers of services, physicians, practitioners, and suppliers;

"(B) maintain a toll-free telephone number at which providers of services, physicians, practitioners, and suppliers may obtain information regarding billing, coding, and other appropriate information under this title;

"(C) maintain a system for identifying who provides the information referred to in subparagraphs (A) and (B); and

"(D) monitor the accuracy, consistency, and timeliness of the information so provided.

"(2) EVALUATION.—In conducting evaluations of individual medicare administrative contractors, the Secretary shall take into account the results of the monitoring conducted under paragraph (1)(D). The Secretary shall, in consultation with organizations representing providers of services, physicians, practitioners, and suppliers, establish standards relating to the accuracy, consistency, and timeliness of the information so provided.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2002.

(d) IMPROVED PROVIDER EDUCATION AND TRAINING.—

(1) IN GENERAL.—Section 1889, as added by subsection (a), is amended by adding at the end the following new subsections:

"(b) ENHANCED EDUCATION AND TRAINING.—

"(1) ADDITIONAL RESOURCES.—For each of fiscal years 2003 and 2004, there are authorized to be appropriated to the Secretary (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) $10,000,000.

"(2) USE.—The funds made available under paragraph (1) shall be used to increase the conduct by medicare contractors of education and training of providers of services, physicians, practitioners, and suppliers regarding billing, coding, and other appropriate items.

"(c) TAILORING EDUCATION AND TRAINING ACTIVITIES FOR SMALL PROVIDERS OR SUPPLIERS.—

"(1) IN GENERAL.—Insofar as a medicare contractor conducts education and training activities, it shall tailor such activities to meet the special needs of small providers of services or suppliers (as defined in paragraph (2)).

"(2) SMALL PROVIDER OF SERVICES OR SUPPLIER.—In this subsection, the term 'small provider of services or supplier' means—

"(A) an institutional provider of services with fewer than 25 full-time-equivalent employees; or

"(B) a physician, practitioner, or supplier with fewer than 10 full-time-equivalent employees.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2002.

(e) REQUIREMENT TO MAINTAIN INTERNET SITES.—

(1) IN GENERAL.—Section 1889, as added by subsection (a) and as amended by subsection (d), is further amended by adding at the end the following new subsection:

"(c) INTERNET SITES; FAQS.—The Secretary, and each medicare contractor insofar as it provides services (including claims processing) for providers of services, physicians, practitioners, or suppliers, shall maintain an Internet site which provides answers in an easily accessible format to frequently asked questions relating to providers of services, physicians, practitioners, and suppliers under the programs under this title and title XI insofar as it relates to such programs.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2002.

(f) ADDITIONAL PROVIDER EDUCATION PROVISIONS.—

(1) IN GENERAL.—Section 1889, as added by subsection (a) and as amended by subsections (d) and (e), is further amended by adding at the end the following new subsections:

"(d) ENCOURAGEMENT OF PARTICIPATION IN EDUCATION PROGRAM ACTIVITIES.—A medicare contractor may not use a record of attendance at (or failure to attend) educational activities or other information gathered during an educational program conducted under this section or otherwise by the Secretary to select or track providers of services, physicians, practitioners, or suppliers for the purpose of conducting any type of audit or prepayment review.

"(e) CONSTRUCTION.—Nothing in this section or section 1893(g) shall be construed as providing for disclosure by a medicare contractor—

"(1) of the screens used for identifying claims that will be subject to medical review; or

"(2) of information that would compromise pending law enforcement activities or reveal findings of law enforcement-related audits.

"(f) DEFINITIONS.—For purposes of this section, the term 'medicare contractor' includes the following:

"(1) A medicare administrative contractor with a contract under section 1874A, including a fiscal intermediary with a contract under section 1816 and a carrier with a contract under section 1842.

"(2) An eligible entity with a contract under section 1893.

Such term does not include, with respect to activities of a specific provider of services, physician, practitioner, or supplier an entity that has no authority under this title or title XI with respect to such activities and such provider of services, physician, practitioner, or supplier.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 6. SMALL PROVIDER TECHNICAL ASSISTANCE DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish a demonstration program (in this section referred to as the "demonstration program") under which technical assistance is made available, upon request on a voluntary basis, to small providers of services or suppliers to evaluate their billing and related systems for compliance with the applicable requirements of the programs under medicare program under title XVIII of the Social Security Act (including provisions of title XI of such Act insofar as they relate to such title and are not administered by the Office of the Inspector General of the Department of Health and Human Services).

(2) SMALL PROVIDERS OF SERVICES OR SUPPLIERS.—In this section, the term "small providers of services or suppliers" means—

(A) an institutional provider of services with fewer than 25 full-time-equivalent employees; or

(B) a physician, practitioner, or supplier with fewer than 10 full-time-equivalent employees.

(b) QUALIFICATION OF CONTRACTORS.—In conducting the demonstration program, the Secretary of Health and Human Services shall enter into contracts with qualified organizations (such as peer review organizations or entities described in section 1889(f)(2) of the Social Security Act, as inserted by section 5(f)(1)) with appropriate expertise with billing systems of the full range of providers of services, physicians, practitioners, and suppliers to provide the technical assistance. In awarding such contracts, the Secretary shall consider any prior investigations of the entity's work by the Inspector General of Department of Health and Human Services or the Comptroller General of the United States.

(c) DESCRIPTION OF TECHNICAL ASSISTANCE.—The technical assistance provided under the demonstration program shall include a direct and in-person examination of billing systems and internal controls of small providers of services or suppliers to determine program compliance and to suggest more efficient or effective means of achieving such compliance.

(d) AVOIDANCE OF RECOVERY ACTIONS FOR PROBLEMS IDENTIFIED AS CORRECTED.—The Secretary of Health and Human Services may provide that, absent evidence of fraud and notwithstanding any other provision of law, any errors found in a compliance review for a small provider of services or supplier that participates in the demonstration program shall not be subject to recovery action if the technical assistance personnel under the program determine that—

(1) the problem that is the subject of the compliance review has been corrected to their satisfaction within 30 days of the date of the visit by such personnel to the small provider of services or supplier; and

(2) such problem remains corrected for such period as is appropriate.

(e) GAO EVALUATION.—Not later than 2 years after the date of the date the demonstration program is first implemented, the Comptroller General, in consultation with the Inspector General of the Department of Health and Human Services, shall conduct an evaluation of the demonstration program. The evaluation shall include a determination of whether claims error rates are reduced for small providers of services or suppliers who participated in the program. The Comptroller General shall submit a report to the Secretary and the Congress on such evaluation and shall include in such report recommendations regarding the continuation or extension of the demonstration program.

(f) FINANCIAL PARTICIPATION BY PROVIDERS.—The provision of technical assistance to a small provider of services or supplier under the demonstration program is conditioned upon the small provider of services or supplier paying for 25 percent of the cost of the technical assistance.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to carry out the demonstration program—

(1) for fiscal year 2003, $1,000,000, and

(2) for fiscal year 2004, $6,000,000.

SEC. 7. MEDICARE PROVIDER OMBUDSMAN.

(a) IN GENERAL.—Section 1868 (42 U.S.C. 1395ee) is amended—

(1) by adding at the end of the heading the following: "; MEDICARE PROVIDER OMBUDSMAN";

(2) by inserting "PRACTICING PHYSICIANS ADVISORY COUNCIL.—(1)" after "(a)";

(3) in paragraph (1), as so redesignated under paragraph (2), by striking "in this section" and inserting "in this subsection";

(4) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively; and

(5) by adding at the end the following new subsection:

"(b) MEDICARE PROVIDER OMBUDSMAN.—The Secretary shall appoint a Medicare Provider Ombudsman. The Ombudsman shall—

"(1) provide assistance, on a confidential basis, to providers of services, physicians, practitioners, and suppliers with respect to complaints, grievances, and requests for information concerning the programs under this title (including provisions of title XI insofar as they relate to this title and are not administered by the Office of the Inspector General of the Department of Health and Human Services) and in the resolution of unclear or conflicting guidance given by the Secretary and medicare contractors to such providers of services, physicians, practitioners, and suppliers regarding such programs and provisions and requirements under this title and such provisions; and

"(2) submit recommendations to the Secretary for improvement in the administration of this title and such provisions, including—

"(A) recommendations to respond to recurring patterns of confusion in this title and such provisions (including recommendations regarding suspending imposition of sanctions where there is widespread confusion in program administration), and

"(B) recommendations to provide for an appropriate and consistent response (including not providing for audits) in cases of self-identified overpayments by providers of services, physicians, practitioners, and suppliers.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to carry out the provisions of subsection (b) of section 1868 (relating to the Medicare Provider Ombudsman), as added by subsection (a)(5), amounts as follows:

(1) For fiscal year 2002, such sums as are necessary.

(2) For fiscal year 2003, $8,000,000.

(3) For fiscal year 2004, $17,000,000.

(c) REPORT ON ADDITIONAL FUNDING.—Not later than October 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report that includes the Secretary's estimate of the amount of additional funding necessary to carry out such provisions of subsection (b) of section 1868, as so added, in fiscal year 2005 and subsequent fiscal years.

SEC. 8. PROVIDER APPEALS.

(a) MEDICARE ADMINISTRATIVE LAW JUDGES.—Section 1869 (42 U.S.C. 1395ff), as amended by section 521(a) of Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–534), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by adding at the end the following new subsection:

"(g) MEDICARE ADMINISTRATIVE LAW JUDGES.—

"(1) TRANSITION PLAN.—Not later than October 1, 2003, the Commissioner of Social Security and the Secretary shall develop and implement a plan under which administrative law judges responsible solely for hearing cases under this title (and related provisions in title XI) shall be transferred from the responsibility of the Commissioner and the Social Security Administration to the Secretary and the Department of Health and Human Services. The plan shall include recommendations with respect to—

"(A) the number of such administrative law judges and support staff required to hear and decide such cases in a timely manner; and

"(B) funding levels required for fiscal year 2004 and subsequent fiscal years under this subsection to hear such cases in a timely manner.

"(2) INCREASED FINANCIAL SUPPORT.—In addition to any amounts otherwise appropriated, there are authorized to be appropriated (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to the Secretary to increase the number of administrative law judges under paragraph (1) and to improve education and training opportunities for such judges and their staffs, $5,000,000 for fiscal year 2003 and such sums as are necessary for fiscal year 2004 and each subsequent fiscal year.".

(b) PROCESS FOR EXPEDITED ACCESS TO JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 1869(b) (42 U.S.C. 1395ff(b)) as amended by Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–534), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(A) in paragraph (1)(A), by inserting ", subject to paragraph (2)," before "to judicial review of the Secretary's final decision"; and

(B) by adding at the end the following new paragraph:

"(2) EXPEDITED ACCESS TO JUDICIAL REVIEW.—

"(A) IN GENERAL.—The Secretary shall establish a process under which a provider of service or supplier that furnishes an item or service or a beneficiary who has filed an appeal under paragraph (1) (other than an appeal filed under paragraph (1)(F)) may obtain access to judicial review when a review panel (described in subparagraph (D)), on its own motion or at the request of the appellant, determines that it does not have the authority to decide the question of law or regulation relevant to the matters in controversy and that there is no material issue of fact in dispute. The appellant may make such request only once with respect to a question of law or regulation in a case of an appeal.

“(B) PROMPT DETERMINATIONS.—If, after or coincident with appropriately filing a request for an administrative hearing, the appellant requests a determination by the appropriate review panel that no review panel has the authority to decide the question of law or regulations relevant to the matters in controversy and that there is no material issue of fact in dispute and if such request is accompanied by the documents and materials as the appropriate review panel shall require for purposes of making such determination, such review panel shall make a determination on the request in writing within 60 days after the date such review panel receives the request and such accompanying documents and materials. Such a determination by such review panel shall be considered a final decision and not subject to review by the Secretary.

“(C) ACCESS TO JUDICIAL REVIEW.—

“(i) IN GENERAL.—If the appropriate review panel—

“(I) determines that there are no material issues of fact in dispute and that the only issue is one of law or regulation that no review panel has the authority to decide; or

“(II) fails to make such determination within the period provided under subparagraph (B);

then the appellant may bring a civil action as described in this subparagraph.

“(ii) DEADLINE FOR FILING.—Such action shall be filed, in the case described in—

“(I) clause (i)(I), within 60 days of date of the determination described in such subparagraph; or

“(II) clause (i)(II), within 60 days of the end of the period provided under subparagraph (B) for the determination.

“(iii) VENUE.—Such action shall be brought in the district court of the United States for the judicial district in which the appellant is located (or, in the case of an action brought jointly by more than one applicant, the judicial district in which the greatest number of applicants are located) or in the district court for the District of Columbia.

“(iv) INTEREST ON AMOUNTS IN CONTROVERSY.—Where a provider of services or supplier seeks judicial review pursuant to this paragraph, the amount in controversy shall be subject to annual interest beginning on the first day of the first month beginning after the 60-day period as determined pursuant to clause (ii) and equal to the rate of interest on obligations issued for purchase by the Federal Hospital Insurance Trust Fund for the month in which the civil action authorized under this paragraph is commenced, to be awarded by the reviewing court in favor of the prevailing party. No interest awarded pursuant to the preceding sentence shall be deemed income or cost for the purposes of determining reimbursement due providers of services or suppliers under this Act.

“(D) REVIEW PANELS.—For purposes of this subsection, a ‘review panel’ is an administrative law judge, the Departmental Appeals Board, a qualified independent contractor (as defined in subsection (c)(2)), or an entity designated by the Secretary for purposes of making determinations under this paragraph.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to appeals filed on or after October 1, 2002.

(c) REQUIRING FULL AND EARLY PRESENTATION OF EVIDENCE.—

(1) IN GENERAL.—Section 1869(b) (42 U.S.C. 1395ff(b)), as amended by Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–534), as enacted into law by section 1(a)(6) of Public Law 106–554, and as amended by subsection (b), is further amended by adding at the end the following new paragraph:

“(3) REQUIRING FULL AND EARLY PRESENTATION OF EVIDENCE BY PROVIDERS.—A provider of services or supplier may not introduce evidence in any appeal under this section that was not presented at the first external hearing or appeal at which it could be introduced under this section, unless there is good cause which precluded the introduction of such evidence at a previous hearing or appeal.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2002.

(d) PROVIDER APPEALS ON BEHALF OF DECEASED BENEFICIARIES.—

(1) IN GENERAL.—Section 1869(b)(1)(C) (42 U.S.C. 1395ff(b)(1)(C)), as amended by Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–534), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by adding at the end the following: “The Secretary shall establish a process under which, if such an individual is deceased, the individual is deemed to have provided written consent to the assignment of the individual's right of appeal under this section to the provider of services or supplier of the item or service involved, so long as the estate of the individual, and the individual's family and heirs, are not liable for paying for the item or service and are not liable for any increased coinsurance or deductible amounts resulting from any decision increasing the reimbursement amount for the provider of services or supplier.”.

(2) EFFECTIVE DATE.—Notwithstanding section 521(d) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 9. RECOVERY OF OVERPAYMENTS AND PREPAYMENT REVIEW; ENROLLMENT OF PROVIDERS.

(a) RECOVERY OF OVERPAYMENTS AND PREPAYMENT REVIEW.—Section 1893 (42 U.S.C. 1395ddd) is amended by adding at the end the following new subsections:

“(f) RECOVERY OF OVERPAYMENTS AND PREPAYMENT REVIEW.—

“(1) USE OF REPAYMENT PLANS.—

“(A) IN GENERAL.—If the repayment, within 30 days by a provider of services, physician, practitioner, or other supplier, of an overpayment under this title would constitute a hardship (as defined in subparagraph (B)), subject to subparagraph (C), the Secretary shall enter into a plan (which meets terms and conditions determined to be appropriate by the Secretary) with the provider of services, physician, practitioner, or supplier for the offset or repayment of such overpayment over a period of not longer than 3 years. Interest shall accrue on the balance through the period of repayment.

“(B) HARDSHIP.—

“(i) IN GENERAL.—For purposes of subparagraph (A), the repayment of an overpayment (or overpayments) within 30 days is deemed to constitute a hardship if—

“(I) in the case of a provider of services that files cost reports, the aggregate amount of the overpayments exceeds 10 percent of the amount paid under this title to the provider of services for the cost reporting period covered by the most recently submitted cost report; or

“(II) in the case of another provider of services, physician, practitioner, or supplier, the aggregate amount of the overpayments exceeds 10 percent of the amount paid under this title to the provider of services or supplier for the previous calendar year.

“(ii) RULE OF APPLICATION.—The Secretary shall establish rules for the application of this subparagraph in the case of a provider of services, physician, practitioner, or supplier that was not paid under this title during the previous year or was paid under this title only during a portion of that year.

“(iii) TREATMENT OF PREVIOUS OVERPAYMENTS.—If a provider of services, physician, practitioner, or supplier has entered into a repayment plan under subparagraph (A) with respect to a specific overpayment amount, such payment amount shall not be taken into account under clause (i) with respect to subsequent overpayment amounts.

“(C) EXCEPTIONS.—Subparagraph (A) shall not apply if the Secretary has reason to suspect that the provider of services, physician, practitioner, or supplier may file for bankruptcy or otherwise cease to do business or if there is an indication of fraud or abuse committed against the program.

“(D) IMMEDIATE COLLECTION IF VIOLATION OF REPAYMENT PLAN.—If a provider of services, physician, practitioner, or supplier fails to make a payment in accordance with a repayment plan under this paragraph, the Secretary may immediately seek to offset or otherwise recover the total balance outstanding (including applicable interest) under the repayment plan.

“(2) LIMITATION ON RECOUPMENT UNTIL RECONSIDERATION EXERCISED.—

“(A) IN GENERAL.—In the case of a provider of services, physician, practitioner, or supplier that is determined to have received an overpayment under this title and that seeks a reconsideration of such determination under section 1869(b)(1), the Secretary may not take any action (or authorize any other person, including any medicare contractor, as defined in paragraph (9)) to recoup the overpayment until the date the decision on the reconsideration has been rendered.

“(B) COLLECTION WITH INTEREST.—Insofar as the determination on such appeal is against the provider of services, physician, practitioner, or supplier, interest on the overpayment shall accrue on and after the date of the original notice of overpayment. Insofar as such determination against the provider of services, physician, practitioner, or supplier is later reversed, the Secretary shall provide for repayment of the amount recouped plus interest at the same rate as would apply under the previous sentence for the period in which the amount was recouped.

“(3) STANDARDIZATION OF RANDOM PREPAYMENT REVIEW.—

“(A) IN GENERAL.—A medicare contractor may conduct random prepayment review only to develop a contractor-wide or program-wide claims payment error rates.

“(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as preventing the denial of payments for claims actually reviewed under a random prepayment review.

"(4) LIMITATION ON USE OF EXTRAPOLATION.—A medicare contractor may not use extrapolation to determine overpayment amounts to be recovered by recoupment, offset, or otherwise unless—

"(A) there is a sustained or high level of payment error (as defined by the Secretary); or

"(B) documented educational intervention has failed to correct the payment error (as determined by the Secretary).

"(5) PROVISION OF SUPPORTING DOCUMENTATION.—In the case of a provider of services, physician, practitioner, or supplier with respect to which amounts were previously overpaid, a medicare contractor may request the periodic production of records or supporting documentation for a limited sample of submitted claims to ensure that the previous practice is not continuing.

"(6) CONSENT SETTLEMENT REFORMS.—

"(A) IN GENERAL.—The Secretary may use a consent settlement (as defined in subparagraph (D)) to settle a projected overpayment.

"(B) OPPORTUNITY TO SUBMIT ADDITIONAL INFORMATION BEFORE CONSENT SETTLEMENT OFFER.—Before offering a provider of services, physician, practitioner, or supplier a consent settlement, the Secretary shall—

"(i) communicate to the provider of services, physician, practitioner, or supplier in a non-threatening manner that, based on a review of the medical records requested by the Secretary, a preliminary indication appears that there would be an overpayment; and

"(ii) provide for a 45-day period during which the provider of services, physician, practitioner, or supplier may furnish additional information concerning the medical records for the claims that had been reviewed.

"(C) CONSENT SETTLEMENT OFFER.—The Secretary shall review any additional information furnished by the provider of services, physician, practitioner, or supplier under subparagraph (B)(ii). Taking into consideration such information, the Secretary shall determine if there still appears to be an overpayment. If so, the Secretary—

"(i) shall provide notice of such determination to the provider of services, physician, practitioner, or supplier, including an explanation of the reason for such determination; and

"(ii) in order to resolve the overpayment, may offer the provider of services, physician, practitioner, or supplier—

"(I) the opportunity for a statistically valid random sample; or

"(II) a consent settlement.

The opportunity provided under clause (ii)(I) does not waive any appeal rights with respect to the alleged overpayment involved.

"(D) CONSENT SETTLEMENT DEFINED.—For purposes of this paragraph, the term 'consent settlement' means an agreement between the Secretary and a provider of services, physician, practitioner, or supplier whereby both parties agree to settle a projected overpayment based on less than a statistically valid sample of claims and the provider of services, physician, practitioner, or supplier agrees not to appeal the claims involved.

"(7) LIMITATIONS ON NON-RANDOM PREPAYMENT REVIEW.—

"(A) LIMITATION ON INITIATION OF NON-RANDOM PREPAYMENT REVIEW.—A medicare contractor may not initiate non-random prepayment review of a provider of services, physician, practitioner, or supplier based on the initial identification by that provider of services, physician, practitioner, or supplier of an improper billing practice unless there is a sustained or high level of payment error (as defined in paragraph (4)(A)).

"(B) TERMINATION OF NON-RANDOM PREPAYMENT REVIEW.—The Secretary shall issue regulations relating to the termination, including termination dates, of non-random prepayment review. Such regulations may vary such a termination date based upon the differences in the circumstances triggering prepayment review.

"(8) PAYMENT AUDITS

"(A) WRITTEN NOTICE FOR POST-PAYMENT AUDITS.—Subject to subparagraph (C), if a medicare contractor decides to conduct a post-payment audit of a provider of services, physician, practitioner, or supplier under this title, the contractor shall provide the provider of services, physician, practitioner, or supplier with written notice of the intent to conduct such an audit.

"(B) EXPLANATION OF FINDINGS FOR ALL AUDITS.—Subject to subparagraph (C), if a medicare contractor audits a provider of services, physician, practitioner, or supplier under this title, the contractor shall—

"(i) give the provider of services, physician, practitioner, or supplier a full review and explanation of the findings of the audit in a manner that is understandable to the provider of services, physician, practitioner, or supplier and permits the development of an appropriate corrective action plan;

"(ii) inform the provider of services, physician, practitioner, or supplier of the appeal rights under this title; and

"(iii) give the provider of services, physician, practitioner, or supplier an opportunity to provide additional information to the contractor.

"(C) EXCEPTION.—Subparagraphs (A) and (B) shall not apply if the provision of notice or findings would compromise pending law enforcement activities or reveal findings of law enforcement-related audits.

"(9) DEFINITIONS.—For purposes of this subsection:

"(A) MEDICARE CONTRACTOR.—The term 'medicare contractor' has the meaning given such term in section 1889(f).

"(B) RANDOM PREPAYMENT REVIEW.—The term 'random prepayment review' means a demand for the production of records or documentation absent cause with respect to a claim.

"(g) NOTICE OF OVER-UTILIZATION OF CODES.—The Secretary shall establish a process under which the Secretary provides for notice to classes of providers of services, physicians, practitioners, and suppliers served by the contractor in cases in which the contractor has identified that particular billing codes may be overutilized by that class of providers of services, physicians, practitioners, or suppliers under the programs under this title (or provisions of title XI insofar as they relate to such programs).".

(b) PROVIDER ENROLLMENT PROCESS; RIGHT OF APPEAL.—

(1) IN GENERAL.—Section 1866 (42 U.S.C. 1395cc) is amended—

(A) by adding at the end of the heading the following: "; ENROLLMENT PROCESSES"; and

(B) by adding at the end the following new subsection:

"(j) ENROLLMENT PROCESS FOR PROVIDERS OF SERVICES, PHYSICIANS, PRACTITIONERS, AND SUPPLIERS.—

"(1) IN GENERAL.—The Secretary shall establish by regulation a process for the enrollment of providers of services, physicians, practitioners, and suppliers under this title.

"(2) APPEAL PROCESS.—Such process shall provide—

"(A) a method by which providers of services, physicians, practitioners, and suppliers whose application to enroll (or, if applicable, to renew enrollment) are denied are provided a mechanism to appeal such denial; and

"(B) prompt deadlines for actions on applications for enrollment (and, if applicable, renewal of enrollment) and for consideration of appeals.".

(2) EFFECTIVE DATE.—The Secretary of Health and Human Services shall provide for the establishment of the enrollment and appeal process under the amendment made by paragraph (1) within 6 months after the date of the enactment of this Act.

(c) PROCESS FOR CORRECTION OF MINOR ERRORS AND OMISSIONS ON CLAIMS WITHOUT PURSUING APPEALS PROCESS.—The Secretary of Health and Human Services shall develop, in consultation with appropriate medicare contractors (as defined in section 1889(f) of the Social Security Act, as inserted by section 5(f)(1)) and representatives of providers of services, physicians, practitioners, and suppliers, a process whereby, in the case of minor errors or omissions that are detected in the submission of claims under the programs under title XVIII of such Act, a provider of services, physician, practitioner, or supplier is given an opportunity to correct such an error or omission without the need to initiate an appeal. Such process may include the ability to resubmit corrected claims.

SEC. 10. BENEFICIARY OUTREACH DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a demonstration program (in this section referred to as the "demonstration program") under which medicare specialists employed by the Department of Health and Human Services provide advice and assistance to medicare beneficiaries at the location of existing local offices of the Social Security Administration.

(b) LOCATIONS.—

(1) IN GENERAL.—The demonstration program shall be conducted in at least 6 offices or areas. Subject to paragraph (2), in selecting such offices and areas, the Secretary shall provide preference for offices with a high volume of visits by medicare beneficiaries.

(2) ASSISTANCE FOR RURAL BENEFICIARIES.—The Secretary shall provide for the selection of at least 2 rural areas to participate in the demonstration program. In conducting the demonstration program in such rural areas, the Secretary shall provide for medicare specialists to travel among local offices in a rural area on a scheduled basis.

(c) DURATION.—The demonstration program shall be conducted over a 3-year period.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall provide for an evaluation of the demonstration program. Such evaluation shall include an analysis of—

(A) utilization of, and beneficiary satisfaction with, the assistance provided under the program; and

(B) the cost-effectiveness of providing beneficiary assistance through out-stationing medicare specialists at local social security offices.

(2) REPORT.—The Secretary shall submit to Congress a report on such evaluation and shall include in such report recommendations regarding the feasibility of permanently out-stationing medical specialists at local social security offices.

SEC. 11. POLICY DEVELOPMENT REGARDING EVALUATION AND MANAGEMENT (E & M) DOCUMENTATION GUIDELINES.

(a) In General.—The Secretary of Health and Human Services may not implement any documentation guidelines for evaluation and management physician services under the title XVIII of the Social Security Act on or after the date of the enactment of this Act unless the Secretary—

(1) has developed the guidelines in collaboration with practicing physicians and provided for an assessment of the proposed guidelines by the physician community;

(2) has established a plan that contains specific goals, including a schedule, for improving the use of such guidelines;

(3) has conducted appropriate and representative pilot projects under subsection (b) to test modifications to the evaluation and management documentation guidelines; and

(4) finds that the objectives described in subsection (c) will be met in the implementation of such guidelines.

The Secretary may make changes to the manner in which existing evaluation and management documentation guidelines are implemented to reduce paperwork burdens on physicians.

(b) Pilot Projects To Test Evaluation and Management Documentation Guidelines.—

(1) Length and consultation.—Each pilot project under this subsection shall—

(A) be of sufficient length to allow for preparatory physician and medicare contractor education, analysis, and use and assessment of potential evaluation and management guidelines; and

(B) be conducted, in development and throughout the planning and operational stages of the project, in consultation with practicing physicians.

(2) Range of pilot projects.—Of the pilot projects conducted under this subsection—

(A) at least one shall focus on a peer review method by physicians (not employed by a medicare contractor) which evaluates medical record information for claims submitted by physicians identified as statistical outliers relative to definitions published in the Current Procedures Terminology (CPT) code book of the American Medical Association;

(B) at least one shall be conducted for services furnished in a rural area and at least one for services furnished outside such an area; and

(C) at least one shall be conducted in a setting where physicians bill under physicians services in teaching settings and at one shall be conducted in a setting other than a teaching setting.

(3) Banning of targeting of pilot project participants.—Data collected under this subsection shall not be used as the basis for overpayment demands or post-payment audits.

(4) Study of impact.—Each pilot project shall examine the effect of the modified evaluation and management documentation guidelines on—

(A) different types of physician practices, including those with fewer than 10 full-time-equivalent employees (including physicians); and

(B) the costs of physician compliance, including education, implementation, auditing, and monitoring.

(c) Objectives for Evaluation and Management Guidelines.—The objectives for modified evaluation and management documentation guidelines developed by the Secretary shall be to—

(1) enhance clinically relevant documentation needed to code accurately and assess coding levels accurately;

(2) decrease the level of non-clinically pertinent and burdensome documentation time and content in the physician's medical record;

(3) increase accuracy by reviewers; and

(4) educate both physicians and reviewers.

(d) Study of Simpler, Alternative Systems of Documentation for Physician Claims.—

(1) Study.—The Secretary of Health and Human Services shall carry out a study of the matters described in paragraph (2).

(2) Matters described.—The matters referred to in paragraph (1) are—

(A) the development of a simpler, alternative system of requirements for documentation accompanying claims for evaluation and management physician services for which payment is made under title XVIII of the Social Security Act; and

(B) consideration of systems other than current coding and documentation requirements for payment for such physician services.

(3) Consultation with practicing physicians.—In designing and carrying out the study under paragraph (1), the Secretary shall consult with practicing physicians, including physicians who are part of group practices.

(4) Application of HIPAA uniform coding requirements.—In developing an alternative system under paragraph (2), the Secretary shall consider requirements of administrative simplification under part C of title XI of the Social Security Act.

(5) Report to congress.—The Secretary shall submit to Congress a report on the results of the study conducted under paragraph (1).

(e) Definitions.—In this section—

(1) the term "rural area" has the meaning given that term in section 1886(d)(2)(D) of the Social Security Act, 42 U.S.C. 1395ww(d)(2)(D); and

(2) the term "teaching settings" are those settings described in section 415.150 of title 42, Code of Federal Regulations.

By Mr. ROBERTS:

S. 1546. A bill to provide additional funding to combat bioterrorism; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ROBERTS. Mr. President, I rise today to introduce the Bio-Security in Agriculture Act of 2001. I refer to the security of agriculture, our crops, our livestock production.

In the wake of September 11, we increased security of the Capitol, our government buildings, airports, sports venues, and businesses.

We should do the same for our agriculture and our nation's food supply.

I served 2 years as chairman of the Armed .Services Subcommittee on Emerging Threats, and now as ranking member of the subcommittee. I'm also on the Intelligence Committee and a member of the Agriculture Committee.

In numerous hearings on terrorism, we repeatedly asked top scientists and biowarfare experts to assess the greatest threats to our nation. One of their greatest concerns has been the susceptibility of U.S. agriculture and the impact an attack on it could have on the agriculture economy and the Nation's food supply.

It would not be difficult to take a disease such as foot-and-mouth so prevalent in Europe and introduce it into the U.S. livestock herd. With the large number of cattle and livestock operations in close proximity to each other in our feedlots and hog facilities it could quickly become an epidemic.

I consider this threat to be real. I know of no specific threat, but I can tell you 2 years ago, when we asked the FBI where is the probability and where is the risk, the probability was rather low. Since the foot-and-mouth disease epidemic overseas and since the events of September 11, I can assure my colleagues the probability is rated much higher. I am not going to get into classified information, but the risk would cause utter chaos in our country.

Such an attack would be devastating. One estimate for California is a loss of $14 billion should foot and mouth disease break out in that state.

We know that the former Soviet Union developed "tons" of biowarfare agents aimed at North American agriculture. These include FMD, glanders, rust diseases for wheat and rice, and Karnal Bunt in wheat. There are other diseases that could be introduced as well.

The threat is real. Yet, our federal facilities to test and do research on both containment and prevention of these diseases are outdated and in need of repair. We have approximately $700 million in the pipeline to upgrade these facilities over the next 6 to 10 years. But we cannot wait for 6 to 10 years. We need to make the investment in these facilities and the research dollars now.

Why is protecting agriculture from terrorist attack important? There are several reasons: Agriculture is one of the few sectors of the economy with a trade surplus; using numbers from 1999; agriculture and agribusiness related industries accounted for approximately 22 million jobs and 16.4 percent of GDP; The overall contribution to the Nation's GDP in 1999 was $1.5 trillion; and the cheap U.S. food supply kept the total portion of individual income spent on food to 10.4 percent, or 10 and one half cents of every dollar, on food in 1999. The lowest percent of income spent on food of any country in the world.

The loss of export markets resulting from the intentional introduction of these pathogens would be dramatic. The introduction of FMD or Karmal Bunt on a widespread basis could mean the total collapse of U.S. export markets.

This would be devastating for a commodity such as wheat where 32 percent of total production was exported in 1999 and to agriculture in general which is one of the few sectors of the economy that operates in a trade surplus. Also, when an outbreak of FMD occurs, many of the animals are often killed to control the spread of the disease.

If a massive herd reduction occurred, it could take several years to replace the lost numbers. Again the ripple effects are enormous. Individual producers will be impacted, feedlots and hog operations could be devastated, meat packers and their employees could be put out of business due to reduced slaughter numbers, and the grain markets would take enormous hits as there would be no where for the excess feed usage to go.

The impact on our Nation of a widespread attack on agriculture could dwarf the airline and travel industry's loss from September 11.

To keep this nightmare scenario from occurring, legislation is necessary to complete the facility upgrades needed to deal with this threat and to provide funding for the additional research to develop risk control methods, first responder response mechanisms, and development of vaccines and plant resistant varieties that are immune to these threats. The need is real, the timing is crucial, and it needs to be done now.

The legislation I am introducing today will provide approximately $3.5 billion to improve and invest on a "crash course" to do the building upgrades and research we should have been doing for years.

In fiscal year 2002, the bill calls for $1.1 billion, including: $101 million to allow USDA to meet the security levels required under Presidential Decision Directive, PDD-67, for the animal and plant disease facilities at: Plum Island, NY; the National Animal Disease Center, Ames, IA; the Southeast Poultry Research Laboratory, Athens, GA; the Arthropod-Borne Animal Disease Research Laboratory, Laramie, WY; and the Foreign Disease Weed Science Laboratory, Fort Detrick, MD.

We also provide $722.8 million in fiscal year 2002 to accelerate the planning, upgrading, and construction of four of the above named facilities, including: $234 million for the Plum Island facility; $129 million to renovate the existing Biolevel 3 facilities and $105 million for planning and construction of a Biosafety level 4 facility; $381 million for modernization of the facilities in Ames, IA; $78 million for the planning and design of the biocontainment laboratory for poultry research in Athens, GA; and $29.8 million for the Arthropod-Born Animal Disease Laboratory, Laramie, WY.

The bill provides $10 million in fiscal year 2002 for USDA to purchase, and distribute to each of the states, rapid diagnostic field tests that can give a definitive answer on suspected cases of FMD, Karnal bunt, anthrax, etc., in only 45 minutes.

These test would represent a strengthened line of security replacing the current process where the sample is trucked to an airport, flown to one of the disease labs, tested, and then results are released anywhere from a day to 4 or 5 days later.

We also make a significant investment in research with $2.71 billion provided over the next 10 years to continue work ARS is already doing with state universities and private industry, provide competitive grants for USDA to award to qualified universities and private organizations, and general funding for USDA to use in those areas where it determines we have the most pressing need.

We have worked to keep from tying USDA's hands on this in order to allow them to respond to future needs or threats that may arise, but generally the research could include: Expanding on-the-spot diagnostic capabilities; conducting mapping of microorganisms and pests to pinpoint their geographical origins; genetically engineer diseases that will be effective against agents of bioterrorism concerns; improve plant resistance to potential introduced pathogens; create mass vaccine delivery systems for animals, poultry, and fish; conduct research with foreign countries to help reduce disease threats at the source and remove the natural sources of infectious agents and pests that terrorists or nations might easily access to threaten the United States; develop counter toxins; and develop economic models to assist in risk assessment and prioritization of efforts. Currently, it is difficult to determine the exact economic effect of an attack on the United States because the proper economic models do not exist.

Finally, the bill provides $12 million each year for USDA to work in collaboration with the Oklahoma City counter-terrorism Institute.

This is a significant amount of money. But it is an investment that requires our immediate attention. I do not want us to ignore this issue until it is too late.

Nearly 2½ years ago, as chairman of the Emerging Threats Subcommittee, I warned at our first hearing that the World Trade Center was at risk of terrorist attack because of its symbolism of U.S. economic strength and indulgence. At the time, no one wanted to listen to the warning.

I take no please in my prediction and the events of September 11. But I do not want us to ignore similar warnings and threats on agroterrorism until it is too late. If we do our 10.5 percent of disposable income spent on food in this country could well be a thing of the past.

I urge my colleagues to support me in enacting the Biosecurity for Agriculture Act of 2001.

By Mr. SHELBY:

S. 1547. A bill amend the Internal Revenue Code of 1986 to extend and modify the credit for producing fuel from a nonconventional source, to the Committee on Finance.

Mr. SHELBY. Mr. President, I rise today to introduce the Nonconventional Natural Gas Reliability Act. This body has moved forcefully and responsibly since the tragic events of September 11 to address the most pressing and immediate needs of the country. However, action on priorities such as comprehensive energy legislation, has been delayed but remains vitally important. As Congress moves forward to address this pressing issue, it is my belief that any comprehensive energy legislation must include provisions designed to increase access to North American natural gas supplies.

Following the energy crisis of the 1970's, Section 29 of the Internal Revenue Code was enacted to provide a tax credit to encourage production of oil and gas from unconventional sources such as Coalbed Methane, Devonian Shale, Tight Rock Formations, and Tight Gas Sands. This credit has helped the industry invest in new technologies that allow us to recover large oil and gas deposits locked in various formations that are very expensive to develop.

In 1998, the United States consumed 22 trillion cubic feet of natural gas. Over the next fifteen years that number is expected to exceed 31 trillion cubic feet. Significant growth in consumption will be particularly evident in the area of electric generation, where environmental issues make natural gas the fuel of choice. The National Petroleum Council predicts that natural gas production by conventional means will remain relatively constant over the next several years, ultimately falling 7 to 9 trillion cubic feet short of what is needed.

The Gas Technology Institute and the National Petroleum Council estimate that economic incentives may allow nonconventional natural gas to bridge to gap by providing an annual addition of 7 to 9 trillion cubic feet of natural gas to our domestic supply. Section 29 of the Internal Revenue code was designed to provide this economic incentive. For current production, "section 29" benefits expire at the end of next year and there are no incentives for new production.

Today I am introducing "section 29" legislation which is designed to keep current "section 29" wells in production and provide the incentive for new wells to be brought on line. Providing a "clean" alternative to conventional natural gas, and keeping all of our existing sources of energy online will continue to be a priority for this great nation in the years to come. My legislation would provide section 29 credits for qualifying new wells and facilities through 2009, and for the continuation of benefits to wells and facilities currently in production through 2006.

Whether it is artificial fracturing of gas bearing formations, extensive dewatering, gas clean-up issues, these nonconventional resources can be significant more expensive to drill, to maintain, and to produce. Thus, it is important to support continued production at existing wells and facilities.

There are few instances where the facts are more compelling and the conclusion so clear. Giving section 29 a new lease on life is a wise investment of taxpayer dollars that will result in lower natural gas prices and greater domestic energy supply. I encourage my colleagues to join with me in support of the Nonconventional Natural Gas Reliability Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonconventional Natural Gas Reliability Act".

SEC. 2. EXTENSION AND MODIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) IN GENERAL.—Section 29 of the Internal Revenue Code of 1986 (relating to credit for producing fuel from a nonconventional source) is amended by adding at the end the following new subsection:

"(h) EXTENSION FOR OTHER FACILITIES.—

"(1) EXTENSION FOR OIL AND CERTAIN GAS.—In the case of a well for producing qualified fuels described in subparagraph (A) or (B)(i) of subsection (c)(1)—

"(A) APPLICATION OF CREDIT FOR NEW WELLS.—Notwithstanding subsection (f), this section shall apply with respect to such fuels—

"(i) which are produced from a well drilled after the date of the enactment of this subsection and before January 1, 2007, and

"(ii) which are sold not later than the close of the 4-year period beginning on the date that such well is drilled, or, if earlier, December 31, 2009.

"(B) EXTENSION OF CREDIT FOR OLD WELLS.—Subsection (f)(2) shall be applied by substituting '2007' for '2003' with respect to wells described in subsection (f)(1)(A) with respect to such fuels.

"(2) EXTENSION PERIOD TO COMMENCE WITH UNADJUSTED CREDIT AMOUNT.—In determining the amount of credit allowable under this section solely by reason of this subsection—

"(A) in the case of fuels sold during 2001 and 2002, the dollar amount applicable under subsection (a)(1) shall be $3 (without regard to subsection (b)(2)), and

"(B) in the case of fuels sold after 2002, subparagraph (B) of subsection (d)(2) shall be applied by substituting '2002' for '1979'.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold after the date of the enactment of this Act.

By Mr. LIEBERMAN (for himself, Ms. MIKULSKI, Mr. BOND, Mr. FRIST, and Mr. DOMENICI):

S. 1549. A bill to provide for increasing the technically trained workforce in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I am proud to join Senators MIKULSKI, BOND, FRIST, and DOMENICI in introducing an innovative response to one of the greatest challenges to the growth of the Innovation Economy, America's widening talent gap.

Our technological prowess is unequaled in the world today, which is why, despite our recent slowdown and the aftershocks of the September 11 attacks, we still have the strongest, most vibrant economy on the planet, and we obviously have no deficit of ingenuity and inventiveness.

But our long-term competitive standing and economic security could well be at risk if we do not address a troubling trendline in our workforce, the mismatch between the demand and supply of workers with science and engineering training.

The fact is, the number of jobs requiring significant technical skills is projected to grow by more than 50 percent in the United States over the next ten years. But outside of the life sciences, the number of degrees awarded in science and engineering has been flat or declining.

This has helped fuel a well-chronicled shortage of qualified New Economy workers. We have tried to temporarily plug this human capital hole with a stopgap of foreign workers. But there is a broad consensus among high-tech leaders and policymakers that it would be a serious mistake to prolong this dependence and essentially put our GDP at the mercy of H1B's.

That may sound like a bit of an overstatement to some. But the reality is that technological innovation is now widely understood to be the major driver of economic growth, not to mention a critical factor in our military superiority. And it is widely understood that we cannot expand our economy in the future if we don't take steps now to expand our domestic pool of brainpower, the next generation of people who will incubate and implement the next generation of ideas.

Now, most answers to serious economic challenges flow from the private sector, which is where growth ultimately occurs. But there are things that the federal government can do to help, particularly when it comes to educating and training our workforce. We can provide leadership, focus, and not least of all resources, and that is the purpose of the bill we are introducing today.

Our plan aims to fix a critical link in this "tech talent" gap, undergraduate education in science, math, engineering, and technology. It would create a new competitive grant program within the National Science Foundation that would encourage institutions of higher learning, from universities to community colleges, to increase the number of graduates in these disciplines.

This is not another scholarship program, but a targeted, results-driven initiative that goes straight to the gatekeepers. We're not asking them to change their admissions policies, but, in effect, to design new "e-missions" policies. Come up with effective ideas, and we will provide the dollars to make them work.

For example, institutions could propose to add or strengthen the interdisciplinary components of undergraduate science education. Or they could establish targeted support programs for women and minorities, who are 54 percent of our total workforce, but only 22 percent of scientists and engineers, to increase enrollment in these fields. Or they could partner with local technology companies to provide summer industry internships for ongoing research experience.

The pilot program is authorized at $25 million for Fiscal Year 2002, but our bipartisan coalition hopes the level will rise over the next several years to approximately $200 million annually, based upon pilot program results. With that kind of seed money, we're optimistic thousands of promising new scientists and engineers will soon bloom.

We realize that solving the undergraduate problem is not going to singlehandedly close our talent gap. We must also dramatically reform our K–12 public education system, through innovative initiatives such as Congressman BOEHLERT'S math and science partnerships bill, and strengthen our national investment in R&D. But it is a vitally important piece of the productivity puzzle.

For evidence of that, just look at the collection of letters of support we have received from industry, academia, and professional organizations, including letters from TechNet, a national network of CEOs and senior executives from the leading technology and biotechnology companies; the National Alliance of Business; and STANCO 25 Professor of Economics at Stanford University, Paul Romer, a leading growth economist, whose pioneering research underscores the long-term talent crisis facing our Nation, and who helped us think through this bill.

These industry, academic, and educational leaders recognize as do we, that in our knowledge-based economy, we must have people who know what they're doing, and that is why they have made this problem and our legislation a top priority. We are grateful for their knowledge and their support, and we look forward to working with them to better harvest the enormous potential of America's workforce.

I ask unanimous consent that letters of support for the Tech Talent bill, from the following organizations and individuals, be printed in the RECORD:

TechNet, Professor Paul Romer, National Alliance of Business, Semiconductor Industry Association, American Astronomical Society, K–12 Science, Mathematics, Engineering & Technology Coalition, General Electric, American Association of State Colleges and Universities, and the American Society for Engineering Education.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

TECHNET,
Palo Alto, CA, October 8, 2001.

Hon. JOSEPH LIEBERMAN,
Hon. BILL FRIST,
Hon. BARBARA MIKULSKI,
Hon. CHRISTOPHER S. "KIT" BOND,
Hon. PETE DOMENICI,
Hon. SHERWOOD BOEHLERT,
Hon. JOHN B. LARSON.

DEAR SENATORS LIEBERMAN, FRIST, MIKULSKI, BOND, AND DOMENICI, AND REPRESENTATIVES BOEHLERT, AND LARSON: On behalf of TechNet's 250 technology industry executives, we are writing to lend our strong endorsement and support for your legislation to increase the technically trained workforce in the United States: the Tech Talent Bill. TechNet considers the lack of a highly skilled American workforce a serious threat to our nation's future economic and technology growth.

Recent economic studies have shown that technological progress accounts for more then half of the U.S. economic growth in the post-war period. Correspondingly, a workforce highly trained in science, mathematics, engineering and technology (SMET) is fundamental to our nation's ability to remain competitive. Yet despite predictions that the number of jobs requiring technical skills will grow by 51% over the next decade, from the late 80's to the late 90's the number of earned bachelor's degrees has decreased by 18% in engineering and by 36% in math and computer science.

We commend you for taking the lead with a bold and innovative approach to reverse this perilous trend. The Tech Talent bill would authorize funding for the National Science Foundation (NSF) to distribute grants to colleges and universities that agree to specific increases in the number of students who are U.S. citizens or permanent residents obtaining degrees in science; math, engineering and technology. The NSF would solicit and competitively award grants, based on a peer-review evaluation, to proposals from colleges and universities with promising and innovative programs to increase the number of graduates in the specified disciplines.

A well-prepared workforce coupled with a strong emphasis on R&D is the only way to ensure a healthier, economically solid, and technologically advanced future for America. We appreciate your steadfast support of policies toward this end, and we urge you to press forward with this legislation in both chambers. Please let us know how we can best support a swift passage of the Tech Talent bill. Thank you for considering our views on this important issue.

Best regards,

Jim Barksdale, Partner, The Barksdale Group.

John Doerr, Partner, Kleiner, Perkins, Claufield, & Byers.

Rick White, President & CEO, TechNet.

Carol Bartz, CEO & Chairman of the Board, Autodesk, Inc.

Craig Barrett, CEO, Intel Corporation.

Eric Benhamou, Chairman, 3Com.

Hale Boggs, Partner, Manatt, Phelps & Phillips, LLP.

Bob Brisco, CEO, CARSDIRECT.COM.

Sheryle Bolton, Chairman & CEO, Scientific Learning Corporation.

Richard M. Burnes, Jr., Partner, Charles River Ventures.

Daniel H. Case III, Chairman & CEO, JP Morgan H & Q.

Bruce Claflin, President & CEO, 3Com.

Ron Conway, Founder and General Partner, Angel Investors, LLP.

Joe Cullinane, CEO Telum Group, Inc.

Dean DeBiase, Chairman Autoweb.

Aart de Geus, CEO and Chairman, Synopsys.

Paul Deninger, Chairman & CEO, Broadview International LLC.

Gary Dickerson, Chief Operating Officer, KLA-Tencor Corporation.

William H. Draper III, General Partner, Draper Richards L.P.

Thomas J. Engibous, Chairman, President & CEO, Texas Instruments.

Carl Feldbaum, President, Biotechnology Industry Organization.

Boris Feldman, Partner, Wilson, Sonsini, Goodrich & Rosati.

Ken Goldman, CFO, Siebel Systems.

Christopher Greene, President & CEO, Greene Engineers.

Michael D. Goldberg, Managing Director, JasperCapital.

Nancy Heinen, Senior VP, General Counsel, Apple.

Jeffrey O. Henley, Executive VP & CFO, Oracle Corporation.

Bob Herbold, Executive Vice President & COO, Microsoft Corporation.

Casey Hoffman, CEO & Founder, Supportkids.com.

Guy Hoffman, Venture Partner, TL Ventures.

Kingdon R. Hughes, President, Rush Network.

Scott Jones, Chairman & Chief Executive Officer, Escient.

Nicholas Konidaris, CEO, Advantest America, Inc.

David Lane, Partner, Diamondhead Venture Management LLC.

Paul Lippe, CEO, SKOLAR.

Arthur D. Levinson, PhD, Chairman & CEO, Genetech.

Ken Levy, Chairman, KLA-Tencor Corporation.

Lori P. Mirek, President & CEO, Currenex—Global Financial Exchange.

Henry Samueli, PhD, Co-Chairman & CTO, Broadcom Corporation.

Douglas G. Scrivner, General Counsel, Accenture.

Stratton Sclavos, President & CEO, VeriSign Inc.

Gary Shapiro, President & CEO, Consumer Electronics Association.

Rohit Shukla, President & CEO, LARTA.

Gregory W. Slayton, President and CEO, ClickAction.

Ted Smith, Chairman, FileNET.

Robert W. Sterns, Principal, Sternhill Partners.

George Sundheim III, President, Doty, Sundheim & Gilmore.

John Young, Retired President & CEO, Hewlett Packard.

STANFORD UNIVERSITY,
GRADUATE SCHOOL OF BUSINESS,
Stanford, CA, October 10, 2001.

Senator CHRISTOPHER BOND,
Senator PETE DOMENICI,
Senator WILLIAM FRIST,
Senator JOSEPH LIEBERMAN,
Senator BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATORS BOND, DOMENICI, FRIST, LIEBERMAN, AND MIKULSKI: Your Tech Talent bill will reinvigorate one of the most successful policies in the history of our nation—government support for broad undergraduate training in science and engineering. Since the end of the 19th century, people trained in these areas have turned scientific opportunity into technological progress. With their help, we harnessed the twin engines of the market and technology. Together, these engines powered the United States into our current position of unchallenged worldwide political and economic leadership.

Unfortunately, success breeds complacency. In recent decades, our achievements in undergraduate science education have fallen behind those in many other countries.

In the domain of the market, our government fostered growth by doing less. It stood aside and gave people the freedom to start new ventures, introduce new products, and improve on old ways of doing things. By contrast, in the domain of technology, our government fostered growth by doing more, but in a way that supported market competition. The Morrill Acts of 1862 and 1890 created a new type of university, one committed not to an elite study of art or science for its own sake. Instead, these new institutions emphasized the practical application of knowledge. They offered instruction in the "agricultural and mechanic arts" and the various branches of science, with "special reference to their application in the industries of life." The land grant universities created and supported by these acts helped many more farmers and miners, tinkerers and inventors, entrepreneurs and managers, engineers and researchers compete in the market by developing new technologies or applying technologies developed by others.

Since World War II, the federal government has wisely increased its support for basic research by current university professors and graduate training of future professors. Unfortunately, this support seems to have come at the expense of our early commitment to undergraduate education in science and engineering. At the beginning of the 20th century, this commitment put us far ahead of the rest of the world. At the beginning of the 21st century, we lag behind many other countries according to such basic measures as the fraction of all 24-year-olds who receive an undergraduate degree in engineering or the natural sciences.

Your bill can begin our return to worldwide leadership in undergraduate science and engineering education. It will reward colleges and universities that devote more effort to teaching, that develop innovative instructional materials, that pull students into science instead of "weeding them out."

If we can increase the number of undergraduates who receive science and engineering degrees our companies will have more highly skilled workers. Our schools will have more math and science teachers. Our Ph.D. programs will have more qualified applicants. Our economy will grow faster and our nation will be stronger.

Sincerely yours,

PAUL M. ROMER.

OCTOBER 5, 2001.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: We commend you for your leadership in sponsoring the Technology Talent bill. This bill focuses attention on an important workforce issue for business and for America's growing knowledge-based economy—the need to increase the number of U.S. students graduating with degrees in mathematics; science, engineering, and technology from the nation's universities and community colleges.

American businesses face a constant challenge to find sufficient numbers of professionals with proficiency in these key disciplines. The number of students graduating with degrees in these fields has both failed to keep pace with an ever-increasing demand, and actually declined. Since 1990, for example the number of bachelor degrees in electrical engineering awarded at U.S. universities has declined 37 percent. We must address this need if the United States is to maintain its economic and technological leadership.

The demonstration grant program established by the Tech Talent bill will provide new incentives for universities, colleges, and community colleges to increase the number of graduates with bachelor and associate degrees in science, mathematics, engineering and technology. The bill also will encourage mentoring, bridge programs from secondary to postsecondary education, and creative approaches for traditionally underrepresented groups to earn degrees in these disciplines.

We look forward to working with you and your colleagues to secure enactment of this legislation.

Sincerely,

3M Company; AeA.; AT&T.; Business-Higher Education Forum; Compaq Computer Corporation; IBM Corporation; Information Technology Association of America; Intel Corporation; Minority Business RoundTable; Motorola; National Alliance of Business; National Venture Capital Association; Northern Virginia Technology Council; SchoolTone Alliance; Semiconductor Industry Association; Software and Information Industry Association; TechNet; Texas Instruments; Verizon; and Williams.

SIA,
San Jose, CA, October 3, 2001.

Re Tech Talent Act.

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: The Semiconductor Industry Association applauds your introduction of the Technology Talent Act as an important action to expand the technically trained workforce in the United States.

Over the next five to fifteen years, the semiconductor manufacturing process that the industry has used for the past thirty years will have reached its physical limits. It will take significant investments to develop the human resources necessary to develop replacement processes and electronic device structures. Absent these investments, the continued productivity gains that our economy has enjoyed from information technology advances will be lost.

The demonstration program established by the Tech Talent bill will provide incentive for universities, colleges and community colleges to increase the number of graduates with bachelors and associates' degrees in science, mathematics, engineering and technology. We are pleased that the bill encourages mentoring programs, bridge programs and other innovative approaches to helping increase the number of U.S. students graduating with degrees in these disciplines. That should not only help to increase the supply by retaining more of the students who are already enrolled, but also help attract more students from traditionally under-represented groups to pursue careers in our industry and other high tech sectors.

We look forward to working with you and your colleagues to help ensure the legislation's swift and favorable consideration. Thank you again for your leadership on this issue.

Sincerely,

GEORGE SCALISE,
President.

AAS,
Pasadena, CA, September 10, 2001.

Re Tech Talent Bill.

Hon. JOSEPH LIEBERMAN,
Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing to thank you and your colleagues for introducing the "Tech Talent Bill". I will work to support this legislation as it moves through Congress.

As you know, the decline in our technical workforce is negatively affecting our national economy and worldwide competitiveness. The American Institute of Physics (AIP) has tracked the number of students earning doctorates from U.S. institutions in the physical sciences since 1962. Today, roughly 1,350 doctorates are awarded each year. In 1970, this number was nearly 1,600. Although this statistic does fluctuate from year to year, it has steadily declined over the last several years, dropping 11% between 1994 and 1998. Additionally, the fraction of foreign students earning doctorates has increased dramatically. According to AIP statistics, 46% of physics doctorates are foreign nationals.

The Administrator of NASA, Dan Goldin, highlighted this problem in a recent article in the Atlantic magazine (September 2001). In this article, he points out that due to the small number of qualified engineers and physical scientists, design, construction and operation of space probes is becoming difficult. Although not for certain, he suggests that this shortage may have played a role in the recent failures of the Mars Polar Lander and Mars Climate Orbiter. According to Mr. Goldin, nearly as many students earn undergraduate degrees in parks, recreation and leisure as earn degrees in electrical engineering. This is a shocking fact for a Nation built on technology and science.

By motivating universities to increase the number of students earning physical science degrees, this legislation will have a direct impact on this problem. I strongly support the "Tech Talent Bill" and hope to work with you to ensure its passage in this Congressional term.

Sincerely,

ANNEILA SARGENT,
President.

K-12 SCIENCE, MATHEMATICS, ENGINEERING & TECHNOLOGY EDUCATION COALITION,
October 15, 2001.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: The K-12 Science, Mathematics, Engineering, and Technology Education Coalition commends you and Senators Frist, Mikulski, and Bond for introducing the "Tech Talent" bill, designed to increase the United States' technically trained workforce. It is imperative to develop a highly skilled workforce to maintain our national security and foster future economic growth. We believe that the journey begins before college.

We are pleased that your legislation encourages universities to partner with community colleges, industry organizations, professional societies and local schools to pave the way for students of all ages and backgrounds to further their interests in science, mathematics, engineering and technology (SMET) coursework and career paths.

In October of this year, the deans of engineering and the deans of education from 50 universities met in concert to develop strategic collaborations to enhance K-12 teacher preparation in SMET and to invigorate engineering education. Collaborations of this type can and should be replicated by more universities and across all science, mathematics, engineering, and technological disciplines.

This bill will assist in the development and implementation of innovative approaches to increasing enrollments and graduates in key SMET degrees, which is critical to our economy, our national security, and the future job prospects of our children. Providing incentives and rewards to educational institutions for increasing SMET enrollments and graduates is an excellent approach to jumpstart that process.

We applaud your dedication and foresight in protecting and enhancing America's future workforce.

If we can be of further assistance, please contact Patti Burgio at 202.785.7385.

GE CORPORATE RESEARCH & DEVELOPMENT, THE GENERAL ELECTRIC COMPANY,
October 12, 2001.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: The General Electric Company highly commends you, along with Senators Bond, Mikulski, Frist, and Domenici and Representatives Boehlert and Larson, for introducing the "Tech Talent" bill. We fully endorse and support the revival of a highly technical workforce in the United States.

While our company embraces technical expertise from around the globe, we believe it is vital to our nation's long-term economic strength to grow and develop our domestic talent as well. This legislation will create that strength without discriminating against global technical talent.

We applaud your approach to creating a grant program that itself inspires colleges and universities to take a creative and innovative approach to broadening science, mathematics, engineering and technology enrollment. We believe that this approach will not result in a one-time spike in enrollment, instead it enables a fundamental change in philosophy for a long-term increase in technical education.

There is no better time for this legislation. Our nation's economy is heavily dependent on a highly skilled workforce, with more than 50 percent of our economic growth stemming from technological progress. We look forward to assisting you in any way possible with this legislation. Thank you for your continued support of technology and innovation initiatives in America.

Sincerely,

SCOTT C. DONNELLY,
Senior Vice President.

AMERICAN ASSOCIATION OF
STATE COLLEGES AND UNIVERSITIES,
Washington, DC, October 12, 2001.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of the American Association of State Colleges and Universities (AASCU) I am writing to express our strong support for the, "Technology Talent Act of 2001." AASCU is comprised of more than 430 public colleges, universities and systems of public higher education located throughout the United States and its territories. Our Connecticut members include: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University and the Connecticut State University System.

AASCU truly appreciates your leadership in recognizing the need to increase the nation's technically trained workforce, as well as your commitment to address this need by introducing legislation that will, if adequately funded, go a long way towards achieving this goal. AASCU strongly supports the legislation's requirement that at least one principal investigator be in a position of administrative leadership at the institution of higher education. This requirement will ensure that the commitment for increasing the number of bachelor's degrees will be institution wide. Additionally, we believe the legislation's priority to award grants to institutions that draw on previous and existing efforts in improving undergraduate learning and teaching is right on target.

Again, thank you for your leadership on this issue. We look forward to working with you as the "Technology Talent Act of 2001" progresses through the legislative process.

Sincerely,

EDWARD M. ELMENDORF,
Vice President for Government Relations and Policy Analysis.

AMERICAN SOCIETY FOR
ENGINEERING EDUCATION,
Washington, DC, October 12, 2001.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of the members of the Engineering Deans Council (EDC) of the American Society for Engineering Education (ASEE), we are writing to thank you for introducing the Tech Talent bill, which is intended to increase the technically trained workforce of our nation. Now more than ever it is important for Americans to focus on strengthening and increasing the science and technology workforce of the United States.

Engineering schools have a major role to play in efforts to expand the nation's technical workforce. We are very interested in examining the provisions of the competitive grant program to be established at the National Science Foundation. Those that are intended to increase the number of U.S. citizens or permanent residents obtaining degrees in science, mathematics, engineering or technology (SMET) can be helpful to all of us in engineering education. The incentives to degree-granting institutions to encourage creative ways of recruiting students who may not earlier have felt they could succeed in these fields will insure innovative, aggressive program proposal submissions. We are glad to see that strong emphasis will be placed on an evaluation of methods employed in the grant activities.

This legislation will provide an opportunity to build on the activities that many of our colleges have underway, including mentoring high school students and engaging them in other activities designed to interest them in enrolling in SMET programs. Earlier this year we held the first Engineering Deans Council panel discussion on opportunities for collaboration between engineering and education schools. At the beginning of October pairs of deans of engineering and deans of education met for the "Deans Summit" in Baltimore. The purpose of this conference was to stimulate these deans to develop collaborations, which would result in programs to improve the quality of preparation of students for SMET careers. As participants in the Deans Summit, we can testify that many innovative programs were developed by pairs of deans from the institutions represented. We think this legislation will be very helpful to these collaborations. Many of the institutions will be very eager to develop proposals in response to its provisions. The incentives provided in this bill will certainly attract attention, and we think will achieve the purpose of increasing enrollments as well as improve the quality of preparation.

The Engineering Deans Council of the American Society for Engineering Education (ASEE) is the leadership organization of the more than 300 deans of engineering in the United States. Founded in 1893, ASEE is a nonprofit association dedicated to the improvement of engineering and engineering technology education.

We greatly appreciate your strong and continuing interest in and support for the development of our nation's scientific and technical workforce. If we can be of further assistance, please do not hesitate to get in touch with us.

Sincerely,

CARL E. LOCKE, Jr.,
Dean of Engineering, University of Kansas-Lawrence, Chair, Engineering Deans Council.

DAVID N. WORMLEY,
Dean of Engineering, Pennsylvania State University, Vice Chair, Engineering Deans Council.

Mr. BOND. Mr. President, I rise to express my strong support for the Technology Talent Act of 2001. As an original co-sponsor, I am pleased to have joined my Senate colleagues, Senators JOE LIEBERMAN, BARBARA MIKULSKI, BILL FRIST, and PETE DOMENICI in introducing an important piece of legislation that will help strengthen the long-term economic competitiveness and health of our Nation. We are here to sound the alarm to the public that our Nation's innovation capabilities are at risk of falling behind other industrial nations if we do not aggressively increase the number and quality of our technologically-trained workforce.

The number of American students receiving degrees in the natural sciences and engineering fields has fallen significantly. This decline has occurred despite the growth in population and increase in undergraduate enrollment. But in other countries, the proportion of degrees in the sciences has grown compared to the United States. As a result, the demand for scientists and engineers in this country is being filled by foreign workers. And with the demand for engineers and computer scientists expected to grow by more than 50 percent by 2008, the high-tech industry is deeply troubled that it will become increasingly difficult to fill this demand and remain competitive in the global economy.

To respond to the shortage of technically-trained workers in this country, the Congress has had to raise the cap on H1-B visas for immigrant workers. Why was this necessary? In the past decade, growth in the number of Asian and European students earning degrees in the natural sciences and engineering has gone up on average by 4 percent per year. During the same time, the rate for U.S. students declined on average by nearly one percent each year. It was startling to learn that the Organization of Economic Cooperation and Development, OECD, ranked the United States 25 out of 26 industrialized nations surveyed in terms of the number of college and university degrees in science. The OECD found that South Korea led those nations surveyed and that we are behind countries like Finland, Japan, the Czech Republic, and Ireland!

In my home State of Missouri, I have seen the same sort of disturbing trends. The University of Missouri has seen an overall decline in science, engineering, and math degrees as a proportion of total undergraduate degrees. For example, undergraduate degrees in engineering have declined by 16 percent over the past 5 years whereas non-science degrees have increased by 14 percent.

Because of these troubling numbers, I am excited to work with my Senate colleagues to come up with a potential solution. I thank Senator LIEBERMAN and his staff for taking the initiative in crafting this bill and working with me. I also thank Professor Romer of Stanford University for his vision and thoughts in developing this bill.

Through the administration of the National Science Foundation, this legislation provides financial incentives to our colleges and universities to expand existing successful programs and create new, innovative ways that encourage our youth to enter and stay in the science and engineering fields. Our bill also encourages schools to develop programs that will attract more minorities and women. This is critical since there are few minorities and women employed in the high-tech sector.

To jumpstart this program, I am pleased to note that we have included

$20 million in NSF's budget as part of the Senate's fiscal year 2002 VA, HUD bill. I hope we can maintain this level in conference and later increase funding for this program to a level of $200 million if this program is successful and our subcommittee receives the necessary funding.

Along with many of my Senate and House colleagues, I have been trying to increase support for NSF because we recognize the role NSF plays in stimulating our economy and supporting the biomedical work of the National Institutes of Health. That is why we believe in doubling NSF's budget and as part of this effort, increasing the Nation's technologically-trained workforce is a key element. Clearly, we need to invest in our students because they will be the booster rocket for the future success of our economy and allow this Nation to lead the world in this century.

Mr. FRIST. Mr. President, I am proud to join Senators LIEBERMAN, MIKULSKI, BOND and DOMENICI in introducing the Tech Talent bill. This legislation will build on and compliment legislation I introduced earlier this year, the Math and Science Partnership Act.

Today, we are talking about college math and science majors and their role in our economic and scientific future. But, precollege science and math instruction has an important relationship to the future supply of U.S. scientific and technological personnel as well. For example, students who take rigorous mathematics and science courses in high school are much more likely to go on to college than those who do not.

Data from the National Educational Longitudinal Study reveal that 83 percent of students who took algebra I and geometry, and nearly 89 percent of students who took chemistry, went on to college, compared to only 36 percent of students who did not take algebra and geometry and 43 percent of students who did not take chemistry. Yet 31 percent of our college bound high school seniors did not take four years or more of mathematics, and 51 percent of college bound high school seniors did not take four years or more of science.

There is another link between precollege and college math and science instruction: before you can major in science or math in college, you must have a strong understanding of the basics. Yet, the most recent NAEP science assessments showed that only approximately one-third of our 4th, 8th and 12th grade students were performing at the basic level. And only 3 percent of the students at all three grade levels reached the advanced level of scientific proficiency.

The Math and Science Partnership program, which is now part of the education reform bill, authorizes $900 million in 2002 to enhance K–12 math and science education. It will help more of our children learn the basics of math and science and encourage more of them to go to college.

The Tech Talent Bill will make sure that once they get to college, they are encouraged to complete the loop: major in science, engineering or computer science so that we can fill the high tech jobs that are fundamental to our nation's future prosperity and to our ability to remain competitive in an increasingly global marketplace.

The Tech Talent Bill rewards colleges and universities that increase the number of math and science majors that graduate. And the bill lets the universities figure out the best way to do so. It will not stifle creativity. Our economy needs a workforce highly trained in science, mathematics, engineering and technology, and that is why I believe this bill is very important, and should be a top priority.

I am proud to support this bill, and I commend Senator LIEBERMAN for his leadership on this issue.

Mr. DOMENICI. Mr. President, innovation drives a significant part of our domestic economy; it's absolutely vital in maintaining our standard of living. Estimates are that at least half of our economic growth in the post-WWII period was driven by advanced technologies.

Innovation is especially critical today at a time when our economy has shown significant weaknesses. We need to continue to look toward our ability to innovate, to bring new products and processes to the market place, to help spur recovery.

Innovation depends on many factors, ranging from the research done in our superb universities and laboratories to the flow of capital investments into entrepreneurial start-up companies. One of the very key factors is the existence of a well qualified workforce, ready to support high technology industries. Increasingly, preparation of that workforce is at risk in the United States, this should be cause for great concern.

That's why I welcome this opportunity to join with Senators LIEBERMAN, BOND, MIKULSKI, and FRIST, as well as with Congressmen BOEHLERT and LARSON, to provide my support as an original co-sponsor of the Tech Talent Bill. This bill can help to reverse disturbing trends in the technical credentials of our future workforce.

Studies show that the number of jobs requiring technical training will increase by 51 percent over the next decade. Six million new technical openings are projected to be needed by 2008. But the trend is exactly the opposite, our number of bachelor's degrees has dropped 21 percent in engineering and 32 percent in math and computer science over the last decade.

In the last few years, we've filled many technical positions with foreign workers, and we've heard repeated cries from our high tech industries about their need for larger visa programs to allow these workers to enter the country. In addition, increasing numbers of our undergraduate and graduate students are citizens of another country.

Frequently, both foreign students who have completed technical studies in the United States and foreign technical workers admitted under special visas return to their native lands. That fuels a continuing outflow of technical expertise from our country.

That's good for other countries, who are striving to build up their technical capabilities, but it sure isn't good for the United States. The trend is ominous. In 1985, we led most countries in the number of research personnel as a percent of our workforce. In 1998, we were well behind countries like Japan.

This trend is even worse if we look at young technical workers, because much of our strength is from older workers from past years when technical education was more popular here. If we look at the fraction of 24 year-old workers with technical training, the U.S. lags behind many countries including Japan, Korea, Germany, Ireland, Canada, France and the United Kingdom.

This problem is even more evident if we look at the fraction of bachelor-level degrees awarded in science and engineering. In the United States, the figure is about one-third. But in China, our one-third is replaced by their 72 percent, and Japan, Russia and Brazil exceed 60 percent. In all of Asia, 47 percent of all degrees are in science and engineering. It's even worse if we focus on engineering, where 5 percent of our bachelor's degrees are awarded. In China, that figure is 46 percent. And that figure is 30 or more percent in countries like Germany, Russia, Singapore, and Finland, and over 20 percent in many countries including Japan, France and Sweden.

Traditionally, the United States has led the world in patents. But if we look at the growth in patenting in the U.S. and elsewhere, the trend is serious. Countries like Japan have higher growth rates in patenting then we do.

I already noted the importance of innovation in driving our economic growth. We don't compete well in the international marketplace on manufacture of low-tech goods. In fact, where a product has been on the market for awhile, other countries tend to capture the manufacturing market. That's why it's so critical that we maintain a strong flow of innovative products it's in the newest, highest technology, products that we are most competitive.

We can't afford to maintain some of the current trends. We were graduating about 18,000 students a year with bachelor's degrees in the physical sciences in the 1970s, today that figure is around 15,000. As another bad example, our graduates in mathematics have fallen to about half the 25,000 graduates per year in the 1970s.

We need to reverse these trends. We need to excite more students to pursue technical careers. We need to do far better at showing students the opportunities that can open for them if they pursue technical paths in their education.

This bill will help in this quest. By providing grants to schools and community colleges to increase their production of technical workers, we are providing direct motivation to the schools which have a significant hand in guiding students into various fields. These grants will serve to challenge schools to find better, more convincing, approaches to encourage student behavior.

It was particularly important to me that this bill offer these incentives at the community college level. Students are increasingly finding that these institutions offer the best match to their educational needs. It will be at the community college level that we can excite many new students who might have chosen other specialities.

Reversing the trends I've described won't happen overnight, it will take many years. But the future benefits to our your people and to our nation are immense. I'm pleased to join the cosponsors of this important bill in seeking to address this very real issue.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1902. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1902. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 125, line 16, before the period at the end of the line insert the following: ": *Provided further*, That, of the funds appropriated under this heading, not less than $400,000 shall be made available on a grant basis as a cash transfer for support of the Foundation for Children at Risk Donald J. Cohen and Irving B. Harris Center for Trauma and Disaster Intervention, housed at the Tel Aviv Mental Health Center, whose counseling of children and families and training of mental health professionals are crucial to reducing the human suffering and repairing the societal damage from violence against civilians of all faiths in Israel, Israeli settlements, and territory administered by the Palestinian Authority".

AVIATION SECURITY ACT

On October 11, 2001, the Senate passed S 1447, as follows:

S. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Aviation Security Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Findings.
Sec. 102. Transportation security function.
Sec. 103. Aviation Security Coordination Council.
Sec. 104. Improved flight deck integrity measures.
Sec. 105. Deployment of Federal air marshals.
Sec. 106. Improved airport perimeter access security.
Sec. 107. Enhanced anti-hijacking training for flight crews.
Sec. 108. Passenger and property screening.
Sec. 109. Training and employment of security screening personnel.
Sec. 110. Research and development.
Sec. 111. Flight school security.
Sec. 112. Report to Congress on security.
Sec. 113. General aviation and air charters.
Sec. 114. Increased penalties for interference with security personnel.
Sec. 115. Security-related study by FAA.
Sec. 116. Air transportation arrangements in certain States.
Sec. 117. Airline computer reservation systems.
Sec. 118. Security funding.
Sec. 119. Increased funding flexibility for aviation security.
Sec. 120. Authorization of funds for reimbursement of airports for security mandates.
Sec. 121. Encouraging airline employees to report suspicious activities.
Sec. 122. Less-than-lethal weaponry for flight deck crews.
Sec. 123. Mail and freight waivers.
Sec. 124. Safety and security of on-board supplies.
Sec. 125. Flight deck security
Sec. 126. Amendments to airmen registry authority.
Sec. 127. Results-based management.
Sec. 128. Use of facilities.
Sec. 129. Report on national air space restrictions put in place after terrorist attacks that remain in place.
Sec. 130. Voluntary provision of emergency services during commercial flights.
Sec. 131. Enhanced security for aircraft.
Sec. 132. Implementation of certain detection technologies.
Sec. 133. Report on new responsibilities of the Department of Justice for aviation security.
Sec. 134. Definitions.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

Sec. 201. Expanded deployment and utilization of current security technologies and procedures.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

Sec. 211. Short-term assessment and deployment of emerging security technologies and procedures.

Subtitle C—Research and Development of Aviation Security Technology

Sec. 221. Research and development of aviation security technology.

TITLE I—AVIATION SECURITY

SEC. 101. FINDINGS.

The Congress finds the following:

(1) The safety and security of the civil air transportation system is critical to the United States' security and its national defense.

(2) A safe and secure United States civil air transportation system is essential to the basic freedom of Americans to move in intrastate, interstate, and international transportation.

(3) The terrorist hijackings and crashes of passenger aircraft on September 11, 2001, converting civil aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(4) The existing fragmentation of responsibility for that safety and security among government agencies and between government and nongovernment entities is inefficient and unacceptable in light of the hijackings and crashes on September 11, 2001.

(5) The General Accounting Office has recommended that security functions and security personnel at United States airports should become a Federal government responsibility.

(6) Although the number of Federal air marshals is classified, their presence on both international and domestic flights would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel.

(7) The effectiveness of existing security measures, including employee background checks and passenger pre-screening, is impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

SEC. 102. TRANSPORTATION SECURITY FUNCTION.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(2) by inserting after subsection (c) the following:

"(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

"(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

"(2) AVIATION-RELATED DUTIES.—The Deputy Secretary—

"(A) shall coordinate and direct, as appropriate, the functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 449;

"(B) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations; and

"(C) shall actively cooperate and coordinate with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

"(3) National Emergency Responsibilities.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

"(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

"(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

"(C) To establish uniform national standards and practices for transportation during a national emergency.

"(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

"(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

"(4) Relationship to Other Transportation Authority.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

"(5) Annual Report.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

"(6) National Emergency.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).".

(b) Attorney General Responsibilities.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

(c) Review and Development of Ways To Strengthen Security.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking "x-ray" in paragraph (4);

(2) by striking "and" at the end of paragraph (4);

(3) by striking "passengers." in paragraph (5) and inserting "passengers;"; and

(4) by adding at the end the following:

"(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

"(7) to evaluate such additional measures as may be appropriate to enhance physical inspection of passengers, luggage, and cargo.".

(d) Transition.—Until the Deputy Secretary for Transportation Security takes office, the functions of the Deputy Secretary that relate to aviation security shall be carried out by the Assistant Administrator for Civil Aviation Security of the Federal Aviation Administration.

SEC. 103. AVIATION SECURITY COORDINATION COUNCIL.

(a) In General.—Section 44911 of title 49, United States Code, is amended by adding at the end the following:

"(f) Aviation Security Coordination Council.—

"(1) In general.—There is established an Aviation Security Coordination Council.

"(2) Function.—The Council shall work with the intelligence community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and air navigation facilities involved in air transportation or intrastate air transportation.

"(3) Chair.—The Council shall be chaired by the Secretary of Transportation or the Secretary's designee.

"(4) Membership.—The members of the Council are:

"(A) The Secretary of Transportation, or the Secretary's designee.

"(B) The Attorney General, or the Attorney General's designee.

"(C) The Secretary of Defense, or the Secretary's designee.

"(D) The Secretary of the Treasury, or the Secretary's designee.

"(E) The Director of the Central Intelligence Agency, or the Director's designee.

"(F) The head, or an officer or employee designated by the head, of any other Federal agency the participation of which is determined by the Secretary of Transportation, in consultation with the Attorney General, to be appropriate.

"(g) Cross-checking Data Base Information.—The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

"(1) explore the technical feasibility of developing a common database of individuals who may pose a threat to aviation or national security;

"(2) enter into memoranda of understanding with other Federal agencies to share or otherwise cross-check data on such individuals identified on Federal agency data bases, and may utilize other available data bases as necessary; and

"(3) evaluate and assess technologies in development or use at Federal departments, agencies, and instrumentalities that might be useful in improving the safety and security of aviation in the United States.".

(b) Policies and Procedures.—Section 44911(b) of title 49, United States Code, is amended by striking "international".

(c) Strategic Planning.—Section 44911(c) of title 49, United States Code, is amended by striking "consider placing" and inserting "place".

SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) In General.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

(b) Commuter Aircraft.—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so engaged.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) Air Marshals Under Attorney General Guidelines.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

(b) Deployment.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting "(1)" before "With";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) by adding at the end the following:

"(2) The Secretary—

"(A) may place Federal air marshals on every scheduled passenger flight in air transportation and intrastate air transportation; and

"(B) shall place them on every such flight determined by the Secretary to present high security risks.

"(3) In making the determination under paragraph (2)(B), nonstop longhaul flights, such as those targeted on September 11, 2001, should be a priority.".

(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

(1) provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;

(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

(3) provide for appropriate training, supervision, and equipment of Federal air marshals; and

(4) require air carriers to provide seating for Federal air marshals on any flight without regard to the availability of seats on that flight.

(d) INTERNATIONAL FLIGHTS.—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49, United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

(e) INTERIM MEASURES.—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to provide air marshal service on domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

(f) REPORTS.—

(1) IN GENERAL.—The Attorney General and the Secretary of Transportation shall submit the following reports in classified form, if necessary, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure:

(A) Within 18 months after the date of enactment of this Act, an assessment of the program carried out under section 44903(d) of title 49, United States Code.

(B) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

(C) Within 6 months after the date of enactment of this Act, an assessment of the safety and security-related training provided to flight and cabin crews.

(2) RECOMMENDATIONS.—The Attorney General and the Secretary may submit, as part of any report under this subsection or separately, any recommendations they may have for improving the effectiveness of the Federal air marshal program or the security screening process.

(g) COOPERATION WITH OTHER AGENCIES.—The last sentence of section 106(m) of title 49, United States Code, is amended by striking "supplies and" and inserting "supplies, personnel, services, and".

(h) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, or an individual discharged or furloughed from a commercial airline cockpit crew position, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

"(1) IN GENERAL.—The Secretary of Transportation, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

"(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation. The Secretary of Transportation, after consultation with the Aviation Security Coordination Council, shall consider whether airport, air carrier personnel, and other individuals with access to such areas should be screened to prevent individuals who present a risk to aviation security or national security from gaining access to such areas.

"(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Transportation may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.".

(b) SMALL AND MEDIUM AIRPORTS.—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security. The Federal Aviation Administration in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports, to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.

(c) CHEMICAL AND BIOLOGICAL WEAPON DETECTION.—Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

"(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation shall require airports to maximize the use of technology and equipment that is designed to detect potential chemical or biological weapons.".

(d) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking "weaknesses by January 31, 2001;" in subparagraph (A) and inserting "weaknesses;";

(2) by striking subparagraph (D) and inserting the following:

"(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;";

(3) by striking "program by January 31, 2001;" in subparagraph (F) and inserting "program;"; and

(4) by striking subparagraph (G) and inserting the following:

"(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.".

(e) AIRPORT SECURITY PILOT PROGRAM.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

"(3) The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.".

(f) AIRPORT SECURITY AWARENESS PROGRAMS.—The Secretary of Transportation shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

SEC. 107. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) IN GENERAL.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code). The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.

(b) NOTIFICATION PROCEDURES.—The Administrator of the Federal Aviation Administration shall revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies and implement any new measures as soon as practicable.

SEC. 108. PASSENGER AND PROPERTY SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended to read as follows:

"§ 44901. Screening passengers, individuals with access to secure areas, and property

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 2105 of title 5, United States Code). The Attorney General, in consultation with the

Secretary, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Attorney General. The screening of airport, air carrier, foreign air carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Attorney General may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport. In carrying out this subsection, the Attorney General shall maximize the use of available nonintrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

“(b) DEPLOYMENT OF ARMED PERSONNEL.—

“(1) IN GENERAL.—The Attorney General shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

“(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Attorney General shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Attorney General shall order the deployment of additional law enforcement personnel at airport security screening locations if the Attorney General determines that the additional deployment is necessary to ensure passenger safety and national security.

“(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

“(1) PASSENGER SCREENING.—In carrying out subsection (a) and subsection (b)(1), the Attorney General may require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel if—

“(A) the screening services are equivalent to the screening services that would be carried out by Federal personnel under subsection (a);

“(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 44935 for training and evaluation of Federal personnel conducting screening or providing security services under subsection (a);

“(C) the airport is reimbursed by the United States, using funds made available by the Aviation Security Act, for the costs incurred in providing the required screening, training, and evaluation; and

“(D) the Attorney General has consulted the airport sponsor.

“(2) DETERMINATION OF LIMITED REQUIREMENTS.—The Attorney General, in consultation with the Secretary of Transportation, may prescribe modified aviation security measures for a nonhub airport if the Attorney General determines that specific security measures are not required at a nonhub airport at all hours of airport operation because of—

“(A) the types of aircraft that use the airport;

“(B) seasonal variations in air traffic and types of aircraft that use the airport; or

“(C) other factors that warrant modification of otherwise applicable security requirements.

“(3) ADDITIONAL FEDERAL SECURITY MEASURES.—At any airport required to enter into a reimbursement agreement under paragraph (1), the Attorney General—

“(A) may provide or require additional security measures;

“(B) may conduct random security inspections; and

“(C) may provide assistance to enhance airport security at that airport.

“(d) MANUAL PROCESS.—

“(1) IN GENERAL.—The Attorney General shall require a manual process, at explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Attorney General, are examined.

“(2) LIMITATION ON STATUTORY CONSTRUCTION.—Paragraph (1) shall not be construed to limit the ability of the Attorney General or the Secretary of Transportation to impose additional security measures when a specific threat warrants such additional measures.

“(3) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under paragraph (1), the Attorney General shall seek to maximize the use of the explosive detection equipment.

“(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Attorney General may use memoranda of understanding or other agreements with the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.”.

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking “purpose of” in subsection (b)(1)(A) and inserting “purposes of (i)”;

(2) by striking “transportation;” in subsection (b)(1)(A) and inserting “transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;”;

(3) by striking “NOT FEDERAL RESPONSIBILITY” in the heading of subsection (b)(3)(b);

(4) by striking “shall not be responsible for providing” in subsection (b)(3)(B) and inserting “may provide”;

(5) by striking “flight.” in subsection (c)(2) and inserting “flight and security screening functions under section 44901(c) of title 49, United States Code.”;

(6) by striking “General” in subsection (e) and inserting “General, in consultation with the Secretary of Transportation,”; and

(7) by striking subsection (f).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44901 of title 49, United States Code, as amended by subsection (a), as soon as is practicable but in no event later than 9 months after the date of enactment of this Act. The Attorney General may make or continue such arrangements, including arrangements under the authority of sections 40110 and 40111 of that title, for the screening of passengers and property under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

“(e) SECURITY SCREENERS.—

“(1) TRAINING PROGRAM.—The Attorney General, in consultation with the Secretary of Transportation, shall establish a program for the hiring and training of security screening personnel.

“(2) HIRING.—

“(A) QUALIFICATIONS.—The Attorney General shall establish, within 30 days after the date of enactment of the Aviation Security Act, qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law to the contrary, those standards shall, at a minimum, require an individual—

“(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

“(ii) to have been a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

“(iii) to have passed an examination for recent consumption of a controlled substance;

“(iv) to meet, at a minimum, the requirements set forth in subsection (f); and

“(v) to meet such other qualifications as the Attorney General may establish.

“(B) BACKGROUND CHECKS.—The Attorney General shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

“(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Attorney General, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

“(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Attorney General shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Attorney General shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

“(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

“(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

“(A) The individual shall possess a high school diploma, a General Equivalency Diploma, or experience that the Attorney General has determined to have equipped the individual to perform the duties of the position.

“(B) The individual shall possess basic aptitudes and physical abilities including color perception, visual and aural acuity, physical coordination, and motor skills to the following standards:

“(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Attorney General. Wherever the screening equipment system displays colors, the operator shall be able to perceive each color.

"(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

"(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

"(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

"(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over a individual's entire body.

"(C) The individual shall be able to read, speak, and write English well enough to—

"(i) carry out written and oral instructions regarding the proper performance of screening duties;

"(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

"(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

"(iv) write incident reports and statements and log entries into security records in the English language.

"(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (2).

"(2) Exceptions.—An individual who has not completed the training required by this section may be employed during the on-the-job portion of training to perform functions if that individual—

"(A) is closely supervised; and

"(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

"(3) Remedial training.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

"(4) Annual proficiency review.—The Attorney General shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

"(A) continues to meet all qualifications and standards required to perform a screening function;

"(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

"(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

"(5) Operational testing.—In addition to the annual proficiency review conducted under paragraph (4), the Attorney General shall provide for the operational testing of such personnel.

"(g) Training.—

"(1) Use of other agencies.—The Attorney General shall enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

"(2) Training plan.—The Attorney General shall, within 60 days after the date of enactment of the Aviation Security Act, develop a plan for the training of security screening personnel. The plan shall, at a minimum, require that before being deployed as a security screener, an individual—

"(A) has completed 40 hours of classroom instruction or successfully completed a program that the Attorney General determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

"(B) has completed 60 hours of on-the-job instruction; and

"(C) has successfully completed an on-the-job training examination prescribed by the Attorney General.

"(3) Equipment-specific training.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

"(h) Technological Training.—The Attorney General shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Attorney General shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term 'dual use' item means an item that may seem harmless but that may be used as a weapon.".

(b) Conforming Amendments.—

(1) Section 44936(a)(1)(A) is amended by inserting "as a security screener under section 44935(e) or a position" after "a position".

(2) Section 44936(b) of title 49, United States Code, is amended—

(A) by inserting "the Attorney General," after "subsection," in paragraph (1); and

(B) by striking "An" in paragraph (3) and inserting "The Attorney General, an".

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

(c) Transition.—The Attorney General shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Attorney General may make or continue such arrangements for the training of security screeners under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

(d) Screener Personnel.—Notwithstanding any other provision of law, the Attorney General may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Attorney General determines to be necessary to carry out the passenger security screening functions of the Attorney General under section 44901 of title 49, United States Code.

(e) Strikes Prohibited.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

(f) Background Checks for Existing Employees.—

(1) In general.—Section 44936 of title 49, United States Code, is amended by inserting "is or" before "will" in subsection (a)(1)(B)(i).

(2) Effective date.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SEC. 110. RESEARCH AND DEVELOPMENT.

(a) In General.—Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking "complete an intensive review of" and inserting "periodically review";

(2) by striking "commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;" in subparagraph (B) and inserting "aircraft in air transportation;"; and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

"(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;".

(b) Additional Matters Regarding Research and Development.—

(1) Additional program requirements.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

"(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

"(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

"(i) progress made in engineering, research, and development with respect to security technology;

"(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

"(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.".

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

"(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

"(ii) the disruption of civil aviation service, including by cyber attack;".

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

"(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

"(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

"(i) the development and testing of effective explosive detection systems;

"(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

"(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

"(iv) other scientific and technical areas the Administrator considers appropriate.

"(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

"(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

"(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.".

(c) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.".

SEC. 111. FLIGHT SCHOOL SECURITY.

(a) PROHIBITION.—Chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44939. Training to operate jet-propelled aircraft

"(a) PROHIBITION.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under this section) within the United States unless the Attorney General issues to that person a certification of the completion of a background investigation of the alien or other individual under subsection (b).

"(b) INVESTIGATION.—

"(1) REQUEST.—Upon the joint request of a person subject to regulation under this part and an alien (or individual specified by the Secretary) for the purposes of this section, the Attorney General shall—

"(A) carry out a background investigation of the alien or individual within 30 days after the Attorney General receives the request; and

"(B) upon completing the investigation, issue a certification of the completion of the investigation to the person.

"(2) SCOPE.—A background investigation of an alien or individual under this subsection shall consist of the following:

"(A) A determination of whether there is a record of a criminal history for the alien or individual and, if so, a review of the record.

"(B) A determination of the status of the alien under the immigration laws of the United States.

"(C) A determination of whether the alien or individual presents a national security risk to the United States.

"(3) RECURRENT TRAINING.—The Attorney General shall develop expedited procedures for requests that relate to recurrent training of an alien or other individual for whom a certification has previously been issued under paragraph (1).

"(c) SANCTIONS.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

"(d) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

"(e) REPORTING REQUIREMENT.—Each person subject to regulation under this part that provides training in the operation of any jet-propelled aircraft shall report to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require concerning—

"(1) each alien to whom such training is provided; and

"(2) every other individual to whom such training is provided as the Secretary may require.

"(f) ALIEN DEFINED.—In this section, the term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"44939. Training to operate jet-propelled aircraft.".

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

SEC. 112. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing their joint recommendations on additional measures for the Federal Government to address transportation security functions.

SEC. 113. GENERAL AVIATION AND AIR CHARTERS.

The Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 3 months after the date of enactment of this Act a report on how to improve security with respect to general aviation and air charter operations in the United States.

SEC. 114. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

"§ 46503. Interference with security screening personnel

"An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

"46503. Interference with security screening personnel".

SEC. 115. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator's findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft

and appropriate individuals or facilities on the ground.

SEC. 116. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) In General.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

(b) Approval of Secretary.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) Public Interest Requirement.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) Termination.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) Extension.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) In General.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.

(b) Report.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure on compliance by United States air carriers with the requirements of subsection (a).

SEC. 118. SECURITY FUNDING.

(a) User Fee for Security Services.—

(1) In general.—Chapter 481 is amended by adding at the end thereof the following:

"§ 48114. User fee for security services charge

"(a) In General.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing aviation security services.

"(b) Amount of Fee.—Air carriers shall remit $2.50 for each passenger enplanement.

"(c) Use Of Fees.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.".

(2) Clerical amendment.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

"48114. User fee for security services".

(3) Effective Date.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the date which is 180 days after the date of enactment of this Act.

(b) Specific Authorization of Appropriations.—

(1) In general.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 483. AVIATION SECURITY FUNDING.

"Sec.
"48301. Aviation security funding

"§ 48301. Aviation security funding

"There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.".

(2) Conforming amendment.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

"483. Aviation Security Funding .... 48301".

SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) Limited Use of Airport Improvement Program Funds.—

(1) Blanket authority.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) Airport development funds.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.".

(3) allowable costs.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking "or" in subparagraph (B);

(B) by inserting "or" after "executed;" in subparagraph (C); and

(C) by adding at the end the following:

"(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter;".

(4) Discretionary grants.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

"(i) Considerations for Project under Expanded Security Eligibility.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the nonfederal resources available to sponsor, the use of such nonfederal resources, and the degree to which the sponsor is providing increased funding for the project.".

(5) Federal share.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking "and" in paragraph (3);

(B) by striking "47134." in paragraph (4) and inserting "47134; and"; and

(C) by adding at the end the following:

"(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).".

(b) Apportioned Funds.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) Expedited Processing of Security-related PFC Requests.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

SEC. 120. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) Reimbursable Costs.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) Documentation of Costs; Audit.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that necessary to conduct such an audit.

(d) Claim Procedure.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) In General.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"§ 44940. Immunity for reporting suspicious activities

"(a) In General.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

"(b) APPLICATION.—Subsection (a) shall not apply to—

"(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

"(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

"§44941. Sharing security risk information

"The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.".

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Senate Committee on Commerce, Science, and Transportation, the House Committe on Transportation and Infrastructure, and the Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44941 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"44940. Immunity for reporting suspicious activities.
"44941. Sharing security risk information.".

SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

"(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

"(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

"(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

"(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.".

SEC. 123. MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. The Secretary may impose reasonable limitations on any such waivers.

SEC. 124. SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) IN GENERAL.—The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for suppliers and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

SEC. 125. FLIGHT DECK SECURITY

(a) SHORT TITLE.—This section may be cited as the "Flight Deck Security Act of 2001".

(b) FINDINGS.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorist by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The Federal Aviation Administration (FAA) is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of paragraph (2), or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary to ensure the safety and integrity of flight.

(2) FEDERAL PILOT OFFICERS.—(A) In addition to the protections provided by paragraph (1), the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this title.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "pilots" and inserting "airmen"; and

(B) by striking the period and inserting "and related to combating acts of terrorism."; and

(2) by adding at the end, the following new paragraphs:

"(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

"(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.".

SEC. 127. RESULTS-BASED MANAGEMENT.

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44942. Performance Goals and Objectives

"(a) SHORT TERM TRANSITION.—

"(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

"(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

"(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

"(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

"(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

"(1) PERFORMANCE PLAN AND REPORT.—

"(A) PERFORMANCE PLAN.—(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

"(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

"(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

"(B) PERFORMANCE REPORT.—(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

"(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

"§ 44943. Performance Management System

"(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

"(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—(1) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

"(2) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

"(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

"(1) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

"(2) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

"(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

"(1) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

"(2) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

"(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation Security Act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.".

SEC. 128. USE OF FACILITIES.

(a) EMPLOYOMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities, to design, develop, or conduct training of security screening personnel.

SEC. 129. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 130. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44944. Exemption of volunteers from liability

"(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

"(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"44944. Exemption of volunteers from liability.".

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 131. ENHANCED SECURITY FOR AIRCRAFT.

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 111 of this title.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term "alien" has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

SEC. 132. IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) TECHNOLOGIES DESCRIBED.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

SEC. 133. REPORT ON NEW RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE FOR AVIATION SECURITY.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this title.

SEC. 134. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this title that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. 201. BXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a)(1) of title 49, United States Code, who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 9 months unless such individuals have had such investigations and checks within 5 years of the date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign governments in devising such alternative method.

(b) EXPLOSIVE DETECTION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall deploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking "and" at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting "; and"; and

(C) by inserting after clause (ix) the following new clause:

"(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.".

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. 211. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

"(1) IN GENERAL.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

"(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

"(B) review the effectiveness of increased surveillance at access points;

"(C) review the effectiveness of card- or keypad-based access systems;

"(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

"(E) specifically target the elimination of the "piggy-backing" phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

"(2) 90-DAY REVIEW.—

"(A) IN GENERAL.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

"(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

"(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the "watch list" for any Federal law enforcement agencies who could present an aviation security threat.

"(B) DEPLOYMENT OF UPGRADES.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of "watch list" information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

"(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters and boarding areas, including the use of biometrics and "smart" cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.".

Subtitle C—Research and Development of Aviation Security Technology

SEC. 221. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

UNITING AND STRENGTHENING AMERICA ACT

On October 11, 2001, the Senate passed S. 1510, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Uniting and Strengthening America Act" or the "USA Act of 2001".

(b) TABLE OF CONTENTS.— The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Construction; severability.
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SEC. 2. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

SEC. 101. COUNTERTERRORISM FUND.

(a) Establishment; Availability.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Counterterrorism Fund", amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) No Effect on Prior Appropriations.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.

(a) Findings.—Congress makes the following findings:

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, $200,000,000 for each of the fiscal years 2002, 2003, and 2004.

SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

Section 2332e of title 18, United States Code, is amended—

(1) by striking "2332c" and inserting "2332a"; and

(2) by striking "chemical".

SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

SEC. 106. PRESIDENTIAL AUTHORITY.

Section 203 of the International Emergency Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)—

(A) at the end of subparagraph (A) (flush to that subparagraph), by striking "; and" and inserting a comma and the following:

"by any person, or with respect to any property, subject to the jurisdiction of the United States;";

(B) in subparagraph (B)—

(i) by inserting ", block during the pendency of an investigation" after "investigate"; and

(ii) by striking "interest;" and inserting "interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and"; and

(C) by inserting at the end the following:

"(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes."; and

(2) by inserting at the end the following:

"(c) Classified Information.—In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.".

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

SEC. 201. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565), the following new paragraph:

"(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or".

SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE OFFENSES.

Section 2516(1)(c) of title 18, United States Code, is amended by striking "and section 1341 (relating to mail fraud)," and inserting "section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),".

SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE INFORMATION.

(a) Authority to Share Grand Jury Information.—

(1) In general.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(A) in clause (iii), by striking "or" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; or"; and

(C) by inserting at the end the following:

"(v) when the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in Rule 6(e)(3)(C)(ii)) to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties.

Any Federal official who receives information pursuant to clause (v) may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.".

(2) Definition.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure, as amended by paragraph (1), is amended by—

(A) inserting "(i)" after "(C)";

(B) redesignating clauses (i) through (v) as subclauses (I) through (IV), respectively; and

(C) inserting at the end the following:

"(ii) In this subparagraph, the term 'foreign intelligence information' means—

"(I) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(aa) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(bb) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(cc) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(II) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(aa) the national defense or the security of the United States; or

"(bb) the conduct of the foreign affairs of the United States.".

(b) Authority To Share Electronic, Wire, and Oral Interception Information.—

(1) Law enforcement.—Section 2517 of title 18, United States Code, is amended by inserting at the end the following:

"(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.".

(2) Definition.—Section 2510 of title 18, United States Code, is amended by—

(A) in paragraph (17), by striking "and" after the semicolon;

(B) in paragraph (18), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(19) 'foreign intelligence information' means—

"(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(i) the national defense or the security of the United States; or

"(ii) the conduct of the foreign affairs of the United States.".

(c) Procedures.—The Attorney General shall establish procedures for the disclosure of information pursuant to section 2517(6) and Rule 6(e)(3)(C)(v) of the Federal Rules of Criminal Procedure that identifies a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(d) Foreign Intelligence Information.—

(1) In general.—Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(2) Definition.—In this subsection, the term "foreign intelligence information" means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States.

SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS FROM LIMITATIONS ON INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking "this chapter or chapter 121" and inserting "this chapter or chapter 121 or 206 of this title"; and

(2) by striking "wire and oral" and inserting "wire, oral, and electronic".

SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) Authority.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) Security Requirements.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

(c) Report.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting ", or in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS WHO ARE AGENTS OF A FOREIGN POWER.

(a) Duration.—

(1) Surveillance.—Section 105(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(1)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an order under this Act for a surveillance targeted against an agent of a foreign power, as defined in section 101(b)(A) may be for the period specified in the application or for 120 days, whichever is less".

(2) Physical search.—Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by—

(A) striking "forty-five" and inserting "90";

(B) inserting "(A)" after "except that"; and

(C) inserting before the period the following: ", and (B) an order under this section for a physical search targeted against an agent of a foreign power as defined in section 101(b)(A) may be for the period specified in the application or for 120 days, whichever is less".

(b) Extension.—

(1) In general.—Section 105(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(2)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an extension of an order under this Act for a surveillance targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for a period not to exceed 1 year".

(2) Defined term.—Section 304(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(2) is amended by inserting after "not a United States person," the following: "or against an agent of a foreign power as defined in section 101(b)(1)(A)".

SEC. 208. DESIGNATION OF JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

(1) striking "seven district court judges" and inserting "11 district court judges"; and

(2) inserting "of whom no less than 3 shall reside within 20 miles of the District of Columbia" after "circuits".

SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking beginning with "and such" and all that follows through "communication"; and

(B) in paragraph (14), by inserting "wire or" after "transmission of"; and

(2) in subsections (a) and (b) of section 2703—

(A) by striking "Contents of electronic" and inserting "Contents of wire or electronic" each place it appears;

(B) by striking "contents of an electronic" and inserting "contents of a wire or electronic" each place it appears; and

(C) by striking "any electronic" and inserting "any wire or electronic" each place it appears.

SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(2) of title 18, United States Code, as redesignated by section 212, is amended—

(1) by striking "entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of the subscriber" and inserting the following: "entity the—

"(A) name;

"(B) address;

"(C) local and long distance telephone connection records, or records of session times and durations;

"(D) length of service (including start date) and types of service utilized;

"(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(F) means and source of payment (including any credit card or bank account number),

of a subscriber"; and

(2) by striking "and the types of services the subscriber or customer utilized,".

SEC. 211. CLARIFICATION OF SCOPE.

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking "or";

(B) in subparagraph (C), by striking the period at the end and inserting"; or"; and

(C) by inserting at the end the following:

"(D) authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing customer cable television viewing activity."; and

(2) in subsection (h) by striking "A governmental entity" and inserting "Except as provided in subsection (c)(2)(D), a governmental entity".

SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) Disclosure of Contents.—

(1) In general.—Section 2702 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 2702. Voluntary disclosure of customer communications or records";

(B) in subsection (a)—

(i) in paragraph (2)(A), by striking "and" at the end;

(ii) in paragraph (2)(B), by striking the period and inserting "; and"; and

(iii) by inserting after paragraph (2) the following:

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.";

(C) in subsection (b), by striking "Exceptions.—A person or entity" and inserting "Exceptions for disclosure of communications.— A provider described in subsection (a)";

(D) in subsection (b)(6)—

(i) in subparagraph (A)(ii), by striking "or";

(ii) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding after subparagraph (B) the following:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay."; and

(E) by inserting after subsection (b) the following:

"(c) Exceptions for Disclosure of Customer Records.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

"(1) as otherwise authorized in section 2703;

"(2) with the lawful consent of the customer or subscriber;

"(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

"(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

"(5) to any person other than a governmental entity.".

(2) Technical and conforming amendment.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

"2702. Voluntary disclosure of customer communications or records.".

(b) Requirements for Government Access.—

(1) In general.—Section 2703 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 2703. Required disclosure of customer communications or records";

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)—

(i) by striking "(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may" and inserting "A governmental entity may require a provider of electronic communication service or remote computing service to";

(ii) by striking "covered by subsection (a) or (b) of this section) to any person other than a governmental entity.

"(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity" and inserting ")";

(iii) by redesignating subparagraph (C) as paragraph (2);

(iv) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(v) in subparagraph (D) (as redesignated) by striking the period and inserting "; or"; and

(vi) by inserting after subparagraph (D) (as redesignated) the following:

"(E) seeks information under paragraph (2)."; and

(D) in paragraph (2) (as redesignated) by striking "subparagraph (B)" and insert "paragraph (1)".

(2) Technical and conforming amendment.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

"2703. Required disclosure of customer communications or records.".

SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXECUTION OF A WARRANT.

Section 3103a of title 18, United States Code, is amended—

(1) by inserting "(a) In General.—" before "In addition"; and

(2) by adding at the end the following:

"(b) Delay.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

"(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

"(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

"(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.".

SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) APPLICATIONS AND ORDERS.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(1) in subsection (a)(1), by striking "for any investigation to gather foreign intelligence information or information concerning international terrorism" and inserting "for any investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution";

(2) by amending subsection (c)(2) to read as follows:

"(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.";

(3) by striking subsection (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

"(A) shall specify—

"(i) the identity, if known, of the person who is the subject of the investigation;

"(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

"(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order.".

(b) AUTHORIZATION DURING EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution"; and

(2) in subsection (b)(1), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution".

SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

"SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

"(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.

"(2) An investigation conducted under this section shall—

"(A) be conducted under guidelines approved by the Attorney General under Executive Order 12333 (or a successor order); and

"(B) not be conducted of a United States person solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(b) Each application under this section—

"(1) shall be made to—

"(A) a judge of the court established by section 103(a); or

"(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of that court; and

"(2) shall specify that the records concerned are sought for an authorized investigation conducted in accordance with subsection (a)(2) to protect against international terrorism or clandestine intelligence activities.

"(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section.

"(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

"(d) No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section.

"(e) A person who, in good faith, produces tangible things under an order pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.

"SEC. 502. CONGRESSIONAL OVERSIGHT.

"(a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for the production of tangible things under section 402.

"(b) On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period—

"(1) the total number of applications made for orders approving requests for the production of tangible things under section 402; and

"(2) the total number of such orders either granted, modified, or denied.".

SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATIONS.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting ", routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications".

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Section 3123(a) of title 18, United States Code, is amended to read as follows:

"(a) IN GENERAL.—

"(1) ATTORNEY FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order, upon service of that order, shall apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order. Whenever such an order is served on any person or entity not specifically named in the order, upon request of such person or entity, the attorney for the Government or law enforcement or investigative officer that is serving the order shall provide written or electronic certification that the order applies to the person or entity being served.

"(2) STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.".

(2) CONTENTS OF ORDER.—Section 3123(b)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) NONDISCLOSURE REQUIREMENTS.—Section 3123(d)(2) of title 18, United States Code, is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking ", or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Section 3127(2) of title 18, United States

Code, is amended by striking subparagraph (A) and inserting the following:

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or".

(2) Pen Register.—Section 3127(3) of title 18, United States Code, is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication"; and

(B) by inserting "or process" after "device" each place it appears.

(3) Trap and Trace Device.—Section 3127(4) of title 18, United States Code, is amended—

(A) by striking "of an instrument" and all that follows through the semicolon and inserting "or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;"; and

(B) by inserting "or process" after "a device".

(4) Conforming Amendment.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking "and"; and

(B) by inserting ", and 'contents'" after "electronic communication service".

(5) Technical Amendment.—Section 3124(d) of title 18, United States Code, is amended by striking "the terms of".

SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (17), by striking "and" at the end;

(B) in paragraph (18), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (18) the following:

"(19) 'protected computer' has the meaning set forth in section 1030; and

"(20) 'computer trespasser'—

"(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

"(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer."; and

(2) in section 2511(2), by inserting at the end the following:

"(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if—

"(i) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

"(ii) the person acting under color of law is lawfully engaged in an investigation;

"(iii) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

"(iv) such interception does not acquire communications other than those transmitted to or from the computer trespasser.".

SEC. 218. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and section 303(a)(7)(B) (50 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign Intelligence Surveillance Act of 1978 are each amended by striking "the purpose" and inserting "a significant purpose".

SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after "executed" the following: "and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district".

SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking "under the Federal Rules of Criminal Procedure" every place it appears and inserting "using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation"; and

(2) in section 2711—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(3) the term 'court of competent jurisdiction' has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation.".

SEC. 221. TRADE SANCTIONS.

(a) In General.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106–387; 114 Stat. 1549A–67) is amended—

(1) by amending section 904(2)(C) to read as follows:

"(C) used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.";

(2) in section 906(a)(1)—

(A) by inserting ", the Taliban or the territory of Afghanistan controlled by the Taliban," after "Cuba"; and

(B) by inserting ", or in the territory of Afghanistan controlled by the Taliban," after "within such country"; and

(3) in section 906(a)(2), by inserting ", or to any other entity in Syria or North Korea" after "Korea".

(b) Application of the Trade Sanctions Reform and Export Enhancement Act.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall limit the application or scope of any law establishing criminal or civil penalties, including any executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order 12947 of June 25, 1995;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(3) a foreign organization, group, or person designated pursuant to Executive Order 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106–120); or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.

Nothing in this Act shall impose any additional technical obligation or requirement on a provider of wire or electronic communication service or other person to furnish facilities or technical assistance. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for such reasonable expenditures incurred in providing such facilities or assistance.

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001.

SEC. 301. SHORT TITLE.

This title may be cited as the "International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001".

SEC. 302. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) money laundering, estimated by the International Monetary Fund to amount to between 2 and 5 percent of global gross domestic product, which is at least $600,000,000,000 annually, provides the financial fuel that permits transnational criminal enterprises to conduct and expand their operations to the detriment of the safety and security of American citizens;

(2) money laundering, and the defects in financial transparency on which money launderers rely, are critical to the financing of global terrorism and the provision of funds for terrorist attacks;

(3) money launderers subvert legitimate financial mechanisms and banking relationships by using them as protective covering for the movement of criminal proceeds and the financing of crime and terrorism, and, by so doing, can threaten the safety of United States citizens and undermine the integrity of United States financial institutions and of the global financial and trading systems upon which prosperity and growth depend;

(4) certain jurisdictions outside of the United States that offer "offshore" banking and related facilities designed to provide anonymity, coupled with special tax advantages and weak financial supervisory and enforcement regimes, provide essential tools to disguise ownership and movement of criminal funds, derived from, or used to commit, offenses ranging from narcotics trafficking, terrorism, arms smuggling, and trafficking in human beings, to financial frauds that prey on law-abiding citizens;

(5) transactions involving such offshore jurisdictions make it difficult for law enforcement officials and regulators to follow the trail of money earned by criminals, organized international criminal enterprises, and global terrorist organizations;

(6) correspondent banking facilities are one of the banking mechanisms susceptible in some circumstances to manipulation by foreign banks to permit the laundering of funds by hiding the identity of real parties in interest to financial transactions;

(7) private banking services can be susceptible to manipulation by money launderers, for example corrupt foreign government officials, particularly if those services include

the creation of offshore accounts and facilities for large personal funds transfers to channel funds into accounts around the globe;

(8) United States anti-money laundering efforts are impeded by outmoded and inadequate statutory provisions that make investigations, prosecutions, and forfeitures more difficult, particularly in cases in which money laundering involves foreign persons, foreign banks, or foreign countries;

(9) the ability to mount effective countermeasures to international money launderers requires national, as well as bilateral and multilateral action, using tools specially designed for that effort; and

(10) the Basle Committee on Banking Regulation and Supervisory Practices and the Financial Action Task Force on Money Laundering, of both of which the United States is a member, have each adopted international anti-money laundering principles and recommendations.

(b) PURPOSES.—The purposes of this title are—

(1) to increase the strength of United States measures to prevent, detect, and prosecute international money laundering and the financing of terrorism;

(2) to ensure that—

(A) banking transactions and financial relationships and the conduct of such transactions and relationships, do not contravene the purposes of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act, or chapter 2 of title I of Public Law 91–508 (84 Stat. 1116), or facilitate the evasion of any such provision; and

(B) the purposes of such provisions of law continue to be fulfilled, and that such provisions of law are effectively and efficiently administered;

(3) to strengthen the provisions put into place by the Money Laundering Control Act of 1986 (18 U.S.C. 981 note), especially with respect to crimes by non-United States nationals and foreign financial institutions;

(4) to provide a clear national mandate for subjecting to special scrutiny those foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions that pose particular, identifiable opportunities for criminal abuse;

(5) to provide the Secretary of the Treasury (in this title referred to as the "Secretary") with broad discretion, subject to the safeguards provided by the Administrative Procedures Act under title 5, United States Code, to take measures tailored to the particular money laundering problems presented by specific foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions;

(6) to ensure that the employment of such measures by the Secretary permits appropriate opportunity for comment by affected financial institutions;

(7) to provide guidance to domestic financial institutions on particular foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions that are of primary money laundering concern to the United States Government;

(8) to ensure that the forfeiture of any assets in connection with the anti-terrorist efforts of the United States permits for adequate challenge consistent with providing due process rights;

(9) to clarify the terms of the safe harbor from civil liability for filing suspicious activity reports;

(10) to strengthen the authority of the Secretary to issue and administer geographic targeting orders, and to clarify that violations of such orders or any other requirement imposed under the authority contained in chapter 2 of title I of Public Law 91–508 and subchapters II and III of chapter 53 of title 31, United States Code, may result in criminal and civil penalties;

(11) to ensure that all appropriate elements of the financial services industry are subject to appropriate requirements to report potential money laundering transactions to proper authorities, and that jurisdictional disputes do not hinder examination of compliance by financial institutions with relevant reporting requirements;

(12) to fix responsibility for high level coordination of the anti-money laundering efforts of the Department of the Treasury;

(13) to strengthen the ability of financial institutions to maintain the integrity of their employee population; and

(14) to strengthen measures to prevent the use of the United States financial system for personal gain by corrupt foreign officials and to facilitate the repatriation of any stolen assets to the citizens of countries to whom such assets belong.

SEC. 303. 4-YEAR CONGRESSIONAL REVIEW-EXPEDITED CONSIDERATION.

(a) IN GENERAL.—Effective on and after the first day of fiscal year 2005, the provisions of this title and the amendments made by this title shall terminate if the Congress enacts a joint resolution, the text after the resolving clause of which is as follows: "That provisions of the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001, and the amendments made thereby, shall no longer have the force of law.".

(b) EXPEDITED CONSIDERATION.—Any joint resolution submitted pursuant to this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Control Act of 1976. For the purpose of expediting the consideration and enactment of a joint resolution under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee, shall be treated as highly privileged in the House of Representatives.

Subtitle A—International Counter Money Laundering and Related Measures

SEC. 311. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5318 the following new section:

"SEC. 5318A. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

"(a) INTERNATIONAL COUNTER-MONEY LAUNDERING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern, in accordance with subsection (c).

"(2) FORM OF REQUIREMENT.—The special measures described in—

"(A) subsection (b) may be imposed in such sequence or combination as the Secretary shall determine;

"(B) paragraphs (1) through (4) of subsection (b) may be imposed by regulation, order, or otherwise as permitted by law; and

"(C) subsection (b)(5) may be imposed only by regulation.

"(3) DURATION OF ORDERS; RULEMAKING.—Any order by which a special measure described in paragraphs (1) through (4) of subsection (b) is imposed (other than an order described in section 5326)—

"(A) shall be issued together with a notice of proposed rulemaking relating to the imposition of such special measure; and

"(B) may not remain in effect for more than 120 days, except pursuant to a rule promulgated on or before the end of the 120-day period beginning on the date of issuance of such order.

"(4) PROCESS FOR SELECTING SPECIAL MEASURES.—In selecting which special measure or measures to take under this subsection, the Secretary—

"(A) shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act, the Securities and Exchange Commission, the National Credit Union Administration Board, and in the sole discretion of the Secretary such other agencies and interested parties as the Secretary may find to be appropriate; and

"(B) shall consider—

"(i) whether similar action has been or is being taken by other nations or multilateral groups;

"(ii) whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States; and

"(iii) the extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, or class of transactions.

"(5) NO LIMITATION ON OTHER AUTHORITY.—This section shall not be construed as superseding or otherwise restricting any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

"(b) SPECIAL MEASURES.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts are as follows:

"(1) RECORDKEEPING AND REPORTING OF CERTAIN FINANCIAL TRANSACTIONS.—

"(A) IN GENERAL.—The Secretary may require any domestic financial institution or domestic financial agency to maintain records, file reports, or both, concerning the aggregate amount of transactions, or concerning each transaction, with respect to a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or class of transactions to be of primary money laundering concern.

"(B) FORM OF RECORDS AND REPORTS.—Such records and reports shall be made and retained at such time, in such manner, and for such period of time, as the Secretary shall determine, and shall include such information as the Secretary may determine, including—

"(i) the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer;

"(ii) the legal capacity in which a participant in any transaction is acting;

"(iii) the identity of the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

"(iv) a description of any transaction.

"(2) INFORMATION RELATING TO BENEFICIAL OWNERSHIP.—In addition to any other requirement under any other provision of law, the Secretary may require any domestic financial institution or domestic financial agency to take such steps as the Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on a regulated exchange or trading market), or a representative of such a foreign person, that involves a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or transaction to be of primary money laundering concern.

"(3) INFORMATION RELATING TO CERTAIN PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a payable-through account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a payable through account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

"(A) to identify each customer (and representative of such customer) of such financial institution who is permitted to use, or whose transactions are routed through, such payable-through account; and

"(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

"(4) INFORMATION RELATING TO CERTAIN CORRESPONDENT ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a correspondent account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a correspondent account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

"(A) to identify each customer (and representative of such customer) of any such financial institution who is permitted to use, or whose transactions are routed through, such correspondent account; and

"(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

"(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account by any domestic financial institution or domestic financial agency for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account or payable-through account.

"(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN.—

"(1) IN GENERAL.—In making a finding that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern so as to authorize the Secretary to take 1 or more of the special measures described in subsection (b), the Secretary shall consult with the Secretary of State, and the Attorney General.

"(2) ADDITIONAL CONSIDERATIONS.—In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be relevant, including the following potentially relevant factors:

"(A) JURISDICTIONAL FACTORS.—In the case of a particular jurisdiction—

"(i) evidence that organized criminal groups, international terrorists, or both, have transacted business in that jurisdiction;

(ii) the extent to which that jurisdiction or financial institutions operating in that jurisdiction offer bank secrecy or special tax or regulatory advantages to nonresidents or nondomiciliaries of that jurisdiction;

"(iii) the substance and quality of administration of the bank supervisory and counter-money laundering laws of that jurisdiction;

"(iv) the relationship between the volume of financial transactions occurring in that jurisdiction and the size of the economy of the jurisdiction;

"(v) the extent to which that jurisdiction is characterized as a tax haven or offshore banking or secrecy haven by credible international organizations or multilateral expert groups;

"(vi) whether the United States has a mutual legal assistance treaty with that jurisdiction, and the experience of United States law enforcement officials, regulatory officials, and tax administrators in obtaining information about transactions originating in or routed through or to such jurisdiction; and

"(vii) the extent to which that jurisdiction is characterized by high levels of official or institutional corruption.

"(B) INSTITUTIONAL FACTORS.—In the case of a decision to apply 1 or more of the special measures described in subsection (b) only to a financial institution or institutions, or to a transaction or class of transactions, or to a type of account, or to all 3, within or involving a particular jurisdiction—

"(i) the extent to which such financial institutions, transactions, or types of accounts are used to facilitate or promote money laundering in or through the jurisdiction;

"(ii) the extent to which such institutions, transactions, or types of accounts are used for legitimate business purposes in the jurisdiction; and

"(iii) the extent to which such action is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of this subchapter continue to be fulfilled, and to guard against international money laundering and other financial crimes.

"(d) NOTIFICATION OF SPECIAL MEASURES INVOKED BY THE SECRETARY.—Not later than 10 days after the date of any action taken by the Secretary under subsection (a)(1), the Secretary shall notify, in writing, the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of any such action.

"(e) STUDY AND REPORT ON FOREIGN NATIONALS.—

"(1) STUDY.—The Secretary, in consultation with the appropriate Federal agencies, including the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), shall conduct a study to—

"(A) determine the most timely and effective way to require foreign nationals to provide domestic financial institutions and agencies with appropriate and accurate information, comparable to that which is required of United States nationals, concerning their identity, address, and other related information necessary to enable such institutions and agencies to comply with the reporting, information gathering, and other requirements of this section; and

"(B) consider the need for requiring foreign nationals to apply for and obtain an identification number, similar to what is required for United States citizens through a social security number or tax identification number, prior to opening an account with a domestic financial institution.

"(2) REPORT.—The Secretary shall report to Congress not later than 180 days after the date of enactment of this section with recommendations for implementing such action referred to in paragraph (1) in a timely and effective manner.

“(f) Definitions.—Notwithstanding any other provision of this subchapter, for purposes of this section, the following definitions shall apply:

“(1) Bank definitions.—The following definitions shall apply with respect to a bank:

“(A) Account.—The term ‘account’—

“(i) means a formal banking or business relationship established to provide regular services, dealings, and other financial transactions; and

“(ii) includes a demand deposit, savings deposit, or other transaction or asset account and a credit account or other extension of credit.

“(B) Correspondent account.—The term ‘correspondent account’ means an account established to receive deposits from, make payments on behalf of a foreign financial institution, or handle other financial transactions related to such institution.

“(C) Payable-through account.—The term ‘payable-through account’ means an account, including a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act), opened at a depository institution by a foreign financial institution by means of which the foreign financial institution permits its customers to engage, either directly or through a subaccount, in banking activities usual in connection with the business of banking in the United States.

“(2) Definitions applicable to institutions other than banks.—With respect to any financial institution other than a bank, the Secretary shall, after consultation with the Securities and Exchange Commission, define by regulation the term ‘account’, and shall include within the meaning of that term, to the extent, if any, that the Secretary deems appropriate, arrangements similar to payable-through and correspondent accounts.

“(3) Regulatory definition.—The Secretary shall promulgate regulations defining beneficial ownership of an account for purposes of this section. Such regulations shall address issues related to an individual's authority to fund, direct, or manage the account (including, without limitation, the power to direct payments into or out of the account), and an individual's material interest in the income or corpus of the account, and shall ensure that the identification of individuals under this section does not extend to any individual whose beneficial interest in the income or corpus of the account is immaterial.”.

“(4) Other terms.—The Secretary may, by regulation, further define the terms in paragraphs (1) and (2) and define other terms for the purposes of this section, as the Secretary deems appropriate.”.

(b) Clerical Amendment.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5318 the following new item:

“5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.”.

SEC. 312. SPECIAL DUE DILIGENCE FOR CORRESPONDENT ACCOUNTS AND PRIVATE BANKING ACCOUNTS.

(a) In General.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

“(i) Due Diligence for United States Private Banking and Correspondent Bank Accounts Involving Foreign Persons.—

“(1) In general.—Each financial institution that establishes, maintains, administers, or manages a private banking account or a correspondent account in the United States for a non-United States person, including a foreign individual visiting the United States, or a representative of a non-United States person shall establish appropriate, specific, and, where necessary, enhanced, due diligence policies, procedures, and controls to detect and report instances of money laundering through those accounts.

“(2) Minimum standards for correspondent accounts.—

“(A) In general.—Subparagraph (B) shall apply if a correspondent account is requested or maintained by, or on behalf of, a foreign bank operating—

“(i) under an offshore banking license; or

“(ii) under a banking license issued by a foreign country that has been designated—

“(I) as noncooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization of which the United States is a member; or

“(II) by the Secretary as warranting special measures due to money laundering concerns.

“(B) Policies, procedures, and controls.—The enhanced due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution in the United States takes reasonable steps—

“(i) to ascertain for any such foreign bank, the shares of which are not publicly traded, the identity of each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner;

“(ii) to conduct enhanced scrutiny of such account to guard against money laundering and report any suspicious transactions under section 5318(g); and

“(iii) to ascertain whether such foreign bank provides correspondent accounts to other foreign banks and, if so, the identity of those foreign banks and related due diligence information, as appropriate under paragraph (1).

“(3) Minimum standards for private banking accounts.—If a private banking account is requested or maintained by, or on behalf of, a non-United States person, then the due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution takes reasonable steps—

“(A) to ascertain the identity of the nominal and beneficial owners of, and the source of funds deposited into, such account as needed to guard against money laundering and report any suspicious transactions under section 5318(g); and

“(B) to conduct enhanced scrutiny of any such account that is requested or maintained by, or on behalf of, a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, to prevent, detect, and report transactions that may involve the proceeds of foreign corruption.

“(4) Definitions and regulatory authority.—

“(A) Offshore banking license.—For purposes of this subsection, the term ‘offshore banking license’ means a license to conduct banking activities which, as a condition of the license, prohibits the licensed entity from conducting banking activities with the citizens of, or with the local currency of, the country which issued the license.

“(B) Regulatory authority.—The Secretary, in consultation with the appropriate functional regulators of the affected financial institutions, may further delineate, by regulation the due diligence policies, procedures, and controls required under paragraph (1).”.

(b) Effective Date.—The amendments made by this section shall take effect beginning 180 days after the date of enactment of this Act with respect to accounts covered by section 5318(i) of title 31, United States Code, as added by this section, that are opened before, on, or after the date of enactment of this Act.

SEC. 313. PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.

(a) In General.—Section 5318 of title 31, United States Code, is amended by inserting after section 5318(i), as added by section 312 of this title, the following:

“(j) Prohibition on United States Correspondent Accounts With Foreign Shell Banks.—

“(1) In general.—A financial institution described in subparagraphs (A) through (F) of section 5312(a)(2) (in this subsection referred to as a ‘covered financial institution’) shall not establish, maintain, administer, or manage a correspondent account in the United States for, or on behalf of, a foreign bank that does not have a physical presence in any country.

“(2) Prevention of indirect service to foreign shell banks.—A covered financial institution shall take reasonable steps to ensure that any correspondent account established, maintained, administered, or managed by that covered financial institution in the United States for a foreign bank is not being used by that foreign bank to indirectly provide banking services to another foreign bank that does not have a physical presence in any country. The Secretary shall, by regulation, delineate the reasonable steps necessary to comply with this paragraph.

“(3) Exception.—Paragraphs (1) and (2) do not prohibit a covered financial institution from providing a correspondent account to a foreign bank, if the foreign bank—

“(A) is an affiliate of a depository institution, credit union, or foreign bank that maintains a physical presence in the United States or a foreign country, as applicable; and

“(B) is subject to supervision by a banking authority in the country regulating the affiliated depository institution, credit union, or foreign bank described in subparagraph (A), as applicable.

“(4) Definitions.—For purposes of this subsection—

“(A) the term ‘affiliate’ means a foreign bank that is controlled by or is under common control with a depository institution, credit union, or foreign bank; and

“(B) the term ‘physical presence’ means a place of business that—

“(i) is maintained by a foreign bank;

“(ii) is located at a fixed address (other than solely an electronic address) in a country in which the foreign bank is authorized to conduct banking activities, at which location the foreign bank—

“(I) employs 1 or more individuals on a full-time basis; and

“(II) maintains operating records related to its banking activities; and

“(iii) is subject to inspection by the banking authority which licensed the foreign bank to conduct banking activities.”.

SEC. 314. COOPERATIVE EFFORTS TO DETER MONEY LAUNDERING.

(a) Cooperation Among Financial Institutions, Regulatory Authorities, and Law Enforcement Authorities.—

(1) REGULATIONS.—The Secretary shall, within 120 days after the date of enactment of this Act, adopt regulations to encourage further cooperation among financial institutions, their regulatory authorities, and law enforcement authorities, with the specific purpose of encouraging regulatory authorities and law enforcement authorities to share with financial institutions information regarding individuals, entities, and organizations engaged in or reasonably suspected based on credible evidence of engaging in terrorist acts or money laundering activities.

(2) CONTENTS.—The regulations promulgated pursuant to paragraph (1) may—

(A) require that each financial institution designate 1 or more persons to receive information concerning, and to monitor accounts of individuals, entities, and organizations identified, pursuant to paragraph (1); and

(B) further establish procedures for the protection of the shared information, consistent with the capacity, size, and nature of the institution to which the particular procedures apply.

(3) RULE OF CONSTRUCTION.—The receipt of information by a financial institution pursuant to this section shall not relieve or otherwise modify the obligations of the financial institution with respect to any other person or account.

(4) USE OF INFORMATION.—Information received by a financial institution pursuant to this section shall not be used for any purpose other than identifying and reporting on activities that may involve terrorist acts or money laundering activities.

(b) COOPERATION AMONG FINANCIAL INSTITUTIONS.—Upon notice provided to the Secretary, 2 or more financial institutions and any association of financial institutions may share information with one another regarding individuals, entities, organizations, and countries suspected of possible terrorist or money laundering activities. A financial institution or association that transmits, receives, or shares such information for the purposes of identifying and reporting activities that may involve terrorist acts or money laundering activities shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision thereof, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure, or any other person identified in the disclosure, except where such transmission, receipt, or sharing violates this section or regulations promulgated pursuant to this section.

(c) RULE OF CONSTRUCTION.—Compliance with the provisions of this title, requiring or allowing financial institutions and any association of financial institutions to disclose or share information regarding individuals, entities, and organizations engaged in or suspected of engaging in terrorist acts or money laundering activities shall not constitute a violation of the provisions of title V of the Gramm-Leach-Bliley Act (Public Law 106-102).

SEC. 315. INCLUSION OF FOREIGN CORRUPTION OFFENSES AS MONEY LAUNDERING CRIMES.

Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (ii), by striking "or destruction of property by means of explosive or fire" and inserting "destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16)";

(2) in clause (iii), by striking "1978" and inserting "1978)"; and

(3) by adding at the end the following:

"(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

"(v) smuggling or export control violations involving—

"(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

"(II) an item controlled under regulations under the Export Administration Act of 1977 (15 C.F.R. Parts 730–774);

"(vi) an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

"(vii) the misuse of funds of, or provided by, the International Monetary Fund in contravention of the Articles of Agreement of the Fund or the misuse of funds of, or provided by, any other international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) in contravention of any treaty or other international agreement to which the United States is a party, including any articles of agreement of the members of the international financial institution;".

SEC. 316. ANTI-TERRORIST FORFEITURE PROTECTION.

(a) RIGHT TO CONTEST.—An owner of property that is confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

(1) the property is not subject to confiscation under such provision of law; or

(2) the innocent owner provisions of section 983(d) of title 18, United States Code, apply to the case.

(b) EVIDENCE.—In considering a claim filed under this section, the Government may rely on evidence that is otherwise inadmissible under the Federal Rules of Evidence, if a court determines that such reliance is necessary to protect the national security interests of the United States.

(c) OTHER REMEDIES.—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 of title 18, United States Code, or any other provision of law.

SEC. 317. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the right;

(2) by inserting after "(b)" the following: "PENALTIES.—

"(1) IN GENERAL.—";

(3) by inserting ", or section 1957" after "or (a)(3)"; and

(4) by adding at the end the following:

"(2) JURISDICTION OVER FOREIGN PERSONS.—For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and—

"(A) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

"(B) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

"(C) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

"(3) COURT AUTHORITY OVER ASSETS.—A court described in paragraph (2) may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

"(4) FEDERAL RECEIVER.—

"(A) IN GENERAL.—A court described in paragraph (2) may appoint a Federal Receiver, in accordance with subparagraph (B) of this paragraph, to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a judgment under this section or section 981, 982, or 1957, including an order of restitution to any victim of a specified unlawful activity.

"(B) APPOINTMENT AND AUTHORITY.—A Federal Receiver described in subparagraph (A)—

"(i) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;

"(ii) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and

"(iii) shall have standing equivalent to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant—

"(I) from the Financial Crimes Enforcement Network of the Department of the Treasury; or

"(II) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or other arrangement for international law enforcement assistance, provided that such requests are in accordance with the policies and procedures of the Attorney General.".

SEC. 318. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

"(6) the term 'financial institution' includes—

"(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder; and

"(B) any foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).".

SEC. 319. FORFEITURE OF FUNDS IN UNITED STATES INTERBANK ACCOUNTS.

(a) FORFEITURE FROM UNITED STATES INTERBANK ACCOUNT.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

"(k) INTERBANK ACCOUNTS.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—For the purpose of a forfeiture under this section or under the Controlled Substances Act (21 U.S.C. 801 et seq.), if funds are deposited into an account at a foreign bank, and that foreign bank has an interbank account in the United States with a covered financial institution (as defined in section 5318A of title 31), the funds shall be deemed to have been deposited into the interbank account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding the funds may be served on the covered financial institution, and funds in the interbank account, up to the value of the funds deposited into the account at the foreign bank, may be restrained, seized, or arrested.

``(B) AUTHORITY TO SUSPEND.—The Attorney General, in consultation with the Secretary, may suspend or terminate a forfeiture under this section if the Attorney General determines that a conflict of law exists between the laws of the jurisdiction in which the foreign bank is located and the laws of the United States with respect to liabilities arising from the restraint, seizure, or arrest of such funds, and that such suspension or termination would be in the interest of justice and would not harm the national interests of the United States.

``(2) NO REQUIREMENT FOR GOVERNMENT TO TRACE FUNDS.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), it shall not be necessary for the Government to establish that the funds are directly traceable to the funds that were deposited into the foreign bank, nor shall it be necessary for the Government to rely on the application of section 984.

``(3) CLAIMS BROUGHT BY OWNER OF THE FUNDS.—If a forfeiture action is instituted against funds restrained, seized, or arrested under paragraph (1), the owner of the funds deposited into the account at the foreign bank may contest the forfeiture by filing a claim under section 983.

``(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

``(A) INTERBANK ACCOUNT.—The term 'interbank account' has the same meaning as in section 984(c)(2)(B).

``(B) OWNER.—

``(i) IN GENERAL.—Except as provided in clause (ii), the term 'owner'—

``(I) means the person who was the owner, as that term is defined in section 983(d)(6), of the funds that were deposited into the foreign bank at the time such funds were deposited; and

``(II) does not include either the foreign bank or any financial institution acting as an intermediary in the transfer of the funds into the interbank account.

``(ii) EXCEPTION.—The foreign bank may be considered the 'owner' of the funds (and no other person shall qualify as the owner of such funds) only if—

``(I) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

``(II) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its obligation to the prior owner of the funds, in which case the foreign bank shall be deemed the owner of the funds to the extent of such discharged obligation.''.

(b) BANK RECORDS.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

``(k) BANK RECORDS RELATED TO ANTI-MONEY LAUNDERING PROGRAMS.—

``(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

``(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

``(B) INCORPORATED TERMS.—The terms 'correspondent account', 'covered financial institution', and 'foreign bank' have the same meanings as in section 5318A.

``(2) 120-HOUR RULE.—Not later than 120 hours after receiving a request by an appropriate Federal banking agency for information related to anti-money laundering compliance by a covered financial institution or a customer of such institution, a covered financial institution shall provide to the appropriate Federal banking agency, or make available at a location specified by the representative of the appropriate Federal banking agency, information and account documentation for any account opened, maintained, administered or managed in the United States by the covered financial institution.

``(3) FOREIGN BANK RECORDS.—

``(A) SUMMONS OR SUBPOENA OF RECORDS.—

``(i) IN GENERAL.—The Secretary or the Attorney General may issue a summons or subpoena to any foreign bank that maintains a correspondent account in the United States and request records related to such correspondent account, including records maintained outside of the United States relating to the deposit of funds into the foreign bank.

``(ii) SERVICE OF SUMMONS OR SUBPOENA.—A summons or subpoena referred to in clause (i) may be served on the foreign bank in the United States if the foreign bank has a representative in the United States, or in a foreign country pursuant to any mutual legal assistance treaty, multilateral agreement, or other request for international law enforcement assistance.

``(B) ACCEPTANCE OF SERVICE.—

``(i) MAINTAINING RECORDS IN THE UNITED STATES.—Any covered financial institution which maintains a correspondent account in the United States for a foreign bank shall maintain records in the United States identifying the owners of such foreign bank and the name and address of a person who resides in the United States and is authorized to accept service of legal process for records regarding the correspondent account.

``(ii) LAW ENFORCEMENT REQUEST.—Upon receipt of a written request from a Federal law enforcement officer for information required to be maintained under this paragraph, the covered financial institution shall provide the information to the requesting officer not later than 7 days after receipt of the request.

``(C) TERMINATION OF CORRESPONDENT RELATIONSHIP.—

``(i) TERMINATION UPON RECEIPT OF NOTICE.—A covered financial institution shall terminate any correspondent relationship with a foreign bank not later than 10 business days after receipt of written notice from the Secretary or the Attorney General that the foreign bank has failed—

``(I) to comply with a summons or subpoena issued under subparagraph (A); or

``(II) to initiate proceedings in a United States court contesting such summons or subpoena.

``(ii) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for terminating a correspondent relationship in accordance with this subsection.

``(iii) FAILURE TO TERMINATE RELATIONSHIP.—Failure to terminate a correspondent relationship in accordance with this subsection shall render the covered financial institution liable for a civil penalty of up to $10,000 per day until the correspondent relationship is so terminated.''.

(c) GRACE PERIOD.—Financial institutions affected by section 5333 of title 31 United States Code, as amended by this title, shall have 60 days from the date of enactment of this Act to comply with the provisions of that section.

(d) REQUESTS FOR RECORDS.—Section 3486(a)(1) of title 18, United States Code, is amended by striking '', or (II) a Federal offense involving the sexual exploitation or abuse of children'' and inserting '', (II) a Federal offense involving the sexual exploitation or abuse of children, or (III) money laundering, in violation of section 1956, 1957, or 1960 of this title''.

(e) AUTHORITY TO ORDER CONVICTED CRIMINAL TO RETURN PROPERTY LOCATED ABROAD.—

(1) FORFEITURE OF SUBSTITUTE PROPERTY.—Section 413(p) of the Controlled Substances Act (21 U.S.C. 853) is amended to read as follows:

``(p) FORFEITURE OF SUBSTITUTE PROPERTY.—

``(1) IN GENERAL.—Paragraph (2) of this subsection shall apply, if any property described in subsection (a), as a result of any act or omission of the defendant—

``(A) cannot be located upon the exercise of due diligence;

``(B) has been transferred or sold to, or deposited with, a third party;

``(C) has been placed beyond the jurisdiction of the court;

``(D) has been substantially diminished in value; or

``(E) has been commingled with other property which cannot be divided without difficulty.

``(2) SUBSTITUTE PROPERTY.—In any case described in any of subparagraphs (A) through (E) of paragraph (1), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

``(3) RETURN OF PROPERTY TO JURISDICTION.—In the case of property described in paragraph (1)(C), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.''.

(2) PROTECTIVE ORDERS.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

``(4) ORDER TO REPATRIATE AND DEPOSIT.—

``(A) IN GENERAL.—Pursuant to its authority to enter a pretrial restraining order under this section, including its authority to restrain any property forfeitable as substitute assets, the court may order a defendant to repatriate any property that may be seized and forfeited, and to deposit that property pending trial in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, if appropriate.

``(B) FAILURE TO COMPLY.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant under the obstruction of justice provision of the Federal Sentencing Guidelines.''.

SEC. 320. PROCEEDS OF FOREIGN CRIMES.

Section 981(a)(1)(B) of title 18, United States Code, is amended to read as follows:

"(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such an offense, if the offense—

"(i) involves the manufacture, importation, sale, or distribution of a controlled substance (as that term is defined for purposes of the Controlled Substances Act), or any other conduct described in section 1956(c)(7)(B);

"(ii) would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding 1 year; and

"(iii) would be punishable under the laws of the United States by imprisonment for a term exceeding 1 year, if the act or activity constituting the offense had occurred within the jurisdiction of the United States.".

SEC. 321. EXCLUSION OF ALIENS INVOLVED IN MONEY LAUNDERING.

Section 212(a)(2) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(I) Money laundering activities.—Any alien who the consular officer or the Attorney General knows or has reason to believe is or has been engaged in activities which, if engaged in within the United States would constitute a violation of section 1956 or 1957 of title 18, United States Code, or has been a knowing assister, abettor, conspirator, or colluder with others in any such illicit activity is inadmissible.".

SEC. 322. CORPORATION REPRESENTED BY A FUGITIVE.

Section 2466 of title 18, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

"(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.".

SEC. 323. ENFORCEMENT OF FOREIGN JUDGMENTS.

Section 2467 of title 28, United States Code, is amended—

(1) in subsection (d), by adding the following after paragraph (2):

"(3) Preservation of property.—To preserve the availability of property subject to a foreign forfeiture or confiscation judgment, the Government may apply for, and the court may issue, a restraining order pursuant to section 983(j) of title 18, United States Code, at any time before or after an application is filed pursuant to subsection (c)(1). The court, in issuing the restraining order—

"(A) may rely on information set forth in an affidavit describing the nature of the proceeding investigation underway in the foreign country, and setting forth a reasonable basis to believe that the property to be restrained will be named in a judgment of forfeiture at the conclusion of such proceeding; or

"(B) may register and enforce a restraining order has been issued by a court of competent jurisdiction in the foreign country and certified by the Attorney General pursuant to subsection (b)(2).

No person may object to the restraining order on any ground that is the subject to parallel litigation involving the same property that is pending in a foreign court.";

(2) in subsection (b)(1)(C), by striking "establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant" and inserting "establishing that the foreign nation took steps, in accordance with the principles of due process, to give notice of the proceedings to all persons with an interest in the property in sufficient time to enable such persons";

(3) in subsection (d)(1)(D), by striking "the defendant in the proceedings in the foreign court did not receive notice" and inserting "the foreign nation did not take steps, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property"; and

(4) in subsection (a)(2)(A), by inserting ", any violation of foreign law that would constitute a violation of an offense for which property could be forfeited under Federal law if the offense were committed in the United States" after "United Nations Convention".

SEC. 324. INCREASE IN CIVIL AND CRIMINAL PENALTIES FOR MONEY LAUNDERING.

(a) Civil Penalties.—Section 5321(a) of title 31, United States Code, is amended by adding at the end the following:

"(7) Penalties for international counter money laundering violations.—The Secretary may impose a civil money penalty in an amount equal to not less than 2 times the amount of the transaction, but not more than $1,000,000, on any financial institution or agency that violates any provision of subsection (i) or (j) of section 5318 or any special measures imposed under section 5318A.".

(b) Criminal Penalties.—Section 5322 of title 31, United States Code, is amended by adding at the end the following:

"(d) A financial institution or agency that violates any provision of subsection (i) or (j) of section 5318, or any special measures imposed under section 5318A, or any regulation prescribed under subsection (i) or (j) of section 5318 or section 5318A, shall be fined in an amount equal to not less than 2 times the amount of the transaction, but not more than $1,000,000.".

SEC. 325. REPORT AND RECOMMENDATION.

Not later than 30 months after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, the Federal banking agencies (as defined at section 3 of the Federal Deposit Insurance Act), the Securities and Exchange Commission, and such other agencies as the Secretary may determine, at the discretion of the Secretary, shall evaluate the operations of the provisions of this subtitle and make recommendations to Congress as to any legislative action with respect to this subtitle as the Secretary may determine to be necessary or advisable.

SEC. 326. REPORT ON EFFECTIVENESS.

The Secretary shall report annually on measures taken pursuant to this subtitle, and shall submit the report to the Committee on Banking, Housing, and Urban Affairs of the Senate and to the Committee on Financial Services of the House of Representatives.

SEC. 327. CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code, as amended by section 202 of this title, is amended by adding at the end the following:

"(3) Concentration accounts.—The Secretary may issue regulations under this subsection that govern maintenance of concentration accounts by financial institutions, in order to ensure that such accounts are not used to prevent association of the identity of an individual customer with the movement of funds of which the customer is the direct or beneficial owner, which regulations shall, at a minimum—

"(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

"(B) prohibit financial institutions and their employees from informing customers of the existence of, or the means of identifying, the concentration accounts of the institution; and

"(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that, any time a transaction involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is documented.".

Subtitle B—Currency Transaction Reporting Amendments and Related Improvements

SEC. 331. AMENDMENTS RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.

(a) Amendment Relating to Civil Liability Immunity for Disclosures.—Section 5318(g)(3) of title 31, United States Code, is amended to read as follows:

"(3) Liability for disclosures.—

"(A) In general.—Any financial institution that makes a voluntary disclosure of any possible violation of law or regulation to a government agency or makes a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution who makes, or requires another to make any such disclosure, shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the disclosure.

"(B) Rule of construction.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

(b) Prohibition on Notification of Disclosures.—Section 5318(g)(2) of title 31, United States Code, is amended to read as follows:

"(2) Notification prohibited.—

"(A) In general.—If a financial institution or any director, officer, employee, or agent of any financial institution, voluntarily or pursuant to this section or any other authority, reports a suspicious transaction to a government agency—

"(i) the financial institution, director, officer, employee, or agent may not notify any person involved in the transaction that the transaction has been reported; and

"(ii) no officer or employee of the Federal Government or of any State, local, tribal, or territorial government within the United States, who has any knowledge that such report was made may disclose to any person involved in the transaction that the transaction has been reported, other than as necessary to fulfill the official duties of such officer or employee.

"(B) Disclosures in certain employment references.—

"(i) Rule of construction.—Notwithstanding the application of subparagraph (A) in any other context, subparagraph (A) shall not be construed as prohibiting any financial institution, or any director, officer, employee, or agent of such institution, from including information that was included in a report to which subparagraph (A) applies—

"(I) in a written employment reference that is provided in accordance with section 18(v) of the Federal Deposit Insurance Act in response to a request from another financial institution, except that such written reference may not disclose that such information was also included in any such report or that such report was made; or

"(II) in a written termination notice or employment reference that is provided in accordance with the rules of the self-regulatory organizations registered with the Securities and Exchange Commission, except that such written notice or reference may not disclose that such information was also included in any such report or that such report was made.

"(ii) Information not required.—Clause (i) shall not be construed, by itself, to create any affirmative duty to include any information described in clause (i) in any employment reference or termination notice referred to in clause (i).".

SEC. 332. ANTI-MONEY LAUNDERING PROGRAMS.

Section 5318(h) of title 31, United States Code, is amended to read as follows:

"(h) Anti-money Laundering Programs.—

"(1) In general.—In order to guard against money laundering through financial institutions, each financial institution shall establish anti-money laundering programs, including, at a minimum—

"(A) the development of internal policies, procedures, and controls;

"(B) the designation of a compliance officer;

"(C) an ongoing employee training program; and

"(D) an independent audit function to test programs.

"(2) Regulations.—The Secretary may prescribe minimum standards for programs established under paragraph (1), and may exempt from the application of those standards any financial institution that is not subject to the provisions of the rules contained in part 103 of title 31, of the Code of Federal Regulations, or any successor rule thereto, for so long as such financial institution is not subject to the provisions of such rules.".

SEC. 333. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTAIN RECORDKEEPING REQUIREMENTS, AND LENGTHENING EFFECTIVE PERIOD OF GEOGRAPHIC TARGETING ORDERS.

(a) Civil Penalty for Violation of Targeting Order.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by inserting "or order issued" after "subchapter or a regulation prescribed"; and

(2) by inserting ", or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508," after "sections 5314 and 5315)".

(b) Criminal Penalties for Violation of Targeting Order.—Section 5322 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or order issued" after "willfully violating this subchapter or a regulation prescribed"; and

(B) by inserting ", or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508," after "under section 5315 or 5324)"; and

(2) in subsection (b)—

(A) by inserting "or order issued" after "willfully violating this subchapter or a regulation prescribed"; and

(B) by inserting "or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508," after "under section 5315 or 5324),".

(c) Structuring Transactions To Evade Targeting Order or Certain Recordkeeping Requirements.—Section 5324(a) of title 31, United States Code, is amended—

(1) by inserting a comma after "shall";

(2) by striking "section—" and inserting "section, the reporting or recordkeeping requirements imposed by any order issued under section 5326, or the recordkeeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508—";

(3) in paragraph (1), by inserting ", to file a report or to maintain a record required by an order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508" after "regulation prescribed under any such section"; and

(4) in paragraph (2), by inserting ", to file a report or to maintain a record required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508," after "regulation prescribed under any such section".

(d) Lengthening Effective Period of Geographic Targeting Orders.—Section 5326(d) of title 31, United States Code, is amended by striking "more than 60" and inserting "more than 180".

SEC. 334. ANTI-MONEY LAUNDERING STRATEGY.

(b) Strategy.—Section 5341(b) of title 31, United States Code, is amended by adding at the end the following:

"(12) Data regarding funding of terrorism.—Data concerning money laundering efforts related to the funding of acts of international terrorism, and efforts directed at the prevention, detection, and prosecution of such funding.".

SEC. 335. AUTHORIZATION TO INCLUDE SUSPICIONS OF ILLEGAL ACTIVITY IN WRITTEN EMPLOYMENT REFERENCES.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

"(v) Written Employment References May Contain Suspicions of Involvement in Illegal Activity.—

"(1) Authority to disclose information.—Notwithstanding any other provision of law, any insured depository institution, and any director, officer, employee, or agent of such institution, may disclose in any written employment reference relating to a current or former institution-affiliated party of such institution which is provided to another insured depository institution in response to a request from such other institution, information concerning the possible involvement of such institution-affiliated party in potentially unlawful activity.

"(2) Information not required.—Nothing in paragraph (1) shall be construed, by itself, to create any affirmative duty to include any information described in paragraph (1) in any employment reference referred to in paragraph (1).

"(3) Malicious intent.—Notwithstanding any other provision of this subsection, voluntary disclosure made by an insured depository institution, and any director, officer, employee, or agent of such institution under this subsection concerning potentially unlawful activity that is made with malicious intent, shall not be shielded from liability from the person identified in the disclosure.

"(4) Definition.—For purposes of this subsection, the term 'insured depository institution' includes any uninsured branch or agency of a foreign bank.".

SEC. 336. BANK SECRECY ACT ADVISORY GROUP.

Section 1564 of the Annunzio-Wylie Anti-Money Laundering Act (31 U.S.C. 5311 note) is amended—

(1) in subsection (a), by inserting ", of nongovernmental organizations advocating financial privacy," after "Drug Control Policy"; and

(2) in subsection (c), by inserting ", other than subsections (a) and (d) of such Act which shall apply" before the period at the end.

SEC. 337. AGENCY REPORTS ON RECONCILING PENALTY AMOUNTS.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) shall each submit their respective reports to the Congress containing recommendations on possible legislation to conform the penalties imposed on depository institutions (as defined in section 3 of the Federal Deposit Insurance Act) for violations of subchapter II of chapter 53 of title 31, United States Code, to the penalties imposed on such institutions under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

SEC. 338. REPORTING OF SUSPICIOUS ACTIVITIES BY SECURITIES BROKERS AND DEALERS; INVESTMENT COMPANY STUDY.

(a) 270-Day Regulation Deadline.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, after consultation with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System, shall issue final regulations requiring registered brokers and dealers to file reports of suspicious financial transactions, consistent with the requirements applicable to financial institutions, and directors, officers, employees, and agents of financial institutions under section 5318(g) of title 31, United States Code.

(b) Report on Investment Companies.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission shall jointly submit a report to Congress on recommendations for effective regulations to apply the requirements of subchapter II of chapter 53 of title 31, United States Code, to investment companies, pursuant to section 5312(a)(2)(I) of title 31, United States Code.

(2) Definition.—For purposes of this section, the term "investment company"—

(A) has the same meaning as in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3); and

(B) any person that, but for the exceptions provided for in paragraph (1) or (7) of section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)), would be an investment company.

(3) ADDITIONAL RECOMMENDATIONS.—In its report, the Securities and Exchange Commission may make different recommendations for different types of entities covered by this section.

(4) BENEFICIAL OWNERSHIP OF PERSONAL HOLDING COMPANIES.—The report described in paragraph (1) shall also include recommendations as to whether the Secretary should promulgate regulations to treat any corporation or business or other grantor trust whose assets are predominantly securities, bank certificates of deposit, or other securities or investment instruments (other than such as relate to operating subsidiaries of such corporation or trust) and that has 5 or fewer common shareholders or holders of beneficial or other equity interest, as a financial institution within the meaning of that phrase in section 5312(a)(2)(I) and whether to require such corporations or trusts to disclose their beneficial owners when opening accounts or initiating funds transfers at any domestic financial institution.

SEC. 339. SPECIAL REPORT ON ADMINISTRATION OF BANK SECRECY PROVISIONS.

(a) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress relating to the role of the Internal Revenue Service in the administration of subchapter II of chapter 53 of title 31, United States Code (commonly known as the "Bank Secrecy Act").

(b) CONTENTS.—The report required by subsection (a)—

(1) shall specifically address, and contain recommendations concerning—

(A) whether it is advisable to shift the processing of information reporting to the Department of the Treasury under the Bank Secrecy Act provisions to facilities other than those managed by the Internal Revenue Service; and

(B) whether it remains reasonable and efficient, in light of the objective of both anti-money-laundering programs and Federal tax administration, for the Internal Revenue Service to retain authority and responsibility for audit and examination of the compliance of money services businesses and gaming institutions with those Bank Secrecy Act provisions; and

(2) shall, if the Secretary determines that the information processing responsibility or the audit and examination responsibility of the Internal Revenue Service, or both, with respect to those Bank Secrecy Act provisions should be transferred to other agencies, include the specific recommendations of the Secretary regarding the agency or agencies to which any such function should be transferred, complete with a budgetary and resources plan for expeditiously accomplishing the transfer.

SEC. 340. BANK SECRECY PROVISIONS AND ANTI-TERRORIST ACTIVITIES OF UNITED STATES INTELLIGENCE AGENCIES.

(a) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT.—Section 5311 of title 31, United States Code, is amended by inserting before the period at the end the following: ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism".

(b) AMENDMENT RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.—Section 5318(g)(4)(B) of title 31, United States Code, is amended by striking "or supervisory agency" and inserting ", supervisory agency, or United States intelligence agency for use in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism".

(c) AMENDMENT RELATING TO AVAILABILITY OF REPORTS.—Section 5319 of title 31, United States Code, is amended to read as follows:

"§ 5319. Availability of reports

"The Secretary of the Treasury shall make information in a report filed under this subchapter available to an agency, including any State financial institutions supervisory agency or United States intelligence agency, upon request of the head of the agency. The report shall be available for a purpose that is consistent with this subchapter. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from disclosure under section 552 of title 5.".

(d) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT PROVISIONS.—Section 21(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)) is amended to read as follows:

"(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—

"(1) FINDINGS.—Congress finds that—

"(A) adequate records maintained by insured depository institutions have a high degree of usefulness in criminal, tax, and regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against domestic and international terrorism; and

"(B) microfilm or other reproductions and other records made by insured depository institutions of checks, as well as records kept by such institutions, of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in proceedings described in subparagraph (A).

"(2) PURPOSE.—It is the purpose of this section to require the maintenance of appropriate types of records by insured depository institutions in the United States where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, recognizes that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism.".

(e) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT.—Section 123(a) of Public Law 91–508 (12 U.S.C. 1953(a)) is amended to read as follows:

"(a) REGULATIONS.—If the Secretary determines that the maintenance of appropriate records and procedures by any uninsured bank or uninsured institution, or any person engaging in the business of carrying on in the United States any of the functions referred to in subsection (b), has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism, he may by regulation require such bank, institution, or person.".

(f) AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.—The Right to Financial Privacy Act of 1978 is amended—

(1) in section 1112(a) (12 U.S.C. 3412(a)), by inserting ", or intelligence or counterintelligence activity, investigation or analysis related to international terrorism" after "legitimate law enforcement inquiry"; and

(2) in section 1114(a)(1) (12 U.S.C. 3414(a)(1))—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(C) a Government authority authorized to conduct investigations of, or intelligence or counterintelligence analyses related to, international terrorism for the purpose of conducting such investigations or analyses.".

(g) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding at the end the following new section:

"SEC. 626. DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.

"(a) DISCLOSURE.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish a consumer report of a consumer and all other information in a consumer's file to a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism when presented with a written certification by such government agency that such information is necessary for the agency's conduct or such investigation, activity or analysis.

"(b) FORM OF CERTIFICATION.—The certification described in subsection (a) shall be signed by the Secretary of the Treasury.

"(c) CONFIDENTIALITY.—No consumer reporting agency, or officer, employee, or agent of such consumer reporting agency, shall disclose to any person, or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

"(d) RULE OF CONSTRUCTION.—Nothing in section 625 shall be construed to limit the authority of the Director of the Federal Bureau of Investigation under this section.

"(e) SAFE HARBOR.—Notwithstanding any other provision of this subchapter, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or other information pursuant to this section in good-faith reliance upon a certification of a governmental agency pursuant to the provisions of this section shall not be liable to any person for such disclosure under this subchapter, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.".

SEC. 341. REPORTING OF SUSPICIOUS ACTIVITIES BY HAWALA AND OTHER UNDERGROUND BANKING SYSTEMS.

(a) DEFINITION FOR SUBCHAPTER.—Section 5312(a)(2)(R) of title 31, United States Code, is amended to read as follows:

"(R) a licensed sender of money or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;".

(b) MONEY TRANSMITTING BUSINESS.—Section 5330(d)(1)(A) of title 31, United States

Code, is amended by inserting before the semicolon the following: "or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;".

(d) Applicability of Rules.—Section 5318 of title 31, United States Code, as amended by this title, is amended by adding at the end the following:

"(l) Applicability of Rules.—Any rules promulgated pursuant to the authority contained in section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b) shall apply, in addition to any other financial institution to which such rules apply, to any person that engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system.".

(e) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall report to Congress on the need for any additional legislation relating to informal value transfer banking systems or networks of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system, counter money laundering and regulatory controls relating to underground money movement and banking systems, such as the system referred to as 'hawala', including whether the threshold for the filing of suspicious activity reports under section 5318(g) of title 31, United States Code should be lowered in the case of such systems.

SEC. 342. USE OF AUTHORITY OF UNITED STATES EXECUTIVE DIRECTORS.

(a) Action by the President.—If the President determines that a particular foreign country has taken or has committed to take actions that contribute to efforts of the United States to respond to, deter, or prevent acts of international terrorism, the Secretary of the Treasury may, consistent with other applicable provisions of law, instruct the United States Executive Director of each international financial institution to use the voice and vote of the Executive Director to support any loan or other utilization of the funds of respective institutions for such country, or any public or private entity within such country.

(b) Use of Voice and Vote.—The Secretary of the Treasury may instruct the United States Executive Director of each international financial institution to aggressively use the voice and vote of the Executive Director to require an auditing of disbursements at such institutions to ensure that no funds are paid to persons who commit, threaten to commit, or support terrorism.

(c) Definition.—For purposes of this section, the term "international financial institution" means an institution described in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

Subtitle C—Currency Crimes

SEC. 351. BULK CASH SMUGGLING.

(a) Findings.—Congress finds that—

(1) effective enforcement of the currency reporting requirements of chapter 53 of title 31, United States Code (commonly referred to as the Bank Secrecy Act), and the regulations promulgated thereunder, has forced drug dealers and other criminals engaged in cash-based businesses to avoid using traditional financial institutions;

(2) in their effort to avoid using traditional financial institutions, drug dealers, and other criminals are forced to move large quantities of currency in bulk form to and through the airports, border crossings, and other ports of entry where it can be smuggled out of the United States and placed in a foreign financial institution or sold on the black market;

(3) the transportation and smuggling of cash in bulk form may, at the time of enactment of this Act, be the most common form of money laundering, and the movement of large sums of cash is one of the most reliable warning signs of drug trafficking, terrorism, money laundering, racketeering, tax evasion, and similar crimes;

(4) the intentional transportation into or out of the United States of large amounts of currency or monetary instruments, in a manner designed to circumvent the mandatory reporting provisions of chapter 53 of title 31, United States Code, is the equivalent of, and creates the same harm as, the smuggling of goods;

(5) the arrest and prosecution of bulk cash smugglers is an important part of law enforcement's effort to stop the laundering of criminal proceeds, but the couriers who attempt to smuggle the cash out of the United States are typically low-level employees of large criminal organizations, and are easily replaced, and therefore only the confiscation of the smuggled bulk cash can effectively break the cycle of criminal activity of which the laundering of bulk cash is a critical part;

(6) the penalties for violations of the currency reporting requirements of the chapter 53 of title 31, United States Code, are insufficient to provide a deterrent to the laundering of criminal proceeds;

(7) because the only criminal violation under Federal law before the date of enactment of this Act was a reporting offense, the law does not adequately provide for the confiscation of smuggled currency; and

(8) if the smuggling of bulk cash were itself an offense, the cash could be confiscated as the corpus delicti of the smuggling offense.

(b) Purposes.—The purposes of this section are—

(1) to make the act of smuggling bulk cash itself a criminal offense;

(2) to authorize forfeiture of any cash or instruments of the smuggling offense;

(3) to emphasize the seriousness of the act of bulk cash smuggling; and

(4) to prescribe guidelines for determining the amount of property subject to such forfeiture in various situations.

(c) Bulk Cash Smuggling Offense.—

(1) In general.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"§ 5331. Bulk cash smuggling

"(a) Criminal Offense.—

"(1) In general.—Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than $10,000 in currency or other monetary instruments on his or her person or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer the currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside of the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment under subsection (b).

"(b) Penalties.—

"(1) Prison term.—A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such an offense, shall be imprisoned for not more than 5 years.

"(2) Forfeiture.—

"(A) In general.—In addition to a prison term under paragraph (1), the court, in imposing sentence, shall order that the defendant forfeit to the United States any property, real or personal, involved in the offense, and any property traceable to such property, subject to subsection (d).

"(B) Applicability of other laws.—The seizure, restraint, and forfeiture of property under this section shall be governed by section 413 of the Controlled Substances Act (21 U.S.C. 853). If the property subject to forfeiture is unavailable, and the defendant has no substitute property that may be forfeited pursuant to section 413(p) of that Act, the court shall enter a personal money judgment against the defendant in an amount equal to the value of the unavailable property.

"(c) Seizure of Smuggling Cash.—

"(1) In general.—Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject to subsection (d), forfeited to the United States.

"(2) Applicable procedures.—A seizure and forfeiture under this subsection shall be governed by the procedures governing civil forfeitures under section 981(a)(1)(A) of title 18, United States Code.

"(d) Proportionality of Forfeiture.—

"(1) Mitigation.—Upon a showing by the property owner by a preponderance of the evidence that the currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense.

"(2) Considerations.—In determining the amount of the forfeiture under paragraph (1), the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense, including—

"(A) the value of the currency or other monetary instruments involved in the offense;

"(B) efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and

"(C) whether the offense is part of a pattern of repeated violations of Federal law.

"(e) Rule of Construction.—For purposes of subsections (b) and (c), any currency or other monetary instrument that is concealed or intended to be concealed in violation of subsection (a) or a conspiracy to commit such violation, any article, container, or conveyance used or intended to be used to conceal or transport the currency or other monetary instrument, and any other property used or intended to be used to facilitate the offense, shall be considered property involved in the offense.".

(2) Clerical amendment.—The table of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5330 the following new item:

"5331. Bulk cash smuggling.".

(d) Currency Reporting Violations.—Section 5317(c) of title 31, United States Code, is amended to read as follows:

"(c) Forfeiture of Property.—

"(1) In general.—

"(A) Criminal forfeiture.—The court, in imposing sentence for any violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

"(B) APPLICABLE PROCEDURES.—Forfeitures under this paragraph shall be governed by the procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), and the guidelines set forth in paragraph (3) of this subsection.

"(2) CIVIL FORFEITURE.—Any property involved in a violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject to paragraph (3), forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

"(3) MITIGATION.—In a forfeiture case under this subsection, upon a showing by the property owner by a preponderance of the evidence that any currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source, and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense. Such circumstances include, but are not limited to, the following: the value of the currency or other monetary instruments involved in the offense; efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and whether the offense is part of a pattern of repeated violations.

(e) CONFORMING AMENDMENTS.—Title 18, United States Code, is amended—

(1) in section 981(a)(1)(A) by striking "of section 5313(a) or 5324(a) of title 31, or"; and

(2) in section 982(a)(1), striking "of section 5313(a), 5316, or 5324 of title 31, or".

Subtitle D—Anticorruption Measures

SEC. 361. CORRUPTION OF FOREIGN GOVERNMENTS AND RULING ELITES.

It is the sense of Congress that, in deliberations between the United States Government and any other country on money laundering and corruption issues, the United States Government should—

(1) emphasize an approach that addresses not only the laundering of the proceeds of traditional criminal activity but also the increasingly endemic problem of governmental corruption and the corruption of ruling elites;

(2) encourage the enactment and enforcement of laws in such country to prevent money laundering and systemic corruption;

(3) make clear that the United States will take all steps necessary to identify the proceeds of foreign government corruption which have been deposited in United States financial institutions and return such proceeds to the citizens of the country to whom such assets belong; and

(4) advance policies and measures to promote good government and to prevent and reduce corruption and money laundering, including through instructions to the United States Executive Director of each international financial institution (as defined in section 1701(c) of the International Financial Institutions Act) to advocate such policies as a systematic element of economic reform programs and advice to member governments.

SEC. 362. SUPPORT FOR THE FINANCIAL ACTION TASK FORCE ON MONEY LAUNDERING.

It is the sense of Congress that—

(1) the United States should continue to actively and publicly support the objectives of the Financial Action Task Force on Money Laundering (hereafter in this section referred to as the "FATF") with regard to combating international money laundering;

(2) the FATF should identify noncooperative jurisdictions in as expeditious a manner as possible and publicly release a list directly naming those jurisdictions identified;

(3) the United States should support the public release of the list naming noncooperative jurisdictions identified by the FATF;

(4) the United States should encourage the adoption of the necessary international action to encourage compliance by the identified noncooperative jurisdictions; and

(5) the United States should take the necessary countermeasures to protect the United States economy against money of unlawful origin and encourage other nations to do the same.

SEC. 363. TERRORIST FUNDING THROUGH MONEY LAUNDERING.

It is the sense of the Congress that, in deliberations and negotiations between the United States Government and any other country regarding financial, economic, assistance, or defense issues, the United States should encourage such other country—

(1) to take actions which would identify and prevent the transmittal of funds to and from terrorists and terrorist organizations; and

(2) to engage in bilateral and multilateral cooperation with the United States and other countries to identify suspected terrorists, terrorist organizations, and persons supplying funds to and receiving funds from terrorists and terrorist organizations.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

SEC. 402. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of enactment of this Act), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border; and

(4) an additional $50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting "; DATA EXCHANGE" after "SECURITY OFFICERS";

(2) by inserting "(a)" after "SEC. 105.";

(3) in subsection (a), by inserting "and border" after "internal" the second place it appears; and

(4) by adding at the end the following:

"(b)(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

"(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

"(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

"(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

"(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

"(d) For purposes of administering this section, the Department of State shall, prior to receiving access to NCIC data but not later than 4 months after the date of enactment of this subsection, promulgate final regulations—

"(1) to implement procedures for the taking of fingerprints; and

"(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

"(C) to ensure the security, confidentiality, and destruction of such information; and

"(D) to protect any privacy rights of individuals who are subjects of such information.".

(b) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) TECHNOLOGY STANDARD TO CONFIRM IDENTITY.—

(1) IN GENERAL.—The Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology (NIST), and in consultation with the Secretary of the Treasury and other Federal law enforcement and intelligence agencies the Attorney General or Secretary of State deems appropriate, shall within 2 years after the date of enactment of this section, develop and certify a technology standard that can confirm the identity of a person applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(2) INTEGRATED.—The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(3) ACCESSIBLE.—The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

(4) REPORT.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation and efficacy of the technology standard and electronic database system described in this subsection.

(d) STATUTORY CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.

SEC. 404. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs" and "Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: "*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001:".

SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR POINTS OF ENTRY AND OVERSEAS CONSULAR POSTS.

(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit by that person from the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than $2,000,000 to carry out this section.

Subtitle B—Enhanced Immigration Provisions

SEC. 411. DEFINITIONS RELATING TO TERRORISM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by amending subclause (IV) to read as follows:

"(IV) is a representative (as defined in clause (v)) of—

"(aa) a foreign terrorist organization, as designated by the Secretary of State under section 219, or

"(bb) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities,";

(ii) in subclause (V), by inserting "or" after "section 219,"; and

(iii) by adding at the end the following new subclauses:

"(VI) has used the alien's position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities, or

"(VII) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years,";

(B) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(C) in clause (i)(II), by striking "clause (iii)" and inserting "clause (iv)";

(D) by inserting after clause (i) the following:

"(ii) EXCEPTION.—Subclause (VII) of clause (i) does not apply to a spouse or child—

"(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

"(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.";

(E) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting "it had been" before "committed in the United States"; and

(ii) in subclause (V)(b), by striking "or firearm" and inserting ", firearm, or other weapon or dangerous device";

(F) by amending clause (iv) (as redesignated by subparagraph (B)) to read as follows:

"(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this chapter, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

"(II) to prepare or plan a terrorist activity;

"(III) to gather information on potential targets for terrorist activity;

"(IV) to solicit funds or other things of value for—

"(aa) a terrorist activity;

"(bb) a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;

"(V) to solicit any individual—

"(aa) to engage in conduct otherwise described in this clause;

"(bb) for membership in a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or

"(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

"(aa) for the commission of a terrorist activity;

"(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

"(cc) to a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that this clause should not apply."; and

(G) by adding at the end the following new clause:

"(vi) TERRORIST ORGANIZATION DEFINED.—As used in clause (i)(VI) and clause (iv), the term 'terrorist organization' means an organization—

"(I) designated under section 219;

"(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that it engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that it provides material support to further terrorist activity; or

"(III) that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv)."; and

(2) by adding at the end the following new subparagraph:

"(F) ASSOCIATION WITH TERRORIST ORGANIZATIONS.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.".

(b) CONFORMING AMENDMENT.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended by striking "section 212(a)(3)(B)(iii)" and inserting "section 212(a)(3)(B)(iv)".

(c) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to—

(A) actions taken by an alien before, on, or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, the amendments made by this section shall apply to all aliens in exclusion or deportation proceedings on or after the date of enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS AND ORGANIZATIONS DESIGNATED UNDER SECTION 212(a)(3)(B)(vi)(II).—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a group at any time when the group was not a terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189) or otherwise designated under section 212(a)(3)(B)(vi)(II).

(B) STATUTORY CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act or otherwise designated under section 212(a)(3)(B)(vi)(II); or

(ii) described in subclause (IV)(cc), (V)(cc), or (VI)(dd) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization described in section 212(a)(3)(B)(vi)(III).

(4) EXCEPTION.—The Secretary of State, in consultation with the Attorney General, may determine that the amendments made by this section shall not apply with respect to actions by an alien taken outside the United States before the date of enactment of this Act upon the recommendation of a consular officer who has concluded that there is not reasonable ground to believe that the alien knew or reasonably should have known that the actions would further a terrorist activity.

(c) DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.—Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)(B), by inserting "or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)) or retains the capability and intent to engage in terrorist activity or terrorism)" after "212(a)(3)(B))";

(2) in paragraph (1)(C), by inserting "or terrorism" after "terrorist activity";

(3) by amending paragraph (2)(A) to read as follows:

"(A) NOTICE.—

"(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

"(ii) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).";

(4) in paragraph (2)(B)(i), by striking "subparagraph (A)" and inserting "subparagraph (A)(ii)";

(5) in paragraph (2)(C), by striking "paragraph (2)" and inserting "paragraph (2)(A)(i)";

(6) in paragraph (3)(B), by striking "subsection (c)" and inserting "subsection (b)";

(7) in paragraph (4)(B), by inserting after the first sentence the following: "The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.";

(8) in paragraph (6)(A)—

(A) by inserting "or a redesignation made under paragraph (4)(B)" after "paragraph (1)";

(B) in clause (i)—

(i) by inserting "or redesignation" after "designation" the first place it appears; and

(ii) by striking "of the designation"; and

(C) in clause (ii), by striking "of the designation";

(9) in paragraph (6)(B)—

(A) by striking "through (4)" and inserting "and (3)"; and

(B) by inserting at the end the following new sentence: "Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.";

(10) in paragraph (7), by inserting ", or the revocation of a redesignation under paragraph (6)," after "paragraph (5) or (6)"; and

(11) in paragraph (8)—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)";

(B) by inserting "or an alien in a removal proceeding" after "criminal action"; and

(C) by inserting "or redesignation" before "as a defense".

SEC. 412. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

"MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

"SEC. 236A. (a) DETENTION OF TERRORIST ALIENS.—

"(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

"(2) RELEASE.—Except as provided in paragraph (5), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

"(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

"(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

"(B) is engaged in any other activity that endangers the national security of the United States.

"(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.

"(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

"(b) HABEAS CORPUS AND JUDICIAL REVIEW.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3)) is available exclusively in habeas corpus proceedings in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.

"(c) STATUTORY CONSTRUCTION.—The provisions of this section shall not be applicable to any other provisions of the Immigration and Nationality Act.".

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

"Sec. 236A. Mandatory detention of suspected terrorist; habeas corpus; judicial review.".

(c) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from removal;

(B) were removed;

(C) the Attorney General has determined are no longer aliens who may be so certified; or

(D) were released from detention.

SEC. 413. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) by striking "except that in the discretion of" and inserting the following: "except that—

"(1) in the discretion of"; and

(2) by adding at the end the following:

"(2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

"(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

"(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.".

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

SEC. 501. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2001.

(a) SHORT TITLE.—This title may be cited as the "Professional Standards for Government Attorneys Act of 2001".

(b) PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.—Section 530B of title 28, United States Code, is amended to read as follows:

"§ 530B. Professional Standards for Government Attorneys

"(a) DEFINITIONS.—In this section:

"(1) GOVERNMENT ATTORNEY.—The term 'Government attorney'—

"(A) means the Attorney General; the Deputy Attorney General; the Solicitor General; the Associate Attorney General; the head of, and any attorney employed in, any division, office, board, bureau, component, or agency of the Department of Justice; any United States Attorney; any Assistant United States Attorney; any Special Assistant to the Attorney General or Special Attorney appointed under section 515; any Special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and

"(B) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

"(2) STATE.—The term 'State' includes a Territory and the District of Columbia.

"(b) CHOICE OF LAW.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be—

"(1) for conduct in connection with a proceeding in or before a court, or conduct reasonably intended to lead to a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of the court in or before which the proceeding is brought or is intended to be brought;

"(2) for conduct in connection with a grand jury proceeding, or conduct reasonably intended to lead to a grand jury proceeding, the standards of professional responsibility established by the rules and decisions of the court under whose authority the grand jury was or will be impaneled; and

"(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his or her official duties.

"(c) LICENSURE.—A Government attorney (except foreign counsel employed in special cases)—

"(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and

"(2) shall not be required to be a member of the bar of any particular State.

"(d) UNDERCOVER ACTIVITIES.—Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting undercover activities, and any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings may participate in such activities, even though such activities may require the use of deceit or misrepresentation, where such activities are consistent with Federal law.

"(e) ADMISSIBILITY OF EVIDENCE.—No violation of any disciplinary, ethical, or professional conduct rule shall be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceedings.

"(f) RULEMAKING AUTHORITY.—The Attorney General shall make and amend rules of the Department of Justice to ensure compliance with this section.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking "Ethical standards for attorneys for the Government" and inserting "Professional standards for Government attorneys".

(d) REPORTS.—

(1) UNIFORM RULE.—In order to encourage the Supreme Court to prescribe, under chapter 131 of title 28, United States Code, a uniform national rule for Government attorneys with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.

(2) ACTUAL OR POTENTIAL CONFLICTS.—Not later than 2 years after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include—

(A) a review of any areas of actual or potential conflict between specific Federal duties related to the investigation and prosecution of violations of Federal law and the regulation of Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and

(B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identified pursuant to the review under subparagraph (A).

(3) REPORT CONSIDERATIONS.—In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration—

(A) the needs and circumstances of multiforum and multijurisdictional litigation;

(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

SEC. 502. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS TO COMBAT TERRORISM.

(a) PAYMENT OF REWARDS TO COMBAT TERRORISM.—Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.

(b) CONDITIONS.—In making rewards under this section—

(1) no such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless that law expressly refers to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

SEC. 503. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.

Section 36 of the State Department Basic Authorities Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting ", including by dismantling an organization in whole or significant part; or"; and

(C) by adding at the end the following:

"(6) the identification or location of an individual who holds a key leadership position in a terrorist organization.";

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) in subsection (e)(1), by inserting ", except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts." after "$5,000,000".

SEC. 504. DNA IDENTIFICATION OF TERRORISTS AND OTHER VIOLENT OFFENDERS.

Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended to read as follows:

"(2) In additional to the offenses described in paragraph (1), the following offenses shall be treated for purposes of this section as qualifying Federal offenses, as determined by the Attorney General:

"(A) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

"(B) Any crime of violence (as defined in section 16 of title 18, United States Code).

"(C) Any attempt or conspiracy to commit any of the above offenses.".

SEC. 505. COORDINATION WITH LAW ENFORCEMENT.

(a) INFORMATION ACQUIRED FROM AN ELECTRONIC SURVEILLANCE.—Section 106 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806), is amended by adding at the end the following:

"(k)(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 104(a)(7)(B) or the entry of an order under section 105.".

(b) INFORMATION ACQUIRED FROM A PHYSICAL SEARCH.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by adding at the end the following:

"(k)(1) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 303(a)(7) or the entry of an order under section 304.".

SEC. 506. MISCELLANEOUS NATIONAL SECURITY AUTHORITIES.

(a) TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "Assistant Director";

(2) in paragraph (1)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States; and"; and

(3) in paragraph (2)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(b) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee"; and

(2) by striking "sought" and all that follows and inserting "sought for foreign counter intelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(c) CONSUMER REPORTS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing, that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.";

(2) in subsection (b)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States."; and

(3) in subsection (c)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee of the Director"; and

(B) by striking "in camera that" and all that follows through "States." and inserting the following: "in camera that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

SEC. 507. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) CONCURRENT JURISDICTION UNDER 18 U.S.C. 1030.—Section 1030(d) of title 18, United States Code, is amended to read as follows:

"(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

"(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted

Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

"(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.".

(b) Reauthorization of Jurisdiction under 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking "credit and debit card frauds, and false identification documents or devices" and inserting "access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution".

SEC. 508. DISCLOSURE OF EDUCATIONAL RECORDS.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection (j) to read as follows:

"(j) Investigation and Prosecution of Terrorism.—

"(1) In general.—Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to—

"(A) collect education records in the possession of the educational agency or institution that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18 United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) Application and approval.—

"(A) In general.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the education records are likely to contain information described in paragraph (1)(A).

"(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

"(3) Protection of educational agency or institution.—An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

"(4) Record-keeping.—Subsection (b)(4) does not apply to education records subject to a court order under this subsection.".

SEC. 509. DISCLOSURE OF INFORMATION FROM NCES SURVEYS.

Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007), is amended by adding after subsection (b) a new subsection (c) to read as follows:

"(c) Investigation and Prosecution of Terrorism.—

"(1) In General.—Notwithstanding subsections (a) and (b), the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

"(A) collect reports, records, and information (including individually identifiable information) in the possession of the center that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such information, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) Application and approval.—

"(A) In general.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

"(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

"(3) Protection.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.".

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

SEC. 601. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) In General.—Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) Definitions.—For purposes of this section, the terms "catastrophic injury", "public agency", and "public safety officer" have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

SEC. 602. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by—

(1) inserting before "by a" the following: "(containing identification of all eligible payees of benefits pursuant to section 1201)";

(2) inserting "producing permanent and total disability" after "suffered a catastrophic injury"; and

(3) striking "1201(a)" and inserting "1201".

SEC. 603. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM PAYMENT INCREASE.

(a) Payments.—Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking "$100,000" and inserting "$250,000".

(b) Applicability.—The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

SEC. 604. OFFICE OF JUSTICE PROGRAMS.

Section 112 of title I of section 101(b) of division A of Public Law 105–277 and section 108(a) of appendix A of Public Law 106–113 (113 Stat. 1501A–20) are amended—

(1) after "that Office", each place it occurs, by inserting "(including, notwithstanding any contrary proviston of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)"; and

(2) by inserting "functions, including any" after "all".

Subtitle B—Amendments to the Victims of Crime Act of 1984

SEC. 621. CRIME VICTIMS FUND.

(a) Deposit of Gifts in the Fund.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) any gifts, bequests, or donations to the Fund from private entities or individuals.".

(b) Formula for Fund Distributions.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

"(c) Fund Distribution; Retention of Sums in Fund; Availability for Expenditure Without Fiscal Year Limitation.—

"(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

"(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.".

(c) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking "deposited in" and inserting "to be distributed from";

(2) in subparagraph (A), by striking "48.5" and inserting "47.5";

(3) in subparagraph (B), by striking "48.5" and inserting "47.5"; and

(4) in subparagraph (C), by striking "3" and inserting "5".

(d) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

"(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts transferred to the Fund for use in responding to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

"(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

"(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.".

(e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. 622. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by inserting "in fiscal year 2002 and of 60 percent in subsequent fiscal years" after "40 percent".

(b) LOCATION OF COMPENSABLE CRIME.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or".

(c) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

"(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.".

(d) DEFINITIONS OF "COMPENSABLE CRIME" AND "STATE".—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking "crimes involving terrorism,"; and

(2) in paragraph (4), by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

(e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COMPENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM COMPENSATION FUND.—

(1) IN GENERAL.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting "including the program established under title IV of Public Law 107–42," after "Federal program,".

(2) COMPENSATION.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

SEC. 623. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).".

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.".

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ", program evaluation, compliance efforts," after "demonstration projects".

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking "not more than" and inserting "not less than"; and

(2) in subparagraph (B), by striking "not less than" and inserting "not more than".

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) use funds made available to the Director under this subsection—

"(i) for fellowships and clinical internships; and

"(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.".

SEC. 624. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

"(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.".

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking "who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: "The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

SEC. 701. EXPANSION OF REGIONAL INFORMATION SHARING SYSTEM TO FACILITATE FEDERAL-STATE-LOCAL LAW ENFORCEMENT RESPONSE RELATED TO TERRORIST ATTACKS.

Section 1301 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) is amended—

(1) in subsection (a), by inserting "and terrorist conspiracies and activities" after "activities";

(2) in subsection (b)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following:

"(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and (5)"; and

(3) by inserting at the end the following:

"(d) AUTHORIZATION OF APPROPRIATION TO THE BUREAU OF JUSTICE ASSISTANCE.—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section $50,000,000 for fiscal year 2002 and $100,000,000 for fiscal year 2003.".

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end the following:

"§ 1993. Terrorist attacks and other acts of violence against mass transportation systems

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

"(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

"(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) in a circumstance in which—

"(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

"(2) the offense has resulted in the death of any person,

shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

"(c) DEFINITIONS.—In this section—

"(1) the term 'biological agent' has the meaning given to that term in section 178(1) of this title;

"(2) the term 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4) of this title;

"(4) the term 'destructive substance' has the meaning given to that term in section 31 of this title;

"(5) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) the term 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

"(7) the term 'State' has the meaning given to that term in section 2266 of this title; and

"(8) the term 'toxin' has the meaning given to that term in section 178(2) of this title.".

(f) CONFORMING AMENDMENT.—The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

"1993. Terrorist attacks and other acts of violence against mass transportation systems.".

SEC. 802. EXPANSION OF THE BIOLOGICAL WEAPONS STATUTE.

Chapter 10 of title 18, United States Code, is amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking "does not include" and inserting "includes";

(ii) by inserting "other than" after "system for"; and

(iii) by inserting "bona fide research" after "protective";

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

"(b) ADDITIONAL OFFENSE.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. In this subsection, the terms 'biological agent' and 'toxin' do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.";

(2) by inserting after section 175a the following:

"SEC. 175b. POSSESSION BY RESTRICTED PERSONS.

"(a) No restricted person described in subsection (b) shall ship or transport interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in subsection (j) of section 72.6 of title 42, Code of Federal Regulations, pursuant to section 511(d)(l) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and is not exempted under subsection (h) of such section 72.6, or appendix A of part 72 of the Code of Regulations.

"(b) In this section:

"(1) The term 'select agent' does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

"(2) The term 'restricted person' means an individual who—

"(A) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

"(B) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

"(C) is a fugitive from justice;

"(D) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(E) is an alien illegally or unlawfully in the United States;

"(F) has been adjudicated as a mental defective or has been committed to any mental institution;

"(G) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination (that remains in effect) that such country has repeatedly provided support for acts of international terrorism; or

"(H) has been discharged from the Armed Services of the United States under dishonorable conditions.

"(3) The term 'alien' has the same meaning as in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

"(4) The term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

"(c) Whoever knowingly violates this section shall be fined as provided in this title, imprisoned not more than 10 years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized United States governmental activity."; and

(3) in the chapter analysis, by inserting after the item relating to section 175a the following:

"175b. Possession by restricted persons.".

SEC. 803. DEFINITION OF DOMESTIC TERRORISM.

(a) DOMESTIC TERRORISM DEFINED.—Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(iii), by striking "by assassination or kidnapping" and inserting "by mass destruction, assassination, or kidnapping";

(2) in paragraph (3), by striking "and";

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(5) the term 'domestic terrorism' means activities that—

"(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

"(C) occur primarily within the territorial jurisdiction of the United States.".

(b) CONFORMING AMENDMENT.—Section 3077(1) of title 18, United States Code, is amended to read as follows:

"(1) 'act of terrorism' means an act of domestic or international terrorism as defined in section 2331;".

SEC. 804. PROHIBITION AGAINST HARBORING TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2338 the following new section:

"§ 2339. Harboring or concealing terrorists

"(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.".

"(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

"2339. Harboring or concealing terrorists.".

SEC. 805. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

"(9) With respect to offenses committed by or against a United States national, as defined in section 1203(c) of this title—

"(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

"(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement in force on the date of enactment of this paragraph with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 3261(a) of this title.".

SEC. 806. MATERIAL SUPPORT FOR TERRORISM.

(a) IN GENERAL.—Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ", within the United States,";

(B) by inserting "229," after "175,";

(C) by inserting "1993," after "1992,";

(D) by inserting ", section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284)," after "of this title";

(E) by inserting "or 60123(b)" after "46502"; and

(F) by inserting at the end the following: "A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law."; and

(2) in subsection (b)—

(A) by striking "or other financial securities" and inserting "or monetary instruments or financial securities": and

(B) by inserting "expert advice or assistance," after "training,".

(b) TECHNICAL AMENDMENT.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 807. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting at the end the following:

"(G) All assets, foreign or domestic—

"(i) of any person, entity, or organization engaged in planning or perpetrating any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

"(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

"(iii) derived from, involved in, or used or intended to be used to commit any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.".

SEC. 808. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106-387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 809. DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b of title 18, United States Code, is amended—

(1) in subsection (f), by inserting after "terrorism" the following: "and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title," before "and the Secretary"; and

(2) in subsection (g)(5)(B), by striking clauses (i) through (iii) and inserting the following:

"(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 229 (relating to chemical weapons), 351 (a) through (d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) (2) through (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim within special maritime and territorial jurisdiction of the United States), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751 (a) through (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems), 2155 (relating to destruction of national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

"(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or "(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.".

SEC. 810. NO STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.

(a) In General.—Section 3286 of title 18, United States Code, is amended to read as follows:

"§ 3286. Extension of statute of limitation for certain terrorism offenses.

"(a) Eight-Year Limitation.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B) other than a provision listed in section 3295, or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed.

"(b) No Limitation.—Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a forseeable risk of, death or serious bodily injury to another person.".

(b) Application.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

SEC. 811. ALTERNATE MAXIMUM PENALTIES FOR TERRORISM OFFENSES.

(a) Arson.—Section 81 of title 18, United States Code, is amended in the second undesignated paragraph by striking "not more than twenty years" and inserting "for any term of years or for life".

(b) Destruction of an Energy Facility.—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "ten" and inserting "20"; and

(2) by adding at the end the following:

"(d) Whoever is convicted of a violation of subsection (a) or (b) that has resulted in the death of any person shall be subject to imprisonment for any term of years or life.".

(c) Material Support to Terrorists.—Section 2339A(a) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period and inserting "and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(d) Material Support to Designated Foreign Terrorist Organizations.—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period after "or both" and inserting "and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(e) Destruction of National-Defense Materials.—Section 2155(a) of title 18, United States Code, is amended—

(1) by striking "ten" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(f) Sabotage of Nuclear Facilities or Fuel.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) by striking "ten" each place it appears and inserting "20";

(2) in subsection (a), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life."; and

(3) in subsection (b), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(g) Special Aircraft Jurisdiction of the United States.—Section 46505(c) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(h) Damaging or Destroying an Interstate Gas or Hazardous Liquid Pipeline Facility.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

SEC. 812. PENALTIES FOR TERRORIST CONSPIRACIES.

(a) Arson.—Section 81 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking ", or attempts to set fire to or burn"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be imprisoned".

(b) Killings in Federal Facilities.—

(1) Section 930(c) of title 18, United States Code, is amended—

(A) by striking "or attempts to kill";

(B) by inserting "or attempts or conspires to do such an act," before "shall be punished"; and

(C) by striking "and 1113" and inserting "1113, and 1117".

(2) Section 1117 of title 18, United States Code, is amended by inserting "930(c)," after "section".

(c) Communications Lines, Stations, or Systems.—Section 1362 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking "or attempts willfully or maliciously to injure or destroy"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(d) Buildings or Property Within Special Maritime and Territorial Jurisdiction.—Section 1363 of title 18, United States Code, is amended—

(1) by striking "or attempts to destroy or injure"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined" the first place it appears.

(e) Wrecking Trains.—Section 1992 of title 18, United States Code, is amended by adding at the end the following:

"(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(f) Material Support to Terrorists.—Section 2339A of title 18, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(g) Torture.—Section 2340A of title 18, United States Code, is amended by adding at the end the following:

"(c) Conspiracy.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(h) Sabotage of Nuclear Facilities or Fuel.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking ", or who intentionally and willfully attempts to destroy or cause physical damage to";

(B) in paragraph (4), by striking the period at the end and inserting a comma; and

(C) by inserting "or attempts or conspires to do such an act," before "shall be fined"; and

(2) in subsection (b)—

(A) by striking "or attempts to cause"; and

(B) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(i) Interference with Flight Crew Members and Attendants.—Section 46504 of title 49, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(j) Special Aircraft Jurisdiction of the United States.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

"(e) Conspiracy.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.".

(k) Damaging or Destroying an Interstate Gas or Hazardous Liquid Pipeline Facility.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking ", or attempting to damage or destroy,"; and

(2) by inserting ", or attempting or conspiring to do such an act," before "shall be fined".

SEC. 813. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(j) Supervised Release Terms for Terrorism Predicates.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, is any term of years or life.".

SEC. 814. INCLUSION OF ACTS OF TERRORISM AS RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or (F)" and inserting "(F)"; and

(2) by inserting before the semicolon at the end the following: ", or (G) any act that is indictable as an offense listed in section 2332b(g)(5)(B)".

SEC. 815. DETERRENCE AND PREVENTION OF CYBERTERRORISM.

(a) Clarification of Protection of Protected Computers.—Section 1030(a)(5) of title 18, United States Code, is amended—

(1) by inserting "(i)" after (A)";

(2) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(3) by adding "and" at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following:

"(B) caused (or, in the case of an attempted offense, would, if completed, have caused) conduct described in clause (i), (ii), or (iii) of subparagraph (A) that resulted in—

"(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

"(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(iii) physical injury to any person;

"(iv) a threat to public health or safety; or

"(v) damage affecting a computer system used by or for a Government entity in furtherance of the administration of justice, national defense, or national security;".

(b) PENALTIES.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting "except as provided in subparagraph (B)," before "a fine";

(ii) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(iii) by striking "and' at the end;

(B) in subparagraph (B), by inserting "or an attempt to commit an offense punishable under this subparagraph," after "subsection (a)(2)," in the matter preceding clause (i); and

(C) in subparagraph (C), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking ", (a)(5)(A), (a)(5)(B)," both places it appears; and

(B) by striking "and" at the end; and

(3) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(4) by adding at the end the following new paragraphs:

"(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under that subsection;

"(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under that subsection;

"(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under either subsection, that occurs after a conviction for another offense under this section.".

(c) DEFINITIONS.—Subsection (e) of section 1030 of title 18, United States Code is amended—

(1) in paragraph (2)(B), by inserting ", including a computer located outside the United States" before the semicolon;

(2) in paragraph (7), by striking "and" at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

"(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;";

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

"(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

"(11) the term 'loss' includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;

"(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity;".

(d) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of section 1030 of title 18, United States Code is amended—

(1) by striking the second sentence and inserting the following new sentences: "A suit for a violation of subsection (a)(5) may be brought only if the conduct involves one of the factors enumerated in subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages."; and

(2) by adding at the end the following: "No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.".

(e) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030 of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 816. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after "or statutory authorization" the following: "(including a request of a governmental entity under section 2703(f) of this title)".

SEC. 817. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) IN GENERAL.—The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in order that all such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year $50,000,000 for purposes of carrying out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

TITLE IX—IMPROVED INTELLIGENCE

SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance operations pursuant to that Act unless otherwise authorized by statute or executive order;".

SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST ACTIVITIES WITHIN SCOPE OF FOREIGN INTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by inserting before the period the following: ", or international terrorist activities"; and

(2) in paragraph (3), by striking "and activities conducted" and inserting ", and activities conducted,".

SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS.

It is the sense of Congress that officers and employees of the intelligence community of the Federal Government, acting within the course of their official duties, should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intelligence activities, including the acquisition of information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or information on any other person, entity, or group (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.

SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

(b) COVERED INTELLIGENCE REPORT.—Except as provided in subsection (c), for purposes of subsection (a), a covered intelligence report is as follows:

(1) Any report on intelligence or intelligence-related activities of the United States Government that is required to be submitted to Congress by an element of the intelligence community during the effective period of this section.

(2) Any report or other matter that is required to be submitted to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives by the Department of Defense or the Department of Justice during the effective period of this section.

(c) EXCEPTION FOR CERTAIN REPORTS.—For purposes of subsection (a), any report required by section 502 or 503 of the National Security Act of 1947 (50 U.S.C. 413a, 413b) is not a covered intelligence report.

(d) NOTICE TO CONGRESS.—Upon deferring the date of submittal to Congress of a covered intelligence report under subsection (a), the official deferring the date of submittal of the covered intelligence report shall submit to Congress notice of the deferral. Notice of deferral of a report shall specify the provision of law, if any, under which the report would otherwise be submitted to Congress.

(e) EXTENSION OF DEFERRAL.—(1) Each official specified in subsection (a) may defer the date of submittal to Congress of a covered intelligence report under the jurisdiction of such official to a date after February 1, 2002, if such official submits to the committees of Congress specified in subsection (b)(2) before February 1, 2002, a certification that preparation and submittal of the covered intelligence report on February 1, 2002, will impede the work of officers or employees who are engaged in counterterrorism activities.

(2) A certification under paragraph (1) with respect to a covered intelligence report shall specify the date on which the covered intelligence report will be submitted to Congress.

(f) EFFECTIVE PERIOD.—The effective period of this section is the period beginning on the date of the enactment of this Act and ending on February 1, 2002.

(g) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:

"DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES

"SEC. 105B. (a) DISCLOSURE OF FOREIGN INTELLIGENCE.—(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

"(2) The Attorney General by regulation and in consultation with the Director of Central Intelligence may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

"(b) PROCEDURES FOR NOTICE OF CRIMINAL INVESTIGATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General, in consultation with the Director of Central Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director of Central Intelligence, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

"(c) PROCEDURES.—The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) and the provision of notice with respect to criminal investigations under subsection (b).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:

"Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.
"Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency.".

SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) REPORT ON RECONFIGURATION.—Not later than February 1, 2002, the Attorney General, the Director of Central Intelligence, and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Terrorist Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) REPORT REQUIREMENTS.—(1) In preparing the report under subsection (a), the Attorney General, the Secretary, and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Attorney General, Secretary, and the Director determine that it is feasible and desirable to undertake the reconfiguration described in subsection (a) in order to establish the capability described in that subsection, the Attorney General, the Secretary, and the Director shall include with the report under that subsection a detailed proposal for legislation to achieve the reconfiguration.

SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) REPORT ON ESTABLISHMENT.—(1) Not later than February 1, 2002, the Director of Central Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the appropriate committees of Congress a report on the establishment and maintenance within the intelligence community of an element for purposes of providing timely and accurate translations of foreign intelligence for all other elements of the intelligence community. In the report, the element shall be referred to as the "National Virtual Translation Center".

(2) The report on the element described in paragraph (1) shall discuss the use of state-of-the-art communications technology, the integration of existing translation capabilities in the intelligence community, and the utilization of remote-connection capacities so as to minimize the need for a central physical facility for the element.

(b) RESOURCES.—The report on the element required by subsection (a) shall address the following:

(1) The assignment to the element of a staff of individuals possessing a broad range of linguistic and translation skills appropriate for the purposes of the element.

(2) The provision to the element of communications capabilities and systems that are commensurate with the most current and sophisticated communications capabilities and systems available to other elements of intelligence community.

(3) The assurance, to the maximum extent practicable, that the communications capabilities and systems provided to the element will be compatible with communications capabilities and systems utilized by the Federal Bureau of Investigation in securing timely and accurate translations of foreign language materials for law enforcement investigations.

(4) The development of a communications infrastructure to ensure the efficient and secure use of the translation capabilities of the element.

(c) SECURE COMMUNICATIONS.—The report shall include a discussion of the creation of secure electronic communications between the element described by subsection (a) and the other elements of the intelligence community.

(d) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE.—The term "foreign intelligence" has the meaning given that term in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.

(a) PROGRAM REQUIRED.—The Attorney General shall, in consultation with the Director of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

(1) identifying foreign intelligence information in the course of their duties; and

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.

(b) OFFICIALS.—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:

(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Justice such sums as may be necessary for purposes of carrying out the program required by subsection (a).

MEASURE PLACED ON CALENDAR—H.R. 2975

Mr. REID. Mr. President, I ask unanimous consent that H.R. 2975, the House-passed counterterrorism bill just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, OCTOBER 16, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, October 16; that immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be 60 minutes for morning business, with the time equally divided and controlled by the two leaders or their designees, with the first half hour controlled by the Republican leader, and the remaining half hour controlled by the majority leader, and that Senators be allowed to speak for up to 10 minutes each; that at approximately 11 a.m., the Senate resume consideration of the motion to proceed to the foreign operations appropriations bill, and that the Senate recess from 12:30 p.m. to 2:15 p.m. for the party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we were unable to invoke cloture on the motion to proceed to the foreign operations appropriations bill. These pieces of legislation, as important as they are to the Senate, are more important to the President. I hope someone will report to the President from the minority why they are holding up these bills that are so important to the administration. We cannot move forward on these bills, and the holdup is we are not moving, they say, quickly enough on the judicial nominations.

I say to the American public, that is not very good reasoning.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Tuesday, October 16, 2001, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 16, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 17

9:30 a.m.
Commerce, Science, and Transportation
To be held: Business meeting to consider pending calendar business.
SR–253

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine federal efforts to coordinate and prepare the United States for bioterrorism.
SD–342

Environment and Public Works
To hold hearings on the nomination of William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority; the nomination of Kimberly Terese Nelson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency; and the nomination of Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service, Department of the Interior.
SD–406

Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Susan Schmidt Bies, of Tennessee, and Mark W. Olson, of Minnesota, each to be a Member of the Board of Governors of the Federal Reserve System.
SD–538

10 a.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine effective immigration controls to deter terrorism.
SD–226

Joint Economic Committee
To hold hearings to examine monetary policy in the context of the current economic situation.
311, Cannon Building

11 a.m.
Foreign Relations
To hold a closed briefing on the recent international campaign against terrorism.
S–407, Capitol

2:30 p.m.
Intelligence
To hold closed hearings to examine pending intelligence matters.
SH–219

Foreign Relations
To hold hearings on the nomination of Brian E. Carlson, of Virginia, to be Ambassador to the Republic of Latvia; the nomination of Joseph M. DeThomas, of Pennsylvania, to be Ambassador to the Republic of Estonia; the nomination of Bonnie McElveen-Hunter, of North Carolina, to be Ambassador to the Republic of Finland; the nomination of John Malcolm Ordway, of California, to be Ambassador to the Republic of Armenia; the nomination of John N. Palmer, of Mississippi, to be Ambassador to the Republic of Portugal; and the nomination of Clifford M. Sobel, of New Jersey, to be Ambassador to the Kingdom of the Netherlands.
SD–419

OCTOBER 18

9:30 a.m.
Armed Services
To hold hearings to examine the role of the Department of Defense in homeland security.
SH–216

Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold oversight hearings to examine innovative financing techniques for water infrastructure improvements.
SD–406

10 a.m.
Foreign Relations
To hold hearings to examine the international Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on January 12, 1998 (Treaty Doc. 106–06); and international Convention for the Suppression of the Financing of Terrorism adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000 (Treaty Doc. 106–49).
SD–419

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine State and local responses to lead-based paint poisoning.
SD–538

Health, Education, Labor, and Pensions
To hold hearings to examine economic security, focusing on employment-unemployment issues.
SD–430

2 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold oversight hearings to examine the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.
SD–366

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of James Gilleran, of California, to be Director of the Office of Thrift Supervision, Department of the Treasury.
SD–538

OCTOBER 23

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the effects of the drug OxyContin.
SD–430

OCTOBER 24

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold oversight hearings to examine the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.
SD–366

OCTOBER 25

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine promoting broadband, focusing on securing content and accelerating transition to digital television.
SR–253

CANCELLATIONS

OCTOBER 17

10 a.m.
Judiciary
To hold hearings to examine homeland defense matters.
SD–106

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

POSTPONEMENTS

9:30 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the Romanian leadership of the Organization for Security and Cooperation in Europe (OSCE), reviewing the strengthening of security, prevention of conflict, and management of crisis.

SR–485

SENATE—*Tuesday, October 16, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Psalmist reminds us: "The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?"

Let us pray: Dear God, grant us spiritual, intellectual, and physical revitalization today. You provide boundless energy for the tense and tired. Your life force surges within us to give us enthusiasm for the work of this day and for the many challenges that we face. You lift out of our souls fear and panic, and in their place You put Your peace and power. Your love for us gives us a renewed desire to love and care for the people around us. Help us to give each other the quality of kindness and patience and encouragement that You have expressed to us. Saturate our souls with Your grace so that in spite of everything, joy might radiate on our faces and be expressed in our attitudes.

Astound us again with the magnitude of responsibility You have given to this Senate to lead this great Nation at this crucial time. Thank You for the moral and spiritual leadership You have called the Senators to provide for America. And so grant them special strength today; fill them with Your spirit so that everything that they say and do might glorify You. We count it a great blessing to be alive today and to be equipped by You to do the work of government with inspired excellence. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 16, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, there is a very important briefing now taking place downstairs, and it is the thought that the Presiding Officer and other Senators should be there. I ask unanimous consent the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:04 a.m., recessed until 10:52 a.m., when called to order by the Acting President pro tempore.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the time between now and 11:30 be divided equally between the majority and minority for morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum. I ask unanimous consent, further, that the time be equally divided between the minority and majority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. REID. Madam President, how much time is remaining for morning business on each side?

The PRESIDING OFFICER. Four and one-half minutes on each side.

HOLDING UP APPROPRIATIONS BILLS

Mr. REID. Madam President, today is the fifth anniversary—that is, weekly anniversary—of the attacks our Nation sustained on September 11. These attacks fundamentally changed the legislative priorities of the 107th Congress. The sense of urgency which fell upon the Congress has required all of us—every Senator, all the leadership, committee chairmen—to reorder their priorities to deal with the new war-related demands. The necessary sacrifices have been for a greater cause.

In addition to the war-related measures we had to undertake, the administration, of course, is expecting us to pass all the annual spending bills necessary to keep the Government operating. Regrettably, in the past several weeks there has been a concerted effort by some to prevent us from considering these measures. In fact, there are no basic policy differences or disagreements in these measures. They are driven by a desire to increase the number of judicial nominations.

Let me say in response, the statement made yesterday by a number of people on the other side that the majority leader and I, when we were in the minority, held up legislation because of judges is simply not true. We made statements. The only time there was ever an effort, as I recall—and they talked about it yesterday—was an authorization bill, not an appropriations bill. In fact, we worked very hard to move appropriations bills. We were in the minority, but we worked very hard to have our Members take off holds on bills so we could move the appropriations bills through the process.

We did a good job. We worked with them to pass virtually every appropriations bill. Senator DASCHLE did nothing to hold up appropriations bills. In fact, he worked very hard to pass them. One of the assignments I had from Senator DASCHLE was to get rid of amendments on appropriations bills. I worked hard to do that.

Now, in an effort to get judicial confirmations, appropriations bills are being held up. I had someone tell me yesterday: We could whip right through these. When the time comes to complete these bills, we will do them quickly.

We can't do appropriations bills quickly. It is the nature of these bills that they are hard. Foreign operations is always a contentious bill. Labor-HHS is a contentious bill. Defense appropriations is a contentious bill. D.C. appropriations is difficult legislation. We are not going to be able to whip through these bills. The time we have taken in these last several days waiting on motions to proceed, using up 30 hours, is time we could have spent on appropriations.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Senator MURKOWSKI said he will come in every day and talk about ANWR and the need for an energy policy. More power to him. There is a lot of time to come and talk because we are not doing anything that is constructive in nature. If he wants us to move to an energy bill, then he should talk to the people on his side of the aisle so that we can complete these appropriations bills.

I think the President should be concerned about what is taking place. We have bent over backwards to be fair to the President. We are going to continue to be fair to the President. We are going to continue to move judicial nominations as quickly as we can. There is a hearing set this week where we are going to move five. Senator LEAHY is going to have hearings next week, even though when the majority was on the other side of the aisle, they never held confirmation hearings 2 weeks in a row. We are going to do that because we are not going to treat them the way they treated us. We are going to move these nominations as quickly as we can.

They believe it is a greater priority to move some judges than it is to do other matters now before the Senate; namely, appropriations bills.

These tactics are not simply dilatory; they are obstructionist. They demonstrated last week that they were even willing to hold up an aviation security bill. We worked our way through that timewise, but it took a lot of extra time.

Madam President, I ask unanimous consent that I be allowed to speak for an additional 5 minutes and the Republicans have 5 additional minutes after the morning hour has terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I am wondering if we are going to be prevented from considering the Defense appropriations bill. I assume so. Are we going to be prevented from considering a Labor-HHS bill to provide funding to deal with, for example, bioterrorism threats? I assume so. The question confronting the minority is whether these tactics are worth confirmation of a few additional judges. I assume that is a decision they have made.

People of Nevada are concerned about what we are doing to fight the war. They are not concerned about judges. We are going to do everything we can to take care of these judges. Senator LEAHY has worked extremely hard. He will continue to do so. We are going to do all the judges we can.

I am concerned. When you recognize there are no major disagreements on the spending bills, we have worked with the President to get the numbers up where we can move them out of conference. On my bill, energy and water, we will have a meeting at 3 o'clock today. That will basically be wrapped up. I am wondering if they are going to allow us to do the conference reports on the appropriations bills we have completed. I have been told no.

These bills are important. The appropriators, the administration, and the budgeteers are all in agreement on the remaining bills. Holding them up hurts the country. It is not hurting the Democratic Senators; it is hurting the country.

I am sure if we asked the Attorney General whether he wanted the bill funding his ability to maintain and enlarge his efforts to combat terrorism, he would choose that over some more judges. We could ask Secretary Powell whether he would want funding to improve our embassy security and the many other things the foreign operations bill addresses. Secretary Powell is now in Pakistan. I will bet there hasn't been a single word spoken between Secretary Powell and President Musharraf about how many judges we are confirming. I bet there are a lot of questions on what we are going to do to aid India and Pakistan with the problems they have.

Would Secretary Thompson prefer a commitment for faster consideration of nominees over funding to allow him to better respond to the growing number of anthrax cases? That answer is obvious. The administration rightfully expects us to pass annual appropriations bills. The efforts by the minority to block consideration of these and other important measures are not only self-serving, they are self-defeating.

We hear daily demands for consideration of an energy bill. We should have an energy bill. I don't know how in the world we are going to have the time. We have lost 2 weeks of doing anything by their holding things up because of judges. We cannot consider energy until the other measures are disposed of, and we can't dispose of those because the minority won't allow us.

So it seems to me that we should be for this legislation. The fact that we are not moving forward with it is an answer to a question that has already been asked. We have a limited amount of time. We have a number of pieces of legislation that we must complete, and we are not going to be able to do them. We can only do so much. The committee can only do so much. We can get into all the numbers that we want. We believe we are treating them much better than we were treated.

As I said yesterday, at the time we took control of the Senate, half of the first year was gone. Not a single confirmation hearing was held and not a single confirmation was considered by the majority at that time. We have done much better. We are going to continue to do everything we can to move these judges.

I am a lawyer. I believe judges are important. I am going to do everything I can to move the nominations along. We can't do it with this hammer to our head. We are doing the best we can.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, what is our status?

The PRESIDING OFFICER. The Senate is in morning business, and 9½ minutes are remaining under the Senator's control.

WORK THE SENATE CAN ACCOMPLISH

Mr. THOMAS. Madam President, on the issue we have before us, obviously, we have many things to do. We have met this morning and we have been working on an economic stimulus package, which is very necessary and important. We also need to do the ordinary work that is always before the Congress—the appropriations.

I continue to hear all the time from the other side of the aisle that we just can't do all these things; we have too much and we can't do these things at the same time. It doesn't mean you have to give up working on the floor on issues such as appropriations. You can go ahead in a committee and do some things with the judiciary and get some of those things out here.

In my State, we happen to have four appointees, all of whom were nominated prior to the August recess. None of them has even had hearings. That is a problem with the committee, not a problem on the floor. It is a problem with moving forward. As we move into this matter of internal terrorism, and so on, the U.S. attorneys are going to be very important, as are U.S. marshals. Do we have them? No. There is no reason we don't have to do one or the other. We can do both of them.

Frankly, the constant talk that we hear that we didn't do as many when you were in the majority is immaterial, whether that is right or wrong. The fact is, here is where we are, and we have 50-some judges waiting to be approved, with very few in. In the Tenth Circuit, we have 4 vacancies out of 12. There is no movement to do anything about that.

So I guess what I am saying is I feel badly about it as well. I would like to be moving forward, but they are not happening. We don't get any assurance from the chairman of the committee that he is going to do anything any differently. All they do is talk about what they did in the past. That is immaterial. What we ought to talk about is what we are faced with now and the fact that we need to do something about that.

Energy is something that is very important, of course. We have asked for a commitment to do something on energy. We have been working at it. I am on the Energy Committee. We have worked at it for a couple of years, getting things together, trying to get something on the floor. It is very important in terms of the United States and its economy. It has been very important in terms of us getting an energy policy out there. I know the Senator from Nevada agrees with that.

Now it is even more important when we get to where we have nearly 60 percent of our oil imported, much of it from the Middle East. We find ourselves with real difficulties in the Middle East, and it is even more important that we get it in there and have an energy policy. All we have asked for is a commitment to do that, to move forward. That is the reason things are not moving. We get no commitment as to changing the things that are not being done. I think that is where we are. It is too bad we are in a kind of controversy about it. I think getting a commitment from the leadership that we are going to be able to accomplish some of these pending things is very important.

Saying the priority is doing something for Pakistan instead of a judge, that is really not a choice. We can do both of those things. We can do both of those things, and we can move forward. I wonder how many hearings there have been this week on judges. More important, what has been brought to the floor?

I believe we can find a remedy, and I know there are meetings going on to secure that remedy. I certainly hope we can continue to find that remedy and get ourselves into a position to move forward not only with the pending legislation, but also do these things that are very important to the operation of Government.

Of course, now we find ourselves with more and more difficulties in terms of internal terrorism and the anthrax issue that is coming up. But I can tell you it is the belief among the Members of Congress that we are going to take every method of making sure we are safe and that our staffs are safe. On the other hand, we can do those things that are necessary and we can go forward with the job we have to do. I suspect we are here to complete our task.

I have suggested in the past that maybe we can set some priorities and have our priorities established, move forward with them and deal with those things that are not being done and say, yes, we are going to do it at a certain time. That is really the request. It is not going to take long to do some of these things. We need commitments and priorities and to be prepared to move forward. But as long as the issues that some of the Members are very anxious about are not dealt with, obviously there are going to be some efforts to make sure they are. That is not a unique situation, by the way. That has happened throughout the years, and it is part of the process here, unfortunately. But it is part of the process.

I mentioned yesterday the very process we are going through now was gone through last year, and all the evidence is in the CONGRESSIONAL RECORD. The very issues we objected to now were done then.

So I think we can find a solution. I look forward to seeing that solution so that we can commit ourselves to do the things that need to be done, to move forward with the other bills. We can do more than one thing at a time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 2506, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I am not going to speak at great length about why we are in the position we are. I have already spoken. As I have said, Senator LEAHY has a hearing scheduled this week. He is going to have some hearings next week. The report I received recently is that we have not done any U.S. marshals because we do not have them. They have not been sent to the committee. We cannot do it.

We approved 14 U.S. attorneys last Thursday. We are moving these nominations along just as quickly as we can.

The Senator from Wyoming is absolutely right we need to do; an energy bill, but we cannot do an energy bill. We have had 2 weeks where we have done nothing. We still have five appropriations bills to handle, plus all the conferences, and they are not letting us move to them.

Sure, we can do two things on the floor at once; we agree. But they are not letting us do one thing on the floor. The leader has said that we will get to energy as soon as we can, and that means we have to get rid of all these other items first.

We are approaching Thanksgiving. We have already had two continuing resolutions. This is not the time to dillydally. We have very important things we need to do for this country, and we are in quicksand on judges. We are going to go forward the best we can and jump through all the procedural hoops they are making us jump through. I would think sometime in the near future the administration might get involved. The administration has more to lose than anyone else. This is the minority's side.

No one can criticize the Democratic majority in working with the President. We have worked hand in hand with him. He and the majority leader speak three times a day on issues relating to this country and the world. The minority is making a real mistake holding up this legislation. That is a decision they have made, and they are going to have to live with it. We are going to do the best we can, I repeat, jumping through all these hurdles.

In the process, we are going to use up 3 or 4 weeks of time that we could be doing other bills. We have a bioterrorism bill on which Senators KENNEDY and FRIST have worked. I do not know if they will let us go to it when the committee reports it out. We hope the committee can report it out as early as Thursday. In the meantime, all the other legislation is being held up.

People think we can waltz through the rest of these appropriations bills in a matter of a day or two. It has never happened, and it never will happen. These bills take a lot of time even though we agree on the numbers.

We need to do a bioterrorism bill. We have a bipartisan bill we should bring up. We had airline safety. They would not let us bring that up.

I repeat, when it comes down to the end of this year and people are saying where is the energy bill and other bills, remember last week and this week: We have done nothing. Most of it has been procedural in nature.

We were fortunate last week to finally, getting through all the procedural hoops, get airline security passed, and with a lot of cooperation we were able to do the counterterrorism legislation, but it has been a struggle. We should be further through the appropriations process more than we are.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Madam President, I ask unanimous consent that I be allowed to speak 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. THOMAS. Madam President, one of the items, of course, that is being considered and has, in fact, been considered and passed in the House is the economic stimulus—doing some things now that will encourage and get more activity in our economy.

We, of course, through the last couple of years have seen some decline in the economy, and now with the September 11 attacks, we have seen substantial change. We are faced with the challenge to do that which will have an impact—hopefully an immediate impact—on the economy.

It has been very difficult to define exactly what is best to do. We have met several times with Chairman Greenspan and Bob Rubin, the former Secretary of the Treasury, to talk about what would have the most impact on the economy in the short term. There are very many ideas out there.

Quite frankly, among professional economists there is not unanimity as to what would have the most impact. Certainly, most people agree that it needs to be a large movement. Some think it ought to be $100 billion, which is a huge amount—however, a relatively small amount of the gross national product. It is difficult to know.

This Congress has already passed $50 billion or more that has to do with defense and with repair in New York City. I question, of course, whether those expenditures will be made soon enough to have an impact on the economy and whether they, indeed, fit in as part of the economic package. I, frankly, am inclined to think they do.

Then we are faced with what should be the additional effort. It is my understanding the House-passed bill was nearly $100 billion in addition to what we spent, which is more than the President has suggested, I believe, which is $50 billion to $75 billion. We have that decision to make and, of course, what will most quickly and efficiently affect the economy. I believe we should have some parameters to decide in general what we want to do and then see how these individual items fit into it. One ought to be those things that we know will have an impact on the economy and do it in the short run.

Another is, since we are talking about shortrun remedies, we ought to be picking solutions that are not long term so we will have another opportunity after this economy has gathered some strength to take a look at them and see if they should be in place long term.

Obviously, when Members have tax issues and have been looking for a vehicle to put them on, they will be interested in putting them on a stimulus bill. We have to be careful this does not become a Christmas tree.

What do we do? There is the question of how much of this stimulus ought to be done in terms of the consumers' ability to purchase. What can we do about moving more money into the hands of consumers so they can do a redistribution of income?

On the other hand, how much of this package should be in the form of incentives for business, such as deferred taxes, or reducing the time for appreciation?

These are the issues we will have to decide. Many are interested in doing something with the corporate alternative minimum tax put in about 1985 as a reaction to some of the tax reductions that were made prior to that time, which have the effect, of course, of causing certain levels of income tax to have to be paid, regardless of whether there are tax breaks that can be taken advantage of otherwise.

So very many people in the business sector believe that could be changed. It would encourage the purchase of new equipment.

Some suggest a 5-year carryback of net operating expenses as another way to put money in the hands of business to create jobs and move forward. Accelerated appreciation is another area discussed. The House provision has a 30-percent reduction in the first year—again, to encourage businesses to invest in their equipment and in their inventory.

There are issues on foreign trade to make it more competitive for businesses. For individuals, there is talk about making tax reductions we put into place earlier this year more permanent, to not expire at a certain length of time. That has to be discussed. Capital gains reductions are quite often talked about. Some wonder if capital gains reductions will, again, have that short-term impact. Others have suggested the capital gains ought to be limited only to those purchases after September 11 to encourage purchases rather than sales. Any payroll tax deduction will provide an opportunity to put money into the hands of citizens, including those who are not paying income tax.

There are recommended vacation tax credits to get people on the move: To fly, to stay in hotels. The industry is suffering a good deal.

There are lots of opportunities. I am hopeful as we draw it up in the Finance Committee we have parameters to make sure they comply with our goals and our purpose and our motives. I think we can do that. It ought to be confined to short-term activities so we can review them again in the future. These are some of the things being discussed. They are very important.

Now we find ourselves faced with three different challenges: One is the war on terrorism; another is the economy, which has been impacted; and doing the things we do in everyday life and continue to deal with government operations. These are the challenges. I believe we will meet the challenges. We need to move forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the Chair explain the parliamentary matter now before the Senate?

The PRESIDING OFFICER. The Senate is now considering the motion to proceed to H.R. 2506.

Mr. REID. Potentially, if I am not mistaken, there is as much as 30 hours available under that motion to proceed; is that right, postcloture?

The PRESIDING OFFICER. We are not on a postcloture situation. There is no time limit.

Mr. REID. I say to the Chair, cloture was not invoked yesterday, so we are not bound by the 30 hours; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Unless something happens, we are on this bill forever; is that right? There is no time limit.

The PRESIDING OFFICER. We are on the motion to proceed.

Mr. REID. There is no time limit?

The PRESIDING OFFICER. That is correct.

Mr. REID. Is it possible to move to some other matter?

The PRESIDING OFFICER. Not while the motion is pending.

Mr. REID. Only by unanimous consent, is that right?

The PRESIDING OFFICER. The Senator is right.

Mr. REID. Unless the minority agrees to move to an appropriations bill or move to this appropriations bill or move to bioterrorism, it cannot be done without their consent; is that right?

The PRESIDING OFFICER. The Senator is correct.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I say to my colleague from Nevada, as he knows, we had a cloture vote on this appropriations bill, and we did not invoke cloture. We have what is known as a filibuster—not on an appropriations bill but even on the motion to proceed to the appropriations bill.

There is a time and a place for everything. I certainly would never abridge the right of any Member of the Senate to use the rules in any manner they prescribe for themselves or their constituents. It is in my judgment rather unseemly at this moment, given what is happening in this country, for this Senate effectively to be at parade rest—standing, sitting, waiting, doing nothing. We have appropriations bills that need to come to the floor of the Senate. They have been through the Appropriations Committee, but we cannot get them to the floor of the Senate because we have people objecting.

The other side says they don't want the Senate to do its business at this point, so they object. This appropriations bill is foreign operations. It is a critically important piece of legislation dealing with issues such as the security of our Embassies. Does anyone wonder at this moment and at this time, given the security threats we face at virtually every Embassy around the world, staffed by American citizens, whether we ought to wait to pass legislation dealing with Embassy security? I don't think there is not great cause for me to wonder. Of course we should. We ought to move this appropriations bill to the floor of the Senate, debate it, and pass it.

Let me go back for a moment to describe why I believe this should not be business as usual and why I believe it is unseemly for some simply to plant themselves at this moment and say: We are not going to allow the Senate to do anything. September 11 changed a lot of things in our lives. The heinous act of mass murder by perverted people changed a lot in the lives of all of us. This attack against our country, but basically an attack against freedom, makes everyone feel less secure. We have resolved from that moment to do things differently.

One of the things that happened almost immediately following the President's speech to a joint session of Congress was a new attitude and a new spirit in the Congress. All of a sudden, those who previously had been Democrats and Republicans, conservatives and liberals, were standing during debate, proclaiming themselves so described, all of a sudden those labels were gone. There did not seem to be any longer an "our" side and a "your" side or a "your" side and "my" side. There was only in this Chamber, and only in the House of Representatives, and only between us and the President, one side. It was our side. Just our side. We were all in on the same side, determined to try to deal with these cowardly acts of terrorism.

That, regrettably, has changed some. There is now a different attitude in recent days. Folks decided we shouldn't work together, that we shouldn't do the Senate's business, that we shouldn't pass appropriations bills, that we should essentially stall and stop. It doesn't make any sense to me. It doesn't serve anybody's interests. It doesn't serve the interests of the United States, and it certainly doesn't serve the interests of the American people.

I mentioned this appropriations bill has money for the security of our embassies all around the world. Is what we really want to do at this moment to slow down this process, to say embassy security somehow is not very important, that there is no urgency here? I don't think so.

I think our job ought to be to say these are important issues for the Senate to address—not tomorrow, not next week, but now. It is not just this bill. It is especially this bill today because that is what we are talking about, the motion to proceed to this bill, but it is so many other appropriations bills and so much additional work that we and the House must do together.

Aviation security, we did that bill. Antiterrorism, we did that bill. Neither has been done in a satisfactory way by the other body. So we need to resolve those differences, and that is critically important.

But most especially the business of the Senate is to take up important issues, including this bill from the Appropriations Subcommittee on Foreign Operations, debate it, and pass it. If someone here has heartaches about what is in it, offer amendments and have votes. God bless you; you have every opportunity in the Senate to do that. The rules allow you to do that. But it is not appropriate, in my judgment, to shut this place down because someone got cranky about something else. If you are in a bad mood, find another room, but at least here on the floor of the Senate let's try to do the Senate's business.

If there was ever an opportunity and requirement to demonstrate to the American people this is a new time and new day and we are facing threats in a new way together, this is the time to do it. Let's adopt these motions to proceed, pass these bills, and provide for the security of American embassies included in this bill.

Madam President, Senator DASCHLE, the majority leader, is present. I will yield the floor and allow him to proceed.

Mr. DASCHLE. Madam President, I compliment the Senator from North Dakota for his excellent statement. I don't think I could have said it as well. But I really appreciate the passion with which he has expressed himself.

These are important bills. We are going through international crises that demand leadership, demand responsiveness, demand that these bills get done. He said it so well. I hope our colleagues have the opportunity to hear him as I just did.

The PRESIDING OFFICER. The Senator from Alabama.

JUDICIAL NOMINATIONS

Mr. SESSIONS. Madam President, I would like to share a few thoughts with regard to the process of nominating and confirming Federal judges. We have had a problem, as I have seen it, in recent months, leaving us with an ever-growing backlog, one of the largest backlogs of judicial vacancies we have ever had. I would like to share a few thoughts about that.

One of the bases for rationalizing this apparent slowdown is the view that President Clinton's judges were not treated fairly. Many of you have heard that. I think we ought to talk about that straight up.

President Clinton nominated and got confirmed 377 Federal judges, almost exactly the number President Reagan had in his 8 years in office. They both had 8 years in office. He had one of his nominees, only one, who was voted down by this Senate. The rest we either confirmed or were pending when he left office.

When President Clinton left office, he had 41 nominees pending before this Senate, nominees who had not been acted upon. Historically, that is a low number. Under the leadership of Chairman ORRIN HATCH, the Senator from Utah, the chairman of the Judiciary Committee at that time, a Republican, he moved President Clinton's nominees effectively and gave them fair hearings, and for the most part they were promptly confirmed if they were deserving. That 41 nominees were unconfirmed is a rather low number, in my view. Really, 67 vacancies were in existence at that time in the Federal judiciary. We have over 800 Federal judges, and 60-some judges has generally been considered a normal vacancy rate. It just about takes that much time for the names to go up to the President, for him to consider them, an FBI background check to be done, to submit the nominee's name, they answer all the questionnaires we demand of them. ABA does a background check—and it just takes some time. So you seldom will be below 50 vacancies in the Federal judiciary.

However, we begin to see the numbers increase dramatically. Just a few days ago we had 110 vacancies in the Federal judiciary. Now I think it is 108 after the confirmation of the 2.

To me, this is too large a vacancy. Let me tell you why I am concerned about it. I will be frank with you about it. The reason I am concerned is that there is a sense in which this slowdown in confirmations is a part of a plan to block President Bush's nominees in an unusual and special way. Unlike anything we have seen before.

There was a report in the New York Times on April 30 of this year reporting about the private retreat the Democratic Members of this body had. The Republicans have those retreats, too. At that retreat, Professor Laurence Tribe, who is well known, Cass Sunstein, and Marcia Greenberger discussed with the Democratic Senators their idea to develop a "unified party strategy to combat the White House on judicial nominees." That was the New York Times reporting on that conference.

Professor Tribe and the others apparently advocated scrutinizing nominees more closely than ever in order to slow down the nomination process, stating that it was:

> . . . important for the Senate to change the ground rules and there was no obligation to confirm someone just because they are scholarly and erudite.

This is the same Laurence Tribe who was very active in the Bork nomination and Thomas nomination fight and actually wrote a book in 1985 titled "God Save This Honorable Court" in which he talked about the strategy of blocking judicial nominations.

Before we had gotten started in this process, those of us on this side had cause for concern because there was a stated policy of changing the ground rules or to block President Bush's constitutional ability to have his nominees treated fairly and confirmed, if fit and qualified.

Subsequent to that, we began to have a number of hearings in the courts subcommittee, of which I am the ranking Republican member. The first hearing dealt with a suggested change in how we ought to do nominations. The change and question was whether or not ideology should be considered in the judicial process. That has been generally rejected consistently.

Invited to testify on that panel were Cass Sunstein, Laurence Tribe, and Marcia Greenberger—surprise, surprise. Also invited to testify was Lloyd Cutler, former White House counsel to a Democratic President, and a man of great respect in the community.

In his remarks, he differed with those other professors, however, and made clear that he opposed—and quoted a commission of which he was a member—making politics and ideology a factor in the confirmation process.

If someone has an obsessive political or personal or ideological view that would keep them from being objective in analyzing facts and law, they ought not to be confirmed. But just to say that you are a liberal Democrat—as overwhelmingly the 377 judges confirmed by President Clinton were—that you are, therefore, not qualified, or if you are a conservative Republican you are not qualified to serve on the bench would be a historic change in the ground rules all right—not a change they suggested ought to be done before President Bush took office but a change they suggest only after their President left office. We have a new President. So we are concerned about this.

The first hearing was suggesting that we ought to have a higher role of politics in the judiciary. Lloyd Cutler, to his credit, and other professors who were members of that panel, also to their credit, were firmly opposed to politicizing the judiciary. It is a dangerous thing:

I was a U.S. attorney for 12 years and assistant U.S. attorney for 2. Almost 15 years of my life was spent practicing law and trying cases full time before Federal judges. I didn't always agree with them, but I will say with great conviction that they were wonderful judges—men and women of integrity and ability who did things right. If you had the law on your side, you could be expected to prevail. If you went to court and said: I have cases that say this evidence is admissible, Your Honor; I have evidence that says their document is not required to be produced in this hearing, Your Honor, and if you could show the judge that, you could almost always count on them to rule correctly according to the law, whether they were Republicans or Democrats.

This idea that somehow, if you are a liberal or a conservative, you are therefore going to allow that to affect your ability to control a courtroom and do justice to people is wrong and dangerous. And I am nervous that we would suggest to the American people that this is so. I do not believe it is.

At one of our hearings recently, when I asked Senator FRED THOMPSON from Tennessee, a skilled lawyer, if he believed in his experience as a litigator that he could expect unfairness or a difference of views on issues simply because of who appointed the judge to the bench, he said he did not. His experience as a judge was normally expected to rule correctly on the law and the facts. Certainly that has been my experience over the years.

Actually, I would add parenthetically that is one of the great reasons for our strength and health and economic prosperity as a nation. We have a rule of law. Whether you are a British corporation or a corporation from any nation in the world or a domestic corporation or an individual or a poor person or a rich person, we believe in the ideal and in the reality that person would receive equal justice under law. Indeed, those are the words chiseled and engraved into the front of the Supreme Court building across the street—"Equal Justice Under Law." That is the American-British—Anglo-American—legal ideal that we have adhered to effectively. Nations where that rule of law has been commonplace and followed have prospered. I have come to believe in recent years as I have gotten older that if you examine nations that are not doing well economically, that do not have freedom and the things we have, it is fundamentally because they lack a rule of law. You can't invest, you can't plan, and you can't develop a long-term goal for the future and save money today in order to expand your business tomorrow if everything is unstable, and if you have to pay off politicians and never know what the law is going to be.

We are blessed with a rich heritage of law that is so valuable that we should never see it undermined. We must protect it. The last line of the great hymn is our liberty and respect of the law. The American people respect law. We must do that. We must further that, and not create this image by a bunch of politicians in a committee room suggesting that what goes on in courtrooms throughout America is political and not based on law and fact. That would undermine public respect for law. I believe that very deeply.

I was sorry that we went off on that tack. It was a good hearing. The chairman was very fair and everybody got their say. It was probably a good thing to talk about it and get it out in the open. I don't dispute that. But I think it is important that we in this body do not suggest to the American people that politics affects the law out in the field in the courtrooms all over America because it, in my view, does not.

The second hearing we had was on the burden of proof. It was suggested in these hearings that the burden of proof is on the nominees to prove somehow that they ought to be confirmed. That would be a big change in policy. I do not know what you are supposed to do. Are you supposed to come to a judiciary hearing with 100 of your best friends? What are you supposed to do?

What we do know is that the process has served us pretty well over the years. The President of the United States gets to nominate Federal judges under the Constitution. He solicits information back from the district involved or the circuit that is involved. Names come up to the President. He evaluates them and decides whom he is going to nominate.

They do a pretty good job, frankly, of asking around, finding out if there is any trouble in the person's background, would they make a good nominee. In my view, as the years have gone by, the President has been even more intent on getting people who will be good judges than people who might be political friends or things of that nature. So that goes up.

The President tentatively selects a nominee. This is the person they would like to submit. They do their own checking around. Then they give it to the FBI, and they do an intensive, full field investigation. The agents interview anybody with whom that person has worked. They interview people who have litigated against them. They interview judges before whom they have practiced. Then they come back with an FBI report. They find out whether or not they have been arrested, whether or not they have had drug abuse problems, or any other problem they might have in their background. They will interview an ex-wife, people who may have a basis to complain, and they put that in the report.

So the President has that report. Then he decides whether or not to submit the name. And that report is available to all of us in the Senate—only the Senators—in confidential form. We can go and examine that report. If we see something we do not like, even though the President has approved that person, we can oppose a nominee on that basis. So that is the way the system works.

After the nominee hits the Senate, the Senate sends a big questionnaire to the nominee. First the President submits a big questionnaire to the nominee, and depending on the investments and the career of the nominee, the questionnaire can have hundreds of pages of responses to all these questions. Then we have another one from the Senate. That one is done. Then the ABA, the American Bar Association, goes out and does their background check. They talk to judges. They talk to lawyers. They talk to the president of the local bar association, the president of the ABA, the members of the ABA from that community. They talk to people who have litigated in intense situations with the nominee. That is an important factor. In the pit, in the depth, in the intensity of a big-time lawsuit, if the person has character flaws, they will usually show up. Most lawyers are pretty objective. They will fairly evaluate a person they have litigated against, and they will tell the ABA and the FBI what they think about them.

So then the ABA makes their recommendations as to whether or not this nominee is "qualified" or "exceptionally well qualified."

I think that is a pretty good process. So I suggest it is not wise at that point to say: Mr. Nominee, after you have done all these things, it is your burden, as we sit up here as Senators, to convince us, after the tremendous career you may have had in the practice of law—maybe you have a well-qualified rating—you have to convince us to vote for you. I do not know how you do that.

I think the record speaks for itself. Historically we have not had that as a standard. In fact, in the first 125 years of this country's existence we never even had hearings on the nominees. If something came up on a nominee that the Senate did not like, they could object, but they did not even have hearings on the nominee. I do not mind an objection to hearings; it is probably a healthy thing. The Senate should not be a rubber stamp. But also we should not put that burden on the nominee, after they have done all that, before they are confirmed.

So, Madam President, we will also have another series of hearings that are designed to intensify a basis for opposition to President Bush's nominees, all of which I think is a dangerous direction. So I say all that as a matter of background. That is not myth. That is not an unfair characterization of where we are.

There is a move, apparently, by some, to change the ground rules of confirmation. It has, apparently, already begun to infect our process.

I have some charts in the Chamber I would like to show that depict where we are in terms of vacancies in the Federal courts today.

In the 103rd Congress, there were 63 vacancies at this same time period. This was during a time when Senator BIDEN, a Democrat, chaired the Judiciary Committee.

In the 104th Congress, there were 65 vacancies during this same time period. Senator HATCH was chairman of the Judiciary Committee. There were 65 vacancies. This was during President Clinton's administration.

Then, with a Republican chairman, a Republican majority in the Senate, and a Democratic President, Chairman HATCH got the number down to 50 vacancies.

Then in the 106th Congress, the last year of President Clinton's administration, there were 67 vacancies—just about the traditional average. In fact, historically they tend to be a little higher in the last year of an administration.

But now, just a few months later, the vacancy rate has surged from 67 to 110. Perhaps it is 108 today after those confirmations, but that is an unhealthy trend. I believe President Bush and those who want to see him have a fair day for his judges have a right to be concerned in light of particularly the statements that they want to change our ground rules.

One of the things we have found, as we have looked at the process, is that the Senate, regardless of who is in the majority party, has done a good job of confirming judges who were nominated prior to August in that first year. In other words, from January through July, the President submits his nominees, as he can. It is a little difficult for him at first because he has a lot of people to appoint—he has a Cabinet to select, and new things are happening for the President in those first months—but, fundamentally, we have seen that the President has done very well with the nominees he has submitted.

President Reagan, in his first year in office, was able to get every judge he nominated, prior to August, confirmed before the Senate recessed for the year in November or December. He had 100 percent confirmed.

Former President Bush got 100 percent of his nominees confirmed during that time.

President Clinton got 93 percent confirmed. I think there was one judge who did not get confirmed who was nominated before August. This was under President Clinton and a Republican Senate—well, maybe it was a Democrat Senate at that time. They did not confirm one, but all the rest were confirmed.

But under this President, President Bush—and we are coming along to the end of this session; there are people saying we ought to be out of here in a month or less—has only gotten 18 percent of those judges confirmed.

I know there have been some things that have happened that make it a little difficult, but, frankly, I think we ought to work a little harder. We have had a change of party, and we have had an attack on America that has disrupted us in many ways. But many of these nominees, you have to understand, are highly rated by the ABA. They are highly respected by their local men and women in the bar association, and no one objects to them. They have no objections against them. Republicans and Democrats back home support them.

There is one from my district. She worked for me. She was hired as an assistant U.S. attorney under President Carter. She worked 12 years for me. Absolutely wonderful. She recently received a unanimous "well qualified" rating. She has no political agenda. A lot of these nominees are like that, just good lawyers, men and women of integrity and ability. They need to be moved forward. We could be a lot further along than we are today.

One of the reasons we are behind is that we are not bringing enough of these noncontroversial judges, or any of the judges, forward at hearings on nominations.

Under the heading "judicial nominees per hearing," in 1998, they had 4.2 judges as the average number per hearing to be confirmed.

We have a hearing in which the judge appears and answers any questions Senators might have. Later there is a vote within the committee whether or not to confirm.

You can't have a vote in the committee until there has been a hearing to take information and question the nominee about anything anybody would like to ask. So the hearing is a critical step in getting confirmations. In 1999, it was 4.2. In 2000, it was 4.2.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate now stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. A motion to proceed to H.R. 2506.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, as the ranking member of the Foreign Operations Appropriations Subcommittee and coauthor of the bill with the Senator from Vermont, obviously, I would like to see the bill pass, and pass sometime soon. But the point this side of the aisle made yesterday afternoon is that we do need to have some cooperation in moving forward on the President's nominees for the circuit district courts across America.

An essential part of our job in the Senate is confirming these judges. The President has nominated judges to fill these vacancies at a record pace.

In fact, his first 11 nominations were sent to the Senate on May 9 of this year, more than 2 months earlier than any of the previous 3 Presidents in their first years. Of these 11, all received either the highest or second highest rating available from the American Bar Association, and all have had their paperwork complete for many months. In eight situations, there were formal judicial emergencies. Yet only three have received a hearing.

This is the situation in which we find ourselves. Looking back at recent history, looking at the first year of each of the three previous administrations, with one exception, every judge nominated before the August recess was confirmed before the end of the year.

Let me repeat that. Looking back at the last three administrations, in the first year of each of the last administrations, every judge, with one exception, nominated prior to the August recess was confirmed in the first year of those administrations.

There is simply no good reason to move so slowly. It is easy to have hearings, and when you have hearings, it is easy to have a number of different judges at that hearing. I am sure the chairman has made the point that he has had a number of hearings. The problem is we have not done any judges at the hearings. So we need to give these outstanding nominees an opportunity to have their hearings, to have their votes in the Judiciary Committee, and to have their votes on the floor of the Senate.

Part of fighting the war on terrorism is to have a judiciary that is adequately staffed. There is a very significant, a very high vacancy rate currently in the Federal judiciary across America.

This pace we have been following is just painstakingly slow and is really not necessary at all. As time passes and we do not have serious action on judicial nominees, the situation gets worse. Just today, another judge, Charles Wolle of the Southern District of Iowa, announced he has taken another status.

Another day has gone by, and we have lost another judge. The vacancy situation has now risen to 109, which is almost 13 percent of the Federal bench. That means that more than 1 out of every 10 seats is unfilled. Justice delayed, as we all know, is justice denied. And if there is not a judge on the bench, obviously you cannot get justice.

The situation is much worse than it was just a couple of years ago when our colleagues on the other side of the aisle were urging action on judges. I want my colleagues on both sides of the aisle to understand that I am not engaging in hyperbole. My conclusions are based on the specific standards articulated by our Democratic colleagues.

For example, just last year when there were only 76 vacancies—at the moment we have 109 vacancies—just last year when there were only 76 vacancies, Senator DASCHLE stated:

> Looking at those figures, one might assume we have no pressing need for Federal judges. In fact, just the opposite is true. Today, there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as "judicial emergencies." The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country.

That was March 8, 2000, at the time there were 76 vacancies, just 18 months ago. Now there are 109 vacancies and very little to no action has been taken.

Some of our colleagues have tried to shift the blame to the President for our lack of progress, but this is clearly not the case. As I indicated at the beginning of my remarks, President Bush has submitted more nominees to the Senate and at a faster pace than any President in recent memory.

Specifically, he submitted his first batch of nominees in May, a full 2 months before President Clinton submitted his first nominees. The administration has done an extraordinary job. President George Bush has gotten his nominees up here 2 months before President Clinton got his first nominee up. By the August recess, President Bush had submitted 44 judicial nominees, another record. So the President and his administration, on the issue of getting nominees vetted and up to the Senate, has clearly surpassed recent administrations.

You cannot blame our lack of progress on the change of control of the Senate and the time to get an organizing resolution because after the change in Senate control, 9 different Senate committees held 16 different nomination hearings for 44 different nominees before reorganization was completed.

Let's go over that again. It has been suggested that somehow the shift in control of the Senate slowed down the consideration of judges. Yet since the shift in the Senate, since the reorganizing resolution was passed, 9 different Senate committees held 16 different nomination hearings for 44 different nominees before reorganization was completed, and one of those committees even held a markup during the reorganization period. I am talking about the period during the discussion of reorganization.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were pending before us.

Let's take a look at that one more time. I am talking about the 3-week period when we were discussing how to reorganize the Senate. The Senate had shifted hands to the Democrats, and we had a 3-week period where we were discussing how to reorganize. During that 3-week period, 9 different Senate committees held 16 different nomination hearings for 44 different nominees prior to the reorganization discussion being completed. One of those committees even held a markup during the reorganization period.

During that 3-week period we were discussing reorganization, after the Senate shifted hands to the Democrats, what was happening at the Judiciary Committee? Absolutely nothing. It did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending before us.

The notion that nothing could be done during the period we were discussing how to reorganize the Senate certainly did not affect these other nine committees that were holding hearings and in one case even held a markup on nominees for jobs other than the judicial jobs.

It seems to me the reason for our slow progress has been a lack of efficiency. While we have had some hearings, we have not come close to getting the most out of the hearings. In fact, it seems as if we have gotten the least out of the most. Specifically, during the period from 1998 to 2000, the Judiciary Committee averaged 4.2 judicial nominees per hearing. This year we have averaged only 1.4 judicial nominees per hearing. That is a pace that is three times as slow.

The issue of having hearings is not as significant as the question of what did you do in the hearing.

As I indicated, if you average up the number of judicial nominations dealt with per hearing, in 1998 it was 4.2 judicial nominees per hearing in the Judiciary Committee; in 1999, 4.2 judicial nominees per hearing; in the year 2000, 4.2 judicial nominees per hearing.

This year, strangely, we have only dealt with 1.4 judicial nominees per hearing. The number of hearings is interesting but not relevant to the subject of processing judges because we have had only 1.4 judges dealt with per hearing even though each of the last 3 years there were 4.2 judges per hearing. Obviously, we can do a lot better than that. It is not too late. The session is not over. It is not too late for the Senate to act, at least on the remaining 38 judicial nominees who were submitted to the Senate before the August recess.

In the last three administrations, of the 30 judges submitted before the August recess, 23, or 77 percent, were confirmed in the fall after the August recess.

I have to quote a colleague, the chairman of the Judiciary Committee, on our ability, if we set our minds to it, to do this. Last year, when there were only 60 vacancies, Senator LEAHY said: Having begun so slowly in the first half of the year, we have much more to do before the Senate takes final action on judicial nominees this year. We misused all the time for adjournment to remedy the vacancies that have been perpetrated on the courts to the detriment of the American people and the administration of justice. That should be a top priority for the Senate the rest of the year.

This was Chairman LEAHY, last year, dealing with the very same kind of situation, which is to get our work done on judges, a year in which we were doing way more judges than we have done so far this year.

I must correct my colleague from North Dakota who earlier today said our failure to act on the foreign operations bill, which I care deeply about, is jeopardizing much needed funds for embassy security. As the ranking member on this bill, I assure my colleagues that is not the case. The money for embassy security is not in the foreign operations bill, not in this bill at all. It is in the Commerce-Justice-State bill. So nothing is being jeopardized by the failure to pass the foreign operations bill on one day versus a few later, after we reach an understanding on how to deal with the President's nominees sent up before the August recess.

In sum, all we are asking for is a specific concrete commitment to have President Bush's nominees treated in the same manner as nominees of his predecessors. Until we get such a commitment, I think it is clear from yesterday's vote it will be difficult to make progress on the appropriations bills. Let me again say, as an appropriator, as a former chairman of the foreign operations subcommittee, and now ranking member, I certainly would not argue that the bill is unimportant. It is an important bill. A long time ago, we learned how to walk and chew gum at the same time. We can do more than one thing. We can have hearings before the Judiciary Committee. We can deal with more than 1.2 judges per hearing. We can get our work done. We can get judges out of committee. We can get them voted on and pass appropriations bills at the same time.

I hope sometime in the next day or two we will be able to reach an understanding as to how to go forward on both of these important issues, the foreign operations bill and the confirmation of the President's nominees, or at least a vote on them—Senators can certainly oppose them if they choose but vote on the nominees who came up before the August recess as we have done in previous years for other Presidents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have worked with Senator DASCHLE for 20 years. I have served with him almost 20 years, or very close to 20 years. When I came to Washington, he already was a veteran legislator. Since the first time I met him until just a few minutes ago when I talked with him, he has been one of the nicest, fairest people I have ever met. As a legislator, he qualifies as being outstanding. As minority and majority leader—and I have served under a significant number of them—he is unparalleled. He has the ability to understand issues, to work with people of all different persuasions and never, ever lose his patience and always has enough time to talk to someone. I am amazed at the ability he has, as harassed as he appears, to me, to be with people wanting this and wanting that, to take time in a lengthy telephone conversation with someone who has an issue.

The only reason I am saying this, the minority doesn't understand the problem they have; that is, we have said we are going to move judicial nominations as quickly as we can. And we are. And we have. All of the cajoling and threatening they do on the other side will not get them any more judges. We are doing the very best we can.

For the whole time that Senator HATCH was chairman of the Judiciary Committee—and Senator HATCH is someone about whom I care a great deal; he comes from the neighboring State of Utah. I like him; I have no criticism of Senator HATCH. He never, during the time he was chairman of the committee, to my knowledge, held confirmation hearings 2 weeks in a row. We are going to do that. Maybe it will set some dangerous precedent where we will have judicial confirmation hearings 2 weeks in a row, but we are going do that because it is the right thing to do.

My friend, about whom I care a great deal, the Senator from Kentucky, and I have worked together on a number of issues. As stated, it will be difficult to make progress unless something happens on the judges. I don't know what they want us to do to make progress on the judges. We cannot guarantee this many or that many.

I spoke to Senator LEAHY four times today on the judicial nominations. I have spoken to his staff. He is trying to come up with people for the hearing next week, but the paperwork is not in on the vast majority of the people. He cannot do the hearings unless the paperwork is completed.

It is interesting, but you cannot do the hearings without the FBI report. You cannot do the hearings without the Justice Department reporting. You cannot do it unless all the paperwork, which is very traditional, is in. And it is not in. The fact they have sent people down here doesn't mean the paperwork is done. This isn't paperwork we invented. It is paperwork that has been traditional in trying to find out if this person should be a member of the Federal judiciary.

As my friend from Kentucky said, it is difficult to make progress. He also said: You can do two things at once. That is what we have heard today.

The Senator from Wyoming said we can do two things at once. Of course, we can do two things at once. But we are not even doing one thing. These appropriations bills are extremely important.

Mr. MCCONNELL. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. MCCONNELL. On the issue of paperwork, according to my staff, 29 of the judges have all the paperwork—29.

Mr. REID. I say to my friend from Kentucky, I don't know where you are getting this information.

Mr. MCCONNELL. As a member of the committee, it is not a secret. We are entitled to know that.

I am saying to my friend I believe the paperwork is completed, entirely completed, on 29 judges who are before the committee. A couple have had hearings.

Mr. REID. Senator LEAHY, to whom I spoke several times today, has indicated to me that the paperwork on the vast majority of the confirmations the President is seeking has not been completed. I also would say, in response to my friend from Kentucky, regarding the chart, "Judicial Nominations Per Hearing," the fact is, of course, the number of judges per hearing has some merit. But also it is acknowledged that Senator LEAHY has held more hearings. So even though you do not do as many judges per hearing, if you do more hearings, it all adds up to the same thing anyway.

As I have said here on several different occasions, you can prove anything with statistics or disprove anything with statistics. The fact is, we are ready to move forward on appropriations bills—"bills" in the plural.

Senator MURKOWSKI comes to the Chamber every day saying, let's do something on an energy package. We can't. We can't until we finish the business at hand.

The continuing resolution is going to run out in a few days. Then we will need a third continuing resolution. It is 3 weeks until Thanksgiving. I hope the Senator from Alaska understands that there will be no energy bill, nor can there be, until we finish the work that we have. And the work now before us is the Foreign Operations Export Financing, and Related Programs Appropriations Act for 2002. My friend from Kentucky says it is a good bill and he supports it.

Some are saying this is not all about judges; it is about having one big appropriations bill. This is a way to stall our individual appropriations bills and then we can have one big bill and go home. I think that would be too bad. There are specific things this administration has requested in this bill that will not happen unless it is done in this bill. It will not be done with a continuing resolution.

We have people, especially from the heartland of this country, but there are others, of course, who also care a great deal about a farm bill. We can't take up a farm bill until we finish these measures that are now before the Senate, foreign operations and the other appropriations bills.

I don't know what magic is expected. Of course, it is difficult to make progress, as my friend from Kentucky has said, when we are not allowed to go forward on any legislative matters. As I have said on a number of oocasions, we have not held up judges saying we are going to hold these until we are able to move forward on appropriations bills. When there were judges last week, we reported them out. We have done that on all nominations. We have reported them out.

There was talk this morning, why haven't you done all the Federal marshals? We haven't gotten any. The Judiciary Committee doesn't have any U.S. marshals. We can't report them out if we don't have them. Why don't we do U.S. Attorneys? There may be some who know better than I, but we have never seen a slower process in sending down U.S. Attorneys. Last week we reported 14 of those we have. We reported out 14 attorneys. I am sure they have all taken their oaths of office by now.

We are going to move forward as rapidly as we can on judicial nominations. If the minority doesn't want us to do the appropriations bills, then that is something they can do procedurally. They can stop us. They can bar us from doing that. But in the process, the important work of the Senate will not get done.

No matter what happens with the minority, we are going to move forward in good faith and get as many judges, U.S. Attorneys, and U.S. marshals as we can. Whatever they decide to do on the other side is not going to change the number of judges we are going to do. We are going to do the very best we can because we also believe it is important to the country to have a full staff of U.S. marshals, full staff of U.S. Attorneys, and a full Federal judiciary as quickly as we can.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. I say to my friend from Nevada, the dispute is not about U.S. Attorneys or U.S. marshals. That is not why all the Republicans voted against cloture on the motion to proceed to the foreign operations bill yesterday. It is about the judicial nominations.

Mr. REID. Let me ask one question.

Mr. MCCONNELL. I yield for a question.

Mr. REID. I didn't bring up the number of U.S. marshals and U.S. Attorneys; various members of the minority brought this up as a form of criticism. And I am glad that is not a criticism because on those there really is no dispute; we are doing the very best we can.

Mr. MCCONNELL. Even on U.S. Attorneys, there are a number before the committee—I don't have the number before me—that have not been acted upon.

The concern of the Republican conference, I assure my friend from Nevada and Members of the Senate, is not about U.S. Attorneys and about U.S. marshals. As we all know, those offices have a number of professional civil servants. In the U.S. Marshal Service and the Assistant U.S. Attorneys, typically when there is a U.S. Attorney vacancy, there is an acting U.S. Attorney. They are able to function. But a judge who isn't there can't rule. When you have a judicial vacancy, you have a vacancy. There isn't such a thing as an assistant judge, a civil servant who can sit in cases and make rulings. The U.S. Attorneys offices are functioning. The U.S. Marshal Service is functioning. Absent judicial seats do not function.

With regard to whether or not all the paperwork is in, I say to my friend from Nevada, I do now recall that the chairman has prepared a new questionnaire that he has sent out, I am told, over the last couple of weeks. Since there is a brandnew questionnaire that just went out in the last couple of weeks, it could be some of those are not in. But until the last 2 weeks, the understanding of the committee was that the completion of the ABA report completed a file. That has happened with 29 of district and circuit judges who are ready to be acted upon. It is time to move.

I see my friend and colleague from Arizona is here. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wanted to make a couple of comments and then I know the Senator from Iowa wants to speak to a subject which is very, very important: U.S. relations with Pakistan. I am anxious he have that opportunity so I will be very brief.

One of the things the Senator will say is that Pakistan has really stuck its neck out in support of the United States position in this war against terrorism. Pakistan is in a very dangerous neighborhood, and the United States has to do everything we can to support Pakistan in its time of need.

Almost all of us in this body, and certainly the administration, agree with that proposition. So we are going to have to do everything we can to assist them. By the way, there are some things in the appropriations bill that will be before us, hopefully relatively soon, that will assist in this regard as well. In the meantime, there are a lot of other things we can be doing to assist Pakistan.

In response to what has been said here with respect to the motion to proceed on the Foreign Operations bill, Senator MCCONNELL is absolutely right about the delay that has been occurring in the consideration of judges. As he has said, he is the ranking member of this appropriations subcommittee and has chaired the subcommittee for the last several years. While it is important to get the foreign ops appropriations bill before us, the fact is we are going to have a foreign ops appropriations bill. We have a supplemental that covers the situation until then, so there is not a single day that goes by that we are not providing the money that is called for under this legislation. So this is not about holding up the Senate's business or holding up the Foreign Operations Appropriations Bill. All of that is going to be done. That is not the issue before us.

The issue before us is occasioned by the fact that there were some who said we are so busy we just can't get to these nominations. My response is: Fine, we will just call a time out until we can catch up with some of the nominations. In each of the three preceding administrations—the Reagan administration, 8 years' worth: the Bush administration, 4 years; and 8 years of President Clinton—in their first year every single one of the nominees that had been sent to the Senate by the August recess were confirmed by the end of the year with only one exception. Yet it is going to be virtually impossible for that to occur now. There were 44 nominees sent up by President Bush before the August recess. We have confirmed eight. That leaves 36. At the pace the Judiciary Committee, of which I am a member, is holding hearings, we are not going to be able to complete work on even half of those nominees.

Part of the reason we have tried to focus attention on this matter is to say we have to get to work in the Judiciary Committee. We have to have the Judiciary Committee hold hearings, approve the nominees for consideration by the floor so all of us can then consider the nominees. They are going to be approved on the floor. I doubt very many, if any, are going to be disapproved. But certainly, in any event, whether you like the nominee or not, the argument has been made for years that they at least deserve a vote, and I think all of us would agree with that. So we have to do something to take up consideration on these nominees. Time is short. We have only another 4 or 5 or 6 weeks to go in this session.

If we don't get to work here pretty soon, we are not going to be able to confirm the same percentage of judges that have been confirmed in prior administrations.

There have been two parliamentary or rhetorical tacks taken by those on the other side of the aisle. One is the red herring, the President hasn't sent up very many nominees for U.S. marshals. That has nothing to do with the fact that a whole lot of nominees are pending for judge. I daresay, as important as the marshals are, the judges are more important. We have got to get them confirmed.

Then there was the comment that the President could send up a lot more U.S. attorney nominations than he has. Again, it is a red herring. He could. We will confirm them, too. They are also important.

But let's get back to the judges. In other words, let's stop trying to change the subject. President Bush has nominated more candidates for judgeship at this point in his Presidency than any of the past three Presidents.

With respect to nominees to the court, the President has done his job. Granted, he got a bit of a late start because his term as President got a bit of a late start because of all of the business following the election results. But, once he got started, he named nominees at a faster pace than his three predecessors.

That is what is pending before us—60 nominations with only 8 confirmed. We are saying that all of those ought to be considered by the Senate and by the Judiciary Committee. But, at a minimum, those nominated prior to the August recess should be considered by the full Senate.

Mr. McCONNELL. Mr. President, if the Senator will yield, the Senator is right on the mark. It is not too late to do the right thing, which is one of the points we are trying to make to the Senate and to the country. In those first years of those three administrations to which the Senator made reference—and I have talked about others—77 percent of those confirmed were confirmed after the August recess, which means it is not too late.

The idea some on the other side of the aisle may be thinking—that we can't possibly replicate the standard here—is not true. It can be done. We simply need to have hearings and have more than 1.4 judges heard per hearing. Hearings don't mean a whole lot if you are not having judges before the committee.

I commend the Senator and echo his thoughts. It is not too late to do the right thing. That is what we are saying.

Mr. KYL. Exactly. At the rate of 1.4 judges per hearing, there is no way we will be able to have enough judge nominations that can come to the Senate floor for confirmation before we adjourn for the year. That is why we have to not only have more hearings but we have to have more judges at each hearing.

Basically, there are a couple of dozen, or more, of these pending 36 that haven't had hearings. That means that even if you have one hearing per week rather than one per month, and you have maybe five candidates per hearing, you are just barely going to be able to have enough hearings to get the candidates voted on and get them to the Senate floor in order for us to be able to confirm them before year's end.

While it is true that it is not too late, it will be too late if we don't get a commitment right away to have the Judiciary Committee hold hearings for the candidates and have business meetings at which the committee can then vote on them, and then have the ability for the full Senate to take up the nomination.

To further validate what the Senator from Kentucky just said, the fact is that in almost every case in the past several years the nominees are voted on as a bloc by voice at the end of the day, or by a unanimous consent. In other words, the majority leader will usually stand up and say: I ask unanimous consent that we now go to Executive Calendar number such-and-such and consider the following 14 candidates for judge. The clerk reads the names. Is there any objection? Without objection, it is so ordered. It is done. That is all the time it takes.

It is true that the chairman of the Judiciary Committee since June has insisted on rollcall votes on the Senate floor. That is fine, too. That takes 20 minutes per judge. We can do that. We can have debate before that. No problem. We are saying that we now have an opportunity do to that; let's do it.

I want to make the point that you can try to change the subject if you want, but you can't deny that we are not moving as rapidly as possible. For anybody to stand here and say we are moving as rapidly as possible runs counter to the facts. We could be holding hearings. We are not. We could be voting to approve those who have had hearings. We are not. We could bring those people to the floor for a vote. We are not doing that. It is simply incorrect to say we are moving as fast as we can or that we are doing as much as we can.

Unless somebody brings all of this to the attention of the American people and also the other people in the body, this matter simply slides until it becomes too late to consider those candidates.

We should not be using the horrific events of September 11 and the business we have had since as an excuse not to take action on a matter. In fact, one can make the argument that it is more important than ever that we fill these important positions. That is simply the point I wanted to make.

But I want to defer now to the Senator from Iowa who I know has an important point to make about this war on terrorism and the position of the United States in supporting one of our allies, in particular the country of Pakistan, something that is very important for us to do. In advance, I applaud his remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

THE NATIONAL AGENDA

Mr. NELSON of Florida. Mr. President, we are in times when it seems we ought to be doing what is on the top of the national agenda. Meeting this terrorist threat, providing the resources to our military, and providing the humanitarian assistance in our efforts in Afghanistan clearly should be at the top of the agenda.

In meeting the national economic condition we have seen as a result of the airlines having the difficulty of getting their passengers back, it took us 3½ weeks to get the aviation and airline security bill passed in this body. When it finally passed last Thursday, it was on a unanimous vote. But it was filibustered. We had to go through all the motions of breaking the filibuster to finally get it to where we would get a unanimous vote because different people had different agendas.

So, too, we find ourselves now with the foreign operations appropriations bill being held off and last night having the motion for cloture defeated. We couldn't get 60 votes so that we could proceed on this very important appropriations bill that directly affects what we are doing on the other side of planet Earth at this moment. We simply must move swiftly to conduct the business of the American people.

There is no more urgent pending business than this foreign operations bill that we are simply trying to get to, but we keep being held up in the Senate. This foreign operations bill gives the administration and Secretary of State Powell the resources and tools needed to build the international coalitions that are so necessary in fighting this war on terrorism. It is clearly necessary for us to be able to successfully conduct the operations of Enduring Freedom.

Specifically, this bill provides funding for the important international initiatives vital to conduct U.S. foreign policy.

If this foreign operations bill does all of that, why are we having the difficulty of getting to it? Why can't we have our debates where there might be disagreement on something other than a bill that is so important to the national agenda and supporting our men and women in uniform over in the central Asian region of the world?

Let me talk about something else that this bill does. It provides $5 million for Afghan refugees.

Why is that important? It is important because we have a major two-pronged effort in Central Asia. We have the military effort, and we have the humanitarian effort. We are dropping food. We want to be able to win the hearts and minds of those people. We want to take the example of what has happened in North Korea, a communist dictatorship, where we have sent bags of food that the people of North Korea know have come from the United States because the bags say, in the native language, "This is a gift from the people of the United States of America," and those people know it. Because of their starvation, those North Koreans are very appreciative.

Do you know what they do with those bags, those sacks after, in fact, they have eaten the food? They use that material from the sacks for clothes, for suitcases, for anything that human ingenuity can think of to use those sacks. They recognize that the food has come from the United States because it says, in their language, "This is a gift from the United States of America." So we have been very successful in doing that.

So we ought to take the model of what we have done so successfully in our humanitarian aid in North Korea and apply it in Afghanistan. Secretary Powell came over to discuss a lot of these matters with the Foreign Relations Committee and this matter was brought up to him. He thought that was an excellent idea. But part of it depends on us passing this bill, this appropriations bill, which has $255 million for Afghan refugees. And we cannot even get this bill up because yesterday we only got some 50 votes to break this filibuster so we could get this bill to the floor.

So here we are, still debating the motion to proceed. It is inconceivable to me, with what is at stake for this country and the interests of this country over in that part of the world near Afghanistan, that we have people who are delaying this legislation coming to a swift passage.

Let me give you some additional items in this bill. There is $326 million in this appropriations bill for nonproliferation, antiterrorism, demining, and related programs. One of the big problems is, even from the old days of the Afghan war with the former Soviet Union, there are so many mines that for our troops, once they are in there, or for nongovernmental companies going in to distribute food, there is the risk of detonation. We need to be in there demining.

This foreign operations appropriations bill provides money for that. Why can't we get on with passing this legislation instead of it being derailed by a filibuster?

This bill also includes $4 million for a terrorist interdiction program designed to enhance border security overseas to reduce terrorism. It also includes $38 million for the antiterrorism assistance program to support training and emergency and first responder training.

Additionally, the bill provides important bilateral assistance to nations that are so important to both the Middle East peace process as well as fighting terrorism. It provides foreign assistance of $2.7 billion to Israel, almost $2 billion to Egypt, and $228 million to Jordan. Need I remind you how important the King of Jordan and his government are to us as we knit together a coalition of Arab and Muslim nations to assist us in this war on terrorism. Yet we have people who are delaying this legislation for their own agenda. Their own agenda may be important to them, but is it as important to us in America as the war against terrorism?

Let me suggest some other things this legislation says. It provides assistance for the independent states of the former Soviet Union—now get this—the Ukraine, Armenia, Georgia; former states of the former Soviet Union, now independent states that are absolutely critical as we knit together the coalition in this war against terrorism. U.S. support and assistance in these nations are needed now, and it is in our national security interests. Yet the legislation is being delayed. It is being filibustered in this Chamber.

There are also other items in this legislation. We must keep the focus on the Andean region. This bill provides $718 million for the Andean regional initiative, which includes $147 million for humanitarian and development programs. This Andean initiative is a part of a balanced effort aimed at eradicating coca crops, supporting interdiction efforts, and strengthening the rule of law in those conflict-plagued regions of the world. This is critical to the U.S. focus on Latin America where democracy itself is being threatened. That is a very high priority in the agenda of protecting the interests of the United States. But we have people filibustering this bill, not allowing it to go forward.

I daresay when it passes, it will probably pass almost unanimously, if we can ever get it to a vote. Yet we have people dragging their feet for their own specific agenda purposes.

I will give you more examples. This legislation that is being held up right now provides funding recommendations for conflict resolution in the Middle East and the Balkans. It provides funding for conflict resolution in the War Crimes Tribunals in Yugoslavia, Rwanda, and Sierra Leone, and it provides funding for regional democracy programs in Asia. Yet the legislation is being held up.

So I urge our colleagues to put aside their differences and stand up for what is in the interests of the United States at this particularly critical time in our country. I ask all our colleagues to join in the spirit of bipartisanship we have had over the course of the last several weeks in sending a strong statement to the American people and to those around the world who would wish ill upon the United States. Let's send that strong message that we will move forward with a policy that is important to freedom, democracy, and American values, despite the efforts of those in the world who would try to undercut all things we hold so dear in this country.

I plead with our colleagues, it is not in their interest to delay and to obfuscate, to use tactics of filibustering an appropriations bill that is so important to the national security interests of this country.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The distinguished Senator from Iowa.

PAKISTAN

Mr. HARKIN. Madam President, I take the floor to talk about our relationship with one of the longest, strongest allies we have ever had in this world and why I think it is so important for us at this point in time to recognize that and to move more aggressively towards reestablishing the kind of connections and ties and mutual support we have had with the nation of Pakistan in the past.

Following the attacks of September 11, all eyes turned to South Asia and particularly to Afghanistan. Just as quickly, we began to look for allies in that region of the world. As has always been the case, the United States found a steadfast ally in Pakistan. Through thick and thin, we have never had a better ally in that region of the world and, in fact, in almost the entire world, but we have often failed to recognize this fact.

Let's look at the record. Our close relationship with Pakistan began when that State was born in 1947 with the partition from India. At that time, we watched as the world began to divide into two camps—one led by the United States and the free world and democracies, and the other by the Soviet

Union and the Communists. The temptation for the Pakistanis to stay neutral at best or to be opportunistic and go with the Soviet Union, since it was so close to the borders of the Soviet states at that time, was enormous. But when Pakistan's first prime minister, Liaquat Ali Kahn, chose to undertake his first foreign travel out of Pakistan—this is the first prime minister of a newly formed country, very close to the Soviet Union, right on the border of Communist China—he took his first trip to the United States. In a speech to Members of the U.S. Congress at that time, Prime Minister Liaquat Ali Kahn proclaimed:

> No threat or persuasion, no material peril or ideological allurement could deflect Pakistan from its chosen path of free democracy.

Imagine that. This was in 1947. Since those days, Pakistan has stood with the United States time and time again. In 1950, Pakistan declared its unqualified support for our position in the Korean conflict. Keep in mind, Pakistan shares a border with Communist China. They sent troops to fight alongside us in Korea, barely 3 years after Pakistan became a nation.

Soon after that, Pakistan joined CENTO and SEATO, the Southeast Treaty Organization, supporting the U.S. in the long struggle to contain communism. In 1959, the U.S. and Pakistan signed the mutual defense treaty, which, by the way, is still in effect today. One year after that, Pakistan allowed the United States to set up bases in their country to conduct U–2 flights over the Soviet Union.

As those who are at least my age may recall, the U–2 flight of Francis Gary Powers, which we remember was the U–2 shot down by a missile in the Soviet Union, originated in the Pakistani city of Peshawar, which we read so much about today since it is right on the border of Pakistan. After that U–2 flight was downed in the Soviet Union, Nikita Khruschev, in one of his more infamous, belligerent speeches, threatened to "wipe Peshawar off the face of the earth" because they had allowed our U–2 flights to originate there.

Despite its relative proximity to the Soviet Union and the immediate threat it posed, Pakistan continued to stand with America. The threat crept even closer as the Soviets invaded Afghanistan. From the onset of that invasion in 1979 until the Soviet withdrawal in 1989, Pakistan cooperated fully with the United States to roll back the Soviet threat. It became the staging area for our work with the rebel forces in Afghanistan to throw back the Soviets.

Probably a little known fact: In every conflict the United States has fought since Korea, Pakistan has sent troops to fight alongside us every single time. They even sent troops to help us in Haiti, of all places. They sent troops to fight alongside us in the Gulf War.

In the United Nations—check the record on this—Pakistan was one of our strongest allies in voting with us. Their neighbor to the east was voting more often with the Soviet Union, but Pakistan was one of the best votes we had to support the United States in all these years in the United Nations.

Pakistan has also repeatedly taken courageous actions against terrorism in recent years. We may remember when the two CIA employees were shot and killed right in our own backyard. Pakistani authorities arrested and turned over several suspected terrorists, including Mr. Mir Aimal-Kasi who was convicted of killing the two CIA employees. Pakistan picked him up, gave him over to our authorities so we could bring him here, try him, and convict him of those killings.

They turned over Ramzi Ahmed Yousef, convicted for his role in the 1993 World Trade Center bombing. Pakistan turned him over to us.

In 1998, they detained Mohammed Sadiq Howaida, involved with the bombing of the U.S. Embassy in Kenya. Time and time and time again, when we wanted the terrorists turned over, Pakistan not only helped us hunt them down, but arrested them and then turned them over to us.

Since the dark day of September 11, when we turned to Pakistan once again in our time of great need, most Pakistanis and their government are bravely standing with us at substantial risk to themselves. I believe history will record this as one of Pakistan's finest hours. I hope the courageous support in the war against terrorism will now open a new era of unparalleled bilateral collaborations between our two great nations.

Yes, we must continue to encourage Pakistan, as well as India, to pursue sound nuclear policies and to sign the comprehensive test ban treaty. I believe that will come with continued, positive engagement. It will come as Pakistanis see their role as a critical U.S. ally in the region and as they are more fully recognized as a great leader, especially among the Muslim nations of the world.

Madam President, Pakistan now faces its gravest crisis since the 1971 war with India, especially given its ethnic and religious makeup. Nevertheless, the Government of Pakistan has been remarkably forthcoming in its willingness to help the U.S. prosecute the war against the terrorists who perpetrated the recent horrific attacks in our country and their sponsors.

President Musharraf has pledged to give the Americans just about everything they want.

Now, that is just about as strong as what we heard from Prime Minister Blair in England. Yet this is from the President of a country in which there are elements—large elements—who support the Taliban and, quite frankly, do not support what the United States is doing. So President Musharraf has courageously stepped forward to help our country once again. We asked for an expanded information exchange between the United States and Pakistani intelligence services. They have given that to us. We asked for permission to use their air space for military purposes. They have given it to us. We asked for logistical support for any U.S. military operations to be launched from Pakistani territory. They have given us that commitment also.

In short, in standing up to terrorism, no government—no government—has been more responsive to U.S. requests since September 11, and no government is assuming greater risk to itself than the Government of Pakistan.

The Bush administration is already moving on several fronts to solidify our short-term and long-term cooperation with the Government of Pakistan and to show our deep appreciation for the Pakistanis' strong support for the U.S.-led coalition that is now embarked on ridding the world of the scourge of terrorism. The remaining sanctions on Pakistan are in the process of being lifted. I compliment President Bush and his administration for beginning that process. Debt relief is being hammered out. U.S.-Pakistani military cooperation is quickly being restored—at least I hope so.

The Senator from Arizona and I were just discussing this issue on the floor. The Senator from Arizona, Mr. KYL, was recently in Pakistan, I believe, toward the end of August and had several meetings with the military and with the President. We were discussing this issue.

My friend, the Senator from Arizona, heard there are a lot of people in the Pakistani military—many of whom are retiring or getting ready to retire—who trained with or worked with our military who feel a close kinship with our military. Yet because we have cut off this military-to-military engagement over the last 20-some years, if I am not mistaken—pretty darn close to 20 years—we have a whole new generation of young military officers who have come in who have no connection with the United States.

In many cases, they have come from areas of Pakistan where the forces maybe are not too supportive of the United States, and may be closer to the Taliban, have more sway.

So I am hopeful that the President and the Congress will give him whatever authority he needs to allow our military, once again, to engage in military-to-military cooperation with the Pakistani military to make sure that we can bring Pakistani military officers over here for training and for the kind of intermilitary kind of cooperation that I believe will help build a more lasting and strong friendship between our two peoples.

Mr. KYL. Will the Senator yield for a moment?

Mr. HARKIN. Yes, I am happy to.

Mr. KYL. I commend the Senator for the points he is making. I will add one other point, which he hasn't mentioned yet, but I am sure he was probably getting ready. Pakistan has not been the same kind of democracy as the United States. The military of that country has pretty well controlled its nuclear armaments and forces, rather than being under civilian control. That is the way it is in Pakistan, and I know it to be important for the United States to know where the Pakistani military is coming from.

As long as they have great relations with the United States, which the Senator from Iowa was referring to, I don't think we have too much concern that Pakistan's nuclear weaponry would fall into the wrong hands. If this younger officer corps, which is not as closely aligned with the West and the United States, were to become dominant in their military, and if the influence of the Taliban should continue to increase in Pakistan, I would think the United States would have great concern about who is controlling the nuclear weapons in Pakistan. That is another very important reason to support what the Senator is talking about right now.

Mr. HARKIN. I thank my friend and colleague from Arizona for elaborating. That is a concern, and should be a concern, to all of us. Pakistan is a nuclear power. We want to make sure the control of those nuclear arms is in responsible hands and in the hands of a military that is closer to us.

Again, we have tried over the years to reestablish our military training programs with Pakistan. I hope we can get that back on course. I remember when Pakistan, in good faith, purchased a number of F–16s from the United States. They paid for them, and then the United States reneged. I am not going to get into all those issues. Let me put it this way. There was a contractual relationship and the United States reneged on it. The F–16s never went. We kept their money and their planes for several years.

Finally, the Clinton administration made good on the money in a sort of roundabout way. I often think today, with what we are doing in going after the terrorists and their sponsors in Afghanistan, would it not be nice to know that the Pakistani Air Force had those F–16s—the kind of planes that we fly—and maybe they would have had that close relationship to us. Yet after they purchased and paid for them, we would not let them have them and we kept their money for several years. It was one of the darkest times in our relationship with Pakistan. I remember it well.

Several of us here, including myself, Senator BROWNBACK from Kansas, and others, had worked long and hard to get that straightened out. Anyway, all of these steps—the debt relief, the sanctions being lifted, the restoration of the military cooperation, all of which I support—we need to do sooner rather than later. But still more needs to be done. We should use our voice and our vote in the IMF, the World Bank, and other international financial institutions, to help Pakistan secure new loans on more favorable terms for its beleaguered economy. We should also provide much more than the $100 million in assistance that President Bush has recently pledged to assist Pakistan with the rising flood of Afghan refugees.

That is another thing I found when I visited Pakistan. There were over 1.5 million Afghan refugees in Pakistan. They are left over from the Afghan war against the Soviets. These Afghans, for the most part, are living in refugee camps, poorly educated, poorly fed, and poorly housed. Pakistan did everything we asked them to do in prosecuting this proxy war against the Soviet Union in Afghanistan. Yet they have all these Afghan refugees there. Now more are coming across the border.

Madam President, it was said to me a long time ago, before anybody ever heard of Osama bin Laden that these Afghan refugee camps are a breeding ground for the terrorists, a breeding ground now I know for Osama bin Laden and others. Pakistan needs help with these Afghan refugees. It is something we should have done a long time ago.

Most important, now is the time for the United States to forge a new strategic partnership with Pakistan, while at the same time not giving up our ties with India. I do not believe it is one or the other. I am not saying we have to become friendly just with Pakistan and cut off India. I am not saying that at all. I know India and Pakistan have fought several wars in the past. I understand that. I believe we can maintain our ties with India and, at the same time, build a new strategic partnership with Pakistan.

This new United States-Pakistani strategic partnership should be built upon three principal shared interests.

First, the United States must commit to supporting a stable democratic Pakistan with a growing economy and at peace. With our support, Pakistan could serve as a model to many of the newly independent, mostly Muslim, countries of west and central Asia. Muslims could begin to see the United States as a willing economic partner in the Islamic world. That has not been the case for far too long.

I am encouraged by the recent visit of Secretary Powell. As I read in the newspaper this morning, Secretary Powell and President Musharraf had discussed several items, one of which I noted with interest was educational assistance to Pakistan.

During a visit to Pakistan, the then-President and Prime Minister and the head of education in Pakistan all met with me to tell me how bad the educational system was in Pakistan. They had all these phantom schools where people were being paid but no one was teaching anything. The structure of education had totally broken down in Pakistan.

They knew I was on the Education Committee and the appropriations subcommittee for education, that it is a big interest of mine. They quite forthrightly asked if we could help them with educational assistance in Pakistan. So I came back and had a personal conversation with President Clinton, sort of debriefed him on my trip to Pakistan. I talked to him about this very point.

I then called up my good friend Secretary of Education Dick Riley, and I talked to him about this. I said: The President is getting ready to take a trip to Pakistan and India in a couple of months. I would like to arrange for you, Mr. Secretary, to go with him to meet with people in Pakistan to begin to set up a structure whereby the United States could be involved with Pakistan in helping rearrange, restructure, and help build up their educational system in Pakistan.

Everything was a green light. Secretary Riley was going to go with the President. The meetings were going to be set up in Pakistan. I thought this was going to signal a whole new era in our relationship with Pakistan. Then we know what happened. India, I thought in a very unwise and provocative maneuver, started exploding underground nuclear weapons again. In response to that, Pakistan exploded underground nuclear weapons. The President's trip was called off. A few months later, there was a military coup in Pakistan, a military government took over. That trip occurred later, but only in its barest form.

That was a missed opportunity to establish, again, a new relationship with Pakistan. I am very encouraged that the present Government of Pakistan under President Musharraf has at least spoken with Secretary Powell about educational assistance. I will do whatever I can to help the Secretary of State and President Bush in whatever way to help provide that assistance.

For too long, Pakistan has seen us as an ally who was there when it was in our interest and, when it was not in our immediate interest, we were gone. It was sort of, the United States uses us, they abuse us, and then they lose us. It is time to change that, and we must change that.

It is true that Pakistan over its lifetime has had about half democratic governments and half military governments. In large part, that is because we have not paid attention, that we have not been as involved in helping establish and maintain the democratic structures in Pakistan that are truly responsive to the wishes of the people of Pakistan. Now is the time to reestablish that.

I said there are three principal shared interests: First, supporting a stable democratic Pakistan with a growing economy and at peace. Second, we share an interest in containing and reversing the nuclear arms race and missile technology proliferation in South Asia. An arms race may be good business for the arms dealers, but it is bad for the economic and social development of that entire region.

Unless and until the issue of Kashmir is settled, or at least until we have such time that Kashmir becomes a negotiating issue between Pakistan and India, we are going to have trouble in South Asia. It is time for our ally India to recognize that it can no longer ignore this, it can no longer take the posture that there is nothing to negotiate, and it is time for the United States, I believe, to be involved as an honest broker, as a third party broker in bringing India and Pakistan together to begin the diplomatic resolution of the conflict in Kashmir. I believe now is the time to start that also, and I believe it is in all of our best interests to do so.

I call upon Pakistan in that vein to use its powers to control any and all terrorist type activities that may be happening in Kashmir, to use its armed forces and its police power to keep and prevent any altercations that may then provoke India to fire back, as we saw happen just the other day. I call upon India to refrain from any military actions in Kashmir. There needs to be a hiatus, but there can only be that hiatus if the United States is willing to use its good offices as an honest third party broker to step in and help arrange the negotiations between India and Pakistan.

Third, we must work together more closely and for as long as it takes to reduce the threat of not only the international terrorism of Pakistan but of international narcotics trafficking, the trafficking in women, and the use and abuse of child labor.

Pakistan has been one of the more forthright of the nations in all of South Asia in cutting down on the use of child labor. At least the Pakistan Government in the past admitted there was child labor and that they were willing to do something about it. We engaged with them in efforts to cut back on child labor.

Pakistan has been forthright in helping to cut down on narcotics trafficking.

Pakistan has also been very helpful in trying to cut down on the trafficking in women all over South Asia.

These are three things about which Pakistan and the United States share mutual concerns, and we need to work more closely with them on these threats.

Madam President, the multifaceted war against terrorism and its sponsors is not a war against Islam. We know that. Pakistan was among the very first nations of the world to recognize this critical distinction and to act upon it. This is all the more courageous and noteworthy because obviously the vast majority of Pakistanis are Muslims.

It is not enough to simply embrace our Muslim friends in Pakistan and elsewhere in times of armed conflict, uncertainty, and threats to the United States. We owe it to them, to ourselves, to a more peaceful world, to commit now to building a much closer, lasting relationship with an ever-expanding circle of Islamic nations based upon mutual understanding, democratization, more broad-based economic development, and shared prosperity.

As I have often said since September 11, yes, we have to get these terrorists. We have to rip the wires out of their network. We have to bring Osama bin Laden and al-Qaida and the other networks to justice. We need to break down the states that sponsor these terrorists. But if we do all of that and we walk away, our children and my grandchildren, 30, 40 years from now, will be facing the same thing.

From Indonesia in the South Pacific, to Morocco, in the east Atlantic, stretching across a broad belt of South Asia, southeast Asia, southwest Asia, and northern Africa, lies the Islamic world—1.5 billion-plus people. It has become clear to me that the United States is not fully engaged with the people of the Islamic world. We have only dealt with the thin veneer of whatever dictator might be in charge, whatever prince or king, whatever shah at that point in time, and only if it serves some short-term best interests of the United States.

We have failed to recognize the vast amount of poverty and illiteracy, the lack of decent things that make up the basics of life such as clean water and decent housing, a decent diet. So many of these people who live in the Islamic world from Indonesia to Morocco, so many live without education, without decent nutrition, without decent housing, with no hope.

Perhaps out of this dark cloud that has now covered us will come a silver lining, that we will rid the world of organized terrorists, but that we will also recognize we must engage and embrace and be involved with that part of the world that encompasses over 20 percent of the world's population and that we must do it in a way that embraces their hopes and desires, their need to have a better share of the world's prosperity, their need for economic development, their need to have some hope for their kids and their grandkids for a better life.

One image will always stick in my mind. I was in a small town in Pakistan, right on the border with India. It was a very poor community. I remember I met with one of the individuals, a man in charge of some of the city planning, who went to Harvard. He was there with almost an unimaginable task. We were driving down the street, a little dirt street, with sewage on both sides of the street. On the side of the sidewalks, up on the walk, was something that looked to me like maybe a barber shop. I am not certain what it was. Inside, while sitting in the car, literally 20 feet away, we saw a bunch of men sitting watching a color television. Obviously, it was the only television for quite a way around. They were watching the television, and on the screen was a soccer match being broadcast from England.

I marveled at this. I saw these people in a poor community, with sewage in the streets, with not much in the way of clean water, a terrible educational system, bad housing, and they were watching a color television of this soccer match in England, with all these people who were dressed up and they were looking at all of the finery coming through that television. I thought, what are they thinking? They live like this, but they know there is another world that lives a lot differently.

The world has shrunk in my lifetime, and, Madam President, in yours. We live in a world where we have instant communications and CNN. People know what is going on—not like it was when I was a kid. People know, those 1.5 billion Muslims in that part of the world, that, for whatever reason, they are not sharing in the world's prosperity. They know their kids don't have as much hope and they don't have as much hope for a better life.

So maybe out of this dark cloud will come some silver lining that we will engage with this world in a sense of shared prosperity for the future of our entire globe. I believe much of this will hinge on our relationship with Pakistan. If we are now willing to reengage, to support a moderate Islamic state that does not shield and harbor terrorists but has arrested them and turned them over to us time after time, that has courageously stood up against those terrorists, that is supporting us in every way we could hope right now, that by establishing that relationship with Pakistan and not abandoning Pakistan once we put an end to the terrorists, I believe we will go a long way toward bringing that silver lining out of this dark cloud, for the entire Islamic world and for all of us.

In this spirit, I plan to work with interested colleagues in the Senate and the House on both sides of the aisle to establish a congressional caucus on Pakistan and United States-Pakistani relations. After the terrible attacks of September 11, we must think anew and act anew toward the Islamic world. Let's start now by more fully embracing our long-time friends and partners in Pakistan. Together, we can build a foundation of a just and lasting peace, as well as prosecute the war against the misguided fanatical terrorists who are our common enemy.

I hope Senators and House Members will join together in establishing this congressional caucus on Pakistan and United States-Pakistani relations.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I enjoyed listening to my friend from Iowa. I wish him every good wish for this caucus he will be starting. I hope to help him with that.

Mrs. BOXER. Madam President, as I stand here, I have no office in this complex. As we probably all know, about 30 offices had to be cleared out to do some precautionary air quality testing in the offices that were connected to the ventilation system in Leader DASCHLE's office. We know Leader DASCHLE's office received a letter that contained anthrax. They are taking every precaution.

I want my colleagues to know we are all still working, even those who may not have an office at the moment. I thank the Senate staff and my colleagues in the Senate for being so wonderful and offering us their offices to use, their phones to use, their faxes, their computers, and the rest. We are fully functional.

We have recorded a message for people calling this office. They are given the number of my Los Angeles office, so we will not leave people out there without a voice on the other end of our telephone.

I thank my colleagues for their generosity of spirit and for being so kind to my staff. I also thank the Capitol Police, the Sergeant at Arms, and the Capitol physician for acting so swiftly to protect my staff. I am very certain that their steps will prove to be the right steps and that in fact we will have a high level of confidence that we are all OK.

One of the reasons I think we will be OK is because, as Senator DASCHLE explained, the particular employee in his office handled this letter in such a fashion that it was quickly dropped to the floor, and we think, because of that, the effect will be minimal. Of course, we pray that is the case. I am confident and hopeful that will be the case.

The reason I came down to the floor is not only to thank my colleagues for all their help, but also to plead with my Republican friends to let us move on with the business of the day. We are working out of makeshift offices, Republican and Democrat Senators alike who were caught in this situation. But we could do a lot more if we were working on the Senate floor with the important foreign operations bill that is pending before us.

I have listened to colleagues who say, you are holding up judges. I have looked at the record. The fact is, we are moving forward with judges. The fact is, when Republicans were in charge, I waited once 4 years—4 years—to get a vote on one wonderful judge who eventually passed through the Senate.

We are not doing that. Senator LEAHY is working to get the paperwork done. He is holding hearings. We have definitely moved much quicker than the Republicans did when Bill Clinton was President, if you compare the time periods.

I am perplexed as to why we are having this slowdown. After all, our President says we are in a war. Certainly, it is a campaign against terrorism. This bill is essential.

I will spend the next few minutes spelling out what is in this bill and why it is so important to move it forward.

First of all, the bill invests $42 million to help countries strengthen their borders and secure their weapons facilities. This is very important. What we are talking about is a sum of money that will be given to our coalition partners to make sure that if they have weapons, particularly weapons of mass destruction or weapons we do not want to have in the hands of the terrorists, they have the ability to secure these weapons and secure their borders. I would say it is elementary that we must take this step. They are helping us. We should help them make sure that these weapons cannot be stolen by terrorists.

I say to my Republican friends, you are holding us up. Why in God's name would you hold us up at a time such as this? We should be moving quickly to secure those weapons.

We have in this bill $175 million in infectious disease surveillance programs that can provide an early warning system against some of the world's deadliest and most contagious diseases. We are making speeches on the floor about the whole issue of bioterrorism, and here we have a bill that provides $175 million in infectious disease surveillance so we can stop these diseases from coming into this country which my Republican friends are holding up.

Then in this bill we strengthen the coalition against terrorism by providing $5 billion in military and economic assistance to Egypt, Israel, and Jordan, countries that are critical to long-term peace and stability in the Middle East. Why would our Republican friends hold up this money? Why? It doesn't make any sense.

It also provides $3.9 billion in military assistance to key NATO allies that are putting it on the line for our country right now, and to front-line states in the area of the conflict. These states are Uzbekistan, Turkmenistan, and Tadzhikistan. These are the countries that are being so cooperative with us. They were formerly in the Soviet Union. They are helping us. They are helping our troops. Why would our Republican friends hold up this money? It does not make any sense.

Then we hear our President, rightly so, beg the children of this country—and I want to support him 100 percent—to put $1 in an envelope and send it to the White House. I hope everyone will do it who is now listening. Send it to the children of Afghanistan. As he has stated eloquently, we are not in a war against the Afghan people. We are in a war against terrorism. In this bill we have funds, $255 million, for refugee assistance to shelter Afghani refugees. That is $55 million more than the President requested.

In this bill it says:

> The situation in Afghanistan is perhaps the most urgent, the most massive humanitarian crisis anywhere.

Let me repeat that, the bill—and it is bipartisan, I must say—says:

> The situation in Afghanistan is perhaps the most urgent, the most massive humanitarian crisis anywhere.

I don't understand. My colleagues on the other side of the aisle are holding up this bill which will help the children and the women and the families, the innocents in Afghanistan, get on their feet again.

Then in this bill we look ahead—and this is again a program where I so agree with the Bush administration and with Colin Powell: $337 million for U.N. voluntary programs, the programs our President envisions will play an essential role in reconstructing Afghanistan after this campaign ends.

That is just a part of what is in this bill: Tracking terrorists; warning against infectious diseases; strengthening our coalition against terrorism; feeding and sheltering the Afghan refugees, helping to make Afghanistan whole. That is just a part of the good things in this bill.

Let me conclude. We have work to do and we are not doing it. We have done a lot on this floor in a bipartisan way. I thought the airline safety bill was stupendous, where we provided a marshal on every flight, where we said strengthen those cockpit doors, where we said make those screeners Federal employees working under law enforcement. We did that in a bipartisan way right here on this floor. I am proud that we did that.

Why are we stopping now? I could show you the charts that depict that Senator LEAHY, since he took over the Judiciary Committee just this summer, has done far more than the Republicans did in that same timeframe when Bill Clinton was President.

I am all for getting judges. I am working hard with the administration, in my State, to get good, moderate judges. I will fight against anyone, right or left, who is a radical. But I will support mainstream judges. We are working to do that, and we are bringing those judges to the floor of this Senate.

To come here and say we are going to waste another day on an issue where we are doing better on our side than the Republicans did when the shoe was on the other foot seems to me to be bizarre. It is bizarre. We are in a crisis, an international crisis, and we are not doing our work.

Look at this floor. There is no one here but my good friend from Virginia. I love to see him. We work together on so many things. We are working together on a bill that I think will pass which deals with travel and tourism, to set up a promotion agency within the Department of Commerce so we can go on the air and tell people to rediscover America. If they do not feel comfortable traveling to far away places, travel in America.

We have work to do. My colleague in the chair has an incredible program she is working on to honor the victims of 9-11. What are we doing today? Nothing. People are sitting around here doing nothing but making speeches. The point of this speech is to get us off the dime, to get working.

I want to work on this bill. I want to protect the people I represent and all Americans from ever having to face another crisis such as we did on 9-11 and another crisis such as what we are facing almost on a daily basis now from the anthrax situation.

In closing, I want to tell people to put this in perspective. We have ways to treat this. If you are exposed to it and you go on antibiotics, you are going to be fine. We are going to deal with this. We are going to wrap our arms around it. But for goodness sake, let's work on the foreign operations bill.

You wouldn't think we even had a problem, the way my Republican friends are acting—as if we can dilly-dally around until tomorrow and the day after to get money to fight terrorism. I am very upset about it. I don't mean to sound frightened. If I have, I apologize. But I believe it is very important that we do our work. After all, that is why our people sent us here.

Thank you, very much. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Madam President, I will speak briefly because we have a meeting shortly. Our time on the Republican side is to be protected between 4 and 5 for a meeting on the economic stimulus package.

I listened to my friend from California, Senator BOXER, speak on the foreign operations bill. That bill will be passed. I think it is an important bill. I have enjoyed working with Senator BOXER on her tourism promotion, which I think is very important for our economy. I have enjoyed working with the Presiding Officer in allowing people all across this country to show their care in their communities for the 6,000-plus people who lost their lives. There are going to be a lot of park projects, mentoring, recreational facilities, maybe computer laboratories, maybe homes for adults, and senior citizen programs across the country named for each and every one of the fallen victims of these violent acts of terrorism on our office buildings in our airplanes on September 11.

I look forward to working with you. All of that is going to be done in less than a year. That will be a fitting memorial so we will remember those who lost their lives.

The people taken from us by those terrorist attacks were good people. They were our sons and daughters, mothers and fathers, grandparents, grandchildren, our friends, our neighbors, and our loved ones. They should be remembered.

The foreign operations bill, while it is an important bill—and it will be passed—also is important in the administration of justice. We have a crisis in the administration of justice.

Obviously, we have a crisis mentality so far as terrorism is concerned, as well as prosecuting the war on terrorism on the home front where we need to have our first responders better equipped. Our surveillance needs to be improved. In situations where there may be an anthrax scare, it needs to be properly identified and remedied. If it isn't anthrax, we need to make sure people are not panicked.

I believe very strongly that those front-line people, the fire, rescue, and police officers who are working in the terrorist attack zone, ought to be accorded the same sort of tax policy treatment accorded to our military personnel.

Under current Federal law—it is very good law—if our military men and women in uniform have to serve in a combat zone, their income taxes for that month are not paid because they are in a combat zone.

This war on terrorism has changed the face of war. Now the terrorism war is not taken to military facilities but is taken to office buildings, to airplanes, to civilians, and to commercial airlines. We have seen that—whether it was an attack on the World Trade Center buildings or whether at the Pentagon or obviously the innocent people who were on the airplanes that were hijacked and turned into weapons. With that, we see that innocent, unprotected men, women, and children are now the targets and the victims of terrorist attacks.

My view is that the firefighters, the rescue squad people, the heroic police officers, whether in New York City or at the Pentagon, are working in a combat zone. But it is called a terrorist attack zone. The President has so designated these areas. It would seem to me that these warriors and these patriots here at home in their heroic acts of working in these buildings and in these facilities—some of them with their last breath of life to get people out, to save lives, and also in the aftermath of pulling rubble out with their hands, breathing toxic air in the crumbling buildings—those individuals are also in a combat zone. It is a terrorist attack zone.

It seems to me very logical and appropriate to adapt our tax laws so they do not have to pay income taxes for the month in which they are working in these combat zone areas, or terrorist attack zones.

I have legislation in that regard. Hopefully, we will pass that, as well as legislation to say to the family members of those who have lost their lives that they will not have to worry about paying taxes.

Again, using the analogy for those who serve in our military, if a man or woman in our Armed Forces is killed in combat, they are not subject to income taxes, and half of their estate taxes are forgiven. Again, the targets of these terrorist attacks were men, women, children, and families. It seems to me we should accord them the same sort of tax treatment.

I have put in a bill, for which I have support from a good number of Senators, to say to those victims' survivors that they will not have to pay income taxes for the loss of their husband, wife, or other family member, and they will not have to be worrying about death or inheritance taxes. I think that is an appropriate and logical adaptation of law in that regard.

So far as justice and the judicial system are concerned, there are currently 106 vacancies in the Federal courts, 31 at the circuit court and 75 at the district court level, which is higher—it is almost 50 percent higher than the vacancy rate 2 years ago when many Democratic Senators, including the current chairman, Senator LEAHY, complained about a vacancy crisis. That is when there was a 50-percent vacancy rate. Forty-one of those vacancies have been formally classified as judicial emergencies by the nonpartisan Judicial Conference of the United States. This is the highest vacancy rate since 1994.

Despite the high level of vacancies and the record pace of nominations, the judiciary has actually shrunk during the months since President Bush took office. In other words, the number of vacancies has increased, and the Federal Government has moved backwards in its effort to bring the judiciary up to full strength.

During the first year of the Clinton administration, just to give you a sense of the pace of court nominees, there were nominees for the court of appeals. Of those nominees, 60 percent of President Clinton's court of appeals nominees were reported in the first year. In contrast, President Bush has nominated 25 circuit court nominees and the committee has reported 4. That is just 16 percent. One of those was Roger Gregory of Virginia—a very good move. I am glad the committee reported Roger Gregory. But 16 percent is just not good enough.

There are those who will say, gosh, this is the same as it has always been. Let's look at first-year comparisons of former Presidents.

President Clinton nominated 32 judges by October 31 of his first year in office. Of those, 28—or 88 percent—were confirmed by the time Congress went out of session in 1993.

Further, President George Herbert Walker Bush nominated 18 judges by October 31, 1989, of which 16—or 89 percent—were confirmed by the time Congress recessed by the end of the year.

President Reagan's confirmation rate for pre-October 31 nominees confirmed during his first year was 100 percent.

Now President George W. Bush has nominated 60 judges, and the Senate has confirmed only 8, a mere 13 percent. So that is the actual comparison.

Currently, there are 108 empty seats in the Federal judiciary, which is about 12.6 percent of the total number of judgeships. This is the highest in modern history, except for the extraordinary event in December of 1990 when Congress created 85 new positions and, therefore, there were 85 vacancies all at once.

I believe we can do better. I think these nominations ought to be acted on before we recess for the year, which will be the end of the President's first year in office. I think all of the President's nominations that were made prior to August certainly should be acted upon.

Again, if you look at the history of the Senate, by the end of the President's first year in office, the Senate has acted on all judicial nominations made prior to the August recess; the only exception being one Clinton nominee the Senate acted on in the following year.

If we are going to work with the President to reach his goal to address the current judicial vacancy crisis, then the Senate should confirm at least 40 more judges by the end of this session.

I do not think this is too hard to do. It can be done if we work our will. I ask the chairman of the Judiciary Committee to hold these hearings. These individuals ought to be vetted, ought to be cross-examined. Look at their record, their judicial philosophy, their demeanor, especially if they are district court judges.

I think if they look at the competence, the qualities, and the characteristics of these judges, they will certainly find them to be individuals who ought to be on the bench administering justice.

Clearly, we have a judicial crisis. These vacancies should not continue. We need to act in the Senate, not just do one thing at a time. Let's keep moving forward to make sure that, yes, we support our military, support our intelligence efforts, our diplomatic efforts in foreign operations, making sure we are properly reacting and stimulating our economy to get people back to work, making sure consumers have greater confidence and have the capability to then buy things so those who manufacture or produce various goods or services can start hiring again and get our economy moving again—but also we need to make sure the third branch of Government, the judicial branch, is at full strength, which it certainly is not with the 12.6-percent vacancy rate, which is an unprecedented high rate, again, as observed by those who see this as a crisis.

We need to get to work in the Senate. I hope once we get a commitment to move forward, that we then, obviously, can move forward on the foreign operations bill, which is also a very important measure. But let's get our judicial branch of Government up to full strength. That is our duty and responsibility as well.

Mr. President, I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I know there has been debate intermittently as we have discussed other issues about the appointment of judges, and the pace and the speed. Frankly, I sort of regret the debate in a certain sense because we have been working together very well as a body since September 11. The times call for bipartisanship. And this is an issue that is naturally a partisan issue.

Some of the talk I have heard that the nomination of judges will be tied to bringing appropriations bills forward is not what we need at this time. But, nonetheless, it is proceeding.

As a member of the Judiciary Committee who has sort of been quite surprised that some of my good friends on the other side of the aisle—they are indeed friends—would make this an issue right now, I thought I ought to try to answer it in as objective way as I could because as someone who serves on the Judiciary Committee, I have seen the speed with which we approved judges during the first 6 months, and the speed with which we have approved judges since Senator LEAHY became chairman of the committee.

By any measure and by any objective standard, we have done a lot more since PAT LEAHY became chairman than we did before that time.

To say we are slowing down the selection of judges is nonsensical to anyone. I would bet my bottom dollar that if we had 100 observers of the Judiciary Committee from a foreign planet, and they looked at the speed, both pre-Leahy and post-Leahy, all 100 of them would say the speed picked up when PAT LEAHY became chairman.

One wonders what the other side is trying to do. Are they trying to intimidate us into rushing judges we might want to dispute? Maybe. I hope not. They will not. I am not going to allow somebody I believe is not qualified for the bench to get on the bench because it is tied to something else or because the times ask for bipartisanship. We are not the ones who are making this matter an issue. But let me go into some of the details.

The bottom line is very simple. We now have real work to do in this Chamber. This Judiciary Committee has worked long and hard on an antiterrorism bill. We are trying to appropriate money for foreign operations. More is needed now than ever before. We have not finished the business of improving airline security. We are just beginning the business of improving rail security. We are trying to finalize and examine how we ought to change our immigration laws. We have anthrax in our office buildings. We are facing threats we have never had to deal with before.

Should we be filling the bench? Yes. Is that the No. 1 priority since September 11? Absolutely not. It is certainly not called for to tie appropriations bills or a foreign operations bill to the movement of judges. That is not marching to our higher instincts. That is not something the American public, looking on the Chamber, would say is the right thing to do at this time. It is not what they want.

It is with regret that some of us have to come to the floor and defend Chairman LEAHY. We shouldn't even have to do it. But when the Senator from Kentucky comes down and brings a chart that says let's look at the number of nominees considered for hearing, I guess we have to answer.

Again, some of the arguments are on the verge of the ridiculous. They say: Let's look at the number of judges per hearing. That is not the standard. That is not the standard you folks want. If we had one hearing with six judges as opposed to five hearings for four judges, you wouldn't be happy.

I was going to say to my colleague from Kentucky, but I couldn't get the floor, that it is sort of like saying how many chairs there are in the hearing room. We have more chairs in the hearing room than you do. So? The standard is the number of judges approved.

Let's set the record straight.

First, Ranking Member LEAHY became chairman on July 10. That is when the full committee was reconstituted. So he has been here over 3 months, including, of course, the August recess. In effect, he has been here through two working months. Yet he is ahead of the pace set by Congress in the first year of the first Bush administration and the first year of the first Clinton administration.

If there is anything at variance, you would have thought that the Democrat President and the Democrat Congress, which existed in 1993, would have wanted to rush through judges. Yet more judges passed this year.

If you extrapolate Chairman LEAHY's numbers over a full year—in other words, if the pace continues at the pace we have been proceeding thus far—then he is ahead of the pace set by the Republican-controlled Congress for the past 6 years.

If anyone doubts his devotion, he was here in August when most of us were traveling around our districts and going on vacation, and whatever else people do during August recess. I do some of each. But he was here holding hearings.

Since September 11, of course, we have been focused on the tragedies of that day and the new challenges that face our great country. Nonetheless, despite that, two more confirmation hearings have been held by Chairman LEAHY. The third is coming on Thursday. I am supposed to chair it. I have lots of other things to do, given the state of my State and the state of the city, both of which I love. But we are sitting and holding hearings. It is unfair at best and not nice to say we are not working hard on it when we have so many other challenges.

My good friend, ORRIN HATCH, with whom I work on so many issues, has argued that his numbers were what they were because there were not enough nominees to confirm. There are some folks out there who disagree with that.

Here are the names of nominees who were never confirmed:

Judith McConnell from California; John Snodgrass from Alabama; Bruce Greer from Florida; James Beaty from North Carolina; Jimmy Klein from Washington, DC—I went to college with him—Legrome Davis from Pennsylvania; and Helene White from Ohio.

Those are just a few of the 57 nominees from all over the country who never—underline "never"—got a hearing from the Republican Judiciary Committee. Those 57 would be shocked to hear Republican Senators taking to the floor and claiming they had no one to confirm. They are not a "nobody," as somebody once said. That doesn't even begin to address the people who got hearings but had to wait and wait and wait.

The average time of a circuit court nominee from the 105th and 106th Congresses awaiting confirmation under the Judiciary Committee chaired by my friend, ORRIN HATCH, was 343 days. President Bush had not even been in office that long. Some took much longer. We know the reasons. Richard Paez took 1,520 days. Willie Fletcher waited 1,321 days. Hilda Tagle took 943 days. Susan Mollway took 914 days. Ann Aiken waited 791 days. Timothy Dyk took 785 days.

The list goes on and on. It sounds almost like the Bible. So and so lived 800 years, and begat so and so. The list goes on and on. We are a long way from seeing that under Chairman LEAHY. I don't think we ever will.

I believe there are three criteria for confirming judges. As I played a role, as we all do, in selection of judges in my State, I have had three words that sort of guide me. They are excellence, moderation, and diversity.

By excellence, I mean legal excellence, among the best the bar has to offer. Being an article 3 judge, a lifetime judge, is such an important position. I believe that is important.

Moderate: I do not like ideologues on the bench. I do not like judges too far to the right; I do not like judges too far to the left. I want judges who will have moderate approaches to the law.

The third criteria is diversity. To me, that means we should not have all white males on the bench; we ought to make an effort for diversity in terms of race and gender but also ideology. I think a bench that had nine liberal Democrats would be just as bad as a bench that had nine conservative Republicans. You need some diversity of opinion. Obviously, depending on who is the President or who is in the Congress, there will be a tilt toward one direction or the other, but there ought to be some balance. Balance, to me, is the key word, as it is on so many issues these days.

While we move on judges, we are not going to be pressured to move too rapidly. We need time—and a reasonable amount of time—to examine these judges' backgrounds and their opinions before we give them lifetime seats on the Federal bench.

We are going to keep holding hearings for those nominees on whom we have done background research. We are going to keep confirming judges who merit confirmation. And we are going to do it at a pace that will exceed that done by my Republican friends across the aisle. Those are fair and reasonable commitments to this body. It is a fair commitment to the White House. It is a fair commitment to the American people.

With those commitments we should return to the real and pressing business that awaits us. We should not be having just cloture votes at this crucial time. That is so wrong, so, so wrong.

If you ask the American people, what are the top 5 issues, what are the top 10 issues, what are the top 50 issues, I do not think they would say the confirmation of judges is in that top 50. Yet we are slowing down important and vital legislation. Some people can make that link; it is wrong.

So I say to my colleagues—I almost plead to them—America is at war, and you are bickering about judges. We need to get our eye back on the ball.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the leadership of Senator SCHUMER on the Court Subcommittee. I know he is a good lawyer, and he cares about the court system. We have had some very interesting hearings under his leadership. They do, however, reflect an idea that was openly stated at a Democratic retreat early this year, that the ground rules for confirming judges to the courts should be changed. Apparently, at that retreat, a brilliant but liberal law professor, Laurence Tribe, and Cass Sunstein, and Marcia Greenberger advised the Democratic Senators that they should "change the ground rules"—that is a quote from the New York Times—used in the confirmation process and make it more difficult to confirm judges.

That is after the Senate gave President Clinton a fair hearing on his judges. This is important to note: In the 8 years that President Clinton was in office, he had confirmed 377 Federal judges. He only had one of his nominees voted down.

According to my numbers, there were 41 nominees pending that did not get confirmed before he left office. That is a traditional number. There were 67 vacancies, but there were 41 nominees; he did not have nominees for the difference.

So under Senator HATCH's leadership, when the Republicans had the majority in the committee, the Clinton nominees were scrutinized, they were examined, and, for the most part, they got through.

Last fall, at the time we left—and in the last months of the Clinton administration—we constantly heard a drumbeat of complaints that the 60-or-so vacancy level that was pending out there in the courts was jeopardizing justice in America. The truth is, you are going to have around 60 vacancies at all times.

It takes a while for the President to decide who to nominate. There has to be an FBI background check. They have to get the nominees to fill out all kinds of questionnaires to make sure there is not something bad in their record. As I say, the FBI does a background check. The ABA does a background check. The nominees are sent over here to the Judiciary Committee and are given a big questionnaire, which they have to fill out.

Historically, we have seldom been below having 60 vacancies for judges. Now we are at about 110. And the very people who were on this floor last year, screaming mightily that 60, 67 was an outrage, are now suggesting they have no problem with 110.

In my district, the southern district of Alabama, we have a three-court district where I was a U.S. Attorney for 12 years. I practiced there before Federal judges. Really, it was for 15 years as an Assistant U.S. Attorney and a U.S. Attorney before Federal judges. They have a three-judge court. They only have one judge. There are two vacancies there.

So we have some problems around the country that need to be dealt with. Here we are, and we are asked: What can you do about it? On the Judiciary Committee, President Bush's party, the Republican party, does not have a majority, so it cannot call hearings. It cannot force hearings. It cannot force votes. We are at the pleasure of the chairman and the majority.

What we have seen is a systematic slowdown, consistent with the public statements that have been made previously of what they were going to do. That is beginning to put a crunch on the judiciary and really hurt justice in America. It is legitimate and proper that this matter be raised here in this Senate Chamber.

Some say: Well, don't play politics with the foreign operations bill. You are playing politics with that.

Let me just say it this way: Let's have a fair movement of President Bush's qualified judges. Let's see them move forward at a fair rate.

They say: Well, you cannot complain about that. You cannot do anything about it. You cannot utilize any of the rules that are available to you Republicans because if you do, you are partisan. But we can sit on judges. We can delay hearings in the judiciary. And we can delay confirmations, but that is not partisan.

We are getting close to the end of this session, and we are way behind where we need to be. Nobody, in my view, can dispute that. Nobody can dispute we have a growing vacancy problem in the courts. It is time for us to confront it.

We have written letters to the chairman. We have talked to the majority leader. We have asked and asked for their help, and we are not getting it. So I do not think it is fair to say, those who have asked respectfully and urged movement of the judges in a fair and legitimate way, that we ought to be accused of being partisan.

By the way, the foreign operations funding is operating under a continuing resolution. We are not shutting off funding for that. But what we are saying is that this is serious business. Moving judges is serious business. We want your attention, majority in the Senate, slim though it may be. We want your attention. We want your focus on judges. It is important to America. And we have a legitimate concern in that regard; and we are asking for that.

Just a year ago, the then-minority leader, TOM DASCHLE, in July made a statement about moving the intelligence authorization bill. In recent weeks we have learned about how important the intelligence community is. The intelligence bill was on the floor, and in a nice way that the then-minority leader had to express himself; this is what he said:

> I also hope we can address the additional appropriations bills. There is no reason we can't. We can find a compromise if there is a will, and I am sure there is. But we also want to see the list of what we expect will probably be the final list of judicial nominees to be considered for hearings in the Judiciary Committee this year. I am anxious to talk with him [TRENT LOTT, the then-majority leader] and work with him on that issue. All of this is interrelated, as he said, and because of that, we take it slowly.

In other words, that was a nice way of saying, from Mr. DASCHLE, that they were not going to move the intelligence authorization. He was not going to move that legislation until he got a commitment from the majority leader on judges. He wanted to know how many were going to be confirmed before the session ended.

Sometimes those things occur. The minority in the Senate has the power to block consideration of bills. That is what he was doing at that time. That is basically what we are saying today. We are going to stop this legislation until we get some sort of good-faith commitment to move judges forward at this point in time.

They say we didn't have any nominees in the first 6 months. The President of the United States has a lot to do in the first 6 months. He has to fill his Cabinet, his subcabinet, organize his government, working night and day, and submit judges. By May, President Bush had submitted a stellar list of judges, including at least three Democrats. What has happened on that?

Three Democrats have had hearings and been confirmed. They found time for those. Seven out of the 18 have had hearings. They were nominated in May. Their backgrounds are sterling. It was a bipartisan blue ribbon group of nominees.

The President reached out. He nominated one nominee that had been blocked by the Senate and had been held up. He renominated one of President Clinton's nominees as an act of good faith, to reach out. So what has happened? We have had confirmation of the three Democrats. We have had hearings on 7, and 11 of those nominated back in May have not even had a hearing. That is beyond the pale. That is unjustified.

Since then, additional nominees have come forward for which there is no objection. Many of those nominees have been blessed already by the home State Democratic Senator. Many of them, the Republican Senators have all signed off on. They are ready to go, many of them, with no objection whatsoever. Their background checks are clean, and they are ready to go forward.

We just need to have a hearing. We can't move a judge under our rules until the judge has been given a hearing. Any Senator has the right to ask them questions. I don't think this Senate should be a rubber stamp. They ought to be able to ask questions and examine their backgrounds and records. If they are not comfortable with it, vote no. But President Bush has given us a group of nominees that are mainstream superior judges and will do a great job on the bench. He is entitled to the same support and movement of his judges as President Clinton received.

They say we have a lot to do. We should not worry about judges and just pass the appropriations bill for foreign operations. We are just too busy to do this.

We have a chart that shows how many judges have been put up per hearing before the Judiciary Committee. This chart is revealing. In 1998, judicial nominees per hearing averaged 4.2; in 1999, 4.2; in 2000, 4.2. That is 4.2 judges up each time we had a hearing. In 2001, that number has dropped. There has been some dispute about it, but there is no dispute that it is half what it was before.

One of the things happening is, when we have a hearing, we are not putting as many judges on the panel. We can do three, four, five, six at one time, if we want to. We can all be able to ask them questions if we want to. But if you hold the number of judges per hearing down, you are not moving many judges forward. That is a critical event that has gotten us as far behind in the scale as we are today.

Again, I know a lot has happened this year. Perhaps there is some basis for the complaint, the excuse, or the reason we have not moved forward is that a lot of things have happened. But if we were just to get our hearings moving, we would not be in this crisis. We have been warning on our side that this was happening. We have been asking in a respectful way and received little or no attention to the matter.

I believe our complaint is legitimate. I believe it is our duty to ask the majority leader and the chairman of the judiciary to reevaluate what they are doing, to sit down and plan some hearings for these judges and give us a commitment that they are going to move forward. If we don't, we will end up when we recess—and maybe we will recess earlier than normal this year; many hope so—without moving anything like the number of judges that we should.

It has been stated that a substantial portion of the judicial nominees pending in committee do not have all their paperwork completed. However, almost 30 have everything in, including their ABA rating, and there is no reason for us not to move on those.

We have at least 30 that have every bit of their paperwork done. We haven't been moving those. The President made 18 nominations in May; 11 of them that have not even had a hearing and their paperwork is in. Why is it that we are not able to move effectively?

Unfortunately, it appears to be consistent with what we learned in the New York Times article. At the Democratic retreat they had a meeting to plan to change the ground rules for confirmation of judges; in effect, to slow the process down, let the vacancies grow, even though last year they were saying just the opposite.

I will share with you some of the comments we had last year. When there were 76 vacancies—now we have 108, 109—when there were 76 vacancies, the now majority leader stated:

> The failure to fill these vacancies is straining our Federal court system and delaying justice for all people across this country.

That was last year when we had 76 vacancies. Just 2 years ago, when the vacancies numbered in the sixties, Senator LEAHY, then ranking member, now chairman of Judiciary said:

> We must redouble our effort to work with the President to end the longstanding vacancies that plague the Federal courts and disadvantage all Americans. That is our constitutional responsibility.

Well, the Senate's pace in moving nominations this year is far behind the pace during the first years of both Reagan and Bush 1 and the Clinton administrations. For example, in the first year of President Reagan's administration, there were 40 confirmations to the Federal bench. Under former President Bush's administration, there were 15 confirmations. Under President Clinton's administration, the first year, 28 confirmations. At this point, we have confirmed eight, and we have maybe a month left in this session. At the rate we are going, we are not going to get close to what was a national average of the last three administrations of 28 judges in the first year.

In fact, with regard to the nomination process, in the first year of each of those Presidents' administrations, every person who was nominated before the August recess was confirmed that first year, except one.

This is a chart that demonstrates that quite clearly. During the Reagan administration, all of his nominees who were sent to the Senate before the August recess—they gave us a whole month to work on the paperwork and review it—every one was confirmed. Under former President Bush, the same occurred. Every nominee he sent forward to this Senate before the August recess was confirmed. Under President Clinton, 93 percent of his were confirmed who were submitted before the August recess. Only one of his was not confirmed. Under the now-President Bush, only 18 percent of his have been confirmed to date.

So we are just heading on a collision course to a situation that is going to leave the courts shorthanded. If we don't recognize it, we are acquiescing in what could be a deliberate plan to slow down the confirmation of judges, even though last year—less than a year ago—the people who are involved in that now were decrying that as unacceptable; it was unacceptable to keep the confirmations low.

One more time, let's review these numbers because I don't think anyone should think that the reason we are here is light or insignificant. The reason we are here talking about these issues is that they are important.

In the 103rd Congress, under President Clinton—and he had a Democratic majority in the Judiciary Committee—there were 63 vacancies there. In the 104th Congress, 2 years later, at the end of President Clinton's first term there were 65 vacancies. In the 105th Congress, with Chairman Orrin Hatch's leadership there were 50 vacancies. Senator HATCH had reduced vacancies to 50. In the 106th Congress, the last years of President Clinton's term, the vacancies were 67, which is, as you can see, pretty mainstream. But now we have 110 vacancies without an extraordinary game plan in the Judiciary Committee to have hearings and move judges forward. At the rate we are going, the resignations are going to exceed the nominations and confirmations. That is not a healthy thing for our judiciary.

Mr. President, I feel strongly about the issue. I know there are pressures on all of us. We have groups out there that used to try to pressure Chairman HATCH and tell him how to run the Judiciary Committee. He took the view that: If you want to get elected to the Senate, you can run the committee; otherwise, I am going to give hearings a fair shot and do what I think is right and move nominees.

I know pressure is out there. I think it is time for us to get serious on this matter, to move nominees forward, give President Bush's nominees a fair chance to be confirmed, to reduce this extraordinary backlog of vacancies that are out there —to have hearings on those 11 judges who were nominated in May because they have not even had a hearing yet—and get busy with filling our responsibility to advise and consent or reject President Bush's nominees.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ON THE ANNIVERSARY OF GOVERNOR MEL CARNAHAN'S DEATH

Mr. DASCHLE. Mr. President, one year ago today, America awoke to the terrible news that we had lost three extraordinary public servants: Governor Mel Carnahan, his son Roger, and their friend and aide Chris Sifford.

Mel Carnahan was a remarkable man—the kind whose work proved that politics and public service can indeed be a noble profession.

Like another man from Missouri, Harry Truman, Mel Carnahan was a man of plain speech and enormous political courage.

Throughout his career, he worked to help people, to make government efficient, and to use the tools at his disposal to make a difference in people's lives.

Whether it was improving public schools, expanding health insurance for children, protecting seniors through stricter safety standards for nursing homes, or making communities safer—Mel Carnahan never stopped working to make a difference.

I have no doubt that he would have been a great Senator, just as he was a great Governor. Sadly, he never got the change to show us that—at least, not directly.

But his spirit does live on in this Senate. As JEAN CARNAHAN has said so many times:

> Hopes and dreams don't die with people, they live on in all the people we touch.

Today, Mel Carnahan's hopes and dreams live on through all those he touched. But they have their most powerful voice in his wife of 45 years, JEAN CARNAHAN.

It was one year ago that she pledged to keep the fire burning. And every day since—that is exactly what Senator CARNAHAN has done.

In her tireless work to see that the economic victims of September 11 get health care, unemployment benefits, and job training—we feel Mel's sense of justice and compassion. In her work to improve our nation's schools—we see Mel's commitment to the children of Missouri, and America. And when Senator CARNAHAN comes to the Senate floor, and commands here colleagues' attention with her clear and thoughtful arguments—we hear the echoes of Mel's plainspoken sensibility.

One year after that cruel October morning, JEAN CARNAHAN has become the great Senator that Mel Carnahan would have been had he been given the chance. That is one blessing that makes his loss more bearable.

The poet Longfellow wrote:

When a great man dies,
for years beyond our ken,
the light he leaves behind him lies
upon the paths of men.

During his life, Mel Carnahan cast a bright and shining light on his state and our nation. His death did not extinguish that light.

That light continues to shine in the remarkable work and the indomitable spirit of his partner and our colleague, Senator JEAN CARNAHAN.

Today, especially today we thank her for her courage and for our inspiration.

JUDICIAL CONFIRMATIONS

Mr. THURMOND. Mr. President, I rise today to express my concern over the slow pace of judicial confirmations in the Senate.

The Bush administration deserves to be treated as fairly by the Democrat majority as the Republican majority treated the Clinton administration. Thus far, the facts show that the pace of confirmations is extremely slow and the number of vacancies is extremely high.

The Senate has confirmed only 8 judges so far this year, compared to 60 who have been nominated. During the Clinton administration, the Senate confirmed an average of 47 judges per year. In the first year of the Clinton administration, the Senate confirmed 28 judges, which is about average when compared to the first year for Reagan and Bush I. In the final year of the Clinton administration, we confirmed 39.

Given these numbers, it should not be surprising that the number of vacancies is much higher today than at the end of the Clinton administration. As of today, there are 109 vacancies for a vacancy rate of 12.7 percent, while at the end of the Clinton administration last year, there were only 67 vacancies for a 7.9 percent vacancy rate.

The Senate confirmed almost the same number of judges for President Clinton as for President Reagan, 377 compared to 384. This is true even though Republicans controlled the Senate for six years of Clinton and six years of Reagan. In fact, while I was Chairman for the first six years of the Reagan administration, I made confirmations arguably my top priority. Yet, the numbers are comparable.

The Democrat majority often notes that it has confirmed more circuit judges this year than the Senate did for the first year of the Clinton administration. While this is true, President Clinton nominated only five circuit judges in his first year in office, compared to 21 for President Bush so far this year. Also, in the first year of Clinton, the Democrats were in charge at the time. Last year, while Republicans were in control and it was an election year, the Senate still confirmed 8 circuit judges, double the number we have confirmed so far this year.

Under any reasonable evaluation, the numbers show that we are far behind this year. However, there is still time to act this session, and make the numbers fair with former Presidents.

In the first year of each of the past three administrations, all judges nominated before the end of the August recess were confirmed that year. The only exception is one judge during the first year of the Clinton administration who received a negative American Bar Association rating, and even he was confirmed the next year. President Bush nominated 44 judges before the end of August, and to be consistent we should confirm these judges before we adjourn this year.

One pending circuit court nominee is Judge Dennis Shedd, who was among President Bush's first set of nominees sent to the Senate on May 9. He has been a very able district court judge for the past decade and was formerly the chief counsel and staff director of the Judiciary Committee. He has bipartisan support. Also, the position for which he has been nominated has been declared a judicial emergency by the Administrative Office of the Courts. In addition, the committee held a hearing in August on the nomination of Terry Wooten for the District Court in South Carolina. I sincerely hope both of these fine judicial candidates can be confirmed this year.

In summary, I hope the Senate can act this year on many pending judicial nominees, and greatly reduce the extremely high vacancy rate that currently faces our Federal courts.

COMMENDING MR. ISAAC HOOPII FOR HIS ACTIONS AT THE PENTAGON

Mr. INOUYE. Mr. President, on September 11, 2001, out of the rubble of destruction, countless Americans rose and demonstrated great courage and selflessness. One such American was Mr. Isaac Hoopii, a Native Hawaiian who resides in McLean, VA, and is a Pentagon police officer and member of a bomb-sniffing canine police unit.

Minutes after a hijacked plane crashed into the Pengaton, Mr. Hoopii raced into the burning building and carried out eight people.

His calm resolve in the face of danger equaled his physical prowess. Unable to see the terrified victims, but knowing that they were amid the debris, smoke, and darkness, Mr. Hoopii repeatedly called out: "Head toward my voice."

Several people followed his voice and crawled to safety. At least one man who was led by Mr. Hoopii's voice called it the "voice of an angel," and credits it for saving his life.

I have had the opportunity to hear Mr. Hoopii's voice. He is a musician with the "Aloha Boys," a Hawaiian musical group that has performed on Capitol Hill. His singing is melodious and resonant, but I believe Mr. Hoopii's voice had never before sounded more beautiful than it did on that September morning. Mr. Hoopii carries with him the true aloha spirit, and I thank and commend him for sharing with the world the aloha of the Hawaiian people, whom I have been privileged to serve.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 21, 2001 in Cortez, CO. The body of an openly gay, half-Navajo teen, Fred Martinez Jr., 16, was found south of Cortez 5 days after he left home to go to a carnival. Police have arrested another teen, Shaun Murphy, in the murder and are investigating whether the homicide was a hate crime based on sexual orientation or race. The perpetrator allegedly bragged that he "beat up a fag." Martinez often curled his hair, plucked his eyebrows, wore make-up and toted a purse to school. His mother told the press that she firmly believes her son's slaying was a hate crime based on his gender identity or because he was transgender.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

HONORING TODD BEAMER

Mr. CORZINE. Mr. President, I rise today to pay tribute to a man whose undaunted and determined spirit showed this world the best of humanity. On September 11, Todd Beamer took action against the hijackers on United Flight 93 for the noblest cause, so that others might live.

Todd's spirit proved stronger than the evil that boarded Flight 93 on that infamous day. His spirit of kindness and generosity, of selflessness and bravery never faltered.

Todd embodied that spirit on September 11 and throughout his life. A husband and father, son and brother, friend and volunteer, parishioner and businessman: he played many roles. Our nation will always remember him in the role of hero.

We will never know the number of lives spared by the courage of Todd and others aboard that plane, but his fortitude sent a clear message to all those who seek to harm us: We are not afraid. Todd joined with other passengers on that fateful flight in America's first counterstrike against terrorism and set a dignified example for all of us who follow. Our mission is righteous and let there be no doubt, we are all in this together.

Todd's light shone through in the darkest hour of this Nation's history. May his honored memory be a constant reminder of America's great courage and resolve.

LEE HARTWELL, PHD, 2001, NOBEL PRIZE WINNER IN PHYSIOLOGY AND MEDICINE

Ms. CANTWELL. Mr. President, I rise today in honor of Dr. Lee Hartwell who received this year's Nobel Prize in Physiology and Medicine.

Dr. Hartwell began his work over 30 years ago with little more equipment or sophisticated research methods than a few dishes of yeast cells and a microscope and now works at one of the most prestigious cancer research centers in the country. Dr. Hartwell is President of the Fred Hutchinson Cancer Research Center in Seattle, and also a Professor of Genetics and Medicine at the University of Washington.

I believe that no one deserves this honor more than Dr. Hartwell, who is gracious and humble in his knowledge even as it has fundamentally changed the way we understand biology.

Dr. Hartwell was selected to receive the Nobel Prize because of his contributions to understanding how cells divide. Using yeast as a model organism, he was among the first scientists in the world to translate basic genetic research into the study of how cells function, and to determine which genes are involved in cell division.

Cells are the basis for all animal and plant life, and our understanding of how they multiply and develop is key to our understanding of larger organisms, like people. Errors or mutations in genes involved in the process of cell division can lead to cancer. Dr. Hartwell's work on these genes is fundamental in developing approaches that predict, prevent, or treat many kinds of cancers.

In his research, Dr. Hartwell has discovered more than 100 genes involved in cell-cycle control, including the gene that controls the first step in the cell division process. He also documented the existence of cell-cycle "checkpoints," which ensure steps in the process of cell growth and division have been completed properly before the process continues.

Dr. Hartwell's work was the first to show that cell division is genetically controlled, and he generated a collection of cell-division cycle mutants from which many of the key genes in this process have been isolated. Dr. Hartwell's latest work focuses on the possible role for checkpoint defects and genetic instability in cancer progression and he is looking into how to exploit these defects to develop new cancer treatments.

Dr. Hartwell graduated from Glendale High School in California before deciding to attend a junior college. He later transferred from junior college to the California Institute of Technology in Pasadena, CA. In 1961, he earned a Bachelor of Science at Caltech, and in 1964 earned a Ph.D. from the Massachusetts Institute of Technology. He did postdoctoral work at the Salk Institute for Biological Studies. He joined the University of Washington faculty in 1968 and has been a professor of genetics there since 1973. In 1996 he joined the faculty of Seattle's Fred Hutchinson, Cancer Research Center and in 1997 became its president and director.

Dr. Hartwell is the recipient of many national and international scientific awards for his work in cell-cycle biology, including the Leopold Griffuel Prize, the Massry Prize, the American Cancer Society's Medal of Honor Basic Research Award, the Albert Lasker Basic Medical Research Prize, the General Motors Sloan Award and the Gairdner Foundation International Award for Achievements in Science. Dr. Hartwell is also a member of the National Academy of Sciences.

Dr. Hartwell typifies the ingenuity and creativity found throughout Washington State. I speak for us all when I commend him on winning the Nobel Prize in Physiology and Medicine. Dr. Hartwell's work is truly revolutionary, and although it is done without pomp and circumstance, his work will have a lasting impact on us all.

ADDITIONAL STATEMENTS

IN RECOGNITION OF DR. VICTOR WESTPHALL

• Mr. DOMENICI. Mr. President, I rise today to honor Dr. Victor Westphall. Dr. Westphall has dedicated his life to recognizing and celebrating the service and sacrifice of our Nation's veterans. This past Saturday, Dr. Westphall celebrated his 88th birthday, and I still marvel at how much he has accomplished during his lifetime.

Dr. Westphall's dedication to veterans is not surprising because he is a veteran himself. He entered the United States Navy in 1943 as an ensign and served for two years in the South Pacific during World War II. During this time, he was responsible for setting up message centers to allow front-line communication. After serving three years in the Navy and earning two full stripes, Dr. Westphall moved with his wife and his two sons to Albuquerque. However, his family had a difficult time finding housing because of the large number of returning G.I.s. Dr. Westphall realized that many veterans were faced with the same situation, so he began a home construction business and built over 3,000 homes in New Mexico. At the same time, he earned his doctorate in history at the University of New Mexico and eventually became a leading author and expert on Southwestern American history.

In 1968, Dr. Westphall received news that his son, David, had been killed in Vietnam. David was a platoon leader and was killed with twelve of his men in an ambush near Con Thien. However, Dr. Westphall was determined to draw some good out of this tragic event. He decided to use the life insurance payment from his son's death to build the Vietnam Veterans Peace and Brotherhood Chapel in Angel Fire, NM. Although Dr. Westphall struggled to find financial support to help build this memorial, he remained dedicated to the project, and in 1971, the first monument to Vietnam veterans in the United States was formally dedicated.

The Vietnam Veterans Peace and Brotherhood Chapel stands as a handsome tribute to our veterans who served in Vietnam. Dr. Westphall hired a Santa Fe architect to design a beautiful white chapel with gentle curves sweeping 50 feet upward towards the sky. This serene memorial overlooks the sacred Moreno Valley in northeastern New Mexico. It offers visitors the opportunity to remember those who served their Nation proudly in the Vietnam War in a peaceful and spiritual setting. The Chapel's eternal flame illuminates this ideal place for quiet meditation.

Even today, Dr. Westphall remains deeply involved in this monument, which attracts over 120,000 visitors every year. He still greets visitors to the Chapel in his wheelchair, while sharing stories of loved ones lost during the War. There is a very moving story that Dr. Westphall recounts about the Chapel. When the memorial was first opened, the Chapel would close every night. However, one morning Dr. Westphall found a message left by a young veteran on the door: "I needed to come in and you locked me out." Since then, the Chapel remained open 24 hours a day.

Just like the Chapel, Dr. Westphall has always been there for our Nation's veterans. From his own service in World War II to his construction of houses for returning veterans to the opening of the Vietnam Veterans Peace and Brotherhood Chapel, Dr. Westphall has remained dedicated to America's veterans. I salute Dr. Westphall's lifetime of service to our veterans, and I am proud and honored to have him as a friend.●

THE OUTSTANDING SERVICE OF RICHARD MONAHAN

● Mr. KENNEDY. Mr. President, I welcome this opportunity to honor Richard Monahan. Mr. Monahan has served the International Brotherhood of Electrical Workers Local 103 in Boston, MA, with distinction for over 45 years. He began as an apprentice in 1956 and is retiring this month as an International Representative of the Second District.

Mr. Monahan has worked effectively and tirelessly for the working families of Massachusetts and the Nation throughout these years. He will long be remembered for his outstanding commitment and dedication to the Electrical Workers Union. He also served his country with honor from 1960 to 1968 in the United States Coast Guard.

Mr. Monahan rose through the ranks of the I.B.E.W., serving on its Executive Board, as its Business Manager, and as the Second District International Representative.

He has also been active in his community. His dedication has gone above and beyond the call of duty, and he has given his many talents to charitable groups, including the Knights of Columbus Council 2259, AMVETS Post-0146 and the Quincy Lodge of Elks #943.

I know that the men and women of Local 103 and his many friends and admirers in our community are proud of Richard Monahan's outstanding service, and we wish him a long and happy retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2277. An act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors; to the Committee on the Judiciary.

H.R. 2278. An act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time.

H.R. 2646. An act to provide for the continuation of agricultural programs through fiscal year 2011.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4462. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Alaska Native Allotments For Certain Veterans, 43 CFR Part 2560" (RIN1004–AD34) received on October 12, 2001; to the Committee on Energy and Natural Resources.

EC–4463. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Saver's Tax Credit for Contributions by Individuals to Employer Retirement Plans and IRAs" (Ann. 2001–106) received on October 12, 2001; to the Committee on Finance.

EC–4464. A communication from the President of the United States, transmitting, pursuant to law, an Executive Order relative to the Continuation of Export Control Regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC–4465. A communication from the Assistant General Counsel, Banking and Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Resolution Funding Corporation Operations" (RIN1505–AA79) received on October 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4466. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the Mid-Session Review relative to a supplemental update of the Budget; to the Committees on Appropriations; and the Budget.

EC–4467. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a Cost Estimate report relative to Expedited Payment for Heroic Public Safety Officers; to the Committee on the Budget.

EC–4468. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 134, "Parental Kidnapping Extradition Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC–4469. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–132, "National Capital Revitalization Corporation Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC–4470. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–133, "Free Clinic Assistance Program Extension Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC–4471. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 135, "Food Regulation Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC–4472. A communication from the Acting Chief Operating Officer, United States Safety and Hazardous Investigation Board, transmitting, pursuant to law, the annual report on the inventory of activities that are not inherently governmental for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–4473. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans and Designation of Area for Air Quality Planning Purposes; Pennsylvania; Redesignation of Pittsburgh-Beaver Valley Ozone Nonattainment Area to Attainment and Approval of Miscellaneous" (FRL7079–6) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4474. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision; Delay of Effective Date and Extension of Comment Period" (FRL7084–3) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4475. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Vermont; Negative Declaration" (FRL7077–4A) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4476. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Final Approval of Operating Permits Program; State of Maine" (FRL7085–5) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4477. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permit Program; District of Columbia" (FRL7085–8) received on October 12, 2001; to the Committee on Environment and Public Works.

EC–4478. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste" (FRL7076–4) received on October 12, 2001; to the Committee on Environment and Public Works.

EC-4479. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NAC-UMS Revision" (RIN3150-AG77) received on October 12, 2001; to the Committee on Environment and Public Works.

EC-4480. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4481. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Fiscal Year 2001 Funds Obligated in Support of the Procurement of a Vaccine for the Biological Agent Anthrax; to the Committee on Armed Services.

EC-4482. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Portability and Reciprocity of TRICARE Prime Benefits; to the Committee on Armed Services.

EC-4483. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Federally Funded Research and Development Center's (FFRDC's) Estimated FY 2002 Staff-years of Technical Effort (SET's) for Fiscal Year 2002; to the Committee on Armed Services.

EC-4484. A communication from the Secretary of Defense, transmitting, pursuant to law, the semiannual reports regarding the Department of Defense Pharmacy Benefits Program dated June 2001; to the Committee on Armed Services.

EC-4485. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the Chiropractic Health Care Implementation Plan; to the Committee on Armed Services.

EC-4486. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Proposed Obligations for Weapons Destruction and Non-Proliferation in the Former Soviet Union; renotification of funds; to the Committee on Armed Services.

EC-4487. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Neck Lateral Bending for 50% Male Side Impact Dummy Hybrid III (SID/HIII): Final Rule" (RIN2127-AH87) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4488. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flightcrew Compartment Access and Door Designs" (RIN2120-AH52) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4489. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200 and 300 Series Airplanes; request for comment" ((RIN2120-AA64)(2001-0500)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4490. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211 535 Turbofan Engines; request for comments" ((RIN2120-AA64)(2001-0499)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4491. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes" ((RIN2120-AA64)(2001-0501)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4492. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF34 3A1, 3B, and 3B1 Turbofan Engines; request for comments" ((RIN2120-AA64)(2001-0502)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4493. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 206L 4, 407, and 427 Helicopters; request for comments" ((RIN2120-AA64)(2001-0503)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4494. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes" ((RIN2120-AA64)(2001-0504)) received on October 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4495. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report on S.1214, the "Port and Maritime Security Act of 2001" and S. Rpt. 107-64; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. Inhofe, Mr. Baucus, Mr. Burns, Mr. Johnson, Mr. Hollings, Mr. Cleland, and Mr. Wellstone):

S. 1552. A bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001; to the Committee on Small Business and Entrepreneurship.

By Mr. HATCH:

S. 1553. A bill to amend the Internal Revenue Code of 1986 to allow a bonus deduction for depreciable business assets; to the Committee on Finance.

By Mr. CLELAND:

S. 1554. A bill to amend the Internal Revenue Code of 1986 to provide an increased low-income housing credit for property located immediately adjacent to qualified census tracts; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. Leahy, and Mr. Akaka):

S. 1555. A bill to express the policy of the United States with respect to the adherence by the United States to global standards in the transfer of small arms and light weapons, and for other purposes; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself, Mr. Kyl, Mrs. Clinton, Mr. Schumer, Mr. Allen, Mr. Warner, Ms. Mikulski, Mrs. Boxer, Mr. Dayton, Mr. Rockefeller, Mr. Daschle, Mr. Breaux, Mrs. Carnahan, Mr. Nickles, Mr. Levin, Mr. Corzine, Mr. Kennedy, Mr. Johnson, Mr. Dorgan, and Mr. Durbin):

S. 1556. A bill to establish a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1557. A bill to amend title 49, United States Code, to prohibit the operation of motor vehicles transporting hazardous materials by persons not subjected to a background investigation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM (for himself and Mr. Voinovich):

S. 1558. A bill to provide for the issuance of certificates to social security beneficiaries guaranteeing their right to receive social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Con. Res. 79. A concurrent resolution expressing the sense of Congress that public schools may display the words "God Bless America" as an expression of support for the Nation; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 677

At the request of Mr. Hatch, the name of the Senator from Missouri (Mrs. Carnahan) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 826

At the request of Mrs. Lincoln, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 847

At the request of Mr. Dayton, the name of the Senator from Oregon (Mr. Smith of Oregon) was added as a cosponsor of S. 847, a bill to impose tariffrate quotas on certain casein and milk protein concentrates.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1244

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1244, a bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1443

At the request of Mr. MILLER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1443, a bill to amend the Water Resources Development Act of 2000 to modify a provision relating to easement prohibitions.

S. 1499

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1520

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1520, a bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks.

S.RES. 140

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.Res. 140, a resolution designating the week beginning September 15, 2002, as "National Civic Participation Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. INHOFE, Mr. BAUCUS, Mr. BURNS, Mr. JOHNSON, Mr. HOLLINGS, Mr. CLELAND, and Mr. WELLSTONE):

S. 1552. A bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001; to the Committee on Small Business and Entrepreneurship.

Mr. HARKIN. Mr. President, I rise today on behalf of Senator INHOFE, Senator BAUCUS, Senator BURNS, Senator JOHNSON, Senator HOLLINGS and myself, to introduce the General Aviation Assistance Act. This legislation would provide assistance in the form of Small Business Administration grants, helping to support an essential part of our aviation industry at a very critical time.

When many of the large passenger airlines were in trouble, we knew we had to act quickly to support this vital industry. When the planes were grounded following the September 11 attacks, many airlines were in a precarious position.

The situation in the general aviation industry is equally, if not more, precarious. And the services general aviation businesses provide are no less critical to our economy.

In Iowa and in many rural States, commercial service is very limited. Without general aviation, traveling by air means driving for hours to reach a small commercial airport that offers few flights, often at inconvenient times. That is not a workable situation for most businesses. Many could not locate to rural America without general aviation services.

The general aviation industry is made up of a number of small business. It operates at more than 5,300 public use airports nationwide, compared to the 650 airports in the nation that have airline service. Ninety-two percent of the aircraft registered in the United States are general aviation aircraft. That includes charter businesses, crop dusters, the people who maintain small noncommercial airports and those that train future pilots. These businesses provide jobs for thousands of hard-working Americans and many cannot survive much longer without our help.

Our failure to support general aviation now would deal a severe blow to the rural economy. Unlike the commercial airlines, general aviation is made up largely of small businesses. Their ability to remain in business rests on their ability to fly. A very significant number of these businesses are in danger of not making it through the year without relief.

Over the past month, while visiting many of Iowa's airports to discuss airlines safety, I also met with a number of general aviation operators. For many small plane operators, flight restrictions lasted far longer than they did for the big airlines. Indeed, there are still some general aviation companies near large cities that are still closed today.

Last week, I spoke with Bill Kyle from Charles City, IA who is a small independent operator. From September 11 to September 22, he lost two thousand dollars a day. He is still losing $800 dollars every day because his business is reduced at a similar rate to the reductions seen in commercial aviation. These are not the type of losses that a small business like Bill Kyle's can survive, not without some assistance.

The legislation we are introducing today will provide small general aviation businesses with grants to make up for their actual losses from September 11 through the end of the year. The program would be administered by the Small Business Administration which would make sure that the amount of assistance provided was fairly determined. Grants could be as much as $6 million, although, of course, the vast majority would be far less.

We must act. This assistance could be the difference between a general aviation business taking off or being grounded permanently.

A number of my colleagues are working to assist small business to recover from this tragedy. I am sure that many have been hearing from their constituents about this issue. So, I am sure they know that few small businesses have been impacted as dramatically as the hard-working people in general aviation.

I am committed to getting general aviation back on track. It is important to these small businesses. It is important to the people they employ. And it is important to the rural economy as a whole. I ask my colleagues to join me in support of this legislation.

By Mr. HATCH:

S. 1553. A bill to amend the Internal Revenue Code of 1986 to allow a bonus deduction for depreciable business assets; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to help stimulate the economy by creating a strong incentive for businesses to invest immediately in new productive assets.

Unfortunately, the evil acts of terrorists on September 11 did more than shatter lives, hopes and dreams and destroy or damage great buildings in New York and Washington. They also caused serious harm to our national, and even the world's economies.

While we do not yet know the full extent of the havoc brought to the U.S. economy by the calamities of September 11, practically all the experts agree that the damage will be significant. Few of them doubt that we are now in a recession. Moreover, many of the Nation's leading economists agree that the Congress and the President should move quickly to enact a package of tax cuts and other measures to stimulate the economy and try to prevent the downturn from becoming a long and deep one.

For this reason, the bipartisan leadership of Congress in both houses, along with the White House, have been meeting for weeks in an attempt to develop a consensus on what such an economic stimulus package should include. Last Friday, the Committee on Ways and Means of the House of Representatives approved an initial stimulus bill.

While it appears evident to me that it will be difficult for everyone in both parties and in both houses to agree on the proper content of the economic stimulus package, there are some guiding principles for the package on which most seem to agree. First, and almost by definition, the stimulus package should provide a strong incentive for players in the economy to take action they would not ordinarily take. Second, such an incentive should cause the desired action to occur quickly, when it will be of the most good to the economy. Finally, the stimulus should be temporary, and not cause a large long-term effect on the Federal budget, which could lead to an increase in interest rates.

It may be that there are many specific tax law changes that meet these guiding principles. Some have suggested another round of tax rebate checks, but designated only for those who were not able to participate in the advance tax cut Congress passed in May of this year. Others are proposing the acceleration of the income tax rate cuts that were included in that same tax bill that are presently scheduled to take effect in future years. Still others insist that the stimulus package include new spending on our infrastructure or relief to ailing industries and to displaced employees.

In the end, the economic stimulus package signed into law will probably contain a combination of several of these ideas. Our political process will require us to reach some kind of consensus, which means some of this idea and some of that idea will have to be included.

Knowing that the stimulus package will be a collage of ideas, I believe it is important that it include a core provision that almost everyone seems to agree meets the criteria of true economic stimulus, a strong inducement for businesses to invest in productive assets. The purpose of the bill I introduce today is to put before the Senate a bold plan that I believe would accomplish this goal.

The Economic Stimulus Through Bonus Depreciation Act of 2001 would provide businesses throughout America a very strong, but short-term, incentive to purchase business assets and put them to work over the next few months. A strong and concentrated surge in capital spending by U.S. businesses would provide a tremendous shot in the arm to our economy, as present inventories become depleted and manufacturers scramble to keep up with the new demand.

Specifically, my bill would provide a 50-percent bonus depreciation deduction for business assets purchased after September 10, 2001, and before July 1, 2002, and placed in service before January 1, 2003. This means that businesses that want to take advantage of this strong incentive, which generally provides more than twice the first year deduction than is allowed under current law, would have to act quickly and order the new business assets by next June 30, and take delivery by next December 31.

For example, suppose a business needed a new delivery truck that cost $50,000. Under current law, most trucks are considered 5-year property, and are generally depreciated over a 5-year period. If the business purchased the truck in 2002, the current-law depreciation deduction for the first year would be $10,000. In other words, the business would be able to write off one-fifth of the cost of the truck in the year of purchase.

Under my bill, that same business would be allowed a 50-percent first-year depreciation deduction, rather than the 20 percent. So, instead of a deduction of $10,000 in 2002, the business would be allowed to deduct $25,000 of the cost of the truck in the first year. This is a significant difference, and it should be enough of a difference to change behavior when coupled with a short window of opportunity.

The short time frame is a key to the success of a stimulus promotion bill like this one. My bill would require that a business make a decision and enter into a contract to purchase a new asset by next June 30, and then take delivery on the property by December 31, 2002.

I will note that the economic stimulus bill approved by the House Ways and Means Committee last week includes a somewhat similar provision, one that provides for 30 percent extra depreciation for certain business assets. However, that bill allows the purchaser to take almost 3 years to decide to buy a new asset, then allows another several months to place the property into service. With all respect to my colleagues on the Ways and Means Committee, I believe the window of opportunity for the enhanced deduction created by that bill is too long. It does not instill the sense of urgency that I believe is needed to truly create a significant stimulus.

It is important to note that my bill also applies to more types of business property than does the Ways and Means bill. The bill passed by the Ways and Means Committee would generally provide for an enhanced depreciation deduction for depreciable property with a recovery period of 20 years or less, except for leasehold improvements. The bill I am introducing today would apply to all types of depreciable property, including leasehold improvements and depreciable real estate.

As a practical matter, I realize that many real estate projects, as well as many larger build-to-order equipment projects, take longer than a year to build and place in service. However, it is also true that many larger and costly projects can be built within the time constraints of this bill, especially if there is a concerted attempt to do so. I believe that the short time frame of my bill would induce many companies to act much more quickly than they otherwise would, in order to get business assets ordered and built in time to qualify for the bonus depreciation. This is where the economic stimulus power of this bill comes into play. The more effort that is made to get real estate projects finished, or to get equipment ordered, delivered, and placed in service in time to meet the deadlines of this bill, the more economic stimulus is created.

Moreover, I believe this bill meets the three guiding principles I mentioned earlier. First, it provides a strong incentive for businesses to take stimulative action they would not otherwise take, in this case to purchase assets by June 30, 2002, in order to reap a significant tax savings. Second, because of the short deadline, this action will take place right away, when economic stimulus is really needed. Finally, the bill raises few risks of raising interest rates. Depreciation is a form of cost recovery over a period of time. Because our tax code allows the cost of assets to be recovered over time, a speed-up of the time of recovery has few long-term costs to the Federal budget. So, allowing businesses to write off a larger portion of the cost of assets for a short time period has a negative effect on the Treasury in the first two or three years, but begins to reverse itself afterward. Thus, much of the early year costs of my bill will be fully reversed within the 10-year budget window.

President Bush has indicated his support for the inclusion in the economic stimulus package of an enhanced depreciation provision. A number of Democrats and Republicans have also spoken out in support of this idea. And, as I mentioned, the Ways and Means Committee included a version of bonus depreciation in the bill it passed last week. Bonus depreciation is a solid economic stimulus idea. In crafting a consensus package, I urge my colleagues to include a depreciation provision that packs a punch by offering the promise of a large deduction for actions taken in a relatively short time frame. I believe the legislation I introduce today fits the bill nicely, and I urge its consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Stimulus Through Bonus Depreciation Act of 2001".

SEC. 2. BONUS DEPRECIATION ALLOWANCE FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following:

"(k) BONUS ALLOWANCE FOR CERTAIN BUSINESS ASSETS.—

"(1) IN GENERAL.—In the case of any qualified property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall be an amount equal to 50 percent of the adjusted basis of the qualified property, and

"(B) subject to paragraph (2), the amount otherwise allowable as a depreciation deduction under this chapter for any subsequent taxable year shall be computed in the same manner as if this subsection had not been enacted.

"(2) ADJUSTED BASIS.—The aggregate deduction allowed under this section for taxable years described in paragraph (1)(B) with respect to any qualified property shall not exceed the adjusted basis of such property reduced by the amount of the deduction allowed under paragraph (1)(A).

"(3) QUALIFIED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified property' means property—

"(i)(I) to which this section applies, or

"(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

"(ii) the original use of which commences with the taxpayer on or after September 11, 2001,

"(iii) which is—

"(I) acquired by the taxpayer on or after September 11, 2001, and before July 1, 2002, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into on or after September 11, 2001, and before July 1, 2002, and

"(iv) which is placed in service by the taxpayer before January 1, 2003.

"(B) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

"(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

"(II) after application of section 280F(b) (relating to listed property with limited business use).

"(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(iii) REPAIRED OR RECONSTRUCTED PROPERTY.—Except as otherwise provided in regulations, the term 'qualified property' shall not include any repaired or reconstructed property.

"(C) SPECIAL RULES RELATING TO ORIGINAL USE.—

"(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (ii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property on or after September 11, 2001, and before January 1, 2003.

"(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(i), if property—

"(I) is originally placed in service on or after September 11, 2001, by a person, and

"(II) is sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

"(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified equipment, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i), and decrease each other limitation under subparagraphs (A) and (B) of section 280F(a)(1), to appropriately reflect the amount of the deduction allowable under paragraph (1).

"(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

"(4) APPLICABLE CONVENTION.—Subsection (d)(3) shall not apply in determining the applicable convention with respect to qualified property.".

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) of the Internal Revenue Code of 1986 (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following:

"(iii) ADDITIONAL ALLOWANCE FOR CERTAIN BUSINESS ASSETS.—The deduction under section 168(k) shall be allowed.".

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) of such Code is amended by inserting "or (iii)" after "(ii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after September 11, 2001, in taxable years ending on or after such date.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, and Mr. AKAKA):

S. 1555. A bill to express the policy of the United States with respect to the adherence by the United States to global standards in the transfer of small arms and light weapons and for other purposes; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Security and Fair Enforcement in Arms Trafficking Act of 2001, cosponsored by Senators LEAHY and AKAKA.

Small arms and light weapons, such as assault rifles, machine guns, grenades, and portable launchers of antiaircraft missile systems, are the weapons of choice for terrorists and their friends, and I fully believe that U.S. leadership is needed to stem the global torrent of illicit arms. All too often these arms fall into the hands of terrorists, drug cartels, and violent rebellions. Curbing the proliferation of these weapons must be a vital component of our efforts to combat international terrorism.

The rise of the Taliban in Afghanistan, in fact, is due in no small part to the ready availability of these weapons in that war torn country, and Afghanistan clearly demonstrates how a country can become a threat to regional and global security if it is flooded with small arms and light weapons. The Taliban and the al Qaeda network were able to gather more than 10 million small arms and light weapons from a variety of sources over the past decade, including AK-47s, hand grenades, and Stinger missiles. Today the United States and its allies are faced with these very weapons as we move forward with Operation Enduring Freedom.

The global networks of terrorism are clearly linked to the networks of the illicit arms trade and to the states that harbor terrorists, and terrorists around the globe also utilize the intertwined global networks of the illegal arms trade and the drug trade to generate financial resources for their destructive and threatening activities.

As I have previously discussed on the floor, the global proliferation of small arms and light weapons is a staggering problem.

An estimated 500 million illicit small arms and light weapons are in circulation around the globe.

In the past decade, an estimated 4 million people have been killed in civil war and bloody fighting. Nine out of ten of these deaths are attributed to small arms and light weapons.

The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Kosovo, among others, as well as the violence endemic to narco-trafficking.

The increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to U.S. forces overseas. For the United States, as we now engage in the war on terrorism, this issue is a very real force protection issue.

The conflicts fueled by small arms and light weapons undermine regional stability and endanger the spread of democracy and free markets around the world.

Clearly this is a huge problem, with profound implications for U.S. security interests.

I strongly believe that the U.S. Government must take the lead in the international community in addressing this issue. It is in the United States national interest to promote responsibility and restraint in the transfer of small arms and light weapons; to combat irresponsible practices in such transfers, to ensure that nations engaged in substandard practices are held accountable; to encourage other members of the international community to meet, as minimum standards U.S. law and practices; take strong action to negotiate and support making the trafficking of small arms traceable; bolster rules governing arms brokers; and eliminate the secrecy that permits millions of these weapons to circulate illicitly around the globe, fueling crime and war.

As a matter of fact, as a major supplier country in the legal arms trade, the United States has a special obligation to promote responsible practices in the transfer of these weapons.

That is what the Security and Fair Enforcement in Arms Trafficking Act of 2001 aims to do. It: Affirms U.S. policy to maintain the highest standards for the management and transfer of small arms and light weapons exports, and that it is U.S. policy to refrain from exports that could be used in internal repression, human rights abuses and international aggression; enforces the ban in international commercial transfers of military-style assault weapons and, improves end-use monitoring of U.S. arms transfers; urges the administration to enter into negotiations with the European Union and NATO member states, as well as other members of the international community to bring our allies into compliance with U.S. law and standards for the export and transfer of military-style assault weapons as well as on such critical issues as marking and tracing of small arms and light weapons, rules governing the conduct of arms brokers, and the enforcement of arms embargoes; calls on the administration to establish a U.S.-EU Coordinating Group on Small Arms, and to work to and implement and advance the Program of Action of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects; improves the transparency of U.S. transfers in small arms and light weapons, and requires the establishment of a registry of all U.S. firearm exports; and, encourages all states that have not done so to ratify the OAS convention on small arms and light weapons.

And let me be clear: This legislation does not interfere with legitimate and responsible transfers of small arms or the lawful ownership and use of guns in the United States.

The United States needs to push hard to improve the international standards and the application of legally binding agreements to stem the illicit trade in these weapons. Fighting the proliferation of small arms is critical to our efforts to combat terrorism, narco-trafficking, international organized crime, regional and local war.

I believe that combating the proliferation of small arms and light weapons is a critical element of the fight against terrorism, and I look forward to working with my colleagues in the Senate and with the administration to pass the Security and Fair Enforcement in Arms Trafficking Act of 2001.

By Ms. STABENOW (for herself, Mr. KYL, Mrs. CLINTON, Mr. SCHUMER, Mr. ALLEN, Mr. WARNER, Ms. MIKULSKI, Mrs. BOXER, Mr. DAYTON, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BREAUX, Mrs. CARNAHAN, Mr. NICKLES, Mr. LEVIN, Mr. CORZINE, Mr. KENNEDY, Mr. JOHNSON, Mr. DORGAN, and Mr. DURBIN):

S. 1556. A bill to establish a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, we all witnessed a great national tragedy on September 11. While the deaths and damage occurred in New York, Washington, and the fields of Pennsylvania, a piece of all of us died that day.

Many people came up to me in the weeks after the attack and asked: "What can I do? I've given blood. I've donated to relief efforts. But I want to do more."

We all shared in the horror. Now everyone wants to share in the healing.

But how?

Then a constituent of mine, Bob Van Oosterhout, wrote me with an idea. Why not have the Federal Government devise a program that would encourage communities throughout the Nation to create something that would honor the memory of one of the victims lost in the attack? Together these local memorials to honor individuals would dot our Nation and collectively honor all those lost in the attack.

What could be simpler? Or more moving?

From that idea came the Unity in the Spirit of America Act, which I am introducing today along with my distinguished colleague Senator KYL.

Here's how it would work: Communities, it could be as small as a neighborhood block, or nonprofit organizations, houses of worship, businesses, or local governments would choose some kind of project that would unite them and their community.

Applications and the assigning of names for each project will be handled by the Thousand Points of Light Foundation in conjunction with the Corporation for National Service. Once the bill has passed, applications and procedures will be posted on the foundation's web page.

In the meantime, I urge people to meet with their neighbors, or coworkers, or fellow church members to start identifying projects that would make fitting memorials to the victims of the attack of September 11.

It could be cleaning or creating a park, adopting a school and mentoring students, creating a meals program for the homeless, or just about anything that would do honor to the memories of those who died on September 11.

The Thousand Points of Light Foundation will track each project's progress on their web page.

The only rule would be that qualified projects should be started by September 11, 2002.

Then on that day—as all over America we gather to grieve over the first anniversary of the attack that enraged the world—we'll also be able to look over thousands and thousands of selfless acts that made our world better.

In our sadness, we can create 6,000 points of life across our Nation. And we will show the world that our resolve was not fleeting, or our memories not short.

They will see Unity in the Spirit of America.

And what could bring more fitting honor to all those innocents we lost.

I am also pleased that this bipartisan legislation enjoys the support of the Senators from New York, Mr. SCHUMER and Mrs. CLINTON, and the Senators from Virginia, Senators WARNER and ALLEN.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unity in Service to America Act" or the "USA Act".

SEC. 2. PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS.

The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

"SEC. 401. PROJECTS.

"(a) DEFINITION.—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

"(b) IDENTIFICATION OF PROJECTS.—

"(1) ESTIMATED NUMBER.—Not later than December 1, 2001, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

"(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

"(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

"(2) IDENTIFIED PROJECTS.—The Foundation shall identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation shall name each identified project in honor of a victim described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

"(c) ELIGIBLE ENTITIES.—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, or a nonprofit organization (which may be a religious organization, such as a Christian, Jewish, or Muslim organization).

"(d) PROJECTS.—The Foundation shall name, under this section, projects—

"(1) that advance the goals of unity, and improving the quality of life in communities; and

"(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of the Unity in Service to America Act, as determined by the Foundation.

"(e) WEBSITE AND DATABASE.—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects.".

By Mr. SANTORUM (for himself and Mr. VOINOVICH):

S. 1558. A bill to provide for the issuance of certificates to social security beneficiaries guaranteeing their right to receive social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today I am pleased to join with my colleague, Senator GEORGE VOINOVICH of Ohio, in introducing the Social Security Benefits Guarantee Act, legislation aimed at conferring upon current Social Security beneficiaries an explicit property right to their benefits.

As the President's Commission to Strengthen Social Security and Congress continue to consider options about how best to put our most vital social program on sound financial footing, it is increasingly important to assure today's beneficiaries that they are not going to be adversely affected by any reform proposal that Congress may ultimately enact into law.

Although reasonable people can disagree about how best to restore Social Security to a path of long-term solvency, philosophical or political leanings should not obstruct us from meeting our moral obligation to preserve and protect the benefits of current beneficiaries.

Both basic fairness and practicality dictate that individuals and families who are currently receiving Social Security benefits should not be expected to adapt to any of the steps necessary to shore up Social Security's long-range financial health. Indeed, President Bush outlined as his very first principle in the creation of the present Commission that "Modernization must not change Social Security benefits for retirees or near-retirees."

No matter what reform plan Congress may consider, one of the more productive interim steps we can undertake is to create an environment where constructive, bipartisan policy options can be pursued. Toward this end, I believe that it is important to remove the "demagoguery factor" from the Social Security reform discussion by ensuring seniors that they receive every cent that the government has promised them, including an accurate annual cost-of-living increase. That is why we are introducing the Social Security Benefits Guarantee Act today.

Unfortunately, current law affords no such protection for our nation's elderly. In the Supreme Court's 1960 decision *Flemming* v. *Nestor*, 363 U.S. 603, the Court held that Americans have no property right to their Social Security benefits, and that Congress has the power to change Social Security benefits at any time. One unfortunate byproduct of this case law is that current beneficiaries have fallen victim to scare tactics from politicians, interest groups and others stating or implying that sustainable long-term Social Security reform will lead to a reduction or endangerment of their benefits.

Social Security reform is too important to working Americans to allow short-term political demagoguery to drown out serious bipartisan efforts to put our most vital social program on sound fiscal and actuarial footing. By passing an explicit property right to Social Security benefits for those eligible for and receiving benefits, Congress can assure seniors that their benefits will be protected and focus the reform discussion on the future, where it belongs, and how we can best preserve Social Security's financial dependence at a cost that future generations can bear.

In closing, it is my sincere hope that our colleagues will join Senator VOINOVICH and me in supporting this commonsense legislation to provide America's seniors peace of mind during the inevitable policy challenges that lie ahead for Social Security's financing.

I again thank Senator VOINOVICH for working with me in this effort, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Social Security Benefits Guarantee Act of 2001".

SEC. 2. GUARANTEE OF FULL SOCIAL SECURITY BENEFITS WITH ACCURATE ANNUAL COST-OF-LIVING ADJUSTMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue a benefit guarantee certificate to each individual who is determined by the Commissioner of Social Security as of the date of the issuance of the certificate to be entitled to benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.). The Secretary shall also issue such a certificate to any individual on the date such individual is determined thereafter to be entitled to benefits under such title.

(b) BENEFIT GUARANTEE CERTIFICATE.—The benefit guarantee certificate issued pursuant to subsection (a) shall represent a legally enforceable guarantee—

(1) of the timely payment of the full amount of future benefit payments to which the individual is entitled under title II of the Social Security Act (as determined under such title as in effect on the date of the issuance of the certificate); and

(2) that the benefits will be adjusted thereafter not less frequently than annually to the extent prescribed in provisions of such title (as in effect on the date of the issuance of the certificate) providing for accurate adjustments based on indices reflecting changes in consumer prices as determined by the Bureau of Labor Statistics or changes in wages as determined by the Commissioner of Social Security.

(c) OBLIGATION TO PROVIDE PAYMENTS AS GUARANTEED.—Any certificate issued under the authority of this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to the individual to whom the certificate is issued benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) in amounts in accordance with the guarantee set forth in the certificate.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 79—EXPRESSING THE SENSE OF CONGRESS THAT PUBLIC SCHOOLS MAY DISPLAY THE WORDS "GOD BLESS AMERICA" AS AN EXPRESSION OF SUPPORT FOR THE NATION

Mr. THURMOND submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is consistent with the Constitution for public schools to display the words "God Bless America" as an expression of support for the Nation.

Mr. THURMOND. Mr. President, I rise today to submit a resolution that would demonstrate the support of Congress for the renewed public patriotism in our country. It would express the sense of the Congress that public schools should be free to post the phrase "God Bless America" without the misguided fear that it is illegal and violates the Constitution.

In response to the terrorist attacks of September 11, the patriotism of the American people can be seen everywhere. The American flag is being flown all across our country, from homes and cars to schools and playing fields. Patriotic songs are being sung with a renewed enthusiasm at all public places.

One such patriotic song is "God Bless America," which was written during World War I and became part of American life. Members of Congress spontaneously sang it on the steps of the Capitol the night of the attacks, and it has been played countless times across the country in recent weeks.

The outpouring of unity and love that our Nation has expressed is inspiring. It is truly a fitting response to the terrorists. After all, their goal was to tear us apart, but what they have actually done is bring us together.

One small expression of unity came from Breen Elementary School in Rocklin, California, which posted the phrase "God Bless America" on a marquee in front of the school.

Given the patriotism all across our country, this small expression of resolve would not seem to be newsworthy. After all, these words are part of the history and fabric of our country. These words demonstrate the spirit of America.

Unfortunately, there are a few who do not agree, and do not support Breen Elementary's display of patriotism. The American Civil Liberties Union has demanded that the school remove the slogan, saying that the school is clearly violating the Constitution. It even referred to the display of "God Bless America" as "hurtful" and "divisive."

To say that "God Bless America" is "hurtful" and "divisive" is absolutely ridiculous. The phrase is also in no way unconstitutional. I have disagreed with the ACLU many times over the years, but their response here is even hard for me to believe. It simply wrong for the ACLU to try to bully this school into supporting its extreme interpretation of the Constitution.

Fortunately, the school is not intimidated. Rocklin Unified School District Superintendent Kevin Brown has made it plain that the school is standing firm in its decision to keep "God Bless America" posted. It is a decision that is principled, appropriate, and entirely in keeping with the Constitution. We all should be proud of the school for taking this courageous stand.

Simply put, the ACLU has no support in the law for its position. While there does not appear to be any Federal cases ruling on the phrase "God Bless America," various challenges have been made to a similar slogan, "In God We Trust." The Ninth Circuit Court of Appeals, arguably the most liberal federal appeals court, held in Aronow v. United States that the use of this phrase on currency and as the national motto does not violate the establishment clause of the Constitution. The court said, "Its use is of a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise." It also said that "it is quite obvious" that the phrase "has nothing whatsoever to do with the establishment of religion."

While the ninth circuit is the most relevant here because the school is located in California, other circuit courts have reached the same conclusion. The tenth circuit explained in Gaylor v. United States that the national motto "through historical usage and ubiquity cannot be reasonably understood to convey government approval of religious belief." In cases such as Lynch v. Donnelly, the Supreme Court has indicated its approval of these rulings. Even Justice William Brennan, one of the most liberal Supreme Court Justices of the modern era and one of the most strident advocates for the separation of church and state, even indicated his support for this view, saying that Americans have "simply interwoven the motto so deeply into the fabric of our civil polity" as to eliminate constitutional problems.

The same reasoning applies to Breen Elementary's use of "God Bless America." Both of these phrases show the important role that religion plays in America, but they are not an establishment of religion or endorsement of religious belief.

It is also significant that even when the Supreme Court ruled that organized prayer in public schools was unconstitutional in Engel v. Vitale, it made it clear that the case did not apply to patriotic or ceremonial anthems that refer to God. While I have always viewed this case as misguided, and have for years introduced a constitutional amendment to reverse it, even this case supports Breen Elementary School.

The fact is that religion is central to our culture and our patriotic identity as a nation. As the Supreme Court said in Lynch v. Donnelly, there is an "an unbroken history of official acknowledgement by all three branches of government of the role of religion in American life."

This is not something we should ignore or hide. I have never understood why some have desperately tried to remove any acknowledgment of religion from American life.

Just the opposite should be the case. It is only fitting that we would turn to these expressions in times of great difficulty.

I hope that my colleagues will join me in supporting the patriotism displayed in Rocklin, California. Throughout the history of this great Nation, we have invoked the blessings of God without establishing religion. From prayers before legislative assembly meetings and invocations before college football games to the national motto embedded on our currency, our Constitution has allowed references to God. During this time of national tragedy and recovery, we should not allow extreme interpretations of the Constitution to dampen our patriotism and resolve.

This is an important matter that deserves our attention during these difficult times. A resolution very similar to this one has been introduced in the House by my friend, Representative HENRY BROWN. We should support Breen Elementary School and others like it as they personify the spirit of America.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on October 18, 2001, in SR–328A at 11 a.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Dr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, To conduct a hearing on "The Failure of Superior Bank, FSB, Hinsdale, Illinois."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, October 16, 2001, at 10 a.m., to conduct a hearing to review the Federal Emergency Management Agency's response to the September 11, 2001, attacks on the Pentagon and the World Trade Center. The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, October 16, 2001, following the first vote of the day for a business meeting to consider pending committee business, including the nomination of Mark Everson, to be Controller, Office of Federal and Financial Management, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Tuesday, October 16, 2001, at 3 p.m.

Agenda: Markup of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; S. 727, a bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; H.R. 717, to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; an original bill dealing with mental health and terrorism; and the nomination of Jean Scalia to be Solicitor General of the Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a confirmation hearing on the nomination of Thomas M. Sullivan to be Chief Counsel for Advocacy at the U.S. Small Business Administration on Tuesday, October 16, 2001, beginning at 10:15 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, for a hearing on the Department of Veterans Affairs' Fourth Mission: Caring for Veterans, Servicemembers, and the Public Following Conflicts and Crises. The meeting will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 16, 2001, at 10 a.m., on Emergency 911.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, at 2 p.m., in closed session to receive testimony on security of Department of Defense ammunition shipments.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Youth Violence be authorized to meet to conduct a hearing on Tuesday, October 16, 2001, at 10:30 a.m., in Dirksen 226.

"Defending America's Transportation Infrastructure" panel: The Honorable Mike Parker, Assistant Secretary for the Army (Civil Works), Department of the Army, Washington, DC; Brian M. Jenkins, Senior Advisory to the President, RAND Corporation, Santa Monica, CA; Donald E. Brown, Chair of the Department of Systems Engineering, University of Virginia, Charlottesville, VA; Jeffrey K. Beatty, President and CEO, Total Security Services International, Marrietta, GA; and Tony Chrestman, President, Ruan Transport, Des Moines, IA.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2001 third quarter mass mailings is October 25, 2001. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 452 through 463 and the nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements thereon be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF ENERGY

Linton F. Brooks, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

DEPARTMENT OF DEFENSE

William Winkenwerder, Jr., of Massachusetts, to be an Assistant Secretary of Defense.

AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David F. Brubaker, 2008

Col. Michael W. Corbett, 4653

ARMY

The following named officer for appointment as the Assistant Judge Advocate General, United States Army and for appointment to the grade indicated under title 10, U.S.C. section 3037:

To be major general

Brig. Gen. Michael J. Marchand, 8282

The following named officer for appointment in the United Sates Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. John M. Le Moyne, 7525

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Larry R. Jordan, 0772

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kevin P. Byrnes, 7639

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Paul J. Kern, 5577

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen, Joseph R. Inge, 8482

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be lieutenant general

Lt. Gen. John P. Abizaid, 6229

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and to be a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., section 711:

To be lieutenant general

Maj. Gen. George W. Casey, Jr., 1204

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Richard K. Gallagher, 9308
Capt. Thomas J. Kilcline, Jr., 3174

AIR FORCE

PN1132 Air Force nominations (36) beginning Gino L. Auteri, and ending Jesus E. Zarate, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2001.

PN1133 Air Force nominations (2065) beginning Richard E. Aaron, and ending *Delia Zorrilla, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2001.

ARMY

PN1074 Army nominations (2) beginning George M. Gouzy, III, and ending Carrol H. Kinsey, Jr., which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2001.

PN1075 Army nominations (3) beginning Jeffrey E. Arnold, and ending Timothy L. Sheppard, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2001.

PN1101 Army nomination of Gregory A. Antoine, which was received by the Senate and appeared in the Congressional Record of October 2, 2001.

PN1124 Army nomination of Stephen C. Burritt, which was received by the Senate and appeared in the Congressional Record of October 9, 2001.

MARINE CORPS

PN1076 Marine Corps nomination of Henry J. Goodrum, which was received by the Senate and appeared in the Congressional Record of September 21, 2001.

NAVY

PN1077 Navy nominations (2) beginning Richard D. Anderson, III, and ending James P. Ingram, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2001.

PN1078 Navy nomination of Bradley J. Smith, which was received by the Senate and appeared in the Congressional Record of September 21, 2001.

PN1102 Navy nominations (2) beginning Richard A. Guerra, and ending Jeff B. Jorden, which nominations were received by the Senate and appeared in the Congressional Record of October 2, 2001.

PN1103 Navy nomination of Martin B. Harrison, which was received by the Senate and appeared in the Congressional Record of October 2, 2001.

PN1125 Navy nomination of Michael S. Speicher, which was received by the Senate and appeared in the Congressional Record of October 9, 2001.

PN1126 Navy nomination of Gary W. Latson, which was received by the Senate and appeared in the Congressional Record of October 9, 2001.

PN1127 Navy nomination of Robert S. Sullivan, which was received by the Senate and appeared in the Congressional Record of October 9, 2001.

PN1134 Navy nominations (1442) beginning Kevin T. Aanestad, and ending John J. Zuhowski, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 2646

Mr. REID. Further, I understand that H.R. 2646, which was received from the House, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 17, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, October 17; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate resume consideration of the motion to proceed to the Foreign Operations Appropriations Act, with 1 hour of debate equally divided between the chairman and the ranking member, or their designees, prior to an 11 a.m. cloture vote on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:46 p.m., adjourned until Wednesday, October 17, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 16, 2001:

FEDERAL EMERGENCY MANAGEMENT AGENCY

R. DAVID PAULISON, OF FLORIDA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE CARRYE BURLEY BROWN.

DEPARTMENT OF COMMERCE

CONRAD LAUTENBACHER, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE D. JAMES BAKER, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CONSTANCE BERRY NEWMAN, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE VIVIAN LOWERY DERRYCK, RESIGNED.

DEPARTMENT OF STATE

CHRISTOPHER BANCROFT BURNHAM, OF CONNECTICUT, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF STATE, VICE BERT T. EDWARDS.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE.

INTERNATIONAL BROADCASTING BUREAU

TERENCE J. DONOVAN, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:

KEITH E. BROWN, OF VIRGINIA
CHRISTOPHER D. CROWLEY, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

GLENN E. ANDERS, OF FLORIDA
DESAIX B. MYERS III, OF CALIFORNIA
CAROLE SCHERRER-PALMA, OF TEXAS
MARK I. SILVERMAN, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CHARLES RICHARD AANENSON, OF WASHINGTON
HENRY LEE BARRETT, OF NORTH CAROLINA
JAMES ANDREW BEVER, OF VIRGINIA
JON HASKELL BRESLAR, OF VIRGINIA
MICHAEL FARBMAN, OF VIRGINIA
WILLIAM MICHAEL FREJ, OF CALIFORNIA
WILLARD L. GRIZZARD, OF FLORIDA
DEBORAH K. KENNEDY-IRAHETA, OF VIRGINIA
ERNA WILLIS KERST, OF CALIFORNIA
MARGARET ALISON NEUSE, OF THE DISTRICT OF COLUMBIA
DIANNE L. RAWL, OF VIRGINIA
ANDREW B. SISSON, OF NEW YORK
WILLIAM F. SUGRUE, OF CONNECTICUT
DIANA LEIGH SWAIN, OF VIRGINIA
CHARLES MAXWELL UPHAUS, OF VIRGINIA
LOUISE BERRY WISE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

OLIVIER C. CARDUNER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JAMES F. DOBBINS JR., OF NEW YORK
SHAUN EDWARD DONNELLY, OF MARYLAND
HOWARD FRANKLIN JETER, OF SOUTH CAROLINA
ANNE WOODS PATTERSON, OF ARKANSAS
C. DAVID WELCH, OF CALIFORNIA
MOLLY K. WILLIAMSON, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

CATHERINE BARRY, OF ILLINOIS
GREGORY L. BERRY, OF OREGON
RAYMOND A. BO[illegible]ESKI, OF FLORIDA
DONALD E. BOOTH, OF NEW JERSEY
MARTIN G. BRENNAN, OF CALIFORNIA
KATHLEEN A. BRION, OF VIRGINIA
WARRINGTON E. BROWN, OF NEW JERSEY
ROLAND W. BULLEN, OF CALIFORNIA
CAREY CAVANAUGH, OF FLORIDA
PHILLIP T. CHICOLA, OF FLORIDA
CHRISTOPHER WILLIAM DELL, OF NEW JERSEY
ANNE E. DERSE, OF MICHIGAN
PATRICK DENNIS DUDDY, OF MAINE
DAVID B. DUNN, OF CALIFORNIA
JUDITH RYAN FERGIN, OF MAINE
JANET E. GARVEY, OF MASSACHUSETTS
DAVID HAAS, OF VIRGINIA
RICHARD CHARLES HERMANN, OF IOWA
RICHARD EUGENE HOAGLAND, OF THE DISTRICT OF COLUMBIA
JANICE LEE JACOBS, OF ILLINOIS
SUSAN S. JACOBS, OF MICHIGAN
SIDNEY L. KAPLAN, OF CONNECTICUT
SCOTT FREDERIC KILNER, OF CALIFORNIA
ANN KELLY KORKY, OF NEW JERSEY
PETER JOHN KOVACH, OF MASSACHUSETTS
JOSEPH EVAN LEBARON, OF OREGON
ROSE MARIE LIKINS, OF VIRGINIA
JOHN W. LIMBERT, OF VERMONT

CARMEN MARIA MARTINEZ, OF FLORIDA
MARGARET K. MCMILLION, OF PENNSYLVANIA
GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA
MICHAEL C. MOZUR, OF VIRGINIA
STEPHEN D. MULL, OF PENNSYLVANIA
ROBERT K. NOVAK, OF WASHINGTON
LARRY LEON PALMER, OF GEORGIA
JO ELLEN POWELL, OF THE DISTRICT OF COLUMBIA
EVANS JOSEPH ROBERT REVERE, OF VIRGINIA
STEPHEN R. ROUNDS, OF NEW HAMPSHIRE
JANET A. SANDERSON, OF ARIZONA
RONALD LEWIS SCHLICHER, OF TENNESSEE
CHARLES N. SILVER, OF VIRGINIA
PAUL E. SIMONS, OF NEW JERSEY
STEPHEN T. SMITH, OF NEBRASKA
DORIS KATHLEEN STEPHENS, OF ARIZONA
GREGORY MICHAEL SUCHAN, OF OHIO
FRANK CHARLES URBANCIC, OF INDIANA
EDWARD H. VAZQUEZ, OF NEW JERSEY
STEVEN J. WHITE, OF FLORIDA
SHARON ANDERHOLM WIENER, OF OHIO
NICHOLAS M. WILLIAMS, OF NEW YORK
LAURENCE D. WOHLERS, OF WASHINGTON
WILLIAM BRAUCHER WOOD, OF NEW YORK
MARY CARLIN YATES, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

EDWARD M. ALFORD, OF VIRGINIA
JAY NICHOLAS ANANIA, OF CONNECTICUT
TIMOTHY DUANE ANDREWS, OF MISSOURI
EDMUND EARL ATKINS, OF CALIFORNIA
ANNE V. STENZEL BARBARO, OF CALIFORNIA
ROBERT O. BLAKE JR., OF THE DISTRICT OF COLUMBIA
MERRIE D. BLOCKER, OF FLORIDA
STUART VAUGHAN BROWN, OF THE DISTRICT OF COLUMBIA
LYNN L. CASSEL, OF ALASKA
KATHLEEN M. CAYER, OF MASSACHUSETTS
CATHY TAYLOR CHIKES, OF VIRGINIA
MARJORIE COFFIN, OF TEXAS
STEVEN P. COFFMAN, OF TEXAS
THOMAS MORE COUNTRYMAN, OF WASHINGTON
BARBARA CECELIA CUMMINGS, OF VIRGINIA
ROBERT E. DAVIS JR., OF WASHINGTON
PAUL DENIG, OF NEW JERSEY
ELIZABETH LINK DIBBLE, OF THE DISTRICT OF COLUMBIA
ROBERT WILLIAM DRY, OF FLORIDA
PHILIP HUGHES EGGER, OF TENNESSEE
ROBERT BRUCE EHRNMAN, OF NEW JERSEY
STEPHEN C. ENGELKEN, OF OHIO
GERALD MICHAEL FEIERSTEIN, OF PENNSYLVANIA
JANE CATHERINE GAFFNEY, OF MARYLAND
ROBERT F. GODEC, OF VIRGINIA
ANDREW LEWIS ALLEN GOODMAN, OF VIRGINIA
GORDON GRAY III, OF NEVADA
ELIZABETH P. HINSON, OF TEXAS
ERIC GRANT JOHN, OF THE DISTRICT OF COLUMBIA
SUSAN ROCKWELL JOHNSON, OF NEW YORK
DEBORAH K. JONES, OF CALIFORNIA
FRANCES THORNTON JONES, OF NORTH CAROLINA
PETER GRAHAM KAESTNER, OF MARYLAND
J. CHRISTIAN KENNEDY, OF INDIANA
SUSAN E. KEOGH-FISHER, OF CALIFORNIA
MICHAEL DAVID KIRBY, OF OHIO
ROBERT B. LAING, OF WASHINGTON
ALAN BRYAN CEDRICK LATIMER, OF GEORGIA
ALICE C. LEMAISTRE, OF ALABAMA
AN THANH LE, OF FLORIDA
JEFFREY DAVID LEVINE, OF CALIFORNIA
PATRICK JOSEPH LINEHAN, OF MAINE
KATHERINE J. M. MILLARD, OF THE DISTRICT OF COLUMBIA
LUIS G. MORENO, OF NEW YORK
JOHN D. MORRIS, OF GEORGIA
PATRICIA A. MURPHY, OF VIRGINIA
WAYNE EDWARD NEILL II, OF NEVADA
WILLIAM GREGORY PERETT, OF VIRGINIA
LISA A. PIASCIK, OF FLORIDA
ROBERT A. POLLARD, OF VIRGINIA
RONALD J. POST, OF CALIFORNIA
DOUGLAS K. RASMUSSEN, OF CALIFORNIA
JOHN ROBERT RIDDLE, OF TEXAS
CHRISTOPHER R. RICHE, OF WASHINGTON
LESLIE V. ROWE, OF WASHINGTON
ROBIN RENEE SANDERS, OF NEW YORK
DANIEL SANTOS, SANTOS JR., OF FLORIDA
FRANCIS T. SCANLAN JR., OF LOUISIANA
KYLE R. SCOTT, OF ARIZONA
FLORITA INDIRA SHEPPARD, OF TEXAS
JOSIE SLAUGHTER SHUMAKE, OF MISSISSIPPI
MARK JAY SMITH, OF CALIFORNIA
KAREN BREVARD STEWART, OF FLORIDA
CURTIS A. STONE, OF WASHINGTON
ANN SANBORN SYRETT, OF WASHINGTON
DONALD E. TERPSTRA, OF TEXAS
HARRY KEELS THOMAS JR., OF NEW YORK
LINDA THOMAS-GREENFIELD, OF LOUISIANA
D. BRUCE WHARTON, OF TEXAS
DANIEL FRANK WHITMAN, OF OHIO
PENELOPE ANN WILLIAMS, OF FLORIDA
MARK S. WOERNER, OF ILLINOIS
DAVID THOMAS WOLFSON, OF TEXAS
KARL EDWIN WYCOFF, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

PLABAN K. BAGCHI, OF VIRGINIA
PATRICIA A. BEITH, OF CALIFORNIA
STANLEY BIELINSKI JR., OF VIRGINIA
JEAN ALDRIDGE BONILLA, OF CALIFORNIA
MARK C. BOYETT, OF TEXAS
PATRICIA A. HARTNETT-KELLY, OF MARYLAND
STEVE A. LAUDERDALE, OF TEXAS
BARRETT G. LEVINE, OF CALIFORNIA
NANCY LEE MANAHAN, OF FLORIDA
SANDRA M. MUENCH, OF FLORIDA
JOHN G. RENDEIRO JR., OF PENNSYLVANIA
GEORGE ROVDER, OF VIRGINIA
ELIZABETH U. SINES, OF CALIFORNIA
AGU SUVARI, OF RHODE ISLAND
LEVIA F. SWAIN JR., OF WEST VIRGINIA
KENNETH EDWARD SYKES, OF FLORIDA
CHARLES R. WILLS, OF WASHINGTON

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. HAL M. HORNBURG, 6836

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DONALD W. DAWSON III, 2908

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL M. MACGUIRE, 2233

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER M. MURPHY, 4209

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DANIEL F. LEE, 9041

CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 16, 2001:

DEPARTMENT OF ENERGY

LINTON F. BROOKS, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF DEFENSE

WILLIAM WINKENWERDER, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

AIR FORCE NOMINATION OF COL. DAVID F. BRUBAKER.

AIR FORCE NOMINATION OF COL. MICHAEL W. CORBETT.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS THE ASSISTANT JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 3037:

To be major general

ARMY NOMINATION OF BRIG. GEN. MICHAEL J. MARCHAND.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOHN M. LE MOYNE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF LT. GEN. LARRY R. JORDAN.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF LT. GEN. KEVIN P. BYRNES.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

ARMY NOMINATION OF LT. GEN. PAUL J. KERN.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOSEPH R. INGE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF LT. GEN. JOHN P. ABIZAID.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. GEORGE W. CASEY JR.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. RICHARD K. GALLAGHER.

NAVY NOMINATION OF CAPT. THOMAS J. KILCLINE JR.

AIR FORCE NOMINATIONS BEGINNING GINO L AUTERI AND ENDING JESUS E ZARATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 2001.

AIR FORCE NOMINATIONS BEGINNING RICHARD E AARON AND ENDING *DELIA ZORRILLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 2001.

ARMY NOMINATIONS BEGINNING GEORGE M. GOUZY III AND ENDING CARROL H. KINSEY JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2001.

ARMY NOMINATIONS BEGINNING JEFFREY E. ARNOLD AND ENDING TIMOTHY L. SHEPPARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2001.

ARMY NOMINATION OF GREGORY A. ANTOINE.

ARMY NOMINATION OF STEPHEN C. BURRITT.

MARINE CORPS NOMINATION OF HENRY J. GOODRUM.

NAVY NOMINATIONS BEGINNING RICHARD D. ANDERSON III AND ENDING JAMES P. INGRAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2001.

NAVY NOMINATION OF BRADLEY J. SMITH.

NAVY NOMINATIONS BEGINNING RICHARD A. GUERRA AND ENDING JEFF B. JORDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 2, 2001.

NAVY NOMINATION OF MARTIN B. HARRISON.

NAVY NOMINATION OF MICHAEL S. SPEICHER.

NAVY NOMINATION OF GARY W. LATSON.

NAVY NOMINATION OF ROBERT S. SULLIVAN.

NAVY NOMINATIONS BEGINNING KEVIN T AANESTAD AND ENDING JOHN J. ZUHOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 2001.

HOUSE OF REPRESENTATIVES—*Tuesday, October 16, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. KIRK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 16, 2001.

I hereby appoint the Honorable MARK STEVEN KIRK to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1447. An act to improve aviation security, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER) for 5 minutes.

BORDER STATES EXPERIENCING STATE OF ECONOMIC EMERGENCY

Mr. FILNER. Mr. Speaker, I rise on behalf of the towns and cities along the southern border with Mexico in our Nation. These areas are dying economically and need our assistance now.

In the wake of the events of September 11, this country has embarked upon unprecedented procedures to increase our domestic security, and those procedures are proper. We must have a new sense of preparedness; we must have a new sense of being on guard in this dangerous time of the 21st century.

But as we increase our security efforts, we have not taken the steps to address the effects on our economy and on our quality of lives as we take those steps. Yes, we must be prepared and, yes, we have to take these security measures and, yes, we are going to have inconveniences that we have never experienced before, but let us think these out thoroughly and take the steps to increase our resources, if necessary, to make up for the problems caused by the increased security.

We have grounded, for example, much of general aviation around this country, causing incredible hardships on one sector of our economy. We can think that through and change that situation. We bailed out the airlines, but all of the businesses and the economy related to airline flight, whether travel agencies or rental cars or hotels, and all the people associated with staffing those areas have been laid off, those businesses are in trouble, and yet, this Congress has taken no steps to help them.

In an area where I know best because I represent the border district in San Diego, California, which borders with Mexico, towns and cities all along the Mexican border have taken a hit such as no other American community has taken because of the security measures. Yes, we have to protect our northern and southern borders from any infiltration by terrorists and, yes, we have to inspect all of the pedestrians and all the vehicles and all of the trucks that cross those borders, and we have to do it more thoroughly than we ever did before. But let us increase the resources to do it and not try to do it with fewer resources.

For example, at the biggest border crossing in the world between 2 nations in my district of San Ysidro, California, where between 50,000 and 100,000 people cross per day, the wait at the border because of the new security checks has gone from a half-hour to 4 hours, to 5 hours, to 7 hours, 8 hours or more. In fact, nobody knows how long the wait will be as they start off for jobs legally, for education legally, for cross-border cultural activities legally. Nobody knows how long it is going to take to cross that border, whether we are talking about San Ysidro and Otay Mesa and Tecate and Calexico, California; and Nogales, Naco and Douglas, Arizona; and Brownsville, Harlingen, San Benito, McAllen, Pharr, Edinburg, Roma, Zapata, Rio Grande City, and El Paso, Texas. These areas depend economically on cross border traffic, cross border legal traffic. Legal traffic. People who have the proper documents to work and shop in our Nation.

So businesses all along the border are suffering losses from 50 to 80 to 90 percent of their income. They are additional victims of September 11 and nobody seems to be worrying about them.

Yes, increase the border security. Assure all Americans that no terrorists are crossing. But let us increase the resources.

I have been told by the Director of the INS in San Diego that if she had 20 more inspectors per shift, that is 100 more positions in San Diego, which would cost roughly $5 million or $6 million, she can reduce the border wait from 6 hours to 20 minutes and assure us of the level 1 security that this country demands and our citizens want. We can do the security and we can keep a reasonable flow across that border if we give some resources to the INS and to the Customs Service.

I have asked the Governor of California, and my colleagues have asked the Governors of their border States, to declare a state of emergency to bring attention to this economic disaster area. We have asked the President of the United States to declare a national state of emergency. Let us get help now to the border communities. We can have security and economic activity at the same time.

PRIVATE-PUBLIC CONTROL OF AVIATION WORKFORCE WORKS BEST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, it seems that one of the continuing objections to the upcoming legislation that is dealing with aviation security is the whole question of the federalization of the employee workforce at the airport. I rise today in opposition to total airport workforce federalization, and I am here to convince my colleagues of the same. Mr. Speaker, in general, foreign governments provide an average of 10 to 15 percent of security personnel, while the private sector provides the remaining security personnel.

I would like to share my experience in coming up here on United Airlines. It was Monday afternoon and I had advanced through the ticket counter and the x-ray machine where both my carry-on and myself was inspected. The flight attendant and another employee of United Airlines politely detained me. It seems that a pair of trimming

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

scissors which I carry in a small manicure kit had been detected with the metal detector. They asked, of course, permission to open up my bag, which I gave them, and they asked me also to turn on my laptop computer. They proceeded to investigate my person, in the form of hand metal detection and a pat-down, and finally they permitted me to board but, of course, not before confiscating my trimming scissors. Throughout the few minutes that it took, the two employees were resolute, thorough and professional.

I understand on Wednesday, October 3, a bipartisan group of members of the Committee on Transportation and Infrastructure met with top security officials at El-Al, Israel's state airline. This airline is widely considered to be the most secure in the world, and any of my colleagues who have flown it can probably attest to that fact. These experts emphasized that when they find a screener to be negligent, that individual is relieved of his or her job immediately. They will simply not stand for any incompetent employee to remain in place. In a proven example of public-private partnership, the Ben Gurion Airport Authority in Tel Aviv conducts training, establishes standards, and manages the overall effort, while a private company conducts the pre-board screening and other security functions.

Furthermore, in Europe, following a spate of terrorism, events that occurred in the 1970s and the 1980s, the aviation system exchanged their previously nationalized workforce to a private sector approach and workforce. In these European airports these privately contracted screeners are highly trained, paid, and retained. We can glean advice from these precedents: London Heathrow and Gatwick, Belfast, Rome, Athens, and Paris, and the aforementioned Tel Aviv.

Now, I know Federal employees can do the job. I have great respect for them. In fact, I am one myself. My father was an employee of the Federal Government for 35 years. The case, Mr. Speaker, is not against government employees, but for the private-public arrangement. It is a better model from all of the experience of other airports, and we should learn from them.

The solution also comes from the Transportation Secretary, Norman Mineta's aviation workforce proposal, which would combine the best of both the private and public sector worlds. It would institute Federal Government control and oversight, while retaining the flexibility and accountability inherent in the private sector. It would take steps to promote the function of baggage screening to a higher level of professionalism. Specifically, the administration's proposal would implement practices of more stringent hiring, training, and better pay and benefits. Moreover, screeners would work in conjunction with law enforcement officers, including both local airport police and Federal marshals.

Mr. Speaker, I believe this is the answer to the real problem of security at our airports. Based upon a tradition of what works at other airports, I believe a private-public arrangement is the best solution. I hope my colleagues will support this approach.

Mr. Speaker, I will insert into the RECORD at this time a sheet distributed by the gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation, entitled "Fact vs. Fiction: The Truth About Airline Security." It further summarizes the arguments for a public-private arrangement for effective airline security and has the statistics that bear out the argument that I have made.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC.

FACT VS. FICTION: THE TRUTH ABOUT AIRLINE SECURITY

DEAR COLLEAGUE: Let me provide you with the truth relating to effective airline security screening.

Fiction: We must create a new 27,000 Federal employee bureaucracy to model European success.

Fact: Most airports in Europe provide security through a coordinated effort of public sector oversight and supervision of private screening contractors. In general, foreign governments provide an average of 10 to 15 percent of security personnel, while the private sector provides the remaining 85–90 percent of security personnel.

Amsterdam: 2,000 private; 200–250 law enforcement.

Brussels: 700 private; 40 law enforcement.

Paris-Charles DeGaulle: 500–600 private; 100 police.

Paris-Orly: 350–400 private; 50 police.

Lyons: 150 private; 30 police.

Nice: 150–250 private, 20–30 police.

Frankfurt: 350 private; 500 federal, with plans to increase private participation.

Geneva: 250 contract, 250 government.

Stockholm: 200 private; 40 law enforcement.

Norway Oslo; 150 private; 20 law enforcement.

Helsinki: 150 contract; 20 law enforcement.

Berlin: 450 private; 60 law enforcement.

London Heathrow: 3,000 private contractors for screening; hundreds doing guard and perimeter security for the private British Airports authority; and 20 federal law enforcement.

London Gatwick: 1,500 private contractors doing screening; hundreds doing guard and perimeter security for private British airports Authority; and 11 federal law enforcement.

Sincerely,

JOHN L. MICA,
Chairman, Subcommittee on Aviation.

BIPARTISANSHIP IN DANGER OF SHATTERING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, at a time when people are justifiably concerned about the spread of toxic agents in our mail system here on Capitol Hill, I personally have a greater fear that we are going to fall prey to an agent that I think, in its own way, is every bit as toxic. The bipartisanship and cooperative problem-solving that the President and our legislative leadership have talked about and that the American public needs, not just symbolically, but in a practical, hardheaded way, is in danger of being shattered.

□ 1245

Everybody here on Capitol Hill knows that, to date, the reality is not quite as bright as the rhetoric and the promise. Our desperate desire for unity and cooperation has temporarily obscured some deep divisions.

There were rocky times on several items in the aftermath of the tragedy on September 11, although it appeared as though the President's challenge was being met by the gentleman from Illinois (Speaker HASTERT) and the Democrats, the gentleman from Missouri (Mr. GEPHARDT).

A series of three events has the potential to deal a body blow to our fragile accord.

The first, unfortunately, has already occurred, with an unnecessary decision by the President and the Republican leadership to abandon a carefully crafted, bipartisan antiterrorist bill from the Committee on the Judiciary. They replaced it at the last minute, without consultation and without even the opportunity for amendment, and without Members on this Chamber floor knowing fully the implications of what they were voting on, and locked it into statute for years to come.

The second threat is brewing as we speak. The economic stimulus package which, without the President's steady hand and the leadership of the gentleman from Illinois (Speaker HASTERT), is going to turn into a grab bag of tax cuts that are to be charitable, wildly controversial, and extremely problematic in terms of affecting our economic recovery.

Here again, this is legislation that does not need to happen immediately. We can take our time and do it right in a cooperative and thoughtful fashion.

Last, and it is important and perhaps most frustrating, there is legislation that may be advanced that is designed to accentuate our differences on international trade, instead of enhancing bipartisan cooperation that is possible.

There is a little contest that is brewing between the legislation of the gentleman from California (Chairman THOMAS) and that of the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN), differences that are significant but not insurmountable.

If the decision is made to force this through and draw bright lines on trade issues instead of bringing us together, more than just an opportunity will be lost on the divisive and potentially explosive issue of trade. We could also slow the bipartisan momentum that is needed to deal appropriately with the threats of terrorism and the dangers to our economy.

The American public deserves better. This is a unique opportunity to do our best. The President and the Republican leadership should join with the Democratic leadership rising to this occasion.

The President can start today by insisting that any bill for trade promotion authority needs to have at least 250 votes on this floor, and we can do it. It should make serious advances in promoting trade while protecting the environment, worker rights, and having legislation that does not put foreign investor interests ahead of those that are of legitimate American and private citizen interests. He should exercise the unique leadership opportunity that he has to bring Congress and the American public together.

As our President and the legislative leadership have all united in communicating to the American public, we are in a long-term struggle. We are going to need the executive to do its job, we need Congress to function, we need to be able to trust each other, and we need our committees to operate the way that they are designed to do.

We all need to do our best. We can start with the contentious issue of international trade and make it into a bipartisan victory for us all.

SUPPORT ECONOMIC SECURITY AND RECOVERY ACT OF 2001

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, these are important times for our Nation as we respond to the attack on September 11, as we work to provide leadership to address the challenges that we face, as we work to provide the solutions to the military challenge, the international and national security issues, and also the economic security issues.

I particularly wanted to commend President Bush for the strong, commanding leadership that he has shown in response to the attack. I also want to commend the leadership of this Congress, particularly the Speaker of the House, for his calm, strong leadership that he has shown as we address the terrorist attack on September 11.

We have had several challenges. We have given full authority to the President for the military action that is now under way. We have funded that military action with $40 billion, as well as the emergency and recovery effort. We have worked to address the financial challenges of our aviation sector, we have passed legislation out of this House, and we are working out the differences with the Senate on providing special powers for our intelligence and law enforcement agencies to go after terrorists.

There is another challenge that we have before us, though. That is a challenge that we were already feeling prior to September 11. That was our economic challenge.

President Bush inherited a weakening economy. The last 12 or 14 months we have seen changes in the direction of the economy. Unfortunately, the terrorist attack was also a psychological blow on our economy, causing many consumers and business decisionmakers to step back.

The question is, what type of action should we take? Clearly, we need to act quickly. We need to provide strong leadership. We need to give confidence back to consumers, as well as business decisionmakers to spend and invest in the future of our economy.

I believe, as we look at what type of approach we need to take, that we need to be thinking short-term, what can we do to cause investment over the short-term to protect current jobs and get this economy growing again; essentially, a cash register effect; incentives that will cause business decision-makers as well as consumers to spend and invest.

Let me give an example of one sector of the economy that has had a big impact on our overall economy over the past decade which currently has been suffering. That is the technology sector. Over the past decade, the technology sector has generated one-third of all our growth in jobs; in fact, the majority of assets today that have been purchased come out of the technology sector.

I would note in 1994, or in the year 2000, private investment in information processing equipment software grew at an average rate of 28 percent. Investment in computers and peripheral computers grew at an astounding 113 percent average annual rate during that same period of time.

However, that trend has reversed, and that sector that grew one-third of our jobs is now in a slump. We have seen a loss of almost 400,000 jobs in technology and telecommunications since January of this year, and actually an 8.4 percent drop in investment from the fourth quarter of 2000 to the second quarter of 2001.

We do need to act quickly. We need to provide incentives to invest in the creation of jobs, as well as revitalize important sectors of our economy. Clearly, the technology sector needs help.

This past week, the Committee on Ways and Means moved out of the committee and the legislation will now be before us in this House this week, what some call an economic stimulus package, but legislation that is called the Economic Security and Recovery Act, legislation designed to put more money in consumers' pockets, as well as provide incentives to invest.

There are three provisions in this legislation that will have a big impact in helping revitalize the technology sector, which we need to revitalize if we are going to get this economy growing again.

The three provisions include the 30 percent expensing, providing greater incentives to invest by business for the next 3 years, a temporary provision; increasing the opportunity for small business to invest from the current level of $24,000 to $35,000; and also, the net operating losses carryback, allowing businesses losing money now to credit that loss against previous income paid in previous years to get a refund to free up capital that they can invest.

These provisions will make a big difference in revitalizing the technology sector. As we look at depreciation reform, the opportunity for a business to expense 30 percent of the purchase cost of that asset will reward investment.

Currently, a computer is depreciated over 5 years. By expensing that first 30 percent, that would be a big incentive to allow a business to recover the cost of investing in technology, computers, software, peripheral equipment, medical technology, high technology telephone station equipment, wireless equipment, as well as DSL and networking equipment they can expense now with 30 percent, with the legislation we passed out of the Committee on Ways and Means that will be before the House this week.

That will reward investment in the creation of jobs. I would also note, it will reward investment in providing greater security. The vast majority of offices and factories are all owned by the private sector. We need to help the private sector make their facilities more secure.

With this expensing provision of 30 percent expensing, they can recover the cost of electronic access equipment, biometrics, television surveillance, as well as computers and software to protect their data and information systems; also, electronic alarm systems and other components.

The bottom line is, this legislation, the Economic Security and Recovery Act, the legislation before the committee or the House this week, will reward investment, will create jobs. It will boost the technology sector, and will also help private companies make their offices and their factories much more secure.

I urge bipartisan support for this legislation. We need to get the economy moving again.

THE IMPORTANCE OF FEDERALIZING THE WORK FORCE FOR AVIATION SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DeFAZIO. Mr. Speaker, when the gentleman from Florida (Mr. STEARNS) spoke in the well earlier about virtues of a privatized aviation security system and the handout of our colleague, the gentleman from Florida (Mr. MICA), I did not object to it being put in the RECORD. I should have, because it was not written by the gentleman from Florida (Mr. MICA) or his staff; it was written by a former FAA senior employee who is now earning hundreds of thousands of dollars representing the private security firms, including the private security firm currently under indictment and prosecution by the Federal Government, Arkenbright. So that is his information, and the veracity of it is definitely in question.

In fact, according to an article in last week's Washington Post, at Schiphol Airport in Amsterdam, there are 1,300 police agents to supervise 1,500 private screeners, who are much better paid, trained, and have higher qualifications than in the United States.

If that is the route they want to go, we would end up having something more expensive than a totally federalized system with one Federal law enforcement person to supervise every two private employees. It would be bigger. It would be absurdly bigger than what we could do with the normal scope of supervision in a Federal agency.

The issue of private firms in the U.S., we have tried it. It has failed miserably. I am glad he had a good experience leaving Florida and they found his cuticle scissors, that is great; but they are missing other things, like fake hand grenades, fully-assembled weapons, knives, bombs, or simulated bombs, which the FAA regularly gets through these systems.

The largest private security firm in the country, previously successfully prosecuted by the Federal Government, fined $1.5 million, Arkenbright, and put on probation, who still is providing security, is now being prosecuted again.

Under the current system, the Federal Government cannot remove these incompetents and criminals from doing the job. This company is still employing known criminals, despite its probation. It is still hiring known criminals, despite its probation.

Thirty-two percent of its files include new violations and false statements on their employees. Yet, today they are providing security at Dulles, Reagan, Logan, LaGuardia, Los Angeles, Trenton, Detroit, Phoenix, Las Vegas, Columbus, Dallas, Fort Worth, Seattle and Cedar Rapids.

So my colleague, the gentleman from Florida, in his just visceral dislike of Federal employees, and more Federal employees and Federal bureaucracy, wants to continue a failing private bureaucracy that is not properly protecting the security of the American people.

Mr. Speaker, when we come through Customs, those are Federal law enforcement agents. When we come through INS, they are Federal law enforcement agents. If we go to Hawaii, the agriculture agents are Federal law enforcement agents. Even the beagles that they use in the airport have been deemed to be Federal law enforcement agents.

But my colleagues on the other side of the aisle, a minority of my colleagues on the other side of the aisle, just cannot stand the idea that the people who are the first line of defense at the airport to screen the baggage and the customers might be Federal law enforcement agents.

This is a blinding ideological position to take. After all that has happened, after all the documented failures, after the continued prosecutions in court, we have given the private firms every opportunity and they have failed the American traveling public miserably.

We need legislation, and we should take the legislation up today. But instead, today we will take up, and no offense to any of these people, they are outstanding people, the Francis Bardanouve United States Post Office Building Act; the Earl T. Shinhoster Post Office Designation Act; the Congressman Julian C. Dixon, of whom I was a great fan, Post Office Building Designation Act; a bill to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers, et cetera, et cetera.

It has been more than a month since the attack by the terrorists, and the use of our own civilian aviation as weapons. Yet, not one penny has been mandated by the House to change that system. Not one single line of statute has been changed.

The first line of defense is still failing us; the House of Representatives must not fail us. The bill should come up today, and if they cannot bring it up today, how about tomorrow? They have got an alternative, we have got an alternative. Let us have a legislative process and see whose alternative wins.

I do not think they want to do that, because I suspect that they know that many of their Members would vote for the more comprehensive approach, instead of continuing to buy the worst security we can get on the cheap.

□ 1300

AMERICA SHOULD PROVIDE MEALS AND EDUCATION FOR THE WORLD'S NEEDY CHILDREN

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning hour debates for 5 minutes.

Mr. McGOVERN. Mr. Speaker, over the past 5 weeks, discussions on how best to combat terrorism over the longer term have begun in the Congress and the Bush administration and in the international community.

The terrible events of September 11 are bringing governments and people together to reflect not only on how to meet the immediate challenge of rooting out the terrorist leaders and destroying the al-Qaeda network, but also on how to eliminate poverty, hunger, ignorance and intolerance, which often breed despair, disaffection, and deep resentment. It is not enough to demonstrate what we are against. We need to be equally forceful in showing the world what we are for.

Perhaps no one has articulated this longer term challenge better than Britain's prime minister, Tony Blair. Prime Minister Blair has called upon the international community to foster and use the "power of a global community for good."

He stated that such a community would encourage political inclusion and democratic principles throughout the world. It would more than redouble efforts to find just and lasting solutions to the world's lingering conflicts, including the Middle East. It would pledge to the people of Afghanistan that the West will not just walk away, as we have before, at the end of this conflict, leaving unresolved the political, social, and economic crises that have worn down Afghanistan for more than 2 decades.

Further, the international community should seize the moment as a new opportunity to tackle the serious problems of poverty, hunger, illiteracy, disease, and intolerance that have plagued so much of the developing world. We should forge partnerships to bring greater social and economic opportunities to Africa and other regions of the world.

This is an exciting agenda, one which will create a stronger international community linked even more deeply by our joint efforts to better the lives of the neediest and most vulnerable population of the world.

Mr. Speaker, I would like to speak about one concrete action the Bush administration could take in order to create lasting good out of acts of such profound evil.

Inspired by Senators George McGovern and Bob Dole, a $300 million pilot program, the Global Food for Education Initiative, was launched last year to provide one nutritious meal each day in a school setting to nine million of the world's neediest children. Contracts to carry out 49 projects in 38 countries were awarded to the United Nations World Food Programme and experienced U.S. private voluntary organizations, such as Catholic Relief Services, Save the Children, CARE, Mercy Corps, Land O'Lakes, and Africare. About half of these projects are now underway, with the other half awaiting final clearance, including projects in Pakistan and Tajikistan.

School feeding programs have proven that they attract more children to attend school and keep them there, especially girls. Education is a critical element in empowering women, regardless of race, religion, or class.

Mr. Speaker, the administration should exercise its discretionary authority and announce immediately that it will continue the pilot program for a second year and expand the program to include additional school-feeding programs for the children of Afghanistan.

The United States, so blessed with agricultural resources, should call upon other donor Nations to contribute to this global effort, not just with food, but also with resources to create and expand schools. In addition, health resources, such as deworming medicine, immunizations, clean water, and vitamins, could be provided by other Nations in coordination with these school meals.

The international community, including the United States, has pledged to reduce by half the incidence of hunger in the world by the year 2015. Over the same period, we have stated our determination to provide universal education to all. The Global Food for Education Initiative is one concrete action the United States can take to achieve these goals.

The gentlewoman from Missouri (Mrs. EMERSON) and I have introduced legislation, H.R. 1700, to establish and fund the Global Food for Education Initiative. The farm bill, recently passed by the House, authorizes the establishment of this program; and I am hopeful that the Senate will include funding for this program in its version of the farm bill.

The administration, using its own discretionary authorities, can act now to continue and expand this program. I urge the White House, the Department of Agriculture and the Department of State to announce today the continuation of the Global Food for Education Initiative. I urge the President to reach out to our coalition partners and ask them to provide additional education and health resources.

We can truly make a difference in the lives of the world's neediest children. All we need is the political will to make it happen.

WASHINGTON, DC,
September 27, 2001.

Hon. ANN M. VENEMAN,
Secretary of Agriculture, Jamie L. Whitten Building, Washington, DC.

DEAR SECRETARY VENEMAN: We are writing to ask you to continue funding for the Global Food for Education Initiative (GFEI) for fiscal year 2002, using your authority under Section 416(b) of the Agricultural Trade Development and Assistance Act of 1954. Most of the projects initiated under this pilot program have operated for less than a full year, and some have not yet been initiated. Clearly, the pilot program requires at least one more year of continued funding before evaluating how it has affected the incidence of child hunger, school enrollment and attendance, and the other indicators established by the USDA.

We are proud to be working closely with former Senators George McGovern and Bob Dole, who initially conceived this idea, to promote the pilot program and, hopefully, to establish it as a permanent program. It is critical that the GFEI pilot program not be abandoned at this very early stage. We fear that, were this program to abruptly end after so brief a venture, recipient countries and other donor nations might interpret this as a demonsration of U.S. disregard for the need to address the roots of poverty, hunger, illiteracy and intolerance. In these very difficult times, it is important that the United States continue to demonstrate its longstanding commitment to help better the condition of the world's neediest children and to share our prosperity with less fortunate peoples.

Once again, we urge you to exercise your discretionary authority under Section 416(b) to continue the GFEI pilot program. We look forward to working with you and other members of the Administration to make the vision articulated by George McGovern and Bob Dole a reality.

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.
JO ANN EMERSON,
Member of Congress.

THE COALITION IN SUPPORT OF THE GEORGE MCGOVERN-ROBERT DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION ACT,
Washington, DC, October 3, 2001.

Hon. ANN M. VENEMAN,
Secretary of Agriculture, Jamie L. Whitten Building, Washington, DC.

DEAR SECRETARY VENEMAN: Our coalition, comprised of members of the agriculture community, transportation sector, business associations, private voluntary organizations and international Food aid agencies, respectfully requests that you continue funding for the Global Food for Education Initiative for fiscal year 2002, using your authority under section 416(b) of the Agricultural Trade Development and Assistance Act of 1954. Most of the projects initiated under this pilot program have operated for less than a full year. Accordingly, there has not been ample time to evaluate changes in school enrollment, child nutrition and other potential indicators of the program's effectiveness.

The importance and potential impact of the initiative is far-reaching. Over 300 million children are chronically undernourished in the world today and more than 130 million children do not attend school. By providing meals at schools, global school feeding programs help to alleviate hunger among school children and increase attendance rates by providing an incentive for families to send children to school. We are proud to be working closely with USDA to implement and support these programs.

We fear that an abrupt end to this initiative will send a negative message to many countries, institutions and people involved in this effort. It is important that both developing and developed countries have confidence in our continued commitment to help better the conditions of the world's neediest children. The United States has a proud tradition of being the world's largest donor of food assistance. In these especially difficult times, it is important to continue that American tradition.

Thank you for your consideration of this request and we look forward to continuing our partnership with the Department of Agriculture in support of global school feeding programs.

Sincerely,

American Soybean Association; American School Food Service Association; Archer Daniels Midland/ADM Milling Co.; Bartlett Grain Co.; California Farm Bureau; Cargill; Congressional Hunger Center; Cereal Food Processing Company; CHS Coops; Dry Bean Council; Friends of the World Food Program.

Land O'Lakes, Inc.; National Farmers Union; National Cooperative Business Association; North American Millers Association; Opportunities Industrialization Centers; International; Pacific Agribusiness; Port of Lake Charles; Siberia Project; US Dairy Export Council; USA Rice Federation.

[From the International Herald Tribune, Sept. 11, 2001]

SCHOOL FOOD CAN STEM THE PANGS OF POVERTY

(By George McGovern)

There are more than 300 million chronically hungry children in the world today who are condemned to lives of disease, illiteracy and, in many cases, physical deformity. Trapped in city slums, desolate villages, settlements and refugee camps, these children often live short lives of poverty and despair.

At the United Nations Special Session on Children this week, participants will review the progress made over the past decade for the world's poor children and will try to agree on what needs to be done. At the first such session, held in 1990, heads of state adopted a set of goals that included to improve living conditions, to create more educational opportunities and to provide essential food to malnourished children.

Unfortunately, 11 years later, only mixed results have been achieved. In a 141-page report the UN secretary-general, Kofi Annan, said that the progress has been offset by setbacks that are "serious enough to threaten earlier gains."

Before we find ourselves 10 years on with similar disappointing results, I would like to urge this year's special session participants to commit to a simple and effective idea that, if fully implemented, would dramatically improve the lives of these impoverished children. That idea is a global school feeding program.

Of the world's 300 million chronically hungry children, 170 million are often forced to learn on empty stomachs because they receive no food at school; 130 million don't attend class at all. More than 60 percent of these children are girls.

Many factors contribute to their hunger. Those who attend class often lack money to buy breakfast or lunch or must travel long distances to get to school, meaning they arrive hungry. Trying to learn on an empty stomach is nearly impossible.

Children who don't go to school at all are usually involved in helping their families make a living. An education for these children is not an option.

It is widely agreed that basic education is the best investment to improve the physical, social and economic conditions of the poor. A Unesco survey showed that in countries with an adult literacy rate of about 40 percent, gross national product per capita averaged $210 annually; in those countries with at least 80 percent literacy, GNP per capita was $1,000 and above.

Education is particularly critical for women and girls. Research shows that girls who go to school marry later, practice greater restraint in spacing births and have an average of 50 percent fewer children. They are also more informed about health risks, like the AIDS virus, and can better protect themselves and their children.

The catalyst for educating poor children is food. Research and decades of experience by aid agencies like the UN World Food Program show that school feeding can alleviate hunger, dramatically increase attendance and improve school performance. It also compensates poor parents for the loss of their children's labor while they attend class.

Using food to attract poor children to school and to keep them there may seem like a surprisingly simple way to make an impact. And it is. For an average of just 19 cents per day, or 34 dollars annually, a child can be fed for 180 schooldays a year.

Aid agencies have the expertise and global reach to make it happen. And donor governments are interested. Already, the U.S. Congress is contemplating a bill, endorsed by both former Republican Senator Bob Dole and me, which would commit the United States to an annual contribution toward a global program. I urge Congress and President George W. Bush to support this bill, and for other heads of state and leaders in the private sector and aid community to take up a similar commitment.

This week's special session is the place to begin. A simple, focused and realistic plan of action could help resolve the two most devastating burdens that poor children must carry today: malnutrition and illiteracy. School feeding is the key.

[From the Washington Post, Oct. 8, 2001]

MR. BLAIR'S VISION

The United States took the lead in the military strike yesterday, as it will take the lead in the broader offensive against terrorist networks. But the broad coalition supporting and participating in the offensive showed that this is not a fight of America against the world but of the world against lawlessness. Some nations may join in because they fear the terrorists, some, because they want to stay on America's good side. But most—the allies who will be valuable over time—join in because they understand the importance of the values that came under attack September 11.

The spokesman for this most valued category is indisputably Tony Blair, the British prime minister. His government committed its forces to the armed campaign that began yesterday. He had credibly presented to the world the most cogent outline of the evidence against Osama bin Laden and the al Qaeda network. He had personally carried the diplomatic effort to Pakistan and his condolences to New York City. And perhaps more valuable than any of that has been his staunch refutation of the anti-American compromisers who by finding fault with the United States—often real fault—would excuse the terrorists; he has coupled his response with eloquent explanation of the stakes involved in this new war. Now that a new military phase has begun, it is worth recalling a preview Mr. Blair provided in a speech to his Labor Party conference last week.

"The action we take will be proportionate, targeted," the prime minister said. "We will do all we humanly can to avoid civilian casualties. But understand what we are dealing with . . . They have no moral inhibition on the slaughter of the innocent. If they could have murdered not 7,000 but 70,000, does anyone doubt they would have done so and rejoiced in it? There is no compromise possible with such people, no meeting of minds, no point of understanding with such terror. Just a choice: Defeat it or be defeated by it. And defeat it we must."

To his own people, Mr. Blair urged confidence in ultimate victory in this "fight for freedom" because "our way of life is a great deal stronger and will last a great deal longer than the actions of fanatics, small in number and now facing a united world against them." To the Americans, Mr. Blair promised simply: "We were with you at the first. We will stay with you to the last."

Finally, Mr. Blair offered his vision of victory in this unorthodox campaign: "It is that out of the shadow of this evil should emerge lasting good: destruction of the machinery of terrorism wherever it is found; hope amongst all nations of a new beginning where we seek to resolve differences in a calm and ordered way; greater understanding between nations and between faiths; and above all justice and prosperity for the poor and dispossessed, so that people everywhere can see the chance of a better future through the hard work and creative power of the free citizen, not the violence and savagery of the fanatic." Not a bad set of goals to keep in mind as a long campaign begins.

GUAM EARTHQUAKE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I wanted to take this opportunity to alert my colleagues of an earthquake that jolted Guam shortly after 11 a.m. D.C. time on Friday, which was 1:03 a.m. Chammorro Standard Time on Guam, Saturday, October 13.

The earthquake measured a preliminary magnitude of 7.0 on the Richter scale, and the epicenter was located some 45 miles south-southeast of Guam's capital, Hagatna. Many of the island villages were without water and power, and due to the time that the earthquake occurred, which was in the middle of the night, official structural damage assessments could not be made until the morning after.

I am pleased to report that FEMA officials, as well as a four-person team from the Army Corps of Engineers, who are structural and water system experts, are on island to assist with the damage assessment, and I understand that the governor of Guam, Carl Gutierrez, will soon be transmitting a major disaster declaration to President Bush.

There have been widespread reports of broken water lines in southern portions of the island, causing disruption in water service in my own home village of Yona, where I live. We have not had water since the earthquake, and I have recently received confirmation that a main water line that services the northern and southern parts of the island has sustained major structural damage. Although there is visible damage in a few areas, I am concerned; and I think all of the people of Guam are most primarily concerned that the island's water infrastructure received major damage that we have yet to assess.

Public works crews are also currently assessing the damage to three bridges in the villages of Inarajan, Talofofo, and Pago Bay, all of which are vital links and provide the only means of land access to the southern end of the island.

One bridge has already been assessed and reported to have sustained structural damage and minimal travel is being allowed on these bridges at this point.

Schools will open tomorrow which would be Wednesday Guam-time. They have been closed for the past 2 days until they were declared structurally safe for our school children and until water and power were restored to the buildings for their health and welfare. Reports have already been received that two of our middle schools, Jose L. Rios and Oceanview, have received major structural damage and may be demolished pending further assessments. This is particularly crucial because Jose L. Rios has just been recently rebuilt from a typhoon in 1998. Because many of our public schools are already overcrowded, particularly our middle schools, I am concerned that many of the other schools on the island will not be able to absorb our displaced students.

All of this was aggravated by a sudden 6 inches of rain, a downpour, the following day which caused flooding to many parts of the island, especially Barrigada.

This earthquake could not have come at a worse time for Guam, as our economy has already been struggling from the Asian economic crisis and the after effects of the September 11 attacks. Guam's economy is primarily fueled by tourists, especially from Asia, Japan. We get about 1½ million tourists a year. Our travel and tourism industry will again bear the brunt of this earthquake and the attacks of September 11 as tourists will be less likely to travel to Guam over the next few weeks given the current string of events.

Our business community will continue to hurt and the greater impact of our economy will be damaging. Albeit the island has probably sustained a great deal of structural damage in its water system, collectively, and for some of our families, damages to their homes; I am extremely thankful that there were no fatalities or injuries.

This is the strongest earthquake to hit the island since the 8.0 rated earthquake in August of 1993. I am proud to say that Guam's building codes are one of the most stringent; and as a result, we were spared the tragedy of the loss of human life. I hope that once a complete and thorough assessment of the damage has been completed, I know that we can count on FEMA. I know we can count on the rest of the Federal Government to help the people of Guam and this body to help the people of Guam as well.

HONORING CAPTAIN JAY P. JAHNKE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. BENTSEN) is recognized during morning hour debates for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise today to recognize a brave Houston firefighter who lost his life this weekend while battling a fire in a Houston high-rise condominium. Like firefighters in New York and Northern Virginia, who willingly put their lives on the line on September 11, 2001, Captain Jay P. Jahnke of the Houston Fire Department died this weekend while living his lifelong dream of becoming a firefighter. He entered a blazing building to do his job, regardless of personal risk and as firefighters always do.

Captain Jahnke led the first team to arrive on the scene of an early morning fire this past Saturday in West Houston. The burning 40-story condominium complex houses hundreds of individuals. His courageous and valiant efforts, for which he gave his life, saved many lives of people he never even knew.

Captain Jahnke leaves behind a legacy of valor and unyielding commitment to the common good. My thoughts and prayers are with Captain Jahnke's family; his wife, Dawn; his 11-year-old daughter, Jayne; his 8-year-old son Hunter; his mother, Katherine; brother, Jeff; and sisters, Karen and Mary Ann. I offer my sincere condolences to his more than 3,200 brothers and sisters in the Houston Fire Department, especially those at Fire Station No. 2.

The Jahnke family has deep roots and a proud tradition in the Houston Fire Department. Captain Jahnke's father, Claude, was a district fire chief, and he is related to more than a dozen current firefighters. Every day at Houston's 87 fire stations and at fire stations across the Nation, thousands of men and women shelve fear and self-interest to form our front line of homeland defense. They enter blazing buildings and risk their lives to save strangers.

Captain Jay Jahnke's selflessness, compassion, and concern for others is yet another example of how firefighters, police, and other rescue personnel show us how good people can be. We are in his debt and that of firefighters throughout the land.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 12 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

His Eminence, Theodore Cardinal McCarrick, Archbishop of Washington, offered the following prayer:

O Lord, our God, once again we come before You in a troubled time, grateful for Your presence in our lives and for the love with which You continue to bless us.

Today in a special way we ask You to bless this House of the people. Keep its Members safe and strong so that they may lead this Nation forward along the road of peace and justice in the pursuit of life, liberty and happiness for all.

Let not fear or anxiety ever rule us but let us find strength and purpose in our trust in You.

From the beginning of our history You have carried us in Your hands. Accompany us now in the difficult journey of these days so that we may accomplish all that which You desire in the power of Your Holy Name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. McCARTHY) come forward and lead the House in the Pledge of Allegiance.

Mrs. McCARTHY of New York led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HIS EMINENCE, THEODORE CARDINAL McCARRICK, ARCHBISHOP OF WASHINGTON

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Madam Speaker, it is my honor and privilege this afternoon to welcome His Eminence, Theodore Cardinal McCarrick, Archbishop of Washington. I want to thank him for offering the opening prayer.

Cardinal McCarrick has a long and distinguished record of service to the Church in New York, Puerto Rico, New Jersey, and now here in Washington, which includes my district of Montgomery County, Maryland. He certainly is a gift to the Archdiocese of Washington. The Archdiocese is very diverse with a population that has both common and also specific needs. Upon being named to the College of Cardinals this year, he said that his new responsibilities will not change his pledge to reach out "to serve the poor and the stranger among us with all my heart and strength." And he has been doing just that.

Ordained as a priest for the Archdiocese of New York in 1958, Cardinal McCarrick received a Ph.D. from and held several posts at the Catholic University of America here in Washington. He has served as the President of the Catholic University of Puerto Rico, auxiliary bishop of New York, the first Bishop of Metuchen, New Jersey, and Archbishop of Newark.

He was installed as Archbishop of Washington on January 3, 2001; and 7 weeks later, he was elevated to the College of Cardinals by Pope John Paul II. He is known for his efforts on behalf of international human rights, religious freedom and migration, and serves on the U.S. Commission for International Religious Freedom. He also speaks many languages.

Madam Speaker, on behalf of my colleagues, I thank Cardinal McCarrick for leading us in prayer today. I welcome him to the United States House of Representatives. We appreciate his presence, his guidance and his blessing on this House as we begin our critical work today.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. CASTLE. Madam Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. HOBSON. Madam Speaker, I ask unanimous consent that the managers on the part of the House have until midnight, October 16, 2001, to file a conference report on the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE LION AND THE EAGLE STAND OUT AS BEST OF FRIENDS AND STRONG ALLIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, in the current crisis, dozens of nations have rushed to our side, not to defend America specifically, but to defend civilization. President Bush said, "Either you are with us or you are with the terrorists." The world knows that is true.

But one nation stands out and their leader stands out, too. Tony Blair, the Prime Minister of Britain, has proven once again that the people of the United Kingdom are unwavering friends who will always stand with us when we are in need.

Our military men and women are facing danger today, risking their lives in the fight against terrorism. One nation's soldiers are fighting alongside them, Great Britain's. Prime Minister Blair recalled the time when Hitler was bombing London and America came to her aid. Today Britain is returning the favor.

Many nations have united to defend decency and civilization, and each is contributing in its own way; but the lion and the eagle stand out as best of friends and strong allies. Thank you, Britain. Together we will prevail.

HONORABLE DAVID TRIMBLE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, I rise today having just come from a memorable luncheon where I and my colleagues, including the distinguished chairman of the Committee on International Relations, welcomed the Honorable David Trimble, a member of Parliament, in Washington, D.C.

David Trimble has served as leader of Northern Ireland's Ulster Unionist Party. It is one of the strongest of the parties that want continued ties to Great Britain, but it was David Trimble who led the charge for peace and was rightly recognized by the Nobel Committee with a Nobel Peace Prize in 1998.

Madam Speaker, he came today to give us sage advice that the boundaries of the world of terrorism have reached for 30 years from Northern Ireland and the Middle East into the very heart of America.

I will reflect later today on this floor about the advice that he gave my colleagues, but let me just reiterate the comments of the gentleman from Illinois (Mr. HYDE), who today looked the Right Honorable David Trimble in the eye and said in a momentous tone, "Stay engaged, David Trimble. It is men such as you that times such as these so richly require."

APPOINTMENT OF MEMBERS TO NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore. Without objection, and pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. (995)(b)), amended by section 346(e) of Public Law 105–83, the Chair announces the Speaker's appointment of the following Members of the House to the National Council on the Arts:

Mr. BALLENGER of North Carolina,

Mr. MCKEON of California.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

EXPRESSING SENSE OF CONGRESS THAT PUBLIC SCHOOLS MAY DISPLAY "GOD BLESS AMERICA"

Mr. CASTLE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 248) expressing the sense of the Congress that public schools may display the words "God Bless America" as an expression of support for the Nation.

The Clerk read as follows:

H. CON. RES. 248

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that public schools may display the words "God Bless America" as an expression of support for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 248.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. BROWN), the distinguished author of this resolution.

Mr. BROWN of South Carolina. Madam Speaker, I thank the gentleman from Ohio (Mr. BOEHNER), the gentleman from Delaware (Mr. CASTLE), and the gentleman from Texas (Mr. ARMEY) for helping me bring this bill to the floor today.

I think it is very important that we bring this up today because while more than a month has passed since September 11 there is still a great deal of anxiety in America. The events of September 11 have affected us all, whether we lost a loved one or not. The freedoms that America took for granted before this date have been shaken. Now, more than ever, many people are searching for strength and solace.

Like the rest of my colleagues, I will never forget standing on the steps of the Capitol on the evening of the attack and singing "God Bless America."

I am a newcomer to Congress and I have not had a chance to know each and every Member of this body very well. However, that night I felt closer to each of my colleagues than at any other time. We were all together, not as Republicans and Democrats, but as Americans united in support of our Nation.

Madam Speaker, since that time, Congress has worked very hard to take necessary action to combat terrorism on many different fronts. But on September 11, as the damage was still being assessed, I think it was important for us to come together as a symbol of unity and sing "God Bless America."

When I learned that some schools are being challenged for showing this same type of support for our Nation, I was deeply troubled.

The case that was first brought to my attention is in Rocklin, California where the American Civil Liberties Union wrote a letter to Terry Thornton, the principal of Breen Elementary School, calling its display of "God Bless America" a "hurtful, divisive message."

I take exception to that statement and believe the message sent by the ACLU is extremely wrong-headed. I further commend Principal Thornton for standing up for the principles of this country by refusing to take down this sign.

Pride in America is higher than I have seen at any time in my lifetime, and it seems like actions such as this are trying to dampen the spirit in our country. To threaten a public school for showing the same type of patriotism that we showed on the Capitol steps is the opposite of what this country is all about.

I introduced this resolution because Congress needs to make it abundantly clear that the kind of message displayed on the marquee of Breen Elementary is part of what makes our country great.

As former President John Adams said, "It is religion and morality alone which can establish the principles upon which freedom can securely stand."

Madam Speaker, I urge my colleagues to be mindful of these words and vote in favor of this resolution.

Mrs. MCCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for offering this resolution. I rise in strong support of this resolution because it acknowledges the important role our schools play in times of crisis. The tragic events of September 11 have left a lifelong scar on our children.

Many have asked why would someone do such a thing. Many are worried for their parents that may be fighting to end terrorism. There are so many questions that need to be answered, and fears to be addressed, but our teachers and our schools have risen to the occasion.

□ 1415

As a Representative from New York whose district was impacted by the terrorist acts of September 11, I have witnessed firsthand the remarkable job our teachers and school officials have exhibited to calm the fears of our children. In fact, you can find these exceptional acts of professionalism in schools throughout this great country.

Children of all ages, as well as many adults, still find it difficult to comprehend the full magnitude of so much destruction and loss of life. Many of these children lost a parent. Many lost a brother or a sister or a cousin. However, all of them want to know why. Our schools have risen to this challenge by allowing children to ask the difficult questions and answering them in a way that makes them feel safe and proud. Schools across the country have become more than educational institutions. They have become a healing ground that answers our children's questions, comforts them during this time of need, and instills a sense of unity. I am proud to say our schools have answered this challenge with open arms.

Not only have our teachers answered the tough questions with compassion and understanding, they have instilled a new sense of patriotism in the minds of our children. The Pledge of Allegiance to this country as well as the Star-Spangled Banner that is sung before events outside of the classroom will continue to unite us as Americans. The words of these national themes are just as important now as they were 200 years ago.

I applaud our schools for their ability to help the children of this country understand there is no place for terrorism in this world and that the United States will do everything in its power to eliminate it.

I urge all my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, many of the original 13 colonies that became the United States of America were settled by men and women of deep religious convictions who crossed the Atlantic Ocean to practice their faith freely. It is therefore no surprise that a religious people rose in rebellion against Great Britain in 1776, and many American statesmen believed that religion was indispensable to the maintenance of republican institutions. Yet, when the first 10 amendments to the Constitution were ratified, religion was addressed in the first, with most Americans agreeing that the Federal Government should not choose one religion over another.

Today, in response to the devastation of September 11, a surge of civic pride is sweeping the Nation. As teachers recall lessons of history and democracy, children wear their patriotism to school in red, white, and blue. Others create and display banners proclaiming "God Bless America."

Unfortunately, instead of pulling us closer together, some believe that these acts, and the use of the words "God Bless America," are pushing us farther apart. I believe in the separation of church and state, and we should not ask a child to recite a prayer that is not his or her own. That said, the first amendment does not remove all traces of religion from the classroom and it does not expel God from the school yard. Students can pray, religious clubs can meet after school and religious materials may be read during free time.

Still, some have asked principals to remove "God Bless America" signs from their schools. I believe we should all take a step back and recognize that different people view these words in different ways. For some they hold a deeply religious connotation. Yet for other Americans they are a patriotic expression, not a religious one.

In the aftermath of September 11, we are all healing, and none more slowly than our children. So long as schools are not erecting permanent religious symbols in a way that suggests advocacy of a particular religion, I believe our children can draw their own strength and meaning from these words and symbols. So let us take this expression as it is meant, much as we did when Republicans and Democrats burst into that song of the same name by Irving Berlin on the steps of the U.S. Capitol. More than anything, it was then, and it is now, an expression of pride and a slogan for peace.

I commend the gentleman from South Carolina for his resolution. I urge the support of it.

Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, right now this country is united like never before. The President has a 90 percent approval rating. His handling of the war has a 94 percent approval rating. Bipartisanship is the rule of the day in Congress, and the flag is flying everywhere.

One organization, however, it seems, has a problem with this patriotism. When Breen Elementary School in California put up a banner that says "God Bless America," the ACLU decided they had a problem with it. Get this. They said it was hurtful and divisive. I do not know what planet the ACLU is living on, but there is nothing hurtful or divisive about saying "God Bless America." September 11, that was hurtful. Saying "God Bless America" is anything but hurtful or divisive. It is unifying. In fact, that is the whole point of saying "God Bless America." We are all Americans. The American family has come together as a Nation. To some people, saying "God Bless America" is just a slogan. To some, a patriotic expression. To others, it is a prayer. But it means something to everyone. And, of course, it comes from that wonderful Irving Berlin song made so famous by Kate Smith. But it is not hurtful, and it is not divisive.

The ACLU should stop wasting America's time with threats of ridiculous lawsuits. I urge my colleagues to pass this resolution unanimously.

Mrs. MCCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

I will only say that I urge all of my colleagues to support this resolution. In this time of crisis in this Nation, we have seen so many of our neighbors and friends come together. Again, we have to work together. Let us not lose the main focus here. We are Americans. We have to stand together. I support this resolution and ask my colleagues to as well.

Madam Speaker, I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume. I would say in closing that I agree with the gentlewoman from New York. I agree with the sponsor of the resolution, the gentleman from South Carolina, and I think we agree with virtually all Americans who believe very strongly that this is something that helps in our schools and helps our children.

I encourage each and every one of us to support it.

Mr. BOEHNER. Madam Speaker, I am proud to support House Concurrent Resolution 248.

The terrorist attacks of September 11 and ongoing threats to our security have left us all searching for comfort. They have also brought us together in our support for our Nation and for those defending us and our values. I believe we need to encourage even more public displays of support for America. One way to do this is by supporting the use of the phrase "God Bless America," including the use of the phrase by schools. These words can provide the comfort communities need and show appropriate support for America.

This House concurrent resolution makes clear Congress' support for displaying the words "God Bless America" by public schools as an expression of support for the Nation. We would expect schools, especially in this time, to want to convey the national ideal of patriotism for this country. It is only appropriate that we support schools in their quest to exemplify this idea. We must support the expression of patriotism for the Nation by schools. I believe that the words "God Bless America," as used by this country's Founding Fathers, appropriately show this support.

I urge my colleagues to support House Concurrent Resolution 248.

Mr. DOOLITTLE. Madam Speaker, I submit these remarks with shock, sadness, and disgust. In the wake of the horrific terrorist attacks September 11, Breen Elementary School—located in my district in my hometown of Rocklin, CA—displayed a sign supporting both the victims of the attacks and our troops overseas engaged in America's war on terrorism. The sign simply—yet poignantly—stated "God Bless America."

Incredulously, the American Civil Liberties Union decided that the sign was inappropriate, defiantly proclaiming that the words sent a "hurtful, divisive message." Apparently they are driven by the patently false perception that the sign somehow separates the line between church and state and is thus violative of the Constitution.

But Madam Speaker, this isn't about separation of church and state, this is about purging God and all things religious completely out of American life. The ACLU and those that fund it are waging a cynical crusade, a war against all those who find comfort and solace in our Lord, plain and simple.

How dare they try to stifle the spirit of Americans in these incredibly difficult times? How dare they hide behind the Constitution, perverting its meaning and twisting its words into a gag rule against the people it empowers? How dare they parade around our country purporting to protect the rights of Americans who choose not to practice religion while simultaneously behaving like secularist thieves, tirelessly trying to steal the rights of those who wish to express their faith in God and country?

Madam Speaker, I urge the swift passage of this resolution, which expresses the sense of the Congress that public schools may display the words "God Bless America" as an expression of support for the Nation.

As stewards of the "People's House." we need to assure the citizens of our great Nation that their Congress stands behind them fully and unequivocally. That we support their right to express their support for those who have died in the horrible attacks and for those overseas, who are willing to give up their lives to preserve the right of all Americans to express themselves without fear or apprehension.

Shame on the ACLU, for trying to stifle the spirit of not only the citizens of my hometown, but for trying to intimidate all Americans who freely yearn to express theyir love for this great country.

Mr. DEMINT. Madam Speaker, I often rise in this House and speak about securing America's future. After the attacks of September 11, these words have taken on a whole new meaning.

Securing America's future involves everything from strengthening our military and economy to educating our children.

As we face this time of trial, we are reminded of the roots of our great nation and we are keenly aware of the values we hold dear.

We are aware that freedom is not free, that liberty comes at a price, that the sacrifices of our founders and countless Americans have helped secure our present freedoms.

Too many have fought too hard for too long for the principles of this nation to abandon them now.

So I rise today to wholeheartedly support H. Con. Res. 248, introduced by my colleague from South Carolina, Mr. BROWN.

This resolution expresses the sense of Congress that public schools may display the words "God Bless America" as an expression of support for the nation. It should shame every Member of Congress that a vote is even necessary to allow school children to ask God to bless our country.

This is America—the land of the free. "God" is not a banned word. Yet there are some who would tell our children that they cannot use that word as it might offend others.

Our schoolchildren deserve the right to pray, to assemble, and to freely acknowledge God.

As we educate our children on the principles of this nation, let us not forget that this nation was founded upon an acknowledgment of Almighty God as the giver of life and liberty.

Madam Speaker, in the past I have brought before the House of Representatives a proposal to help schools stand up for their students' freedom of religious expression and counter the chilling effect that misinformation and lawsuits can have on our schools.

I will introduce this Student Freedom of Religious Expression language again, and hope my colleagues will support the measure.

Right now, in my home District, there is a high school student petitioning for the right to pray in school. I support him and believe he has that right.

Madam Speaker, I do not believe that schoolchildren must leave their religious beliefs outside the schoolhouse door.

I challenge the schoolchildren and educators across this nation to be thankful for the liberties this nation grants them, carry that thankfulness in their hearts, and be free to express their thanks and supplication to God at any hour of the day.

Madam Speaker, let no one rob us of the right to ask blessings from God on our great nation.

Again, I urge my colleagues to support this resolution and close by saying Let Freedom Ring and God Bless America.

Mr. CASTLE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 248.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CASTLE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING HISTORIC SIGNIFICANCE OF UNITED STATES-AUSTRALIAN RELATIONSHIP

Mr. HYDE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 217) recognizing the historic significance of the fiftieth anniversary of the alliance between Australia and the United States under the ANZUS Treaty, paying tribute to the United States-Australia relationship, reaffirming the importance of economic and security cooperation between the United States and Australia, and welcoming the state visit by Australian Prime Minister John Howard, as amended.

The Clerk read as follows:

H. CON. RES. 217

Whereas the relationship between the United States and Australia extends beyond security cooperation and is based on common values, mutual respect, and a shared desire to see a world at peace in which all peoples can enjoy the benefits of democratic governance, fundamental human rights, and the prosperity that market-oriented economies bring;

Whereas the United States and Australia are jointly committed to combating terrorism around the world;

Whereas the United States and Australia share a wide range of common interests in Asia and the Pacific, such as growth and liberalization of international trade, regional cooperation on economic development, environmental protection, and the peaceful settlement of disputes;

Whereas the United States and Australia share the goals of effective multilateral cooperation in arms control and nonproliferation, halting the spread of weapons of mass destruction, and ensuring the effective operation of nonproliferation and arms control regimes;

Whereas the Australia-United States Trade and Investment Framework Agreement (TIFA) provides for consultations on trade and investment policy issues;

Whereas since 1985 the United States and Australia have held annual bilateral Australia-United States Ministerial Talks (AUSMIN) to develop and enhance their relationship;

Whereas United States Presidential visits to Australia in 1991 and 1996 and visits of the Australian Prime Minister to the United States in 1995, 1997, and 1999 have underscored the strength and closeness of the alliance;

Whereas the Sydney Declaration of 1996 reaffirmed and strengthened the defense alliance between the United States and Australia and the intention of both countries to work cooperatively with other states in the region and to encourage collective solutions to problems and security challenges in the region;

Whereas the United States and Australia are committed to close bilateral cooperation on legal, counternarcotics, and other global issues through the Mutual Legal Assistance Treaty (MLAT) of 1997;

Whereas the United States and Australia have worked together closely in the World Trade Organization (WTO), as active members of the Asia-Pacific Economic Cooperation (APEC) forum, and as strong supporters of the Association of South East Asian Nations (ASEAN) and the ASEAN Regional Forum (ARF) to encourage and improve regional cohesion;

Whereas the various phases of the multinational and United Nations operations in East Timor were a striking example of regional cooperation to achieve shared goals;

Whereas as evidenced by the recent situation in East Timor and the economic crisis of 1997, the international and economic security in the Asia-Pacific region is dynamic and the vitality and relevance of the alliance since the end of the Cold War is obvious;

Whereas the alliance between the United States and Australia during World War II was formalized in a 1951 security treaty commonly referred to as the "ANZUS Treaty", which provides that the United States and Australia will act to meet a common danger in the event of an armed attack in the Pacific against either country and strengthen the fabric of peace in the Pacific region;

Whereas Australia and the United States have maintained a close relationship with one another, and with the United Nations, regional organizations, associations, and other authorities in the Pacific region as a means to maintain international peace and security;

Whereas forces of the United States and Australia have served alongside one another in many theaters of war and as part of United Nations peacekeeping operations throughout the world;

Whereas the alliance between the United States and Australia has been characterized by an extraordinary degree of cooperation that includes information sharing, combined exercises, joint training and educational programs, and joint facilities;

Whereas the Australia-United States security relationship, having proved its value for five decades, will remain a cornerstone of Asia-Pacific security into the 21st century; and

Whereas September 1, 2001, marks the 50th anniversary of the ANZUS Treaty: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses its appreciation to the Government and people of Australia for the support given to the United States in the aftermath of the terrorist attacks on September 11, 2001;

(2) pays tribute to the relationship between the United States and Australia and looks forward to the continued growth and development of all aspects of the relationship;

(3) reaffirms the commitment of the United States to its alliance with Australia under the ANZUS Treaty and to the importance of security cooperation between the United States and Australia and the importance of their mutual security commitments, as was demonstrated by their joint decision to invoke Article IV of the Treaty, which commits both countries to act to meet a common danger;

(4) reaffirms the importance of the trade and economic relationship between Australia and the United States and expresses its commitment to further strengthen it; and

(5) expresses its strong support for continued close cooperation between Australia and the United States on economic and security issues in the Asia-Pacific region and globally.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, of the United States' many formal relationships around the world, our alliance with Australia is among the most important and enduring. This year, we celebrate the 50th anniversary of that alliance, one which I am pleased to say is as strong today as when the ANZUS Treaty was signed half a century ago. But the bonds connecting the United States and Australia are far deeper than those outlined in a simple piece of paper, regardless of its undoubted importance. We share common origins, common political institutions and governing principles, a common commitment to peace and freedom around the world. That commitment was tested many times in the past century, when Australian and U.S. forces fought side by side in a series of conflicts from World War I and World War II to the wars in Vietnam and the Persian Gulf. Many of the fallen share common graves.

Today, we recognize not only the past importance of our alliance with Australia but its continuing significance in a new century of unfamiliar challenges and unplumbed dangers. The strength of that alliance was newly demonstrated in the wake of the terrorist attacks on America September 11 when our Australian ally immediately pledged its unconditional support for the United States. That support included the decision by the Australian government to invoke article IV of the ANZUS Treaty which commits both countries to cooperate in responding to an attack. I should note this was the first time that article IV has been jointly invoked in the 50-year history of the ANZUS alliance.

In this new century, the United States and Australia will have need of reliable friends and proven allies. The knowledge that we do not face our challenges alone, that we will meet them with steadfast partners such as Australia, is of incalculable importance and reassurance to the United States. It is for these and other reasons that I call up this resolution, recognizing the historic significance of the 50th anniversary of the alliance between Australia and the United States under the ANZUS Treaty. I look forward to the day when we will celebrate the first century of that alliance.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume. I rise in strong support of H. Con. Res. 217.

I would first like to commend Chairman HYDE for introducing this important resolution. I would also like to express my appreciation to the gentleman from Iowa (Mr. LEACH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for joining us as original cosponsors.

Madam Speaker, 5 weeks ago today, the House was scheduled to consider this important resolution which commemorates the 50th anniversary of the ANZUS treaty. This critical treaty established the strong security bonds between the United States and our friend Australia. Then came the horrendous attacks on the twin towers and the Pentagon. The Capitol was evacuated and the congressional schedule was dramatically altered.

Australia's outstanding response to the September 11 attacks has given us a firsthand opportunity to appreciate fully the strength of the relationship between the United States and Australia and the role that this treaty can play in furthering our relationship.

On the 12th of September, Madam Speaker, Australian Prime Minister John Howard, in Washington for an official visit, joined us in this very hall to hear President Bush address the Nation. The Prime Minister had already offered his full and complete support for a strong and united response against the acts of terrorism. And President Bush rightfully acknowledged that strong support.

On the 14th of September, Australia invoked article IV of the treaty which requires the United States and Australia to act to meet a common danger. And on the 28th of September, Australia froze the assets of all 27 terrorist organizations identified by the President in an executive order, including Osama bin Laden and his cohorts.

On the 4th of October, Australia formally committed a wide range of air, ground, and naval forces to join with American forces in the fight against terrorism, including a detachment of special forces and air-to-air refueling aircraft.

□ 1430

The Australian Government announced that it is ready to consider further military contributions as well.

Madam Speaker, the last 5 weeks have shown that the United States-Australia relationship is stronger than it has ever been, and the reasons for considering this important resolution are more important and compelling today than ever before.

But we should not be surprised at the overwhelmingly positive response of our Australian friends to the September 11 attack. From human rights to trade to international peacekeeping, the United States and Australia have a common agenda, and the relationship between our two nations simply could not be closer.

Australia assumed the leadership role in the Asia-Pacific region and has contributed greatly to the economic and political stability of the region. East Timor is the perfect example of Australia's leadership in the Asia-Pacific area. The Australians led the charge in bringing peace and stability to the troubled island after the Indonesians and the militias they support burned their way out of East Timor. Their military peacekeepers have been the backbone of the United Nations peacekeeping force still in East Timor. We are all pleased, Madam Speaker, that the East Timorese have recently conducted their first free elections since becoming independent from Indonesia.

The resolution before the House today recognizes the importance of the 50th anniversary of the treaty; and it reaffirms the importance of close economic security, political and cultural ties between the United States and our friends in Australia. Our resolution recognizes the strong support provided by Australia to the United States in the aftermath of the September 11 terrorist outrage.

Madam Speaker, I urge all of my colleagues to support H. Con. Res. 217.

Madam Speaker, I am particularly pleased to yield 5 minutes to my friend, the gentleman from America Samoa (Mr. FALEOMAVAEGA), the ranking Democrat on the Subcommittee on East Asia and the Pacific.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of House Concurrent Resolution 217. I am honored to join the chairman of the House Committee on International Relations, the gentleman from Illinois (Mr. HYDE); our ranking Democrat member, the gentleman from California (Mr. LANTOS); and the Chair of our Subcommittee on East Asia and the Pacific, the gentleman from Iowa (Mr. LEACH), in jointly introducing this measure which honors the close friendship and extraordinarily deep relationship between Australia and the United States.

As many of our colleagues may know, last month marked the 50th anniversary of our alliance with Australia under the ANZUS Treaty. The resolution before us properly recognizes that this vital security relationship has made historic and significant contributions to peace and stability in the Asia-Pacific region and will continue to do so throughout the new century.

Even before the ANZUS Treaty was signed in 1951, however, Australia and the United States have worked together in partnership to confront common threats to democracy. From the summer of 1918, when the U.S. 33rd National Guard Division joined Australian troops at the Battle of Le Hamel in France, we have fought together as allies in World War I, World War II, the Korean and Vietnam Wars, and, more recently, in conflicts in the Persian Gulf and even Somalia.

Madam Speaker, it was during World War II in particular at the Battle of the Coral Sea where United States and Australia naval forces joined in one of the allies' finest hours in the Pacific Theater. On May 4, 1942, the joint forces of American and Australian warships stopped the Axis armada, which had never before been defeated, in its historic march across the Pacific region. By crushing the fearsome enemy fleet, a planned invasion of Australia was stymied and marked the strategic and pivotal turning point in World War II, leading to the victory for allied forces and the protection of the free world.

It was this victorious alliance between the United States and Australia that the ANZUS Security Treaty was born, which holds that the U.S. and Australia will act to meet the common danger in the event of an attack against either country.

Madam Speaker, when the horrific terrorist attacks against our Nation occurred on September 11 of last month, Australia took immediate steps to demonstrate their commitment and support of the United States in this crisis.

I deeply commend Prime Minister John Howard, who was in Washington at the time, for his strong leadership and standing in solidarity with America. Within days, Australia invoked article IV of the ANZUS Treaty, following with a concrete commitment of military assets, including special forces detachments, military aircraft and amphibious command capability. When requested by President Bush, Australia also took steps to immediately freeze the assets of terrorist organizations.

Madam Speaker, the quick and timely response of Australia in coming to our Nation's aid to combat international terrorism leaves no doubt in our minds that our friends are indeed very serious about their security commitments to the United States.

In addition to our extensive defense and intelligence cooperation, Australia has worked closely with the United States to combat global problems such as the HIV-AIDS crisis, the international criminal syndicates and narcotics trafficking, and the proliferation of weapons of mass destruction and missile technology.

We have also served together in international peacekeeping forces, for which in particular Australia should be deeply commended for its outstanding leadership of multinational operations in East Timor, which resolved the crisis and restored stability in that newborn nation.

Madam Speaker, the United States and Australia also share a robust trade relationship. We are Australia's second largest trading partner, with an annual trade exceeding $22 billion a year; and our two nations consult and work closely in the World Trade Organization and APEC for the promotion of international trade and regional economic development. To further boost our trade relationship, it is necessary and appropriate that a free trade agreement be finalized between our nations.

Madam Speaker, for all these reasons and more, I urge our colleagues to support passage of this measure that honors our common heritage with Australia: the respect of human rights, the rule of law, the trust in free market economies, and our fundamental belief in government by democratic rule.

Madam Speaker, adoption of this measure sends a strong message reaffirming the deep respect and enduring bonds of friendship that have bound and will always bind the people of the United States with the good people of Australia.

Mr. BEREUTER. Madam Speaker, as a cosponsor of House Concurrent Resolution 217, this Member rises in strong support for the bill which recognizes the historic significance of the fiftieth anniversary of the alliance between Australia and the United States under the ANZUS Treaty. The measure also pays tribute

to the United States-Australia relationship, reaffirms the importance of economic security cooperation between the United States and Australia, and welcomes the state visit by Australian Prime Minister John Howard.

This member would like to commend the efforts of the distinguished gentleman from Illinois and Chairman of the International Relations Committee (Mr. HYDE), and the distinguished gentleman from California and Ranking Minority Member of the International Relations Committee (Mr. LANTOS) for introducing and moving forward this legislation.

Madam Speaker, when the ANZUS Treaty was signed on September 1, 1951, no one could have anticipated that 50 years later, Australia would invoke Article 4 of the treaty to assist the U.S. in its efforts against the threat of terrorism. Indeed, the treaty was negotiated and signed during the Cold War when the spread of Communism to Pacific countries loomed as the major threat. It was considered much more likely at that time that the U.S. would need to invoke the treaty to aid and defend the other signatories. Now, the threat of Communism has disappeared, but U.S.-Australian military ties remain very strong and, in fact, poised to defeat the new threats to global security, including threats to financial, transportation, and immigration systems.

Currently, Australia has offered the services of 150 elite Special Air Service Soldiers and 2 Royal Australian Air Force Boeing 707 refueling aircraft. Additionally, the Australian Government has indicated that, if necessary, they could contribute long-range surveillance support and an amphibious command ship to the war on terrorism.

Madam Speaker, this commitment on the part of the Australians is to be commended as is the role it has previously played in defending the shared interests of the U.S. and Australia. Indeed, in every major 20th Century conflict—World War I, World War II, Korea, Vietnam, and the Gulf War, Australian forces have joined American forces on the front lines. It is important to note that Australia's defense forces have cooperated and coordinated closely with the U.S. The command, control, and communications systems of both countries in important respects are integrated. Also, Australia has long been designated as one of America's most important non-NATO allies. Japan is the only other country in the Asia-Pacific region to share this distinction.

Not only has Australia been a key ally to the U.S. in previous conflicts and continues to be so in this current conflict, it has been a stabilizing force in its neighborhood. Australia did not shirk from its regional responsibilities when a crisis erupted in East Timor. Australia stepped forward readily, early, and decisively to lead the multi-national peacekeeping intervention in East Timor and it remains a principal guarantor of security there. Australia's continued leadership in the Pacific will be critical following the terrorist attacks of September 11th as Indonesia, a neighbor and the world's most populous Muslim country, and the Philippines grapple with their response to the attacks.

Madam Speaker, the U.S. and Australia share similar backgrounds as former British colonies and as destinations for huge numbers of immigrants who were seeking a fresh start. Freedom flourishes in both countries. Indeed, the U.S. and Australia are very much like close cousins. Now, we, as cousins, are facing a potentially long and complicated war in a world very different from the one which necessitated the ANZUS Treaty. This Member urges his colleagues to vote for H. Con. Res. 217 to show continued support for Australia—our international cousin, our friend, and our very valuable and trusted ally.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Resolution 217, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING PRESIDENT TO EXERCISE WAIVERS OF FOREIGN ASSISTANCE RESTRICTIONS WITH RESPECT TO PAKISTAN

Mr. HYDE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1465) to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

The Clerk read as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. EXEMPTIONS AND WAIVER OF APPROPRIATIONS ACT PROHIBITIONS WITH RESPECT TO PAKISTAN.

(a) FISCAL YEAR 2002 AND PRIOR FISCAL YEARS.—

(1) EXEMPTIONS.—Any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2002, or any provision of such Act for a prior fiscal year, that prohibits direct assistance to a country whose duly elected head of government was deposed by decree or military coup shall not apply with respect to Pakistan.

(2) PRIOR CONSULTATION REQUIRED.—Not less than 5 days prior to the obligation of funds for Pakistan under paragraph (1), the President shall consult with the appropriate congressional committees with respect to such obligation.

(b) FISCAL YEAR 2003.—

(1) WAIVER.—The President is authorized to waive, with respect to Pakistan, any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2003 that prohibits direct assistance to a country whose duly elected head of government was deposed by decree or military coup, if the President determines and certifies to the appropriate congressional committees that such waiver—

(A) would facilitate the transition to democratic rule in Pakistan; and

(B) is important to United States efforts to respond to, deter, or prevent acts of international terrorism.

(2) PRIOR CONSULTATION REQUIRED.—Not less than 5 days prior to the exercise of the waiver authority under paragraph (1), the President shall consult with the appropriate congressional committees with respect to such waiver.

SEC. 2. INCREASED FLEXIBILITY IN THE EXERCISE OF WAIVER AUTHORITY OF MTCR AND EXPORT ADMINISTRATION ACT SANCTIONS WITH RESPECT TO PAKISTAN.

Any waiver under 73(e) of the Arms Export Control Act (22 U.S.C. 2797b(e)), or under section 11B(b)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(5)) (or successor statute), with respect to a sanction that was imposed on foreign persons in Pakistan prior to January 1, 2001, may be exercised—

(1) only after consultation with the appropriate congressional committees; and

(2) without regard to the notification periods set forth in the respective section authorizing the waiver.

SEC. 3. EXEMPTION OF PAKISTAN FROM FOREIGN ASSISTANCE PROHIBITIONS RELATING TO FOREIGN COUNTRY LOAN DEFAULTS.

The following provisions of law shall not apply with respect to Pakistan:

(1) Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)).

(2) Such provision of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, as is comparable to section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106–429; 114 Stat. 1900A–25).

SEC. 4. MODIFICATION OF NOTIFICATION DEADLINES FOR DRAWDOWNS AND TRANSFER OF EXCESS DEFENSE ARTICLES TO RESPOND TO, DETER, OR PREVENT ACTS OF INTERNATIONAL TERRORISM.

(a) DRAWDOWNS.—Notwithstanding the second sentence of section 506(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(b)(1)), each notification under that section with respect to any drawdown authorized by subclause (III) of subsection (a)(2)(A)(i) that the President determines is important to United States efforts to respond to, deter, or prevent acts of international terrorism shall be made at least 5 days in advance of the drawdown in lieu of the 15-day requirement in that section.

(b) TRANSFERS OF EXCESS DEFENSE ARTICLES.—Notwithstanding section 516(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(1)), each notification under that section with respect to any transfer of an excess defense article that the President determines is important to United States efforts to respond to, deter, or prevent acts of international terrorism shall be made at least 15 days in advance of the transfer in lieu of the 30-day requirement in that section.

SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term "appropriate congressional committees" means the Committee on

Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 6. TERMINATION DATE.

Except as otherwise provided in section 1 or 3, the provisions of this Act shall terminate on October 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1465.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the pending bill permits the President to scrape from the hull of a great ship, the foreign relations law of the United States, some of the barnacles that prevent us from aiding our ally, Pakistan. It is an appropriate response to the emergency situation confronting our Nation and to the difficulties facing Pakistan as it assists us to stabilize their region.

Pakistan has been for decades a friend of the United States. It stood by us, for example, by committing its armed forces on our side in the Gulf War, unlike some of its neighbors who were mild and somewhat equivocal in their response to Saddam Hussein. Of course, it was the launching place for our long, difficult joint effort to free the Afghan people of the Soviet Army.

While Pakistan and the United States have had serious disagreements on proliferation policy and other issues and we remain concerned with the overthrow of the elected government by President Musharref, we can and should work with Pakistan during the coming years and establish a new relationship based on trust, mutual interest, and common values.

The bill waives for fiscal years 2002 and 2003 legislative provisions with respect to Pakistan prohibiting direct assistance on account of the deposition of a duly elected head of government by a military coup. It provides additional flexibility by eliminating certain notification periods with respect to certain provisions of the Arms Export Control Act and the Export Administration Act. It exempts Pakistan from certain provisions of law which would prevent it from receiving assistance should it be in default on certain debts. It permits drawdowns of defense articles and the transfer of excess defense articles subject to shorter congressional notification periods.

Madam Speaker, our military is in the air over Afghanistan as we speak. Our forces are depending on Pakistani facilities and intelligence. Our assistance to Pakistan helps ensure the stability of the government of an ally and the welfare of its people. I urge my colleagues to support this bill and send it to the President for his signature.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of S. 1465. This is a very significant piece of legislation; and I want to commend my distinguished friend, the gentleman from Illinois (Chairman HYDE), for bringing this bill to the floor in an expedited fashion.

As we speak, Madam Speaker, the Secretary of State of the United States is in Pakistan underscoring the importance of our relationship and the importance of this legislation.

We are engaged in an epic struggle against the forces of international terrorism; and our fighting men and women are risking their lives as we speak to end this terrible threat, not only to the United States, but to every civilized country on the face of this planet. In this fight, we have called upon all nations to make every contribution they can to prevail against these forces of evil.

Pakistan in particular, by geography and history, must shoulder an unusually heavy burden in this effort. While it is true that Pakistan had a hand in creating the Taliban, it is also true that Pakistan today is playing a critical role in ensuring that Afghanis know Afghanistan is no longer a base for international terrorism.

President Musharref's decision to stand with the United States and the civilized global community was a wise and courageous choice. But as we laud him for making the right choice, we must acknowledge that it will not be an easy commitment to keep. The terrorist attacks on September 11 shed light on the life-and-death struggle that is being waged for the future of Pakistan. It is a battle against the destructive and anarchist forces of religious fanaticism and violence which seek to capitalize on the despair of the poor.

□ 1445

It is a battle that President Musharraf must win to restore hope to the people of Pakistan and to secure a future for the children of Pakistan. It is vital, Madam Speaker, that the United States demonstrate to the people and government of Pakistan our commitment to help them secure that future as long as Pakistan continues its commitment to eradicate international terrorism. It is for this reason that I support the legislation before us today.

The situation in South Asia, Madam Speaker, is highly volatile, and I am convinced that any military assistance or armed sales in the current environment would only serve to further inflame tensions in the region. I urge our administration to refrain from actions that will accelerate the arms race on the subcontinent and further destabilize the already fragile situation there. I will continue to monitor this issue closely.

Finally, I want to reiterate to the people of Pakistan our continued support for a return to democracy in that country. President Musharraf has given his word that he is committed to democracy and we in Congress intend to hold him to his word.

Madam Speaker, I urge all of my colleagues to support S. 1465.

Mr. LANTOS. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I want to thank the gentleman from California (Mr. LANTOS), the ranking member, for yielding me this time.

I come to the House floor today to rise in opposition to S. 1465, as we know, a bill that waives certain sanctions against Pakistan. Section 508 of the Foreign Operations Act for fiscal year 2001 was passed by Congress to prohibit the export of U.S. weapons and military assistance to countries whose duly-elected head of government is deposed. In 1999, General Perez Musharraf overthrew the civilian-elected government of Pakistan in a military coup and since then has governed Pakistan under military rule. As a result, section 508 sanctions have been in place and U.S. policy has maintained that no military assistance would be provided to Pakistan.

Under the current circumstances due to the attacks of September 11, I do feel that it is appropriate to provide economic assistance to Pakistan because of General Musharraf's willingness to support the U.S. in seizing Osama bin Laden and eliminating the al-Qaeda terrorist network. Pakistan is not only a country suffering from severe poverty in some regions, but it is also a fragile society. Pakistan's pleas to the U.S. for economic help are understandable, and any humanitarian, education, economic, and social assistance is worthy of being granted on an expedited basis.

However, Madam Speaker, I stand strong in my argument against military aid to Pakistan, even under the current circumstances. Since the first day of U.S. military action against the Taliban in Afghanistan, it has become clear that Pakistan's armed forces are not participating in the antiterrorism effort in Afghanistan. If Pakistan's forces are not being used directly against the Taliban and terrorist groups, there is no justification for providing military aid.

South Asia is today one of the most politically volatile areas in the world. Pakistan is a nuclear power, but has been unstable and, like I said earlier, very fragile. Until sound democracy is established in Pakistan, it is unclear what purpose military artillery and weapons will be used for.

My fear is that if we provide weapons to Pakistan or lead to that possibility, they may inadvertently fall into the wrong hands and be used in ways contrary to U.S. interests. And Pakistan has Iran to the west of its borders and India to the east. Sri Lanka and several other countries contribute to the volatile makeup of the region.

Historically, U.S. arms exports to Pakistan have been used against India, primarily through cross-border military action in Kashmir. We saw a terrifying example of this on October 1 when a suicide car bomb exploded in front of the Jammu and Kashmir State Assembly while it was in session. This terrorist attack left at least 40 dead and many more injured. Jaish-e-Muhammad, a Pakistani-based group, is the terrorist group that came forward and claimed responsibility for this horrific act. This group is now on the Treasury Department's list of terrorist groups whose assets will be frozen by the U.S., but this example of cold-blooded murder by a Pakistani-based group should be evidence enough that weapons can and will fall into the hands of terrorist networks and potentially be used against India or other U.S. allies.

The Pakistan government is currently not only supportive of the Taliban but, in fact, is one of the proponents that created the Taliban movement in Afghanistan. Due to the deep ties between Pakistan and the Taliban, and the deep ties between the Taliban and Osama bin Laden, I feel that it is in the best interests of the U.S. to uphold its current policy of restricting military assistance at this time. Given Pakistan's instability, nuclear proliferation capabilities, and current military rule, I do not see a reasonable argument for compromising our democratic values by waiving section 508.

Finally, for my colleagues that feel that we should grant Pakistani aid requested, including military aid, I would note that under section 614 of the Foreign Assistance Act, the U.S. may provide weapons and military assistance when U.S. national security interests are at stake. Given that Osama bin Laden and his al-Qaeda network have not only savagely attacked us, but continue to pose a threat to the U.S., the President could provide U.S. military assistance to Pakistan under section 614. Unless the President certifies that that assistance provided under 614 is insufficient, there is no reason for Congress to waive section 508.

If and when Pakistan takes steps towards establishing a democracy with a civilian-elected government, perhaps section 508 would be irrelevant. However, General Musharraf has shown no steps towards returning Pakistan to democratic rule and, in fact, has moved in the opposite direction for at least the past several months. On June 20 he declared himself President of Pakistan, which is a clear indication of his desire to maintain a dictatorial stronghold. Musharraf's past actions include dissolving Pakistan's National Assembly and four provincial assemblies. He has claimed that he will hold fair national elections by 2002; however, this has only been lip service so far. As a self-proclaimed President, Musharraf may be seen with more credibility in the eyes of the international community at large, but the fact remains that the people of his Nation never elected him. I believe that repealing section 508 clearly sends the wrong message, given the General's actions.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the ranking Democratic member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mrs. LOWEY. Madam Speaker, I rise in reluctant support of S. 1465, and I would like to address several concerns about this bill which would authorize the President to exercise certain waivers with respect to Pakistan.

In recent weeks, the President has invoked special authorities to enable the provision of $100 million in economic assistance for Pakistan. I have been consulted on these decisions and I have supported them as necessary to carry out our campaign against terrorism. But the passage of this bill today will remove all remaining legislative restrictions on assistance to Pakistan for both fiscal year 2002 and fiscal year 2003. It is my understanding that the administration will soon inform Congress of its intention to provide an additional $500 million in economic assistance to Pakistan to be taken from the $40 billion emergency supplemental.

There is simply no question that the United States should move rapidly to provide economic assistance to Pakistan in light of its cooperation in the war on terrorism, and because of the severe economic crisis there, but I caution my colleagues against relinquishing our role in this process. With the passage of this bill, we give extraordinary discretion to the administration to determine the extent and content of our assistance. While I support a bold and significant assistance program for Pakistan, I believe it must have appropriate congressional oversight.

The Pakistani government has requested billions in economic assistance to meet its cash shortfall and to address its significant infrastructure, education, and health needs, and I expect we will provide $600 million to respond to that request. But at the moment, there is no clear plan for how this assistance will flow, and we have very little monitoring capacity to ensure funds are spent for their intended purposes. Under normal circumstances, Congress has a role in directing the use of appropriated funds prior to their disbursement, and I hope we will be included in the current process as well.

At this point, we have not been informed of any plan to provide significant military assistance to Pakistan. However, that could and likely will change as the situation develops. There are no legislative guidelines in place to ensure that we will have appropriate assurances from the Pakistani government that the use of such assistance will be restricted to the fight against terrorism. While it is my expectation that the President would seek and obtain such assurances, Congress does not currently require him to do so.

Finally, I am puzzled that this bill takes the unusual step of waiving a provision of law on a bill that is not yet written: the fiscal year 2003 Foreign Operations bill. I understand and support the need to send a strong signal to Pakistan and to provide some assurance that our commitment to them is long term, but I submit that providing $600 million is a very strong signal. The Committee on Appropriations, under the leadership of the gentleman from Florida (Mr. YOUNG), has responded with speed and cooperation to the President's request for resources to fight this war. We neglect our oversight responsibilities when we provide prospective waivers for bills that have yet to be written.

Madam Speaker, I support this bill, but I urge my colleagues to carefully consider these concerns as we move forward.

Mr. LANTOS. Madam Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HOLT. Madam Speaker, I rise today to address my colleagues regarding S. 1465.

As we pass this legislation today, I wanted to note for the record certain reservations I have about authorizing the President to waive sanctions against Pakistan. I am in favor of providing aid to Pakistan and helping them develop economically. This development is crucial for a transition to a democratic form of government. Our relationship with Pakistan is especially important in light of the events since September 11. We must continue to cement our alliance with Pakistan and all interested countries in order to maintain our campaign against al Qaeda and the Taliban. However, I question whether waiving restrictions on U.S. arms exports is the best way to help these countries.

South Asia, as we now know, is an extremely volatile area. In the last 50 years, India and Pakistan, who both have nuclear capabilities, have fought three conflicts. As we have seen in just the last few days, the area around Kashmir continues to be a source of tension in the region. Any weapons that we export to these countries could be used in future conflicts. Do we really want to contribute to the instability of this region by providing more weapons?

United States law prohibits the export of arms to government in power due to a military coup. Section 508 of the Foreign Operations Act for FY01 prohibits the export of weapons and military assistance to countries whose duly elected head of government is deposed. Reversing this policy without making any stipulations about the re-establishment of democracy could send the wrong message to undemocratic regimes.

These are extraordinary times. Extreme measures may be necessary. But the President has already exercised his right to provide American weapons and military assistance when national security interests are at stake, as allowed by section 614 of the Foreign Assistance Act. Congress should not waive sanctions on arms export to India and Pakistan unless the President shows that the assistance he has already provided is insufficient.

If these sanctions are waived, there is no guarantee that the United States has any control over the weapons exported. Our experiences in Somalia, Iran, Iraq, an Afghanistan demonstrate this. How do we know that American weapons will not fall into the hands of potential enemies and threaten our troops at a future date? The Taliban may own up to 100 Stinger missiles that were provided by the United States in the 1980s for their clash with the Soviet Union.

As I mentioned earlier, I worry about the message that the United States sends to undemocratic regimes by allowing exports to countries without stipulations about the establishment of democracy. To allow such a waiver regardless of a country's human rights standards violates one of the central tenets of U.S. foreign policy. Congress should exercise caution, for allowing such waivers now may lead to broader waivers later. The fight against terrorism should not be at the expense of our principles.

Madam Speaker, instead of providing military aid, the United States should target its aid toward the more immediate needs of the people of Pakistan and India. Pakistan and India rank No. 127 and No. 114, respectively, in the U.N.'s Human Development Index. More weapons will not move them up in these rankings. The United States should provide economic assistance to the people of Pakistan and India—not more weapons.

Mr. GILMAN. Madam Speaker, I reluctantly rise in support of S. 1465, a bill that would waive certain restrictions on U.S. assistance to Pakistan.

While we need to attempt to be helpful to President Musharraf for permitting the United States access to its bases and in an attempt to build a relationship with Pakistan, I am very concerned about working too closely with Pakistan at this point and providing for them to have too much of a role in forming the future Government of Afghanistan.

In the past, the Government of Pakistan and President Musharraf have given to the Taliban the support they needed to take and stay in power. Pakistani military officials have guided and counseled Taliban military leaders in their war against the National Alliance. Indeed without the support of Pakistan the Taliban would not even exist.

The Taliban originated from Islamic fundamentalist religious schools in Pakistan. President Musharraf and other Pakistani leaders throughout the years have provided the Taliban a lifetime by giving it military, economic, and logistical support.

As Secretary Powell seeks to be helpful to the Afghans as they attempt to form a new government I would hope that we do not take Pakistani advice to install a “reinvented” Taliban in power.

We should also not forget that Pakistan, bin Laden, and the Taliban have been responsible for terrorist acts that have led to the deatbs of innocent Indian civilians in Kashmir and throughout India for many years.

Pakistan has used its military against India time and time again. Given that, while it makes sense to give Pakistan economic support I do not believe that it is wise to give it military support until we are clear about the way in which it intends to use that support. Accordingly, I reluctantly support S. 1465.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support for S. 1465, a bill authorizing the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003. This Member would like to commend the distinguished gentleman from kansas serving in the other body, Mr. BROWNBACK, who previously served in this body, for his commitment to develop an expertise in South Asian and Central Asian issues and for introducing S. 1465. This Member would also like to thank the gentleman from Illinois, the chairman of the International Relations Committee, Mr. HYDE, for expeditiously moving this measure to the floor.

Pakistan is located in a neighborhood where its alignment with the United States during the cold war was neither an easy nor popular choice, and yet Pakistan served well as an ally to the United States during that era. Following the unspeakable and horrific terrorist attacks on September 11, 2001, the world has entered a new era, and, to its credit, Pakistan has once again made a choice that was neither easy nor popular—that is, to align itself with the United States in the war against global terrorism.

Madam Speaker, this legislation provides President Bush with the tools he needs to encourage Pakistan's continued participation in United States efforts to combat terrorism. It provides the President with the opportunity to provide increased assistance to Pakistan is critical and very appropriate at this time.

However, this Member would note that even if the terrorist attacks had not occurred, reviewing current sanctions against Pakistan, as provided in S. 1465, would have been appropriate. Following the October 12, 1999, unfortunate, but bloodless coup, which brought him to power, General Musharraf has abided by the Pakistani Supreme Court's prescribed timetable for reinstating local elections, and he continues to promise that Pakistan will conduct Federal elections in October 2002. Additionally, freedom of the press appears to be improving according to the Pakistan Country Report on Human Rights Practices for 2000. While the Pakistani economy continues to suffer, reports indicate that General Musharraf's administration has made progress in improving transparency and in liberalizing trade. Certainly, these steps would have warranted the consideration of resuming foreign assistance which could foster continued improvements in these areas. It could also assist in supporting improvements in other human rights areas.

Madam Speaker, this Member encourages his colleagues to support S. 1465.

Mr. ACKERMAN. Madam Speaker, I rise in support of S. 1465 but do so with some serious reservations. While I think we all agree that the President needs a significant amount of flexibility in order to effectively prosecute the war on terrorism, I believe we should be careful about the types of assistance that could flow to Pakistan under this particular proposal.

Clearly, everyone supports the provision of economic assistance to Pakistan. Among the poorest nations in the world, Pakistan was, until a recent rescheduling, in default on U.S. loans and continues to need assistance with its massive foreign debt. In addition, the Pakistani economy remains weak although General Musharaff should be given credit for adhering to the structural adjustment plan required by the International Monetary Fund. Pakistan should also be given assistance to provide health care and education. Life expectancy is low, infant mortality is high, and too many of Pakistan's children are educated in Madrassas that provide only lessons in hatred.

The problem with this bill is that it opens the door to a significant new arms relationship with Pakistan and before the United States even considers going down that road, we must consider who the arms are likely to be used against. It is clear from looking at Pakistan's immediate neighbors that the threats to Pakistan are low. In Afghanistan, the expectations for a post-Taliban government are that it would not be a threat to Pakistan. Since China is Pakistan's long-time partner on nuclear and missile-related technologies, it is unlikely Pakistan would use the weapons there. There are tensions between Iran and Pakistan but they don't seem to rise to the level of armed conflict. That leaves India, which is where any weapons we provide are likely to be used. We should think long and hard before we agree to supply Pakistan with any weapons or spare parts that would be used against India. India strongly supports the U.S.-led coalition against terrorism and does so without preconditions or reservations. Now is not the time for the U.S. to abandon its democratic friends in South Asia, or elsewhere.

One final point, Madam Speaker, we should remember that among the sanctions we are waiving here today are those imposed because of the October 1999 coup in Pakistan. The message from this waiver must not be that democracy is no longer important. In fact, the one lesson we should draw from the current situation is that democracy remains the solution to extremism everywhere. We must continue to urge Pakistan to return to democracy as soon as possible.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of this legislation, which will allow for the temporary waiver of economic restrictions with respect to Pakistan.

We currently find ourselves involved in a military action far from home. This is only possible due to the coordinated efforts of many nations that have demonstrated their commitment to eliminating terrorism from the earth. Pakistan has contributed mightily to our efforts in Afghanistan, both diplomatically and otherwise.

Madam Speaker, President Clinton imposed sanctions on Pakistan and India for their dual nuclear tests in 1998 under the Glenn Amendment of the Arms Export Control Act. In addition, the October 1999 overthrow of the democratically elected government of Pakistan triggered additional sanctions under the Foreign Appropriations Act. Foreign Assistance Act also imposed restrictions on Pakistan for arrearages in bilateral debt payments. On September 22, 2001, President Bush triggered waivers to lift remaining sanctions on Pakistan as a good faith gesture towards this nation for its cooperation in eradicating terrorism. The Congress must also demonstrate its commitment to our allies in this struggle, while respecting the long-term policy goals our sanctions are designed to promote and protect. This legislation achieves this goal by granting the President waiver authority for fiscal year 2002. However, for the following fiscal year, the waiver is only extended if the President can show this Body that the waiver would "facilitate the transition to democratic rule in Pakistan; and is important to United States efforts to respond to, deter, or prevent acts of international terrorism." Thus, this House ensures that we do not disregard our commitment to the spread of viable stable democracies throughout the world, while recognizing the need to commit resources to those nations willing to facilitate the development of peace throughout both the region and the world.

Pakistan is also given the opportunity to continue its support of our military efforts in FY 2003 by allowing the President to waive arms control export laws if President Bush deems it necessary and notifies Congress 45 days in advance. The leadership of Pakistan, though not elected, has recognized the urgent need for the Peace of Nations in this world. Despite sustained protests and alleged destabilization by Taliban infiltrators from Afghanistan, the leadership of Pakistan has proven that it has renounced its ties to the Taliban, and agreed to play a decisive role in the shaping of a new democracy within Afghanistan. Our actions here today ensure that we will play a decisive role in pursuing the goal of democracy within Pakistan.

Finally, Madam Speaker, this bill ensures that we do not sell ourselves for the sake of our pursuit of the Taliban. This legislation "sunsets" on October 1, 2003. By limiting the scope of this waiver, we respect our constitutional function of checking the power of the executive to pursue policies against our long-term interests longer than necessary for the swift administration of justice.

Though the times we live in are uncertain, we are not desperate, for our cause is just and our will strong. This Congress is charged to face unpleasant realities for the sake of our children's futures. S. 1465 does this, and in a way that ensures the children of Pakistan might someday know democracy, too.

Mr. HYDE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 1465.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CORAL REEF AND COASTAL MARINE CONSERVATION ACT OF 2001

Mr. HYDE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2272) to amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries who take action to protect critical coral reef habitats, as amended.

The Clerk read as follows:

H.R. 2272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH CORAL REEFS AND OTHER COASTAL MARINE RESOURCES.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"PART VI—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH CORAL REEFS AND OTHER COASTAL MARINE RESOURCES

"SEC. 901. SHORT TITLE.

"This part may be cited as the 'Coral Reef and Coastal Marine Conservation Act of 2001'.

"SEC. 902. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds the following:

"(1) It is the established policy of the United States to support and seek the protection and restoration of natural coastal marine areas, in particular coral reefs and other critically imperiled coastal marine resources around the world, as demonstrated by the establishment of the United States Government's Coral Reef Task Force under Executive Order 13089 (June 11, 1998) and by the emphasis given to coral reefs at the Conference on Oceans held in Monterey, California.

"(2) Coral reefs and other coastal marine resources provide a wide range of benefits to mankind by—

"(A) harboring a major share of the world's marine biological diversity, and by acting as seed-grounds and nurseries for many deep-sea species; and

"(B) serving as the basis for major activities of critical economic, social, and cultural importance, including fishing, pharmaceutical research, recreation, tourism, and the natural purification and recharge of waters.

"(3) International organizations and assistance programs to conserve coral reefs and other coastal marine resources have proliferated in recent years, but the rapid destruction of these resources nonetheless continues in many countries.

"(4) Poverty and economic pressures on many developing countries, including the burden of official debts, has promoted inefficient, unsustainable over-exploitation of coral reefs and other coastal marine resources, while also denying necessary funds to protection efforts.

"(5) Reduction of official, government-to-government debts can help reduce economic pressures for over-exploitation of coral reefs and other coastal marine resources and can mobilize additional resources for their protection.

"(b) PURPOSES.—The purposes of this part are—

"(1) to recognize the values received by United States citizens from protection of coral reefs and other coastal marine resources;

"(2) to facilitate greater protection of remaining coral reefs and other coastal marine resources, and the recovery of damaged areas, by providing for the alleviation of debt in countries where these resources are located, thus allowing for the use of additional resources to protect and restore such coral reefs and other coastal marine resources, and to reduce economic pressures that have led to unsustainable exploitation; and

"(3) to ensure that resources freed from debt in such countries are rechanneled to protection of coral reefs and other coastal marine resources.

"SEC. 903. DEFINITIONS.

"In this part:

"(1) ADMINISTERING BODY.—The term 'administering body' means the entity provided for in section 908(c).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) BENEFICIARY COUNTRY.—The term 'beneficiary country' means an eligible country with respect to which the authority of section 906(a) or paragraph (1) or (2) of section 907(a) of this part is exercised.

"(4) BOARD.—The term 'Board' means the board referred to in section 910.

"(5) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

"(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthozoa; and

"(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

"(6) CORAL REEF.—The term 'coral reef' means any reef or shoal composed primarily of corals.

"(7) DEVELOPING COUNTRY WITH A CORAL REEF OR OTHER COASTAL MARINE RESOURCE.—The term 'developing country with a coral reef or other coastal marine resource' means—

"(A)(i) a country that has a per capita income of $725 or less in 1994 United States dollars (commonly referred to as 'low-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or "(ii) a country that has a per capita income of more than $725 but less than $8,956 in 1994 United States dollars (commonly referred to as 'middle-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

"(B) a country that contains at least one coral reef or other coastal marine resource that is of conservation concern.

"(8) ELIGIBLE COUNTRY.—The term 'eligible country' means a country designated by the President in accordance with section 905.

"(9) CORAL REEF AND OTHER COASTAL MARINE RESOURCES AGREEMENT.—The term 'Coral Reef and Other Coastal Marine Resources Agreement' or 'Agreement' means an Coral Reef and Other Coastal Marine Resources Agreement as provided for in section 908.

"(10) CORAL REEF AND OTHER COASTAL MARINE RESOURCES FACILITY.—The term 'Coral Reef and Other Coastal Marine Resources Facility' or 'Facility' means the Coral Reef and Other Coastal Marine Resources Facility established in the Department of the Treasury by section 904.

"(11) CORAL REEF AND OTHER COASTAL MARINE RESOURCES FUND.—The term 'Coral Reef and Other Coastal Marine Resources Fund' or 'Fund' means a Coral Reef and Other Coastal Marine Resources Fund provided for in section 909.

"SEC. 904. ESTABLISHMENT OF THE FACILITY.

There is established in the Department of the Treasury an entity to be known as the 'Coral Reef and Other Coastal Marine Resources Facility' for the purpose of providing for the administration of debt reduction in accordance with this part.

"SEC. 905. ELIGIBILITY FOR BENEFITS.

"(a) IN GENERAL.—To be eligible for benefits from the Facility under this part, a country shall be a developing country with a coral reef or other coastal marine resource—

"(1) the government of which meets the requirements applicable to Latin American or Caribbean countries under paragraphs (1) through (5) and (7) of section 703(a) of this Act; and

"(2) that has established investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank, World Bank-supported investment reforms, or other measures, as appropriate.

"(b) ELIGIBILITY DETERMINATIONS.—

"(1) IN GENERAL.—Consistent with subsection (a), the President shall determine whether a country is eligible to receive benefits under this part.

"(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees of the intention of the President to designate a country as an eligible country at least 15 days in advance of any formal determination.

"SEC. 906. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CONCESSIONAL LOANS UNDER THIS ACT.

"(a) AUTHORITY TO REDUCE DEBT.—

"(1) AUTHORITY.—The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1999, as a result of concessional loans made to an eligible country by the United States under this Act or predecessor foreign economic assistance legislation.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President $10,000,000 for each of the fiscal years 2002 through 2005.

"(3) CERTAIN PROHIBITIONS INAPPLICABLE.—

"(A) IN GENERAL.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

"(B) ADDITIONAL REQUIREMENT.—The authority of this section may be exercised notwithstanding section 620(r) of this Act or section 321 of the International Development and Food Assistance Act of 1975.

"(b) IMPLEMENTATION OF DEBT REDUCTION.—

"(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

"(2) EXCHANGE OF OBLIGATIONS.—

"(A) IN GENERAL.—The Facility shall notify the United States Agency for International Development of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

"(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation for the country shall be established relating to the agreement, and the United States Agency for International Development shall make an adjustment in its accounts to reflect the debt reduction.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 704(a)(1) of this Act:

"(1) The provisions relating to repayment of principal under section 705 of this Act.

"(2) The provisions relating to interest on new obligations under section 706 of this Act.

"SEC. 907. AUTHORITY TO ENGAGE IN DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

"(a) LOANS AND CREDITS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

"(1) DEBT-FOR-NATURE SWAPS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser described in subparagraph (B) any concessional loans described in section 906(a)(1), or on receipt of payment from an eligible purchaser described in subparagraph (B), reduce or cancel such loans or portion thereof, only for the purpose of facilitating a debt-for-nature swap to support eligible activities described in section 908(d).

"(B) ELIGIBLE PURCHASER DESCRIBED.—A loan may be sold, reduced, or canceled under subparagraph (A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-nature swaps to support eligible activities described in section 908(d).

"(C) CONSULTATION REQUIREMENT.—Before the sale under subparagraph (A) to any eligible purchaser described in subparagraph (B), or any reduction or cancellation under such subparagraph (A), of any loan made to an eligible country, the President shall consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-nature swaps to support eligible activities described in section 908(d).

"(D) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to subparagraph (A), amounts authorized to be appropriated under section 906(a)(2) shall be made available for such reduction of debt pursuant to subparagraph (A).

"(2) DEBT BUYBACKS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible country any concessional loans described in section 906(a)(1), or on receipt of payment from an eligible purchaser described in paragraph (1)(B), reduce or cancel such loans or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than the lessor of 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 908(d).

"(3) LIMITATION.—The authority provided by paragraphs (1) and (2) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to such paragraphs are made in advance.

"(4) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

"(5) ADMINISTRATION.—

"(A) IN GENERAL.—The Facility shall notify the Administrator of the United States Agency for International Development of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

"(B) ADDITIONAL REQUIREMENT.—Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation of such a loan.

"(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

"SEC. 908. CORAL REEF AND OTHER COASTAL MARINE RESOURCES AGREEMENT.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Coral Reef and Other Coastal Marine Resources Agreement with any eligible country concerning the operation and use of the Fund for that country.

"(2) CONSULTATION.—In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 910.

"(b) CONTENTS OF AGREEMENT.—The requirements contained in section 708(b) of this Act (relating to contents of an agreement) shall apply to an Agreement in the same manner as such requirements apply to an Americas Framework Agreement.

"(c) ADMINISTERING BODY.—

"(1) IN GENERAL.—Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

“(2) Composition.—

“(A) In general.—The administering body shall consist of—

“(i) one or more individuals appointed by the United States Government;

“(ii) one or more individuals appointed by the government of the beneficiary country; and

“(iii) individuals who represent a broad range of—

“(I) environmental non-governmental organizations of, or active in, the beneficiary country;

“(II) local community development nongovernmental organizations of the beneficiary country; and

“(III) scientific, academic, or forestry organizations of the beneficiary country.

“(B) Additional requirement.—A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

“(3) Responsibilities.—The requirements contained in section 708(c)(3) of this Act (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 708(c)(1) of this Act.

“(d) Eligible Activities.—Amounts deposited in a Fund shall be used only to provide grants to conserve, maintain, and restore the coral reefs and other coastal marine resources in the beneficiary country, through one or more of the following activities:

“(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

“(2) Development and implementation of scientifically sound systems of natural resource management, including ‘ridgeline to reef’ and ecosystem management practices.

“(3) Training programs to increase the scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

“(4) Restoration, protection, or sustainable use of diverse marine animal and plant species.

“(5) Development and support of the livelihoods of individuals living near a coral reef or other coastal marine resource, in a manner consistent with protecting those resources.

“(e) Grant Recipients.—

“(1) In general.—Grants made from a Fund shall be made to—

“(A) nongovernmental environmental, forestry, conservation, and indigenous peoples organizations of, or active in, the beneficiary country;

“(B) other appropriate local or regional entities of, or active in, the beneficiary country; or

“(C) in exceptional circumstances, the government of the beneficiary country.

“(2) Priority.—In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

“(f) Review of Larger Grants.—Any grant of more than $100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

“(g) Eligibility Criteria.—In the event that a country ceases to meet the eligibility requirements set forth in section 905(a), as determined by the President pursuant to section 905(b), then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 905(a).

“SEC. 909. CORAL REEF AND OTHER COASTAL MARINE RESOURCES FUND.

“(a) Establishment.—Each beneficiary country that enters into a Coral Reef and Other Coastal Marine Resources Agreement under section 908 shall be required to establish a Coral Reef and Other Coastal Marine Resources Fund to receive payments of interest on new obligations undertaken by the beneficiary country under this part.

“(b) Requirements Relating to Operation of Fund.—The following terms and conditions shall apply to the Fund in the same manner as such terms as conditions apply to an Enterprise for the Americas Fund under section 707 of this Act:

“(1) The provision relating to deposits under subsection (b) of such section.

“(2) The provision relating to investments under subsection (c) of such section.

“(3) The provision relating to disbursements under subsection (d) of such section.

“SEC. 910. BOARD.

“(a) Enterprise for the Americas Board.—The Enterprise for the Americas Board established under section 610(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(a)) shall, in addition to carrying out the responsibilities of the Board under section 610(c) of such Act, carry out the duties described in subsection (c) of this section for the purposes of this part.

“(b) Membership.—

“(1) Initial membership.—Of the six members of the Enterprise for the Americas Board appointed by the President under section 610(b)(1)(A) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(1)(A)), at least one shall be a representative of the Department of State, at least one shall be a representative of the Department of the Treasury, and at least one shall be a representative of the Inter-American Foundation.

“(2) Additional membership.—The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

“(A) Two representatives from the United States Government, including a representative of the National Oceanographic and Atmospheric Administration (NOAA) and a representative of the United States Geological Survey (USGS).

“(B) Two representatives from private nongovernmental environmental, scientific, forestry, or academic organizations with experience and expertise in preservation, maintenance, sustainable uses, and restoration of coral reefs and other coastal marine resources.

“(c) Duties.—The duties described in this subsection are as follows:

“(1) Advise the Secretary of State on the negotiations of Coral Reef and Other Coastal Marine Resources Agreements.

“(2) Ensure, in consultation with—

“(A) the government of the beneficiary country;

“(B) nongovernmental organizations of the beneficiary country;

“(C) nongovernmental organizations of the region (if appropriate);

“(D) environmental, scientific, oceanographic, and academic leaders of the beneficiary country; and

“(E) environmental, scientific, oceanographic, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Fund.

“(3) Review the programs, operations, and fiscal audits of each administering body.

“SEC. 911. CONSULTATIONS WITH THE CONGRESS.

“The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this part and the eligibility of countries for benefits from the Facility under this part.

“SEC. 912. ANNUAL REPORTS TO THE CONGRESS.

“(a) In General.—Not later than December 31 of each year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

“(1) a description of the activities undertaken by the Facility during the previous fiscal year;

“(2) a description of any Agreement entered into under this part;

“(3) a report on any Funds that have been established under this part and on the operations of such Funds; and

“(4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this part.

“(b) Supplemental Views in Annual Report.—Not later than December 15 of each year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this part by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Madam Speaker, I yield myself such time as I may consume.

I am pleased that the House is considering H.R. 2272, the Coral Reef and Coastal Marine Conservation Act of 2001, a bill introduced by the gentleman from Illinois (Mr. KIRK) and cosponsored by the distinguished chairman emeritus of the Committee on International Relations, the gentleman from New York (Mr. GILMAN); the gentleman from New Jersey (Mr. SMITH), the vice chairman, and the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Madam Speaker, H.R. 2272 authorizes $10 million for each of the fiscal years

2002 through 2005 to build upon the environmental and conservation programs of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act that was recently marked up by the Committee on International Relations, passed by Congress, and enacted into law by the President.

In simple terms, Madam Speaker, the Coral Reef and Coastal Marine Conservation Act helps to protect the world's dwindling coral reefs through debt-for-nature swaps, debt buy-backs, or debt restructuring instruments.

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This successful program, which is modeled on former President Bush's innovative Enterprise for the Americas initiative, is another creative example of how we can address developing country debt while helping to protect our planet's environment.

Madam Speaker, this bill gives the President the authority to reduce certain forms of debt owed to the United States in exchange for the deposit by eligible developing countries of local currencies in a coral reef facility to preserve, restore, and maintain coral reefs throughout the developing world.

These funds are used by qualified non-governmental organizations working to preserve the world's most endangered coral reefs.

This program is overseen by a board of directors in the United States that is comprised of U.S. public and private officials; and the board, in turn, annually reports to Congress on the progress made to implement the program's objectives.

I am pleased that key U.S. Government agencies, including the State and Treasury Departments, as well as the Inter-American Foundation, are members of the Enterprise for America's board and charged with the oversight of these programs.

In closing, I wish to commend the distinguished gentleman from Illinois (Mr. KIRK) for his leadership, vision, and dedication in promoting and expanding conservation efforts in the developing world. I urge all my colleagues to support H.R. 2272.

I congratulate and appreciate the opportunity to work with the gentleman from California (Mr. LANTOS) on this bill, as well as all bills.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2272. First, I would like to commend our colleague, the gentleman from Illinois (Mr. KIRK), for introducing this important piece of legislation; our colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his leadership on this issue; and the gentleman from Illinois (Chairman HYDE) for moving the bill so expeditiously through the legislative process.

Madam Speaker, H.R. 2272 will help provide vital protection to valuable coral reefs and coastal marine resources around the globe. The bill provides significant funding for the administration to pursue actively debt swaps, buy-backs, and reduction and restructuring with developing nations in return for concrete efforts to protect coral reefs and sensitive coastal marine environments.

Coral reefs and coastal marine environments provide a host of significant benefits to mankind. They harbor a major share of the world's marine biological diversity, and act as vital nurseries and seeding grounds for many sensitive deep sea species. They also provide the foundation for critical economic, social, and cultural activities of almost immeasurable value.

Coral reefs are extremely sensitive marine treasures. The shocking reports of massive coral bleaching that has occurred around the globe in recent years should serve as a wake-up call for all of us. Urgent action is needed to help mitigate the contributions that human activities are making to this problem.

Our bill provides just the kind of intelligent, targeted, and mutually beneficial assistance that is required; and I urge all of our colleagues to support H.R. 2272.

Madam Speaker, I reserve the balance of my time.

Mr. HYDE. Madam Speaker, I yield such time as he may consume to the learned gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I thank the gentleman for yielding time to me; and I also thank our ranking Democrat member, leader, and original cosponsor of this legislation, the gentleman from California (Mr. LANTOS); the gentleman from New York (Mr. GILMAN); and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for helping out on this crucial piece of legislation.

I also want to thank one of the intellectual authors of this legislation, the gentleman from Ohio (Mr. PORTMAN), for his leadership on the debt-for-nature swap initiative.

The Coral Reef and Coastal Marine Conservation Act of 2001 will credit qualified developing nations for each dollar spent on a comprehensive reef preservation or management program designed to protect these unique ecosystems from degradation. This bill builds on the model of the Tropical Forest Conservation Act, expanding it to include coral reefs.

Madam Speaker, it is said that coral reefs are the rainforests of the ocean. Although they occupy less than one-quarter of 1 percent of the marine environment, coral reefs are home to more than one-quarter of all known marine fish species.

Coral reefs are among the most biologically rich ecosystems on Earth. About 4,000 species of fish and 800 species of reef-building corals have already been identified. However, scientists have barely begun to catalogue the total number of species found within these habitats. Their scientific value cannot be underestimated. Yet, they are disappearing at an alarming rate.

According to a 1998 study conducted by the United Nations and various international environmental organizations, 58 percent of the world's reefs are potentially threatened by human activity. These activities include coastal development, overfishing, marine pollution, and runoff from inland deforestation and farming.

More than one-quarter of the world's reefs are at risk. Predictions made in 1992 were that 10 to 20 years from now, another 30 percent of the world's coral reefs could be effectively destroyed, adding to the 10 percent that already were destroyed.

While these numbers sound alarmist, figures today show that they are conservative. Most Caribbean and South Pacific mangroves have disappeared, while India, Southeast Asia, and West Africa have each lost about one-half of their mangroves.

Almost a half a billion people, 8 percent of the world's population, live within 100 kilometers of a coral reef. A decline in the health of coral reefs has implications for the lives of millions of people who depend upon them.

The burden of foreign debt falls especially hard on the smallest nations, such as island nations in the Caribbean and Pacific. With few natural resources, these nations often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt. At least 40 countries lack any marine protected areas for their coral reef systems.

This legislation will make available resources for environmental stewardship that would otherwise be the lowest priority in a developing country. It will reduce debt by investing locally in programs that will strengthen indigenous economies by creating long-term management policies that will preserve the natural resources upon which local commerce is based.

The Tropical Forest Conservation Act has set a path for debt-for-nature swaps, and the United States has an important role to play in assisting in the protection of the world's natural resources. This bill extends the support from forests to the oceans, and critical countries like Jamaica, Belize, Dominican Republic, the Philippines, and Thailand could benefit from this legislation.

I urge all of my colleagues to support the legislation and take an important step to helping preserve one of the world's largest, most precious, and most threatened resources.

Mr. LANTOS. Madam Speaker, I am pleased to yield 3 minutes to my good friend and colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), one of the leaders in this field of legislation.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of this bipartisan bill, which enhances international efforts to protect critical coral reef habitats, and commend the author, my good friend, the gentleman from Illinois, and also the gentleman from Ohio (Mr. PORTMAN), for introducing this piece of legislation.

I say this especially because one does not have to come from an island to have a sense of appreciation what coral reefs are all about. I know there are a lot of reefs in Illinois and Ohio. But certainly, I want to really commend not only our chairman of the Committee on International Relations, but also our ranking senior Democratic member, the gentleman from California (Mr. LANTOS), for their leadership in bringing this measure to the floor. Indeed, I am honored to be an original cosponsor of this legislation.

Madam Speaker, coral reefs and the marine life they support are the world's most biologically diverse marine ecosystems. Yet, it is only recently we have begun to appreciate how important coral reefs are to local, regional, and national interests, especially the economies of several countries.

For example, coral reefs provide fisheries for food and raw materials for new medicines and pharmaceuticals. Tourism and recreation flourish along coral reef tracts and provide jobs and real income for coastal residents. They also provide effective shore protection, shielding coastal communities and harbors from violent storms and erosion.

Yet, because corals depend on light and require clear water for growth, they are remarkably fragile. Recent evidence indicates that coral reefs are deteriorating worldwide, and many are highly at risk. Symptoms include the loss of coral diversity, an increased abundance of algae, an increased frequency in outbreaks of coral bleaching and other diseases, such as black band disease.

Scientists and managers still lack critical information about the causes, but evidence suggests that a variety of human forces, including shoreline development, increased sediments and pollutants in the water, ship groundings, and overfishing, including destructive fishing practices such as the use of dynamite and cyanide, have all contributed to the decline of healthy coral reef ecosystems.

Madam Speaker, the destruction of coral reefs is particularly profound in developing nations in the tropics. Legislation before us addresses this problem, and is specifically targeted to encourage coral reef resource protection in these developing countries.

By authorizing the administration to sell, reduce, or cancel loans owed by these nations to the United States in an amount equivalent to what these countries spend on coral conservation programs, we promote the economic growth while significantly enhancing international efforts to protect and restore coral reefs and coastal marine resources.

Madam Speaker, this is a very worthwhile initiative and piece of legislation. I again commend my good friend, the gentleman from Illinois, for his authorship of this bill; and I strongly urge my colleagues to support this piece of legislation.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4 minutes to my good friend, the gentleman from Oregon (Mr. BLUMENAUER), an indefatigable guardian of the environment.

Mr. BLUMENAUER. Madam Speaker, I thank the gentleman for yielding time to me. I appreciate his courtesy and leadership, as with our chair of the full committee, and my colleague, the gentleman from Illinois (Mr. KIRK).

Madam Speaker, I think it is important that we take a step back and look at this legislation today because as we have heard, there is a crying need for this type of protection.

Coral reefs are indeed among the most diverse and productive communities on our world. They are home to nearly a quarter of all marine plants and animals.

We have heard a lot of numbers here on the floor today, but there are nearly 1 million species of fish, crab, eel, sponges, worms, grasses, all of these organisms that live on the reefs or depend directly on them.

We find that the coral provides a natural filtration system for seawater. It, as we have heard, protects coastal landscapes, maintaining coastal quality of water. There are millions of people on the coastal areas who receive important protections from storms, wave damage, and erosion, to say nothing of economic opportunities dealing with fishing and tourism.

Madam Speaker, we have heard each speaker use slightly different statistics to talk about the alarming rate of destruction. Sadly, all of the information we have received is true. There may be different statistics, but they are all bad. We have more than 10 percent of the inventory of coral reefs already destroyed; and if we take the big view, because what we are doing today in the United States and around the world, we are taking steps that are going to have a profound impact over the next generation, and 70 percent of the coral reefs at risk could be gone in the next 40 years.

Madam Speaker, the legislation before us is an important extension of the protections that we have had for the rain forests. It will provide the administration to be able to actively pursue debt swaps and buy-backs. It is going to help give those developing countries the tools that they need and would otherwise not be available.

But we on this floor ought to be clear that this is just the beginning, because we are in a situation now where we are in the United States only investing $1 in oceanographic research for every $13 that we put in outer space, when the world's fishery industry are now costing $1.33 to harvest each $1 of fish, producing dramatic overharvest, and we are going to have to step up and put serious money on the table, negotiate serious trade agreements, to provide for the protection of these important resources.

Madam Speaker, I think this legislation is important. It is a step in the right direction. It is relatively painless. But I do hope we in this Congress will be willing to do our part, because the stakes are high. We are going to have to do more, and we are going to have to do it soon.

□ 1515

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Before yielding back our time, I just would like to make an observation. It speaks to the strength of this body and this Nation that in the midst of a war we take time to pass important environmental legislation, as we are about to do; that we have taken time to recognize the historic continuity of the friendship between two democracies, Australia and the United States; and that we have had the creativity and courage to move with respect to Pakistan as it aligned itself with the United States in the fight against terrorism.

This is a fine day for Congress and for the American people, and it is a message to our enemies that we shall prevail.

Madam Speaker, I yield back the balance of our time.

Mr. HYDE. Madam Speaker, I should very much like to associate myself with the trenchant remarks of the gentleman from California (Mr. LANTOS).

Madam Speaker, having no more speakers, I yield back the balance of our time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 2272, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HYDE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTERNET TAX NONDISCRIMINATION ACT

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "3 years after the date of the enactment of this Act" and inserting "on November 1, 2003".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1552, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 1552, the Internet Tax Nondiscrimination Act. Over the last several years, the Internet has revolutionized commerce in a manner few could have imagined. The Internet has expanded consumer choices, enhanced competition and enabled individuals, as well as brick and mortar retailers, to avail themselves of a national marketplace once reserved to a privileged few.

While government deserves some credit for helping create the technological infrastructure of the new digital economy, government regulation and taxation threaten to impede its tremendous commercial potential.

In 1998, Congress passed the Internet Tax Freedom Act to facilitate the commercial development of the Internet. Contrary to widely held impressions, the Internet Tax Freedom Act does not specifically exempt Internet retailers from collecting and remitting all sales taxes. Rather, it prohibits States from imposing multiple and discriminatory taxes on electronic commerce and shields consumers from new Internet access taxes. These limited protections will expire on October 21, less than a week from today.

Introduced by the gentleman from California (Mr. COX), who also authored the Internet Tax Freedom Act, H.R. 1552 extends the ban on new Internet access taxes and on all multiple and discriminatory taxes on electronic commerce. The Subcommittee on Commercial and Administrative Law has conducted a number of Internet tax hearings this Congress, and I commend the subcommittee chairman, the gentleman from Georgia (Mr. BARR), for his thorough and balanced consideration of this issue.

The version of H.R. 1552 reported by the Committee on the Judiciary preserves the protections contained in the Internet Tax Freedom Act until November 1, 2003. Renewal of these provisions for 2 years represents a compromise approach that simply maintains the existing moratorium on Internet taxes. A 2-year renewal also provides the best legislative vehicle for getting an Internet tax extension bill to the President before its imminent expiration.

If H.R. 1552 is not passed, Internet commerce will be subject to State and local taxes in more than 7,500 taxing jurisdictions. As Chief Justice John Marshall recognized over 200 years ago, the "power to tax involves the power to destroy." Failure to extend the moratorium may result in the imposition of a complex web of taxes that would destroy the viability of this critical medium at a time the technology industry and broader economy can least afford it.

Recent events have only underlined the fragility of the technology sector. Information technology companies have been buffeted by falling stock prices and signs of a deepening economic downturn. The last thing these companies need is more uncertainty, and passage of H.R. 1552 will provide a measure of stability during this turbulent period.

Last year, the House overwhelmingly passed an extension of the Internet tax moratorium by a vote of 352 to 75, but this measure did not receive a vote from the other body. This year there is no time to delay, and I urge support of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill we are considering today is clearly a substantial improvement over the original proposal considered last week by the House Committee on the Judiciary. That bill would have proposed a permanent moratorium on Internet access fees and a 5-year moratorium on so-called multiple and discriminatory taxes on the Internet.

During the course of our proceedings, an amendment, which I cosponsored along with the gentleman from Alabama (Mr. BACHUS) and the gentleman from North Carolina (Mr. WATT), the ranking member of the subcommittee, did prevail in committee and reduced the duration of the moratorium to 2 years in both cases.

My own preference would have been to continue the moratorium only to June 30 of 2002 as proposed in recent legislation filed by Senators DORGAN, BREAUX, and HUTCHISON of Texas to hopefully solve the real problem.

It is important to note, Madam Speaker, that much of the discussion of this issue has been misleading. Some have suggested that those in favor of a moratorium of short duration somehow support taxing the Internet.

Well, let us be clear once and for all. I am not aware of any Member of this body on either side of the aisle who favors or supports a tax or a fee on accessing the Internet to sell or purchase anything. To my knowledge, that position is shared by the governors and State legislatures of all 50 States. Governors in State legislatures do not want to tax the Internet. Let me say that again, Madam Speaker. They do not want to tax the Internet. They simply want to collect the sales taxes that they have been collecting for years. Taxes for which they rely upon for nearly 50 percent of their revenues.

But they cannot do that any more, Madam Speaker, because of the United States Supreme Court decision which prohibited a State from collecting sales taxes from out-of-State businesses which do not have a physical presence in that State. However, the Supreme Court said that Congress could authorize the State under the commerce clause to collect those taxes, but we have not done so. And the results of our failure have been devastating.

Let me give some examples. Uncollected sales taxes on Internet purchases are projected to cost the States nearly $15 billion in anticipated sales tax revenues this year, this year alone. Unless there is a system in place that enables State and local governments to collect taxes on their sales to in-state residents, these annual losses from online sales will grow to $45 billion by 2006 and $55 billion by 2011 with total losses during the 10-year period coming to approximately $440 billion.

What does this mean for the individual States? To take just a few examples, my home State of Massachusetts will lose $200 million this year, with losses climbing to approximately $830 million by 2011. Florida, which relies on the sales tax for some 57 percent of its annual revenues, will lose some $930 million this year with its losses 5 years from now exceeding some $3 billion. Texas will lose over $1 billion this year and a staggering $4 billion in the year

2006. These losses are magnifying the fiscal problems the States are already experiencing because of the economic slow down.

In March, The Washington Post reported that the States' fiscal outlooks having been hammered by a combination of spiralling Medicaid costs and the forecast of lower State revenues from all sources, including personal income, corporate and sales taxes. One can only imagine what the consequences of the events of September 11 will mean to State balance sheets. But I did notice where the Governor in Michigan, Governor Engler was quoted just last week saying, and again these are his words, "Our economies were weak beforehand, and now they are quite shaky." End of quote.

Well, what does this really mean to the States? They will either have to curtail basic services such as police, fire protection, and education or raise income taxes, raise property taxes, raise corporate taxes or find some other revenue source to meet their obligations.

I find it fascinating that there seems to be strong bipartisan agreement on a $2.50 increase per ticket to finance airport and airway safety. By the way, that new tax will be collected whether the ticket is purchased over the counter, or over the Internet. But there is no such consensus to help the States fund resources critical for police, fire, emergency medical responders, and the public health care facilities that were and will be the first responders if there should be, God forbid, another terrorist attack on this country.

How ironic. And that is not all. By failing to act, we are putting at risk the thousands of small businesses that sustain our economy. Those main street merchants in our neighborhoods and communities who make up the local Chambers of Commerce who contribute so much to our community. How can they compete where there is no sales tax parity?

We should not continue to stand by while remote sellers enjoy an unfair advantage over the so-called brick and mortar retailers. One can just imagine deserted shopping malls and empty store fronts in the downtowns of American communities. Well, the digital divide should not be extended to American businesses and those who patronize them. If we do not meet our responsibilities, we will be creating two classes of American businesses and two classes of American consumers and no level playing field for either.

As Governor Engler of Michigan said, "It is time to close ranks, come together, and stand up for main street America because fairness requires that remote sellers collect and pay the same taxes that our friends and neighbors on main street have to collect and pay."

□ 1530

Former Senator Slade Gorton of Washington was right when several years ago he said, and again I am quoting the Senator, "We kicked this down the road in 1998 when we should have debated it and resolved things. What we don't need is another extension. We should come back next year before the current moratorium expires and deal with these issues."

So I say, Madam Speaker, it is time that we respect the States and the concept of Federalism that used to be in vogue in this body some time ago but seems to have fallen out of fashion, unfortunately. Despite our failure to assist them in their efforts, the States have met their end of the bargain. By their own initiative, they have formed the 30-State Streamlined Sales Tax Project. Twenty States have adopted model legislation that authorizes them to create a uniform simplified sales-and-use tax system, and a majority of the States will likely be on board within the year. They understand that the longer the issue is unresolved, the more serious the economic situation will become. Small businesses will be filing for bankruptcy and State and local governments will confront a severe fiscal crisis.

It is time for us to meet our responsibility. It is time for us to enact legislation giving the States the authority to implement the streamlined and simplified system, which would enable remote sellers to collect and remit sales taxes without burdening the Internet or interstate commerce. I genuinely believe that the stakeholders, finally, on all sides of the issue are ready to move forward to develop this system; and it is up to us to see it happens before this extension expires. So, for now, I urge support for the bill.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. COX), the author of the bill.

Mr. COX. Madam Speaker, I thank the gentleman for yielding me this time and for the good work of the Committee on the Judiciary in bringing this bill to the floor just in the nick of time; and I thank my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), for his support in the minority.

It is vital, with only a few days remaining before the expiration of the 3-year-old moratorium on special multiple and discriminatory taxes on the Internet, that we extend it; that we not let a lapse occur. Because, honestly, my colleagues, if we do that, all hell may break loose. And people may then ask us, when they are not focused on other issues, where we were and how we let this happen.

Back in 1996, when Senator RON WYDEN and I first began drafting the Internet Tax Freedom Act, which is now the law on the books that we are seeking to extend, our interest was to ensure that the Internet, which is not just a national but a global medium, not fall victim to the tyranny of the parochial.

My colleague, the gentleman from Massachusetts (Mr. DELAHUNT), is exactly right when he says the Governors and the State legislatures are not out to tax the Internet. But we should not kid ourselves, many, many, many special tax districts, utility commissions, regulatory agencies, and excise bureaus, 30,000 of them, are lying in wait ready to pounce.

The Internet's global nature, its decentralized packet-switched architecture makes it inherently vulnerable to multiple taxation and special and discriminatory taxation. Even the United Nations sought, before we passed this legislation, to impose a bit tax, that is a tax specifically aimed only at electronic commerce, that would tax our e-mail, the transfer of any file. The more zeros and ones, the more bits, the higher the tax. This law, which is on the books and which we are seeking to extend, outlawed all of that, certainly at least in America; but it also encouraged the executive branch to show leadership on the national and international stage to make sure we do not have these exactions on the Internet from abroad. The Clinton and Bush administrations have both been superb in execution of that congressional instruction.

Before this law was passed 3 years ago, here is what was about to happen, and here is what will happen beginning Sunday night if we do not act: Tacoma, Washington, had required Internet service providers to pay a 6 percent gross receipts tax, even for national Internet service providers without any employees in Tacoma. Tacoma's law also required everyone, even foreign, non-U.S. sellers who sold a product over the Internet to a Tacoma resident, to pay a $72 annual business fee in that city.

Vermont and Texas were moving forward to impose more onerous tax obligations on merchants who take orders via the Internet than the same merchants who took orders via the telephone.

Alabama had classified Internet service as a public utility. The Internet service was going to be a public utility. ISPs were going to have pay the same gross receipts tax as Bell South and local water utilities.

Florida had imposed a 7 percent tax on the sale of Internet access; but not only access, an additional 2½ percent tax on the gross receipts from any business on the Internet. It was also allowing cities to impose additional telephone fees on Internet access service, even though telecommunications are the highest taxed legal commodity in the country.

Tennessee began to tax Internet access as an intrastate telecommunications service.

Connecticut began taxing Internet access as a data processing service.

Out my way, in Southern California, the city of San Bernardino began taxing Internet access as a teletypewriter exchange service, a great example of a law and regulatory authority on the books from way before the birth of the Internet that was now being interpreted not by Governors and State legislators, but by bureaucrats and regulators to impose taxes on the Internet.

Chicago began to tax Internet access as a lease of tangible personal property.

In Texas, the State comptroller who testified before my committee had, at the time of enactment of this law, dropped his plan to tax Internet access as a telecom service, but was moving forward to tax it as an information service.

The Internet Tax Freedom Act stopped all of this activity in its tracks, and the results have been essentially positive. The truth is that our whole economy is slowing down right now, and not the least of all the tech sector. So it is vitally important, as we seek to put the Nation's economy back on its feet, that we not backslide on this wise policy that we adopted 3 years ago.

H.R. 1552 is endorsed by a number of taxpayer advocates, a number of sound economy groups, Americans For Tax Reform, the U.S. Chamber of Commerce, Business Roundtable, the Information Technology Association, Software and Information Industry Association, Information Technology Industry Council, American Electronics Association, and so on. But it is also endorsed by the National Conference of State Legislatures and the National Association of Counties, because this is not a threat to local government.

I urge my colleagues' vote in support of this legislation.

Mr. DELAHUNT. Madam Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. DELAHUNT) has 8½ minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 11½ minutes remaining.

Mr. DELAHUNT. Madam Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Madam Speaker, the sky is not falling. On October 21 we are not going to be hit by a great rush of jurisdictions saying now we are going to impose taxes on the Internet. We are not under an emergency circumstance on that. We have many emergencies in this country; trying to stop some unnamed jurisdictions from adopting a sudden tax is not an emergency.

However, dealing with the overall issue of drawing the ground rules for how the Internet is treated in comparison with other legitimate businesses is very important. That is why it is important that Congress not take an attitude of saying we are going to stick our head in the sand for any period of time, 5 years, 2 years, any amount of time.

I oppose any sort of effort to single out the Internet or Internet merchants for taxation, to say we are going to have multiple taxes because a business does business through the Internet or discriminatory taxes because they do that. I also oppose singling out merchants that do not deal through the Internet; to say that they are going to be paying taxes that others that sell to those same customers are not required to pay or to collect.

We need a fair tax system when it comes to the Internet. We need a fair tax system when it comes to merchants that are not using the Internet. That is my concern, that we will hide our head in the sand rather than addressing the tough issues. That is why I am pleased that we are not talking about a 5-year moratorium anymore. We are talking about a bill that is now on the floor that has been reduced down to 2 years; and frankly, it is very possible that the Senate will decide that even 2 years is too much. However, we need to keep things alive by moving the legislation; and I support that, so that we have an opportunity to grapple with the tough issues that some people do not want to grapple with.

Now, what are those tough issues? Well, first, let me mention the National Governors' Association, which keeps up with what is going on in their States and all their jurisdictions within their States. They tell us there is nobody about to jump in and do this, to create new tax systems. Whatever may have been the situation 5 years ago is not the circumstance today. Most State legislatures are not even in session, and there is certainly a lot of lead time with any jurisdiction that might jump up and say, oh, we want to create an Internet tax mechanism.

The National Governors' Association has asked us not to take up any moratorium unless we deal with the underlying issue of what the bill does not say but what it does, which is to try to chill efforts to have a fair, uniform system regarding sales tax that is fair and nondiscriminatory and simplified and uniform for merchants doing business in whatever way. That is what the States are doing.

I am pleased that a year ago, when we had a 5-year extension on this floor, two-thirds of this body, two-thirds, actually more than two-thirds of the House of Representatives, put in guidelines that said we want the States to work together, we want them to make a compact that says we will have a uniform standard, a multi-State compact that avoids multiple taxation, that simplifies the complicated sales tax systems that have different definitions in different States, so that we will not be discriminating across State lines or within State lines. That effort is underway.

As has been pointed out by other speakers, there are over 30 States involved in the effort, and more expected to join in. And we expect them to have some results to bring back to us before the 2 years is up, and that is where Congress needs to address the issue and not avoid the issues.

Madam Speaker, I think it is important that we remember that the Congress is not a body of unlimited jurisdiction. The Constitution specifies where we have authority that relates to interstate commerce and also where the States have authority; that the power not expressly given to the Congress nor denied to it reside with the States and the citizens thereof. If all power to determine the level of State and local taxes resides in Washington, D.C., we remove it from the people in the States. And if we starve out the premier tax base that supports schools, highways, public safety, public health, the sales tax base of the States; if we either by action or inaction destroy the States' tax base, we have destroyed the power and the authority of the States, we have destroyed the Federal system, we have shifted power away from the States, away from the communities, away from local citizens, away from our neighborhoods; and we will have moved it to Washington, D.C. We do not want that.

That is why we need to address all the issues, not single out one or two that looks good in a headline so that we can say, "I voted against taxes," but also the issues where we say, "I voted for fairness, I voted to let people back home to continue making their decisions, that long belong to them," rather than usurping them.

Madam Speaker, it is important that we allow the Senate to address this issue, because they have not before; and moving this legislation will help get the Senate involved in the process. But I hope the ultimate result is going to be that we in the Congress support a uniform streamlined system that is just as fair to the merchants in our communities as it is to the merchants that bring their wares into our homes and businesses through the Internet. That is fair and equal, a level playing field, as we often say, between merchants of all types, which says that no one gets an advantage or a disadvantage because they use the Internet or because they set up a store on the corner.

□ 1545

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I rise today in support of H.R. 1552, the Internet Tax Nondiscrimination Act, and I commend the gentleman from California (Mr. COX) for championing this legislation to keep the Internet free from unfair and burdensome taxation. I also commend the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Georgia (Mr. BARR) for advancing this important legislation through the Committee on the Judiciary.

The Internet Tax Fairness Act of 1998 created a moratorium on Internet access taxes and multiple and discriminatory taxes. As a result of this moratorium, the Internet has remained relatively free from the burdens of new taxes. However, the moratorium is set to expire in 5 days, subjecting the Internet to possible taxation from more than 7,500 taxing jurisdictions. If the moratorium is permitted to expire, it will send a signal to each of these taxing jurisdictions that the Internet is fair game for unfair and discriminatory taxation. This is a serious threat to our efforts to ensure that the Internet continues to expand and grow.

Congress created the Advisory Commission on Electronic Commerce in 1998 to study Internet taxation and submit a report of its findings to Congress. In its report, the Commission recommended that the Internet tax moratorium be extended. Following the advice of the Commission, the Internet Tax Nondiscrimination Act will extend the current moratorium for 2 years, protecting millions of Internet users from unfair and discriminatory taxes, and from taxes on their monthly Internet access charges.

These types of taxes are some of the most regressive. If we increase the cost of accessing the Internet by charging an access tax, those that will be hit the hardest will be those in the lowest income brackets, which will widen the digital divide. An increase in the cost of Internet access is a serious impediment to those individuals having access to the benefits of the Internet, such as on-line education, commerce and communication.

In the words of President Reagan, "The government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. If it stops moving, subsidize it." That should not be the model for growth of the Internet. It is clear if the potential of the Internet is to be fully realized, we must allow it to continue to flourish by ensuring that the qualities that made the Internet a revolutionary tool for both business and consumers, freedom from burdensome government regulations and taxation, remain fundamental components of the Internet for future generations.

Madam Speaker, I urge my colleagues to continue to ensure that the Internet remains free from restrictive taxation by joining me in voting for the Internet Tax Nondiscrimination Act.

Mr. DELAHUNT. Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Madam Speaker, I commend the chairman for his expedited handling of this legislation, and particularly the gentleman from California (Mr. COX) for his leadership on this legislation year after year.

This week we have the opportunity to cast two, maybe three votes which are so important in this new economy in support of technology. We will have an opportunity later this week to vote in favor of the Economic Security and Recovery Act, legislation necessary to help revitalize the technology sector. Hopefully in the next week or two we will have an opportunity to vote for the trade promotion authority the President has asked for, and today we will vote to keep the Internet tax free.

Madam Speaker, one of the lessons that we have learned over the last decade, in talking to those involved in the new economy and those involved in the creativity of the technology sector, is the question: Why has the technology sector created one-third of all new jobs in the last decade? Why are more than half of American households on-line today? The answer is simple, government stayed out of the way. We had a regulation free, tax free, trade barrier free new economy to provide a tremendous amount of opportunity, creating a new technology sector.

This legislation is so important to keep that kind of environment in place. Let us keep the Internet tax free, and vote to extend the Internet tax moratorium for two more years.

Madam Speaker, I rise today in support of H.R. 1552, The Internet Tax Nondiscrimination Act.

It is vital that we extend the moratorium as it is set to expire in five short days. Absent our action today to renew the moratorium, the floodgates will be open—and our nation's 30,000 taxing jurisdictions could once again try to lay claim to a piece of the Internet by imposing special taxes on the Internet. While I support extending the moratorium for 2 more years I think that a more permanent solution is needed. We need to assure Americans that government will not place special burdens on the new economy.

While the tax moratorium imposed by the 1998 law was only three years in duration, its fundamental structure is ideally suited to be extended far beyond this year. Instead of barring all Internet taxes, it only bans those taxes that single out the Internet for special treatment. Whatever disagreements there might be on other aspects of the Internet tax debate—such as the broader issue of sales taxes—there is clear agreement that the Internet must never be subject to special multiple or discriminatory taxes.

In the past 10 years, the Internet has changed the way the world does business. 17 million households shopped online in 2000. Small businesses who use the Internet have grown 46% faster than those that do not. The Internet should be tax free and barrier free, nor should electronic commerce be subject to new, multiple targeted taxes.

Much consideration must be taken whenever you are considering changing the tax rules not just for the nation's economy but for the global economy. We need to foster continued growth of the Internet and electronic commerce without imposing a burdensome and confusing tax regulations.

With time running out, it is critical that we extend the Internet tax moratorium while continuing the effort to make the moratorium permanent.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Speaker, the current moratorium on Internet taxation is soon set to expire. Someone once said that the three greatest discoveries of humankind are fire, the wheel, and the integrated circuit. Each of these discoveries ushered in a new era of human development and advancement. And although the integrated circuit is only 50 years old, it has changed the world. The integrated circuit and its offspring, the Internet, have played dominant roles in transforming our lives for the better.

Even though America has seen a dramatic increase in the number of homes wired to the Internet, last month the Department of Commerce released a report showing that e-commerce actually has decreased in the second quarter of this year.

Internet commerce is still relatively new and has yet to reach its full potential. The imposition of taxes would threaten the future growth of e-commerce, would discourage companies and consumers from using the Internet to conduct business, and would create regional and international barriers to global trade.

On the other hand, of course, we do need to recognize the legitimate concerns of States that want to have the option of taxing sales. But failure to renew an extended moratorium will tell the high-tech sector of our economy that it is open season for Internet taxes and send a message to local and State tax authorities that new, multiple, and discriminatory Internet taxes may be imposed. We do not want to do that.

Madam Speaker, it is vital that Congress act quickly to ensure Americans that government will not place additional burdens on the new, fragile economy.

Mr. DELAHUNT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me conclude by saying I look forward to working with the chairman of the committee, as well as the gentleman from Texas, in dealing with both issues here, keeping the Internet tax free and at the same time providing those options to the States so they can meet their fundamental responsibilities.

As I indicated earlier, and I believe the gentleman from Texas was present in the Chamber at the time, we have a real problem, his home State being one in particular, where this year it is anticipated that in excess of $1 billion will be lost to that particular State in terms of anticipated sales tax revenue.

Mr. CONYERS. Madam Speaker, I rise in support of H.R. 1552, "The Internet Tax Nondiscrimination Act" which extends the present moratorium on Internet access taxes and multiple and discriminatory taxes for two years, from 2001 through 2003.

Maintaining the current system allows the potential for significant financial loss for states and localities. Sales taxes constitute the most important State and local revenue source, with the census bureau estimating that nearly one half of State and local revenues come from sales taxes. Projections of increasing online sales indicate huge revenue losses for states and local government. For example, my own state of Michigan is estimated to lose $500 million in foregone sales taxes this year under the present system.

This inevitably translates into the loss of important funding for quality education, effective public safety, and other basic services. In Michigan the lost revenue from foregone sales taxes will cost my state the equivalent of 100,000 teachers or police officers this year. Think of how much we could do to reduce class sizes, build new schools, improve our quality of education and protect our streets with these funds.

A separate concern is the adverse impact of the present bifurcated system on poor citizens and minorities. According to a Commerce Department study, wealthy individuals are 20 times more likely to have Internet access, and Hispanics and African Americans are far less likely to have such access. This means that poor and minorities who only buy locally face a far greater sales tax burden than their counterparts. Maintaining the present system will only serve to perpetuate that disparity.

Steps are being taken to simplify the sales tax system, such as streamlining the rules and regulations of the 7,500 taxing jurisdictions in the U.S. Thus far, this streamlined tax system has 32 states participating in the effort to simplify tax rates and definition of taxable goods and certifying software that will make it easier for retailers and e-tailers. Nineteen states have enacted simplification legislation and another ten have introduced legislation for consideration.

A two-year extension is a far more appropriate solution than a longer moratorium. There is a real risk that extending the moratorium for longer than two years would unduly delay this issue and create a situation where the states have no incentive to reform their laws. This would have the effect of codifying into law the present state tax system which would force states, who rely on sales tax revenue, to either raise other taxes or cut basic services.

A shorter extension would allow the States to continue the very serious steps they have already taken to reform and simplify their laws. Then we could consider whether we should approve any interstate process effectuating these simplification efforts. If the States are not making any progress by the end of such a moratorium, it would be a simple matter to extend the moratorium for an additional period of time.

A long extended moratorium is opposed by the National Governors Association—which sent a letter signed by 44 Governors, including 22 Republican Governors, by organized labor (through the AFL–CIO, NEA, AFT, and AFSCME) and by business (through the National Retail Federation, Wal-Mart, Sears, Home Depot, and K–Mart).

A two-year extension will give Congress the opportunity to work together on a bipartisan basis to solve the larger simplification problems facing us. I urge a "yes" vote on this legislation.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today as an original sponsor and enthusiastic supporter of H.R. 1552, the Internet Tax Nondiscrimination Act. I continue to favor the five-year extension originally contained in this legislation and advocated by the Advisory Commission on Electronic Commerce. Such an extension would ensure predictability and foster further innovation. I will support the two year extension, however, because I believe it is of paramount importance not to allow the moratorium to expire. Despite the current downturn in the economy, the Internet continues to flourish as the most unique and vibrant global communication and commercial tool. Its important role in our society and economy continues to expand.

Yet an ever-present concern plagues many of us who understand the need to foster the Internet's continued growth: that government interference in the electronic marketplace—whether it be through regulation or tax policy—will create barriers that interfere with the transformation of the Internet into the repository of global communications and commerce for the 21st century.

Three years ago, we recognized that state and local taxation in electronic commerce would require a thorough analysis before we could formulate a balanced and restrained federal policy on the taxation of goods and services sold over the Internet. While most of us agree that regulation of the Internet would hinder technological innovation and economic growth, we also understand the legitimate needs of state and local governments who use sales tax revenue to fund services for their citizens. Therefore, we enacted a 3-year moratorium on Internet access taxes and multiple and discriminatory taxes on goods and services sold over the Internet. We also created the Advisory Commission on Electronic Commerce to begin that process and identify all of the integrated issues that arise in the context of taxation and the Internet Economy. In its report issued in April 2000, the Commission recommended, among other things, that the current moratorium be extended at that time for another 5 years.

I understand that some of my colleagues believe the moratorium should not last as long as 5 years and others believe that we have to address this important issue in a comprehensive manner. I wholeheartedly agree with the latter concern—this issue needs to be resolved in a methodical and holistic manner. But we need to implement a realistic time frame that will allow us to resolve each and every layer of the problems presented by taxation in a digital world.

As I noted during House consideration of this legislation last year, this problem cannot be about politics. This is not a zero-sum equation, and it's important for the health of our economy that we resolve this complicated issue with deliberative evaluation. This is one of the most important long-term economic policy decisions that our nation will make, and I want to congratulate my colleagues, Chairman SENSENBRENNER and Congressman COX for their steadfast leadership in ensuring that we resolve this issue before the October 21st expiration of the current moratorium. I urge all of my colleagues to support H.R. 1552 and look forward to continued efforts to address the substantive issues in this debate.

Ms. JACKSON-LEE of Texas. I would like to thank Judiciary Committee Chairman JAMES SENSENBRENNER and Ranking Member JOHN CONYERS for working to pass this legislation through the Committee and proceed to the floor of the Congress for a vote.

The legislation before us today, H.R. 1552, seeks to extend the current Internet tax moratorium, prohibiting states or political subdivisions from imposing taxes on transaction conducted over the Internet, through 2003.

Presently, ten states including Texas have taxes on Internet access charges. These states should be allowed to continue this practice. I supported this two-year extension in Committee because it would not bar states such as Texas from collecting these greatly needed tax revenues. States would be allowed to be "grandfathered in" under an exemption from the moratorium.

Under current law, there is a limited moratorium on state and local Internet access taxes as well as multiple and discriminatory taxes imposed on Internet transactions, subject to a grandfather on taxes of this nature imposed prior to 1998. The current moratorium is scheduled to expire on October 21, 2001, and was merely designed as an interim device to allow a commission to study the problem of Internet taxation.

I elected to vote for this two-year moratoriums as long as those states across our nation which currently rely on these crucial revenue streams are allowed to continue. This legislation provides for such a compromise.

Without such a compromise, state and local governments would lose a substantial amount of sales tax revenue and telecommunication tax revenue if we were to extend the moratorium on Internet taxation for five years as a prior plan advocated. According to Forrester Research, if e-commerce continues to explode, U.S. sales over the Internet will be almost $350 billion by 2002. If state and local governments were prohibited from taxing this segment of their tax base, financing important state and local programs and services would become increasingly difficult.

State and local governments use the sales tax as a means to provide nearly one-quarter of all the tax revenues used to fund vital programs and services to their communities. It is estimated that State and local governments are presently losing approximately $5 billion in sales tax revenues as a result of their inability to tax the majority of mail order Internet sales. This simply is not fair.

According to the Center for Budget and Policy Priorities, state and local governments could be losing additional $10 billion annually by 2003 if Internet sales were to continue to be exempt from sales tax imposition. Loss of revenue of this magnitude would threaten the strong fiscal position of many states if economic conditions begin to deteriorate. The additional loss of Internet transaction tax revenues and the possibility of losing taxes on telephone services due to its incorporation into the Internet could accelerate depletion of many state surpluses without increased taxes in some other area or making significant reduction in expenditures.

This loss of revenue would also curtail the ability of states and localities to meet the demands for major improvements in education. A permanent tax prohibition on Internet sales would deprive state and local governments of a great resource to fund desperately needed improvements in their education systems.

Furthermore, enacting the previously suggested five-year moratorium on state Internet taxation would tip the scales, benefiting those with wealth and access to the Internet at the expense of low- and moderate-income individuals, particularly because those who usually make purchases over the Internet are more affluent than those who do not. Considering the impact of the digital divide on our society, many minorities and low-income people who do not purchase goods via the cyber world would pay a disproportionate share of state and local sales taxes.

The majority of low-income households lack the resources to purchase equipment to access the Internet, train on its usage, or lack the financial stability to have a credit card. Individuals with access to a computer and the Internet would avoid taxation on the purchase of a good or service that would be taxed if a person without this access purchased the same good or service from their neighborhood stores.

If we allow Internet transaction to be completely exempt from tax, state and local governments may likely increase their sales tax rates to make up for the shortfall in Internet tax revenue. The consequences of this could be devastating to low- and moderate-income persons who do not benefit from the tax free Internet environment. Moreover, those with access to the Internet would be further deterred from purchasing goods or services from retail establishments, thus increasing the tax burden of the less affluent.

The current moratorium on Internet taxation is about to expire. I am confident that states can adapt their sales tax systems to capture revenue on Internet transactions. Our states are making great strides to update their systems and equalize the tax burden for all segments of society.

The plan before us today balances the need expressed by some Members of Congress that a temporary moratorium is necessary, with the importance of preserving and securing the revenue streams of states such as Texas, which rely so heavily on Internet taxes for education and our quality of life.

Mr. DELAHUNT. Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1552, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003; and for other purposes.".

A motion to reconsider was laid on the table.

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 863) to provide grants to ensure increased accountability for juvenile offenders, as amended.

The Clerk read as follows:

H.R. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consequences for Juvenile Offenders Act of 2001".

SEC. 2. GRANT PROGRAM.

Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"SEC. 1801. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

"(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

"(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

"(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

"(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

"(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

"(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

"(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

"(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

"(9) establishing and maintaining a system of juvenile records designed to promote public safety;

"(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

"(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

"(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

"(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;

"(14) establishing and maintaining restorative justice programs;

"(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; or

"(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.

"(c) DEFINITION.—For purposes of this section, the term 'restorative justice program' means a program that emphasizes the moral accountability of an offender toward the victim and the affected community, and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

"SEC. 1802. GRANT ELIGIBILITY.

"(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

"(1) information about—

"(A) the activities proposed to be carried out with such grant; and

"(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

"(2) assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

“(b) Local Eligibility.—

“(1) Subgrant eligibility.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

“(A) information about—

“(i) the activities proposed to be carried out with such subgrant; and

“(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

“(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

“(2) Special rule.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

“(c) Graduated Sanctions.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

“(1) sanctions are imposed on a juvenile offender for each delinquent offense;

“(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

“(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

“(4) appropriate consideration is given to public safety and victims of crime.

“(d) Discretionary Use of Sanctions.—

“(1) Voluntary participation.—A State or unit of local government may be eligible to receive a grant under this part if—

“(A) its system of graduated sanctions is discretionary; and

“(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

“(2) Reporting requirement if graduated sanctions not used.—

“(A) Juvenile courts.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

“(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

“(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

“(B) Units of local government.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

“(C) States.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

“(e) Definitions.—For purposes of this section:

“(1) The term ‘discretionary’ means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

“(2) The term ‘sanctions’ means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

“SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

“(a) State Allocation.—

“(1) In general.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

“(A) 0.50 percent for each State; and

“(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

“(2) Prohibition.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

“(b) Local Distribution.—

“(1) In general.—Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 1801, not less than 75 percent of such amounts received.

“(2) Waiver.—If a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that—

“(A) the State's juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this part (the ‘State percentage’,) is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

“(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State's calculation of expenditures under subparagraph (A), the State's application for waiver under this paragraph, and the State's proposed uses of funds,

the percentage referred to in paragraph (1) shall equal the percentage determined by subtracting the State percentage from 100 percent.

“(3) Allocation.—In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

“(A) the sum of—

“(i) the product of—

“(I) three-quarters; multiplied by

“(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

“(ii) the product of—

“(I) one-quarter; multiplied by

“(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

“(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

“(4) Expenditures.—The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

“(5) Reallocation.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

“(c) Unavailability of Data for Units of Local Government.—If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall—

“(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

“(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

“(d) Local Government With Allocations Less Than $10,000.—If under this section a unit of local government is allocated less than $10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

“(e) Direct Grants to Specially Qualified Units.—

“(1) In general.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

“(2) Award basis.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

“SEC. 1804. GUIDELINES.

“(a) In General.—The Attorney General shall issue guidelines establishing procedures under which a State or specially qualified unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

“(b) Advisory Board.—The guidelines referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate—

``(1) the State or local police department;

``(2) the local sheriff's department;

``(3) the State or local prosecutor's office;

``(4) the State or local juvenile court;

``(5) the State or local probation office;

``(6) the State or local educational agency;

``(7) a State or local social service agency;

``(8) a nonprofit, nongovernmental victim advocacy organization; and

``(9) a nonprofit, religious, or community group.

“SEC. 1805. PAYMENT REQUIREMENTS.

``(a) Timing of Payments.—The Attorney General shall pay, to each State or specially qualified unit of local government that receives funds under section 1803 that has submitted an application under this part, the amount awarded to such State or unit not later than the later of the following two dates:

``(1) 180 days after the date that the amount is available.

``(2) The first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c).

``(b) Repayment of Unexpended Amounts.—

``(1) Repayment required.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.

``(2) Extension.—The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).

``(3) Penalty for failure to repay.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

``(4) Deposit of amounts repaid.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

``(c) Administrative Costs.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

``(d) Nonsupplanting Requirement.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

``(e) Matching Funds.—

``(1) In general.—The Federal share of a grant received under this part may not exceed 90 percent of the total program costs.

``(2) Construction of facilities.—Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this part may not exceed 50 percent of approved cost.

“SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

``Funds or a portion of funds allocated under this part may be used by a State or unit of local government that receives a grant under this part to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(b).

“SEC. 1807. ADMINISTRATIVE PROVISIONS.

``(a) In General.—A State or specially qualified unit that receives funds under this part shall—

``(1) establish a trust fund in which the government will deposit all payments received under this part;

``(2) use amounts in the trust fund (including interest) during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);

``(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

``(4) spend the funds only for the purpose of strengthening the juvenile justice system.

``(b) Title I Provisions.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

“SEC. 1808. ASSESSMENT REPORTS.

``(a) Reports to Attorney General.—

``(1) In general.—Except as provided in paragraph (4), for each fiscal year for which a grant or subgrant is awarded under this part, each State or specially qualified unit of local government that receives such a grant shall submit to the Attorney General a grant report, and each unit of local government that receives such a subgrant shall submit to the State a subgrant report, at such time and in such manner as the Attorney General may reasonably require.

``(2) Grant report.—Each grant report required by paragraph (1) shall include—

``(A) a summary of the activities carried out with such grant;

``(B) if such activities included any subgrant, a summary of the activities carried out with each such subgrant; and

``(C) an assessment of the effectiveness of such activities on achieving the purposes of this part.

``(3) Subgrant report.—Each subgrant report required by paragraph (1) shall include—

``(A) a summary of the activities carried out with such subgrant; and

``(B) an assessment of the effectiveness of such activities on achieving the purposes of this part.

``(4) Waivers.—The Attorney General may waive the requirement of an assessment in paragraph (2)(C) for a State or specially qualified unit of local government, or in paragraph (3)(B) for a unit of local government, if the Attorney General determines that—

``(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

``(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or

``(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

``(b) Reports to Congress.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Congress a report, which shall include—

``(1) a summary of the information provided under subsection (a);

``(2) an assessment by the Attorney General of the grant program carried out under this part; and

``(3) such other information as the Attorney General considers appropriate.

“SEC. 1809. TRIBAL GRANT PROGRAM.

``(a) In General.—From the amount made available under section 1811(b), the Attorney General shall make grants to Indian tribes, or consortia of such tribes, for programs to strengthen tribal juvenile justice systems and to hold tribal youth accountable.

``(b) Eligibility.—To be eligible to receive grant amounts under this section, an Indian tribe or consortia of such tribes—

``(1) must carry out tribal juvenile justice functions; and

``(2) shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines.

``(c) Competitive Awards.—The Attorney General shall award grants under this section on a competitive basis.

``(d) Guidelines.—In issuing guidelines to carry out this section, the Attorney General shall ensure that the application for, award of, and use of grant amounts under this section are consistent with the purposes and requirements of this part.

``(e) Definition.—For purposes of this section, the term 'Indian tribe' has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (42 U.S.C. 479a).

“SEC. 1810. DEFINITIONS.

``For purposes of this part:

``(1) The term 'unit of local government' means—

``(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;

``(B) any law enforcement district or judicial enforcement district that—

``(i) is established under applicable State law; and

``(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and

``(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

``(2) The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

``(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that—

``(A) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands (the 'partial States') shall collectively be considered as 1 State; and

``(B) for purposes of section 1803(a), the amount allocated to a partial State shall bear the same proportion to the amount collectively allocated to the partial States as the population of the partial State bears to the collective population of the partial States.

``(4) The term 'juvenile' means an individual who is 17 years of age or younger.

``(5) The term 'juvenile justice expenditures' means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

``(A) activities specified in section 1801(b); and

``(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

"(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"SEC. 1811. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 2002;

"(2) $500,000,000 for fiscal year 2003; and

"(3) $500,000,000 for fiscal year 2004.

"(b) TRIBAL SET-ASIDE.—Of the amount appropriated pursuant to subsection (a), 2 percent shall be made available for grants under section 1809.

"(c) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Of the amount authorized to be appropriated under subsection (a), there shall be available to the Attorney General, for each of the fiscal years 2002 through 2004 (as applicable), to remain available until expended—

"(1) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;

"(2) not more than 2 percent of that amount, for training and technical assistance; and

"(3) not more than 1 percent, for administrative costs to carry out the purposes of this part.

The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 4. TRANSITION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS PROGRAM.

For each grant made from amounts made available for the Juvenile Accountability Incentive Block Grants program (as described under the heading "VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" in the Department of Justice Appropriations Act, 2000 (as enacted by Public Law 106–113; 113 Stat. 1537-14)), the grant award shall remain available to the grant recipient for not more than 36 months after the date of reciept of the grant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 863, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House considers a bipartisan bill designed to improve the juvenile justice system in America. H.R. 863, as amended, was favorably reported out of the Committee on the Judiciary by voice vote.

The bill authorizes the Department of Justice to award up to $500 million a year for the next 3 fiscal years to States and localities that agree to implement a system of graduated sanctions for juvenile delinquency. Such a system imposes sanctions on juvenile offenders for every delinquent act they commit, from the very first act, and increases the intensity of the sanctions with the severity of the offense.

This bill would replace the current unauthorized block grant program that was created in the fiscal year 1999 appropriation bill for the Departments of Commerce, Justice and State. The block grant program of H.R. 863 is more flexible for the States than the current unauthorized grant program. This bill does not require a grant recipient to spend a certain percentage of the funds on specified purposes. This is not a one-size-fits-all program. Rather, the States that qualify by implementing graduated sanctions may use the grant money where they need it to improve their juvenile justice systems.

Further, the new block grant programs would not place a mandate on the States. A State or locality may qualify even if its system of graduated sanctions is discretionary. However, those juvenile courts that do not impose graduated sanctions must report at least annually to the applicable State or locality as to why graduated sanctions were not imposed in all such cases.

This bill affords States and localities the flexibility and discretion necessary to improve their juvenile justice systems.

Madam Speaker, I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 863, the Consequences for Juvenile Offenders Act of 2001. I am a cosponsor of this bill, along with the subcommittee chairman for the Subcommittee on Crime, the gentleman from Texas (Mr. SMITH), and in fact all of the members of the Subcommittee on Crime on both sides of the aisle are cosponsors of the bill.

This bill is essentially identical to the original H.R. 1501 coauthored by the former member from Florida who was then the chairman of the Subcommittee on Crime, Mr. McCollum, and myself in the 106th Congress which was also cosponsored by all members of the subcommittee. Although that bill was passed by both the House and the Senate, so many contentious amendments were added during floor consideration of the bill, it could not pass out of conference.

I hope that we can avoid the fate of H.R. 1501 by working together to keep intact the strong bipartisan support the bill now enjoys among Committee on the Judiciary members, juvenile advocates, practitioners, researchers, judges, public officials and others.

We have not always experienced such bipartisan cooperation on juvenile justice issues in Congress. In the 105th Congress, we debated the Violent Youth Predator Act which focused on tough-sounding, poll-tested slogans and sound bites which were more focused on political campaigns than the reduction of juvenile crime and delinquency.

All too often in dealing with the issue of crime, we rush to codify the best sound bites. For example, "You do the adult crime, you do the adult time." That slogan is used to justify trying sixth graders in adult criminal court, when research shows us that codifying that sound bite will actually reduce the severity of the punishment and increase future crimes.

We also have "Three strikes and you're out," a baseball slogan used to justify keeping frail, 80-year-old offenders in prison way beyond the point where they pose any threat to society.

I am pleased to support the legislation before us today which is not based on slogans and sound bites, but instead upon the considered advice of juvenile judges, researchers and practitioners. The components of the bill came out of hearings in which we listened to the advice of juvenile justice researchers and experts. They were unanimous that rather than moving children out of the juvenile system into the adult system, more resources were needed in the juvenile system for appropriate, individually tailored responses that allowed a broader range of services or sanctions than the traditional limitations of either probation or incarceration.

We received the same advice from witnesses who appeared before the bipartisan Task Force on Youth Violence, which was appointed by the Speaker, the gentleman from Illinois (Mr. HASTERT) and the minority leader, the gentleman from Missouri (Mr. GEPHARDT).

□ 1600

In keeping with recommendations from these expert witnesses, the bill before us today provides resources to be used to hold juvenile offenders accountable for their actions and to adequately address their need for services, starting with an appropriate response when the delinquent offense first occurs and escalating the level of response upon any succeeding offense, until the problem is eliminated. Appropriate responses could consist of punishment, family or individual counseling, drug treatment or other assistance appropriate for the individual case, and the services and sanctions need to be imposed on the first offense.

We should not wait until the third, fourth, or fifth offense before we pay any attention to the problem.

Mr. Speaker, I am pleased to recommend H.R. 863 to my colleagues. Not only is it a model bill in that it takes the advice of experts from a broad array of political and philosophical views, but also because of the model process through which it was developed. From the outset, members from both sides of the aisle on the subcommittee as well as the full committee agreed to withhold amendments which did not gain consensus in order to move forward on the points on which there was consensus. So while the bill does not contain everything that everybody wanted, it does contain enough provisions that are valuable for juveniles and the juvenile justice system.

I am pleased to support this bipartisan bill. I ask my colleagues to vote in favor of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. SMITH), the subcommittee chair, for an un-sound byte.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding time again.

Mr. Speaker, I introduced H.R. 863, the Consequences for Juvenile Offenders Act of 2001, along with the ranking member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT), who just finished speaking. All other members of the subcommittee have also cosponsored this legislation. The legislation is needed because juvenile justice experts have recommended that juvenile justice systems pay more attention to young offenders earlier in the system. H.R. 863 would do that by responding to juvenile wrongdoing with graduated sanctions.

The bill authorizes $1.5 billion for the Justice Department to make grants to State and local governments to improve their juvenile justice system. States and localities qualify for the grant funds if they have implemented or agree to implement a system of graduated sanctions for juvenile offenders within 1 year of applying for those funds.

Graduated sanctions are designed to break the cycle of delinquency that often leads juveniles to more serious crimes later on in their lives. This bill encourages our juvenile justice system to focus on juvenile offenders from the beginning, rather than after the sixth or seventh offense. With this approach, we hope to ensure that juvenile offenders learn that there are consequences to their actions each time they commit a crime.

In addition to providing incentives for implementing graduated sanctions, this bill provides States and localities with discretion in determining how best to spend the grant money to improve their juvenile justice systems.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Mr. Speaker, this bill is an example of what can be accomplished when we get down to business and become serious and forget about sound bytes. This bill will truly make a difference. It is going to work. I am confident that it will reduce violence in this country.

I spent some 20 years of my life prosecuting some of the most violent criminals anywhere, and I know there are not any simple answers. There are no quick fixes. There are no panaceas. But this bill works because it relies upon people who do have the answers, the people in the community who understand the problems.

Unlike some bills that we have considered in the past, this legislation does not dictate policy from Washington. It embraces and supports broad-based, comprehensive local strategies that have proven to be effective and that work in the real world.

Let me give my colleagues an example. Boston, Massachusetts, the capital city of my home State, like other cities, experienced a dramatic decrease in gang violence thanks to a balanced strategy of prevention, intervention, and enforcement. That strategy worked because everyone in the community at large was engaged, police, prosecutors, probation officers, correction officials, youth and social service personnel, teachers, judges, you name it, everybody was involved.

Under some of the legislation that was considered previously, Boston would not have even qualified for a grant, and few if any States would. Under this bill, Boston and other cities will qualify for the money they need to continue the critical work and the effective work that they have been doing.

These cities like Boston, like other communities throughout the country, do not need us here in Washington to tell them how to reduce violence. As I said, they have the answers themselves. What they need is a serious, substantial Federal investment in juvenile crime prevention. And what they need is our commitment to provide them with the resources that they do need. This bill does that.

Let me conclude by congratulating the chair of the subcommittee, the gentleman from Texas (Mr. SMITH). Let me congratulate the chair of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), who, over the course of the past several weeks, has done much to diminish the so-called divisiveness that characterized the Committee on the Judiciary. This truly is an outstanding product, one that we can all be proud of, but I want to make particular mention of my friend and colleague, the ranking member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT), whose sheer persistence and dedication and passion for this issue is reflected in this particular product; and one that he should be particularly proud of.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from Massachusetts for his kind words. He is a former prosecutor and a very important member of the Committee on the Judiciary. I thank him for his words. I also want to thank the chairman of the subcommittee, the gentleman from Texas (Mr. SMITH), and the chairman of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member of the committee, the gentleman from Michigan (Mr. CONYERS), for their leadership in developing this bill. I would also want to point out, Mr. Speaker, that the bill could not have been formulated and brought to us today without the hard work of staff people, such as Bobby Vassar and Beth Sokul. Without their hard work, dedication, and ability to work together across the aisle, this bill never could have been developed.

Mr. Speaker, I urge my colleagues to vote for the bill.

Mr. CONYERS. Mr. Speaker, over the last several Congresses, we've debated the get-tough approach versus the prevention and treatment approach to addressing juvenile crime. This measure reflects the advice of the researchers and expert practitioners who are unanimous on the point that more resources are needed for appropriate individually tailored responses to juvenile crime. The measure before us is not a one-size-fits-all approach but a substantive bipartisan approach that actually will reduce crime and delinquency where it occurs, and that's why we all support it.

However, my view is that juvenile justice is also about gun safety. I understand clearly that the sponsors of the bill have valid concerns that introducing the issue of gun violence into the debate would foster differences of view and jeopardize good legislation. They are correct that the Republican leadership bottled up this bill in a conference committee last year largely in an effort, I am told, to avoid addressing gun violence.

But I believe that preventing juvenile crime is about thwarting easy access to guns, just as much as it is about prevention programs and services for at-risk youth. Ten children a day are killed by gun violence. The shooters at Columbine High School were provided a gun largely because of the lack of any background check by licensed sellers at gun shows. We continue to witness unspeakable horrors every week as children open fire on their classmates. You all read and see them weekly.

The Nation stands ready to require a child safety lock on every gun. I think most Members of Congress are ready as well. But the Congress ignores the cries of the children and their parents.

I know that the National Rifle Association's publicity machines have been spinning in high gear since the election to perpetuate the myth that gun safety is a losing political issue. The facts are, of course, that the NRA targeted countless House and Senate seats and lost nearly every single one. So gather your courage, my colleagues. Bit by bit, the tide is turning.

Governor Pataki of New York has proposed far more ambitious gun safety measures that those that were bottled up by the Republican leadership this year. Senators MCCAIN and LIEBERMAN are attempting to find common ground on this issue as we speak. But regardless of the politics, I and others feel that we cannot back down on this issue because it is the logical and correct position to take, and if we really do not want to leave any child behind, we cannot allow so many children to be killed in senseless and preventable acts of gun violence. Too many families have lived through this unthinkable experience of burying their own children for us not to act.

I would like to continue to work with the gentleman from Virginia (Mr. SCOTT) on other solutions to juvenile crime such as the moderate measures passed by the Senate in the last Congress, the gun show background checks, child safety locks, a ban on the importation of large-capacity ammunition clips and a juvenile Brady. Let's all stay tuned for further complimentary support to this excellent measure before us.

Mr. KUCINICH. Mr. Speaker, I rise in support of H.R. 863, Consequences for Juvenile Offenders Act. In particular, I am pleased that funding under the Juvenile Accountability Block Grant program can be used for maintaining juvenile record systems to promote public safety and to establish interagency information-sharing programs. However, I not only support establishing a juvenile recordkeeping system, but I encourage States to develop an automated system of records.

Last Congress I offered an amendment to the Juvenile Justice bill to assist States in compiling the records of juvenile and establishing statewide computer systems for their records. States would then have the option of making the information available to the Federal Bureau of Investigation and law enforcement authorities from other States. This amendment was endorsed by the Fraternal Order of Police. My amendment was accepted.

The need for improved recordkeeping systems on violent juveniles is illustrated by a tragic story from my district. A Cleveland police detective, Robert Clark, was killed in July 1998 while attempting to arrest a drug dealer. The individual who shot Detective Clark had accumulated a considerable criminal record between Ohio and Florida. Although he was only 19 years old at the time of the shooting, he had been arrested 150 times since the age of 8. There had been 62 felony charges against him between 1995 and 1998. He was arrested on yet another offense the night before he killed Detective Clark, but because law enforcement officers in Cleveland, were unaware of his extensive criminal record as a juvenile he was released from custody. Had an automated records system been in place when he first appeared before a juvenile court in Ohio, law enforcement officials in Ohio would have had access to his extensive criminal record in Florida and the tragic death of Detective Clark could have been prevented.

I urge the conferees to give attention to this important issue. The information shared through the creation of an automated juvenile recordkeeping system will stop crime and save lives.

Mr. SCHIFF. Mr. Speaker, I am pleased to support the bill before us today because it allows states and localities to develop programs on juvenile justice, according to the needs of their own communities. It is a credit to Crime Subcommittee Chairman LAMAR SMITH and Ranking Member BOBBY SCOTT that we were able to improve this bill with an amendment I offered in Committee. The amendment requires a strong assessment component to any program funded by this bill.

My amendment requires all applicants to provide information up front detailing how they will evaluate the success of their program. It requires an assessment to be undertaken at appropriate intervals (each year). These assessment will be submitted by the states or localities to the Department of Justice. The Attorney General could waive this requirement if an assessment would not be practical (i.e. building a facility) or if an assessment requirement would prove to be cost prohibitive. From these assessments, the Attorney General would submit a report to Congress on the progress of funded programs. The funding for these assessments comes out of their existing grant money, but I'm sure you would agree that is it important to be able to identify any unsuccessful program.

As a former federal prosecutor, I have seen the successes and failures of programs designed to improve the juvenile justice system. It is critical that we evaluate programs we fund to ensure their effectiveness in achieving their stated goals.

I urge my colleagues to support this bill. And I again want to commend the Leadership of both parties for bringing this bill before us today.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 863, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MAKING PERMANENT AUTHORITY TO REDACT FINANCIAL DISCLOSURE STATEMENTS OF JUDICIAL EMPLOYEES AND JUDICIAL OFFICERS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2336) to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers.

The Clerk read as follows:

H.R. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF SUNSET PROVISION.

Section 105(b)(3)(E) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. Scott) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2336, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2336 and urge the House to adopt the measure. This bill will make permanent the authority of the U.S. Judicial Conference to redact financial disclosure statements of judicial employees and judicial officers.

Under the Ethics in Government Act, judges and other high-level judicial branch officials must file annual financial disclosure reports. However, due to the nature of the judicial function and the increased security risk it entails, section 7 of the Identity Theft and Assumption Deterrence Act of 1998 allows the Judicial Conference to redact statutorily required information in a financial disclosure report where the release of the information could endanger the filer or his or her family. This provision will sunset on December 31, 2001, in the absence of further legislative action.

The Judicial Conference Committee on Financial Disclosure recently submitted a report on section 7. The committee monitors the release of financial disclosure reports to ensure compliance with the statute, reviews redaction requests, and approves or disapproves any request for a redaction of statutorily mandated information where the release of the information could endanger a filer.

In the year 2000, the committee noted, first, 13 financial disclosure reports were wholly redacted because the judge was under a specific and active security threat and, second, only 140 judges' reports were partially redacted due to specific or general threats.

The purpose of the annual disclosure reports required by the Ethics in Government Act is to increase public confidence in government officials and better enable the public to judge the performance of those officials. However, Federal judges should be allowed to redact certain information from financial disclosures when they or a family member is threatened. Importantly, this practice has never interfered with the release of critical information to the public.

H.R. 2336 will eliminate the sunset in section 7 and permit the Judicial Conference to permanently redact information in financial disclosure reports where that information could endanger the filer or his or her family. This is a good bill. It enjoys bipartisan support. There is no known opposition. I encourage the House to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join my colleague, the chairman of the Committee on the Judiciary, in supporting H.R. 2336. This bill was introduced by the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN). It protects judges against certain security threats. The September 11 tragedy only heightens the security concerns that make this legislation necessary. The Committee on the Judiciary reported H.R. 2336 favorably by voice vote on October 3, and I am not aware of any controversy regarding the bill.

H.R. 2336 permanently extends the ability of Federal judges to request redaction from their financial disclosure reports. The current redaction authority sunsets at the end of this year. Thus, it is imperative that we act quickly to get this bill to the Senate where we hope it passes before the end of the year. The redaction authority for judges is appropriately limited and thus does not raise concerns about undue restrictions on public access to financial disclosure reports. The judge's report may be redacted if the Judicial Conference and U.S. Marshals Service find that revealing personal and sensitive information could endanger that judge. Furthermore, the report can only be redacted to the extent necessary to protect the judge and only so long as a danger exists.

□ 1615

The redaction authority has not been abused to date. Of all of the judges filing reports in the year 2000, only 6 percent had their reports redacted, either wholly or even partially. Typically, the information redacted is limited to such things as the spouse's place of work, the location of a judge's second home, or the name of a law school at which a judge may teach part-time.

The law requires the Judicial Conference, in concert with the Department of Justice, to file an annual report detailing the number and circumstances of redactions. This statutory reporting requirement enables Congress to monitor any abuse of the redaction authority.

In short, I think the enactment of H.R. 2336 is necessary to protect the security of our Nation's judges, and I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this non-controversial legislation, H.R. 2336, is aimed at protecting judges and judicial employees. H.R. 2236 amends the Ethics in Government Act of 1978 by repealing the sunset provision of authorized redaction of financial disclosure reports filed by certain judicial employees and officers.

The purpose of these financial disclosure reports required by the Ethics in Government Act of 1978 is to increase public confidence in government officials and better enable our public to assess the progress and effectiveness of their public officials. However, section 7 of this Act which allows redaction where such disclosure could endanger the filer or his/her family is set to sunset on December 31, 2001.

In 2000, the Judicial Conference Committee on Financial Disclosure submitted a report, noting that numerous financial disclosure reports had been redacted because the Judge was under a specific, active security threat, and that 140 reports were partially redacted based on threats and various security risks. These threats may be heightened in light of the recent threats to our national security.

This legislation appropriately repeals this sunset and makes permanent the authority to redact such financial disclosure statements of judicial employees or judicial officers.

As a former associate municipal court judge, I understand that the need for such legislation is great. I urge my colleagues to support it.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2336.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

STUART COLLICK—HEATHER FRENCH HENRY HOMELESS VETERANS ASSISTANCE ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2716) to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans, as amended.

The Clerk read as follows:

H.R. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Stuart Collick—Heather French Henry Homeless Veterans Assistance Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references to title 38, United States Code.
Sec. 2. Definitions.
Sec. 3. National goal to end homelessness among veterans.
Sec. 4. Sense of the Congress regarding the needs of homeless veterans and the responsibility of Federal agencies.
Sec. 5. Consolidation and improvement of provisions of law relating to homeless veterans.
Sec. 6. Evaluation of homeless programs.
Sec. 7. Study of outcome effectiveness of grant program for homeless veterans with special needs.
Sec. 8. Additional programmatic expansions.
Sec. 9. Coordination of employment services.
Sec. 10. Use of real property.
Sec. 11. Meetings of Interagency Council on Homeless.
Sec. 12. Rental assistance vouchers for HUD Veterans Affairs Supported Housing program.

(c) REFERENCES TO TITLE 38 UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "homeless veteran" has the meaning given such term in section 2002 of title 38, United States Code, as added by section 5(a)(1).

(2) The term "grant and per diem provider" means an entity in receipt of a grant under section 2011 or 2012 of title 38, United States Code.

SEC. 3. NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS.

(a) NATIONAL GOAL.—Congress hereby declares it to be a national goal to end chronic homelessness among veterans within a decade of the enactment of this Act.

(b) COOPERATIVE EFFORTS ENCOURAGED.—Congress hereby encourages all departments and agencies of Federal, State, and local governments, quasi-governmental organizations, private and public sector entities, including community-based organizations, faith-based organizations, and individuals to work cooperatively to end chronic homelessness among veterans within a decade.

SEC. 4. SENSE OF THE CONGRESS REGARDING THE NEEDS OF HOMELESS VETERANS AND THE RESPONSIBILITY OF FEDERAL AGENCIES.

It is the sense of the Congress that—

(1) homelessness is a significant problem in the veterans community and veterans are

disproportionately represented among homeless men;

(2) While many effective programs assist homeless veterans to again become productive and self-sufficient members of society, current resources provided to such programs and other activities that assist homeless veterans are inadequate to provide all needed essential services, assistance, and support to homeless veterans;

(3) the most effective programs for the assistance of homeless veterans should be identified and expanded;

(4) federally funded programs for homeless veterans should be held accountable for achieving clearly defined results;

(5) Federal efforts to assist homeless veterans should include prevention of homelessness; and

(6) Federal agencies, particularly the Department of Veterans Affairs and the Department of Housing and Urban Development, should cooperate more fully to address the problem of homelessness among veterans.

SEC. 5. CONSOLIDATION AND IMPROVEMENT OF PROVISIONS OF LAW RELATING TO HOMELESS VETERANS.

(a) IN GENERAL.—(1) Part II is amended by inserting after chapter 19 the following new chapter:

“CHAPTER 20—BENEFITS FOR HOMELESS VETERANS

“SUBCHAPTER I—PURPOSE; DEFINITIONS; ADMINISTRATIVE MATTERS

“Sec.
“2001. Purpose.
“2002. Definitions.
“2003. Staffing requirements.
“2004. Employment assistance.

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“SUBCHAPTER V—HOUSING ASSISTANCE

“2041. Housing assistance for homeless veterans.
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“2051. General authority.
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“SUBCHAPTER VII—OTHER PROVISIONS

“2061. Grant program for homeless veterans with special needs.
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“2063. Technical assistance grants for nonprofit community-based groups.
“2064. Annual report on assistance to homeless veterans.
“2065. Advisory Committee on Homeless Veterans.

“SUBCHAPTER I—PURPOSE; DEFINITIONS; ADMINISTRATIVE MATTERS

“§ 2001. Purpose

“The purpose of this chapter is to provide for the special needs of homeless veterans.

“§ 2002. Definitions

“In this chapter:

“(1) The term ‘homeless veteran’ means a veteran who—

“(A) lacks a fixed, regular, and adequate nighttime residence; or

“(B) has a primary nighttime residence that is—

“(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, grant per diem shelters and transitional housing for the mentally ill);

“(ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or

“(iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

“(2) The term ‘grant and per diem provider’ means an entity in receipt of a grant under section 2011 or 2012 of this title.

“§ 2003. Staffing requirements

“(a) VBA STAFFING AT REGIONAL OFFICES.—The Secretary shall ensure that there is assigned at each Veterans Benefits Administration regional office at least one employee assigned specifically to oversee and coordinate homeless veterans programs in that region. In any such regional office with at least 140 employees, there shall be at least one full-time employee assigned to such functions. The programs covered by such oversight and coordination include the following:

“(1) The housing program for veterans supported by the Department of Housing and Urban Development.

“(2) Housing programs supported by the Secretary under this title or any other provision of law.

“(3) The homeless veterans reintegration program of the Department of Labor under section 2021 of this title.

“(4) The programs under section 2033 of this title.

“(5) The assessments required by section 2034 of this title.

“(6) Such other duties relating to homeless veterans as may be assigned.

“(b) VHA CASE MANAGERS.—The Secretary shall ensure that the number of case managers in the Veterans Health Administration is sufficient to assure that every veteran who is provided a housing voucher through section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is assigned to, and is able to be seen as needed by, a case manager.

“§ 2004. Employment assistance

“The Secretary may authorize homeless veterans receiving care through vocational rehabilitation programs to participate in the compensated work therapy program under section 1718 of this title.

“SUBCHAPTER II—COMPREHENSIVE SERVICE PROGRAMS

“§ 2011. Grants

“(a) AUTHORITY TO MAKE GRANTS.—(1) Subject to the availability of appropriations provided for such purpose, the Secretary shall make grants to assist eligible entities in establishing programs to furnish, and expanding or modifying existing programs for furnishing, the following to homeless veterans:

“(A) Outreach.

“(B) Rehabilitative services.

“(C) Vocational counseling and training.

“(D) Transitional housing assistance.

“(2) The authority of the Secretary to make grants under this section expires on September 30, 2005.

“(b) CRITERIA FOR AWARD OF GRANTS.—The Secretary shall establish criteria and requirements for the award of a grant under this section, including criteria for entities eligible to receive such grants, and shall publish such criteria and requirements in the Federal Register. The criteria established under this section shall include the following:

“(1) Specification as to the kinds of projects for which such grant support is available, which shall include—

“(A) expansion, remodeling, or alteration of existing buildings, or acquisition of facilities, for use as service centers, transitional housing, or other facilities to serve homeless veterans; and

“(B) procurement of vans for use in outreach to, and transportation for, homeless veterans to carry out the purposes set forth in subsection (a).

“(2) Specification as to the number of projects for which grant support is available.

“(3) Appropriate criteria for the staffing for the provision of the services for which a grant under this section is furnished.

“(4) Provisions to ensure that the award of grants under this section—

“(A) shall not result in duplication of ongoing services; and

“(B) to the maximum extent practicable, shall reflect appropriate geographic dispersion and an appropriate balance between urban and nonurban locations.

“(5) Provisions to ensure that an entity receiving a grant shall meet fire and safety requirements established by the Secretary, which shall include—

“(A) such State and community requirements that may apply; and

“(B) the fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association.

“(6) Specifications as to the means by which an entity receiving a grant may contribute in-kind services to the start-up costs of any project for which support is sought and the methodology for assigning a cost to that contribution for purposes of subsection (c).

“(c) FUNDING LIMITATIONS.—A grant under this section may not be used to support operational costs. The amount of a grant under this section may not exceed 65 percent of the estimated cost of the expansion, remodeling, alteration, acquisition, or procurement provided for under this section.

“(d) ELIGIBLE ENTITIES.—The Secretary may make a grant under this section to an entity applying for such a grant only if the applicant for the grant—

“(1) is a public or nonprofit private entity with the capacity (as determined by the Secretary) to effectively administer a grant under this section;

“(2) has demonstrated that adequate financial support will be available to carry out the project for which the grant has been sought consistent with the plans, specifications, and schedule submitted by the applicant; and

“(3) has agreed to meet the applicable criteria and requirements established under subsections (b) and (g) (and the Secretary has determined that the applicant has demonstrated the capacity to meet those criteria and requirements).

"(e) Application Requirement.—An entity described in subsection (d) desiring to receive assistance under this section shall submit to the Secretary an application. The application shall set forth the following:

"(1) The amount of the grant requested with respect to a project.

"(2) A description of the site for such project.

"(3) Plans, specifications, and the schedule for implementation of such project in accordance with requirements prescribed by the Secretary under subsection (b).

"(4) Reasonable assurance that upon completion of the work for which assistance is sought, the program will become operational and the facilities will be used principally to provide to veterans the services for which the project was designed, and that not more than 25 percent of the services provided will serve clients who are not receiving such services as veterans.

"(f) Program Requirements.—The Secretary may not make a grant to an applicant under this section unless the applicant, in the application for the grant, agrees to each of the following requirements:

"(1) To provide the services for which the grant is furnished at locations accessible to homeless veterans.

"(2) To maintain referral networks for, and aid homeless veterans in, establishing eligibility for assistance, and obtaining services, under available entitlement and assistance programs.

"(3) To ensure the confidentiality of records maintained on homeless veterans receiving services under the grant.

"(4) To establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant and to such payments as may be made under section 2012 of this title.

"(5) To seek to employ homeless veterans and formerly homeless veterans in positions created for purposes of the grant for which those veterans are qualified.

"(g) Service Center Requirements.—In addition to criteria established under subsection (b), the Secretary shall, in the case of an application for a grant for a service center for homeless veterans, require each of the following:

"(1) That such center provide services to homeless veterans during such hours as the Secretary may specify and be open to such veterans on an as-needed, unscheduled basis.

"(2) That space at such center will be made available, as mutually agreeable, for use by staff of the Department of Veterans Affairs, the Department of Labor, and other appropriate agencies and organizations in assisting homeless veterans served by such center.

"(3) That such center be equipped and staffed to provide, or to assist in providing, health care, mental health services, hygiene facilities, benefits and employment counseling, meals, transportation assistance, and such other services as the Secretary determines necessary.

"(4) That such center may be equipped and staffed to provide, or to assist in providing, job training and job placement services (including job readiness, job counseling, and literacy and skills training), as well as any outreach and case management services that may be necessary to carry out this paragraph.

"(h) Recovery of Unused Grant Funds.—(1) If a grant recipient (or entity eligible for such a grant) under this section does not establish a program in accordance with this section or ceases to furnish services under such a program for which the grant was made, the United States shall be entitled to recover from such recipient or entity the total of all unused grant amounts made under this section to such recipient or entity in connection with such program.

"(2) Any amount recovered by the United States under paragraph (1) may be obligated by the Secretary without fiscal year limitation to carry out provisions of this subchapter.

"(3) An amount may not be recovered under paragraph (1) as an unused grant amount before the end of the three-year period beginning on the date on which the grant is awarded.

"§ 2012. Per diem payments

"(a) Per Diem Payments for Furnishing Services to Homeless Veterans.—(1) Subject to the availability of appropriations provided for such purpose, the Secretary, pursuant to such criteria as the Secretary shall prescribe, shall provide to a recipient of a grant under section 2011 of this title (or an entity eligible to receive a grant under that section which after November 10, 1992, establishes a program that the Secretary determines carries out the purposes described in that section) per diem payments for services furnished to any homeless veteran—

"(A) whom the Secretary has referred to the grant recipient (or entity eligible for such a grant); or

"(B) for whom the Secretary has authorized the provision of services.

"(2) The rate for such per diem payments shall be the rate authorized for State homes for domiciliary care under section 1741(a)(1)(A) of this title.

"(3) In a case in which the Secretary has authorized the provision of services, per diem payments under paragraph (1) may be paid retroactively for services provided not more than three days before the authorization was provided.

"(b) Inspections.—The Secretary may inspect any facility of an entity eligible for payments under subsection (a) at such times as the Secretary considers necessary. No per diem payment may be made to an entity under this section unless the facilities of that entity meet such standards as the Secretary shall prescribe.

"(c) Life Safety Code.—(1) Except as provided in paragraph (2), a per diem payment may not be provided under this section to a grant recipient unless the facilities of the grant recipient meet the fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association.

"(2) During the five-year period beginning on the date of the enactment of this section, paragraph (1) shall not apply to an entity that received a grant under section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102–590; 38 U.S.C. 7721 note) before that date if the entity meets fire and safety requirements established by the Secretary.

"(3) From amounts available for purposes of this section, not less than $5,000,000 shall be used only for grants to assist entities covered by paragraph (2) in meeting the Life Safety Code of the National Fire Protection Association.

"§ 2013. Authorization of appropriations

"There are authorized to be appropriated to carry out this subchapter amounts as follows:

"(1) $60,000,000 for fiscal year 2002.

"(2) $75,000,000 for fiscal year 2003.

"(3) $75,000,000 for fiscal year 2004.

"(4) $75,000,000 for fiscal year 2005.

"SUBCHAPTER III—TRAINING AND OUTREACH

"§ 2021. Homeless veterans' reintegration programs

"(a) In General.—Subject to the availability of appropriations provided for under subsection (d) and made available for such purpose, the Secretary of Labor shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to provide job training, counseling, and placement services to expedite the reintegration of homeless veterans into the labor force.

"(b) Requirement To Monitor Expenditures of Funds.—(1) The Secretary of Labor shall collect such information as the Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

"(2) The information under paragraph (1) shall be furnished to the Secretary of Labor in such form as the Secretary considers appropriate.

"(c) Administration Through the Assistant Secretary of Labor for Veterans' Employment and Training.—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

"(d) Annual Report to Congress.—The Secretary of Labor shall submit to Congress an annual report that evaluates services furnished to veterans under this section, and includes an analysis of the information collected under subsection (c).

"(e) Authorization of Appropriations.—(1) There are authorized to be appropriated to carry out this section amounts as follows:

"(A) $50,000,000 for fiscal year 2002.

"(B) $50,000,000 for fiscal year 2003.

"(C) $50,000,000 for fiscal year 2004.

"(D) $50,000,000 for fiscal year 2005.

"(E) $50,000,000 for fiscal year 2006.

"(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.

"§ 2022. Coordination of outreach services for veterans at risk of homelessness

"(a) Outreach Plan.—The Secretary, acting through the Under Secretary for Health, shall provide for appropriate officials of the Mental Health Service and the Readjustment Counseling Service of the Veterans Health Administration to initiate a coordinated plan for joint outreach to veterans at risk of homelessness, including particularly veterans who are being discharged from institutions (including discharges from inpatient psychiatric care, substance abuse treatment programs, and penal institutions).

"(b) Matters To Be Included.—The outreach plan under subsection (a) shall include the following:

"(1) Strategies to identify and collaborate with external entities used by veterans who have not traditionally used Department services to further outreach efforts.

"(2) Strategies to ensure that mentoring programs, recovery support groups, and other appropriate support networks are optimally available to veterans.

“(3) Appropriate programs or referrals to family support programs.

“(4) Means to increase access to case management services.

“(5) Plans for making additional employment services accessible to veterans.

“(6) Appropriate referral sources for mental health and substance abuse services.

“(c) Cooperative Relationships.—The plan shall identify strategies for the Department to enter into formal cooperative relationships with entities outside the Department to facilitate making services and resources optimally available to veterans.

“(d) Review of Plan.—The Secretary shall submit the plan under subsection (a) to the Advisory Committee on Homeless Veterans for its review and consultation.

“(e) Outreach Program.—(1) The Secretary shall carry out an outreach program to provide information to homeless veterans and veterans at risk of homelessness. The program shall include at a minimum—

“(A) provision of information about benefits available to eligible veterans from the Department; and

“(B) contact information for local Department facilities, including medical facilities, regional offices, and veterans centers.

“(2) In developing and carrying out the program under paragraph (1), the Secretary shall, to the extent practicable, consult with appropriate public and private organizations, including the Bureau of Prisons, State social service agencies, the Department of Defense, and mental health, veterans, and homeless advocates—

“(A) for assistance in identifying and contacting veterans who are homeless or at risk of homelessness;

“(B) to coordinate appropriate outreach activities with those organizations; and

“(C) to coordinate services provided to veterans with services provided by those organizations.

“(f) Submission of Report.—Not later than two years after the date of the enactment of this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plan under subsection (a), including goals and time lines for implementation of the plan for particular facilities and service networks.

“§ 2023. Demonstration program relating to referral and counseling for veterans transitioning from certain institutions who are at risk for homelessness

“(a) Program Authority.—The Secretary and the Secretary of Labor (hereinafter in this section referred to as the ‘Secretaries’) shall carry out a demonstration program for the purpose of determining the costs and benefits of providing referral and counseling services to eligible veterans with respect to benefits and services available to such veterans under this title and under State law.

“(b) Location of Demonstration Program.—The demonstration program shall be carried out in at least six locations. One location shall be a penal institution under the jurisdiction of the Bureau of Prisons.

“(c) Scope of Program.—(1) To the extent practicable, the demonstration program shall provide both referral and counseling, and in the case of counseling, shall include counseling with respect to job training and placement, housing, health care, and such other benefits to assist the eligible veteran in the transition from institutional living.

“(2)(A) To the extent that referral or counseling services are provided at a location under the program, referral services shall be provided in person during the 60-day period that precedes the date of release or discharge of the eligible veteran under subsection (f)(1)(B), and counseling services shall be furnished after such date.

“(B) The Secretaries may furnish to officials of penal institutions outreach information with respect to referral and counseling services for presentation to veterans in the custody of such officials during the 18-month period that precedes such date of release or discharge.

“(3) The Secretaries may enter into contracts to carry out the counseling required under the demonstration program with entities or organizations that meet such requirements as the Secretaries may establish.

“(4) In developing the demonstration program, the Secretaries shall consult with officials of the Bureau of Prisons, officials of penal institutions of States and political subdivisions of States, and such other officials as the Secretaries determine appropriate.

“(d) Report.—(1) Not later than two years after the commencement of the demonstration program, the Secretary (after consultation with the Secretary of Labor) shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the program.

“(2) The report under paragraph (1) shall include the following:

“(A) A description of the implementation and operation of the program.

“(B) An evaluation of the effectiveness of the program.

“(C) Recommendations, if any, regarding an extension of the program.

“(e) Duration.—The authority of the Secretaries to provide counseling services under the demonstration program shall cease on the date that is four years after the date of the commencement of the demonstration program.

“(f) Definitions.—In this section:

“(1) The term ‘eligible veteran’ means a veteran who—

“(A) is a resident of a penal institution or an institution that provides long-term care for mental illness;

“(B) is expected to be imminently released or discharged (as the case may be) from the facility or institution; and

“(C) is at risk for homelessness absent referral and counseling services provided under the program (as determined under guidelines established by the Secretaries).

“(2) The term ‘imminent’ means, with respect to a release or discharge under paragraph (1)(B), the 60-day period that ends on the date of such release or discharge.

“SUBCHAPTER V—HOUSING ASSISTANCE

“§ 2042. Supported housing for veterans participating in compensated work therapies

“The Secretary may authorize homeless veterans in the compensated work therapy program to be provided housing through the therapeutic residence program under section 2032 of title or through grant and per diem providers under subchapter II of this chapter.

“§ 2043. Domiciliary care programs

“(a) Authority.—The Secretary may establish up to 10 programs under section 1710(b) of this title (in addition to any such program that is established as of the date of the enactment of this section) to provide domiciliary services under such section to homeless veterans.

“(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2003 and 2004 to establish the programs referred to in subsection (a).

“SUBCHAPTER VII—OTHER PROVISIONS

“§ 2061. Grant program for homeless veterans with special needs

“(a) Establishment.—The Secretary shall carry out a program to make grants to health care facilities of the Department and to grant and per diem providers in order to encourage development by those facilities and providers of programs targeted at meeting special needs within the population of homeless veterans.

“(b) Special Needs.—For purposes of this section, homeless veterans with special needs include homeless veterans who—

“(1) are women;

“(2) are 50 years of age or older;

“(3) are substance abusers;

“(4) are persons with post-traumatic stress disorder;

“(5) are terminally ill;

“(6) are chronically mentally ill; or

“(7) have care of minor dependents or other family members.

“(c) Funding.—(1) From amounts appropriated to the Department for ‘Medical Care’ for each of fiscal years 2003, 2004, and 2005, the amount of $10,000,000 shall be available for the purposes of the program under this section.

“(2) The Secretary shall ensure that funds for grants under this section are designated for the first three years of operation of the program under this section as a special purpose program for which funds are not allocated through the Veterans Equitable Resource Allocation system.

“§ 2062. Dental care

“(a) In General.—For purposes of section 1712(a)(1)(H) of this title, outpatient dental services and treatment of a dental condition or disability of a veteran described in subsection (b) shall be considered to be medically necessary, subject to subsection (c), if—

“(1) the dental services and treatment are necessary for the veteran to successfully gain or regain employment;

“(2) the dental services and treatment are necessary to alleviate pain; or

“(3) the dental services and treatment are necessary for treatment of moderate, severe, or severe and complicated gingival and periodontal pathology.

“(b) Eligible Veterans.—Subsection (a) applies to a veteran who is—

“(1) enrolled for care under section 1705(a) of this title; and

“(2) who is receiving care (directly or by contract) in any of the following settings:

“(A) A domiciliary under section 1710 of this title.

“(B) A therapeutic residence under section 2032 of this title.

“(C) Community residential care coordinated by the Secretary of Veterans Affairs under section 1730 of this title.

“(D) A setting for which the Secretary provides funds for a grant and per diem provider.

“(c) Limitation.—Dental benefits provided by reason of this section shall be a one-time course of dental care provided in the same manner as the dental benefits provided to a newly discharged veteran.

“§ 2063. Technical assistance grants for nonprofit community-based groups

“(a) Grant Program.—The Secretary shall carry out a program to make technical assistance grants to nonprofit community-based groups with experience in providing assistance to homeless veterans in order to assist such groups in applying for grants under this chapter and other grants relating to addressing problems of homeless veterans.

"(b) Funding.—There is authorized to be appropriated to the Secretary the amount of $750,000 for each of fiscal years 2002 through 2005 to carry out the program under this section.

"§ 2064. Annual report on assistance to homeless veterans

"(a) Annual Report.—Not later than April 15 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the activities of the Department during the calendar year preceding the report under programs of the Department under this chapter and other programs of the Department for the provision of assistance to homeless veterans.

"(b) General Contents of Report.—Each report under subsection (a) shall include the following:

"(1) The number of homeless veterans provided assistance under those programs.

"(2) The cost to the Department of providing such assistance under those programs.

"(3) Any other information on those programs and on the provision of such assistance that the Secretary considers appropriate.

"(4) The Secretary's evaluation of the effectiveness of the programs of the Department (including residential work-therapy programs, programs combining outreach, community-based residential treatment, and case-management, and contract care programs for alcohol and drug-dependence or use disabilities) in providing assistance to homeless veterans.

"(5) The Secretary's evaluation of the effectiveness of programs established by recipients of grants under section 2011 of this title and a description of the experience of those recipients in applying for and receiving grants from the Secretary of Housing and Urban Development to serve primarily homeless persons who are veterans.

"(c) Health Care Contents of Report.—Each report under subsection (a) shall include the following with respect to programs of the Department addressing health care needs of homeless veterans:

"(1) Information about expenditures, costs, and workload under the program of the Department known as the Health Care for Homeless Veterans program (HCHV).

"(2) Information about the veterans contacted through that program.

"(3) Information about processes under that program.

"(4) Information about program treatment outcomes under that program.

"(5) Information about supported housing programs.

"(6) Information about the Department's grant and per diem provider program under subchapter II of this chapter.

"(7) Other information the Secretary considers relevant in assessing the program.

"§ 2065. Advisory Committee on Homeless Veterans

"(a)(1) There is established in the Department the Advisory Committee on Homeless Veterans (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of not more than 15 members appointed by the Secretary from among the following:

"(A) Veterans service organizations.

"(B) Advocates of homeless veterans and other homeless individuals.

"(C) Community-based providers of services to homeless individuals.

"(D) Previously homeless veterans.

"(E) State veterans affairs officials.

"(F) Experts in the treatment of individuals with mental illness.

"(G) Experts in the treatment of substance use disorders.

"(H) Experts in the development of permanent housing alternatives for lower income populations.

"(I) Experts in vocational rehabilitation.

"(J) Such other organizations or groups as the Secretary considers appropriate.

"(3) The Committee shall include, as ex officio members—

"(A) the Secretary of Labor (or a representative of the Secretary selected after consultation with the Assistant Secretary of Labor for Veterans' Employment);

"(B) the Secretary of Defense (or a representative of the Secretary);

"(C) the Secretary of Health and Human Services (or a representative of the Secretary); and

"(D) the Secretary of Housing and Urban Development (or a representative of the Secretary).

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed three years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to homeless veterans.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of homeless veterans;

"(ii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting homeless veterans; and

"(iii) provide on-going advice on the most appropriate means of providing assistance to homeless veterans.

"(3) The Committee shall—

"(A) review the continuum of services provided by the Department directly or by contract in order to define cross-cutting issues and to improve coordination of all services with the Department that are involved in addressing the special needs of homeless veterans;

"(B) identify (through the annual assessments under section 2034 of this title and other available resources) gaps in programs of the Department in serving homeless veterans, including identification of geographic areas with unmet needs, and provide recommendations to address those program gaps;

"(C) identify gaps in existing information systems on homeless veterans, both within and outside of the Department, and provide recommendations about redressing problems in data collection;

"(D) identify barriers under existing laws and policies to effective coordination by the Department with other Federal agencies and with State and local agencies addressing homeless populations;

"(E) identify opportunities for increased liaison by the Department with nongovernmental organizations and individual groups addressing homeless populations;

"(F) with appropriate officials of the Department designated by the Secretary, participate with the Interagency Council on the Homeless under title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.);

"(G) recommend appropriate funding levels for specialized programs for homeless veterans provided or funded by the Department;

"(H) recommend appropriate placement options for veterans who, because of advanced age, frailty, or severe mental illness, may not be appropriate candidates for vocational rehabilitation or independent living; and

"(I) perform such other functions as the Secretary may direct.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to homeless veterans. Each such report shall include—

"(A) an assessment of the needs of homeless veterans;

"(B) a review of the programs and activities of the Department designed to meet such needs;

"(C) a review of the activities of the Committee; and

"(D) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d) The Committee shall cease to exist December 31, 2006.".

(2) The tables of chapters before part I and at the beginning of part II are each amended by inserting after the item relating to chapter 19 the following new item:

"20. Benefits for Homeless Veterans .. 2001".

(b) Health Care.—(1) Subchapter VII of chapter 17 is transferred to chapter 20 (as added by subsection (a)), inserted after section 2023 (as so added), and redesignated as subchapter IV, and sections 1771, 1772, 1773, and 1774 therein are redesignated as sections 2031, 2032, 2033, and 2034, respectively.

(2) Subsection (a)(3) of section 2031, as so transferred and redesignated, is amended by striking "section 1772 of this title" and inserting "section 2032 of this title".

(c) Housing Assistance.—Section 3735 is transferred to chapter 20 (as added by subsection (a)), inserted after the heading for subchapter V, and redesignated as section 2041.

(d) Multifamily Transitional Housing.—(1) Subchapter VI of chapter 37 (other than section 3771) is transferred to chapter 20 (as added by subsection (a)) and inserted after section 2043 (as added by subsection (a)), and sections 3772, 3773, 3774, and 3775 therein are redesignated as sections 2051, 2052, 2053, and 2054, respectively.

(2) Such subchapter is amended—

(A) in the heading, by striking "FOR HOMELESS VETERANS";

(B) in subsection (d)(1) of section 2051, as so transferred and redesignated, by striking "section 3773 of this title" and inserting "section 2052 of this title"; and

(C) in subsection (a) of section 2052, as so transferred and redesignated, by striking "section 3772 of this title" and inserting "section 2051 of this title".

(3) Section 3771 is repealed.

(e) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(1) Sections 3, 4, and 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102–590; 38 U.S.C. 7721 note).

(2) Section 1001 of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 38 U.S.C. 7721 note).

(3) Section 4111.

(4) Section 738 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11448).

(f) EXTENSION OF EXPIRING AUTHORITIES.—Subsection (b) of section 2031, as redesignated by subsection (b)(1), and subsection (d) of section 2033, as so redesignated, are amended by striking "December 31, 2001" and inserting "December 31, 2006".

(g) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 17 is amended by striking the item relating to subchapter VII and the items relating to sections 1771, 1772, 1773, and 1774.

(2) The table of sections at the beginning of chapter 37 is amended—

(A) by striking the item relating to section 3735; and

(B) by striking the item relating to subchapter VI and the items relating to sections 3771, 3772, 3773, 3774, and 3775.

(3) The table of sections at the beginning of chapter 41 is amended by striking the item relating to section 4111.

SEC. 6. EVALUATION OF HOMELESS PROGRAMS.

(a) EVALUATION CENTERS.—The Secretary of Veterans Affairs shall support the continuation within the Department of Veterans Affairs of at least one center for evaluation to monitor the structure, process, and outcome of programs of the Department of Veterans Affairs that address homeless veterans.

(b) ANNUAL PROGRAM ASSESSMENT.—Section 2034(b), as transferred and redesignated by section 5(b)(1), is amended—

(1) by inserting "annual" in paragraph (1) after "to make an"; and

(2) by adding at the end the following new paragraph:

"(6) The Secretary shall review each annual assessment under this subsection and shall consolidate the findings and conclusions of those assessments into an annual report to be submitted to Congress.".

SEC. 7. STUDY OF OUTCOME EFFECTIVENESS OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study of the effectiveness during fiscal year 2002 through fiscal year 2004 of the grant program under section 2061 of title 38, United States Code, as added by section 5(a), in meeting the needs of homeless veterans with special needs (as specified in that section). As part of the study, the Secretary shall compare the results of programs carried out under that section, in terms of veterans' satisfaction, health status, reduction in addiction severity, housing, and encouragement of productive activity, with results for similar veterans in programs of the Department or of grant and per diem providers that are designed to meet the general needs of homeless veterans.

(b) REPORT.—Not later than March 31, 2005, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the results of the study under subsection (a).

SEC. 8. ADDITIONAL PROGRAMMATIC EXPANSIONS.

(a) ACCESS TO MENTAL HEALTH SERVICES.—Section 1706 is amended by adding at the end the following new subsection:

"(c) The Secretary shall develop standards to ensure that mental health services are available to veterans in a manner similar to the manner in which primary care is available to veterans who require services by ensuring that each primary care health care facility of the Department has a mental health treatment capacity.".

(b) COMPREHENSIVE HOMELESS SERVICES PROGRAM.—Subsection (b) of section 2033, as transferred and redesignated by section 5(b)(1), is amended—

(1) by striking "not fewer" in the first sentence and all that follows through "services) at"; and

(2) by adding at the end the following new sentence: "The Secretary shall carry out the program under this section in sites in at least each of the 20 largest metropolitan statistical areas.".

(c) OPIOID SUBSTITUTION THERAPY.—Section 1720A is amended by adding at the end the following new subsection:

"(d) The Secretary shall ensure that opioid substitution therapy is available at each Department medical center.".

SEC. 9. COORDINATION OF EMPLOYMENT SERVICES.

(a) DISABLED VETERANS' OUTREACH PROGRAM.—Section 4103A(c) is amended by adding at the end the following new paragraph:

"(11) Coordination of services provided to veterans with training assistance provided to veterans by entities receiving financial assistance under section 2021 of this title.".

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104(b) is amended by adding at the end the following new paragraph:

"(13) Coordinate services provided to veterans with training assistance for veterans provided by entities receiving financial assistance under section 2021 of this title.".

SEC. 10. USE OF REAL PROPERTY.

(a) LIMITATION ON DECLARING PROPERTY EXCESS TO THE NEEDS OF THE DEPARTMENT.—Section 8122(d) is amended by inserting before the period at the end the following: "and is not suitable for use for the provision of services to homeless veterans by the Department or by another entity under an enhanced-use lease of such property under section 8162 of this title".

(b) WAIVER OF COMPETITIVE SELECTION PROCESS FOR ENHANCED-USE LEASES FOR PROPERTIES USED TO SERVE HOMELESS VETERANS.—Section 8162(b)(1) is amended—

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following:

"(B) In the case of a property that the Secretary determines is appropriate for use as a facility to furnish services to homeless veterans under chapter 20 of this title, the Secretary may enter into an enhanced-use lease without regard to the selection procedures required under subparagraph (A).".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to leases entered into on or after the date of the enactment of this Act.

SEC. 11. MEETINGS OF INTERAGENCY COUNCIL ON HOMELESS.

Section 202(c) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11312(c)) is amended to read as follows:

"(c) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members, but not less often than annually.".

SEC. 12. RENTAL ASSISTANCE VOUCHERS FOR HUD VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

"(19) RENTAL VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.—

"(A) SET ASIDE.—Subject to subparagraph (C), the Secretary shall set aside, from amounts made available for rental assistance under this subsection, the amounts specified in subparagraph (B) for use only for providing such assistance through a supported housing program administered in conjunction with the Department of Veterans Affairs. Such program shall provide rental assistance on behalf of homeless veterans who have chronic mental illnesses or chronic substance use disorders, shall require agreement of the veteran to continued treatment for such mental illness or substance use disorder as a condition of receipt of such rental assistance, and shall ensure such treatment and appropriate case management for each veteran receiving such rental assistance.

"(B) AMOUNT.—The amount specified in this subparagraph is—

"(i) for fiscal year 2003, the amount necessary to provide 500 vouchers for rental assistance under this subsection;

"(ii) for fiscal year 2004, the amount necessary to provide 1,000 vouchers for rental assistance under this subsection;

"(iii) for fiscal year 2005, the amount necessary to provide 1,500 vouchers for rental assistance under this subsection; and

"(iv) for fiscal year 2006, the amount necessary to provide 2,000 vouchers for rental assistance under this subsection.

"(C) FUNDING THROUGH INCREMENTAL ASSISTANCE.—In any fiscal year, to the extent that this paragraph requires the Secretary to set aside rental assistance amounts for use under this paragraph in an amount that exceeds that set aside in the preceding fiscal year, such requirement shall be effective only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year for incremental rental assistance under this subsection.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Department of Veterans Affairs estimates that there are 225,000 homeless veterans living on the streets on any given night. Other organizations, VSOs, believe that the number is higher, closer to 300,000. Either number is far, far too high and a national travesty.

For these veterans, access to VA benefits, specialized services and effective outreach are vital components to any hope of individual stability and improvement in their prospects. The legislation before the House today, H.R. 2716, is designed to provide assistance to these men and women, with a national goal of ending chronic homelessness among veterans within 10 years.

Mr. Speaker, legislation is about more than programs and regulations; it is about real people. Let me spend just a moment describing to the House the remarkable life of one, just one, but a very, very important guy, who had his life changed because of the VA. It made a major difference in his life.

Stuart Alan Collick is a 39-year-old veteran from my State of New Jersey. Last month he appeared before the Committee on Veterans' Affairs to tell his story. Stuart joined the all-volunteer army at the age of 23 and told us he could not think of any higher calling than to serve his country, and he did it with distinction. Stuart had combat service in Grenada, and later distinguished himself as an infantryman in the Persian Gulf War. He holds the Army Service Ribbon with three Oak Leaf Clusters, the Southwest Asia Service Ribbon, three Bronze Stars, and three Good Conduct Medals, and the Combat Infantryman's Badge, among other official recognition. He served, as I said, with distinction; and he did his duty.

But, as you know, combat is an extremely unpleasant and a very terrible experience for many and leaves scars that sometimes do not heal. Mr. Collick left the Army in 1992 a disillusioned man and he began drinking, and then he turned to hard drug use. Within 5 years of discharge, he had lost his job, his family and his home, and was on the streets. His life, like that of many other homeless addicted veterans, was in chaos.

Last year, Mr. Collick found the VA Homeless Assistance Program of New Jersey. With the VA's help and with his faith, he turned his life around, finding new ways to cope. He found a job and his own apartment. He developed new friendships and reestablished relationships with his family, which had been severed.

Today Mr. Collick is working as a carpenter and a foreman on the VA's veterans construction team at Lyons, New Jersey, helping to build a commercial greenhouse and teaching other veterans how to build something positive, showing them by his own personal example that there is hope. Today Mr. Collick is a role model. He is an inspiration to his fellow veterans in early recovery and drawing strength from his own experiences in the Army and in his life.

This is what this bill is all about. The VA's construction project is a plan of the innovative leader of New Jersey's Homeless Assistance Program for Veterans, John Kuhn, who also testified at our hearing and is doing a magnificent job; and he testified with a few other veterans who, likewise, told their stories of being down at the bottom, but finding hope and finding that lifesaver from the VA.

Mr. Speaker, it is difficult to pinpoint any one cause of homelessness among our veterans. Readjustment problems are often associated with direct exposure to combat, such as Mr. Collick's case, and that of thousands, tens of thousands, of others like him, who returned to a seemingly uncaring society.

Also we know that the majority of homeless veterans suffer from mental illness, including posttraumatic stress disorder. Illegal substance abuse often complicates their situations. Some have even served time in jail.

A veteran with an impaired mental state often loses the ability to maintain stable employment. Absent employment, it eventually becomes difficult to maintain any type of permanent housing. The vicious cycle can only accelerate once employment and housing are lost. The absence of these two important anchors, employment and housing, is a precursor for increased utilization of medical resources and emergency rooms, VA and other public hospitals, and, unfortunately, the resources of America's courtrooms, jails and prisons as well.

That is why our legislation takes a comprehensive and multifaceted approach to addressing chronic homelessness among veterans, concentrating the resources of Federal agencies in this campaign. For example, H.R. 2716 authorizes 2,000 additional HUD section 8 low-income housing vouchers phased in over 4 years for homeless veterans in need of permanent housing. These veterans must be enrolled in the VA health care, and priority will be given to veterans under care for mental illnesses or substance abuse disorders. This is a modest proposal that, if successful, I hope will be increased substantially going forward into the future.

H.R. 2617 also authorizes $10 million over 2 years for 10 new Domiciliary for Homeless Veterans programs. These programs, like the one at Lyons, New Jersey, helped Stuart Collick. Again, it was his lifeline; and they have proven to be highly effective, and we need to have more.

The bill improves and expands the VA's homeless grant and per diem program. Currently, recipients of these funds are already contributing substantially to the fulfillment of this bill's objective, to reduce homelessness and provide for the special needs of homeless veterans. This bill authorizes $285 million over 4 years for that program. It also provides a new mechanism for setting per diem payment so it will be adjusted on a regular basis.

Working, as we all know, is an important key to helping homeless veterans rejoin American society, but employment is not possible unless a veteran has access to quality medical care and other supportive services. Safe and drug-free housing is equally important.

The Department of Labor's Homeless Veterans Reintegration Program was designed to put homeless veterans back into the labor force. H.R. 2716 extends and increases the authorization level to $250 million over 5 years for this very effective program.

As I indicated, prevention of homelessness among veterans is an important objective of our bill. H.R. 2716 authorizes a demonstration program to learn whether earlier intervention can prevent homelessness among formerly institutionalized veterans. The program would be carried out at six demonstration sites, one of which would be with the Bureau of Prisons facilities. The purpose of this program is to provide incarcerated veterans with referral and counseling about job training, housing, health care and other needs determined necessary to assist the veteran in transition from institutionalized living to civil life.

Mr. Speaker, these are just some of the highlights of our comprehensive bill, the Stuart Collick-Heather French Henry Homeless Veterans' Assistance Act. I believe the bill accomplishes several very important and interrelated goals. It will provide needed assistance to homeless veterans, lift them to a sustainable level that will prevent them from returning to a state of homelessness, and help them to become self-sufficient individuals who are accountable for their own actions.

This bill will also hold all grant and contract recipients accountable for performing their promised services in exchange for government investments and promote a greater opportunity to work across Departments to provide the best possible service for our Nation's homeless veterans. It also sponsors innovative approaches at prevention of homelessness in high-risk groups within the veterans population.

Mr. Speaker, I want to take this opportunity to thank my very good friend and colleague, the gentleman from Illinois (Mr. EVANS), the committee's ranking member, for a bill he introduced earlier, H.R. 936, to improve Homeless Veterans Assistance Programs. The gentleman and his staff have worked in good faith with me and my staff in fashioning a bill that is truly a bipartisan bill that has taken many elements that are out there, made those that are already working hopefully more responsive, hopefully, and, as this bill would do, provide additional resources for them. I do hope that this will move through the House and obviously to the Senate.

Mr. Speaker, I add the following for the RECORD.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, October 12, 2001.

HON. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 2716, the "Stuart Collick-Heather French Henry Homeless Veterans Assistance Act".

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on Financial Services with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

CHRISTOPHER H. SMITH,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, October 11, 2001.
Hon. CHRISTOPHER H. SMITH,
Chairman, Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: I understand that the Committee on Veterans' Affairs recently ordered H.R. 2716, the Stuart Collick-Heather French Henry Homeless Veterans Assistance Act, reported to the House. As you know, the Committee on Financial Services was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction over housing under rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner and will waive consideration of the bill by the Financial Services Committee. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over H.R. 2716. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the bill that are within the Financial Services Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on H.R. 2716 or related legislation.

I request that you include this letter and your response as part of the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. EVANS. Mr. Speaker, I salute the gentleman from New Jersey (Chairman SMITH) as well. He has done excellent work in bringing this bill about on a very short basis. We know the gentleman has outlined it pretty well. I wanted to just offer a few random thoughts.

Mr. Speaker, we were all horrified by the devastation caused at the World Trade Center in New York and the Pentagon, as well as the tragic loss of innocent life in Pennsylvania which also occurred. Since these senseless acts of terrorism, our service members have been called to put their lives on the line once again.

Many of us have paused to take stock of how America treats their fallen heroes, our veterans. Fortunately, we have a measure before us today that reflects the appreciation of a grateful Nation. This bipartisan legislation we brought to the House floor today will benefit our homeless veterans.

Originally, I had introduced comprehensive homeless veterans legislation in the 106th Congress. Earlier this year I again introduced comprehensive legislation, which received the support of more than 130 bipartisan cosponsors, H.R. 936, as its predecessor was named, to honor the contributions of Miss America 2000 Heather French Henry on behalf of the homeless veterans in our country.

During her years of service as Miss America, she was an untiring advocate for our Nation's veterans and succeeded as no one else in increasing public awareness about this issue. She educated the American people as a result and gave hope to those in need. She is the daughter of a combat-wounded veteran whom she accompanied to the VA for his medical care. Her uncle was also a combat veteran who became homeless after his service to our Nation. She advocated on behalf of homeless veterans with sensitivity and compassion, and I thank her for her contributions.

H.R. 936 addressed some of the most pragmatic hurdles I believe homeless veterans face in re-attaining optimum independence and productivity. Many of the building blocks for homeless veterans' programs are contained in the VA's mental health infrastructure, but there is not enough vital substance abuse and mental health care programs to help our veterans on to the path of sobriety and increased functionality.

I believe that H.R. 2716, as amended, will help us address these deficits and help balance and improve the VA's program for homeless veterans.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the ranking member, the gentleman from Illinois (Mr. EVANS), for his long years of activity on behalf of the homeless veterans in this Nation, and the gentleman from New Jersey (Chairman SMITH), who brings his passion to this activity; and when the gentleman from New Jersey (Chairman SMITH) brings passion to any area, he succeeds. I thank the gentleman for bringing his intensity to this bill and to this issue.

Mr. Speaker, it is disgraceful that in this Nation, 250,000 to 350,000 veterans are on the street every night; people who have served this country, men and women who have risked their lives here and abroad to give our Nation freedom, and yet, for a variety of reasons, they are homeless tonight.

It is a disgrace that this Nation allows this to occur, and it is especially a disgrace that as we are moving more men and women into harm's way, as we fight this war of the 21st century, we have their forbears on the street and not able to participate fully in American life.

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We know we can change this situation.

Many of my colleagues have been to what is referred to as stand-downs around the Nation. The first one happened in my hometown of San Diego in 1987 and I have been at every one of them since. The first 10 or so stand-downs that I went to were immensely moving. What we saw is that people who had been fearful and without any kind of roots in the community were able to come together, be together for 3 days, and the whole community was supporting them and brought in resources that allowed them to be human beings again, and it gave them the resources, in fact, to take and become part of society once more. There was legal advice. There was medical advice. There was job counseling. There were dentists. There were clothes. There was food. There was mental health counseling, drug abuse counseling. But, most of all, there was fellowship and comradeship, and the sense that these, our Nation's veterans, can be cared for once the community decided to do so.

Well, I went to those stand-downs for a decade, moved by the results and moved by the stories that I heard, but then I said, we have learned from these stand-downs that we can solve the problem. For 3 days we have given these men and women something to hope for and something to share and a way out of their predicament, but what happens to the other 362 days? Why does this country not care for those veterans, our veterans, the other 362 days? I said, I am tired of going to stand-downs. What we have to do as a Nation is bring all of those programs together and deal with these heroes of our society.

That is what the chairman of the Committee on Veterans' Affairs is attempting to do with this bill, and that is what the ranking member, the gentleman from Illinois, (Mr. EVANS), with his contributions and his original bill, have attempted to do. They have attempted to bring the different programs together that we know work around medical care, around housing, around job development, around substance abuse and alcohol counseling but, most of all, around the concept that this Nation is not going to let veterans languish on the streets of our country. We have had enough of this. As we are sending new folks into battle, and as we are creating new veterans, we cannot forget the quarter of a million, the 350,000 that are on the streets tonight.

So this bill is a step, a major step, a big step in the direction of bringing those programs together and telling the Nation that we are going to get rid of this problem. I hope that this bill does not become just a bill that authorizes some programs, that this is a bill that is funded, fully funded to take care of people who have taken care of us. We can no longer tolerate this in America. I ask my colleagues not only to pass this bill, but to fight in the appropriations process for money and to take any step that must be taken after this to address the issues that we know have to be addressed.

Mr. Speaker, this is not rocket science. We know what to do. We know how to bring the resources together. The community does that in San Diego and virtually in every major city and other small towns across this country during the stand-downs. Let us make this bill a stand-down for 365 days a year where veterans of our Nation, the heroes of our Nation, can get the help they need and return to our society as productive members. Once again, Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) and I thank the gentleman from Illinois (Mr. EVANS). We are going to take care of our heroes.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 1 minute, just to thank the gentleman from California (Mr. FILNER) for his kind remarks and also to make note that the gentleman from Kansas (Mr. MORAN), the chairman of our Subcommittee on Health, was very, very helpful in crafting this legislation. He is not here today because he is at the White House, or he would be here.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS), a member of the committee and a Vietnam veteran himself.

Mr. SIMMONS. Mr. Speaker, I rise in full and complete support of the Homeless Veterans Assistance Act. First and foremost, this is a bipartisan bill. I think that is incredibly important. During consideration of this bill and its various parts within the Committee on Veterans' Affairs, there were some occasional disagreements, but these were all resolved on a bipartisan basis and all of the various elements of this bill came together so that when this bill ultimately was marked up and reported out of committee, my recollection is that it was unanimous and in fact, I am certain it was unanimous. I think that is an important part of why this is a good bill and why this bill deserves our support.

I believe that all bills dealing with veterans should be bipartisan, because their service to their country is not based on a partisan consideration. When you are in the field, when you are on the frontline, when you are in a foxhole, when you are flying an airplane, when you are on an aircraft carrier or submarine, you do not ask the party affiliation of your comrade in arms. It does not matter. What matters is that you are serving a great Nation and you should be rewarded for your service because you did serve a great Nation, and that should be bipartisan.

I will also note that this bill, in addressing the issue of homelessness, sets a national goal to eliminate homelessness among veterans in 10 years, in 10 years. I think that is an important goal, and I think that is a goal that we should work towards.

It also provides veterans and homeless veterans, especially those with mental issues, priority when it comes to the benefits of this bill. I think that is a very important thing to consider. I left Vietnam in 1972. My last tour in Vietnam ended in 1972. That was almost 30 years ago. Here we are 30 years later, and there are still Vietnam veterans on the streets of our cities homeless in our communities across this country. Thirty years after the war is over, and there are still homeless veterans.

The problem is that the issue of homelessness with veterans goes beyond simply providing a house, a place to live, a structure. One cannot be happy in a house if one is not happy in one's own heart or in one's own head. For many of these veterans, we have to get to the issues of their heart and their head before we can find a home for them.

That is exactly what this legislation does. It partners the veteran with people in various bureaucracies, various elements of the administration, various aspects of the Committee on Veterans' Affairs so that this veteran can actually come home in his heart and in his head to a home.

For these reasons, Mr. Speaker, I support this bill, and I thank the gentleman from New Jersey (Mr. SMITH), the chairman of our committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, and the members of the committee for their fine work on this bill.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume just to conclude.

At the end of every movie we always see a list of credits, and they are the people really, not just the director or even the actor or actress that makes that movie, it is that cast of people that really do the nuts and bolts work of any movie. Well, the same goes for legislation. I think every one of us are very well aware how important staff is, and I just want to say how grateful I am to the professionalism and the competence and, above all, the compassion of our very fine staff. It is a bipartisan staff headed up by Pat Ryan, our Chief Counsel and Chief of Staff; John Bradley, Kimberly Cowins, Greg Carmichael, Kingston Smith, Jeannie McNally, Summer Larson, Darryl Kehrer, Paige McManus, Peter Dickenson, Devon Seibert, Jerry Tan and Art Wu, and the ranking member's staff, including Mike Dunishin and Susan Edgerton, all of whom played major roles in crafting this legislation. I want to express my sincerest gratitude.

Mr. Speaker, this truly is a bipartisan bill. We really want to end the horrific tragedy of homelessness for our veterans, end it for everyone, but first and foremost, those who served this country.

Mr. MORAN of Kansas. Mr. Speaker, the homeless assistance bill before the House today is a bipartisan product. The Committee has combined the best elements of the Chairman's bill, H.R. 2716, the Homeless Veterans Assistance Act of 2001, with those of Mr. Evans' bill, H.R. 936, and I believe our efforts will make a major impact in stemming homelessness in the veteran population.

This legislation incorporates accountability, innovation, prevention, and funding programs that work to reduce homelessness. I believe these are the right tools, and this is the right moment, for us to make a concerted effort to help our homeless veterans.

I want to thank Mr. FILNER and Mr. EVANS for their excellent work to bring this consensus bill to the House floor today. I congratulate the Chairman of our full Committee, Ranking Member EVANS and other Members who have worked on this bill for their substantial contribution to an effort to finally solve this vexing problem. The latest count of homeless veterans totals over 225,000. Those of us who are comfortable in our lives have no idea how horrible these veterans lives are. Access to VA benefits, specialized services and effective outreach are vital components to any hope these individuals have in changing their lives.

This bill can help our country's veterans return to a state of self-sufficiency, accountable for their own actions, with life skills to cope. Our goal is to eliminate chronic homelessness among veterans within ten years. By voting for this bill we take the first step in obtaining our goal of reducing our homeless veteran population. Also, some of our efforts may serve as models for homeless assistance programs for others.

Mr. Speaker, our veterans cannot wait any longer for us to take action on this problem. Homeless veterans need assistance today; they need our help. Please support this measure.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 2716, the James Drappeaux-Stuart Collick-Heather French Henry Homeless Veterans Assistance Act. I am proud to be a cosponsor of this measure and I would like to thank Chairman SMITH, Ranking Member EVANS, and my colleagues on the Veterans Affairs Committee for their hard work on this importannt legislation.

For far too long, too many of the men and women who have served in our nation's military have been homeless. It is a sad fact that an estimated 225,000 veterans throughout the United States live on the streets. That is why I am pleased today to support the passage of

H.R. 2716, which is a critical step in addressing this shameful situation in our country. Among several other provisions included in this bill, H.R. 2716 authorizes 2,000 additional HUD section 8 low-income housing vouchers over 4 years for homeless veterans, establishes a grant program for homeless veterans with special needs, and establishes a limited dental provision for veterans using VA homeless programs. In addition, H.R. 2716 establishes evaluation centers for programs that serve homeless populations and requires annual program assessments to be submitted to Congress. These are just a few of the many critical provisions in H.R. 2716 that will help eliminate the problem of chronic homelessness among veterans. I ask my colleagues to join me in support of this important legislation for the men and women who have sacrificed so much in defense of liberty and democracy.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2716, the Homeless Veterans Assistance Act of 2001. I urge my colleagues to join in supporting this timely appropriate legislation.

This legislation authorizes, in addition to the current existing program, 500 Department of Housing and Urban Development low-income housing vouchers per year for the next 4 years. Along with this, the bill also requires the Veterans Health Administration to increase the number of caseworkers so that all veterans who receive such a housing voucher can be seen by a case manager.

The legislation also requires the VA to ensure the accuracy of its reporting system on: the demand for services by homeless veterans, the level of understanding among grant recipients of their responsibility to serve homeless veterans, and the development of an evaluation system to analyze the progress of veterans enrolled in the program, and on the overall effectiveness of the various homeless programs. The Secretary is also given the authority to rescind or recover homeless grant funds from those programs that fail to meet their established guidelines for using such money with relation to offering services to homeless veterans.

In terms of specific funding, the bill provides $60 million for fiscal year 2002 for the Department of Veterans Affairs Homeless Grant and Per Diem Program, and raises this amount to $75 million for fiscal years 2003–2005. Mofeover, it also directs the VA Secretary to establish 10 new domiciliary for homeless veterans programs, and authorizes $5 million per year for this purpose beginning in 2003.

Finally, the legislation strengthens and expands job training and counseling services offered through the Department of Labor's Homeless Veterans Reintegration Program. Additional services are authorized through the creation of a demonstration project in six locations for veterans in institutional confinement, particularly those with substance abuse problems or mental illnesses. These services are designed to facilitate the successful reintegration of the veteran into productive society.

The issue of homeless veterans is one of our Government's more significant failures with regards to military and social policy. Every night thousands of veterans sleep on the streets or inside shelters. Additionally, many of these individuals have criminal records, substance abuse problems, and are often mentally ill.

Simply put, this is inexcusable. These veterans answered their country's call to service in their prime years. We as a nation have an obligation to these men and women to ensure that they at least have a roof over their heads, and whatever assistance they may require to deal with the demons of mental illness or substance abuse. This bill takes a significant step toward this goal. Accordingly, I urge my colleagues to lend it their wholehearted support.

Mr. RODRIGUEZ. Mr. Speaker, I'd also like to thank our distinguished chairman and ranking member of the House Veterans Affairs Committee for crafting this bipartisan legislation that targets the specialized needs of a often-neglected population within the veterans community—the homeless—which has very little access to services. Last year, the VA issued a report on homeless veterans. It found that during 1999 there were an estimated 344,983 homeless veterans, an increase of 34 percent above the 1998 estimate. Many of our homeless veterans suffer from post traumatic stress disorder (PTSD) and other mental illnesses in addition to drug addiction. Unfortunately, the VA has cut the number of inpatient beds in half.

Many have argued, and the committee has heard testimony to this effect, that the lack of inpatient beds has adversely affected the quality of care for veterans who suffer from substance abuse, many of whom are homeless. The VA admitted during a hearing that they have not met 1996 capacity requirements for substance abuse. So while I'm happy H.R. 2716 authorizes more resources for homeless programs and promotes greater accountability and oversight for these programs, I have concerns with some of VA's policies, which may hinder implementation.

In particular, the VA's move from inpatient hospital settings to community based clinics may have unintentionally turned homeless veterans away from treatment. Therefore, I hope this legislation will enable the VA to better serve this population through aggressive outreach efforts and to render much-needed services as quickly as possible.

The events of the past month have reminded us that our Nation's peace and security must be protected at any cost. Those men and women who answer the call to defend our democracy when it is under attack should be assured that we will take care of them during their time of crisis.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2716, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FRANCIS BARDANOUVE UNITED STATES POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2876) to designate the facility of the United States Postal Service located in Harlem, Montana as the "Francis Bardanouve United States Post Office Building."

The Clerk read as follows:

H.R. 2876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRANCIS BARDANOUVE UNITED STATES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 216 2nd Street, S.W. in Harlem, Montana, shall be designated and known as the "Francis Bardanouve United States Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United State Post Office referred to in subsection (a) shall be deemed to be a reference to the "Francis Bardanouve United States Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2876. This legislation, introduced by our distinguished colleague, the gentleman from Montana (Mr. REHBERG), designates the facility of the United States Postal Service located at 216 2nd Street, Southwest, in Harlem, Montana, as the Francis Bardanouve Post Office Building.

Francis Bardanouve was a Montana State Representative from 1958 to 1994. He chaired the powerful House Committee on Appropriations for nearly 2 decades. His integrity and respect from his colleagues transcended party lines. He was a longtime farmer-rancher in Blaine County, Montana.

Mr. Speaker, I urge adoption of H.R. 2876, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), in consideration of this postal naming legislation, H.R. 2876, which names a Post Office in Harlem, Montana after Francis Bardanouve, which was introduced by the gentleman from Montana (Mr. REHBERG) on September 10, 2001.

Francis Bardanouve represented Harlem, Montana for 36 years, most notably as chairman of the powerful House Committee on Appropriations. He was labeled a conservative Democrat who began his career in the Montana Legislature House of Representatives in 1959, serving until his retirement a few years ago. I want to thank the gentleman from Montana (Mr. REHBERG) for introducing this measure, and I would certainly urge swift passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. REHBERG), the sponsor of the bill.

Mr. REHBERG. Mr. Speaker, let me begin by thanking my colleagues from the Committee on Government Reform for favorably reporting this piece of legislation. Mr. Speaker, I thank the chairman of the Committee on Government Reform and the ranking member for expediting House Resolution 2876 that designates the Post Office building in Harlem, Montana as the Francis Bardanouve Post Office. I also thank the majority leader, the gentleman from Texas (Mr. ARMEY), for scheduling this bill today.

It is important that from time to time we honor individuals within the circle of our communities, those whose lives quietly reflect the best that all of us reach for. Francis Bardanouve is such a person.

Francis's distinguished record in the Montana House of Representatives spanned 5 decades. When his career began in 1959, Dwight Eisenhower was President and George W. Bush was just another 12-year-old boy in Midland, Texas.

□ 1645

Francis was born, raised, educated in Blaine County, Montana. His roots entwine back to a Prussian bandmaster on one side of his family and a French farmer on the other. Besides serving actively as a legislator, Francis has worked hard his whole life as a farmer, a rancher, a husband, and a father.

Having had the privilege of serving three sessions with Francis in the Montana House, I can sum up his public service simply: common sense and compassion. He was both tight-fisted and kindhearted. As a long-serving Democrat chairman of the House Committee on Appropriations, Francis said, "I voted against things I'd like to support. I left frustrated at times because there were things I'd like to do, but we didn't have the money."

Former Montana Governor Ted Schwinden reaffirms this by stating: "Francis was more parsimonious with the taxpayers' dollar than any other chairman over the years."

When Francis announced his retirement in 1999, the Montana House of Representatives passed a resolution honoring him and designating a "Francis Bardanouve Appreciation Day."

This resolution aptly stated: "Francis Bardanouve has never sought personal distinction or reward, but has had his leadership role cast upon him . . . The strong hands of Francis Bardanouve have played a major role in shaping the destiny of Montana."

By designating the Harlem, Montana Post Office the "Francis Bardanouve Post Office," we honor not only a good Montanan who quietly did his duty for many years, but we pay tribute to all those who honorably serve their community and this country day after day without expecting praise.

Public officials come and go, but Francis, please know that your deeds and service will remain forever engraved in the archives of our Nation, the post office in your community, and the hearts of your family and friends.

Mr. Speaker, I urge strong support of House Resolution 2876, and I include for the RECORD a news article regarding this legislation.

The article referred to is as follows:

[From the Independent Record, Apr. 15, 1993]

LAWMAKER HONORED FOR YEARS OF SERVICE

(By Bob Anez)

Rep. Francis Bardanouve bowed his head and blushed Wednesday as he listened to a half-hour tribute from the Montana House commemorating his 34 years as a state lawmaker.

"It's almost overwhelming," he told legislators after hearing praise about his efforts during three decades in the House. "Whatever I have done is what you helped me do."

Bardanouve, a Harlem Democrat, was first elected to the Legislature in 1958 and has served as chairman of the powerful House Appropriations Committee in 10 sessions.

He will not run for re-election next year because the newly drawn legislative districts prevent him from seeking his current seat.

Gov. Marc Racicot read a proclamation declaring Wednesday "Francis Bardanouve Day."

The document lauded Bardanouve for faithfully and diligently serving the interests of the people in his district and the state. It calls Bardanouve a "living institution."

The House unanimously approved a resolution honoring Bardanouve's years of service and branding him "one of the Treasure State's living treasures."

The measure cites his sense of fairness, willingness to listen and ability to make informed decisions.

"Francis Bardanouve has always faced the legislative challenge with energy, wisdom, keen wit and a dedication to the common good," the resolution says. "Francis Bardanouve has never sought personal distinction or reward, but has had his leadership role cast upon him."

The resolution calls him a believer in equality, fairness and integrity, and adds, "The strong hands of Francis Bardanouve have played a major role in shaping the destiny of Montana."

Several former and present lawmakers who have sat next to Bardanouve over the years recalled their sessions with the Harlem farmer.

Speaker John Mercer, a Polson Republican who was 2 years old when Bardanouve first became a legislator, advised him, "Take great pride in your accomplishments.

"This House will always belong to you Francis," he added.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I once again want to commend the gentleman for honoring such an outstanding individual by naming a post office after former Representative Bardanouve.

I also want to thank him for educating many of us who did not know that there was a Harlem, Montana. Generally, when we think of Harlem, we think of New York. So we thank the gentleman on both counts.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I urge all Members to support this measure, H.R. 2876, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2876.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EARL T. SHINHOSTER POST OFFICE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2261) to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office."

The Clerk read as follows:

H.R. 2261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EARL T. SHINHOSTER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, shall be known and designated as the "Earl T. Shinhoster Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Earl T. Shinhoster Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2261.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2261, introduced by our distinguished colleague, the gentlewoman from Georgia (Ms. MCKINNEY) designates the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the Earl T. Shinhoster Post Office Building.

Members of the entire House delegation from the State of Georgia are original cosponsors of this legislation.

Earl Shinhoster was a dedicated community servant, both locally and globally. His efforts to observe and monitor elections in Africa helped to promote democracy and freedom, while his service as a Georgia State coordinator of voter education and his many roles with the National Association for the Advancement of Colored People helped strengthen domestic civil liberties, voting rights, and equality.

His persistence to forward our Nation's values will be missed, and this post office designation is a fitting tribute to his memory.

Mr. Speaker, I urge adoption of H.R. 2261, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), in consideration of H.R. 2281, which names a post office in Decatur, Georgia, after Earl T. Shinhoster.

H.R. 2261 was introduced by the gentlewoman from Georgia (Ms. MCKINNEY) on June 20, 2001.

Earl T. Shinhoster, a native of Savannah, Georgia, was a prominent civil rights leader and Director of the NAACP's Voter Endowment Project, a national voter registration project. He dedicated 30 years of his life to working in various leadership positions with the NAACP, serving as the organization's Acting Executive Director and Chief Economic Officer for 2 years in the mid-1990s.

Until his death last year, Mr. Shinhoster was involved in his business, the Shinhoster Group, and served as President of the Sister Cities Association of Greater Decatur, Inc.

Mr. Speaker, I thank my colleague, the gentlewoman from Georgia (Ms. MCKINNEY), for introducing this measure to honor such an outstanding individual who spent so much time with the National Association for the Advancement of Colored People. We all know the role that it has played in the development and protection of civil rights and civil liberties in this country.

I would urge swift passage of this bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I also thank my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), and the gentleman from Illinois (Mr. DAVIS), for their kind words on behalf of Mr. Shinhoster.

I was very happy to introduce this bill several months ago, and to announce its introduction at a special memorial service held at Martin Luther King, Jr.'s former church, Ebenezer Baptist Church.

First, let me thank the gentleman from Indiana (Chairman BURTON), for his help and cooperation in bringing this important legislation to the floor. When this bill leaves the House, Senator MAX CLELAND of Georgia will usher it through the Senate.

Earl Shinhoster, for those who did not have a chance to know him or know of him, was a wonderful activist, father, husband, and friend. I knew him first as an activist. Most of America got a chance to know him because he was an activist.

But as we got to know him, we learned that he operated in many dimensions; that while he served the family of man, he was also very much a family man.

His wife, Ruby, was so generous. She shared her Earl with all of us. And although Earl was also a father to Michael Omar, Earl also fathered to the vitality of the movement for the rights of America's poor and dispossessed. I thank Ruby and I thank Michael Omar.

The family of activists that helped to make America a better place were all friends of Earl Shinhoster: Reverend James Orange, former Ambassador Andrew Young, Mrs. Coretta Scott King, and our own colleague, the gentleman from Georgia (Mr. LEWIS).

But now Earl has joined the legion of human rights activists who came before him, from Sojourner Truth to Harriet Tubman, from Frederick Douglass to Henry McNeal Turner. It was Turner who said, "I am here to demand my rights and to hurl thunderbolts at the man who would dare to cross the threshold of my manhood. . . ."

This line alone epitomizes the life Earl Shinhoster led. Earl was strong, proud, well-spoken, and internationalist. It has been little more than a year since Earl left us, but I can rest in the certainty that Martin is on his left side and Malcolm is on his right side.

Earl died an untimely death, but we know that his life was not spent in vain. I just want to take a moment to reflect on his legacy of helping and serving, and to suggest to all who will use this post office that the man we honor is well worth their emulation.

When Earl believed in a thing, he gave himself wholeheartedly. Earl served as Executive Director and CEO of the national NAACP in Baltimore, but Earl was also the Chairman of the Georgia delegation to the National Summit on Africa, and lived every day of his adult life working on behalf of his people.

In the words of Walter Butler, Jr., President of the Georgia State Conference of the NAACP, "Earl gave his life that others could enjoy the fruits of the Constitution of life, liberty, and the pursuit of happiness."

For younger people, if they were to study his life, they would find a man who came through the ranks of the civil rights movement. Earl started out in Savannah, Georgia, an area I used to represent in my first term in Congress, the old 11th District of Georgia.

In Savannah, he was active in the Connie Wimberly Youth Council. From there, it was on to the NAACP, which became for Earl a labor of love. He started out as a volunteer youth leader and rose all the way to the CEO position.

Like Malcolm and Martin, Earl was international. His passion for Africa, her suffering, and his efforts among the people there was another part of Earl's ministry. He once served as Field Director for the National Democratic Institute in Ghana, where he trained local citizens to serve as election monitors.

From Ghana his interest spread to Liberia. At the time of his death, he was assisting the country of Liberia. He was touring the United States with Liberia's First Lady, Mrs. Jewel Howard-Taylor, offering an opportunity for black Americans to learn firsthand what was happening in Liberia and how we could help.

As a result, the country of Liberia, by order of its President, made Earl T. Shinhoster a citizen of Liberia posthumously, offered land to his family, and is helping to establish the Earl T. Shinhoster People to People for Africa Foundation.

We now are in a position to honor Earl and ensure his legacy. We are in a position to ensure that his work and mission continue.

This bill would not have come this far without the support of the Georgia delegation to the House of Representatives, and I would like to personally thank the gentlemen from Georgia, Mr. COLLINS, Mr. ISAKSON, Mr. LINDER, Mr. LEWIS, Mr. BISHOP, Mr. DEAL, Mr. KINGSTON, Mr. NORWOOD, Mr. CHAMBLISS, and Mr. BARR, in their endorsement of this bill.

In closing, the circumstances that led to the tragic accident that claimed the life of this civil rights icon serve as marching orders for us to continue the valiant pursuit for justice, peace, and equity.

The tire that blew out and reportedly led his Ford Explorer to flip out of control was discovered to be a Firestone tire, the same model tire whose defective design has led to the death of dozens of people and scores of injuries across the world.

Firestone, in its beginning through colonial conquests in Africa, seized millions of acres of land to exploit the rubber that produces their tires, and today still holds the property. This hold contributes to the fight for space within this war-torn area.

So in addition to building on his legacy, we have to fight on behalf of families and victims of the Ford Explorer/Firestone Tires debacle, and we must fight for the people of Africa who are, all too often, unable to fight for themselves. We must help them find a way to stop the plunder and rape of Africa's human, mineral, and strategic resources.

To date, Firestone and Ford are reluctant to admit responsibility for the failure of their products. I know Earl will not rest until we help Africa receive real security and peace through justice.

In life, Earl believed his work for the NAACP, for civil rights, for equal rights did not suffer while he worked on Africa-related issues. Indeed, we know that the work for human rights has no boundaries and knows no end as long as there is evil on this Earth.

I have received Earl's marching orders, and I know that all is well with him as long as each and every one of us who was touched by him remembers his values and America's values as we traverse these dangerous times right now.

Let us continue to show the world, as Earl T. Shinhoster did through his work, that if you work on behalf of the people, you will truly live forever.

□ 1700

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further speakers at this time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield as much time as she might consume to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank my colleague for allowing me this opportunity to say a few words about Earl Shinhoster.

I knew Earl Shinhoster, and it is an honor to rise in support of H.R. 2261, designating a post office in Decatur, Georgia. It is in Decatur, Georgia; but Earl Shinhoster is known throughout this world.

Mr. Shinhoster is an American hero who led the southeast region of the NAACP during the last decades of the 20th century. I am proud to have known Earl Shinhoster and to share in the magnificent legacy he has left for America.

Mr. Shinhoster played a defining role in America's quest for justice and equality of opportunity during a major transitional period in the Nation's history. Designating this post office in his honor pays tribute to a young American crusader whose courage and wisdom appealed to our noblest character as a Nation, and the committee should be commended for naming this post office after Earl Shinhoster. So does honor go to the gentlewoman from Georgia (Ms. MCKINNEY), who has always been a fighter in the area of civil rights, for taking the opportunity to recognize all of the good things that Earl Shinhoster did.

He labored, struggled, sacrificed, and gave his all to address the challenges of racial equality, wherever they emerged, police use of deadly force, academic excellence in the schools, racial disturbances, fair immigration practices, school busing, fair housing, insurance redlining, mortgage discrimination practices, fair political redistricting, voter education, and participation.

The history of Earl Shinhoster is a history of African Americans in the southeastern United States. His life chronicles the ongoing struggle of African Americans for equal rights and social justice. For those of us who knew him and worked with him, this post office will cause us to pause and reflect on his journey and remind us of the challenges that we must meet in this day and time.

For generations of Americans to come, the naming of this post office lets them know that there was a young American named Earl T. Shinhoster whose intelligence, vision, and leadership guided his people and this country toward our goal of freedom, justice, and democracy for all.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Georgia (Mr. LEWIS), who is noted as a contemporary pioneer of the civil rights movement.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my dear friend and colleague, the gentleman from Illinois (Mr. DAVIS), for yielding the time; and I want to thank my friend and colleague, the gentlewoman from Georgia (Ms. MCKINNEY), my neighbor next door, for bringing this legislation before us.

Mr. Speaker, I rise today to support the designation of the Earl T. Shinhoster Post Office in Decatur, Georgia. Earl Shinhoster was a great American.

I knew Earl. He was a friend of mine. He had a distinguished career of public service in Georgia, the Nation, and the world. Before his premature death last year, Earl lived in DeKalb County, Georgia, in metropolitan Atlanta with his family. He was a devoted husband, father, and brother. He was more than just a resident of Georgia; he was a citizen of the world.

Earl was born and reared in Savannah, Georgia. He loved our State. He loved our Nation. He traveled the length and breadth of the American South, into south Georgia and to the delta of Mississippi and the black belt of Alabama, eastern Arkansas, North Carolina, South Carolina, the bayou of Louisiana. Everybody in this part of the country knew Earl Shinhoster. He also traveled to Africa. He cared about her people, and he loved the people of the motherland.

Earl Shinhoster was a leader of the NAACP for more than 35 years. At the time of his death he was a director of Voter Empowerment, a national voter registration and education program. He was involved in efforts to raise census participation among blacks and others. It is because of his tireless work for voter education and voter participation, voter registration, turning out the vote, that many of us are where we are today.

Earl Shinhoster cared about people. He loved people. He was a graduate of Morehouse College. He loved Morehouse. He loved his school. He cared about human rights and civil rights. He cared deeply about all of the people of this land and of this planet. He cared about being empowered and empowering others. He cared about equal access and equal opportunity.

Throughout his life, Earl was always looking for creative ways to break down the barriers that separated us, to make things a little fairer, a little better. He truly lived to make a difference. I was there.

Mr. Speaker, Earl's eyes were always on the prize. He did not have time for small talk or just playing around or what some people call horsing around. He was a very serious young man.

Though his life was tragically cut short, his legacy must live on so that others may know and be inspired by this great American and the unbelievable impact he had on Georgia and our Nation and so much of our world.

For these reasons and others, Mr. Speaker, I support the designation of the Earl T. Shinhoster Post Office in Decatur, Georgia.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not have any additional speakers, but I do know the gentleman from Mississippi (Mr. THOMPSON) had intended to be here and speak on behalf of this bill; and had he been able to make it, I am sure that he would have done so.

Mr. Speaker, I want to thank all of those who have spoken, because through their eloquence, they have permitted us the opportunity to relive the life and legacy of Earl Shinhoster and also to pay tribute and recognize the tremendous work of the NAACP.

As a matter of fact, I was in Decatur, Illinois, Saturday with the Illinois chapters and there are so many similarities and so many things are relevant. So I simply thank all of them.

I commend the life and the work of Earl Shinhoster.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself 1 minute to conclude.

Mr. Speaker, I think we have all heard how much Mr. Shinhoster was admired and respected by his colleagues and how much he has done for Georgia. I urge all Members to support this measure.

Mr. BISHOP. Mr. Speaker, if I were asked to describe Earl T. Shinhoster in a single word, "patriot" would be the first that would come to mind.

From his teen-age years until his untimely death at 47, he devoted his life to making the promises so eloquently expressed in the Declaration of Independence and the U.S. Constitution—promises such as justice, opportunity, and the freedom to pursue one's dreams—apply to every citizen.

We could also call him a "relentless fighter" and a "thoughtful leader."

Earl Shinhoster exemplified all of these qualities during three decades of service with the NAACP. As executive director and chief economic officer, he achieved renewed stability by sharply increasing membership and reducing indebtedness. As director of the Voter Empowerment Project, he increased registration and opened the political process to thousands of people. During the last census, he worked diligently to boost participation by African Americans in an effort to ensure that every American would be counted.

In one of his final public appearances, he urged fellow members of the NAACP to always keep fighting for the cause of humanity—and to always uphold the values they learned in their family, church and school. He was a man of courage, of commitment and of principle.

Mr. Speaker, I urge our colleagues to support H.R. 2261, a bill introduced by my colleague from Georgia, Congresswoman MCKINNEY, to name a Decatur, Georgia Post Office in memory of Earl T. Shinhoster, as a fitting tribute to a great American patriot.

Mr. HILLIARD. Mr. Speaker, I rise to speak of my friend Earl Shinhoster, who died on June 11, 2000, in a car accident.

This good man joined many of us in struggling to make America better in innumerable ways. He spent 30 years with the National Association for the Advancement of Colored People (NAACP).

This organization was the original civil rights organization, and it still stands among the great leaders for human rights in the world.

Earl Shinhoster began at the age of 13 stuffing envelopes, sitting-in and picketing for the basic civil rights of American people. He stayed with it, humbly saying later in life that he had never had a real job, just a calling and a movement.

He served as the NAACP director of the Southeast until he was called in 1995 to be acting director and chief executive officer of the national organization.

While in the South, he traveled to every meeting he could attend, in cities, on farms, in the poorest areas of the poorest area of our nation. No one was beneath him; no one was too poor or oppressed for his attention, love and service.

Few of us have served so well and so consistently as Earl Shinhoster. Few have asked for less compensation or sought less recognition. He was a servant of the people, of freedom and of God. Earl Shinhoster was a graduate of Morehouse College, where I also graduated.

When he died in that automobile accident, he was picked up by a chariot and taken to a higher place. He asked for no praise, but he will never be forgotten. Where he walked, there remains traces of his life on the hearts of everyone. We must all be grateful for his life and sing his memory in our songs.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2261.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRESSMAN JULIAN C. DIXON POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2454) to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the "Congressman Julian C. Dixon Post Office Building," as amended.

The Clerk read as follows:

H.R. 2454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, and known as the Latijera Station, shall be known and designated as the "Congressman Julian C. Dixon Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the Congressman Julian C. Dixon Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2454.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2454, introduced by our distinguished colleague, the gentlewoman from California (Ms. WATSON), designates the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California as the Congressman Julian C. Dixon Post Office. Members of the entire House delegation from the State of California are co-sponsors of this legislation.

Julian C. Dixon served as a Member of Congress representing the Los Angeles, California area. Mr. Dixon served 10 terms in the U.S. House and had just been elected to an 11th term when he passed away in December of last year. Congressman Dixon was a tireless advocate of civil rights and as the highest ranking Democrat on the Permanent Select Committee on Intelligence, a highly respected voice on national security issues. He was also a friend of many Members of this House and will be sorely missed.

Mr. Speaker, I urge adoption of H.R. 2454, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pride and pleasure that I stand to help honor and pay tribute to the late Congressman Julian Dixon. Julian grew up in California, went to school, went in to the military, returned home, finished college, went to law school, became a member of the California assembly. He was a graduate of California State University in 1962 and a 1967 graduate of Southwest University Law School in Los Angeles. He served in the military from 1957 to 1960, rising to the rank of sergeant before returning home where he practiced law.

Mr. Dixon got involved in public activities and public life. He was elected to the California assembly. He was elected to the U.S. House of Representatives where he served as a senior member of the powerful Committee on Appropriations where he once chaired the Subcommittee on the District of Columbia. In addition to serving as ranking Democrat on the House Permanent Select Committee on Intelligence, he served as chairman of the Committee on Standards of Official Conduct.

During the 1980's, Julian Dixon was the chairman of the Congressional Black Caucus. He was noted as being a sound politician who was not only well respected among his colleagues but his constituents also. I was pleased to call him brother because we both were members, and I still am, of Alpha Phi Alpha fraternity where Julian was well known, well respected and well loved.

Mr. Speaker, I encourage all of my colleagues to support H.R. 2454, to name a post office the Julian C. Dixon Post Office Building.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WATSON), the author of this legislation.

Ms. WATSON of California. Mr. Speaker, I rise to speak in support of H.R. 2454, a bill I introduced to name a United States post office in my congressional district, and Julian's, after the late Congressman Julian C. Dixon.

Julian Dixon dedicated his life to serving his community. He ably represented his friends, his neighbors, and his constituents from Los Angeles and Culver City in Congress for over 2 decades. We went to high school together. I graduated the year ahead of him, and I followed him into the legislature. When he went to Congress, I went to the Senate. I took his staff, who remained with me for over a decade.

During his tenure, Julian served his community, his country and this institution by often taking on some of the toughest jobs here in Congress. Among those tough assignments was his chairmanship of the House Committee on Standards of Official Conduct. As chairman of this ethics panel, Julian was praised for the even-handed and deliberate manner in which he handled difficult cases involving his colleagues in the House.

Julian also served as the most senior Democrat on the House Permanent Select Committee on Intelligence. His colleagues in the House and within the U.S. intelligence establishment have often commented on how they valued Julian's experience and wisdom on questions of national security.

With the risk and challenges of America's current struggle against terrorism, Julian's contribution to this effort will be sorely missed by his friends, his colleagues and his constituents.

☐ 1715

While serving his Nation, Julian never forgot about serving his community back home in Los Angeles, California, and in Culver City. When the 1992 civil disturbances tore apart neighborhoods in Los Angeles, Julian responded with creative ideas to rebuild neighborhoods and restore the hope. He fought for aid to small businesses and families impacted by the emergency. Typical of his approach was the "Angel Gate" program, which takes disadvantaged youth from inner city schools and gives them the opportunity to get additional math and science education from the California National Guard. When the Northridge Earthquake struck Los Angeles in 1994, Julian once again responded quickly to help his community recover.

Julian's commitment to Los Angeles was not limited to responding to crises. He was a tireless booster of his community and worked to bring improvements to the lives of his constituents. Many Angelenos probably remember him as a moving force behind the construction of the region's public transit infrastructure. Anyone from Los Angeles knows that traffic is a constant challenge. Julian worked hard to find solutions to improve mobility for all Angelenos.

But I believe that Julian's most lasting legacy will be his commitment to civil rights. Julian represented a district that is still one of the most diverse in the country, both in ethnic origin and social economic status. Throughout his career, he worked to promote policies that would give all Americans the opportunity they deserve to share in the American Dream. Julian was a tireless advocate for his constituents, his community, and his Nation. The "Congressman Julian C. Dixon Post Office" can only be a small part of the legacy of this great American; but I am so proud to play a role in serving the memory of my classmate, my friend, my neighbor, and my congressman, Julian C. Dixon.

H.R. 2454, I am proud to say, has been cosponsored by 69 of Julian's House colleagues from both parties; and I would like to thank Speaker HASTERT, Leader GEPHARDT, the gentleman from Texas (Mr. ARMEY), the gentleman from Michigan (Mr. BONIOR), and the entire California delegation for their cosponsorship. I am certain that Julian would be honored by the amount of support that this bill has received.

Once again, I thank my colleagues, and I urge a huge vote for H.R. 2454.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time and also for his work in bringing forward this bill, and I thank the gentlewoman from Virginia as well for her work.

I am particularly grateful to the gentlewoman from California, the worthy successor of Julian Dixon, for her work early in her term in bringing forward a bill that she will find unanimous agreement on, I am almost sure, in this body.

Mr. Speaker, we like to think that post offices are named on the basis of sheer merit. I am not prepared to speak in the aggregate, but I will vouch for this one. No one was prepared for the sudden death of Julian Dixon, or for that matter of any Member; and when Julian died, he brought a huge plane load of people from both parties to California to his funeral. Least prepared, of course, were his own constituents, if I may say so, and a close second were the residents of the District of Columbia, whom he served for 15 years as Chair of the Subcommittee on the District of Columbia of the Committee on Appropriations.

It should be enough to have a post office named for you because you were a good Member, or even that you served two districts, the way Julian did, his own preeminently, but also the District of Columbia; but I would like to put forward four reasons why I think this courthouse naming is especially merited: the unique institutional role that Julian carved out in the Congress, his prolific work as a model legislator, his unique service to the District of Columbia, and the character and collegiality of this man, one of our most admired in this House.

First, institutionally. Julian not only served his constituents with the most extraordinary excellence, he served this institution uniquely. He was Chair of the Committee on Standards of Official Conduct when the Speaker of his party was brought before the committee, and he was a Member of the Permanent Select Committee on Intelligence advising on the security of the United States of America. Very difficult assignments, which he performed, passionate man though he was, with such balance and nonpartisanship that his stature grew in this House to a towering dimension. He served on both these committees at very difficult periods in the life of this body.

Second, his work as a legislator and as a model for other Members, Julian was fifth on the Committee on Appropriations when he died. He had been named one of 12 unsung heroes for his sheer ability to gather support for his position on appropriations and in the Congress. Of course, he brought millions of dollars to his own district in California; but he will be remembered just as much as the architect of appropriations in the national interest, especially civil rights.

Third, his unique role in service to the Nation's Capital. Here was a labor of love, Mr. Speaker. Because you get nothing for being Chair of the Subcommittee on the District of Columbia. Of course, this was a native Washingtonian whose parents took him to California. That should have been enough for Julian to say "bye-bye, D.C." Instead, he, in fact, for 14 years, worked tough love with great respect for self-government and democracy in the Nation's Capital.

Finally, the man himself. Here is a Member who ranks among the most admired. If there were a list of all-time most admired, Julian Dixon is going to be right up there near the top. Why? Character, temperament, for collegiality, for intelligence, for hard work.

He was a man of few words. He did not jump up on this House floor every time we were in session just to say what everybody else was already saying. And people, therefore, listened, stopped to listen, stopped to hear, because they knew when Julian spoke it was worth hearing.

In naming a courthouse for Julian Dixon, we only begin the process of honoring a man of the House who always will be remembered, I believe, in the House that he loved.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, let me first thank the gentleman from Illinois and the gentlewoman from Virginia for their management of this bill, and my dear friend and colleague, the gentlewoman from California (Ms. WATSON), for sponsoring this important piece of legislation.

Mr. Speaker, I rise today to pay homage to the late Julian Dixon, the great Congressman who represented the 32nd Congressional District of California. Julian Dixon served in the House of Representatives with distinction and honor. He was a personal friend whom I admired and respected. It is appropriate and fitting that we are honoring his life and political legacy by redesignating the post office located at 5472 Crenshaw Boulevard in his name.

Julian Dixon was a tireless public servant. He aspired to and succeeded in effectively representing his constituents. Julian won reelection in west Los Angeles with over 84 percent of the vote. He enjoyed immense bipartisan support among his peers. He was known for his integrity, patience, intellect and diligence. Those qualities served him particularly well during his tenure as the ranking Democrat on the House Permanent Select Committee on Intelligence and as a senior member of the Committee on Appropriations. He previously chaired the Subcommittee on the District of Columbia for the full Committee on Appropriations. At a time when allies for the District were few in numbers, Julian's efforts were, indeed, Herculean.

Leadership was always his calling; and during the 1980s, he served as the chairman of the Congressional Black Caucus. His leadership was under a microscope and bright lights during his term as chairman of the Committee on Standards of Official Conduct. Julian's chairmanship coincided with the turbulent era of House scrutiny that focused on ethics violations by a former illustrious Democratic Speaker of the House, who was later forced to resign. Julian Dixon had the unenviable task of conducting a fair and impartial bipartisan investigation of a well-respected Speaker. With his quiet and calm demeanor, Julian dispelled false notions that he could not be fair in conducting a historic investigation. He proved his detractors wrong and received kudos for his impartiality.

An astute politician, Representative Dixon was also a staunch ally of the defense industry in California. As a member of the Subcommittee on Defense, he planned his work and worked his plan until he delivered the scope of appropriations necessary to ensure the competitiveness of defense contracting companies in Southern California.

Julian was committed to ensuring that the Los Angeles transportation system would accommodate the needs of his citizens. He was especially attentive to expanding the commuter rail. His efforts were instrumental in enabling employees to reach work via rail as opposed to having to rely on personal vehicles.

The premature death of Representative Dixon surprised all of us, because as elected officials from Southern California, we relied on his steadfastness and consistency. Although his passing created a tremendous sense of loss for the members of the Congressional Black Caucus, it sparked a resurgence of political rededication by local elected officials to seize the mantle of leadership and fill the void.

Julian cast a giant political shadow, and we continue to reflect on his lasting political contributions. I treasure my service in Congress with my former colleague. The naming of this post office in his name is a small symbol of our congressional gratitude for his work. But our efforts pale in comparison to the wonderful and many deeds he performed on behalf of the constituents he loved and faithfully served.

Nonetheless, I am proud to offer my political support on behalf of H.R. 2454.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, Congressman Julian Dixon was a legislative pioneer and a trusted colleague. It is only fitting that this post office in Los Angeles be named as a testament to his legendary career.

During Julian's 22 years in Congress, he worked tirelessly as an advocate for the people of the 32nd district of California, as well as for all of the people of California and of the people of this Nation.

One of Julian's most notable, but perhaps lesser-known, accomplishments came in 1994, when he spearheaded the passage of a bill that provided $8.6 billion in relief for the Los Angeles earthquake victims, and specifically forbade using the funds for discrimination on the basis of sexual orientation.

□ 1730

This was the first time language banning sexual discrimination was included in Federal law.

Julian was a great hero. He was a great hero for human rights. We in this body must follow his example. We must build on the essence of his inclusive vision. Mr. Speaker, we miss Julian.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time, although I note that the gentleman from California (Mr. FARR) and the gentleman from Georgia (Mr. LEWIS) were desirous of making comments relative to the contributions made by Representative Dixon. I know all of the brothers of our fraternity, Alpha Phi Alpha, every time they visit California and get an opportunity, each one of them will go by and visit the Julian C. Dixon Post Office.

Mr. Speaker, I thank the gentlewoman from Virginia for her courtesy.

Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I urge all of my colleagues to support H.R. 2454. I did not have the opportunity to know Mr. Dixon, but he sounds like a great man and I urge all of my colleagues to support this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of this legislation which will redesignate the postal facility at 5472 Crenshaw Boulevard in Los Angeles as the "Congressman Julian C. Dixon Post Office Building," in honor of my colleague and friend Congressman Julian C. Dixon of California. There is much that I could say, but a day, a week, even a month would not allow me enough time to express all that Julian C.

Dixon was to his family, colleagues, friends, constituents nor to God's good works here on earth.

A son is a mother's and father's best hopes and dreams personified. A husband is a wife's best friend, companion and advisor. A father is a counselor, aide and active participant in the lives of his children. Congressman is the title bestowed to those among us who are selected by the residents of our communities to represent the people's interest in our nation's democracy. A leader among Members of Congress demonstrates himself as a pillar of strength for our community of public servants who populate the halls of power within federal government.

These are only a few of the titles that the Honorable Julian C. Dixon gathered during his brief 66 years with us.

Congressman Dixon honorably represented the residents of the 32nd Congressional District for twenty-two years. He was first elected in 1978 to serve the residents of the 32nd District of California, which includes the greater Crenshaw community, parts of West Los Angeles, and the city of Culver City. Julian Dixon's reputation as an intelligent, politically savvy team player with high ethics and tough judgement made him a mover and shaker on Capitol Hill from his earliest days here in Washington, DC.

Julian Dixon was appointed to the House Appropriations Committee and rose quickly to become chairman of the District of Columbia Subcommittee, where he championed the cause of disenfranchised District of Columbia residents for a larger voice their city's governance. As a member of the Appropriation Subcommittee on Defense; the Subcommittee on Commerce, Justice, State, and Judiciary; and the Subcommittee on the District of Columbia he always put people first, and did so with a spirit of cooperation and conviction rarely found in these hallowed halls.

As a member of the House Appropriations Committee Congressman Dixon found ways to balance the needs of poorer residents of his District with those holding large economic interests. For example, he sponsored a loan guarantee act for small businesses hurt by military base closings and defense contract terminations.

Julian Dixon believed in helping the helpless and proud to stand under that banner. He was not apologetic, as some have been, because of the scorn shown to public servants that work for justice and equity for the poorest Americans, while insuring fairness for all. In living his convictions to serve all of his constituents he stepped in with "dire emergency" supplements for Los Angeles after the riots in 1992 and the Northridge earthquake in January 1994.

Because of his impeccable character and commitment to the Democratic Party he chaired the rules committee at the Democratic National Convention in 1989. Later in 1989 he chaired the House ethics Committee where he also served with distinction. In acknowledgement of his keen leadership, In Janaury 1999, Minority Leader RICHARD GEPHARDT pointed the Congressman ranking member on the House Permanent Select Committee on Intelligence, making him the highest—ranking Democrat on this exclusive 16-member panel.

The 106th Congress marked Congressman Dixon's 11th term in the House of Representatives. His work as a public servant was highly respected, and his stature as a statesman unmatched. For this reason and many others, members from both sides of the aisle will miss Julian. Julian Dixon, while serving in the United States House of Representative, lived the lessons of his life in earnest—truth, justice, equality, and compassion for all.

God called Julian to Himself and now it is our heavy burden to continue Congressman Dixon's example without his guidance and maturity. This postal dedication is a fitting tribute to a man whose, selflessness, compassion, and patriotism serves as a beaçon to all citizens of this national committed to living in a better America.

Ms. LEE. Mr. Speaker, I rise in strong support of H.R. 2454, to dedicate a U.S. Postal Service facility in Los Angeles after the late Congressman Julian Dixon.

Representative Dixon proudly represented west Los Angeles as a Member of Congress from 1979 until his untimely passing in 2000. He was the ranking Democrat on the House Permanent Select Committee on Intelligence and a senior member of the Appropriations Committee, where he tirelessly worked to expand and uphold civil rights.

Representative Dixon worked hard to represent his district and beyond. He was a champion and leading supporter of the Los Angeles commuter rail system. He was known for his efforts to boost the economic standards of his district and maintain the nation's commitment to uphold basic human rights.

Representative Julian Dixon was regarded as a leader, friend, and mentor to many of us.

I urge my colleagues to support this bill to designate the post office in honor of Representative Julian Dixon and his heroic work throughout his lifetime.

Mr. SCHIFF. Mr. Speaker, I would like to take this opportunity to honor the memory of Representative Julian Dixon by strongly supporting the redesignation of the facility of the United States Postal Service located in Los Angeles, California, as the "Congressman Julian C. Dixon Post Office Building."

Born in Washington, D.C., Dixon moved to Los Angeles where he attended California State University at Los Angeles and earned a law degree at Southwestern University. A bold, consistent voice for minority rights, Dixon devoted his life to serving Los Angeles, D.C., and the country as a whole.

Starting out as an attorney, he spent three years in the California State Legislature where he rose to the post of chairman of the Assembly's Democratic Caucus before running to represent the area of west Los Angeles in the U.S. Congress. Once there, he tirelessly served his district, which stretches from Koreatown to Culver City and from Cheviot Hills to Crenshaw, for eleven impressive terms.

Dixon served on the Ethics and Appropriations Committees, was the ranking Democrat on the House Permanent Select Committee on Intelligence, and chaired the subcommittee overseeing the District of Columbia. Additionally, he served as a chairman of the Congressional Black Caucus.

He was a relentless, charismatic leader of civil rights, education, and urban development and loyally committed to his constituents. A perfect example of this is the effort he put forth in 1994 to introduce and spearhead the passage of a bill providing $8.6 billion in relief for Los Angeles earthquake victims. Because this bill specifically forbade discrimination on the basis of sexual orientation, it set a precedent as the first language banning discrimination based on sexual orientation being included in federal law. However, this was not the only time he set precedent. While on the Appropriations Committee, he successfully lead the fight for federal funding of Los Angeles area public transportation measures—specifically its much-needed Metro Rail subway project. Additionally, he responded to constituents needs by making constant inroads on crime and gang prevention, by committing himself to improving Los Angeles schools, and by obtaining a "dire emergency" supplemental appropriations bill after the Los Angeles riots to meet emergency needs in his district and other affected areas.

Julian Dixon is a true example of the difference one person's passion can make upon the lives of the American people and the way government works. His life-long commitment to improving his city and country is truly commendable and will not be forgotten.

Mr. BISHOP. Mr. Speaker, when Julian Dixon became chairman of the House Ethics Committee some years ago, a reporter asked a political scholar at one of Washington's think-tanks to evaluate the veteran House member from California. The scholar thought for a moment, and answered that he was basically a quiet man—but one who was also extremely bright, deep, thoughtful, tough, and extraordinarily effective.

To those of us who knew him and served with him, he was all of these things during his many years of legislative service—and more!

To me, he was a mentor and friend. When I arrived in Congress, I soon recognized that while his style may have been low-key, he was truly an impressive mover and shaker who was achieving many things others were unable to achieve—one who was uplifting the poor and disadvantaged protecting the integrity of the legislative process, and building a stronger and more secure country.

While he fought as hard as anyone I know for causes he believed in, he fought truthfully and fairly. And, when it was over, he invariably retained the deep respect and friendship of those with whom he differed. There are many fighters, but only a rare few who end up bringing people closer together.

It is a privilege to rise in support of H.R. 2454 to designate a Post Office in his hometown of Los Angeles as the "Congressman Julian C. Dixon Post Office Building."

Mr. WAXMAN. Mr. Speaker, I urge my colleagues to support H.R. 2454, a bill that would name the U.S. post office facility on Crenshaw Boulevard in Los Angeles after my good friend Julian Dixon, who served in the House from 1979 until his death last December.

Julian was a giant of a man and a great legislator. I was fortunate to have the opportunity to know and work with him for three decades. He never asked for public credit or press attention. He simply worked hard and effectively for our country and the people he served. His leadership over the years on the Appropriations, Defense, Ethics and Intelligence Committees and in the Congressional Black Caucus earned him the respect and admiration of all Members of Congress. Julian never failed to rise above partisanship for the good of the Congress and our nation.

Congressman Dixon was a great statesman. I urge the passage of this fitting tribute.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of H.R. 2454, to name a Post Office in Los Angeles, California after my friend, mentor, and fellow Angeleno, Congressman Julian Dixon.

And I commend my colleague, Congresswoman DIANE WATSON, for sponsoring this fitting legislation.

I had the privilege of knowing Julian Dixon for many years, including the years he served with my father, Congressman Edward R. Roybal, in the 1970s and 80s.

Julian Dixon's achievements during his nearly three-decade tenure as a legislator are too numerous to recount.

He was chairman of the House ethics committee, maintaining bipartisanship on a traditionally partisan committee. A fighter in the struggle for civil rights, he brought that commitment to his chairmanship of the District of Columbia Appropriations subcommittee where he was a strong advocate for the rights of DC residents. Recognizing his leadership capabilities, Julian was elected Chairman of the influential Congressional Black Caucus in the 1980s. More recently, he served as ranking democrat on the prestigious and demanding Select Intelligence Committee.

While Julian accomplished many great things during his tenure in the House of Representatives, his first and most cherished priority was always his constituents and his Los Angeles-area community.

Whether it was fighting for emergency funding for Los Angeles after the riot in 1992 and the Northridge earthquake in 1994, or advocating on behalf of the Los Angeles public transportation system, Julian Dixon was a devoted and effective legislator.

His constituents and community will continue to benefit from his great legacy of service for many years to come.

I can think of no more appropriate tribute than to have a community institution, such as this post office, named after Julian Dixon—for Julian was and continues to be a true institution in his community and throughout our great state of California.

Mr. BERMAN. Mr. Speaker, I rise today in support of H.R. 2454, designating the Congressman Julian Dixon Post Office in Los Angeles, California.

Julian Dixon was a true statesman who served his constituents in California, and the people of the United States with great distinction for over 20 years. Julian cared passionately for the poor and worked to see that their interests were heard in Washington. With serene eloquence, Julian worked to increase diversity on the Hill, successfully initiated and funded residential programs for "at risk" youth in the inner city, and provided training and education to the high school students of his district in the high-tech defense industry for, as he once stated, "what good is it to have high tech weapons and inadequate training for the kids who will be using them?"

I am grateful to have served with Julian Dixon and I know his constituents were grateful for his service. Julian was one of those all-too-rare Members of Congress who had the ability to approach the most difficult and divisive questions in a judicious, thoughtful, and non-partisan manner. Julian served with distinction in many roles in Congress, but his work as Chair of the Ethics Committee and Chair of the District of Columbia Appropriations Subcommittee perfectly illustrate his commitment to take on thankless tasks in an effort to make his country a better place.

This was a man who truly connected with the people, regardless of where they lived. There was never a time when he was too busy to talk to those who wanted to bend his ear; the Rayburn subway driver, the committee secretary, and of course, there was always time to talk to a former staffer. To name this post office for Julian Dixon is to give proper tribute to a man who dedicated his life to public service.

Mr. MATSUI. Mr. Speaker, I rise today to join my colleagues in honoring the late Julian C. Dixon. I had the distinct pleasure of coming to Congress with Mr. Dixon in 1978 and it is with a heavy heart that I pay tribute to him today as a cosponsor of H.R. 2454 to redesignate the U.S. Postal Service facility located at 5422 Crenshaw Boulevard in Los Angeles, California as the Julian C. Dixon Post Office Building.

With only four Democrats in that year's freshman class, Mr. Dixon and I became fast friends and close confidants. From the start, I greatly admired his political sophistication and extraordinary sensitivity. His reliably liberal voice served as a consistent champion for minorities, but was decidedly silent during partisan wrangling. For this and many other reasons, Mr. Dixon was held by the California delegation as the moral compass of our State. This body has lost a distinguished gentleman, but will forever be richer in his memory.

Ms. HARMAN. Mr. Speaker, I rise in strong support of H.R. 2454, which would name the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles in honor of our colleague and friend, Julian C. Dixon.

As many have already said, Julian was a wonderful person. His strength flowed from his quiet, yet determined, manner. His success derived from his friendliness and good humor and his ability to fill the shoes of other individuals, even adversaries.

As chairman of the District of Columbia Appropriations Subcommittee, in particular, he demonstrated that influence is often more powerful when not exercised and that the ability of Congress to legislate outcomes is often counter-productive when actually used. He had a deep respect for the citizens of the District, as he did for his own constituents.

The respect this chamber had for Julian is evident by the difficult assignments he was asked to undertake, including chairing the House Committee on Standards for two successive Congresses. Just prior to his death, he was the ranking member on the House Intelligence Committee, on which I also served and where I had the opportunity to witness both his love for our nation and his deep concerned about its security.

Julian was the consummate legislator. He believed in the innate goodness of people and it was that belief which invariably helped him win the day.

As future generations pass by the Postal Service at 5472 Crenshaw Boulevard in Los Angeles, I hope they too will appreciate the values, the service and dedication which characterized the life of Julian C. Dixon.

I was proud to serve with him and proud to have him as a friend.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2454, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the 'Congressman Julian C. Dixon Post Office'.".

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE CAROLYN B. MALONEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Hon. CAROLYN B. MALONEY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony and documents issued by the Supreme Court of New York.

After consultation with the Office of General Counsel, I have determined that the subpoena for testimony does not comply with the requirements of Rule VIII.

Sincerely,

CAROLYN B. MALONEY,
Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 31 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HAYES) at 6 o'clock and 33 minutes p.m.

CONFERENCE REPORT ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. HOBSON submitted the following conference report and statement on the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–246)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2904) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2002, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,778,256,000, to remain available until September 30, 2006: Provided, That of this amount, not to exceed $163,198,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 106–52, $36,400,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,144,221,000, to remain available until September 30, 2006: Provided, That of this amount, not to exceed $34,152,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 106–246, $19,588,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,194,880,000, to remain available until September 30, 2006: Provided, That of this amount, not to exceed $83,210,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Air Force" under previous Military Construction Appropriations Acts, $4,000,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $840,558,000, to remain available until September 30, 2006: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $66,496,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 106–246, $65,280,000 are rescinded: provided further; That of the funds appropriated for "Military Construction, Defense-wide" under previous Military Construction Appropriations Acts, $4,000,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $405,565,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $253,386,000; to remain available until September 30, 2006.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $167,019,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSION)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $53,201,000, to remain available until September 30, 2006: Provided, That of the funds appropriated for "Military Construction, Naval Reserve" under Public Law 106–246, $925,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $74,857,000, to remain available until September 30, 2006.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $162,600,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $312,742,000, to remain available until September 30, 2006.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $1,089,573,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $331,780,000, to remain available until September 30, 2006.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $910,095,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $550,703,000, to remain available until September 30, 2006.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $844,715,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $250,000 to remain available until September 30, 2006; for Operation and Maintenance, $43,762,000; in all $44,012,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,000,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374) $10,119,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $632,713,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. (a) No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional

Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification to the appropriate committees of Congress: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 128. In addition to the amounts provided in Public Law 107–20, of the funds appropriated under the heading "Military Construction, Air Force" in this Act, $8,000,000 is to remain available until September 30, 2005: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction activities at the Masirah Island Airfield in Oman, not otherwise authorized by law.

SEC. 129. Not later than 90 days after the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a master plan for the environmental remediation of Hunters Point Naval Shipyard, California. The plan shall identify an aggregate cost estimate for the entire project as well as cost estimates for individual parcels. The plan shall also include a detailed cleanup schedule and an analysis of whether the Department is meeting legal requirements and community commitments. Following submission of the initial report, the Department shall submit semi-annual progress reports to the congressional defense committees.

(RESCISSION OF FUNDS)

SEC. 130. Of the funds available to the Secretary of Defense in the "Foreign Currency Fluctuations, Construction, Defense" account, $60,000,000 are rescinded.

SEC. 131. (a) REQUESTS FOR FUNDS FOR ENVIRONMENTAL RESTORATION AT BRAC SITES IN FUTURE FISCAL YEARS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2002, the amount requested for environmental restoration, waste management, and environmental compliance activities in such fiscal year with respect to military installations approved for closure or realignment under the base closure laws shall accurately reflect the anticipated cost of such activities in such fiscal year.

(b) BASE CLOSURE LAWS DEFINED.—In this section, the term "base closure laws" means the following:

(1) Section 2687 of title 10, United States Code.

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(3) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

SEC. 132. (a) The total of the amounts appropriated by the other provisions of this Act, other than the amounts appropriated for the accounts specified in subsection (c), is hereby reduced by 1.127 percent.

(b) The total amount of the reduction computed under subsection (a) shall be allocated proportionally among all of the budget activities, activity groups, and subactivity groups and among all of the accounts and all of the programs, projects, and activities within each account, except for the accounts specified in subsection (c).

(c) No reduction shall be allocated under this section to the Base Realignment and Closure Account, or to the North Atlantic Treaty Organization Security Investment Program.

This Act may be cited as the "Military Construction Appropriations Act, 2002".

And the Senate agree to the same.

DAVID L. HOBSON,
JAMES T. WALSH,
DAN MILLER,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE, Jr.,
JOE SKEEN,
DAVID VITTER,
BILL YOUNG,
JOHN W. OLVER,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
NORMAN DICKS,
DAVID OBEY,
Managers on the Part of the House.

DIANNE FEINSTEIN,
DANIEL K. INOUYE,
TIM JOHNSON,
MARY LANDRIEU,
HARRY REID,
ROBERT C. BYRD,
KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY E. CRAIG,
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2904) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill (S. 1460). The conference agreement includes a revised bill.

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 107-207 and Senate Report 107-68 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Financial Management.—The conferees agree that the rescission of funds and general reductions included in the conference agreement are based on prior year unobligated balances and such factors as savings through favorable bids, reduced overhead costs, downsizing or cancellation due to force structure changes (if any), other administrative cost reduction initiatives, revised economic assumptions, and inflation re-estimates. The conferees direct that no project for which funds were previously appropriated, or for which funds are appropriated in this bill, may be canceled as a result of the reductions included in the conference agreement.

Foreign Currency Fluctuations, Construction, Defense.—The amounts available in the "Foreign Currency Fluctuations, Construction, Defense" account exceed those necessary to eliminate losses due to unfavorable fluctuations in foreign currency exchange rates. Accordingly, the conferees include a provision (Section 130) which rescinds $60,000,000 from this account.

Sustainment, Restoration, and Modernization: Reporting Requirement.—The conferees agree to the following general rules for repairing a facility under operation and maintenance funding:

Components of the facility may be repaired by replacement, and such replacement can be up to current standards or code.

Interior arrangements and restorations may be included as repair, but additions, new facilities, and functional conversions must be performed as military construction projects.

Such projects may be done concurrent with repair projects, as long as the final conjunctively funded project is a complete and usable facility.

The appropriate Service Secretary shall notify the appropriate Committees 21 days prior to carrying out any repair project with an estimated cost in excess of $7,500,000.

The Department is directed to provide sustainment, restoration, and modernization backlog at all installations for which there is a requested construction project in future budget requests. This information is to be provided on the form 1390. In addition, for all troop housing requests, the form 1391 is to show all sustainment, restoration, and modernization conducted in the past two years and future requirements for unaccompanied housing at the installation.

Family Housing Operation and Maintenance: Financial Management.—The conferees agree to continue the restriction on the transfer of funds between the family housing operation and maintenance accounts. The limitation is ten percent to all primary accounts and subaccounts. Such transfers are to be reported to the appropriate Committees within thirty days of such action.

Overseas Basing Master Plan.—The conferees support the Senate direction for an overseas basing master plan, to be submitted no later than April 1, 2002.

Pennsylvania: Joint-use Facility.—The conferees are aware of the need to renovate four Guard and Reserve facilities in Northeastern Pennsylvania and the benefits of consolidating them into a joint-use facility. Therefore, the conferees encourage the Department to make this project a priority and program the requirement in the Future Years Defense Plan.

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

The conference agreement appropriates $1,778,256,000 for Military Construction, Army, instead of $1,739,334,000 as proposed by the House, and $1,668,957,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $163,198,000 for study, planning, design, architect and engineer services, and host nation support instead of $163,141,000 as proposed by the House and $176,184,000 as proposed by the Senate. The conference agreement rescinds $36,400,000 from funds appropriated for Military Construction, Army under Public Law 106–52, as proposed by the House, instead of $26,400,000 as proposed by the Senate.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

The conference agreement appropriates $1,144,221,000 for Military Construction, Navy, instead of $1,154,248,000 as proposed by the House, and $1,148,633,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $34,152,000 for study, planning, design, architect and engineer services instead of $30,972,000 as proposed by the House and $37,332,000 as proposed by the Senate. The conference agreement rescinds $19,588,000 from funds appropriated for Military Construction, Navy under Public Law 106-246, as proposed by the House and Senate.

Texas: Kingsville Naval Air Station: Airfield Lighting.—The conferees direct the Navy to accelerate design of this project and to include the required construction funding in the budget request for fiscal year 2003.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

The conference agreement appropriates $1,194,880,000 for Military Construction, Air Force, instead of $1,185,220,000 as proposed by the House, and $1,148,269,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $83,210,000 for study, planning, design, architect and engineer services instead of $83,000,000 as proposed by the House and $83,420,000 as proposed by the Senate. The conference agreement rescinds $4,000,000 from funds appropriated for Military Construction, Air Force under previous Military Construction Appropriations Acts, as proposed by the Senate.

Nebraska—Offutt Air Force Base: Fire/Crash Rescue Station.—The conferees direct the Air Force to accelerate design of this project and to include the required construction funding in the budget request for fiscal year 2003.

Wyoming—F.E. Warren Air Force Base: Storm Water Drainage System.—The fiscal year 2001 Senate Report 106–290 included funding of $10,300,000 for a Storm Water Drainage System Project at F.E. Warren Air Force Base in Wyoming. Unfortunately, funding constraints prohibited final action. Storm water flooding remains a major problem at F.E. Warren Air Force Base. The project will better manage and divert flood waters on the installation. In addition, the project will greatly decrease the amount of storm water leaving the base which significantly impacts on the surrounding community. The conferees agree that this project addresses an urgent, mission critical, and safety requirement, and the Air Force is strongly encouraged to include this project in the budget request for fiscal year 2003.

Korea—Osan Air Base: Base Civil Engineer Complex.—The conferees are concerned about the significant cost of replacing current civil engineer facilities at Osan Air Base as proposed in the fiscal year 2002 budget request. Although the conferees support follow-on family housing projects envisioned for Osan Air Base, they do not support funding for a robust civil engineering complex without significant host nation contribution. The conferees understand that the civil engineers currently occupy land that will ultimately be used to build family housing. Family housing is a direct quality of life issue that will have a significant impact on the airmen and the families assigned to the base. The conferees agree to provide the Air Force $12,000,000 for the base civil engineer project for site preparation and preliminary utilities requirements. The conferees direct that any further funding requirements related to this project be funded through host nation support.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

The conference agreement appropriates $840,558,000 for Military Construction, Defense-wide, instead of $863,058,000 as proposed by the House, and $881,058,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $66,496,000 for study, planning, design, architect and engineer services instead of $74,496,000 as proposed by the House and $88,496,000 as proposed by the Senate. The conference agreement rescinds $69,280,000 from funds appropriated for Military Construction, Defense-wide under Public Law 106–246 and previous Military Construction Appropriations Acts, as proposed by the Senate, instead of $10,250,000 as proposed by the House.

Chemical Demilitarization: Defense Road Requirements.—The conferees are concerned about the emergency preparedness planning as part of the Chemical Demilitarization Program. Of the funds made available in the "Military Construction, Defense-wide" account, the Department may spend up to $300,000 to conduct a feasibility study on the requirements for defense roads at the chemical demilitarization sites in the United States to support emergency preparedness requirements.

Energy Conservation and Improvement Program.—The conferees agree to provide a total of $27,000,000 for this program. Of these funds, the conferees direct that $6,000,000 be used to conduct a service-wide assessment of renewable energy alternatives at or near Department of Defense installations, as described in detail in Senate Report 107–68.

Measurement and Signature Intelligence Facilities.—The conferees have agreed to drop Senate report language which allocated $10,000,000 for the planning and design of two Measurement and Signature Intelligence (MASINT) facilities.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates $405,565,000 for Military Construction, Army National Guard, instead of $313,348,000 as proposed by the House, and $378,549,000 as proposed by the Senate.

Arizona—Papago Park Military Reservation: Add/Alter Readiness Center.—Although the conferees were unable to fund this project due to funding constraints, the conferees strongly urge the Army National Guard to include this project in its fiscal year 2003 budget submission.

Weapons of Mass Destruction—Civil Support Teams.—Of the funds provided for unspecified minor construction within the "Military Construction, Army National Guard" account, the conferees direct that not less than $6,000,000 be made available to directly support the completion of facilities for WMD/CST locations.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement appropriates $253,386,000 for Military Construction, Air National Guard, instead of $198,803,000 as proposed by the House, and $222,767,000 as proposed by the Senate.

Ohio—Mansfield Lahm Airport: Replace Vehicle Maintenance Facility.—Although the conferees were unable to fund this project due to funding constraints, the conferees strongly urge the Air National Guard to include this project in its fiscal year 2003 budget submission.

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates $167,019,000 for Military Construction, Army Reserve, instead of $167,769,000 as proposed by the House, and $111,404,000 as proposed by the Senate.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSION)

The conference agreement appropriates $53,201,000 for Military Construction, Naval Reserve, instead of $62,351,000 as proposed by the House, and $33,641,000 as proposed by the Senate. The conference agreement rescinds $925,000 from funds appropriated for Military Construction, Naval Reserve under Public Law 106–246, as proposed by the House and Senate.

Texas—Fort Worth Joint Reserve Base: Compartmented Intelligence Facility.—In Senate Report 107–68, the compartmented intelligence facility at Fort Worth Joint Reserve Base was incorrectly identified as a Navy project. This project should be executed with funds made available for unspecified minor construction in the "Military Construction, Naval Reserve" account.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates $74,857,000 for Military Construction, Air

Force Reserve, instead of $81,882,000 as proposed by the House, and $53,732,000 as proposed by the Senate.

Michigan—Selfridge Air National Guard Base: Alter Command Post/Logistics Base.—In Senate Report 107–68, the alter command post/logistics base project at Selfridge Air National Guard Base was incorrectly identified as an Air National Guard project. This project should be executed with funds made available for unspecified minor construction in the "Military Construction, Air Force Reserve" account.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement appropriates $162,600,000 for the North Atlantic Treaty Organization Security Investment Program (NSIP), as proposed by the House and Senate.

FAMILY HOUSING CONSTRUCTION, ARMY

The conference agreement appropriates $312,742,000 for Family Housing Construction, Army, as proposed by the Senate, instead of $294,042,000 as proposed by the House.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement appropriates $1,089,573,000 for Family Housing Operation and Maintenance, Army, instead of $1,096,431,000 as proposed by the House and $1,108,991,000 as proposed by the Senate.

District of Columbia-Fort McNair: General Officer Quarters.—The Army has requested it be allowed to substitute the renovation of Quarters 7 at Fort McNair, at a cost of $700,000, in place of Quarters 3, as submitted in its budget request for $1,200,000. The conferees agree with this substitution. The conferees are encouraged by the Army's study being performed by the National Association of Homebuilders to refine and reduce the original cost projections for Fort McNair's quarters, which appear too high. The conferees expect the Army to use the most economical and cost-effective approach toward renovating these historic quarters.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement appropriates $331,780,000 for Family Housing Construction, Navy and Marine Corps, instead of $334,780,000 as proposed by the House and $312,600,000 as proposed by the Senate.

The conferees direct that the following projects are to be accomplished within the increased amount provided for construction improvements:

District of Columbia: 8th and I Marine Barracks (2 units)	$1,600,000
Hawaii: Barking Sands (69 units)	11,840,000
Massachusetts: Westover Air Reserve Base (124 units)	6,940,000

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement appropriates $910,095,000 for Family Housing Operation and Maintenance, Navy and Marine Corps, as proposed by the House, instead of $918,095,000 as proposed by the Senate.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

The conference agreement appropriates $550,703,000 for Family Housing Construction, Air Force, as proposed by the Senate, instead of $536,237,000 as proposed by the House.

The conferees direct that the following projects are to be accomplished within the increased amount provided for construction improvements:

Missouri: Whiteman AFB (164 units)	$17,966,000
South Carolina: Charleston AFB (32 units)	4,500,000

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement appropriates $844,715,000 for Family Housing Operation and Maintenance, Air Force, instead of $858,121,000 as proposed by the House and $869,121,000 as proposed by the Senate.

FAMILY HOUSING, DEFENSE-WIDE

The conference agreement appropriates $44,012,000 for Family Housing, Defense-wide, as proposed by the House and Senate.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

The conference agreement provides $2,000,000 for the Department of Defense Family Housing Improvement Fund, as proposed by the House and Senate. Transfer authority is provided for the execution of any qualifying project under privatization authority, which resides in the Fund.

Housing Privatization Support Costs.—The conferees are extremely concerned about the costs of consultants hired to assist the services with the housing privatization initiative. For example, the Army requested $27,918,000 and the Air Force requested $35,402,000 to pay for consultants. Costs of this magnitude are exorbitant, especially as neither the Army nor Air Force has made sufficient progress in privatizing its housing inventory. Therefore, the conferees agree to reduce $7,918,000 from the "Family Housing Operation and Maintenance, Army" account, and $13,402,000 from the "Family Housing Operation and Maintenance, Air Force" account. Furthermore, the conferees remind the services that these funds should be spent on creating, analyzing and negotiating complex real estate transactions-not on public relations or work that can be done by the services' staff.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

The conference agreement appropriates $10,119,000 for the Homeowners Assistance Fund, Defense, as proposed by the House and Senate.

BASE REALIGNMENT AND CLOSURE ACCOUNT

The conference agreement appropriates $632,713,000 for the Base Realignment and Closure Account, instead of $552,713,000 as proposed by the House and $682,200,000 as proposed by the Senate.

Environmental Remediation Shortfalls.—The conferees have included a general provision (Section 131) directing the Department of Defense to accurately reflect the cost of environmental remediation activities in its future budget submissions for Base Realignment and Closure (BRAC) funding. The conferees note that the Navy and Air Force BRAC budget requests for fiscal year 2002 were far below the level of funding needed to meet urgent obligations.

The conferees have agreed to provide and fully offset $100,513,000 over the budget request to fund environmental remediation funding shortfalls in the Navy and Air Force BRAC accounts. The conference provision includes $80,513,000 for the Navy and $20,000,000 for the Air Force. The conferees note that the funding shortfalls are the result of inadequate programming and budgeting decisions on the part of the Navy and Air Force.

The conferees strongly believe that the Navy and Air Force should bear the burden of making up these shortfalls. Therefore, the funding to cover the BRAC environmental remediation shortfalls is derived from the following sources: a rescission of $19,588,000 from previously appropriated Navy planning and design funds, a rescission of $925,000 from previously appropriated Naval Reserve planning and design funds, a $60,000,000 general reduction in the fiscal year 2002 "Military Construction, Navy" account, and a $20,000,000 general reduction in the fiscal year 2002 "Military Construction, Air Force" account. The conferees direct that no item of congressional interest may be canceled or delayed as a result of these general reductions.

In addition to the funds provided in this Act, the Navy and Air Force are directed to allocate all unobligated balances from previously appropriated BRAC funds to address their fiscal year 2002 BRAC environmental remediation funding shortfall. The conferees direct the services to program and budget for the entire amount of their annual BRAC environmental remediation obligations in future years, beginning with fiscal year 2003. Failure to do so will force the congressional committees to take proportionate reductions in specific military construction projects or programs requested by the services.

GENERAL PROVISIONS

The conference agreement includes general provisions (Sections 101–120) that were not amended by either the House or Senate in their versions of the bill.

The conference agreement includes a provision, Section 121, as proposed by the House, which prohibits the expenditure of funds except in compliance with the Buy American Act. The Senate bill contained no similar provision.

The conference agreement includes a provision, Section 122, as proposed by the House, which states the Sense of the Congress that recipients of equipment or products authorized to be purchased with financial assistance provided in this Act are to be notified that they must purchase American-made equipment and products. The Senate bill contained no similar provision.

The conference agreement includes a provision, Section 123, as proposed by the House and Senate, permitting the transfer of funds from Family Housing, Construction accounts to the DOD Family Housing Improvement Fund.

The conference agreement includes a provision renumbered Section 124, as proposed by the House and the Senate, to prohibit the use of funds in this Act to be obligated for Partnership for Peace programs in the New Independent States of the former Soviet Union.

The conference agreement includes a provision renumbered Section 125, as proposed by the House and the Senate, which requires the Secretary of Defense to notify Congressional Committees sixty days prior to issuing a solicitation for a contract with the private sector for military family housing.

The conference agreement includes a provision renumbered Section 126, as proposed by the House and the Senate, which provides transfer authority to the Homeowners Assistance Program.

The conference agreement includes a provision renumbered Section 127, as proposed by the Senate, regarding funding for operation and maintenance of general officer quarters.

The conference agreement includes a provision renumbered Section 128, as proposed by the Senate, which authorizes

$8,000,000 for a military construction project at Masirah Island Airfield, Oman. The House bill contained a similar provision.

The conference agreement includes a provision, Section 129, as proposed by the Senate, which requires the Secretary of Defense to submit a master plan for the environmental remediation of Hunters Point Naval Shipyard, California. The House bill contained no similar provision.

The conference agreement includes a provision, Section 130, which rescinds $60,000,000 from the "Foreign Currency Fluctuations, Construction, Defense" account.

The conference agreement includes a provision, Section 131, which directs the Department of Defense to accurately reflect the cost of environmental restoration activities in its future budget submissions for the Base Realignment and Closure (BRAC) account.

The conference agreement includes a provision, Section 132, which reduces all accounts in the bill with the exception of the "NATO Security Investment Program" account and the "Base Realignment and Closure" account by 1.127 percent.

Those general provisions not included in the conference agreement are as follows:

The conference agreement deletes the House provision regarding family housing master plans.

The conference agreement deletes the Senate provision regarding a defense road feasibility study at Pine Bluff Arsenal, Arkansas.

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
ANNISTON ARMY DEPOT		
COMPONENT MAINTENANCE FACILITY	2,300	2,300
REBUILD SHOP AND FACILITY	2,850	2,850
FORT RUCKER		
AIRCRAFT PARTS WAREHOUSE	---	6,800
COMMANCHE SIMULATOR TRAINING FACILITY	11,400	11,400
REDSTONE ARSENAL		
AMMUNITION SURVEILLANCE FACILITY	---	2,700
DINING FACILITY	7,200	7,200
AIR FORCE		
MAXWELL AFB		
SQUADRON OFFICER SCHOOL ACADEMIC FACILITY	9,000	9,000
OFFICER TRAINING SCHOOL DORMITORY	11,800	11,800
SQUADRON OFFICER SCHOOL DORMITORY	13,600	13,600
ARMY NATIONAL GUARD		
HUNTSVILLE		
UNIT TRAINING EQUIPMENT SITE	7,498	7,498
MOBILE		
ADD/ALTER READINESS CENTER	5,333	5,333
AIR NATIONAL GUARD		
DOTHAN AGS		
COMBAT COMMUNICATIONS COMPLEX	---	11,000
AIR FORCE RESERVE		
MAXWELL AFB		
FUEL CELL MAINTENANCE HANGAR	7,300	7,300
AIRCRAFT MAINTENANCE HANGAR	9,900	9,900
TOTAL, ALABAMA	88,181	108,681
ALASKA		
ARMY		
FORT RICHARDSON		
BARRACKS COMPLEX (PHASE I)	45,000	45,000
MOUT TRAINING FACILITY	---	18,000
FORT WAINWRIGHT		
ASSEMBLY BUILDING	4,200	4,200
POWER PLANT COOLING TOWER	23,000	23,000
AIR FORCE		
EARECKSON AFB		
UPGRADE WASTEWATER SYSTEM	4,600	4,600
ELMENDORF AFB		
ADD/ALTER AIRCRAFT FUEL SYSTEM MAINTENANCE HANGAR	12,200	12,200
DORMITORY	20,000	20,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
EIELSON AFB		
REPLACE BULK FUEL STORAGE TANKS....................	8,800	8,800
FORT WAINWRIGHT		
HOSPITAL REPLACEMENT (PHASE III)..................	18,500	18,500
ARMY NATIONAL GUARD		
JUNEAU		
READINESS CENTER..................................	---	7,568
AIR NATIONAL GUARD		
ELMENDORF AFB		
UPGRADE COMBAT COMMUNICATIONS FACILITIES..........	5,000	5,000
TOTAL, ALASKA.....................................	141,300	166,868
ARIZONA		
ARMY		
FORT HUACHUCA		
EFFLUENT REUSE SYSTEM.............................	6,100	6,100
YUMA PROVING GROUNDS		
RANGE IMPROVEMENTS................................	---	3,100
NAVY		
YUMA MARINE CORPS AIR STATION		
AIR TRAFFIC CONTROL TOWER.........................	6,750	6,750
LAND ACQUISITION (PHASE II).......................	8,660	8,660
STATION ORDNANCE AREA.............................	7,160	7,160
AIR FORCE		
DAVIS-MONTHAN AFB		
CHILD DEVELOPMENT CENTER..........................	---	6,200
DORMITORY...	8,700	8,700
REPLACE AIRCRAFT RECLAMATION/PARTS PROCESS COMPLEX	8,600	8,600
LUKE AFB		
CHILD DEVELOPMENT CENTER..........................	---	4,500
ARMY NATIONAL GUARD		
MARANA		
AVIATION MAINTENANCE HANGAR.......................	14,358	14,358
ARMY RESERVE		
MESA		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP....	10,900	10,900
AIR FORCE RESERVE		
LUKE AFB		
ADD/ALTER SQUADRON OPERATIONS FACILITY............	---	1,400
TOTAL, ARIZONA....................................	71,228	86,428
ARKANSAS		
ARMY		
PINE BLUFF ARSENAL		
AMMUNITION DEMILITARIZATION FACILITY (PHASE VI)...	26,000	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
LITTLE ROCK AFB		
C-130J FLIGHT SIMULATOR FACILITY	10,600	10,600
FIRE STATION	---	7,500
DEFENSE-WIDE		
PINE BLUFF ARSENAL		
AMMUNITION DEMILITARIZATION FACILITY (PHASE VI)	---	26,000
ARMY RESERVE		
CONWAY		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP	---	5,625
TOTAL, ARKANSAS	36,600	49,725
CALIFORNIA		
ARMY		
FORT IRWIN		
DIRECT SUPPORT MAINTENANCE SHOP	---	23,000
MONTEREY DEFENSE LANGUAGE INSTITUTE		
BARRACKS COMPLEX	---	5,900
NAVY		
CAMP PENDLETON MARINE CORPS BASE		
AIRCRAFT HANGAR IMPROVEMENTS	4,470	4,470
BACHELOR ENLISTED QUARTERS	21,200	21,200
BACHELOR ENLISTED QUARTERS	21,600	21,600
BOAT MAINTENANCE FACILITY	11,980	11,980
HELO OUTLYING LANDING FIELD (PHASE II)	3,910	3,910
INDOOR PHYSICAL FITNESS FACILITY	13,460	13,460
IRON/MANGANESE PLANT	11,180	11,180
REGIMENTAL ARTILLERY MAINTENANCE COMPLEX	13,160	13,160
CHINA LAKE NAVAL AIR WARFARE CENTER		
PROPULSION AND EXPLOSIVES LABORATORY (PHASE I)	---	10,100
CORONADO NAVAL AMPHIBIOUS BASE		
EXPEDITIONARY WARFARE TRAINING FACILITY	8,610	8,610
EL CENTRO NAVAL AIR FACILITY		
TRANSIENT BACHELOR ENLISTED QUARTERS	23,520	23,520
LEMOORE NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS	10,010	10,010
PORT HUENEME NAVAL CONSTRUCTION BATTALION CENTER		
VEHICLE MAINTENANCE SCHOOL	3,780	3,780
PORT IMPROVEMENTS	12,400	12,400
SAN DIEGO NAVAL STATION		
BACHELOR ENLISTED QUARTERS	47,240	47,240
REPLACE PIERS 10/11 (PHASE II)	17,500	17,500
SAN NICHOLAS ISLAND		
SUPPLY PIER	13,730	13,730

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TWENTYNINE PALMS		
ACADEMIC INSTRUCTION BUILDING	9,860	9,860
AMMUNITION STORAGE FACILITIES	9,540	9,540
BACHELOR ENLISTED QUARTERS	29,675	29,675
ENLISTED DINING FACILITY	11,930	11,930
RESERVE SUPPORT FACILITIES	8,760	8,760
VEHICLE WASH STATION	5,360	5,360
AIR FORCE		
BEALE AFB		
COMMUNICATIONS OPERATIONS CENTER	---	7,900
EDWARDS AFB		
ADD/ALTER TERMINAL AREA CONTROL FACILITY	4,600	4,600
CONSOLIDATED SUPPORT FACILITY	11,700	11,700
LOS ANGELES AFB		
CONSOLIDATED BASE SUPPORT COMPLEX	23,000	23,000
TRAVIS AFB		
RADAR APPROACH CONTROL CENTER	---	3,300
REPLACE SUPPORT FACILITY	6,800	6,800
VANDENBERG AFB		
MISSILE TRANSPORT BRIDGE	11,800	11,800
DEFENSE-WIDE		
CAMP PENDLETON MARINE CORPS BASE		
FLEET HOSPITAL SUPPORT FACILITIES	3,150	3,150
REPLACE MEDICAL/DENTAL CLINC (HORNO)	4,300	4,300
REPLACE MEDICAL/DENTAL CLINIC (LAS FLORES)	3,800	3,800
REPLACE MEDICAL/DENTAL CLINIC (LAS PULGAS)	4,050	4,050
TRACY DEFENSE DISTRIBUTION DEPOT		
REPLACE GENERAL PURPOSE WAREHOUSE	30,000	30,000
CORONADO NAVAL AMPHIBIOUS BASE		
SEAL TEAM FIVE OPERATIONS FACILITY	13,650	13,650
TWENTYNINE PALMS		
HOSPITAL LDRP CONVERSION	1,600	1,600
ARMY NATIONAL GUARD		
FORT IRWIN		
MANEUVER AREA TRAINING EQUIPMENT SITE (PHASE I)	21,953	21,953
LANCASTER		
READINESS CENTER	4,530	4,530
AZUSA		
READINESS CENTER	---	14,011
NAVY RESERVE		
PORT HUENEME NAVAL RESERVE CENTER		
VEHICLE MAINTENANCE FACILITY	1,000	1,000
AIR FORCE RESERVE		
MARCH ARB		
FIRE/CRASH RESCUE STATION	---	7,200

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, CALIFORNIA	458,808	530,219
COLORADO		
ARMY		
FORT CARSON		
BARRACKS COMPLEX (NELSON BLVD) (PHASE I)	25,000	25,000
PUEBLO DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)	11,000	---
AIR FORCE		
BUCKLEY AFB		
DORMITORY	11,200	11,200
FITNESS CENTER	12,000	12,000
SCHRIEVER AFB		
SBIRS MISSION CONTROL STATION BACKUP	19,000	19,000
SECURE AREA LOGISTICS FACILITY	---	11,400
U.S. AIR FORCE ACADEMY		
ADD/ALTER ATHLETIC FACILITIES (PHASE II)	11,400	11,400
INSTALL AIR CONDITIONING (ENLISTED DORMITORY)	1,300	1,300
REPLACE CONTROL TOWER	6,400	6,400
UPGRADE POTABLE WATER SYSTEM (CADET AREA)	6,400	6,400
DEFENSE-WIDE		
PUEBLO DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)	---	11,000
SCHRIEVER AFB		
MEDICAL/DENTAL CLINIC	4,000	4,000
ARMY RESERVE		
FORT CARSON		
ARMED FORCES RESERVE CENTER/NEW RESERVE CENTER	9,394	9,394
TOTAL, COLORADO	117,094	128,494
CONNECTICUT		
AIR NATIONAL GUARD		
ORANGE ANGS		
REPLACE AIR CONTROL SQUADRON COMPLEX	12,000	12,000
DISTRICT OF COLUMBIA		
ARMY		
FORT MCNAIR		
PHYSICAL FITNESS TRAINING CENTER	11,600	11,600
NAVY		
ANACOSTIA		
BACHELOR ENLISTED QUARTERS REPLACEMENT	9,810	9,810
AIR FORCE		
BOLLING AFB		
ADD/ALTER CHAPEL CENTER	2,900	2,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, DISTRICT OF COLUMBIA	24,310	24,310
DELAWARE		
AIR FORCE		
DOVER AFB		
FIRE/CRASH RESCUE STATION	---	7,300
FLORIDA		
NAVY		
KEY WEST NAVAL AIR STATION		
AIR TRAFFIC CONTROL TOWER/OPERATIONS BUILDING	11,400	11,400
MAYPORT NAVAL STATION		
BACHELOR ENLISTED QUARTERS	16,420	16,420
PENSACOLA NAVAL AIR STATION		
CONSOLIDATED FIRE STATION	---	3,700
WHITING FIELD NAVAL AIR STATION		
AIRFIELD APPROACH LIGHTING	2,140	2,140
AIR FORCE		
CAPE CANAVERAL AIR STATION		
REPLACE FIRE/CRASH RESCUE STATION	7,800	7,800
EGLIN AFB		
COMMAND AND CONTROL TEST OPERATIONS CENTER	11,400	11,400
HURLBURT FIELD		
CONSOLIDATED COMMUNICATION FACILITY	4,000	4,000
DINING FACILITY/FITNESS CENTER	6,400	6,400
MACDILL AFB		
MISSION PLANNING CENTER (PHASE I)	10,000	---
TYNDALL AFB		
ADD/ALTER COMMUNICATIONS FACILITY	---	5,300
F-22 FUELS SYSTEM MAINTENANCE HANGAR	3,050	3,050
F-22 SQUAD OPERATIONS/AIRCRAFT MAINT UNIT HANGAR	12,000	12,000
DEFENSE-WIDE		
HURLBURT FIELD		
ADD/ALTER MEDICAL/DENTAL CLINIC	8,800	8,800
CV-22 TRAINING DEVICE SUPPORT FACILITY	10,200	10,200
READINESS SUPPLY PACKAGE FACILITY	3,200	3,200
MACDILL AFB		
PUBLIC ACCESS BUILDING	2,500	2,500
RENOVATE COMMAND AND CONTROL FACILITY	9,500	9,500
MAYPORT NAVAL STATION		
REPLACE MEDICAL/DENTAL CLINIC	24,000	24,000
AIR NATIONAL GUARD		
CAMP BLANDING		
REPLACE WEATHER TRAINING COMPLEX	6,900	6,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY RESERVE		
ST PETERSBURG		
ARMED FORCES RESERVE CENTER (PHASE II)	---	34,056
NAVY RESERVE		
JACKSONVILLE NAVAL AIR STATION		
HANGAR RENOVATIONS	3,744	3,744
READINESS SUPPORT SITE FACILITIES	2,500	2,500
AIR FORCE RESERVE		
HOMESTEAD ARB		
ADD/ALTER COMMUNICATIONS FACILITY	---	2,000
TOTAL, FLORIDA	155,954	191,010
GEORGIA		
ARMY		
FORT BENNING		
PASSENGER PROCESSING FACILITY	17,000	17,000
RUNWAY EXTENSION	6,900	6,900
FORT GILLEM		
CRIMINAL INVESTIGATION FORENSIC LABORATORY	29,000	29,000
EXPLOSIVE ORDANCE DETACHMENT OPERATIONS BUILDING	5,600	5,600
FORT GORDON		
INFORMATION SYSTEMS FACILITY	11,000	11,000
VEHICLE MAINTENANCE FACILITY	23,000	23,000
FORT STEWART		
EDUCATION CENTER	16,000	16,000
SOLDIER SERVICE CENTER	10,200	10,200
VEHICLE MAINTENANCE FACILITY	13,600	13,600
AIR FORCE		
MOODY AFB		
FITNESS CENTER	---	8,600
ROBINS AFB		
FIRE TRAINING FACILITY	3,800	3,800
LARGE ITEM AIRCRAFT SUPPORT EQUIPMENT PAINT FAC	3,050	3,050
REPLACE KC-135 SQUADRON OPERATIONS FACILITY	7,800	7,800
DEFENSE-WIDE		
ALBANY MARINE CORPS LOGISTICS BASE		
REPLACE MEDICAL/DENTAL CLINIC	5,800	5,800
FORT BENNING		
TACTICAL EQUIPMENT COMPLEX	5,100	5,100
FORT STEWART		
CONSOLIDATED TROOP MEDICAL CLINIC	11,000	11,000
AIR NATIONAL GUARD		
ROBINS AFB		
REPLACE OPERATIONS AND TRAINING COMPLEX	6,100	6,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE RESERVE		
ROBINS AFB		
AIR FORCE RESERVE HEADQUARTERS (PHASE II)	2,000	2,000
TOTAL, GEORGIA	176,950	185,550
HAWAII		
ARMY		
PEARL HARBOR		
SHIPPING OPERATIONS BUILDING	11,800	11,800
POHAKULOA TRAINING AREA		
COMMAND AND RANGE CONTROL BUILDING	5,100	5,100
LAND ACQUISITION (KAHUKU WINDMILL SITE)	---	900
LAND ACQUISITION (PARKER RANCH)	---	1,500
SCHOFIELD BARRACKS		
BARRACKS COMPLEX (WILSON STREET) (PHASE I-C)	23,000	23,000
WHEELER ARMY AIRFIELD		
BARRACKS COMPLEX (AVIATION) (PHASE VI-A)	50,000	50,000
NAVY		
CAMP SMITH		
CINCPAC HEADQUARTERS (PHASE III)	37,580	37,580
KANEOHE BAY MARINE CORPS BASE		
BACHELOR ENLISTED QUARTERS	24,920	24,920
LUALUALEI NAVAL MAGAZINE		
SHORE POWER AT WHARVES	6,000	6,000
PEARL HARBOR NAVAL COMPLEX		
BACHELOR ENLISTED QUARTERS	17,300	17,300
BACHELOR ENLISTED QUARTERS	23,300	23,300
DRYDOCK SUPPORT FACILITY	7,900	7,900
ELECTRICAL DISTRIBUTION SYSTEM IMPROVEMENTS	12,100	12,100
SEWER FORCE MAIN	16,900	16,900
FORD ISLAND WATER LINE REPLACEMENT	---	14,100
DEFENSE-WIDE		
HICKAM AFB		
REPLACE HYDRANT FUEL SYSTEM	29,200	29,200
TOTAL, HAWAII	265,100	281,600
IDAHO		
AIR FORCE		
MOUNTAIN HOME AFB		
REPLACE AIRCRAFT PARKING APRON	14,600	14,600
ARMY NATIONAL GUARD		
GOWEN FIELD		
READINESS CENTER	8,117	8,117

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, IDAHO	22,717	22,717
ILLINOIS		
ARMY		
ROCK ISLAND ARSENAL		
CHILD DEVELOPMENT CENTER	---	3,500
NAVY		
GREAT LAKES NAVAL TRAINING CENTER		
RECRUIT BARRACKS	41,130	41,130
RECRUIT BARRACKS	41,130	41,130
NAVY RESERVE		
GREAT LAKES		
RESERVE CENTER RENOVATION	4,426	4,426
TOTAL, ILLINOIS	86,686	90,186
INDIANA		
ARMY		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)	66,000	---
NAVY		
CRANE NAVAL SURFACE WARFARE CENTER		
MICROWAVE DEVICES ENGINEERING FACILITY	---	9,110
SPECIAL WARFARE MUNITIONS ENGINEERING FACILITY	5,820	5,820
DEFENSE-WIDE		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)	---	66,000
AIR NATIONAL GUARD		
FORT WAYNE IAP		
UPGRADE AIRCRAFT PARKING RAMP AND TAXIWAY	---	8,500
AIR FORCE RESERVE		
GRISSOM ARB		
SERVICES COMPLEX (PHASE III)	13,200	13,200
TOTAL, INDIANA	85,020	102,630
IOWA		
ARMY NATIONAL GUARD		
ESTHERVILLE		
READINESS CENTER	2,713	2,713
AIR NATIONAL GUARD		
SIOUX GATEWAY AIRPORT		
KC-135 PARKING APRON/HYDRANT REFUELING SYSTEM	14,400	14,400
KC-135 FUEL CELL/CORROSION CONTROL HANGAR	8,300	8,300

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
KC-135 EXTEND AND UPGRADE TAXIWAY	4,300	4,300
TOTAL, IOWA	29,713	29,713
KANSAS		
ARMY		
FORT RILEY		
CHILD DEVELOPMENT CENTER	6,800	6,800
MODIFIED RECORD FIRE RANGE	4,100	4,100
AIR FORCE		
MCCONNELL AFB		
HEALTH AND WELLNESS CENTER	---	5,100
ARMY NATIONAL GUARD		
FORT RILEY		
ORGANIZATIONAL MAINTENANCE SHOP	645	645
TOTAL, KANSAS	11,545	16,645
KENTUCKY		
ARMY		
BLUE GRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)	3,000	---
FORT CAMPBELL		
BARRACKS COMPLEX (MARKET GARDEN ROAD) (PHASE III)	47,000	47,000
DEPLOYMENT STAGING COMPLEX	3,300	3,300
DEPLOYMENT STAGING COMPLEX/AIR	3,300	3,300
DEPLOYMENT STAGING COMPLEX/RAIL	3,300	3,300
ELECTRICAL SUBSTATION	10,000	10,000
EXPAND KEYHOLE HARDSTAND AREA	10,600	10,600
PASSENGER PROCESSING FACILITY	11,400	11,400
FORT KNOX		
MULTI-PURPOSE DIGITAL TANK RANGE (PHASE IV)	---	12,000
DEFENSE-WIDE		
BLUEGRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)	---	3,000
ARMY RESERVE		
FORT KNOX		
RESERVE CENTER	14,846	14,846
TOTAL, KENTUCKY	106,746	118,746
LOUISIANA		
ARMY		
FORT POLK		
EDUCATION CENTER	10,800	10,800

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
READINESS AND OPERATIONS FACILITY	10,400	10,400
AIR FORCE		
BARKSDALE AFB		
CONTROL TOWER	---	5,000
ARMY NATIONAL GUARD		
CAMP BEAUREGARD		
READINESS CENTER	5,392	5,392
CARVILLE		
READINESS CENTER	5,677	5,677
NAVY RESERVE		
LAFAYETTE		
MARINE RESERVE TRAINING CENTER	5,200	5,200
NEW ORLEANS JOINT RESERVE BASE		
EQUIPMENT SHOP AND HOLDING SHELTER	2,270	2,270
JOINT RESERVE CENTER (PHASE II)	---	10,000
REFUELER MAINTENANCE FACILITY	650	650
REPLACE BRIDGES	1,300	1,300
TOTAL, LOUISIANA	41,689	56,689
MAINE		
NAVY		
BRUNSWICK NAVAL AIR STATION		
AIRCRAFT MAINTENANCE HANGAR	41,665	41,665
BACHELOR ENLSITED QUARTERS	22,630	22,630
P-3 SUPPORT FACILITY	3,100	3,100
PORTSMOUTH NAVAL SHIPYARD		
BACHELOR ENLISTED QUARTERS	---	14,620
ARMY NATIONAL GUARD		
BANGOR		
ARMY AVIATION SUPPORT FACILITY (PHASE I)	11,618	11,618
TOTAL, MAINE	79,013	93,633
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)	66,500	---
AMMUNITION SURVEILLANCE FACILITY	5,300	5,300
CLIMATIC TEST FACILITY	9,000	9,000
CHEMISTRY LABORATORY (EDGEWOOD ARSENAL)	44,000	44,000
FORT MEADE		
CHILD DEVELOPMENT CENTER	5,800	5,800
OPERATIONS FACILITY (55TH SIGNAL COMPANY)	---	5,400
NAVY		
INDIAN HEAD NAVAL EXPLOSIVE ORDANCE CENTER		
JOINT EOD EQUIPMENT MAGNETIC EVALUATION FACILITY	1,250	1,250

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
PATUXENT RIVER NAVAL AIR WARFARE CENTER		
ADVANCED SYSTEMS INTEGRATION FACILITY (PHASE VI)	10,770	10,770
RANGES OPERATIONS SUPPORT FACILITY	2,260	2,260
ST INIGOES NAVALEX		
COMMUNICATIONS INTEGRATION FACILITY	---	5,100
AIR FORCE		
ANDREWS AFB		
CONSOLIDATE SQUADRON OPERATIONS FACILITY	10,070	10,070
REPAIR EAST RUNWAY	7,600	7,600
UPGRADE FIRE TRAINING FACILITY	1,750	1,750
DEFENSE-WIDE		
ABERDEEN PROVING GROUND		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)	---	66,500
OPERATIONAL TRAINING FACILITY	3,200	3,200
ANDREWS AFB		
ADD/ALTER MEDICAL CLINIC	7,300	7,300
BRANCH MEDICAL/DENTAL CLINIC RELOCATION	2,950	2,950
ARMY NATIONAL GUARD		
SALISBURY		
ORGANIZATIONAL MAINTENANCE SHOP	2,314	2,314
TOTAL, MARYLAND	180,064	190,564
MASSACHUSETTS		
AIR FORCE		
HANSCOM AFB		
RENOVATE ACQUISITION MGMT FACILITY (PHASE III)	9,400	9,400
ARMY NATIONAL GUARD		
FRAMINGHAM		
ORGANIZATIONAL MAINTENANCE SHOP	8,347	8,347
AIR NATIONAL GUARD		
BARNES ANGB		
UPGRADE SUPPORT FACILITIES	---	5,200
TOTAL, MASSACHUSETTS	17,747	22,947
MICHIGAN		
ARMY NATIONAL GUARD		
LANSING		
COMBINED SUPPORT MAINTENANCE SHOP (PHASE II)	5,809	5,809
AUGUSTA		
TASS INSTRUCTION/ADMINISTRATION/BARRACKS/MESS HALL	---	13,318
AIR NATIONAL GUARD		
SELFRIDGE ANGB		
RUNWAY CLEAR ZONE LAND ACQUISITION	2,000	2,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
W. K. KELLOGG AIRPORT		
MUNITIONS MAINTENANCE AND STORAGE COMPLEX	---	9,500
NAVY RESERVE		
SELFRIDGE ANGB		
VEHICLE MAINTENANCE FACILITY	1,490	1,490
TOTAL, MICHIGAN	9,299	32,117
MINNESOTA		
AIR NATIONAL GUARD		
DULUTH IAP		
COMPOSITE AIRCRAFT MAINTENANCE COMPLEX (PHASE I)	---	10,000
NAVY RESERVE		
DULUTH		
RESERVE CENTER ADDITION	2,980	2,980
AIR FORCE RESERVE		
MINNEAPOLIS-ST PAUL ARS		
CONSOLIDATED LODGING FACILITY (PHASE III)	---	8,400
TOTAL, MINNESOTA	2,980	21,380
MISSISSIPPI		
NAVY		
GULFPORT NAVAL CONSTRUCTION BATTALION CENTER		
BACHELOR ENLISTED QUARTERS	14,300	14,300
MOBILIZATION OPERATIONS FACILITY	7,360	7,360
PASCAGOULA NAVAL STATION		
FLEET OPERATIONS FACILITY	---	4,680
MERIDIAN NAVAL AIR STATION		
T-45 AIRCRAFT SUPPORT FACILITY	---	3,370
AIR FORCE		
KEESLER AFB		
REPLACE TECHNICAL TRAINING FACILITY (PHASE II-A)	28,600	28,600
COLUMBUS AFB		
RADAR APPROACH CONTROL CENTER	---	5,000
ARMY NATIONAL GUARD		
BATESVILLE		
READINESS CENTER	---	3,055
CAMP SHELBY		
MILITARY EDUCATION CENTER (PHASE II)	11,444	11,444
GULFPORT		
READINESS CENTER	9,145	9,145
AIR NATIONAL GUARD		
JACKSON IAP		
C-17 FACILITY CONVERSION	16,500	16,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
UPGRADE CORROSION CONTROL FACILITY	5,700	5,700
ARMY RESERVE		
GULFPORT CBC		
CONTROLLED HUMIDITY STORAGE WAREHOUSE (PHASE I)	---	12,184
AIR FORCE RESERVE		
KEESLER AFB		
C-130J MAINTENANCE HANGAR	12,000	12,000
TOTAL, MISSISSIPPI	105,049	133,338
MISSOURI		
ARMY		
FORT LEONARD WOOD		
BASIC COMBAT TRAINING COMPLEX (PHASE II)	27,000	27,000
NIGHT FIRE RANGE	4,300	4,300
RECORD FIRE RANGE	3,550	3,550
NAVY		
KANSAS CITY MARINE CORPS SUPPORT ACTIVITY		
BACHELOR ENLISTED QUARTERS	9,010	9,010
TOTAL, MISSOURI	43,860	43,860
MONTANA		
AIR FORCE		
MALMSTROM AFB		
CHILD DEVELOPMEMT CENTER	---	4,650
ARMY NATIONAL GUARD		
KALISPELL		
READINESS CENTER	822	822
TOTAL, MONTANA	822	5,472
NEVADA		
NAVY		
FALLON NAVAL AIR STATION		
WATER TREATMENT CAPITAL IMPROVEMENTS	---	6,150
AIR FORCE		
NELLIS AFB		
DYNAMIC BATTLE CONTROL CENTER	12,600	12,600
LAND ACQUISITION	---	19,000
AIR NATIONAL GUARD		
RENO-TAHOE IAP		
REPLACE BASE SUPPLY WAREHOUSE COMPLEX	8,500	8,500
TOTAL, NEVADA	21,100	46,250
NEW HAMPSHIRE		
ARMY NATIONAL GUARD		
CONCORD		
ARMY AVIATION SUPPORT FACILITY	27,185	27,185

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
READINESS CENTER..................................	1,868	1,868
AIR NATIONAL GUARD		
PEASE AFB		
KC-135R SIMULATOR TRAINING FACILITY..............	2,200	2,200
ARMY RESERVE		
ROCHESTER		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP....	9,122	9,122
TOTAL, NEW HAMPSHIRE...........................	40,375	40,375
NEW JERSEY		
ARMY		
FORT MONMOUTH		
BARRACKS..	20,000	20,000
PICATINNY ARSENAL		
HIGH ENERGY PROPELLANT FORMULATION FACILITY.......	---	10,200
NAVY		
EARLE NAVAL WEAPONS STATION		
EXPLOSIVE TRUCK HOLDING YARDS.....................	---	4,370
AIR FORCE		
MCGUIRE AFB		
AIR FREIGHT TERMINAL/BASE SUPPLY COMPLX (PHASE II)	---	12,600
C-17 ADD/ALTER FUEL CELL..........................	1,050	1,050
C-17 COMMUNICATIONS SUPPORT.......................	1,400	1,400
C-17 FLIGHT SIMULATOR FACILITY....................	4,900	4,900
C-17 MAINTENANCE HANGAR...........................	27,700	27,700
C-17 THREE BAY HANGAR.............................	1,500	1,500
DEFENSE-WIDE		
MCGUIRE AFB		
BULK FUEL STORAGE TANK............................	4,400	4,400
AIR NATIONAL GUARD		
ATLANTIC CITY IAP		
COMMUNICATIONS/SECURITY FORCES COMPLEX............	6,300	6,300
MCGUIRE AFB		
REPLACE JOINT MEDICAL TRAINING FACILITY...........	4,900	4,900
ARMY RESERVE		
FORT DIX		
BARRACKS MODERNIZATION............................	12,000	12,000
TOTAL, NEW JERSEY..............................	84,150	111,320
NEW MEXICO		
ARMY		
WHITE SANDS MISSILE RANGE		
PROFESSIONAL DEVELOPMENT CENTER...................	---	7,600

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
CANNON AFB		
REPLACE FIRE/CRASH RESCUE STATION	9,400	9,400
KIRTLAND AFB		
TELESCOPE/ATMOSPHERE COMPENSATION LABORATORY	15,500	15,500
UPGRADE SMALL ARMS RANGE SUPPORT FACILITY	---	4,300
DEFENSE-WIDE		
HOLLOMAN AFB		
MEDICAL CLINIC ALTERATION	5,700	5,700
TOTAL, NEW MEXICO	30,600	42,500
NEW YORK		
ARMY		
FORT DRUM		
BATTLE SIMULATION CENTER (PHASE II)	9,000	9,000
FIELD OPERATIONS FACILITY	2,150	2,150
HAZARDOUS MATERIALS STORAGE FACILITY	4,700	4,700
TACTICAL EQUIPMENT SHOPS	31,000	31,000
TRAINING AREA ACCESS ROAD	---	18,500
U.S. MILITARY ACADEMY		
CADET PHYSICAL DEVELOPMENT CENTER (PHASE II)	37,900	37,900
ARMY NATIONAL GUARD		
FORT DRUM		
MANEUVER AREA TRAINING EQUIPMENT SITE (PHASE I)	17,000	17,000
AIR NATIONAL GUARD		
FRANCIS S. GABRESKI AIRPORT		
COMPOSITE SUPPORT COMPLEX	19,000	19,000
HANCOCK FIELD		
CIVIL ENGINEERING FACILITY	---	1,500
COMPOSITE READINESS SUPPORT FACILITY	---	2,500
NIAGARA FALLS IAP		
FUEL CELL/CORROSION CONTROL HANGAR ADDITION	---	2,800
TOTAL, NEW YORK	120,750	146,050
NORTH CAROLINA		
ARMY		
FORT BRAGG		
BARRACKS COMPLEX (BUTNER ROAD) (PHASE II)	49,000	49,000
BARRACKS COMPLEX (LONGSTREET ROAD) (PHASE II)	27,000	27,000
BARRACKS COMPLEX (TAGAYTAY ROAD) (PHASE II-C)	17,500	17,500
PARACHUTE TEAM GENERAL PURPOSE BUILDING	7,700	7,700
VEHICLE MAINTENANCE FACILITY	13,600	13,600
SUNNY POINT MILITARY OCEAN TERMINAL		
DEPLOYMENT STAGING AREA	2,000	2,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FIRE STATION	2,750	2,750
OPEN STORAGE AREA	2,050	2,050
ROAD IMPROVEMENTS AND TRUCK PAD	4,600	4,600
NAVY		
CAMP LEJEUNE MARINE CORPS BASE		
ACADEMIC BUILDING	15,860	15,860
AMMUNITION STORAGE MAGAZINE UPGRADE (PHASE I)	5,880	5,880
BACHELOR ENLISTED QUARTERS	16,530	16,530
BACHELOR ENLISTED QUARTERS	13,550	13,550
ENGINEERING EQUIPMENT MAINTENANCE SHOP	6,960	6,960
LANDFILL CELL	8,290	8,290
NEW RIVER MARINE CORPS AIR STATION		
PROPERTY CONTROL FACILITY	1,560	1,560
PROPERTY CONTROL FACILITY	2,490	2,490
AIR FORCE		
POPE AFB		
CONSOLIDATE C-130 CORROSION CONTROL FACILTY	17,800	17,800
DEFENSE-WIDE		
CAMP LEJEUNE MARINE CORPS BASE		
ELEMENTARY SCHOOL ADDITION AND RENOVATION	8,857	8,857
FORT BRAGG		
IMAGERY AND ANALYSIS FACILITY	3,150	3,150
LANGUAGE SUSTAINMENT TRAINING FACILITY	2,100	2,100
REPAIR TRAINING FACILITY	1,812	1,812
TEAM OPERATIONS/INFORMATION AUTOMATION FACILITY	5,800	5,800
TRAINING FACILITY	5,000	5,000
TRAINING RANGE	2,600	2,600
VEHICLE MAINTENANCE COMPLEX	3,600	3,600
WEATHER OPERATIONS FACILITY	1,000	1,000
BATTALION OPERATIONS/VEHICLE MAINTENANCE FACILITY	8,500	8,500
POPE AFB		
BULK FUEL STORAGE TANK	3,400	3,400
ARMY NATIONAL GUARD		
FORT BRAGG		
MILITARY EDUCATION FACILITY (PHASE II)	---	8,290
TOTAL, NORTH CAROLINA	260,939	269,229
NORTH DAKOTA		
AIR FORCE		
GRAND FORKS AFB		
KC-135 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	7,800	7,800
DEFENSE-WIDE		
GRAND FORKS AFB		
HYDRANT FUEL SYSTEM	9,110	9,110

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
MINOT AFB		
HYDRANT FUEL SYSTEM	14,000	14,000
AIR NATIONAL GUARD		
HECTOR IAP		
WEAPONS RELEASE SYSTEMS COMPLEX	---	5,000
TOTAL, NORTH DAKOTA	30,910	35,910
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
ADD/ALTER SPECIAL OPERATIONS INTELLIGENCE FACILITY	3,450	3,450
CONSOLIDATE ACQ MANAGEMENT COMPLEX (PHASE IV-B)	21,400	21,400
SECURITY GATE,BASE ENTRANCE	---	3,400
ARMY NATIONAL GUARD		
BOWLING GREEN		
READINESS CENTER	---	3,200
CINCINNATI		
READINESS CENTER	9,780	9,780
COSHOCTON		
READINESS CENTER	---	2,632
AIR NATIONAL GUARD		
SPRINGFIELD-BECKLEY MUNICIPAL AIRPORT		
AIRCRAFT PARKING APRON/TAXIWAY	---	10,600
ARMY RESERVE		
CLEVELAND		
LAND ACQUISITION	1,200	1,200
TOTAL, OHIO	35,830	55,662
OKLAHOMA		
ARMY		
FORT SILL		
DEPLOYMENT STAGING COMPLEX	5,100	5,100
AIR FORCE		
ALTUS AFB		
REPAIR AIRFIELD PAVEMENTS (PHASE I)	20,200	20,200
TINKER AFB		
DORMITORY	10,200	10,200
ALTER DEPOT PLATING SHOP	---	11,200
ARMY NATIONAL GUARD		
OKLAHOMA CITY		
READINESS CENTER	---	9,320
TOTAL, OKLAHOMA	35,500	56,020
OREGON		
ARMY NATIONAL GUARD		
EUGENE		
JOINT ARMED FORCES RESERVE CENTER (PHASE I)	---	8,300

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
PENNSYLVANIA		
NAVY		
PHILADELPHIA NAVAL FOUNDRY AND PROPELLER CENTER		
MACHINE SHOP MODERNIZATION	---	14,800
DEFENSE-WIDE		
NEW CUMBERLAND DEFENSE DISTRIBUTION DEPOT		
SPECIAL PURPOSE WAREHOUSE	19,900	19,900
PHILADELPHIA DEFENSE SUPPLY CENTER		
CONSOLIDATE INDOOR FITNESS FACILITIES	2,429	2,429
AIR NATIONAL GUARD		
PITTSBURGH IAP		
REPLACE VEHICLE MAINTENANCE COMPLEX	3,200	3,200
ARMY RESERVE		
JOHNSTOWN		
TRANSIENT QUARTERS	---	3,000
NAVY RESERVE		
WILLOW GROVE		
HANGAR FIRE PROTECTION UPGRADES	3,715	3,715
TOTAL, PENNSYLVANIA	29,244	47,044
RHODE ISLAND		
NAVY		
NEWPORT NAVAL STATION		
SPECIAL WARFARE OFFICERS INSTRUCTION BUILDING	15,290	15,290
UNMANNED UNDERSEA COMBAT VEHICLE LABORATORY	---	9,370
AIR NATIONAL GUARD		
QUONSET STATE AIRPORT		
C-130J REPLACE COMPOSITE MAINTENANCE SHOPS	9,600	9,600
TOTAL, RHODE ISLAND	24,890	34,260
SOUTH CAROLINA		
ARMY		
FORT JACKSON		
BASIC COMBAT TRAINEE COMPLEX (PHASE I)	26,000	26,000
CENTRAL ENERGY PLANT	---	3,650
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
AIRBORNE WEAPONS SUPPORT EQUIPMENT WAREHOUSE	1,960	1,960
CHILD DEVELOPMENT CENTER	6,060	6,060
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT		
MILITARY POLICE AND EMERGENCY SERVICES FACILITY	5,430	5,430
AIR FORCE		
SHAW AFB		
EDUCATION CENTER	---	5,800

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
BEAUFORT MARINE CORPS AIR STATION		
REPLACE LAUREL BAY ELEMENTARY SCHOOL	12,850	12,850
TOTAL, SOUTH CAROLINA	52,300	61,750
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
LIVE ORDNANCE LOADING AREA	---	12,200
ARMY NATIONAL GUARD		
MITCHELL		
COMBINED SUPPORT MAINTENANCE SHOP	14,228	14,228
AIR NATIONAL GUARD		
JOE FOSS FIELD/SOUIX CITY		
RUNWAY/TAXIWAY IMPROVEMENTS	---	6,500
TOTAL, SOUTH DAKOTA	14,228	32,928
TENNESSEE		
NAVY		
MILLINGTON NAVAL SUPPORT ACTIVITY		
ELEVATED WATER TANK	3,900	3,900
AIR FORCE		
ARNOLD AFB		
CONVERT FACILITY TO HYPERSONIC PLANT	10,400	10,400
UPGRADE JET ENGINE AIR INDUCTION SYSTEM (PHASE IV)	14,000	14,000
ARMY NATIONAL GUARD		
ALCOA		
READINESS CENTER	8,203	8,203
HENDERSON		
ORGANIZATIONAL MAINTENANCE SHOP	2,012	2,012
AIR NATIONAL GUARD		
NASHVILLE IAP		
REPLACE AIRCRAFT MAINTENANCE COMPLEX (PHASE I)	---	11,000
TOTAL, TENNESSEE	38,515	49,515
TEXAS		
ARMY		
CORPUS CHRISTI ARMY DEPOT		
ENERGY DISASSEMBLY AND CLEANING FACILITY	---	10,400
FORT BLISS		
REPLACE ELEVATED WATER TANKS	---	5,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT HOOD		
BARRACKS COMPLEX	41,000	41,000
COMMAND AND CONTROL FACILITY (PHASE II)	10,000	10,000
GRAY ARMY AIRFIELD DEPLOYMENT UPGRADE (PHASE II)	---	18,000
MULTI-PURPOSE DIGITAL TRAINING RANGE (PHASE II)	13,000	13,000
VEHICLE MAINTENANCE FACILITY	12,200	12,200
VEHICLE MAINTENANCE FACILITY	23,000	23,000
FORT SAM HOUSTON		
GENERAL INSTRUCTION BUILDING	2,250	2,250
AIR FORCE		
LACKLAND AFB		
JOINT ADVANCED LANGUAGE TRAINING CENTER	4,200	4,200
DORMITORY	8,600	8,600
LAUGHLIN AFB		
ADD/ALTER FITNESS CENTER	12,000	12,000
SECURITY FORCES COMPLEX	---	3,600
SHEPPARD AFB		
FITNESS CENTER/HEALTH AND WELLNESS CENTER	---	8,200
REPLACE STUDENT DORMITORY/DINING FACILITY	16,000	16,000
STUDENT DORMITORY/DINING FACILITY	21,000	21,000
DYESS AFB		
C-130 SQUADRON OPERATIONS FACILITY	---	16,800
DEFENSE-WIDE		
DYESS AFB		
MEDICAL TREATMENT FACILITY ALTERATION	3,300	3,300
FORT HOOD		
ADD/ALTER HOSPITAL	12,200	12,200
ARMY NATIONAL GUARD		
AUSTIN		
ARMY AVIATION SUPPORT FACILITY	25,659	25,659
AIR NATIONAL GUARD		
CAMP MABRY		
REPLACE WEATHER FLIGHT COMPLEX	900	900
ARMY RESERVE		
RED RIVER ARMY DEPOT		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP	1,862	1,862
NAVY RESERVE		
FORT WORTH JOINT RESERVE BASE		
BACHELOR ENLISTED QUARTERS MODERNIZATION	---	9,060
TOTAL, TEXAS	207,171	278,231
UTAH		
AIR FORCE		
HILL AFB		
CONSOLIDATE HYDRAULIC/PNEUDRAULIC REPAIR FACILITY	14,000	14,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEPOT MAINTENANCE HANGAR (PHASE I)................	---	18,000
TOTAL, UTAH......................................	14,000	32,000
VERMONT		
AIR NATIONAL GUARD		
BURLINGTON IAP		
VEHICLE MAINTENANCE COMPLEX.......................	---	5,600
VIRGINIA		
ARMY		
FORT BELVOIR		
CHAPEL..	4,950	4,950
OPERATIONS BUILDING...............................	31,000	31,000
FORT EUSTIS		
FIELD OPERATIONS FACILITY.........................	1,750	1,750
MAIN PIER...	23,000	23,000
DEFENSE ACCESS ROADS..............................	---	9,900
FORT LEE		
AIRBORNE TRAINING FACILITY........................	17,500	17,500
MILITARY ENTRANCE PROCESSING STATION..............	6,400	6,400
NAVY		
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
PERSONNEL SUPPORT FACILITY........................	---	9,090
NORFOLK NAVAL STATION		
AIRCRAFT MAINTENANCE HANGAR REPLACEMENT...........	11,300	11,300
AIRCRAFT MAINTENANCE HANGAR REPLACEMENT...........	14,100	14,100
AIRFIELD PAVEMENT UPGRADE.........................	6,360	6,360
BACHELOR ENLISTED QUARTERS MODERNIZATION..........	14,730	14,730
DEPERMING PIER REPLACEMENT........................	2,810	2,810
PIER REPLACEMENT (PHASE I)........................	28,210	28,210
WATERFRONT ELECTRICAL UPGRADE.....................	15,620	15,620
WATERFRONT ELECTRICAL UPGRADE.....................	12,900	12,900
QUANTICO MARINE CORPS COMBAT DEVELOPMENT COMMAND		
AIRCRAFT FIRE AND RESCUE STATION..................	3,790	3,790
BACHELOR ENLISTED QUARTERS........................	9,390	9,390
AIR FORCE		
LANGLEY AFB		
DORMITORY...	8,300	8,300
F-22 LOW OBSERVABLE/COMPOSITE REPAIR FACILITY.....	16,000	16,000
F-22 OPERATIONS AND MAINTENANCE FACILITY..........	19,000	19,000
F-22 UPGRADE FLIGHTLINE INFRASTRUCTURE............	4,000	4,000
DEFENSE-WIDE		
FORT BELVOIR		
ADDITIONAL CHILLER UNIT...........................	900	900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NORFOLK		
ADD/ALTER BRANCH MEDICAL CLINIC	21,000	21,000
PENTAGON		
PHYSICAL FITNESS AND READINESS FACILITY	25,000	25,000
ARMY NATIONAL GUARD		
FORT PICKETT		
MANEUVER AND EQUIPMENT TRAINING SITE	---	10,700
NAVY RESERVE		
WILLIAMSBURG		
HEADQUARTERS BUILDING	2,130	2,130
TOTAL, VIRGINIA	300,140	329,830
WASHINGTON		
ARMY		
FORT LEWIS		
AMMUNITION SUPPLY POINT EXPANSION	17,000	17,000
BARRACKS COMPLEX (17TH AND B STREET) (PHASE I)	48,000	48,000
COMBAT VEHICLE TRAIL	7,300	7,300
DEPLOYMENT STAGING COMPLEX	15,500	15,500
DEPLOYMENT STAGING COMPLEX/RAIL	16,500	16,500
PALLET HANDING FACILITY	13,200	13,200
VEHICLE MAINTENANCE FACILITY	9,100	9,100
VEHICLE MAINTENANCE FACILITY	9,600	9,600
NAVY		
BANGOR STRATEGIC WEAPONS FACILITY		
UTILITIES AND SITE IMPROVEMENTS	3,900	3,900
BREMERTON NAVAL STATION		
REPLACE PIER DELTA (PHASE II)	24,460	24,460
EVERETT NAVAL STATION		
SHORE INTERMEDIATE MAINTENANCE FACILITY	6,820	6,820
PUGET SOUND NAVAL SHIPYARD		
INDUSTRIAL SKILLS CENTER (PHASE II)	---	14,000
WHIDBEY ISLAND NAVAL AIR STATION		
P-3 SUPPORT FACILITY	3,470	3,470
CONTROL TOWER	---	3,900
AIR FORCE		
FAIRCHILD AFB		
REPLACE MUNITIONS MAINTENANCE ADMIN FACILITY	2,800	2,800
MCCHORD AFB		
ADD/ALTER MISSION SUPPORT CENTER (PHASE I)	15,800	15,800
C-17 EXTEND NOSE DOCKS	4,900	4,900
DEFENSE-WIDE		
FORT LEWIS		
LANGUAGE SUSTAINMENT TRAINING FACILITY	1,100	1,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TACTICAL EQUIPMENT COMPLEX	5,800	5,800
WHIDBEY ISLAND NAVAL AIR STATION		
AIRCREW WATER SURVIVAL TRAINING FACILITY	6,600	6,600
ARMY RESERVE		
FORT LEWIS		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP	21,978	21,978
TOTAL, WASHINGTON	233,828	251,728
WEST VIRGINA		
ARMY NATIONAL GUARD		
WILLIAMSTOWN		
READINESS CENTER	---	6,433
GLEN JEAN		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP	---	21,389
AIR NATIONAL GUARD		
YEAGER AIRPORT		
BASE CIVIL ENGINEER MAINTENANCE COMPLEX	---	4,100
TOTAL, WEST VIRGINA	---	31,922
WISCONSIN		
ARMY NATIONAL GUARD		
OSHKOSH		
ORGANIZATIONAL MAINTENANCE SHOP	5,274	5,274
AIR NATIONAL GUARD		
VOLK FIELD		
CONTROL TOWER	---	5,700
TOTAL, WISCONSIN	5,274	10,974
WYOMING		
AIR FORCE		
F. E. WARREN AFB		
FITNESS CENTER	10,200	10,200
DEFENSE-WIDE		
F. E. WARREN AFB		
MEDICAL CLINIC ALTERATION	2,700	2,700
NAVY RESERVE		
CHEYENNE		
RESERVE CENTER ADDITION	1,060	1,060
TOTAL, WYOMING	13,960	13,960
EL SALVADOR		
DEFENSE-WIDE		
COMALAPA AB		
FORWARD OPERATING LOCATION	12,577	12,577

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
GERMANY		
ARMY		
BAMBERG		
BARRACKS COMPLEX (WARNER'S 3)	20,000	20,000
PHYSICAL FITNESS TRAINING CENTER	16,000	16,000
BAUMHOLDER		
VEHICLE MAINTENANCE FACILITY	9,000	9,000
DARMSTADT		
BARRACKS COMPLEX (CAMBRAI FRITSCH 4028)	6,700	6,700
BARRACKS COMPLEX (KELLEY 4163)	6,800	6,800
HANAU		
BARRACKS COMPLEX (PIONEER 8)	7,200	7,200
HEIDELBERG		
BARRACKS COMPLEX (PATTON 114)	6,800	6,800
BARRACKS COMPLEX (TOMPKINS 4253)	8,500	8,500
MANNHEIM		
VEHICLE MAINTENANCE FACILITY	16,000	16,000
WEISBADEN		
CHILD DEVELOPMENT CENTER	6,800	6,800
PHYSICAL FITNESS TRAINING CENTER	19,500	19,500
AIR FORCE		
RAMSTEIN AB		
COMBAT COMMUNICATIONS SQUADRON COMPLEX (PHASE I)	15,000	15,000
DORMITORY	11,000	11,000
FREIGHT TERMINAL & DEFENSE COURIER SERVICE	9,400	9,400
STRATEGIC LIFT AREA EXPANSION	4,600	4,600
UPGRADE UTILITY INFRASTRUCTURE	2,900	2,900
SPANGDAHLEM AB		
NORTHWEST INFRASTRUCTURE EXPANSION	6,200	6,200
REFUELER VEHICLE MAINTENANCE FACILITY	2,500	2,500
DEFENSE-WIDE		
GEILENKIRCHEN		
ELEMENTARY SCHOOL MULTI PURPOSE ROOM	1,733	1,733
HEIDELBERG		
HOSPITAL ADDITION/CLINIC ALTERATION	28,000	28,000
ELEMENTARY SCHOOL CLASSROOM ADDITION/RENOVATION	3,312	3,312
KAISERLAUTERN		
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,439	1,439
KITZINGEN		
ELEMENTARY SCHOOL CLASSROOM ADDITION	1,394	1,394
LANDSTUHL		
ELEMENTARY SCHOOL/MIDDLE SCHOOL CLASSROOM ADDITION	1,444	1,444
RAMSTEIN		
HIGH SCHOOL CLASSROOM ADDITION	2,814	2,814

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
VOGELWEH		
ELEMENTARY SCHOOL CLASSROOM ADDITION/RENOVATION...	1,558	1,558
WEISBADEN		
ELEMENTARY SCHOOL CLASSROOM ADDITION..............	1,378	1,378
WUERZBURG		
ELEMENTARY SCHOOL CLASSROOM/GYMNASIUM ADDITION....	2,684	2,684
TOTAL, GERMANY..................................	220,656	220,656
GREECE		
NAVY		
LARISSA NAVAL SUPPORT ACTIVITY		
BACHELOR ENLISTED QUARTERS.........................	12,240	12,240
SOUDA BAY NAVAL SUPPORT ACTIVITY		
SEWAGE TREATMENT PLANT ADDITION....................	3,210	3,210
TOTAL, GREECE..................................	15,450	15,450
GREENLAND		
AIR FORCE		
THULE AB		
REPLACE TAXIWAYS/APRONS...........................	19,000	---
DEFENSE-WIDE		
THULE AB		
COMPOSITE MEDICAL FACILITY REPLACEMENT............	10,800	10,800
TOTAL, GREENLAND...............................	29,800	10,800
GUAM		
NAVY		
GUAM NAVAL SUPPORT ACTIVITY		
BACHELOR ENLISTED QUARTERS MODERNIZATION..........	9,300	9,300
WATERFRONT UTILITIES UPGRADE......................	14,800	14,800
AIR FORCE		
ANDERSEN AFB		
WAR RESERVE MATERIAL STORAGE FACILITY.............	4,550	4,550
REPLACE SECURITY FORCES OPERATIONS FACILITY.......	5,600	5,600
DEFENSE-WIDE		
ANDERSEN AFB		
REPLACE HYDRANT FUEL SYSTEM.......................	20,000	20,000
ARMY NATIONAL GUARD		
BARRIGADA		
READINESS CENTER (PHASE II).......................	---	7,748
AIR NATIONAL GUARD		
ANDERSON AFB		
OPERATIONS AND TRAINING FACILITY..................	4,300	4,300

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, GUAM	58,550	66,298
ICELAND		
NAVY		
KEFLAVIK NAVAL AIR STATION		
SOLID WASTE DISPOSAL CONNECTION CHARGE	2,820	2,820
ITALY		
NAVY		
SIGONELLA NAVAL AIR STATION		
P-3 SUPPORT FACILITY	3,060	3,060
AIR FORCE		
AVIANO AB		
DORMITORY	8,200	8,200
INDOOR FIRING RANGE	3,600	3,600
DEFENSE-WIDE		
AVIANO AB		
ELEMENTARY SCHOOL CLASSROOM ADDITION	3,647	3,647
TOTAL, ITALY	18,507	18,507
JAPAN		
ARMY		
CAMP SCHWAB		
SPECIAL FORCES TRAINING RANGE	---	3,800
DEFENSE-WIDE		
YOKOTA AB		
BULK FUEL STORAGE TANK	13,000	13,000
TOTAL, JAPAN	13,000	16,800
KOREA		
ARMY		
CAMP CARROLL		
ELECTRICAL DISTRIBUTION SYSTEM	8,000	8,000
PHYSICAL FITNESS TRAINING CENTER	8,593	8,593
CAMP CASEY		
VEHICLE MAINTENANCE FACILITY	8,500	8,500
CAMP HOVEY		
BARRACKS COMPLEX	33,000	33,000
SANITARY SEWER SYSTEM	2,750	2,750
CAMP HUMPHREYS		
BARRACKS COMPLEX	14,500	14,500
CAMP JACKSON		
GENERAL INSTRUCTION BUILDING	6,100	6,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
CAMP STANLEY		
BARRACKS COMPLEX	28,000	28,000
YONGSAN		
BARRACKS COMPLEX	---	12,800
AIR FORCE		
KUNSAN AB		
ADD/ALTER FITNESS CENTER	12,000	12,000
OSAN AB		
DORMITORY	14,400	14,400
DORMITORY	15,800	15,800
OFFICER DORMITORY	9,700	9,700
REPLACE BASE CIVIL ENGINEER COMPLEX	36,000	12,000
REPLACE TRAFFIC MANAGEMENT FACILITY	5,925	5,925
REPLACE VEHICLE OPERATIONS/ADMINISTRATION FACILITY	2,000	2,000
VEHICLE MAINTENANCE FACILITY	17,317	17,317
DEFENSE-WIDE		
CAMP CASEY		
REPLACE FUEL STORAGE FACILITY	5,500	5,500
TOTAL, KOREA	228,085	216,885
KWAJALEIN		
ARMY		
KWAJALEIN ATOLL		
COLD STORAGE WAREHOUSE	11,000	11,000
OMAN		
AIR FORCE		
MASIRAH ISLAND		
AIRFIELD REPAIRS (PHASE II)	---	8,000
PORTUGAL		
DEFENSE-WIDE		
LAJES FIELD		
DENTAL CLINIC REPLACEMENT	3,750	3,750
AMERICAN SAMOA		
ARMY RESERVE		
AMERICAN SAMOA		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP	19,703	19,703
SPAIN		
NAVY		
ROTA NAVAL STATION		
AIRCRAFT FIRE AND RESCUE ADDITION	2,240	2,240

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
ROTA NAVAL STATION		
MARINE LOADING ARMS	3,000	3,000
TOTAL, SPAIN	5,240	5,240
TURKEY		
AIR FORCE		
ESKISEHIR		
DORMITORY/MISSION SUPPORT FACILITY	4,000	4,000
INCIRLIK AB		
BASE SUPPLY WAREHOUSE	---	5,500
TOTAL, TURKEY	4,000	9,500
UNITED KINGDOM		
AIR FORCE		
RAF MILDENHALL		
AVIONICS MAINTENANCE COMPLEX (PHASE II)	10,800	10,800
FITNESS CENTER	11,600	11,600
RAF LAKENHEATH		
REPLACE SUPPLY MATERIAL CONTROL FACILITY	11,300	11,300
DEFENSE-WIDE		
RAF FELTWELL		
CONSTRUCT NEW MIDDLE SCHOOL	22,132	22,132
TOTAL, UNITED KINGDOM	55,832	55,832
WAKE ISLAND		
AIR FORCE		
WAKE ISLAND		
REPAIR AIRFIELD PAVEMENT (PHASE I)	25,000	9,700
NATO		
NATO SECURITY INVESTMENT PROGRAM	162,600	162,600
WORLDWIDE CLASSIFIED		
ARMY		
CLASSIFIED LOCATIONS		
CLASSIFIED PROJECT	4,000	4,000
AIR FORCE		
CLASSIFIED LOCATION		
TACTICAL UNIT DETACHMENT FACILITY	4,458	4,458

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
CLASSIFIED LOCATION		
AVIATION AND MAINTENANCE FACILITY	2,400	2,400
TOTAL, WORLDWIDE CLASSIFIED	10,858	10,858
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION SUPPORT	23,100	23,100
PLANNING AND DESIGN	134,098	140,098
UNSPECIFIED MINOR CONSTRUCTION	18,000	19,565
RESCISSION	---	-36,400
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	29,932	34,152
UPSPECIFIED MINOR CONSTRUCTION	10,546	12,679
GENERAL REDUCTION	---	-60,000
RESCISSION	---	-19,588
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	79,130	83,210
UPSPECIFIED MINOR CONSTRUCTION	11,250	11,750
GENERAL REDUCTION	---	-20,000
RESCISSION	---	-4,000
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
ENERGY CONSERVATION IMPROVEMENT PROGRAM	35,600	27,100
CONTINGENCY CONSTRUCTION	10,000	10,000
CHEMICAL DEMILITARIZATION	---	-10,000
RESCISSION	---	-69,280
PLANNING AND DESIGN		
TRICARE MANAGEMENT ACTIVITY	26,300	28,300
SPECIAL OPERATIONS COMMAND	6,861	6,861
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	700	700
DEFENSE THREAT REDUCTION AGENCY	2,400	2,400
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION	1,929	1,929
BALLISTIC MISSILE DEFENSE ORGANIZATION	6,290	6,290
DEFENSE INTELLIGENCE AGENCY	6,516	6,516
DEFENSE LOGISTICS AGENCY	3,500	3,500
UNDISTRIBUTED	20,000	10,000
SUBTOTAL, PLANNING AND DESIGN	74,496	66,496
UNSPECIFIED MINOR CONSTRUCTION		
TRICARE MANAGEMENT ACTIVITY	5,526	5,526

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
SPECIAL OPERATIONS COMMAND	1,903	1,903
DEFENSE FINANCE AND ACCOUNTING SERVICE	1,500	1,500
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION	4,249	4,249
BALLISTIC MISSILE DEFENSE ORGANIZATION	2,009	2,009
JOINT CHIEFS OF STAFF	6,305	6,305
UNDISTRIBUTED	3,000	3,000
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	24,492	24,492
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	25,794	36,151
UNSPECIFIED MINOR CONSTRUCTION	4,671	16,526
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	3,972	7,073
UNSPECIFIED MINOR CONSTRUCTION	5,000	6,713
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	8,024	8,524
UNSPECIFIED MINOR CONSTRUCTION	2,375	2,625
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	1,176	1,676
RESCISSION	---	-925
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	4,336	6,461
UNSPECIFIED MINOR CONSTRUCTION	4,996	4,996
TOTAL, WORLDWIDE UNSPECIFIED	510,988	323,194

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, ARMY		
ALASKA		
FORT WAINWRIGHT (32 UNITS)	12,000	12,000
ARIZONA		
FORT HUACHUCA (72 UNITS)	10,800	10,800
KANSAS		
FORT LEAVENWORTH (84 UNITS)	10,000	20,000
TEXAS		
FORT BLISS (76 UNITS)	13,600	13,600
FORT SAM HOUSTON (70 UNITS)	---	11,200
KOREA		
CAMP HUMPHREYS (54 UNITS)	12,800	12,800
CONSTRUCTION IMPROVEMENTS	220,750	220,750
PLANNING AND DESIGN	11,592	11,592
SUBTOTAL, CONSTRUCTION	291,542	312,742
OPERATION AND MAINTENANCE		
FURNISHING ACCOUNT	45,546	45,546
MANAGEMENT ACCOUNT	82,177	82,177
MISCELLANEOUS ACCOUNT	1,277	1,277
SERVICES ACCOUNT	49,520	49,520
UTILITIES ACCOUNT	258,790	247,790
LEASING	196,956	196,956
MAINTENANCE OF REAL PROPERTY	446,806	446,306
INTEREST PAYMENT	1	1
HOUSING PRIVATIZATION SUPPORT COST	27,918	20,000
SUBTOTAL, OPERATION AND MAINTENANCE	1,108,991	1,089,573
TOLAL, FAMILY HOUSING, ARMY	1,400,533	1,402,315

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, NAVY AND MARINE CORPS		
ARIZONA		
YUMA (51 UNITS)	9,017	9,017
CALIFORNIA		
TWENTYNINE PALMS (74 UNITS)	16,250	16,250
HAWAII		
KANEOHE BAY (172 UNITS)	46,996	46,996
PEARL HARBOR (70 UNITS)	16,827	16,827
MISSISSIPPI		
PASCAGOULA (160 UNITS)	23,354	23,354
VIRGINIA		
QUANTICO (39 UNITS)	---	7,000
ITALY		
SIGONELLA (10 UNITS)	2,403	2,403
CONSTRUCTION IMPROVEMENTS	183,054	203,434
PLANNING AND DESIGN	6,499	6,499
SUBTOTAL, CONSTRUCTION	304,400	331,780
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	32,701	32,701
MANAGEMENT ACCOUNT	85,535	85,535
MISCELLANEOUS ACCOUNT	1,200	1,200
SERVICES ACCOUNT	65,787	65,787
UTILITIES ACCOUNT	195,172	187,172
LEASING ACCOUNT	123,965	123,965
MAINTENANCE ACCOUNT	409,567	409,567
SVCM'S MORTGAGE INSURANCE PREMIUM ACCOUNT	68	68
HOUSING PRIVATIZATION SUPPORT COST	4,100	4,100
SUBTOTAL, OPERATION AND MAINTENANCE	918,095	910,095
TOTAL, FAMILY HOUSING, NAVY AND MARINE CORPS	1,222,495	1,241,875

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, AIR FORCE		
ARIZONA		
LUKE AFB (120 UNITS)	15,712	15,712
CALIFORNIA		
TRAVIS AFB (118 UNITS)	18,150	18,150
COLORADO		
BUCKLEY AFB (55 UNITS)	11,400	11,400
DELAWARE		
DOVER AFB (120 UNITS)	18,145	18,145
DISTRICT OF COLUMBIA		
BOLLING AFB (136 UNITS)	16,926	16,926
HAWAII		
HICKAM AFB (102 UNITS)	25,037	25,037
IDAHO		
MOUNTAIN HOME AFB (56 UNITS)	---	10,000
LOUISIANA		
BARKSDALE AFB (56 UNITS)	7,300	7,300
SOUTH DAKOTA		
ELLSWORTH AFB (78 UNITS)	13,700	13,700
VIRGINIA		
LANGLEY AFB (4 UNITS)	1,200	1,200
PORTUGAL		
LAJES FIELD (64 UNITS)	13,230	13,230
CONSTRUCTION IMPROVEMENTS	352,879	375,345
PLANNING AND DESIGN	24,558	24,558
SUBTOTAL, CONSTRUCTION	518,237	550,703
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	36,619	36,619
MANAGEMENT ACCOUNT	58,224	58,224
SERVICES ACCOUNT	28,356	28,356
UTILITIES ACCOUNT	168,652	157,652
MISCELLANEOUS	2,384	2,384
LEASING	102,919	102,919
MAINTENANCE	436,526	436,526
MORTGAGE INSURANCE PREMIUMS	35	35
HOUSING PRIVATIZATION SUPPORT COST	35,406	22,000
SUBTOTAL, OPERATION AND MAINTENANCE	869,121	844,715
TOTAL, FAMILY HOUSING, AIR FORCE	1,387,358	1,395,418

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, DEFENSE-WIDE		
CONSTRUCTION IMPROVEMENTS	250	250
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT (NSA)	129	129
FURNISHINGS ACCOUNT (DIA)	3,630	3,630
FURNISHINGS ACCOUNT (DLA)	30	30
MANAGEMENT ACCOUNT (NSA)	15	15
MANAGEMENT ACCOUNT (DLA)	292	292
MISCELLANEOUS ACCOUNT (NSA)	57	57
SERVICES ACCOUNT (NSA)	374	374
SERVICES ACCOUNT (DLA)	78	78
UTILITIES ACCOUNT (NSA)	414	414
UTILITIES ACCOUNT (DLA)	428	428
LEASING (NSA)	11,698	11,698
LEASING (DIA)	25,600	25,600
MAINTENANCE OF REAL PROPERTY (NSA)	658	658
MAINTENANCE OF REAL PROPERTY (DLA)	359	359
SUBTOTAL, OPERATION AND MAINTENANCE	43,762	43,762
TOTAL, FAMILY HOUSING, DEFENSE-WIDE	44,012	44,012
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND		
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.	2,000	2,000
HOMEOWNERS ASSISTANCE FUND, DEFENSE		
HOMEOWNERS ASSISTANCE FUND, DEFENSE	10,119	10,119
BASE REALIGNMENT AND CLOSURE ACCOUNT		
BASE REALIGNMENT AND CLOSURE ACCOUNT	532,200	632,713
GENERAL PROVISIONS		
GENERAL PROVISIONS (SEC. 130)	---	-60,000
GENERAL PROVISIONS (SEC. 132)	---	-112,802
GRAND TOTAL	9,971,312	10,500,000

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follows:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	$8,936,498
Budget estimates of new (obligational) authority, fiscal year 2002	9,971,312
House bill, fiscal year 2002	10,500,000
Senate bill, fiscal year 2002	10,500,000
Conference agreement, fiscal year 2002	10,500,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+1,563,502
Budget estimates of new (obligational) authority, fiscal year 2002	+528,688
House bill, fiscal year 2002	
Senate bill, fiscal year 2002	

David L. Hobson,
James T. Walsh,
Dan Miller,
Robert B. Aderholt,
Kay Granger,
Virgil Goode, Jr.,
Joe Skeen,
David Vitter,
Bill Young,
John W. Olver,
Chet Edwards,
Sam Farr,
Allen Boyd,
Norman Dicks,
David Obey,
Managers on the Part of the House.

Dianne Feinstein,
Daniel K. Inouye,
Tim Johnson,
Mary Landrieu,
Harry Reid,
Robert C. Byrd,
Kay Bailey Hutchison,
Conrad Burns,
Larry E. Craig,
Mike DeWine,
Ted Stevens,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

House Concurrent Resolution 248, by the yeas and nays;

House Concurrent Resolution 217, by the yeas and nays;

H.R. 2272, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

Proceedings on H.R. 2716 will resume tomorrow.

EXPRESSING SENSE OF CONGRESS THAT PUBLIC SCHOOLS MAY DISPLAY "GOD BLESS AMERICA"

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 248.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. Castle) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 248, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, answered "present" 10, not voting 16, as follows:

[Roll No. 387]

YEAS—404

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

PRESENTS—10

Ackerman
Capuano
Frank
Honda
Jackson (IL)
Nadler
Rivers
Schakowsky
Watt (NC)
Woolsey

NOT VOTING—16

Becerra
Burton
Clement
Conyers
Cubin
Ehrlich
Kilpatrick
LaTourette
Miller (FL)
Pryce (OH)
Sherwood
Sweeney
Taylor (NC)
Tierney
Weldon (PA)
Wexler

☐ 1859

Mr. SHADEGG, Ms. LEE and Ms. HARMAN changed their vote from "nay" to "yea."

Mr. JACKSON of Illinois changed his vote from "yea" to "present."

Mr. McDERMOTT changed his vote from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1900

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

RECOGNIZING HISTORIC SIGNIFICANCE OF UNITED STATES-AUSTRALIAN RELATIONSHIP

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 217, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 217, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 16, as follows:

[Roll No. 388]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—16

Becerra
Burton
Clement
Conyers
Cubin
Ehrlich
Kilpatrick
LaTourette
Lewis (KY)
Miller (FL)
Pryce (OH)
Sherwood
Sweeney
Taylor (NC)
Weldon (PA)
Wexler

□ 1909

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

Amend the title so as to read: "Concurrent resolution recognizing the historic significance of the 50th anniversary of the alliance between Australia and the United States under the ANZUS Treaty, recognizing the strong support provided by Australia to the United States in the aftermath of the terrorist attacks on September 11, 2001, including jointly invoking Article IV of the ANZUS Treaty, which commits both countries to act to meet a common danger, and reaffirming the importance of economic and security cooperation between the United States and Australia.".

A motion to reconsider was laid on the table.

CORAL REEF AND COASTAL MARINE CONSERVATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2272, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 2272, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 32, not voting 16, as follows:

[Roll No. 389]

YEAS—382

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps

Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—32

Barr
Barton
Berry
Bonilla
Coble
Collins
Culberson
Doolittle
Duncan
Flake
Hall (TX)
Hayworth
Hostettler
Johnson, Sam
Kerns
Miller, Gary
Moran (KS)
Norwood
Paul
Pickering
Pombo
Royce
Ryun (KS)
Schaffer
Shadegg
Shows
Smith (MI)
Stearns
Stenholm
Stump
Toomey
Woolsey

NOT VOTING—16

Becerra
Burton
Clement
Conyers
Cubin
Ehrlich
Honda
Kilpatrick
LaTourette
Miller (FL)
Pryce (OH)
Sherwood
Sweeney
Taylor (NC)
Weldon (PA)
Wexler

□ 1947

Mr. NORWOOD changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, official business requires my presence in the 15th Congressional District of Michigan today. Had I been present, I would have voted "Aye" on Rollcall No. 387, H. Con. Res. 248, expressing the sense of Congress that public schools may display the words "God Bless America" as an expression of support for the nation; "Aye" on Rollcall No. 388, H. Con. Res. 317, which recognizes the 15th Anniversary of the ANZUS Treaty; and "Aye" on Rollcall No. 389, H.R. 2272, the Coral Reef and Coastal Marine Conservation Act.

STUART COLLICK-HEATHER FRENCH HENRY HOMELESS VETERANS ASSISTANCE ACT

The SPEAKER pro tempore (Mr. SIMMONS). The pending business is the question of suspending the rules and passing the bill, H.R. 2716, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2716, as amended, on which the yeas and nays are ordered.

VACATING ORDERING OF YEAS AND NAYS

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 2716, as amended, to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2716, as amended.

The question was taken; and (two-thirds) having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107-247) on the resolution (H. Res. 267) waiving points of order against the conference report to accompany the bill (H.R. 2217) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107-248) on the resolution (H. Res. 268) waiving points of order against the conference report to accompany the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO LIEUTENANT GENERAL T. MICHAEL MOSELEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, I am honored and privileged today to come to the floor to recognize one of the finest officers in the United States Air Force, Lieutenant General T. Michael "Buzz" Moseley.

For the past 2 years, General Moseley served with noteworthy distinction in the vital position of director of the Air Force Office of Legislative Liaison. During his time in Washington, and especially with regard to his work here on Capitol Hill, General Moseley personified the Air Force core values of integrity, selfless service, and excellence in all things. Many Members and staff enjoyed the opportunity to meet with him on a variety of Air Force issues and came to appreciate his many talents.

Today, it is my privilege to recognize some of Buzz's many accomplishments since he entered the military 29 years ago, and to commend the superb service he provided the Air Force, the Congress and our Nation. Buzz Moseley entered the United States Air Force through the Reserve Officer Training Corps Program at Texas A&M. While an Aggie, he completed both his bachelor's and master's degrees in political science. He earned his pilot wings in 1973 at Webb Air Force Base, Texas, and was then assigned to stay on as a T-37 instructor pilot.

From 1979 to 1983, he flew the F-15 as an instructor-pilot, flight lead and mission commander, first at Holloman Air Force Base, New Mexico, and then while serving overseas at Kadena Air Base, Japan. Over his career, General Moseley demonstrated his skill as an aviator in the T-37, T-38, and F-15 aircraft, and has logged over 2,800 hours of flying time.

From early in his career, General Moseley and his exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select command positions. He was the commander of the F-15 division of the United States Air Force Fighter Weapons School at Nellis Air Force Base, Nevada, and the commander of the 33rd Operations Group at Eglin Air Force Base, Florida.

When stationed at Nellis Air Force Base a second time, he commanded the 57th Fighter Weapons Wing, with 26 squadrons, consisting of A-10, B-1, B-52, F-15C/D, F-15E Strike Eagle, F-16C/D, HH-60G, and the RQ-1A Predator. It is the Air Force's largest, most diverse fighter wing.

The 57th also included the Air Force Special Weapons School, Red Flag, Air Force Aggressors, the Air Force Demonstration Squadron known as the Thunderbirds, the Air Ground Operations School, Air Warrior, 66th Rescue Squadron and the Predator Unmanned Aerial vehicle Operations.

Buzz Moseley also excelled in a variety of key staff assignments, including serving as the deputy director for the Politico-Military Affairs for Asia and Middle East on the Joint Staff; chief of the Air Force General Officer Matters Office; chief of staff of the Air Force Chair and professor of Joint and Combined Warfare at the National War College; and chief of the Tactical Fighter Branch, Tactical Forces Division, Directorate of Plans.

General Moseley also serves on the Council on Foreign Relations and has been named an Officer of the French National Order of Merit by the President of France.

During his service to the 106th and the 107th Congress, General Moseley was our liaison to the Air Force for critical readiness and modernization issues. He was a crucial voice for the Air Force in representing its many programs on the Hill, providing clear, concise and timely information. General Moseley's leadership, professionalism and expertise enabled him to foster exceptional rapport between the Air Force and the House, impressing me with his ability to work with the Congress and to address Air Force priorities.

We were all pleased when the President recently nominated General Moseley for his third star. It is exceptionally well deserved. I offer my congratulations to him; his wife, Jennie; son, Greg; and daughter, Tricia.

The Congress and country applaud the selfless commitment his entire family has made to the Nation in supporting his military career. I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Moseley. He is a credit to both the Air Force and the Nation.

We wish our friend the best of luck in his assignment of commander, Ninth Air Force, Air Combat Command and commander, United States Central Command Air Forces, United States Central Command. We are confident of his continued success in his new position.

TRIBUTE TO RUSH HUDSON LIMBAUGH, III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, the Bible tells us that if you owe debts, pay debts; if honor, then honor; if respect, then respect; and with a little girl at home tonight sick, I am unable to join a Special Order this evening that the gentleman from Georgia (Mr. KINGSTON) will be holding on behalf of an American, who has greatly impacted my professional life, and, to the frustration of many, has greatly impacted the life of the Nation, and that would be Rush Hudson Limbaugh, III, a man born in Cape Girardeau, Missouri, on January 12, 1951.

He will be extolled on this floor tonight by many of my colleagues, as we come together during a time of great difficulty for the Limbaugh family to remember his contribution to the country. So I rise briefly tonight.

There are many of my colleagues, particularly those that were elected, Mr. Speaker, in 1994, who will look to this pioneer in talk radio and will credit him in part for their election to the Congress of the United States, and that would be true. In many ways, the Republican majority owes much of its continued success to the talk radio that Rush Limbaugh reinvented in the mid-1980s as a format for conversation among millions of Americans on a daily basis.

But it is a literal truth, Mr. Speaker, to say that I am in Congress today because of Rush Limbaugh, and not because of some tangential impact on my career or his effect on the national debate; but because in fact after my first run for Congress in 1988, it was the new national voice emerging in 1989 across the heartland of Indiana of one Rush Hudson Limbaugh, III, that captured my imagination. And while I would run for Congress again and lose, I was inspired by those dulcet tones to seek a career in radio and television.

I began my career in radio in Rushville, Indiana, in Rush County, in 1989, trying to do my level best impersonation of Rush Limbaugh in those early days; and it was, I am here to tell you, bad radio when I started.

□ 2000

By 1992, I began hosting a regular radio show in Indianapolis. It was a weekend conversation that became the most popular program on WNDE in the weekend lineup; and it was there that I became emboldened, listening oftentimes to the entrepreneurial spirit that emanated out of the Rush Limbaugh program to start my own syndicated radio program that grew over a 7-year period of time to a daily audience of over a quarter of a million people, 18 radio stations across Indiana. I was, in every sense, Rush Limbaugh's warm-up act in Indiana, airing every time from 9 a.m. to noon as his lead-in on many Hoosier stations. It was from that platform of popularity and distinction that I was able to accept the call in the year 2000 to try again, for the third time, to run to stand in this Chamber.

So I rise today in recognition of that fact. I rise today in appreciation of the example that Rush Limbaugh has been to me, both as an entrepreneur and as an American. The truth is, he has been an inspiration to many millions of Americans. After Ronald Reagan left the national stage in 1988 and many of us conservatives were searching for a voice and for over 20 million Americans, that voice was and is Rush Limbaugh.

Now, I know something as a former radio professional about the formatics and my colleague (Mr. LEWIS) in the Chamber knows that in radio we learned pacing and how to hook the audience. We know the techniques, and no one is better in that than Rush Limbaugh, in my judgment. But it was not the formatics that drew the audience to Rush Limbaugh; it was not the gimmicks. It was information, verifiable fact and an undaunting willingness to speak the truth boldly.

Rush Limbaugh was not one of those in the media who, in effect, cowered behind that image of objectivity, hiding the fact that he had opinions, biases, beliefs, convictions; but, rather, he never feared being discovered to be an American of strong opinions. In fact, Rush Limbaugh never feared anything. I trust as he faces one of the great challenges of his life in a debilitating impact on his hearing, that that same courage, that same determination is being applied by Rush Limbaugh in the same way that his family is bathing his circumstances in prayer.

I close today, Mr. Speaker, simply by saying that Rush Limbaugh has made a difference in my life, and I say without apology that I believe he has made a difference in the life of the Nation. He has given us an example of a life that is about ideas larger than personal advancement, a life that tries to bring the reality of God's grace in each of our lives and in the history of this Nation before the citizenry every day.

My word to Rush is stay the course, encourage, tear down the strongholds, only be strong and courageous, do not be discouraged, for the Lord your God will go with you wherever you go.

TRIBUTE TO BEA GADDY: A POINT OF LIGHT, A BEACON OF HOPE

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise to honor a great American, Baltimore City Councilwoman Bea Gaddy, who a few days ago succumbed to breast cancer at the age of 68. For decades, Bea Gaddy fed and sheltered the poor and homeless in our city of Baltimore. In 1992, then President George Bush included her among Americans he honored as "Points of Light."

Upon learning of Bea Gaddy's death, Maryland Governor Parris Glendening observed that she "was a beacon of hope for those who felt hopeless." She had a unique ability to reach out and help people. She effectively articulated that strong communities are created when we recognize that every member of the community is important.

Mr. Speaker, as the testaments of these national leaders witnessed, Bea Gaddy's vision for America transcended the divisions of race, class, and party that all too often limit our potential as a people. Her legacy was directed to those of us who have the ability to give, as well as to the thousands whom she helped to survive poverty. Every year, hundreds of volunteers and I joined Mrs. Gaddy for the Thanksgiving dinner she prepared for those who were homeless. As I watched her tireless and forever smiling generosity towards others, I realized that God had sent us an angel, that God was reminding us through her that every person has value.

Mrs. Gaddy used her own trials in life as a passport for helping others. Her love for other people, and especially for those in the greatest need, became a force for compassion and change throughout Baltimore and the rest of America. Our hearts go out to Mrs. Gaddy's family as we join them in mourning the loss of a truly remarkable human being.

Bea Gaddy challenged those who came to her caught in the grip of poverty to take control of their own destinies. She helped them to learn the skills of perseverance that would uplift their lives. Bea Gaddy also called upon those of us to whom life has been generous, asking that we share our fortunes and our lives with those who are less fortunate. Poor and rich alike, the people of Baltimore responded to her vision because of the conviction that she had gained from the trials in her life. As I stated at her funeral a few days ago, she fully understood that we are all the walking wounded, and that at some point in our lives, every single one of us will stand like the blind man on the corner of a busy highway waiting for someone to lead us across.

We knew that she herself had been born into poverty during the Great Depression. This remarkable woman had once been forced by her own childhood of poverty to scavenge for food from the garbage bins of restaurants and grocery stores. We, who knew and worked with Bea Gaddy, realized that her life had been filled with poverty and pain. We also knew, however, that she had transformed her life, completing high school, earning a college degree, and marrying a wonderful man named Mr. Lacy Gaddy, who died in 1995.

Bea Gaddy became known and beloved throughout Maryland for those wonderful annual Thanksgiving dinners that she provided to as many as 20,000 needy people. She was admired for her efforts to provide toys to the poor children at Christmastime, for distributing donated shoes and clothing in the winter months, and for the summer camp she helped to sustain. It is less well known, however, that many of the people whom Bea Gaddy fed and encouraged there at her North Collington Avenue row home in Baltimore later returned to volunteer after they had become self-reliant members of the community. Mrs. Gaddy's life teaches us that a saint does more than minister to our needs; a saint also inspires by the witness of her life.

In 1999, Bea Gaddy took her mission on behalf of those whom America had left behind to the Baltimore City Council. During the last 2 years of her life, she continued to work in the community while advocating for housing, employment, and health care programs in the halls of Baltimore local government. We will hold her family in our prayers.

Mr. Speaker, tonight, 600,000 Americans will struggle to find shelter because they have no home to call their own. Nearly one-half of them will have work at jobs this week, but not have earned enough money to afford a home. By the legacy of the life of Bea Gaddy, she offered America a clear vision of compassion and commitment that can address this national tragedy.

Mr. Speaker, a great American is gone from our midst, but we have been empowered to carry on her work.

TELECOMMUNICATIONS INDUSTRY SEEKS TO THREATEN MILITARY ACCESS TO RADIO FREQUENCIES AND THREATEN NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, even as I speak today, the Armed Forces of the United States are engaged in combat operations to ensure the security of our people. However, the continued viability of some of the very weapons systems being used now is threatened by a concerted effort to reallocate portions of the radio frequency spectrum from the military to the commercial sector.

This effort is being led by the telecommunications industry, which is seeking access to additional frequencies to support development of advanced wireless services. They have vigorously argued that unless the Federal Government provides access to the 1755 through 1850 megahertz frequency band, the United States will forfeit its leadership of the worldwide telecommunications market.

Now, I do not pretend to know whether this claim is true or not, but I do know that forcing the military to give up this particular part of the frequency spectrum will have a significant negative effect on national security and will put our service members at greater risk.

The importance of this frequency band to the military cannot be understated. The DOD systems that operate on these frequencies are the very core of our war-fighting capability. They include battlefield communications, precision weapons guidance, satellite control of over 120 military satellites, air combat training, and many other vital functions. The simple truth is that military access to the 1755 through 1850 megahertz frequency band is a matter of life and death.

Now, some have argued that the military should just move to another part of the frequency spectrum to carry on its functions. But let me be clear about this. The military did not just randomly decide to use these frequencies. The military uses this part of the frequency spectrum because the physical properties of these frequencies meet their unique operational requirements which cannot be compromised for any reason, but certainly not for something as trivial as advanced cell phones.

So, it is not just a simple matter of moving to another part of the frequency spectrum. We have to find frequencies that have comparable characteristics, which is something we have thus far failed to do.

But even if alternative frequencies are identified, the cost of modifying or replacing more than $100 billion in equipment, not to mention the cost of retaining developing new tactics, is beyond comprehension. I therefore applaud the Secretary of Commerce's decision last week to no longer consider the majority of the 1755 through 1850 megahertz bands for reallocation. This was the right decision, but it could have gone further by permanently removing from consideration the entire 1755 through 1850 megahertz band. I remain very concerned that when we move beyond the current crisis the military will once again come under assault to relinquish these and other vital frequencies to the commercial sector.

So let the word go out to all concerned that we cannot and will not tolerate any attempt to restrict the military's access to the frequencies they need to carry on their missions. We have a solemn obligation to protect the people of the United States, and no argument from any special interest group will change that. So do not even think about asking for access to military frequencies. The answer is no and will stay no. Some of these huge giants should realize that.

MAINTAIN CONDITIONS OF UNITED STATES ASSISTANCE TO AZERBAIJAN IN CURRENT FORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to urge this Congress to maintain section 907 of the Freedom Support Act in its current form and oppose efforts to repeal this important provision of law.

Section 907 places reasonable conditions of U.S. assistance to the Government of Azerbaijan until Azerbaijan has shown that it has taken demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno Karabagh.

Mr. Speaker, I am concerned that the administration is using the tragedies of September 11 and our Nation's war against terrorism as a way to convince Members of Congress of the need to waive these sanctions. Yesterday, members of the Committee on Appropriations and the Committee on International Relations in both the House and the Senate received a letter from Secretary of State Colin Powell requesting "assistance in passing legislation that would provide a national security interest waiver from the restrictions of section 907." Secretary Powell continued by stating, "Removal of these restrictions will allow the United States to provide necessary military assistance that will enable Azerbaijan to counter terrorist organizations and elements operating within its borders. This type of assistance is a critical element of the United States fight against global terrorism."

Well, Mr. Speaker, this letter is unfortunate; and although I am not surprised, because the State Department has always opposed section 907, but it is particularly troubling to think that Secretary Powell would want to provide military assistance to Azerbaijan, a nation which has a history of aggression and blockades against Armenia and which continues to this day to make threats of renewed aggression against Nagorno Karabagh under the cover of the international war on terrorism.

Let me give some recent examples of these threats. Azerbaijani Defense Minister, Colonel General Abiev, was cited recently by Radio Free Europe/Radio Liberty Caucasus Report as an advocate of renewed aggression against Nagorno Karabagh.

Radio Free Europe has also reported that Azerbaijani Foreign Minister Quliev has said that if Azerbaijan decides to liberate Karabagh from terrorists, then the international community would have no right to condemn that move as aggression.

Azerbaijani Parliamentarian Igbal-Agazadeh said that the time has come to start hostilities on the liberation of Azeri territories occupied by Armenia, a direct reference to a new war against Nagorno Karabagh.

Clearly, Mr. Speaker, Azerbaijan does not share our understanding of this war on terrorism. The senior Azerbaijani leaders are telling us very plainly that they intend to use all of the means at their disposal, including apparently any and all military aid that we provide them in their antiterrorist war against the Armenian people.

□ 2015

Taking any steps to weaken, waive, or repeal Section 907 will give Azerbaijan the green light and the means to renew its aggression against Armenia and Nagorno-Karabagh.

In his letter, Mr. Speaker, Secretary Powell says Section 907 must be repealed so the Azerbaijani government can fight terrorist organizations in its own country. What the Secretary does not say is that there are credible reports that the Azerbaijani government invited bin Laden and his network into its country.

Given this information, the United States Government should carefully review its relationship with Azerbaijan and not reward it with repeal of Section 907. At a minimum, I believe U.S. interests are best served by insisting Azerbaijan arrest and turn over those involved in the al-Qaeda cells operating there with the government's approval since the early to mid-1990s. These cells threaten all of us in the United States, but Armenia in particular is on the front line of this battle.

To date Azerbaijan has done nothing to warrant repeal of Section 907, including continuing its war rhetoric, rejecting U.S.-European calls for cooperation with Armenia, rejecting specific proposals by Armenia for economic and regional cooperation, and backing away from the commitments made by Azerbaijani President Geidar Aliyev during peace negotiations this year in Paris and in Key West earlier in year.

Given the ongoing sensitive peace negotiations, efforts to weaken or repeal Section 907 only serve to legitimize Azerbaijan's immoral blockade and would make its position at the negotiating table even more intransigent.

Moreover, repeal of Section 907 is no way to reward Armenia's solidarity with America's campaign against international terrorism. Armenia's early response to the World Trade Center attack was to first assist American staff at our U.S. Embassy in Armenia's capital to ensure the Embassy's security.

Armenia's President, speaking on behalf of the Collective Security Treaty of the post-Soviet Commonwealth of Independent States, called for joint action against international terrorism. Armenia currently holds the rotating presidency in this six-member defense grouping. Armenia has also offered and the U.S. has already used Armenia's airspace. In addition, Armenia has offered intelligence-sharing and other unspecified offers of support.

There is no reason to repeal Section 907, and it would be a big mistake at this time, Mr. Speaker. Now more than ever the Congress has to uphold the fundamental and enduring U.S. principles of justice, democracy, and human rights.

THE RHODE ISLAND VICTIMS OF THE WORLD TRADE CENTER DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, 1 month ago a grave injustice was perpetrated on the American people. We were deeply saddened by the loss of several thousand brave Americans who will be missed terribly by their friends and families. In a community as close-knit as Rhode Island, our stinging loss was even more personal.

I would like to take this opportunity to remember seven men and women from our great State who we lost in this tragedy.

David Angell was a native of Rhode Island who rose to prominence in the television industry and was the executive producer of the popular show "Frazier," a wonderful tribute to his talent and hard work. He was traveling with his wife, Lynn, back to California after vacationing in New England with his brother, Kenneth A. Angell, former auxiliary bishop for the Roman Catholic Diocese of Providence.

Carol Bouchard lived in my hometown of Warwick, and worked as an emergency services secretary at Kent County Memorial Hospital. I spoke to her husband of 2 years, who wants everyone to know what a wonderful woman Carol was.

She was traveling with her friend, Renee Newell from the City of Cranston, who was a customer service agent for American Airlines. Renee's husband of 10 years, Paul, would like people to know that she was not only a dedicated wife and mother, but also a proud airline employee. These two friends were combining a business trip for Renee with a brief vacation in Las Vegas.

Michael Gould was an employee of Cantor Fitzgerald on the 104th floor of the World Trade Center. He grew up in Newport, Rhode Island, where his mother still resides. After graduating from Villanova University in 1994, he went to work in the financial sector, first in New York and then in San Francisco. Michael had just returned to New York in June.

Amy Jarret, of North Smithfield, worked as a dedicated flight attendant for United Airlines. She began working there after she graduated from Villanova University. She was aboard the Boston to Los Angeles Flight 175.

Sean Nassaney of Pawtucket, Rhode Island, was 25 years old and already a sales manager for American Power Conversion. He graduated cum laude from Bryant College in 1998, spent a year in Australia, and then enrolled in the MBA program at Providence College. Sean and his girlfriend, Lynn Goodchild, were on United Flight 175 en route to Hawaii.

Mr. Speaker, these men and women are only a few of the victims of the tragedy that struck America 1 month ago. They will be sadly missed. Today, I want to honor and remember and celebrate their lives. As our Nation copes with the events of September 11, we should take comfort in the knowledge that the American principles of freedom and tolerance, democracy, will not be overcome by terrorism.

I offer my sincere condolences and support to the family and friends of David and Lynn Angell, Carol Bouchard, Sean Nassaney, Amy Jarret, Renee Newell, and Michael Gould, and to all of those who have lost loved ones in the tragedy of September 11. We remain confident, though, that together we will persevere.

AMERICA'S SECURITY IN THE AIRLINE INDUSTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, this evening several of us have come to the floor to talk about what many of us believe is the most pressing responsibility of the U.S. Congress right now; that is, our security, and particularly our security in our airline industry.

We believe that Congress should act very promptly; in fact, the other Chamber has passed a bill. But to date, although we are 30 days past September 11-plus, we still have not had a vote in this Chamber to increase how we deal with safety in our airlines. That is extremely disappointing, because we have had a lot of other votes here in the House in the last month, but we still have not dealt with some very, very huge holes in our airline security provisions.

Tonight, we are going to start by talking about perhaps one of the most glaring loopholes in our airline security system, and that is the loophole that unfortunately allows bags with explosive devices to go into the luggage compartments of airplanes.

The sad fact is that Congress needs to act and act promptly and aggressively to make sure that baggage that goes into the belly of an airplane is screened for explosive devices. The reason we need to act is that the airlines themselves have not provided a comprehensive 100 percent screening by any measure, any technology, even a visual inspection of the bags that go into the luggage compartment of our airlines. It is a glaring omission, and Congress needs to act.

We believe that we ought to this week include in our airline security package a provision that, by law, requires 100 percent of the bags, not just the carry-on bags, which are currently screened, but in fact the bags that go down the conveyer belt and go into the belly of our aircraft, to be screened. Right now only a small percentage, only a small percentage of those bags are screened by x-ray or other technology for explosive devices.

Mr. Speaker, I have to tell the Members, it is clear to me that the American public has an expectation that bombs are going to be kept out of the baggage that goes on the airplanes with them. That is a reasonable expectation, it is a commonsense expectation, but it is not being met by the airline industry. So the U.S. House of Representatives this week needs to pass a bill and a statute that will require that we use the technology to in fact do that screening.

The good news is that we have excellent technology that can do this. We have several types of machines that, with a very high degree of confidence, can determine whether there is an explosive device in the baggage before it gets on the airplane. We simply need a law that will in fact require that those machines be used universally. We have 100 percent coverage in this regard.

We have introduced or the gentleman from Pennsylvania (Mr. STRICKLAND) and about 30 others of us have introduced a bill, the Baggage Screening Act, which will accomplish that. We hope that this bill, or the fundamentals of it, will be included in the airline security bill when it comes to the floor this week.

But there are a host of airline security issues, and I would like to yield to the gentleman from Rhode Island (Mr. LANGEVIN), who has been showing leadership on this issue, for his comments.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding to me.

I, too, would like to join with my colleagues, and many other colleagues, in calling for greater security at our airlines.

September 11 was a tragic day in this Nation's history. Let us take a strong lesson that we need to join together and focus attention on the problem of airline security to reinstill confidence in our travelers, in the knowledge that when they board an aircraft they do so in safety, and that they will arrive safely to their destination.

Mr. Speaker, there are a number of things that we can do to improve airline security, the most important of which, I think, as a first step, is that we federalize airline screeners.

We want people there who are totally focused on ensuring the utmost safety for those who are entering the airports and who are entering our airlines, who will be boarding our planes. We want people there that are motivated not by a company that is only motivated by profits, but are there, again, totally focused on security. Federalizing those employees is the best way to get us there.

Mr. Speaker, as my colleagues stated, we have dealt with a number of bills since September 11. We need now to take up this issue in legislation in improving our airline security.

Mr. INSLEE. Mr. Speaker, I thank the gentleman for sharing those ideas. If people heard the gentleman from Rhode Island (Mr. LANGEVIN) talking about the tragedy and some of the folks lost September 11, it seems to me that it is incumbent on us to get ahead of the wave of terrorism to prevent this from occurring.

We are confident that in the airline security bill that the House will pass we are going to deal effectively with the manner of this horrendous attack; namely, someone getting into the cockpit.

We have already started to introduce into the industry some measures to keep people out of the cockpit. On the flight I was on from Seattle to Dulles yesterday, there was a bar, a new bar that they have put across the door that United is putting on to keep people from bashing down the door.

□ 2030

So we think we are going to be successful in preventing people from intruding in the cockpit, getting ahold of these planes and turning them into missiles, but what we are concerned about, we are concerned if the U.S. House does not act about the next type of strategy and tactic that the terrorists could use, which potentially could be to put a bomb in an airplane, and unless we have a hundred percent screening of baggage that goes into the luggage compartment, we are not going to have a degree of confidence that we need to make sure that airlines are safe.

So we need to get ahead of the terrorists, not be one step behind them. We need to be one step ahead of them, and we have certainly learned since the Lockerbie bombing that this is a necessary step.

I would like to yield to the cosponsor of the Baggage Screening Act and leader on this issue, the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I want to thank my friend from Washington State for yielding.

The fact is that we believe the American traveling public has a right to be fully informed about the safety and security measures that are available to them, as well as those that are not in place, as they make decisions regarding whether they want to fly on an airplane. The fact is that today flying is somewhat safer than it was prior to September 11, but there is so much more that we need to do that we have not yet done.

Every flight should have a marshal on that flight that is trained and armed and fully prepared to protect the passengers and the pilots. That is basic.

Every flight should be a flight where the baggage that is carried on board has been thoroughly screened so that we know that knives or guns or other weapons have not been taken aboard that airplane.

Another thing that needs to be done, and quite frankly where there is great resistance, is making sure that all the luggage that is placed in the belly of that plane, in the cargo space, is thoroughly inspected before it is placed on that plane.

Last week, when we discussed this matter in this Chamber, we talked about the fact that we are currently inspecting approximately 5 percent of the luggage that is being placed in the cargo sections of airplanes. And the next day, I got a call from a young man from the State of New York; and he said, Congressman, I am outraged, because I am planning a vacation in November. And I plan to take my family on an airplane. I had no idea that the luggage that is placed on the airlines is not currently checked.

The fact is that most of it is not checked, and we will never be as safe and secure as we can be and should be until we address this gaping hole in our security system.

I would like to share with my friend from Washington State an editorial that was in today's Columbus, Ohio, Dispatch newspaper. They asked the question, "What security?" And I would read just a few paragraphs from this editorial.

The editorial begins: "Last week, Americans learned about corporations engaging in what has to be the most outrageous disregard for public safety displayed by any business in years. As Americans now know, travelers who believe that baggage was routinely X-rayed were enjoying a false sense of security."

The fact is that most Americans, I think, believe that when they go to an airport and they check their baggage they assume that before that baggage is placed on that airplane that it will be screened; and it is not. What happened over Lockerbie, Scotland, which cost so many young lives, was a suitcase bomb that had been placed in the cargo of that airplane. And last week we met with two fathers who lost sons in that terrible tragedy. One lost a 20-year-old son and one lost a 24-year-old son. These two fathers stood outside this Capitol building and shared with us the fact that they had worked for the last 13 years trying to get this changed so that other parents would not have to face the kind of sadness and tragedy that they faced.

Yet the airlines have consistently fought this commonsense procedure. We need to do this, and we need to make this a part of the airline security bill that this House passes.

Before I yield back to my friend, I would just like to say this. We have done a lot in this Chamber since September 11. We have dealt with a lot of things. We passed a $15 billion bailout for the airline industry. We have attended to some other national needs, but the American people want to feel they are safe. And people who fly on our airlines want to feel that we have done everything that we can practically do to make sure they are safe.

Yet there is great resistance in this Chamber, and I am sad to say that most of that resistance is coming from the leadership on the other side of the aisle. They do not want to federalize this security force. They do not want to pass this legislation that will guarantee that all luggage is screened.

I would just like to share one other paragraph from the Columbus Dispatch editorial before I yield my time back.

The editorial ends this way: "Will there be no end to the revelations of how poorly the Federal Government, airport security workers, and airlines have handled the job of protecting passengers? How many other rules are not being enforced? How much evidence do House Republicans need to convince them that only a top-notch security force, paid by the taxpayers and not hired by the low-bid contractors, will make the airlines as safe as possible? A bill passed by the Senate and pending in the House would federalize airport security. The House should stop playing politics with this essential legislation and pass it."

I say amen to what the Columbus Dispatch has written in their editorial. This is something we need to do, and we need to do it expeditiously. And lives can be saved if we act; and I believe if we fail to act, American lives will be lost.

I yield back to my friend from Washington State.

Mr. INSLEE. Mr. Speaker, I thank the gentleman from Ohio (Mr. STRICKLAND), always a good voice for common sense; and this is basically common sense. When I have talked to people about this, they say, of course they should be screened, there is absolutely no reason not to screen this; and I appreciate the gentleman's comments.

I just want to share one piece of good news on this issue.

The good news is that through American genius of developing technology, we have machines that work tremendously. They can screen somewhere between 500 and 800 bags an hour. They have an extremely high rate of success in finding explosive materials. All we have to do is make sure they are in the airports and they are turned on.

Several years ago, the Federal Government gave the airlines about $400 million worth of these machines, about 100 plus of these machines. Unfortunately, many of them sat there and have not been used. So incredibly, the Federal Government has given the airlines these machines and they have sat there in a corner and people are not using them.

The good news is that the FAA has ordered people to start using those as close to 100 percent as they can now, but we need to get more of these wonderful machines. Put American technology to work. There is good news here if we will do our jobs.

Mr. Speaker, I want to yield to the gentleman from Connecticut (Mr. LARSON). I want to note too that Connecticut is the home of our insurance industry.

There is an aspect of the economic security for the whole country in making sure we do not let bombs get into baggage, that is, if another plane or two goes down, not only will we have insurance claims, we will have a loss of the whole airline industry. We need the airline industry to get behind this bill to say that all of us should be participating in the screening. A man from the insurance industry I know understands that.

Mr. Speaker, I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I would like to thank the gentleman from Washington (Mr. INSLEE) for his outstanding leadership on this issue. I rise to associate myself with the comments of him and the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Ohio (Mr. STRICKLAND), the gentlewoman from Texas (Ms. JACKSON-LEE), and the gentleman from Mississippi (Mr. SHOWS), which follow in what the gentleman has rightly put forward is a very commonsense approach.

Since September 11, clearly the world as we have known previously has changed in dramatic fashion. Thomas Friedman wrote in The New York Times that if we are to point fingers and look for blame, one of the areas we ought to look to is failure of imagination, failure to think through the potential of what could happen.

This very commonsense proposal does not require an awful lot of imagination. What it requires is the will to step forward and recognize in a very pragmatic fashion what needs to be done in the country immediately. And as we take up the issue of airport security, whether it be marshals on planes, whether it be cockpit security, whether it be the use of greater technology, this is something that the American public is insisting upon.

We cannot expect to go forward and have tourism continue at its pace previously or commerce and business to travel across this Nation if we are not willing in this body to put forward legislation that as the gentleman has put forward, would provide us with the most up-to-date technological ability of screening and also federalizing our airports in such a manner that we know we are getting the kind of scrutiny and security that the American public demands.

Why do they demand it? Because our televisions, our cable TV broadcasts are replete with what has happened since September 11. And the concerns have been put out there. They were eloquently stated by the gentleman from Ohio (Mr. STRICKLAND), and these need to be addressed in a very commonsense manner. To move away from an important security issue at a time when we are focusing on homeland defense just makes no sense whatsoever.

I conduct hearings back in my district and have met with local municipal officials. Truly this is another area of frontline defense. And if we are not taking every precaution necessary at our airports to make sure that people are safe and secure while traveling, then who but to blame then the United States Congress for not taking the appropriate action.

I commend the gentleman for his persistency in this issue. For more often than not in a legislative body it is persistency that counts. It is making sure that the public understands that this issue is not going to go away, and it is incumbent upon the public to contact their local Congressman.

So for those of you who are listening tonight and are interested in this subject matter, do not write the gentleman from Washington (Mr. INSLEE). He is a supporter of this. Write your local Congressman. Talk about this importance too with them. Send them a letter. Call them on the telephone. The pressure has to come from the bottom up in order for us to move legislation in this body.

If there is one lesson that we have learned, the silver lining in September 11, is a renewed interest on the part of the public, an understanding that we no longer can be passive participants and defer responsibility to someone else, but have to take the steps ourselves to get involved in our community, to get involved in our State, to get involved in our Nation. We can do that very easily by picking up the phone, by writing a letter, by sending an e-mail and supporting this key piece of legislation.

Again, I want to commend the gentleman from Washington (Mr. INSLEE) for his outstanding work in this area and his persistency.

Mr. INSLEE. Mr. Speaker, I thank the gentleman very much for that eloquent comment. I agree, we have no genius here. This is a commonsense idea, and we will try to be persistent.

I have got to note, I think the question if the House fails in this charge to do this, people are going to ask why are we spending millions of dollars to make sure people have the nail clippers taken away from them when they go through the passenger screening system. And then we have a big barn door that is open that allows people to put 40 pounds of C4 explosive in their bags and take down the plane. The does not make any sense whatsoever.

The reason the people need to know this sort of dirty little secret here, the reason this has not happened to date is the airlines have not wanted to spend a buck to do this. We are talking about maybe $2 a passenger to do this. That security is worth $2 a passenger. Believe me, I think I can state that I have 600,000 constituents, and I think every one of them agrees with this proposition. We need to make sure that voice is heard.

Mr. LARSON of Connecticut. Will the gentleman yield?

Mr. INSLEE. I will yield to the gentleman.

Mr. LARSON of Connecticut. It has not been missed on a number of us as well that since September 11, we have spent an awful lot of time focusing on homeland defense and first responders and appropriately so.

It was not the FBI, the CIA, the FAA, or the Armed Services that responded first in the New York, in the fields of Pennsylvania, or the Pentagon. It was our frontline individuals. I have met with them. If we talk to people back in our home district, and they will quote us. Take a look at the budget as it exists today in the Federal Government as it relates to terrorism and how we are prepared, we have appropriated about $8.9 billion, only $300 million of which gets outside of the Beltway.

To the gentleman's point about the reluctance of the airlines and the need for the Federal Government to step forward here, is that this truly is a frontline initiative that is going to need the funding. Now, if that requires, as the gentleman rightly points out, $2 or $3 more to make sure the cockpit is secure, to make sure we have the kind of technology available at our airports so the people feel safe and secure, I think the American public needs to hear that debate and that dialogue.

□ 2045

I believe they are ready to step forward and make sure we embrace safety and security. That is what September 11 has done, it has gelled us together as a Nation in patriotic fervor, yes, but also with the notion of what to do beyond this; to make sure in that time-honored tradition of the Boy Scouts that we are prepared, and the gentleman's bill prepares us for that future. And, again, I want to commend the gentleman.

Mr. INSLEE. I may note, too, that we hope, particularly for smaller airports, that there is Federal assistance in financing this thing. These machines are not inexpensive. They are extremely effective, but they are not inexpensive. And particularly for our airports that have limited revenues, we hope the Federal Government will help in the acquisition.

We are going to have a stimulus bill to help stimulate the economy. We need to stimulate some safety and create some jobs building these machines. And to those people in the airline industry that say it will take too long to build these, we built 12,000 B–24s in 3½ to 4 years during World War II. We can build a few hundred of these machines in the next several months to a year, and we ought to be doing that right away.

I want to thank the gentleman from Connecticut (Mr. LARSON), and I now want to yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for her comments.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would almost say that I am sorry I had to meet my colleague this way, this week, this time; but I am certainly pleased to join my colleagues for what I consider to be a very, very important challenge that we have to face.

There have been some different discussions and different challenges since September 11; and if my colleagues will bear with me for a moment, they will understand the thrust of my remarks about why we have to be here today to talk about the federalization of the security systems at our airports and for our airlines.

Since September 11, we have confronted the new question of how do we secure the American people, the American people who trust us and who have confidence in us and who entrust us with the responsibilities of government. No one could have predicted, at least we are not casting any accusations on the terrible and heinous acts of September 11, but what the American people can ask us for today is that we act today with deliberateness and factualness and we act to do the right thing.

Yesterday, in my district, after hearing of the terrible incident with Senator DASCHLE, interestingly enough I was meeting with my emergency personnel, with physicians, talking about anthrax. And as we were sitting in a meeting, several incidents occurred in our own meeting. A woman got a substance in the mail; the 911 operator said go straight to the hospital. She takes the envelope and winds up shutting down the hospital and having to decontaminate the patients. So new decisions have to be made, quick decisions have to be made. And later on tonight we will be discussing this whole issue of dealing with the Afghan women and children and trying to nurture them. That means that we are looking at the world through different glasses.

I cannot understand for the life of me, as so many of us get called and interviewed, I got a news reporter calling me about what am I doing about security in my office, how are my employees handling anthrax; and I said I want them to be safe and secure, we are following the instructions, but most of all I want them not to panic, to be calm. But no one is asking about why the Senate voted 100 to one to pass a bill providing a safe pathway for the thousands and thousands and millions and millions of passengers, men, women and children, families being united with grandmothers and grandfathers, aunts and uncles, going to colleges and visiting their young people at colleges, college people coming home for holidays; and yet we cannot take this bill up in the House of Representatives. No one seems to think that that is an important enough headline to ask the question.

My good friend from Ohio mentioned something, and probably someone is out whispering why did he say that, friends on the other side of the aisle; but there comes a time when you must stand up for the American people. I believe that we have been most gracious and most committed and most patriotic working with the President, working with our colleagues on the other side, saying that we are going to face terrorism and we are going to look it in the eye and they are not going to intimidate us. But I am sorry, I am overwhelmed; and that is not a good word, because it means you are not acting.

But I think we are acting tonight, and the gentleman is acting; and we are going to get this bill heard. That we could have a vote so strong in the United States Senate, here we are talking about bicameral and working together, and yet we come to the House of Representatives, 435 Members in the people's House, who do not even get a chance to debate this issue, to be able to stand up for the American people and tell them we are going to check those airline bags, those bags going into the airplane.

I came in from Dulles, and I was looking at the Japanese airline counter; and if I am not mistaken, I saw an X-ray machine outside that counter. I did not see it outside our counters, but I saw an X-ray machine and it had Japanese language on it, so it means people getting on that plane, their bags were going through an additional X-ray machine. This is unseemly. And I believe it is time now that we get the headlines of the Nation's newspapers. I know the gentleman just read an op-ed piece from the Columbus Dispatch, but I believe it is time for our newspapers from Houston to Seattle to San Francisco to New York to begin to look at the real issues that are confronting the American public.

People are still not getting on the planes. And I am the first one to say I do not want to create panic or hysteria. I want my constituents to fly. I am getting on a plane every day. But there must be this sense of obligation and responsibility that we have.

New language on the floor of the House today: We are talking about helping the Afghan women and children and talking about the terrible Taliban and how we want to make sure they are no longer in charge. But as we do those things and talk about anthrax and safety and postal rules and regulations, I think it is important that we bring this bill to the floor of the House.

Let me just simply yield to the gentleman for a question, but first I want to make a point about this bipartisanship. I am as committed as anyone. I think we are going to have a debate on the economic stimulus package. There are some disagreements there. And I think the American people need to understand that this is in keeping with democracy and what is the right thing to do; legislation that we worked on totally different, but I am bringing in on a bipartisan point, H. Con. Res. 228, dealing with prioritizing the children who lost parents on that day, trying to get them the Federal benefits. That bill is languishing here in the House; we cannot seem to get that to the forefront and to the attention thereof.

Here we are with the bill of the gentleman from Washington (Mr. INSLEE), and I want to ask, because I think I have the right numbers correct, I know there was a bill we passed 96 to one in the Senate; but I believe the bill on security was 100 to one, and the gentleman can correct me, but what has been the response and where are we in moving this bill through the House? Will Members of the House have the opportunity to work on behalf of their constituents to answer the concerns. As we are stopped at airports all the time, the concessionaires are telling me get more people flying, and I am trying to do that; but what is the status of the legislation that we are trying to do here in the House?

Mr. INSLEE. Well, the gentlewoman is correct. It was 100 to zero, unanimous, in the Senate; yet we still have not had a chance to vote on a security bill. And that is incredible, because if this bill was brought to the floor, we are confident it would pass with overwhelming bipartisan support. This bill has bipartisan support, the gentleman from Connecticut (Mr. SHAYS), the gentlewoman from Maryland (Mrs. MORELLA), who is a leader on this subject, has supported this concept. We will pass this bill with bipartisan support. The problem is that, unfortunately, some of the leadership in this Chamber, in the majority party, does not want this bill and the potential federalization of this issue to occur, to even have a vote on it. And I think that is most unfortunate because we would pass this bill if we had a chance to do it.

I have to tell my colleagues that the people I talk to want to see the Federal Government assure the flying public that they have security. And just like we have Federal employees running the FBI, just like we have Federal employees running the FDA, we ought to have Federal assurance and Federal officers who are certified and trained and paid so that they do not have a 400 percent turnover, like the people do now running the airports, so they have a high level of security.

We have police officers work for us that work for the city, we have fire department people that work for the city, and these people ought to work for us so that we do not have this private enterprise in the mix. Now, there is nothing wrong with private enterprise; but when it comes to security, this is not a theoretical experiment. We had an experiment and it ended on September 11. It failed that model.

Mr. STRICKLAND. Would the gentleman yield for just a moment?

Mr. INSLEE. Certainly.

Mr. STRICKLAND. The fact is the American people want us to do this. The American people want to be safe when they fly. Most American citizens that I have talked to, who have flown, some of them for many years, have operated under the belief that when they took a bag and they checked it in at the airport that it was screened for explosives before it was placed aboard that airplane.

I think this is something that members of both parties want. And as the gentleman said, if we had a chance to vote, I am absolutely confident that we would pass this bill overwhelmingly. But the fact is that a very small minority of the majority, those in positions of leadership, are preventing this legislation from coming to the floor for a thorough debate and a vote. It just simply is wrong.

I believe as the American people find out what is happening they will become enraged and they will start expressing themselves, so that eventually we will get this bill passed; but we need to do it sooner rather than later.

Ms. JACKSON-LEE of Texas. If the gentleman will yield.

Mr. INSLEE. Yes.

Ms. JACKSON-LEE of Texas. I want to follow through on the gentleman's point. We have had some success with airports opening; but I am told even today, in visiting National Airport, the Nation's jewel as it relates to air travel, and certainly the recognition that we are looking terrorists in the eye and we are not going to be intimidated, that it is practically empty. A part of the reason, of course, is it deals with rules they are trying to construct, but also the desire to fly and coming into this area. I am almost sure that with the headline banner of the new federalizing of the security, it would make a world of difference.

I do want to just note that none of us are condemning the hardworking individuals who are doing that job now. We appreciate the work they are doing, with the training they had, many of them coming from our respective communities. I want them to know I appreciate them and respect them. I would hope some of them would be put in a position to be trained, elevated, promoted, and given career opportunities. This is not an argument about those people who are acting and performing at the level of their training.

In fact, this morning, coming up here, I saw that they were putting people off the counter because they need so many people. I recognized people from the counter who were just standing trying to be security. That is not fair to them. And they are doing that because there is so much load.

So what I would simply say, this is an effort not to in any way denigrate anyone who is doing the job within the realm of their capacity and training. This is to say that we now speak a different language, we have a better way to do it, and the way to do it is to provide the federalization. And it really is shameful that we would use the issue of working people and that we do not want more Federal employees as an issue to prevent safety here in the United States.

I thank the gentleman for yielding to me.

Mr. INSLEE. I will yield to the gentleman from Mississippi (Mr. SHOWS) in a second, but that is a very important point. Basically, what we have seen is what happens when you try to do security on the cheap. And we have had this porous system, and I want to tell my colleagues how porous it is. I will read one thing, and perhaps the gentleman from Mississippi will want to comment on it.

This is from the New York Times of October 12, a month after the tragedy. It says, "The security company that was fined $1.2 million last year and put on probation for hiring convicted felons to screen passengers at Philadelphia National Airport has continued to hire screeners without checking whether they have criminal records, the United States attorney says. Prosecutors also said the company," and I will leave out its name just for the moment, "had failed to fire the felons it had already hired and lied to the government about the background checks it was supposed to be conducting."

That is an experiment that we had when we did not have a federalized system of dealing with airline security. That has failed and we need to move forward. It is regrettable that the leadership of this Chamber has not allowed the majority will to fix this problem.

With that I wish to yield to a great leader both on this issue and others, and the star of our class in 1998, the gentleman from Mississippi (Mr. SHOWS).

□ 2100

Mr. SHOWS. Mr. Speaker, I agree with what the gentleman from Washington is talking about. Being a highway commissioner from the State of Mississippi, we used to accept the lowest bids on contract work for our highway department, the lowest bidder getting the job.

Basically what has happened in the airline industry, they are competing against each other. They know if they pay the screeners more money than others are paying, guess who is not going to get the job. We need to work out some kind of mechanism to make sure that the best qualified people get the job.

People have to feel safe to fly. It is ridiculous to think we can give billions of dollars to the airline industry, which I voted for because I want to help the airlines. I know what it means to our country and our commerce in this country, but for us to do that and not do the things that we need to do to make the people feel safe to fly, and I can tell my colleagues what we can do. We can take a lot less money and put that money into making people feel safe when they get on the plane, and we will see the airline industry come back. People will adjust to what it takes to get prepared to get on an airplane. Once they know that they have to have their bags packed a certain way, they have to get there early enough, people will adjust because they like the convenience and speed of flying. They can get to their destination in a day or half a day.

But it is like walking in a neighborhood that one does not feel safe in, people are going to go around that neighborhood. Until the people feel safe on these airlines, and it is just the bill that the gentleman from Washington (Mr. INSLEE) is talking about. And I wish the media would get onto this. The media is telling bin Laden and the Taliban more things than I want them to know. Why is the media not talking about this?

Mr. Speaker, I have asked the media to get involved and help promote, and "promote" may be the wrong word, but what is wrong with helping the American people feel safe on the plane? What is wrong with having Federal employees doing so many other jobs, and we are not talking about a huge number that is going to be added. We just added billions to what we are talking about. We want to improve the airlines, and we do not want to see National desolate, we do not want to see Orlando desolate, and we want to see Mississippi and Florida tourism growing, and the only way to do that is to make people feel safe. If they feel safe, they will fly.

Also what country or what state lives in the most dangerous part of the world, and that is Israel. How many planes have they lost or been hijacked in the last 10–12 years?

We are the only country that does not pay our screeners and have them as State or Federal employees. Are we so much smarter than everybody else that we do something that nobody else does. I admit that the United States of America is the best country in the world, but we do not have to reinvent the wheel. We can look at what works for Israel and Europe and see what has happened to them and what has happened to us.

In closing, I would like to say that we need to promote the well-being of our people traveling for the good of this country, for the good of airlines. I was in the airport this morning flying out of Jackson, Mississippi. An employee, this is one of the people that actually worked there, I know who he is, he said, please ask them to federalize these jobs so we can recruit. And I am not saying that the ones that are there are not good people, but they are paid the minimum wage. How much interest can they have in their job if they are being paid minimum wage.

Mr. Speaker, we have a lot of things that we need to correct, and one of them is what the gentleman is discussing, inspecting every bag. A lot of people think every bag is being screened right now, and they are not. If every bag is not screened, this is going to make travelers even more wary of getting on a plane. Let us screen every bag and put the equipment in there. Let us get the employees that screen the bags federalized and get them to where they can make a decent living and we will not have to make another bailout because people will fly again.

Mr. INSLEE. Mr. Speaker, the low pay and lack of training has resulted in 300 and 400 percent turnover in the folks that do the job. What expectation can one have when the business has 400 percent turnover of its employees.

I was talking to the gentleman from Washington (Mr. McDERMOTT). He said when he got on the plane yesterday, he took his metallic objects, his phone and watch, and he tried to put them in a little cup while he walked through the Magnometer, but there was no cup. So he walked through holding his metallic objects. Of course the Magnometer went off like it is supposed to do. The gentleman from Washington went back to go through the Magnometer again and the person said, go ahead, I see that you are holding the metal, and that is what set it off. But the fellow who was doing the screening did not realize that he could have had a grenade and a .45 caliber Smith & Wesson, and he did not send this passenger back through the Magnometer. That is the lack of attention, precision, acuity that makes this a poor system at the front end much less at the back end.

And the gentleman mentioned that not all of the bags are screened. Almost 90 percent of the bags are not screened. This is a huge, huge failure. Right now we are paying attention to the front door where the passengers walk on, and we have a back door that is totally open in the baggage hold.

Mr. SHOWS. Mr. Speaker, I would like to say I think personally 6 months from now if we do not do something to give the flying public confidence, we are going to be looking at another bailout. I do not believe that airlines can survive under the environment that is happening now. People are still not flying.

I do not want to come back 6 to 8 months from now and have airline after airline going out of business, and we have States' revenue dropping, and us not have done our job. We ought to have the opportunity to do that.

Mr. Speaker, I thank the gentleman for organizing this special order.

Mr. INSLEE. Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I believe most Americans have thought that when they go to an airport and they check their luggage, that it is screened before it is put on that airplane. I think it is a surprise to a lot of American travelers when they find that those bags have not been screened.

I would like to share one other paragraph from this Columbus Dispatch editorial on airline safety.

This is in today's Columbus Dispatch. They say "The U.S. Transportation Department's Inspector General reported just last Thursday that observations at seven of the Nation's 20 highest risk airports found nearly no screening of checked bags." Now, some time ago, $441 million in tax money was used to buy 164 high tech bomb detection machines for about 50 airports and 20 airlines. These largely have been gathering dust or sitting in warehouses. That is why we need a law. We need to make this mandatory so that when we go to the airport and get on an airplane with our families, the people we care about, for vacation or business or for whatever reason, that we can believe that our government has taken those steps that are essentially necessary for us to be as safe as possible.

Until we do this, I believe the American public needs to know and to understand that there is a possibility that when they get on that airplane, it may have an explosive device in its cargo hold. The American people deserve that information. I do not want to scare people either. I want people to feel like they can fly and fly safely; but neither do I want to deceive or keep information from the public. The public needs to know that when they get on an airplane today, that it is likely that at least 95 percent of the luggage that is in the belly of that plane has not been screened for explosives.

I go back to what I have said before. If we pass this legislation, I believe American lives will be saved. If we neglect to do this, if we play politics with this issue, if we put it off and put it off, if we argue about whether or not we are going to pass a bill or have Federal employees and this matter is continually pushed aside, I believe the lives of American citizens will be lost. What we are dealing with here is a very serious matter.

Much of what we talk about in this Chamber and what we vote about does not have life or death implications, but this matter has life and death implications. That is why we should take it seriously. That is why I feel strongly that we should keep at this and every chance we have to come to the floor and talk about this issue, that we do it until the leadership on the other side of the aisle is willing to bring this bill to this floor so that we can have a vote.

We are the representatives of the American people. We have a responsibility to do all that we can to protect them. We deserve the right to have this legislation brought to this floor for a vote. It is unconscionable that the leadership on the other side of the aisle would prevent us from bringing this vital legislation before this Chamber.

Mr. INSLEE. Mr. Speaker, that is what is disappointing about the current state of affairs. The House has been remarkably united. The Speaker has done a good job in trying to find a unified position in dealing with the international conflict.

Now we are in a situation where some of the folks in the majority leadership know we are going to pass this bill if it comes to a vote; and for that reason they will not allow a vote on it. There is no other reason to bring this for a vote. Certainly the American people's attention is focused on the issue of security. The only reason to not bring it to a vote is we are going to pass it on a bipartisan basis.

Unfortunately, folks have let ideology stand in the way of common sense. There is an ideology in some parts of this Chamber that says the Federal Government is evil and should not assume more responsibility. This is a responsibility that the Federal Government needs to assume for the benefit of its citizens. The failure of the current model, which is the airlines running the system, speaks volumes.

The other thing that I want to say is that we have to have Federal decision-making on this because if we are going to have a system that does not delay passengers, we have to have a consistent system. We cannot have one airline doing it one way, and a second airline doing it a different way. When we have connections, we have to have a consistent system. We cannot have a balkanized system.

The airlines do some things good, but they do not get together and decide things very well. They cannot even decide, after 10 years, what size of carry-on should be the maximum side. That is why the Federal Government needs to act.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, we do not want our police officers to be privatized. We do not want our CIA or our FBI to be privatized. We do not want our firefighters to be privatized. We are talking about security here. Our airport security personnel should be professional. They should be accountable. They should be highly trained, and they should be government employees. The government should be responsible for their performance.

I think this is what the American people want. The Senate voted 100 to nothing. Every Republican and every Democrat in the Senate of this country voted to federalize this security force. Yet we are not getting an opportunity in this House Chamber even to bring the bill to the floor for a debate and vote. I do not believe that we will get that opportunity until the American people express themselves, until the American people let the leadership in this Chamber know how deeply and how strongly they feel about this issue.

Mr. INSLEE. I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to follow up on the languishing of these large machines that are in a number of airports around the country. What a terrible tragedy. I happen to know firsthand of these particular machines.

One of the reasons given by some of the individuals I spoke to is we do not have a physical area large enough for the machine. That is a definitive and defined need for the Federal Government to step in and to indicate you do not have one, you make one because it all plays into securing the American skies, if you will.

I think the next point that I want to make is what have we been covering and hearing about over the last couple of days? Anthrax.

□ 2115

We have not been hearing about how do we prevent tragedies with anthrax, or measures that would have prevented what is occurring now. We are hearing of the number of incidences where people are bringing to the attention of the law enforcement authorities about this kind of powder and that kind of powder.

Part of it, of course, is misinformation. Part of it is not understanding what anthrax is, what it is and what it is not. Part of it is not having the information that the American people need to have, and this is what we are facing right now with federalizing the security. The American people are not hearing what the truth is about what is happening in the United States Congress.

And though I do not expect for our media, both electronic and print, to be our advertisers, if this is not a time for civic duty, to be able to make headlines across the Nation, when are we going to vote on a bill passed by the Senate 100–0? When are we going to accept the responsibility, or the Federal Government or the Congress, to do what they are supposed to do and to help move this forward?

That is the point I think should be made tonight. I hope someone is listening. Because tomorrow we should wake up and we should see these kinds of headlines, because maybe if we had seen headlines explaining anthrax 4 weeks ago or being able to explain that you do not take an envelope and go to a hospital, what you do is you leave it contained, you call 911 or you call the authorities, you do not move this around, maybe some of the tragedies that have occurred, we might have avoided.

We want to, of course, secure all these things that are happening, but now we have a time or a chance to get in front of this issue of security for our airlines. How can we get in front of it? How can we be preventative? How can we be futuristic? We can pass this legislation, have it in place and secure the American people and secure the airways for the American people. I hope we have glaring headlines demanding a vote in the United States House of Representatives.

I thank the gentleman for yielding.

Mr. INSLEE. We should assure the American people, too, that we can give 100 percent screening to make sure bombs are not in the belly of our airplanes and not increase the time it takes to get on an airplane.

The reason I know that is when you think about this, we screen carry-on baggage already. When you go through your little arched magnometer, you put your briefcase or your purse or whatever on the machine, it goes through; and it is x-rayed. That screens, it depends on what airport you are in, maybe 400, 600 passengers an hour. We x-ray hand-carried baggage already. What we need to do is to have screening for the baggage at the same rate, the same number of passengers per hour; and if we build that capacity, we are not going to slow down people getting on planes for 5 minutes.

Americans have an expectation of security and convenience. In this case, we can have those both as long as we can compel the Federal Government to take over decision-making about these systems to assure 100 percent screening. It takes this House to act; because, unfortunately, the airline industry for one reason or another has been incapable of that.

I yield to the gentleman from Ohio.

Mr. STRICKLAND. I would like to comment on my friend from Texas and her comment regarding the media and the need for public exposure. I believe it is beginning to happen. I go back to what I have said before here. I think one of the reasons we have not heard more about this is there has been an assumption, a belief, a false belief, that bags are currently being screened. I just point to this editorial in the Columbus, Ohio Dispatch of today, calling attention to this matter.

Last evening in Columbus, Channel 10 television had a program where they discussed this need for increased security and bags being checked. So I believe people are starting to understand that what they have assumed for a long time is not necessarily what is happening. And when you consider the fact that probably no more than 5 percent of the luggage that is placed in the belly of a plane is checked, that is alarming.

I have shared with my colleagues in the past the fact that I am not even certain that the current screening that is taking place is at all meaningful, because at Dulles International Airport last week, I checked in and put my bag down, and I was informed that my luggage had been randomly selected for further screening for explosives. And then I was asked to voluntarily take my bag down the corridor, go down another hallway, turn down another corridor, and there I would find the machine. I said to the person who gave me those instructions, what makes you think that I would voluntarily if I had an explosive in that luggage, voluntarily, without being escorted, with no one observing me, walk down the corridor and around and in back of this wall here to voluntarily have my bag screened if, in fact, it had explosives in it? Why would I not just decide to leave the airport and maybe come back in the afternoon when my bag may not be chosen at random for further screening for explosives?

So what we are doing now, at least certainly at Dulles International Airport, is meaningless in my judgment. We need a law, we need procedures, we need standards, we need training, we need decent pay for these people, and they need to be Federal employees. In that way, the traveling public can have a high level of security and a sense that we have done all that we can do to make sure that they are safe when they fly.

Mr. INSLEE. I want to thank my colleagues for this safety hour. We hope that the U.S. House listens to the American people and give them what they want, which is 100 percent screening. It will be a good day for the House if we do that.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1305

Mr. SHOWS (during the special order of Mr. INSLEE). Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1305.

The SPEAKER pro tempore (Mr. SCHROCK). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AFGHAN WOMEN

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, the terrorist attacks of September 11 swept away our innocence and left us with grief and anger, anxiety and a resoluteness to make sure this does not happen again and to eradicate terrorism.

I just listened to part of a special order that the gentleman from Washington (Mr. INSLEE) had with regard to screening baggage. Security is critically important. We do have the technology to do it. I want to comment on my cosponsorship of that legislation and the need that we do something more about security, making sure that every bag is checked.

But also with regard to September 11, I rise before this body to recognize the women of Afghanistan. Later we are going to hear from the Women's Caucus, a special order. I want to thank the Women's Caucus and the gentlewoman from California (Ms. SOLIS) for initiating that special order, but I chose to speak at this point about the same issue.

Upon seizing power in 1996, the Taliban in Afghanistan instituted a system of gender apartheid over the women of Afghanistan. Under the Taliban, women have been stripped of their visibility, their voice, and their mobility. They are unable to participate in the workforce, attend schools or universities, and often prohibited from leaving their homes unless accompanied by a close male relative. The windows of their homes are often painted black; and they are all forced to wear a burqa, or chadari, which completely shrouds the body, leaving only a small, mesh-covered opening through which to see. Women are prohibited from being examined by male physicians while at the same time female doctors and nurses are prohibited from working.

Women have been brutally beaten, publicly flogged and killed for violating Taliban decrees. In Kabul and other cities, a few home schools for girls operate, although they operate only in secret. Women who conduct these secret classes to educate women are risking their lives or risking a very severe beating. Many of us watched in horror these circumstances which were documented in the film, "Beneath the Veil."

Prior to the Taliban control, Mr. Speaker, especially in Kabul, which is the capital, women in Afghanistan were educated and they were employed. Fifty percent of the students and 60 percent of the teachers at Kabul University were women. And 70 percent of school teachers, 50 percent of civilian government workers, and 40 percent of doctors in Kabul were women. The Taliban shield their behavior behind claims of a pure, fundamentalist Islamic ideology, yet the oppression they perpetrate against women has no basis in Islam. Within Islam, women are allowed to earn and control their own money and participate in public life.

Mr. Speaker, I will be joining my colleagues who will be following this evening in recognizing the women and the girls who have been enslaved and stripped of their basic human rights under the leadership of the Taliban. I hope that we can raise the awareness of gender apartheid in Afghanistan and women around the world who are unable to escape severe poverty, who face an extreme lack of health care and education, and survive day to day with constant hunger.

In the next few weeks, I will be introducing the GAINS Act, which stands for, the acronym, Global Action and Investments for New Success for Women and Girls. I am introducing this legislation because economic globalization is leaving the world's poorest women, girls, and communities behind. Women and their children make up more than 70 percent of the 1.3 billion poorest people today.

Because we have not taken adequate steps to implement commitments made at the United Nations Fourth World Conference on Women in its foreign policy and international assistance programs, we need a template for ensuring the implementation of these important commitments. I hope that everyone in this body will join me in supporting the GAINS Act and also in taking steps to improve the lives of millions of women and girls in Afghanistan.

TRIBUTE TO RUSH LIMBAUGH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I am joined tonight by the distinguished whip, TOM DELAY. I want to say, kind of listening to our Democrat friends speaking before we spoke tonight, it was inspirational, Mr. Speaker. I am glad to see things are getting back to normal again in Washington. That is what the President has been calling for. And so, doing their part, the Democrats were very partisan and petty. So I appreciate that.

I am sorry to say that they are misguided. They want to create a new Federal bureaucracy in the airports, and I for one feel that we should model security the way they do it in Europe and the way they do it in Israel because they have had so much more experience with terrorism. And the way to do that is to have Federal standards for private sector security, not a new government bureaucracy.

I would ask my Democrat friends in great sincerity, would they want the Post Office to run the security system at airports? Certainly not. Because we all know that the private sector can be far more efficient and effective at doing a job than one more government agency coming out of Washington, D.C.

With this, Mr. Speaker, we are joined by the great man from Arizona, Mr. J.D. HAYWORTH. I want to begin with saying:

No. 15. If you commit a crime, you're not guilty.

No. 18. I am not arrogant.

No. 20. There is a God.

No. 23. The only way liberals win national elections is by pretending they're not liberal.

No. 3. No Nation has ever taxed itself into prosperity.

No. 4. Evidence refutes liberalism.

No. 5. There is no such thing as a New Democrat.

These, Mr. Speaker, are among the great gems of wisdom in Rush Limbaugh's 35 undeniable truths, and we want to be talking about our friend Mr. Limbaugh tonight.

I would start by yielding the floor to the majority whip, the gentleman from Texas, Mr. TOM DELAY.

Mr. DELAY. Mr. Speaker, I really appreciate the gentleman from Georgia bringing this special order on Rush Limbaugh, particularly following what we saw just right before us, in the special order right before us, the Democrats out here talking about security in airports. Rush Limbaugh, I am sure, would have a lot to say in answer to what the Democrats were saying.

It is quite amazing to me. I saw one gentleman, I believe it was the gentleman from Mississippi, talking about we should have the security that they enjoy in Israel and in Europe. Actually that is what the President is trying to do and the Democrats are trying to thwart.

□ 2130

They want to nationalize this system. They do not want to federalize the system; they want to nationalize it, something Europe tried, by the way. And after just a few years, the hijackings and the bombings and the threats that came against the airlines coming out of Europe were so bad that they threw away the nationalized system and imposed the system now that the President is trying to bring as a model from Europe and from Israel.

Israel has not had a hijacking because they have the right system, the system that the President is trying to see implemented here in the United States. What that system is basically changes the present system that we know has a lot to be desired and changes that system so that the Federal Government comes in with standards and criteria and even certification of those that screen at the airports, but that you use employees in a private entity so that you could get the best work and the best employees to do the job. Rush Limbaugh would understand that, and has understood it and talked about it a lot on his show.

But, Mr. Speaker, anyone who heard the bad news about Rush Limbaugh's ailment and thinks this is a time to hang our heads does not know Rush very well and does not understand why his audiences tune in every day.

Rush is not interested in anyone's pity. He wants our passion. He wants us to succeed. People listen because Rush celebrates the opportunity that America offers to every man and woman with a dream and the passion to achieve it.

He reminds all of us that America is the world's best place to enjoy a happy, fulfilling, and meaningful life. Rush cajoles us all to chase our visions and he tells us to never give in to doubt, fear or failure.

Rush has not let go of his dream. He arrives at work every morning with the same passion for his job that he has always had. He is not going to let a tough break define who he is or even what he does. He is going to work through the problem. He is going to adapt and overcome it. Rush practices what he preaches.

He urges his listeners to pursue their own passions, to work hard to achieve excellence, to overcome life's problems, to remember our roots, to laugh at adversity, to honor our principles, and to an insist on an American vision that expands opportunity and celebrates freedom.

What Rush does every day is simply to tell America to roll up our sleeves and go about the business of building Ronald Reagan's shining city on a hill.

Rush understands the American spirit, and he urges all of us to live up to it. He has never dwelled on the depths of the problems that confront us. He has never been susceptible to second guessing about America's role in the world.

He understands that what a person does after a setback will tell you more about them than anything else. That is why Rush's commitment to continue his program reminds us of who Americans are: we do not quit, we do not back down, and we do not let go of our dreams.

We need to keep the faith, keep the passion, and keep working to build an American society that equals all of our hopes and our aspirations. That is Rush Limbaugh. That is the Rush Limbaugh that we will continue to enjoy on the radio. That is the Rush Limbaugh that understands what true airport security and airline security is. That is the Rush Limbaugh that understands what the conservative movement is all about. That is the Rush Limbaugh that leads us every day in understanding what is good for America.

We all applaud Rush Limbaugh for what he has done and what he is about to do. We all are sorry for his affliction; but at the same time, we all pray for him. We thank you for bringing this Special Order.

Mr. KINGSTON. I thank the distinguished whip. It is exciting to have you with us, because I remember when you were the minority party whip, and that was before the gentleman from Arizona and the gentleman from Minnesota (Mr. GUTKNECHT), who has now joined us, were Members of this Congress. They, of course, were part of that great 104th majority-maker class.

Gentlemen, I can tell you things were different, but I will also tell you what you already know: Rush Limbaugh going out, reaching out to 20 million very great Americans and getting them all excited about the political process helped get you in Washington.

I will be honored to yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia for organizing this time and the fact that the distinguished majority whip joins us, as does the gentleman from Minnesota. In hearing the whip discuss not only our friend Rush Limbaugh, but also the power of ideas, I think it is very important to come tonight in that great tribute, because America is an idea and ideal brought into practice.

As the gentleman from Georgia outlined, as the gentleman from Minnesota and I came to this Congress at a historic time with a transition in the majority, I had the privilege during my campaign to first meet Rush Limbaugh. He came to Phoenix as I was preparing to run for Congress, and our Suns were playing the Bulls in the NBA championship. The folks from Chicago prevailed in that particular matchup, quite unlike what transpired today in baseball, as the Diamondbacks defeated the Braves two to nothing. Sorry about that to the gentleman from Georgia. But we had a great visit with Rush.

Mr. KINGSTON. If the gentleman will yield, that was just Southern hospitality, so we do not have to worry about you in the next game.

Mr. HAYWORTH. Oh, I thought it was skill. But just one point about it, because the whip talked about this, the fact that our friend Rush Limbaugh celebrates the dreams and the pursuit of excellence by individuals, that he recognizes that America is made up of seemingly ordinary individuals who have been called upon to do extraordinary things, and whether it is succeeding in business, or getting an education, or running for public office, fulfilling dreams is important. That is what makes his excellent broadcast so excellent in terms of the excellence in broadcast for which he strives; the fact that America can rise to its dreams, can discuss the difference in ideas, can succeed on the playing field, or return to the playing field to seek success, as my friend from Georgia identifies with a certain National League franchise from his home State.

But we salute our friend Rush Limbaugh. Indeed, Mr. Speaker, the highest form of praise for me personally is really two-fold: number one, to know that in the Almanac of American Politics, there are those who would compare this gentleman with my friend Rush; and the fact that yesterday on his broadcast I was mentioned, and the constituents started to call saying "Rush was talking about you today," and that is a high honor indeed.

Mr. KINGSTON. If the gentleman will yield, I am wondering now if that is an economic comparison. I know he is probably the wealthiest talk show host in America. Is there an economic similarity?

Mr. HAYWORTH. Oh, would that it were the case, but apparently it has to do with vocal patterns or some such.

Mr. KINGSTON. I just wanted to be sure. Because the gentleman knows, the gentleman from Arizona (Mr. HAYWORTH) is very famous on Capitol Hill, and I am sure in the great State of Arizona as being somebody who can imitate different speakers, which Mr. Limbaugh is also good at, as is the gentleman from Minnesota, who also can imitate Ronald Reagan so well that you think he is still at the Capitol.

But I wanted to say on that subject, number nine in the 35 Undeniable Truths of Rush Limbaugh, Ronald Reagan was the greatest President of the 20th century.

I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Well, I thank the gentleman from Georgia and my colleagues and the whip for being here tonight to take a few minutes to pay tribute to a very special American. I think he is very special for a lot of reasons.

I remember the first time we were driving through Iowa and we were listening to WHO in Des Moines, Iowa, and this voice came on the radio, and at first I sort of said to myself, is this a joke? But the more I listened, the more I said, hey, finally there is somebody out there who gets it. That was probably at least a dozen years ago.

A tremendous story has been written since then about Rush and his audience around the United States. He did not create that audience. That audience was there. They were desperately looking for somebody who got it, someone who thought the way that they did; and I think it is a tremendous tribute to him that that audience has continued to grow, and I think it is a tribute to the fact that there is an awful lot of common sense in the American people.

The gentleman from Georgia (Mr. KINGSTON) mentioned earlier about our class, the class of 1994, when after 40 years of wandering in the wilderness, finally the Republicans took control of this House, took control of the Senate, and really began to change the American agenda, and I think for the better. I think Rush Limbaugh was a big part of that.

I remember when we went down to Maryland, Baltimore; and we had some of our programs for new Members, and Rush came and spoke to us one night. It was a very special night, and we actually made him an honorary member of the class of 1994, the majority makers. I think he was touched to receive that pin.

I reminded him that night of something I have needle-pointed on my wall that my wife needle-pointed for me a number of years ago. It is an expression from Winston Churchill. It is one of my favorite quotes from Churchill. It a very simple expression; but I think it says a lot, and in many respects Rush Limbaugh embodies this expression. He said, "Success is never permanent; failure is never fatal. The only thing that really counts is courage."

If you look back at what happened in 1994, what Rush did for us, what Rush did for the American people, what Rush did for the conservative movement, is he gave us the courage to believe that we were, in fact, the majority. I think it was people like Rush who really psychologically gave us a huge boost in that election and I think began to change the whole tenor of the discussion.

Much of the debate we were having back in 1993 is no longer even relevant. That is how far the debate and the discourse here in this city and in this country have changed. He was a big part of that.

So I want to thank the gentleman for having this Special Order. I have a few other points I might make later.

Mr. KINGSTON. I do want to say, first of all, before we go on, number 35 in the Undeniable Truths, too many Americans cannot laugh at themselves anymore. I think that that is what Rush Limbaugh has taught us to do. It is okay to laugh while discussing politics. With that in mind, I want to point out, all three of you have extremely ugly ties tonight.

I also want to tell a story. In 1992, when I was running for office, 2 years before you guys were, I was at a house, Dr. A.J. Morris' house, a supporter of my mine in Vidalia, Georgia; and it was a good crowd. I was behind in my election. It was my first time running for Congress. I was getting beat in Vidalia, in Toombs County, Georgia, where the delicious Vidalia onions that feed the entire world and are the envy of all farming, they are all grown there.

But I said to Dr. Morris, I said have you ever heard Rush Limbaugh? He said no. This was 1992. He said I never heard of him. I said he is great. He is this conservative talk show host, he is funny, he is entertaining, very much on the edge. He does not just talk. He has Paul Shanklin come in and do these parodies and he talks in strange words like "dittoheads," or that is what his fans call him, all kinds of things, and he gives updates of different liberal groups and homeless updates and so forth.

So I actually got my little handheld recorder, and I recorded on my car the next Rush Limbaugh show, and I sent it to A.J. Morris out in Vidalia. I live in Savannah; Vidalia is about 60 miles away. He said this is great. I sure wish we could get him here.

Well, that was in 1992. Now he is on 600 radio stations; and of course, he is all over the airwaves, not just in Vidalia, Georgia, but all over.

But the reason why I think that is important is because where I think the conservative movement really turned in 1994 was that air attack led by talk show host Rush Limbaugh, which enabled the infantry, led by TOM DELAY, flying all over the country, going into your district and your district and getting the ground troops motivated, and Mr. Leader, if you can tell us about those days?

Mr. DELAY. Thank you for yielding, because as the gentleman from Minnesota was talking about his experiences in 1994, it revived some memories of my own when the leadership of this House in the minority come about in 1991 or 1992 decided for so many years the minority had acted like a minority and it was time to act like a majority.

That was inspired by Rush Limbaugh. Even though he was not on all the stations that he is on now, we knew of Rush Limbaugh. He was telling us to act like a majority, understand what you believe in, stand up for your beliefs and have passion in it, and work for it and work to get the majority; and we came together and we started strategizing to get the majority.

It came to about 1993, going into 1994, the election of 1994; and we came up with this idea called the Contract with America, which told the American people what we would do if we got the majority. I am glad to say that over 70 percent of that Contract with America is law today, and we got most of it in the first year or two that these two gentlemen gave us the majority.

But during that time, especially that election of 1994, obviously the national media, the Washington media, did not pay much attention to us. We did not try to ignore them; we just bypassed them.

We went straight to Rush Limbaugh and many other conservative radio talk show hosts all over the country. And you could be driving up into the lakes of Minnesota, driving for 3 or 4 hours to get to that ice cream social where 10 people showed up to support one of our challengers, or driving into Arizona, and you could hear the Contract with America.

□ 2145

You could hear the Contract With America. You could hear from Rush Limbaugh the evaluation of what was going on in Washington and what he dreamed of happening if, by whatever chance in 1994, we actually gained the majority. All over this country, wherever I went, I went to 85 to 100 different districts in 18 months, and everywhere we went people were talking about Rush Limbaugh, what he was talking about, what we could do if we had the majority in this country, and what we have been able to do is a tribute to Rush Limbaugh. All the wonderful things: The balanced budget, the tax cuts, the welfare reform; I could go on and on and on, all the wonderful things we have been able to do because we have had a majority, particularly in the face of a President that fought us every step of the way while he took credit for everything that we did, but we had a voice out there and that voice was sending our message loud and clear.

The best part about it was, and we sound like Rush Limbaugh was our campaign manager; Rush Limbaugh did not take his direction from us, he was the standard by which we ran. He was setting the standard for conservative thought. He understood what the American people dreamed about and could implement, and he understood that the only way that that could happen is if the Republicans took the majority in the House of Representatives and in the Senate. He played a huge part in what happened in 1994 and, thereby, played a huge part in all of the successes that we have been able to do over the last 7 years.

So again, Mr. Speaker, we owe so much to Rush Limbaugh. This country owes so much to Rush Limbaugh. We can never thank him enough.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman.

We are joined also by one of the great Republican pioneers in the dark days of the minority wilderness, the gentleman from California (Mr. HUNTER). I wanted to give the gentleman undeniable truth number 32, since the gentleman is from California. The Los Angeles riots were not caused by the Rodney King verdict; the Los Angeles riots were caused by rioters.

I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, that is a great lead-in. I thank my colleagues for letting me participate.

I am reminded that Rush Limbaugh taught the American people to laugh at Washington, D.C., and the self-righteousness of the liberal program was something he just delighted in shredding. He made us think and be creative.

The gentleman from Texas (Mr. DELAY) just said we came in and did a lot of things, but we did that with the support of the American people because Rush held up all of the things we were doing with the status quo system, that was architected by liberals and that was held up in a vary serious and profound manner with their media support, and people began to understand that literally the king had no clothes. They were able to look at a school system where the Federal education dollar sent to Washington, D.C. resulted in about 25 cents going back to the classroom. They were able to laugh with Rush when he pointed out when we were trying to reform welfare that the average welfare recipient was on welfare for 13 years and Rush wondered if maybe that was not quite a while for a guy to be able to go down and get the want ads in the local newspaper. Rush took all of these aspects of government and he held them up to the American people and he did it with humor. I think to get the attention of the American people, one needs to give them a little humor, and he did that so effectively.

So he entertained us, but the interesting thing is he always entertained us with fact, because his facts with respect to what he called the "liberal welfare state" were much funnier than any fictitious system that one might think up or any sitcom on television. So he made the American people look at Washington, D.C. and made us laugh at ourselves first.

When we saw what we built up as we advanced towards socialism and we were able to laugh at ourselves and reflect on the error of these programs, we then got creative and we came up with reform for the welfare system, and we came up with ways to reduce that education rake-off in Washington, D.C. where 75 percent of every education dollar was pulled off the top by government, by very wise people. I thought that on one of Rush's shows, he pointed out that you have the same people flying from our districts across the country, educators, and asked the question, do people gain an IQ because when they cross the Mississippi River, and the same guy that might be spending 100 cents out of that education dollar in Minnesota or Michigan or Georgia or Arizona or California, is he any smarter once his aircraft crosses the Mississippi River and he glides into Washington and now he is going to tell us how to spend that money from his perch in Washington, D.C. instead of having local government do it back in our respective States.

So Rush Limbaugh was a guy who first I think got the attention of the American people by entertaining them a little bit, and then they realized that all of his one-liners were based on facts and they realized that the facts described their government. So then we got creative and did something about it. So I thank my colleagues for letting me come down and join with these great Americans, with all of my colleagues, and talk about Rush a little bit.

Mr. KINGSTON. Mr. Speaker, I would say to the gentleman from California (Mr. HUNTER) that we are always glad to have him with us and anybody who is a conservative from California we have to treat as an endangered species anyhow. We always have a program for the gentleman, okay?

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Georgia. I think back to those days in 1994 when the gentleman from California was kind enough to pay a visit to his neighboring State, and to hear the whip and to hear our friend from Minnesota talk about those days has been very interesting indeed.

As I was listening to the remarks, I am reminded that another great wartime leader who went on to become President of the United States, Dwight David Eisenhower said, always take your job, but never yourself seriously. How appropriate, how descriptive that is of our friend Rush Limbaugh. But how important that philosophy is now in another hour of national need.

We rejoice in the fact that we can bring different approaches and seek practical solutions from different philosophies and, Mr. Speaker, we would be remiss if those who follow this hour, this Special Order, would think that everything we do is rubber-stamped or met with complete approval by our friend in radio. The fact is that is not the case, nor, to borrow Mr. Jefferson's phrase, in the course of human events will it ever be the case.

So we celebrate the fact that we can have differences of opinion, not only within the conservative movement, but in this Chamber, yet in this hour of national need we unite for a common goal, celebrating legitimate differences, understanding that the exchange of ideas, whether in this Chamber or over the airwaves, is the key to our dynamism as a constitutional republic.

Indeed, the fact that our friend Rush brought and continues to bring a different way, a somewhat irreverent way, of reviewing the day's news has led to great citizen participation, both part of the conservative movement and those who might seek another way. Indeed to the point, Mr. Speaker, I remember upon our election to this Chamber, one of the leading news magazines actually ran a cover story citing the dangers of hyperdemocracy, as if Americans being involved, giving voice to their concerns, taking time to be involved in any political movement, regardless of their personal philosophy, taking the time to care, as if somehow that were wrong.

What we have seen with the rise of the new media of which our friend Mr. Limbaugh is part of the vanguard, talk radio, the Internet; the fact, Mr. Speaker, that Americans and indeed citizens of the world can see these words transmitted instantaneously, that friend and foe alike internationally understand that we believe in the power of ideas, that is the best testimony to those who willingly engage in those ideas, to those who champion the delivery of those ideas over the airwaves, on the Internet, and typify what de Tocqueville first found about America, that America is great because we are good, and that we can be of goodwill and disagree, and that yes, it is perfectly within the realm of public experience to be frustrated, to step back and take not so serious a look, but when there is a time of national need, we can rally because the people, we have this affinity for the freedom we celebrate in free and open debate.

Mr. HUNTER. Mr. Speaker, if the gentleman would yield on that, too, I think that one thing that Rush Limbaugh did, he was a great leader with respect to ideas, very creative. But I think also like a lot of other great radio talk show hosts, I think he developed a lot of his ideas by listening to people. There is a great difference in this country between the guy who is on the 20th story of a building in a newspaper office, an editor who decides what is going to be written the next day, who is separated from the people by three or four electronic doors, a set of elevators, lots of security guards, and expounds on what he thinks America should do based on his education, his background, and the people he may talk to when he goes to lunch.

A radio talk show host takes that call from Joe on a cell phone in a car and Joe, who is driving home from work, who may be a plumber or he may be a high-tech guy, may have a great idea in any given area, and he is able to transmit that idea and get some feedback from Rush Limbaugh, and I think Rush Limbaugh has resonated, not just led America, but I think he has learned a lot from Americans, as most talk show hosts do.

Mr. KINGSTON. Mr. Speaker, is the gentleman suggesting that he did not get all of his wisdom by listening to National Public Radio? I am shocked.

Mr. HUNTER. Mr. Speaker, I think it is very possible that he got his wisdom from the American people, and I think he got a lot of it just from everyday folks who, in many ways, are a lot smarter than a lot of the folks in this city.

Mr. KINGSTON. Mr. Speaker, I think there is a lot of wisdom on the street and I know one thing, that Congressmen do not become veterans without listening for that wisdom and trying to bring it to Washington instead of trying to bring Washington's wisdoms home.

One thing that Mr. Limbaugh had observed about Congress under novel truth number 25, follow the money. When someone says it is not the money, it is all about the money.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding. Of some of my favorite undeniable truths, here is one. There is a distinct single American culture, rugged individualism and self-reliance which made America great. Another is character matters; leadership descends from character. Finally, there is something wrong when critics say the problem with America is too much religion.

What Rush Limbaugh really did is he talked about the time-tested values that are America. In many respects, he just continued to refresh our memories about what Ronald Reagan talked about all of his political career. He talked about those time-tested values such as faith, family, work, thrift, and personal responsibility. Those are the cornerstones. Those are the basic building blocks upon which this great American culture is built. It really is those things that he talked about again and again and again and helped us refocus on what is important in this country. He used humor, he used facts, he used quotes; he listened to the American people, but he put into words what a lot of people were thinking. I think that is why he has such a big audience and I think it is also why some of the media elites in this city and in New York and in other big cities were so envious and so angry originally. Now they have come to accept Rush. But originally they were so angry and they were so angry because all of a sudden they did not have a monopoly anymore.

□ 2200

It used to be there were three networks on television. There were maybe four, five, six large newspapers around the country. They basically controlled what people learned about what was going on in Washington and around the world.

But then along came people like Rush, and all of a sudden he democratized the media. Everybody could participate. All of a sudden, they did not have to rely on just a couple of large newspapers and three networks. All of a sudden, there was a wealth of information coming at them, and things that they did not see on the nightly news were talked about on Rush Limbaugh. It made all the difference.

Mr. Speaker, in 1994 when I first came to Congress, Rush Limbaugh had recently published a list of 35 Undeniable Truths. A couple of my favorites are more appropriate than ever.

"There is a distinct singular American culture—rugged individualism and self-reliance—which made America great." We are still a people of individual characters who, together, make up the rich fabric of a nation. As we have united together during this time of national tragedy, we will continue to demonstrate the "can-do" attitude which has carried us each, through personal challenges. Knowing Rush, this rugged individualism will carry him through as well.

"Character matters; leadership descends from character." Thomas Paine when writing during the birth of our nation said, "These are the times that try men's souls." Our Founding Fathers tested their character and produced amazing acts of leadership. The character of our President and Congress are being tested and we have pulled together to defeat terrorism. Rush Limbaugh's character will continue to uphold the leadership he provides every day to millions of listeners.

"There is something wrong when critics say the problem with America is too much religion." Clearly the past month has demonstrated that America's faith in God has been the mainstay which has supported us in our grief and in our action to secure a terror-free future. Faith will also see Rush through his personal challenge as well.

He talked about time tested values—faith, family, work, thrift, and personal responsibility.

I have no doubt Rush Limbaugh will overcome this temporary adversity and continue to shine as a bright star in the broadcast realm. I'm looking forward to the next show.

Mr. HUNTER. Rush Limbaugh and others like him introduced into the national forum something we did not have when we had the three networks and the big newspaper chains, and that is called debate. Rush Limbaugh would debate with people who called him up. Whether they called him from a phone at work or from home or on a cell-phone, he would debate with people. He was not afraid to debate.

The idea that somehow if one's ideas are better than the other guys, they should be willing to take him on, that is the American way. Yet, it did not exist in the media, as the gentleman from Minnesota has stated. We had a couple of nightly news anchors who would tell us the way it was. If we heard a President make a speech, we would see the President, but we would not hear him; we would see the image of the President making the speech, and the voiceover from the anchor would tell us what the President said and why it was right or wrong.

That was it. That was our information for the night.

I have to say, Rush Limbaugh has a lot of great colleagues out there who think a lot of him. I know Mike Reagan thinks a lot of him and does a great job; Oliver North, another guy who does a wonderful job; in San Diego, there is Mark Larson; and of course, Roger Hedgecock, friends of Rush Limbaugh.

People who like Rush are willing to have somebody call up on a cell-phone, offer a different point of view, and take them on and have a dialogue. That is how we develop ideas in America.

Mr. KINGSTON. Mr. Speaker, I appreciate the gentleman bringing that up. Ten years ago, there were something like 200 talk shows in the country. Now there are over 1,000, and the listening audience is something like 15 percent of the radio market. Rush Limbaugh and all of his friends have made it a common staple for something like 40 million to 50 million Americans on a steady basis who use it to get their news, not just entertainment.

We have all been on the Ellen Ratner show, Blanquita Cullum, Alan Nathan, Neal Boortz, Sean Hannity, Alan Colmes. As Rush said, if you do not have someone who disagrees with you, it is like playing tennis without a net. You have to have somebody who will banter with you.

He told all of us, conservatives and liberals, get off the bench, get down in the arena and engage in the debate.

I know the gentleman from Arizona (Mr. HAYWORTH) wants to speak. I would ask the gentleman to introduce our friend, the gentleman from Colorado. He has a decent-looking tie on, but I know people will not be able to notice, he is wearing some of the ugliest shoes that have been on the House floor in the history of the U.S. Congress tonight. I think he came slushing through the mountains of Colorado to join us, and we appreciate that.

Mr. HAYWORTH. Mr. Speaker, parliamentary inquiry: Does the gentleman from Georgia hope to open one night for Jerry Vale? I did not know he was going to insult comedy.

But I would seize the opportunity from the gentleman from Georgia to introduce a fellow Westerner who joined us following the 1996 elections. I would introduce him with this note. I know that every Monday in his district he goes to great pains to bring together people for a breakfast town hall.

As I was hearing the gentleman from California and the gentleman from Minnesota and the gentleman from Georgia relate, what happens on talk radio, what we celebrate with Rush Limbaugh and hosts of all different ideological backgrounds, is the notion that we in essence have a town hall of the air.

In our congressional districts we have town halls. The gentleman from Colorado (Mr. KINGSTON) has one. He makes this a staple every Monday morning on his schedule.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I appreciate the gentleman for yielding, and also for the introduction. I thank the gentleman for the introduction, but only because it is polite.

I appreciate the gentleman mentioning my tie here. Quite literally, I had left for the evening and thought I was done for the day and changed clothes, and then I heard the gentleman talking about Rush Limbaugh, and I ran back over here, borrowed a tie from a staffer so that I could meet dress code here on the floor, and threw the coat on. So I want to apologize to my mom first, who is one of Rush's biggest fans.

Mr. HAYWORTH. Mr. Speaker, the gentleman should take responsibility for his own actions. That is something we are taught.

Mr. SCHAFFER. I first heard about Rush Limbaugh I do not know how many years ago. I was in Cincinnati, Ohio. We were there for Christmas visiting with family, and my brother-in-law asked if I had heard about this radio talk show host who was conservative. I was a State senator from the Colorado legislature. We talked about politics all the time, and had these great family arguments.

He asked about this talk show host. I said, Gee, I have never heard of him. The next day we happened to be in the car and Limbaugh was on the radio there, WLW in Cincinnati. I remember listening, and wherever we were going, the rest of the family got out of the car and went in to go shopping or whatever they were doing, and I stayed there in that car listening to Rush Limbaugh for about another hour, just fascinated, not only with Rush's treatment of important issues that we deal with, that the country deals with and all citizens do, but the way he managed to accomplish that within the context of good-natured humor. He had really done that well.

I was not even imagining at the time the impact Rush Limbaugh would have, not only on me but on my community. I live in Fort Collins, Colorado. A couple of years after that event or after that Christmas, Rush Limbaugh came to Colorado. A few stations ended up picking up Rush.

There was a young man, a college student from Colorado State University, who called the Limbaugh program who lived in Laporte, Colorado, next door to Fort Collins. His name was Dan. I remember this well because he wanted a copy of Rush Limbaugh's monthly newsletter.

Limbaugh says, Well, you have to buy it. Dan says, I am a college student. Why don't you just give it to me? And Rush gave him this lecture about working hard and earning the things that you really want to obtain in life. This newsletter was obviously an important thing, and no American citizen should go without it, so he challenged Dan to raise the money to buy the newsletter.

I remember Dan saying, I am a student. What am I supposed to do? And Rush said, I do not know; hold a bake sale. So Dan on the air says, well, if I hold a bake sale, will you show up here to Fort Collins and help me sell my cookies and bread and whatever else we sell? And Rush said, Well, I might.

Well, it was just a few weeks later this thing started gaining momentum. We scheduled Dan's bake sale in downtown Fort Collins. As we got closer and closer to the event, the law enforcement and the city started realizing we needed to plan for more than a simple bake sale. People were coming from all over America. In fact, they were coming from around the world to Fort Collins to be part of Dan's bake sale.

So I hurried up, as a young politician in the Colorado Senate, and I went and got my booth space reserved, because I figured I should be there. It was an event to behold, let me tell the Members, for those who did not have the chance to be there. People did come from all around the world.

In fact, if people are familiar with Colorado, there is only one highway that goes north and south, and that is I–25. The traffic comes from Denver up to Fort Collins in the north part of Colorado. Traffic was backed up for 7 miles way out on the highway back to Denver trying to get off the highway to come into Fort Collins.

The amazing thing was the way the media treated this, because they tried to downplay the whole thing. In fact, the next morning the front page of the Fort Collins newspaper showed a picture of a little petunia that was in a flower planter that was bent over, and said, "Rush Limbaugh came to town. Look at this dead flower, it got crushed."

Meanwhile, the real story went untold in that paper, but could not be concealed from just the massive numbers of people who showed up in town. The media went through the effort of trying to downplay the numbers of people who were there.

Rush flew in on a helicopter. There were so many people that we could not drive him in. The sheriffs brought him in, escorted him in on horseback with the sheriff's posse there. He got up and gave a rousing speech. Dan not only made enough money to buy the newsletter, but paid for the rest of his college education at the bake sale.

I wrote Rush Limbaugh a letter that next day and faxed it out to him. I wrote about what an important event that was. It was all fun, it was all entertaining, but people gather around sports in America, we gather around our kids, we gather around all kinds of music, arts, culture, lots of entertainment. But to see people come from far and wide to meet and rally around politics, about civic participation, about patriotism, was something that I think really says what Rush Limbaugh is all about, and the reason so many listeners tune in to Rush Limbaugh every day: this simple notion that we are all in charge of our country.

His challenge to us as individuals and as citizens is to hold our politicians accountable and to participate on an individual level; to become knowledgeable about our history, about our philosophy, about our future, and to be optimistic about it.

I wrote all that into a letter, and talked about how the liberals were baffled. I sent that letter, and figured I would never hear anything. The next Friday evening, I will never forget, Rush Limbaugh had a TV show that came on usually late in the evening. The networks tried to bury that in the middle of the night so nobody would watch it, but it came on in Fort Collins around 11 o'clock at night.

My wife and I were sitting there. I was laying on the floor watching Rush. He read my letter on the air. Then he put it in his book, too, The Way Things Ought to Be book, as well.

As one who has driven across a pretty big State with long distances between rural towns, I have spent a lot of time in the car with Rush Limbaugh, listening to his perspective on optimism and about America. It has an awful lot to do with the attitude and values and beliefs that I have taken to the political battlefield with me and won a lot of victories.

It is a compelling message: a message for America, a message for America's future. It is a message that is one of hope. I, like all Americans, was very sad to hear about Rush's loss of hearing, but I know that the power of ideas is more important than that. Still Rush's appeal to the American people I think is going to continue to get stronger.

I appreciate all of the Members being here tonight and leading this special order, and giving America and ourselves a chance to talk a little bit about one voice out there in America that is leading toward America's greatness.

Mr. GUTKNECHT. If the gentleman will yield further, I could just close, Mr. Speaker, I want to thank all the gentlemen, and particularly our colleague, the gentleman from Colorado. I remember that story, but I did not live it the way the gentleman did. We followed it on the radio.

I would just say that Rush is going to keep going strong for many, many years to come. The power of ideas is stronger than anything. I have no doubt that Rush is going to overcome this adversity, and we will see and hear from him for many years to come.

There is an old German expression. My German is not that good. It is something like this. (Expression in German). It translates to "That which does not kill me only makes me stronger."

He may have lost his sense of hearing, but he has not lost his perspective, he has not lost his voice, and he has not lost his keen interest and attention to the American body politic. I think as long as he has those, he will continue to be that voice of common sense, of reason, of traditional American values.

I salute him tonight. I look forward to many years of listening to his program, and most importantly, I look forward to listening to the next show.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Minnesota for joining us, and I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. It has been interesting during this allotted time on the floor of the United States House of Representatives, Mr. Speaker, to reflect on an American original, and to realize that the success which our friend, Rush Limbaugh, has met with is because, like many other great Americans, he has been able to tap into the interaction and the free flow of ideas and expressions that Americans have long championed.

As we find ourselves in the midst of difficult days, indeed, what could fairly be described as a battle for our very survival as a nation, literally, we take stock of the fact that 1 month ago visited upon us was an attack so dastardly, so horrible that it eclipses the losses in our own Revolutionary War.

I ask Members to think about it. In the multiyear conflict that was the American war of independence, fatalities for the new United States of America were a little over 4,000. In 1 day, we lost an estimated 6,000 to 7,000 of our fellow citizens, not to mention workers from around the world who came to this free society.

To absorb that type of attack as a people but to stand up, roll up our sleeves, and with American resolve, whether we are Republicans, Democrats, Independents, Libertarians, vegetarians, to move forward with a commonality of purpose, I think is something that has been mirrored in a personal way for our friend, Rush.

He put it in perspective because he suborned his personal challenge to the need confronting America, and revealed to us, almost in passing, the nature of his hearing affliction; the fact that efforts are being made to restore that.

But whatever the future may hold, it paled in comparison both to the accomplishments of the past and the requirements, the necessity, to unite as a people for what we must do in the immediate future.

□ 2215

There is no way to calculate or to quantify the value of rallying together as Americans, even as we agree to disagree, perhaps on how best to achieve victory, on how best to meet the future, on how best to set our priorities.

Rush Limbaugh, in his town hall on the air, on a daily basis, with the biggest radio audience on a sustained basis we have seen in our history, gives voice to the notion that we can achieve our dreams; that we can endure our setbacks; that we can meet tomorrow confident that we can be stronger and this Nation can be better than it was in the past.

Cheerful persistence and eternal optimism, not the optimism of the cockeyed, but the optimism of the realist, that is what has always propelled America to greater times and better days.

Eisenhower said the hallmark of a leader is to be optimistic. Reagan said America's greatest day is still way ahead of it. Rush Limbaugh, like him or loathe him, agree or disagree, gives voice to the same type of vision, and at this hour, in this place, at this time of national need, we pause from our traditional debate to celebrate the achievements of one who encourages so many achievements among all of us. Not a celebration per se of political party or conservative doctrine, but an outlook on life that inspires involvement, that gives voice to the very essence of what it means to be an American.

That is the idea, that is the ideal behind EIB, Excellence in Broadcasting; and it is not a far stone's throw from the ideals that created this constitutional republic, what Catherine Drinker Bowen called the Miracle at Philadelphia, that gave us as mere mortals and humans, despite our many imperfections, a remarkable form of government where we celebrate individual achievement and out of many form one united in purpose for national success and for the survival of free men.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I want to thank everybody for their wonderful tribute to Rush, and I would just observe that 30 years ago people used to get their news and spend a little time thinking about America and thinking about the surroundings and our democracy and reflecting on this country seated at their breakfast table or local coffee shop or at some other place. And Rush Limbaugh ushered in an age in which Americans read their newspaper, not by picking up a paper, but by turning on a radio dial, whether at their place of work or in their car, where we all spend a great deal of time now, and Americans transferred that important time in their daily lives, when you really reflect on who we are and where we are going, from the written media to radio, to the media where you actually could hear a thought propounded and then hear an answer or an argument or another idea to come back from somebody who called into that station.

So that is how we read our newspaper, largely as a result of Rush Limbaugh. To Rush Limbaugh I say, it has been a great read.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman. To the gentleman from Colorado (Mr. SCHAFFER) I would say that we have got about 5 minutes.

I guess what I want to do is remind our listeners that there are four great books that they can read for further information: The Way Things Ought to Be; See, I Told You So; The Way Things Are Not, Rush Limbaugh's Reign of Error; and Sometimes You've Just Got to Laugh. Remember, that the proceeds will all go directly or indirectly to benefit an oppressed conservative in a university near you someplace, somehow.

I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I appreciate the gentleman yielding once more.

I just want to remark on the impact that I think Rush has had on our constituency because if you listen closely, as I have over the years, Rush never suggests his audience pick up the phone and call their Congressman. We hear a lot of talk show hosts that will rally around the cause and say these people in Washington just do not get it, pick up the phone, call. He has never done that, but his listeners do it, and they do it because of the overall suggestion and message that, as I mentioned before, that Americans are ultimately in charge of their own country on an individual by individual basis.

When he treats issues the way he does, with passion, with humor, with sincerity and with a great degree of seriousness, too, it does inspire his listening audience to react in a very responsible way. Many of the letters we receive in our office, many of the phone calls, many of the people who show up every Monday morning at my town meeting, they come and they bring issues or perspectives, and how many times have we all heard, "I heard this on the Limbaugh show; I heard Rush talking about this issue or that issue; Congressman, is it really the case back there in Washington."

He has inspired so many citizens to become personally involved in this process and in this city all across the country that it is a remarkable legacy that has done more than just provide entertainment, which is clearly important, provide more than just a successful enterprise of a radio program from a business standpoint. It really has inspired the best of America and reminded Americans of what it is we stand for as a Nation and what our individual responsibilities are as citizens.

I, too, from the bottom of my heart, I want to express to the House my thanks and gratitude for what this one leader has accomplished for the country and how his inspiration has really provided encouragement. And I mean that in the ultimate sense of that word, has helped impart courage on so many people to stand up at the town meetings and challenge the old ideas that we know have failed, that have inspired so many of us to run for office and not be afraid to stand in a room full of left-leaning opponents and stand up and talk about the truth and simple observations and win these arguments and these debates on important causes at important points in time in our political battles back home.

Rush has accomplished quite a lot so while his hearing may be somewhat impaired at this time, the American people are listening and tuning in and Rush just needs to keep talking.

Mr. KINGSTON. Mr. Speaker, I am confident that he will be.

Mr. Speaker, I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, how fitting it is to get a time cue from the gentleman from Georgia (Mr. KINGSTON) knowing how important time is to the medium of radio and of broadcasting. But there are timeless truths to which we all subscribe and that is what we celebrate here tonight. Not the fact that our friend faces adversity. Not completely the fact that many of us have met with political triumph based on his encouragement. Not the fact that now in an hour of national need we must rise again with the eternal optimism that has been part of the American experience, but just to understand and give thanks for the three words that epitomize not only EIB and the whole dynamic of talk radio, but the essence of our constitutional republic.

Our founders had the great and good sense in that poetic and yet very practical preamble to our Constitution to start with three special words, "We, the people." Not it, the government or us, the politicians, but we, the people. And so tonight we take time to celebrate a special person who encourages others to understand their special role in this special place that we call home and the rest of the world calls America.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH).

In closing on our friend, Rush Limbaugh, who is so involved leading the way on the conservative cause, we appreciate all the good work that he is doing. And the doors are always open.

If he ever wants to take advantage of his status as an honorary member of the 104th freshman Republican class and actually attend one of the gentleman's meetings, please be sure to let everybody know because I think a lot of people would like to receive him on both sides of the aisle because he has won the heart and the respect of liberals and conservatives alike.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore (Mr. SIMMONS). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TIAHRT. Mr. Speaker, I rise today to pay tribute to a man who has faithfully served this great country as a voice for democracy and freedom for the American people. Rush Limbaugh's listeners—both conservative and liberal—know him as the "Dr. of Democracy," the "Truth Detector," the "Voice behind the Golden EIB Microphone."

His daily radio broadcasts attract 20 million listeners every week, giving him rights to the claim as the most-listened-to-talk radio host in the world.

I personally want to commend this American patriot who has dedicated his life to the cause of educating the American people about the principles of democracy. Whether you agree or disagree with Rush politically, you have to admire the depth of his political articulation and analysis—packaged in three hours of radio excellence. Mr. Limbaugh's brilliant use of satire, humor and witticism to convey fundamental principle are a testimony to what he calls, "talent on loan from God."

Rush has been an inspiration to the American people for more than a decade on the airwaves of AM radio. His boisterous commentary reaches one of the most diverse radio audiences ever. Farmers, nurses, construction workers, mothers, military personnel, bankers, chefs, manufacturers, rich and poor, left-wing radical liberals and right-wing conspiracy theorists all tune in every afternoon to hear Rush's clever voice for three solid hours.

I know of no other person who is able to articulate his opinions and thoughts with as much passion as Rush. I am continually amazed when I listen to the Rush Limbaugh Show. Most radio hosts have a remarkable level of professional skill just to gain an audience. But Rush has achieved a standard of professionalism that has surpassed all expectations. Every day he manages to discuss fresh and bold topics. He never tires.

With "half his brain tied behind his back," Mr. Limbaugh is proving to the world that when you have a dream and are dedicated to achieving that dream, all things are possible. Rush has shown us all that when you live in America, you are able to achieve anything you set your heart to accomplish. Rush has recently encountered new challenges with the loss of his hearing. But because of his determination and spirit of adventure, he has chosen to remain seated in the throne behind that golden EIB Network microphone. In doing so he personifies the American spirit he has encouraged us all to embrace.

I commend Rush for his encouragement to me and all Americans to never settle for second best, but to strive for the higher mark. I ask my colleagues to join me today in paying a special thanks to Rush Limbaugh as a great American.

SUPPRESSION OF WOMEN IN AFGHANISTAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. SOLIS) is recognized for one-half of the time until midnight.

GENERAL LEAVE

Ms. SOLIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SOLIS. Mr. Speaker, when the Islamic fundamentalist group, the Taliban, seized control of Afghanistan in 1996, it launched the Nation into a pit of oppressiveness and inequality. In the blink of an eye, the millions of women and girls who live in this desert nation in Central Asia were relegated to second class citizenship. The basic human rights that we in the free world take for granted were suddenly stripped away from these people.

Prior to the civil war there that propelled the Taliban to power, women in Afghanistan and especially the capital of Kabul were highly educated and employed. Women in Kabul represented 70 percent of school teachers, 50 percent of the civilian government workers and they also were members of parliament, and 40 percent of them were represented as doctors and physicians. And at Kabul University, females comprised half of the student body and 60 percent of the faculty.

In fact, the Afghani Constitution, which was ratified in 1964, had an equal rights provision for women contained within it. But today in Afghanistan, girls are no longer allowed to attend school. They are punished. Women are no longer allowed to work, forcing many to resort to begging or even prostitution to survive.

Females are not permitted to leave their home unless accompanied by a male relative. And when they do leave, they are forced to be covered in a shroud which is known as a burqa.

Mr. Speaker, I have with me this evening a sample of what the women in Afghanistan have to wear, this burqa that covers their body. If we look closely, we will see that there is a section here about 3 inches wide that is kind of a filtered material that allows these women to see through this shroud. She must wear this every time she leaves the home and goes out in public. And if it is 100 degrees or 110 outside, she must wear this and have her body fully covered. If she does not, then she is faced with perhaps a public beating and even in some cases with death.

□ 2230

This garment is hot, as you can tell. It is restrictive, and it is difficult to see. In fact, some of the women who have to wear this burqa cannot see, or do not have any peripheral vision; and countless women and girls have been known to have had traffic accidents in their cities because they simply cannot see where they are going. In fact, the

Taliban regime is so wary of women that it has ordered that publicly-visible windows where these women live be painted black so that no man can see inside of those homes.

Women who dare to defy these edicts imposed by the Taliban are subjected to brutal beatings, public floggings, or even death. For example, a woman who defied the Taliban orders by running a home school for girls was killed in front of her friends and family. A woman caught trying to flee Afghanistan with a man not related to her was stoned to death for adultery. An elderly woman was brutally beaten with a metal cable until her leg was broken because her ankle was accidentally showing underneath this burqa. But it is doubtful this woman ever had the chance to see a doctor or a physician, because male doctors are not allowed to treat women and women doctors are not allowed to practice their profession.

The most heart wrenching part of this story, though, is that millions of children, young girls, are growing up in a hostile environment. Here I have, Mr. Speaker, some artwork created by little girls growing up in Afghanistan. And even though we cannot read the writing, because this is a foreign language to me, it depicts what they are suffering, what they have seen with their own eyes. Basically, in this picture here, what we see are young girls, one woman in the background with the shroud, the other two holding and grasping their hands and looking at a fellow colleague who has been slain in front of a school house. Near the school house is a Taliban soldier carrying a rifle.

These are the kinds of things that these youngsters are having to go through every single day of their lives, since 1996. Here, on this side, we see a picture depicting three women covered in their shrouds, almost held by chains up against a tower that looks like an area where praying goes on. These are some of the vicious kinds of things that these women are seeing and feeling, actual real-life incidents that are occurring in Afghanistan.

Despite these repeated condemnations of the Taliban actions by the international community, little has changed in Afghanistan; and millions of women and children, innocent people, caught in the crossfire of the Taliban's artillery have fled to the outskirts of Afghanistan to refugee caverns in Pakistan, where disease and starvation run rampant.

Despite the fact that we have air-dropped more than 100,000 food rations in Afghanistan, international relief organizations are repeatedly warning us that these military food drops fall too short of fulfilling the need. Part of the problem is that we are not sending enough food. And although the administration has pledged $320 million in humanitarian relief efforts to Afghanistan, the United Nations estimates that it will take $584 million to see Afghanistan through the long cold winter.

We need more help from the international community to ensure that these innocent Afghani citizens do not starve to death. Every effort has to be made to provide these people with adequate resources to survive this upcoming harsh winter, but part of the problem is that the food that we have dropped is not reaching these people. Many of these ready-to-eat meals are not being collected by the Afghani people, and in some cases are not easily located. Other times it is because the people fear retaliation for accepting the U.S. aid. Finally, some of the meals are falling into the hands of the Taliban forces that we are working so hard to fight against.

It is important for us to provide humanitarian aid to the people of Afghanistan, but aid alone cannot be the sole means of action. It is up to the United States and the Members of this body to speak for the class of women who are too oppressed to speak for themselves. We must work with the women of Afghanistan to form a more representative government, one that recognizes their accomplishments and allows them to participate in the process of democracy. We must be vigilant in our attempts to force the Taliban government to alter its treatment of women and girls and begin to correct these transgressions. Only by bringing these offenses to light can we hope to combat them.

Mr. Speaker, I yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD), who is also cochair of the Women's Caucus.

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank my colleague, the gentlewoman from the great State of California (Ms. SOLIS), for her leadership in bringing this very important issue to the forefront this evening.

You might recall, Mr. Speaker, that the Congressional Caucus on Women's Issues met just a couple of weeks ago with the Ambassador to Pakistan to talk about the conditions of women in the Central Asia area. In talking with her, we realized the atrocities that women are continuing to go through in Afghanistan. This is an issue that the Congressional Caucus on Women's Issues have now made as a top priority in this House; and it is a bipartisan effort, because, Mr. Speaker, years ago, as you can see by this very old paper, many of us tried to fight this issue on the atrocities, the genocide of women in Afghanistan.

Let me simply read some of the things that we talked about back in 1996. We talked to reporters to ask why they had not reported the atrocities against women. They simply said that the situation had received so little coverage because they were not sure that Americans were interested in this kind of news. Well, Mr. Speaker, the women of this House, the women around this country and across this Nation, and the women around the world are very much interested in how women are treated in Afghanistan. They are absolutely stripped of their very basic fundamental rights, a right to freedom of expression and the right to assemble. There is no way that we women in America can stand and allow women in other parts of this world to be treated so inhumanely.

A lot of us saw just a couple of weeks ago this "Beneath the Veil" documentary. That in itself told the story, the story of how women are treated. They are stripped of basic fundamental rights to education and training. They cannot even educate their children. We, in America cannot continue to allow these types of things to happen. These women and children are the first victims of this Taliban regime, this very rogue group of men who are allowing women to not have their basic rights.

Those of us here in the Women's Caucus have started this campaign. Tomorrow, I speak to a group of women again on the conditions of Afghani women. Next week, the Women's Caucus will be meeting with the Department of Defense to better understand the humanitarian efforts that they are putting forth and to make sure that the women and the children get the rightful benefits of this humanitarian effort that our President is putting forth. We applaud our President for the millions of dollars and for those relief efforts. But as I called the White House, I wanted to remind the President and the administration that we cannot just simply send this over and not have as a condition that women and children have their rightful share in this relief effort.

We will introduce legislation this week, Mr. Speaker, to ensure that there will be Radio Free Afghanistan. We are not going to stop. We simply cannot do that. We, as the women of this House, are destined to make sure that the wellness of women goes across the hue, goes across the waters, goes not only from this country but to Afghanistan and other countries throughout the world. We must make sure that we fight for those women.

Let me just say this, Mr. Speaker. The women, as the gentlewoman from California (Ms. SOLIS) has said, have been banned from working; the women and girls are prohibited from attending schools. But let me tell you some other things that are just absolutely inhumane. Women have been brutally beaten, publicly flogged, and killed for violating Taliban decrees, decrees that they have imposed on no one else. Let me cite some more horrific examples. A woman who defied the Taliban orders by running a home school for girls was killed in front of her families and friends. A woman caught trying to flee Afghanistan with a man not related to her was stoned to death for adultery. An elderly woman was brutally beaten with a metal cable until her leg was broken because her ankle was accidentally showing beneath that burqa that was demonstrated earlier.

We will not stop, Mr. Speaker. Our campaign is continuing. As you see this very yellow paper, where we started in 1996, we will continue to fight until justice is brought to the women of Afghanistan and to that region. We want our children to be educated. We want them educated here; we want them educated there.

And so I will simply say tonight is a night that we shed the light; we put the light on these atrocities. The documentary "Beneath the Veil" just reenergized us so that we can continue to fight for these women and children. I will be here throughout the rest of this hour to speak as we continue to unveil these atrocities against women and children, the suffering they endure at the hands of this Taliban regime, which absolutely has no regard for women and children. We will not tolerate the inhumane way by which they function.

So I would simply say to my dear friend and colleague that we thank her for bringing this Special Order tonight so that we can unveil these horrors and continue to fight for the women of Afghanistan.

Ms. SOLIS. Mr. Speaker, I would like to yield to the gentlewoman from New York (Mrs. MALONEY), who has also agreed to speak on this topic. I do want to go back, first, however, and thank the gentlewoman from California (Ms. MILLENDER-MCDONALD), who spoke very eloquently about the current crisis that is occurring and that we are faced with, not just in Afghanistan but also in Pakistan and other Middle Eastern countries.

We hope that tonight's discussion will lead our leaders to the direction of providing humanitarian assistance to those families that are in need, particularly those women and those young girls.

With that, Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentlewoman from California (Ms. SOLIS) for organizing this Special Order and speaking out for the women in Afghanistan.

Mr. Speaker, the attacks of September 11 broke the hearts and boggled the minds of most every American. It left us all wondering just what kind of people would turn planes into bombs and slaughter thousands of people simply because they showed up for work. The answer is the Taliban, the terrorists among the Taliban, the terrorists they harbor, and the terrorists they refuse to surrender. But anyone who was familiar prior to September 11 with how the Taliban treat women should have recognized that the Taliban are capable of doing just about anything.

□ 2245

The Taliban have controlled 90 percent of Afghanistan since 1996 when they unilaterally declared an end to women's basic human rights. The restrictions on women's freedoms in Afghanistan are unfathomable to most Americans. Women are banished from working. Girls are not allowed to attend school beyond the eighth grade.

Women and girls cannot venture outside without a burqa which they are forced to wear. It is an expensive, heavy, cumbersome garment which covers the entire body, and it includes a mesh panel covering the eyes. The veil is so thick it is difficult to breathe. The mesh opening for the eyes makes it extremely difficult to even cross the road.

Women must be escorted by male relatives to be allowed to leave their homes. Women are not allowed to seek health care from male doctors, even in emergency situations. Female doctors and nurses are not permitted to work, so women and girls are dying from treatable illnesses. An Afghan woman dies in childbirth every 30 seconds.

Violate the Taliban's draconian strictures, deliberately or accidentally, and you will pay dearly, sometimes with your life. Women who trip while crossing the road and show their face or ankles risk being beaten, arrested or even executed.

A 16-year-old girl was stoned to death because she went out in public with a man who was not her family member. A woman who was teaching children in her home was also stoned to death in front of her husband, her children and her female students. An elderly woman was beaten and suffered a broken leg because she exposed her ankle in public.

These atrocities are real, and the economic consequences for women are just as severe. They cannot earn money because they are not allowed to work. Since they have no means of supporting themselves, many Afghan widows have no income at all. Unless they have a close male family member, they have no access to society or food for families and themselves.

Mr. Speaker, let us be clear, we are at war with the Taliban strictly because they are harboring Osama bin Laden and because they are involved in terrorism against the United States. Still, this just war which we have no choice but to wage has contributed to a humanitarian tragedy of staggering proportion.

Our commitment to helping the innocent people of Afghanistan must never waiver. There are now 1.5 million Afghan refugees along the Pakistan border. More than half of them are women. 66,000 are pregnant. Winter is imminent.

I salute the Bush administration for balancing war for compassion, for dropping food as well as bombs. Even in war, we are showing a regard for human life and human rights that the Taliban will never know.

The good news is that the Taliban's days are numbered, and that some women from Afghanistan are fighting for their freedom. I am submitting for the RECORD an inspiring article by Rone Tempest of the L.A. Times. It is about the Revolutionary Association of the Women of Afghanistan, or RAWA. RAWA sends women on dangerous missions into Afghanistan to set up secret schools for girls and to use cameras to document the abuse of women.

In Pakistan, RAWA runs hospitals, schools, orphanages and refugee camps. In the face of the most repressive regime in the world, women are risking their lives to gain rights so basic that we in the United States do not even think about them.

Well, this is a night to think about them and to express solidarity with our persecuted sisters in Afghanistan. We will continue to send humanitarian aid. We will continue to battle the Taliban, and the women in Afghanistan who are fighting for freedom should know that they are not fighting in vain. The women in Congress, the women across this country are standing with them.

The article previously referred to is as follows:

TRAINING CAMP OF ANOTHER KINID

In Pakistan, defiant young Afghan women bent on reversing years of brutal oppression study and plan. To them, the conflict has no good guys.

Khaiwa Refugee Camp, Pakistan—The sprawling refugee camps on the Pakistani-Afghan border have long been breeding grounds for male militants in Afghanistan—first for the moujahedeen fighters who battled the Soviet occupation in the 1980s and, more recently, for the fundamentalist Taliban.

But here in the dusty, abused terrain of Pakistan's northwestern frontier, the Khaiwa refugee camp is a uniquely feminist outpost.

Women in the Khaiwa camp shun the head-to-toe raiment known as a burka. Girls study science and Koranic scripture in a mud-walled school and dream of attending university. The camp's male physician, Dr. Qaeeum, vows that his infant daughter will be educated "from cradle to grave, until PhD."

Khaiwa is a training ground for a different kind of fighter: intense young women bent on reversing the trend of female oppression that has helped hurtle Afghanistan into a new dark age.

For the female activists based here, there are no good guys among the factions battling for supremacy in their homeland—not in the notorious Taliban and not in the opposition Northern Alliance. They worry that in the international rush to bring down the

Taliban, the United States and its allies will form partnerships with the Northern Alliance or with other groups that also have a history of brutally oppressing women.

"The devil is the brother of evil. The dog is the brother of the world," Khaiwa camp school Principal Abeda Mansoor said in her native Dari language. "We condemn both the Taliban and the Northern Alliance."

Mansoor, a former geography teacher in Afghanistan, is a 16-year member of the Revolutionary Assn. of the Women of Afghanistan, or RAWA, a small but influential rights group that sends women on dangerous missions into Afghanistan to set up clandestine schools for girls and to use hidden cameras to document abuse of women. Under the Taliban's harsh version of Islam, girls cannot attend school and women are prohibited from working outside the home.

Displayed on the association's Web site at www.rawa.org, secretly taken photos and videos of public executions and floggings have played a major role in building international opposition to the Taliban. The recent critically acclaimed documentary "Beneath the Veil," by London-based filmmaker Saira Shah, was made with the help of RAWA workers who escorted Shah in Afghanistan.

In Pakistan, the group operates hospitals, schools and orphanages in the camps where 2 million Afghan refugees live. But even here, their activities remain mostly secret. Taliban-style fundamentalism thrives in many of the camps. A recent RAWA human rights procession in Islamabad, the Pakistani capital, was attacked by stick-wielding fundamentalist students.

But the Khaiwa camp, in the middle of a rutted quarry surrounded by smoking brick kilns, is an island of tolerance. It is small and exceptional, home to only 500 families. But it is a microcosm of what Afghanistan might resemble if it was freed of religious extremism and civil war.

Safora Wali, 30, manages the camp's small orphanage, home to 20 Afghan girls ages 6 to 19. A former student at Kabul University in the Afghan capital, Wali also teaches older women in the camp how to read.

"My oldest student is 45 years old," Wali said. "She's so happy now to be able to read letters from her relatives. She told me, 'I now know the pleasures of my eyes.'"

The Khaiwa camp was founded in the early 1980s by one of the more enlightened moujahedeen commanders, who believed in universal education. He allowed RAWA workers into the camp to teach and counsel the families. The camp eventually became known as an open-minded haven for the RAWA activists, who run the 450-student school and the orphanage.

Wali came to the camp last year from western Afghanistan after Taliban authorities found her distributing RAWA literature and she was forced to flee.

In Afghanistan, Khaiwa is known as a place to send girls who are threatened by either the religious restrictions of the Taliban or the sexual aggression of Afghan warlords.

Danish, 15, said she was sent here after her father was killed by agents of the former Communist government in Kabul. She said her mother still lives in Afghanistan but could no longer protect her.

Like the other girls in the four-room adobe orphanage, she wants to finish high school and reenter Afghanistan as a RAWA operative—teaching in underground home schools.

When asked by a reporter how many of them planned to go to work for RAWA, all but the youngest of the 20 girls raised their hands.

Women in Afghanistan have suffered a long history of repression punctuated by brief periods of progressive leadership.

Inspired by the reforms of Kemal Ataturk, the founder of modern Turkey, self-styled King Amanullah lifted the veil of subjugation for a short period in the late 1920s. But women in Afghan cities probably enjoyed their greatest freedom during the Soviet-backed Communist regime that ruled in Kabul from 1979 to 1992.

RAWA was founded in the capital in 1977. But its founder, known by the single name Meena, opposed the Soviet occupation and joined resistance forces to fight against it. Considered an enemy by both the Communist regime and the fundamentalist moujahedeen, Meena was assassinated in a Quetta, Pakistan, refugee camp in 1987.

Sahar Saba, 28, who like many of the RAWA activists uses a pseudonym for protection, grew up in one of the Quetta camps and was educated in a RAWA school. Now she works as a spokeswoman for the group in Islamabad and travels abroad seeking foreign support.

Saba came to Pakistan when she was 7 after the Soviet invasion of Afghanistan. Since the Sept. 11 terrorist attacks on the United States, she has spent much of her time working to make sure that the U.S. and its allies do not forget the cause of women's rights as they continue their campaign against the Taliban.

Besides providing a well-documented history of the Taliban's suppression of women, RAWA has recorded hundreds of cases of abuse by the Northern Alliance and non-Taliban warlords.

Saba and the other RAWA activists favor the return of Mohammad Zaher Shah, the former Afghan monarch who was deposed in 1973. Through the agency of the ex-king, she says, Afghanistan could have a new leadership tainted neither by the abuses of the warlords nor by the restrictions imposed on women by the Taliban.

When the Taliban swept into power in 1996, it capitalized on its claim to be a "protector of women." Taliban leader Mullah Mohammed Omar gained fame by rescuing two girls who had been kidnapped by a warlord. According to Taliban lore, Omar killed the man and hanged his body from the barrel of a tank.

"The parties that were in power before the Taliban were in some ways worse," Saba acknowledged. "Many girls were raped. Many others committed suicide.

"When the Taliban came to power, women were safer," she added. "But they set the wheel of history back hundreds of years."

Ms. SOLIS. Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I want to commend and thank my colleague, the gentlewoman from California (Ms. SOLIS) for organizing this special order on the plight of women in Afghanistan, and I thank also the Women's Caucus, particularly the gentlewoman from California (Ms. MILLENDER-MCDONALD) for hosting this and gathering us together to speak in solidarity with our sisters in Afghanistan who are enduring such terrible hardship and prejudice and imprisonment in their society.

Mr. Speaker, it is an important topic which we should repeat over and over and over again in this well, even as we are able to do this in this country in stark contrast to the way of life our sisters across the world are now enduring.

For 5 years the Taliban militia have ruled Afghanistan so severely restricting and denying a woman's right to participate in social, economic, cultural and political life. We have known about this and seen news accounts. 5 years is a long time.

Prior to the Taliban control, many Afghani women held positions of great leadership, obtained higher education degrees, were engaged in professions and business interests in their community, adding to the vibrancy and strengthening of the economy. In the capital city of Kabul, 70 percent of school teachers, 50 percent of the civilian government workers, and 40 percent of the doctors were women. It is a different story today.

Women are denied access to education entirely. They are barred from the workplace, and as we have been listening this evening in the special order, they are forced to remain in their homes. Family planning is outlawed in the region, and women are forbidden to see a male doctor or surgeon. And, of course, the female doctors and nurses are prohibited from working; and, therefore, the majority of Afghani women are unable to seek medical treatment of any kind. In this century in this world.

For these reasons, I with my colleagues, 52 of my colleagues, are cosponsoring legislation condemning the destruction, the Taliban's deduction of preIslamic laws which until their rein were the law of the land. I am also cosponsoring a resolution with many of my colleagues which refuses to recognize the Taliban as the government of Afghanistan. Of course we are doing that for many reasons, but one of them surely must be the actions that they have taken against women and that they need to restore the women in Afghanistan their basic human rights.

The square of fabric that many of us are wearing, a piece of the burqa, the clothing of the Afghani women, we wear as a sign of solidarity to their suffering and torment. And I came to the podium following my colleague who wore the entire burqa. As I watched the gentlewoman from New York (Mrs. MALONEY) standing in this place, which is the symbol of freedom that all of us enjoy in this country, her voice muffled, she could barely read the words on the page. This is today, this modern world, and yet in Afghanistan, and of course a woman would not even be allowed to be here, but they are confined even within their homes to wearing this kind of garment.

Women, as we have heard this evening and will continue to hear I am sure, women who ignore the decrees are beaten, publicly flogged and even murdered for a slight infraction of the rules. Through such public beatings the

Taliban has succeeded in cowing the civilian population into submission, so it is even more critical during this time of political upheaval and turmoil that this country, the United States, continue to provide humanitarian assistance to the children and also to the women who have been forced to flee from their native land and forced to live the kinds of lives that they are living.

We remain and must remain committed to bringing the Taliban into compliance with international norms of behavior on all human rights issues. I know all of us stand in awe here as we speak on this topic. We stand in awe before the women of Afghanistan who are daring, even against all of these signs of oppression, daring to speak out, daring to gather the children together to teach, the young women, the girls, to offer them classes knowing that if they are caught, their lives will be ended.

Even as we speak freely in the House, our sisters in Afghanistan are finding ways to gather together to strengthen each other, to hold on to their inner burning of freedom, and they are counting on us to give them support.

Across this land there are groups that have sprung up. In my district I was approached by several women who are part of organizations contributing money to give aid directly to these women to support them in their freedom-fighting mission that really does reach to the heart of what we stand for in this country. So we stand in awe and solidarity with the women of Afghanistan, and we must work in this place.

Mr. Speaker, that is why I say to my colleagues, I hope this is just the beginning of our speaking out. We must speak out in ways across this country to join people together, women, but everyone together, to support the efforts of women in Afghanistan, to throw off their yokes of oppression and to be able to return to a life that they know and burns within them, the passion for that way of life in their hearts.

We have to find a way to let them know that the world is watching and supporting them and encouraging them in their struggle to retain and regain their sense of dignity and regain their personal freedoms.

Ms. SOLIS. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS) for bringing us together this evening so all of us coast to coast can express our union and solidarity with the women of Afghanistan, with those who are in country with their children, for those who have fled and are fleeing and are in refugee camps in Iran, in Pakistan, in Tajikistan, and God knows where else.

As I have read the press reports and I have been watching television and reading the newspapers and looking at the demonstrators and thinking about our role in the world and that region of the world, I keep looking for women and every picture only has men. Men fighting, men drinking tea, men demonstrating, and I keep saying, where are the women? Where are the women? Knowing that war has ravaged through that region for many, many years; and obviously there are more women than men. The demographics alone, because of war, would attest to that. So where are they?

In coming here to this chamber this evening I kept thinking about the words of the great Negro national anthem, and the words that ring in my ears tonight, "God of our silent tears, God of our weary years," a song borne of the great struggle for freedom in our own land and across the world, of those who were placed in slavery and whose heroic history has been so much part of America's own struggle for liberty.

I kept thinking about the silent tears of the women of Afghanistan and so many women of the Middle East and Central Asia. I thought about their silent tears. I thought most of the world never sees those tears because we do not see them, and under that burqa you cannot see anything.

In fact, I tried to look out of it as I handled it on the floor, and one cannot really see very well out of it. It looks like you are looking through a multi-screened door where so much of the light is shut out. Truly you feel like a prisoner. It is a visible symbol of the abysmal human rights record of the Taliban regime and the fact that women have no official dignity. In fact, they are beasts of burden. They are there to cook. They are there to carry their children and to bury their children. And they have absolutely no moment, no moment, no place, no home. No place of comfort. No place to hide, no place just to be.

They are in our hearts this evening because many of us understand some of the tinges of oppression, but nothing like what they are living through.

□ 2300

Others this evening, have talked about their lack of access to health care and the fact that they can receive no health services. I can remember Congresswoman Pat Schroeder on this floor one evening talking about the fact that during World War I, more women died in childbirth than people were killed in the war. This is before health services were available to people. Can you imagine the struggle of bearing a child in Afghanistan?

God of our silent tears; God of our weary years. We think of them especially tonight. I learned from the world food program last week that, of course, the United States has provided some of the meager food sustenance that has kept that population alive over the last several years. Over 257 bakeries have been started inside Afghanistan just to make use of the raw wheat, and the diet basically is a piece of wheat bread that looks like pita and tea, that is about what the average person eats every day. But the Taliban had ruled that because women, the mothers, the widows, were feeding the people and working in those bakeries, that they would shut those bakeries down because, in fact, women were doing the work and women were not allowed to be seen in public.

And there was such civil unrest across that country that the Taliban reversed its own ruling because the people were fighting for their own survival in a country that is now prefamine and the world community is desperately trying to find ways to move donkey trains in there with wheat bags and trying to move product in any way that we can in order to help the civilian populations. We know the majority of people trying to feed the desperate are women and many of them are widows.

Tonight, I know that every single woman here thinks about the future, and every man and woman in our country wants to help those who are in dire need. I know that in the weeks ahead, this Women's Caucus through the leadership of the gentlewoman from California (Ms. MILLENDER-MCDONALD), who has just been fantastic in her leadership on this issue, and so many others is going to make sure that our Women's Caucus keeps in sight, in fact right in the bull's-eye of U.S. policy in that region of the world humanitarian assistance and food programs, in fact, linking our food programs to education wherever we can possibly do it and that America's true greatness and the generosity of its people will be seen extending a hand across the ocean and a hand across a forgotten part of the world. We want every life that can be saved to be saved, and we know that our first partners in this effort will be the women of Afghanistan who know the price of life and the price of death.

This evening, we rise in their honor. Those of us who are wearing these little squibs of cloth cut from the burqa, we will not forget them. We ask the God of silent tears and God of weary years to be with them, to protect them and to know that we are in sisterhood and brotherhood with them.

Ms. SOLIS. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished Congresswoman from California, and I thank her very much for creating this opportunity for the women of this House to come together and to embrace, though distant, our sisters far away. You notice that the tone of our voice is somewhat somber and solemn. Tears are in our voices and tears are in our hearts and minds. We as women, however, are strengthened by the unity that we are showing tonight because we believe we are linked with our sisters in Afghanistan and those who have escaped Afghanistan and are on the perimeters around in the different countries fighting from the outside for their sisters who are now contained.

I want to thank the distinguished gentlewoman from California because I believe that we should be on this floor day after day and night after night, create a movement, create an engine, create a movement that cannot be turned around. In fact, I would suggest, in following your lead and that of the Women's Caucus and my friend and colleague the gentlewoman from California (Ms. MILLENDER-MCDONALD), who has given such comfort to women around the world, but also to the leadership of the women in the caucus.

We are known to have marched a day or two. I believe this may be the time to march for the women of Afghanistan, whether we take all the women of this House, or whether we ask women from the community to join us. I am reminded of the phrase, when women pray, things happen. When women march, when women speak, things happen. And the tragedy of the women in Afghanistan is so enormous, so frightening, so vicious, so violent that I think this day tonight is setting the tone; and I thank you very much for your leadership.

I do not know if people are aware, and I know that many of my colleagues might have already cited these numbers and statistics, but for me they loom very large. Journalist Jan Goodwin, before the Taliban banned female employment, gave us a bird's-eye view what women were doing before the Taliban banned women working. Seventy percent of the teachers in Kabul were women, 50 percent were civil servants and university students, and 40 percent were doctors. Today, lawyers and doctors who happen to be female cannot practice. They cannot practice medicine. They cannot practice law. Women are totally deprived of the right to education, of the right to work, of the right to travel, of the right to good health care, of the right to legal recourse, of the right to recreation, of the right to being a human being.

Those who are listening, men and women, know how much we pride our freedom in the United States even after the heinous acts, the horrific acts of September 11. Our lives changed after that day, but we still understand the first amendment, freedom of access, freedom of speech. We demand good health care, good education. We are always looking to improve the lot of others. And when that does not happen, we speak out against it and try to improve it.

But in this country, there are no rights for women. They cannot move about. They cannot be educated. They cannot go into a courtroom and protest how they are treated. They cannot laugh. They cannot be full of joy. They cannot skip rope. They cannot play tennis. They cannot go swimming. They cannot recreate. They cannot go into the mountains and hills to look at the beauty of the sunrise or the sunset. They cannot be mountain climbers. They cannot be bicycle riders. They cannot enjoy life.

Although we respect the Islamic faith, this is not a denigration and a disrespect because our faiths are different, because we love the diversity of our faiths in this country, the diversity of our ethnic backgrounds, our racial backgrounds. We love the fact that America applauds the differences, but we acknowledge that the fundamentalism of Islamic faith treats women as subhumans, and it fits them in a category that can only be described as slavery and only as a source of procreation.

And so I think that it is extremely important to note that the life and plight of women in Afghanistan has gone to its lowest level.

□ 2310

Female education, from kindergarten to graduate school, is banned, and employment for women is banned. The beating of women for disciplinary action is accepted and routine. Women must be covered with the material that is on my suit top. They must be covered from head to toe. The burqa. You can hardly breathe. It is so hot. You can hardly see. You cannot enjoy, you cannot live.

The whipping of women in public for having non-covered ankles is acceptable. A ban on women laughing loudly is acceptable. A ban on women wearing brightly covered clothing is acceptable. Women are prohibited from going outside except for government-sanctioned purposes.

Finally, I would say that we love to wake up in the morning, hear the birds sing, smell the beautiful fragrances, go outside, travel as we desire to do. We desire to express freedom. But here in Afghanistan these women are not allowed to enjoy freedom, to enjoy the simple pleasures of life. And out of that tragedy comes more tragedy, such that a 20-year-old educated woman burned herself with gasoline as a way out of all of her misery that had poisoned her life for years. Her young life, she sought to extinguish it because she could see no future for someone who desired to be a bright and shining star.

So I hope that as we speak tonight some way, somehow, the women of Afghanistan are listening to us, and that they will know that we are united with them in sisterhood, and as they see that we are united, I would hope that we would move to the next step, which is to march for the freedom of the women in Afghanistan and on behalf of their survival and their life in the future.

Ms. SOLIS. Mr. Speaker, I yield to the gentlewoman from California (Ms. Millender-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I would just merely say the collective voices you have heard tonight simply is a determination to ensure that the women of Afghanistan be given their rightful spot of freedom and democracy, and we will not stop until that is done. We will do an international strategy to ensure that the type of human rights that they deserve will be given to them.

We thank again this outstanding young freshwoman, freshman, freshperson, for tonight's special order, and for that, I am not sure if she wants to say a few words, but I thank her so much.

Ms. SOLIS. Mr. Speaker, in closing I just want to reiterate the importance of our discussion here tonight. Let us not forget the shroud, the burqa, that may veil and provide coverage in a foreign land that we do not know, but let us remember here as women, as Members of the House of Representatives, and our male colleagues, that we shall not go unheard; that our voices will be heard throughout the country and throughout the world; and that we are not just pleading for those woman who are suffering, those children in Afghanistan, but throughout the Middle East. There are many women who are treated very differently in other parts of the Middle Eastern countries. They do not have to wear this shroud. They walk in honor, they walk in dignity. They have education, they have jobs. We want that for women of Afghanistan, and we will not stop until our voices are heard.

I want to thank the Women's Caucus and the Members that shared the dais with me this evening, and for the artwork that was provided for us tonight, so that Members might see what young girls in Afghanistan are seeing through their eyes.

Mr. FARR of California. Mr. Speaker, our lives are marked by noises and silences. We wake each morning to an alarm clock, we return to bed quietly each night to sleep. We hear the scream of our children being born, the cheers at their graduation ceremonies, and the hush at the funerals of our parents. To these, we have recently added the low rumble of buildings collapsing, the tones of thousands of Americans singing before our baseball games and on the steps of the U.S. Capitol building, and the silence of moments of private reflection.

The lives of the millions of women in Afghanistan are also marked by the noises and silences around them. They hear the sound of their front doors closing as their husbands leave for jobs, something these women are no longer allowed to hold. As they walk by schools, always accompanied by a male relative, they hear lessons being taught, but only to their sons. These women hear the sound of beatings and public executions of women suspected of adultery, or who have cut their hair short, worn colorful clothes, nail polish, or white socks.

The lives of women in Afghanistan often depend on silence. They must not walk loudly. They must not talk loudly. They must not laugh in public. They must wear burqas, allowing only some sight, covering their ears and mouths entirely.

The women of Afghanistan recognize that their lives also depend on breaking silences. Through international aid organizations and their own resistance organizations, the experiences they have quietly whispered to each other have been passed along to the outside world. What was once a few, sporadic reports has become a chorus pleading for recognition and compassion.

We must reassure these women that their pleas have echoed across mountains and oceans and reached our ears, and that we will answer them. The compassion we extend to our mothers, sisters, wives, and daughters must now be extended to the mothers, sisters, wives, and daughters in Afghanistan. Just as we have overcome our fear in the past few weeks, we must help these women overcome their fear by working to end the conditions which cause it.

We must use our voices and all of our abilities to ensure that the quiet voices of the women in Afghanistan are heard loudly and freely not just here in the United States, but in all countries, and especially, their own.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to shed light on atrocities occurring halfway around the world. Long before the horrific events of September 11, the Taliban regime has been perpetrating egregious human rights violations against Afghan women and girls.

When the fanatically religious Taliban militia seized control of Kabul in September 1996, Afghanistan was transformed into a brutal state of gender apartheid. Under the extremist Taliban rule, women and girls are denied the most basic human rights.

The Taliban religious police, known as the "Ministry for the Promotion of Virtue and Prevention of Vice," monitor strict conformity to Taliban edicts. Women are forbidden to work, go to school, leave their homes unless accompanied by a male relative, or speak above a whisper in public.

Many women are widowed due to their husbands being killed by the Taliban militia. They are routinely raped by militia men and forced to beg for scraps of food to feed their children. Other mothers hopelessly turn to prostitution, knowing that if they are caught, they will be publicly executed.

Women are ordered to wear a burqa—a large, heavy cloth which covers the body from head to toe—with only a small mesh-covered opening through which to see and breathe.

Women and girls are also denied access to basic health care services. They are denied admittance to most hospitals and from being examined by male physicians while prohibiting most female doctors and nurses from working.

A violation of any of these Taliban decrees results in women being brutally beaten, publicly flogged, and killed.

This regime is so heinous and oppressive that it executes little girls for the crime of attending school. Girls ages 8 and older caught attending underground schools are subject to being taken to the Kabul soccer stadium and made to kneel on the ground while an executioner puts a machine gun to the back of their heads and pulls the trigger. Spectators in the stands are instructed to cheer.

An elderly woman was brutally beaten with a metal cable until her leg was broken because her ankle was accidentally showing from underneath her burqa.

In a village outside of Kabul, three young girls were made to watch as the Taliban militia shot their mother in front of their eyes and then stayed in their home for two days while the mother's body lay in the courtyard.

The despair among women and children is so extreme, Physicians for Human Rights reports that 76 percent of women living in Taliban-controlled areas are suffering from severe depression and 16 percent of women committing suicide.

The United States and the international community cannot turn its back on the plight of Afghan women and children. I was pleased by the President's recent announcement to increase humanitarian assistance to Afghan refugees, 75 percent of which are women and children.

The United States must demonstrate that while we strongly oppose the Taliban regime, we support the people of Afghanistan. We must remain committed to improving the status of women and children in Afghanistan.

Ms. SCHAKOWSKY. Mr. Speaker, women in Afghanistan have been suffering incredible human rights abuses since the extremist Taliban regime seized control of Afghanistan in 1996. Today, I rise in solidarity with Afghan women against this misogynist, fundamentalist regime and for women's rights.

The treatment and condition of women in Afghanistan under the Taliban rule is deplorable. Women have been beaten and stoned in public for not being completely covered, even if this means simply not having mesh covering in front of their eyes. One woman was beaten to death by an angry mob of fundamentalists for accidentally exposing her arm while she was driving. Another victim was stoned to death for trying to leave the country with a man that was not her relative. Husbands have the power of life and death over their female relatives, especially their wives, but an angry mob has just as much right to stone or beat a woman, often to death, for exposing an inch of flesh. Women live in fear of their lives for the slightest "misbehavior."

Women have been forced into poverty and destitution because they are not allowed to work or even go out in public without a male relative. Professional women such as professors, translators, doctors, lawyers, artists and writers have been forced from their jobs and restricted to their homes. Because they cannot work, those without male relatives or husbands are either starving to death or begging in the street.

There is a public health epidemic growing among women in Afghanistan. Depression is becoming so widespread it has reached emergency levels. There is no way in such a society to know the suicide rate with certainty, but relief workers are estimating that the suicide rate among women is extraordinarily high. Health care has suffered on many other levels. Men are not allowed to examine women patients without a chaperone. And even then, women are only allowed to be examined through their clothes. Even in life saving situations, surgery is unavailable for women in this country, if they have money, they might travel to Pakistan for needed operations. More than 1 in every 100 women dies in childbirth. The infant mortality rate is at an alarming number of 165 deaths per 1,000 births. Women give birth to their children on hospital floors and then watch them die due to minor complications. The Taliban regime is killing its own people.

As we move forward with out mission to eradicate terrorism, we must look for natural allies in this process. I would like to draw attention to the work of an organization that has fought the injustices committed against Afghani women and society by the Taliban, the Revolutionary Association of the Women of Afghanistan (RAWA). RAWA strives to provide the basics of life, like education and health care, to women and girls in Afghanistan. The women of RAWA work underground, fighting for a true democracy and struggling to create a better life for the people of Afghanistan. These women fight at their own peril to create a better society. They are our allies. I urge this body and this government to recognize the voices of RAWA and provide support to their difficult, dangerous, and heroic work. We need to increase our efforts to help the women of Afghanistan live without their fundamental human rights violated. I hope this will be a policy that all of my colleagues can embrace.

PROVIDING SAFETY IN THE SKIES

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized until midnight.

Mr. McINNIS. Mr. Speaker, I have been fascinated by the previous remarks. I think it was excellent, and I commend the gentlewoman from California. I think it highlights the issue overall, and that is not just the abuse that the Taliban throws upon women in their society, but the abuse they throw upon their society as a whole.

For them to represent that they somehow speak for the religion of Islam, that they somehow speak for the Muslims of the world, is an insult. Obviously the Muslim world does not believe in the kind of abuses that the Taliban throws upon its women, nor does the religion of Islam. In fact the religion of Islam respects women, and that certainly is not something that you see in any kind of fashion whatsoever. In no fashion whatsoever do you see women given respect that they are entitled to or to the privileges, the equal rights or the access that they should have. Obviously that is not given when you talk about Afghanistan.

There are a couple issues, Mr. Speaker, I want to visit about that I think are very important. First of all, I listened to some of the previous speakers on the airport security bill. Obviously the airport security we have in this country has to be tightened dramatically. It has been tightened dramatically right now with the temporary use of the military. We have taken some very dramatic steps.

As you know, it was a pretty incredible event on September 11, that the Department of Transportation, upon order of the President of the United States, was able to take 2,600 or 3,000 commercial aircraft and bring every one of those aircraft down to a safe landing within about a 2 hour period of time. There were a lot of things that went wrong on September 11, but there were a lot of things in response to that horrible tragedy of September 11 that went right.

For example, the military alert, the high alert that went out to our military throughout the world. Just picture yourself as a skipper of a carrier group out in the Pacific somewhere, or out in the Persian Gulf, and you are scrambled a message that the United States of America has just been attacked, that structures have been taken down in New York City, that the Pentagon itself has been struck.

Our military was immediately upon order of the President taken to probably the highest alert that they have been in in decades, and we did not have one misfire. Not one misfire. Not one officer who acted out of what the rule book says they should act. It was a good, solid response and it shows you that in time of emergency, there are a lot of things that can be done right.

We saw it, as I said, with the Department of Transportation, the Federal Aviation Administration, NORAD, which was contacted within minutes of the hijack knowledge and was able to try and track some of these commercial aircraft that were being used as weapons by the hijackers.

There were a lot of things in our system that worked. But one of the things that failed us was airport security across this country, and I do not know any of my colleagues that do not think that we do not need to increase airport security. Obviously we have got to improve the airport security in every airport in this country. Whether it is in Grand Junction, Colorado, or whether it is at LaGuardia, or whether it is at National Airport or Denver International Airport, we have got to improve security.

But the question is, how do you get the biggest bang for your buck for security? What kind of approach should we use to enhance that security, that we can be ensured that a year from now or 2 years from now or 3 years from now that the system is working?

Now, some have suggested that the only way to do it is to quickly act and for the Federal Government to create a new bureaucracy and hire tens of thousands of people, tens of thousands of people, as Federal employees, and put them in these positions of airport security.

To me, that makes about as much sense as the Federal Aviation Administration hiring all the pilots. Clearly and absolutely there is a role for the Federal Government to oversee security at these airports. They have to put down very tough and stringent guidelines as to what will be allowed and what will not be allowed; what training is required for the people that work in that security, what people will be allowed there, what kind of clearances they have, et cetera, et cetera, et cetera.

But before any of my colleagues, and some have, obviously, but before you sign on that the only way to answer this is to create a new Federal bureaucracy, think of the problems that we have.

Some inherently disagree with me. Some out here like a bigger Federal Government. Some think that the only people that can get things done correctly is the government. I am saying, I do not think so. I think the government should oversee it.

But take a look at what happens if you hire these people. Take a look under our Civil Service regulations, where you cannot hardly fire a Federal employee if we have misbehavior. You cannot hardly move a Federal employee. To take an example, look at what happened in Denver and some of the other areas when we required Federal Aviation Administration personnel to move 50 miles or something like that. Take a look at what a racket that ended up being.

□ 2320

We lose lots of flexibility when, in a very short period of time, we put tens and tens and tens of thousands of people in the Federal payroll and create them permanently as Federal employees. It is not going to work. That is not the efficient way to provide the maximum amount of security that we want for our airports in this country.

Now, President Bush recognized this. President Bush's approach to this, which I think, by the way, is the correct approach, is number one, we all agree we need tougher airport security, we all agree that the status quo is not working, but as the President says, there should be Federal oversight, but it does not have to mean a new huge Federal bureaucracy for airport security any more than as I said earlier the Federal Aviation Administration should all of a sudden be required to hire all of the pilots in this country.

Clearly, the Federal Aviation Administration has a strong role in pilot qualifications, in how many hours the pilots fly, in the type of training that they need for particular aircraft and the type of training that they need for approached airports, et cetera, et cetera, et cetera. So the Federal Government has a strong role to play, it is just we should not take it across that line and, in a few weeks, end up hiring tens and tens and tens of thousands of people to become full-time, permanent, Federal employees.

So I am asking my colleagues to take a careful look at that. We do not need to have that many more new employees. What we need to do is review these procedures and make our airports safer. I look with disgust upon any of my colleagues that suggest that because some of us say we do not need a new Federal bureaucracy, that they make the suggestion that we do not care about airport security. I do not know one Member in this House, I do not know one Member in this House that does not want improved airport security. Not one. Not from the left, way over on the left to clear over on the right. We do not see it. Everybody in these Chambers wants better airport security. But the question is, how do we most effectively get there? Take a look at the track record. Frankly, the track record of the Federal Government on previous attempts at things like this has not been very good. I want the best airport security that we can get out there.

I want to move on to another subject, and I want to talk a little bit about what I sense in the national media. I do want to visit this evening about the different types of weapons of mass destruction and our kind of a threefold strategy that I think we have to utilize which would also include a missile defense, information defense, and defense against domestic terrorism; for example, a truck bomb or things like that.

But I noted with interest, and let me say it this way. I am kind of a fan of 60 Minutes. I have watched 60 Minutes, as many of my colleagues have here, for a long time, for decades, in fact. I think 60 Minutes overall has done a very good job. But I have to tell my colleagues that I was very, very disappointed when I saw 60 Minutes last weekend. Do we know what they did? They spent the first 25 minutes or so of their show pointing out to the world, pointing out to the world the weaknesses of our nuclear generating facilities in this country and how various types of attacks on these may very well be successful and the catastrophe that they could create.

Now, I think it is great that 60 Minutes went out and uncovered this weakness, although I would not give them that much credit. Other people have complained about the lack of security. But my question is I think that the media has a responsibility to play post-September 11 disaster as well, and that responsibility would have been much better exercised by 60 Minutes by simply taking their information over to the Pentagon or over to the Nuclear Regulatory Administration or over to the White House or to the Congress and say, look what we have discovered out there. We have some weaknesses in these nuclear facilities, and we need to be aware of it.

Mr. Speaker, 60 Minutes chose not to do that. 60 Minutes instead thought it was much better to broadcast to the world the weaknesses that currently exist in our nuclear reactors. I mean some of these terrorists must just be sitting back in their caves or in their places of abode just smiling and saying, what a great society these people are in America. They provide us with our next target and they give us all kinds of information. We get good ideas by reading the American media.

I think all of us have a responsibility here and it includes the media, and that responsibility is, hey, maybe we ought to figure out that what is being read by what we publish out there, what is being seen by what we televise, or what is being heard by what we put over the radio, maybe we should screen a little of that information. Now, some of the media, frankly, has been pretty darn responsible. Bob Woodward not too long ago, 2 or 3 weeks ago, unfortunately, on the Senate side, there was a leak of information, as my colleagues know. The President got very upset about it.

It is my understanding from a source in the media that Bob Woodward did the responsible thing. He got ahold of some information that he himself questioned whether it should be published, and he contacted the appropriate government officials, which I would guess would be the White House and said, should I be putting this kind of information out? They asked him not to, and Bob Woodward respected that. That is responsible journalism.

I do not think it is responsible journalism to go out and spend 20 minutes televising to the world where the weaknesses are in America's nuclear generation facilities and how a strike against these nuclear facilities, and they even describe on 60 Minutes about how if the plane hit it at this angle or this happened or that happened, what the consequences of that would be. That is like going down and saying, guys, let me tell you where the weakness is in the local bank alarm system.

I will bet my colleagues that 60 Minutes, Dan Rather, the whole crew there at 60 Minutes, I bet they never televised the weakness in their home alarm system: if you come to my house at this time, that is the weakness in my home alarm system, or I do not have this window taped so you could get access there and you could cause a lot of harm to my house because I keep a lot of material in there.

The point being to me it is incumbent upon all of us to talk to our friends in the media and say, look, we all have to be more responsible. The world changed on September 11. The days of being absolutely politically correct, the days of Harvard not allowing the U.S. military, the ROTC on their campus, those days are gone. Our society has to adapt to some realities out there and the realities are that there is a cancer out there, there is a horrible cancer out there. Bin Laden happens to be a key cell in that cancer, but he is not the only cell of cancer we have out there. If we do not act aggressively to eradicate that cancer, it will kill us. It will eat us alive.

I noted with interest tonight, going back to Harvard University, I noticed with interest tonight that at Fox News Network, they claim that one of the people, one of their guests, it was not Fox News, but it was one of their guests said that Harvard actually accepts money from the bin Laden family, takes money from the bin Laden family, either in the form of scholarships or grants, but refuses to take any money from the United States military to pay for or allow an ROTC recruiting officer on Harvard University or ROTC training. Give me a break. Come on. After September 11, we all have to put more weight on our shoulders; we all have to accept more responsibility of being an American. Being an American is not too bad a deal. It is the greatest country in the history of the world. Do not let people start to apologize for America.

I think I am beginning to sense some sympathy towards this bin Laden. I noticed today, all they talked about today is the fact that we have collateral damage hitting a Red Cross warehouse. I am sorry. I feel badly about that. We do not intend to target innocent civilians, but the fact is, we are engaged in a war. We have very sophisticated weapons, but we do not have weapons that can go out and paint a red laser cross across bin Laden so that we go in and we take out bin Laden and nobody else gets impacted. Obviously we have to be careful. I am not suggesting intentional civilian deaths. But I am saying that there is a point in our society where we have to accept the fact that we are going to suffer some casualties.

□ 2330

There are going to be civilian casualties. But let me tell the Members, when the news media starts talking all day long about the fact that one of our bombs hit a Red Cross facility by mistake, I might add, do not forget, that score starts at 6,000 to nothing. Six thousand innocent citizens lost their lives in New York City, and that is a statistic that ought to come in over and over and over and over again.

That does not justify going and taking 6,000 Aghan citizens, but do not come down on the United States military in such a way that we think we are going to be able to go in and find and eradicate this cancer without taking or hitting a few healthy cells on the way in. I do not know how else we can do it.

We have gotten through several decades of being able to engage in military actions without a lot of U.S. casualties. Our weapons have become much more precise, and thank goodness they have, because if we take a look at conflict after conflict, our collateral damage is being lowered and lowered and lowered; in other words, there is less and less and less collateral damage because our weapons are becoming more and more and more sophisticated.

But this is not the time to start to sympathize with bin Laden, to start to criticize the United States military, because I think they are doing a pretty darned good job out there. When we get into or when we are engaged in a war, we are going to have mistakes.

It is just like the State patrol of a State. Over a period of time, some State patrolman is going to have a car accident. We regret the fact that that happens, we try and avoid that from happening; but that does not mean we sympathize with the crooks more because a State patrolman may goof up and have an accident.

I think these points are very important, because I would not want us, as we get further and further away from September 11, I do not want our memories to begin to fade about what a horrible thing that cancer did to us. Do Members know what? That cancer still exists out there. It will take a very dedicated effort.

Thank goodness we have the President that we do. Thank goodness we have the team that we do, whether it is Vice President CHENEY, whether it is Condoleezza Rice, who, by the way, did an excellent job on "60 Minutes" the other night, or whether it is Don Rumsfeld, we have the right kind of team dedicated to go in and do the surgical procedure that is necessary to eradicate most of that cancer.

But we have to give them a break and give them our support. So far this country has been very solid behind our President. I think the average mainstream American out there does not want people like "60 Minutes" talking about the weaknesses of our nuclear generating facilities. Instead, I think the average American out there wants this President and this Government to do what is necessary to make the security of this Nation safe for all future generations.

That requires some pretty nasty stuff. War is nasty. But as Winston Churchill said, "The only thing worse than war is losing the war." It is the same thing here. The only thing worse than eradicating terrorism, and I assure the Members, there will be collateral damage, the only thing worse than that is losing to bin Laden; losing to the fact that America would have to live under the threat of fear from this point on; that America would have to live and tolerate what the Taliban does to its own people, as reflected in the earlier comments by the gentlewoman from California regarding the rights of women in Afghanistan, and what bin Laden and the Taliban have done, what they have done to the women in Afghanistan.

So I think it is very important for us to understand that there is nothing wrong with being patriotic, that there is nothing wrong for the United States of America to do what it is doing. I think sometimes when we find out that there has been a mistake, a regrettable mistake, that a bomb is dropped on a Red Cross warehouse, that we tend to forget what has gone right.

Take a look at the military targets that day after day, night after night, our military has successfully hit without collateral damage. Take a look at how well executed this military mission has been. There is a lot to be proud of here. Our military has an incredible machine. Our military has very sophisticated command centers. Our military has the most sophisticated weapons ever known in the history of man. These are weapons that try and minimize collateral damage.

So I am a little concerned when I start to see sympathy actually heading to the Taliban, when I start to see some kind of justification for what the Taliban has done. We do not see it directly yet, but we are headed that way.

Kudos, by the way, to the Mayor of New York City, who had a $10 million check in his hand but gave it back because he said nothing can justify the horrible actions of these evil people. What they have done is evil. They are evil. There is only one answer with evil, we have to eradicate it. We cannot love it away, we cannot hope it away, we cannot go and hold the hands of the Taliban and say, We would like you to adapt yourself more to Western behavior. We would like you to commit to us that you are going to give women rights in your country.

That is not going to happen. These Taliban leaders and bin Laden and his outfit, they are cancerous. It is a deadly, horrible cancer. We have tasted some of it. It hit us hard in New York City, and it is going to hit us again if we do not pursue the eradication of it in a relentless fashion. That is our obligation as Congressmen. That is an inherent requirement of the Government, that is, to provide homeland security for the people of America and for our allies.

One of the things that I think we need to improve on, I talked to airport security. Clearly, we have to improve immediately airport security, and we have. Obviously, the Federal Aviation Administration and others, the security has been stepped up significantly.

But on a long-term basis we have to make dramatic changes in our airport security. As I said earlier, I think we can do that without creating a Federal bureaucracy of tens of thousands of new Federal employees. So we need to have airport security.

We also need to do a couple of other things. We need to tighten up our borders. I know that is not politically correct, to say that, look, if you are a guest in the United States, we are going to check into your background. If you are coming to visit the United States, if you want to immigrate to the United States, we have some certain rights as the United States to see who we are letting into this country.

We were getting to a point in our society where it seemed to be politically incorrect, where it would be wrong for Members to go to a student whose visa expired, and by the way, of the terrorists, the Wall Street Journal today had an excellent article. Three or four of those terrorists were on expired student visas.

The student visa program in this country has gone awry. It is out of control. We have, I think, 2.5 million people, and I can look that up, but I think there are 2½ million people in this country today that are on expired student visas; and we are not doing much to get them out of here.

When people come to visit the United States, that is a privilege. This country has to start to enforce our borders. That is not to say at all, not in any way, that this great country should shut its borders. I do not believe in that. Unless one is truly Native American, we all have been the beneficiary of America's policy on immigration. It has built a great country.

But having open borders does not mean we have to have uncontrolled borders. We should be having open borders that are controlled and managed and worked to the benefit of everybody. It works for the protection of the people even coming into this country. So our borders have to be tightened.

I will tell Members something else we have to deploy at our borders. We have to put in those face-scanning computers that are able to determine if one is wanted or if one is a terrorist anywhere in the world, or find out just exactly who it is that is coming across, are they using false IDs, et cetera. We have to use other high-tech equipment at these borders.

Some people, they jump up, and I have already heard this as a result of our antiterrorism bill, and say, Invasion of privacy. Do not invade privacy. Let me tell the Members something. I have not seen a proposal yet that has been on this floor that is unconstitutional, an unconstitutional invasion of privacy.

It is not the intent of anybody in this House to invade or violate the Constitution. After all, we take oaths to stand up and protect the Constitution. We do not take some kind of assigned mission to violate the Constitution.

So it is not that we are violating the Constitution with, for example, face-scanning computers and other technical equipment. The fact is, life is going to be a little more inconvenient. When we go to the airport, we are going to have to open our suitcases two or three times. They are going to have a right to look through our loose clothes, to look through our purse or wallet, which we may consider private.

But the fact is in our society we have to take some affirmative steps to provide homeland security for our Nation. What is wrong at the borders with having computer-scanning equipment and data like that that can give us the kind of information we need?

A lot of this is a game of quick information. We cannot sit there and detain or stop the borders while we spend 3 or 4 hours questioning everybody who wants to come across. We have to depend on quick information. We have to depend on an informational system that could quickly give us that kind of information. That is the computer-technical equipment.

In Britain, take a look at Britain, the United Kingdom, who have been wonderful allies. Boy, have they stood with us through this from day one. From hour one, from the moment that Tony Blair and his government found out that the United States had been attacked, they stood tall, as did many of our other colleagues. But I want to talk about Great Britain right now.

They have suffered terror for years. They have had terrorists blow up bombs in London and places like that. They have put pretty good security equipment in London and throughout their country. They have those face-scanning cameras. They do not come out and stick a camera in your face. They are on light poles, or they are on the sides of buildings.

□ 2340

They have lots of security cameras almost on every city block in London figuring out exactly what is going on. They scan the city. It has not brought down a violation of privacy in the United Kingdom. In fact, it has made the United Kingdom a lot safer. It is kind of like putting a guard in the bank.

I can remember as a young man, when I used to go into the bank, there were never police officers standing in the lobby of a bank; and well, then bank robberies kept happening and happening. Guess what happened when we put a police officer in the lobby of the bank? It did not violate anybody's privacy on banking laws. What it did was lower the crime in that bank, made it safer for everybody.

That is exactly what we need to do at our borders and athletic events that what we need to do, where it is otherwise feasible, is provide the kind of security, the TV cameras and things like that we can do without intrusion into the Constitution. So I have not seen any, any movement that violates the Constitution of the United States.

Clearly, the point I am making here, we have to, and I would like to point out on this border, is that we have got to do something very quickly. Just as important as our airport security is our border security. We have got to tighten up the border between, for example, the United States and Canada. For the most part, that border seems to be unsecured. We have cooperation from our neighbors to the north. Canada is a wonderful country. They are great allies. I do not think one could ask for two better neighbors than we have. Mexico on one side on the south and Canada on the north.

In fact, just for my colleagues' information, we have had recruiters that have told us that down in the South they have gotten calls from Mexican citizens who want to come up and join the United States military because they want to fight for the United States against this terrible cancer that we suffered on September 11 and we are now trying to eradicate.

So we have got cooperation to tighten those borders, but let me give you some statistics, and this is off of Senator FEINSTEIN. She put out a press release. She identified weaknesses of the U.S. visa system. I think this is an excellent piece of work. I want to just give a few statistics.

An unregulated visa waiver program in which 23 million people arrived in this country in fiscal year 2000 from 29 different countries, almost no scrutiny. An unmonitored nonimmigrant visa system in which 7.1 million tourists, business visitors, foreign students, and temporary workers arrived. To date, the INS does not have a reliable tracking system to determine how many of these visitors left when they were supposed to leave. The INS cannot track it.

Among those 7.1 million nonimmigrants, 500,000 foreign nationals entered on foreign student visas. The foreign student visa system is one of the most underregulated systems we have today.

So there are a couple of things that I want to bring up, just review very quickly. One, we have got to increase airport security, but we do not need to create a new Federal bureaucracy to do it. We clearly have no Federal oversight on it.

Two, we have to tighten our borders, and let me just talk about the third thing I think whose time has come.

This is the third thing I wanted to visit with, and that is the new strategic setting. This is a three-pronged threat as I have got on this poster. I will go in reverse.

Information warfare. Clearly what does the United States have to do to protect, as we know, everything in our lives today is focused very, very heavily on computer and information. How do we protect that information? How do we protect homeland security to our information warfare?

Terrorist threat. Clearly it was demonstrated to the United States that we had some huge gaps in our security system, our homeland security to provide protection from terrorist attacks. Now, remember, that gap was a horrible gap; and the results were horribly, horribly tragic. But the fact is we have had a lot of terrorist threats, including the one on the millennium that tried to come across the border that was stopped. We can protect against that. We can enhance that.

The one I really want to focus on is the missile-delivered weapons of mass destruction attack. Keep in mind when we talk about missile defense, which I think absolutely has to be imminent for the defense of this country, and I think it is an inherent obligation of all of us sitting on this floor to provide a missile defensive system for this country. Keep in mind that a lot of people out there assume we already have missile defense; that if somebody fires a missile against the United States of America, that we have the capability to defend against it. We do not. We do not have that capability today. And that ought to be our highest priority as far as national security from an outside source. I think it is really, really critical. Let me mention a couple of other things.

Most people, when we have talk about missiles coming against the United States, think of a nuclear missile. Of course, that is a worst case scenario; and we know that there are countries, there has been proliferation around the world of countries capable of delivering nuclear missiles. But when we also talk about nuclear missiles, a lot of people think about an intentional launch against the United States. I want to say, think about this for a moment, I believe that the possibility of an accidental launch against the United States of America is very possible with a nuclear warhead or a missile with a chemical type of weapon on top of it.

So a missile defensive system protects us not only against an intentional launch against the United States but an accidental launch. A lot of people, including some of our colleagues, have pooh-poohed the idea that I say this could happen by accident. They do not give it too much credibility. Guess what happened 2 weeks ago. Out in the Black Sea, the Ukrainian Navy fired, by accident, a missile. What did it hit? It hit a civilian Russian airliner. It shot it right out of the sky. It killed everybody on board. That was accidental. If it can happen in a military exercise out in the Black Sea, let me assure my colleagues, it can happen with a missile aimed at the United States of America.

I am not trying to create any kind of panic because I think the United States of America has some time, not a long period of time, but some time and we have the technological capability to do it to provide a missile defensive system for this country.

There was a treaty signed not too many years ago and I intend to go into that in much more depth later on this week, but it was the Anti-ballistic Missile Treaty. The President of the United States has justifiably and very accurately called that treaty obsolete. The treaty is obsolete with the exception of one provision within that treaty, contained within the four corners. The authors of that treaty, the first people that drew it up, realized that times on would change. They must have realized that the United States and Russia in the 1970's were the only two countries capable of delivering missiles, either intentionally or accidentally with nuclear warheads. They must have realized if it is possible that in the future it could expand and there could be proliferation of nuclear weapons in other countries. If that occurred and if that became a threat to the national sovereignty of either Russia or the United States, then under this treaty, the Anti-Ballistic Missile Treaty, there would be a clause that is contained in the treaty, that would allow either country to withdraw from that treaty upon a 6-month notice.

That is the first step that has to take place from an administrative point of view. This administration is preparing to do exactly that. They ought to do that. That is what leadership calls for.

From the technical point of view, this government and this Congress and, fortunately, our colleagues down the hallway have dedicated resources to continue the research to perfect that technology that we have. We are very close. We are very close to providing the necessary information to build a missile defensive system in this country. We have got to get closer and we have got to close that gap and we have to put that defensive system into place.

☐ 2350

Let me point out that the threat is real. Rogue states and weapons of mass destruction. Among the 20 Third World Countries that have or are in the process of developing weapons of mass destruction are:

Iran. Iran has nuclear weapons, they have chemical weapons, they have biological weapons and they have advanced missile technology.

Iraq. Iraq, same thing: Nuclear, chemical, biological, advanced missile technology.

Libya. Well, almost the same thing, nuclear weapons, chemical weapons, advanced technical information.

North Korea has all four of them. Syria has all except the biological weapons.

This chart tells us a lot. This chart tells us that there are people out there in the world that are not friends of the United States. In fact, they are foes of the United States. And while we sit without a missile defensive system, they continue to build a missile offensive system.

How can we, as Members of Congress, continue to sit idle or even advocate the idea of sitting idle, not building a defensive system, when we know there are countries like these countries out there that are aggressively building an offensive system? These systems are not defensive. These countries are designing these weapons to go after somebody, to fire at somebody, to destroy somebody. And let me ask my colleagues, who do you think that target is? After September 11, I think it is easy to conclude. It is not just an asset of the United States located somewhere in the world. It could very well be within the borders of the United States of America.

That is why I am urging my colleagues to join the President, to join the administration and come together as a team to build a missile defensive system that protects the security of this Nation. We can do it. And do not let people tell you we are walking away from the treaty. The treaty allows us to do it. It is contained within the rights of the treaty. So it is absolutely necessary for this country to move forward with the development of a missile defensive system.

Let me conclude my remarks this evening by just quickly going over or repeating some of the key points. Key point number one: the airport security in this country must immediately be improved for a long-term basis. Mr. Ridge, the new head of the Homeland Security Agency understands this. I think he has a good grasp on it. But the key element here is that we can dramatically and must dramatically improve that security.

I think it is a mistake to rapidly go out and hire as Federal employees tens of thousands of people and put them on the Federal payroll. I think the Federal Government has a very important role in the tightening of airport security by issuing and overseeing the regulations, but I think it would be a big mistake creating a brand-new bureaucracy. These bureaucracies are very, very difficult to manage, very, very inflexible, and usually not very productive. We cannot afford to have an agency, an agency-bungling, so to speak, of airport security. It has to be improved and improved in a dramatic fashion. Point number one.

Then point number two. The borders. It is now, in my opinion, absolutely correct, not politically incorrect but absolutely correct, to talk about what we have to do to tighten the borders of this country and who we ought to have in this country as guests and who we should not have as guests. And when the guest stays too long, we, this country, ought to be there to say it is time to go home; it is time to go back across the border from which you came because your invitation has expired. You have been around just a little too long.

Right now, as I demonstrated with some of the numbers and statistics that I gave in earlier comments, this is not controlled at all in our country. We have tens of thousands, tens of thousands of people who are in this country on expired student visas. And do not let the university system and the college system come to the defense of these expired visas. And do not let the college or university system come and say, well, these student visas are absolutely essential for this purpose or that purpose. We need a balance.

Now, a lot of these schools and universities get money, a high tuition charge for those people; but the fact is we have to bring it back in tune. I am not saying stop student visas, but I am saying we have to control them and enforce them; otherwise they are meaningless, and they provide a threat to the security of this Nation.

Finally, the third point that I covered this evening, and I will reiterate it as long as I am a Congressman in the United States Congress, is that this Nation must proceed, as the administration has urged us to do, as President Bush has told us to do, this Congress and this Government must proceed with a missile defensive system for the borders of this country and for the borders of our allies. Failure to do so would be, in my opinion, the most horrible dereliction of duty in the history of the United States Congress. That is how strongly I feel about that.

We have an absolute obligation, a responsibility to protect the security of this Nation by providing a defensive missile system. Keep in mind how many countries throughout this world are building offensive, offensive, attack systems. We know now after September 11 that the United States will very likely be at the top of the target list for many, many years to come. So we, colleagues, have an obligation to understand that reality and to defend against that reality.

A missile defensive system should be the first and the highest priority on that list in regards to the missile offensive system of these other countries. We need to defend against it. We have fair warning and we have a little period of time to do it and we ought to do it.

MAKING IN ORDER ON WEDNESDAY, OCTOBER 17, 2001, MOTION TO SUSPEND THE RULES AND PASS THE BILL H.R. 3004, FINANCIAL ANTI-TERRORISM ACT OF 2001, WITH AMENDMENT

Mr. OXLEY (during the Special Order of Mr. MCINNIS). Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, October 17, 2001, for the Speaker to entertain a motion that the House suspend the rules and pass the bill H.R. 3004 with the amendment that I have placed at the desk and that the amendment I have placed at the desk be considered as read.

AMENDMENT OFFERED BY MR. OXLEY

The SPEAKER pro tempore (Mr. SIMMONS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OXLEY:

H.R. 3004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Anti-Terrorism Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING LAW ENFORCEMENT

Sec. 101. Bulk cash smuggling into or out of the United States.
Sec. 102. Forfeiture in currency reporting cases.
Sec. 103. Illegal money transmitting businesses.
Sec. 104. Long-arm jurisdiction over foreign money launderers.
Sec. 105. Laundering money through a foreign bank.
Sec. 106. Specified unlawful activity for money laundering.
Sec. 107. Laundering the proceeds of terrorism.
Sec. 108. Proceeds of foreign crimes.
Sec. 109. Penalties for violations of geographic targeting orders and certain record keeping requirements.
Sec. 110. Exclusion of aliens involved in money laundering.
Sec. 111. Standing to contest forfeiture of funds deposited into foreign bank that has a correspondent account in the United States.
Sec. 112. Subpoenas for records regarding funds in correspondent bank accounts.
Sec. 113. Authority to order convicted criminal to return property located abroad.
Sec. 114. Corporation represented by a fugitive.
Sec. 115. Enforcement of foreign judgments.
Sec. 116. Reporting provisions and anti-terrorist activities of United States intelligence agencies.
Sec. 117. Financial Crimes Enforcement Network.
Sec. 118. Prohibition on false statements to financial institutions concerning the identity of a customer.

Sec. 119. Verification of identification.
Sec. 120. Consideration of anti-money laundering record.
Sec. 121. Reporting of suspicious activities by informal underground banking systems, such as hawalas.
Sec. 122. Uniform protection authority for Federal reserve facilities.
Sec. 123. Reports relating to coins and currency received in nonfinancial trade or business.

TITLE II—PUBLIC-PRIVATE COOPERATION

Sec. 201. Establishment of highly secure network.
Sec. 202. Report on improvements in data access and other issues.
Sec. 203. Reports to the financial services industry on suspicious financial activities.
Sec. 204. Efficient use of currency transaction report system.
Sec. 205. Public-private task force on terrorist financing issues.
Sec. 206. Suspicious activity reporting requirements.
Sec. 207. Amendments relating to reporting of suspicious activities.
Sec. 208. Authorization to include suspicions of illegal activity in written employment references.
Sec. 209. International cooperation on identification of originators of wire transfers.
Sec. 210. Check truncation study.

TITLE III—COMBATTING INTERNATIONAL MONEY LAUNDERING

Sec. 301. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.
Sec. 302. Special due diligence for correspondent accounts and private banking accounts.
Sec. 303. Prohibition on United States correspondent accounts with foreign shell banks.
Sec. 304. Anti-money laundering programs.
Sec. 305. Concentration accounts at financial institutions.
Sec. 306. International cooperation in investigations of money laundering, financial crimes, and the finances of terrorist groups.

TITLE IV—CURRENCY PROTECTION

Sec. 401. Counterfeiting domestic currency and obligations.
Sec. 402. Counterfeiting foreign currency and obligations.
Sec. 403. Production of documents.
Sec. 404. Reimbursement.

TITLE I—STRENGTHENING LAW ENFORCEMENT

SEC. 101. BULK CASH SMUGGLING INTO OR OUT OF THE UNITED STATES.

(a) Findings.—The Congress finds the following:

(1) Effective enforcement of the currency reporting requirements of subchapter II of chapter 53 of title 31, United States Code, and the regulations prescribed under such subchapter, has forced drug dealers and other criminals engaged in cash-based businesses to avoid using traditional financial institutions.

(2) In their effort to avoid using traditional financial institutions, drug dealers and other criminals are forced to move large quantities of currency in bulk form to and through the airports, border crossings, and other ports of entry where the currency can be smuggled out of the United States and placed in a foreign financial institution or sold on the black market.

(3) The transportation and smuggling of cash in bulk form may now be the most common form of money laundering, and the movement of large sums of cash is one of the most reliable warning signs of drug trafficking, terrorism, money laundering, racketeering, tax evasion and similar crimes.

(4) The intentional transportation into or out of the United States of large amounts of currency or monetary instruments, in a manner designed to circumvent the mandatory reporting provisions of subchapter II of chapter 53 of title 31, United States Code,, is the equivalent of, and creates the same harm as, the smuggling of goods.

(5) The arrest and prosecution of bulk cash smugglers are important parts of law enforcement's effort to stop the laundering of criminal proceeds, but the couriers who attempt to smuggle the cash out of the United States are typically low-level employees of large criminal organizations, and thus are easily replaced. Accordingly, only the confiscation of the smuggled bulk cash can effectively break the cycle of criminal activity of which the laundering of the bulk cash is a critical part.

(6) The current penalties for violations of the currency reporting requirements are insufficient to provide a deterrent to the laundering of criminal proceeds. In particular, in cases where the only criminal violation under current law is a reporting offense, the law does not adequately provide for the confiscation of smuggled currency. In contrast, if the smuggling of bulk cash were itself an offense, the cash could be confiscated as the corpus delicti of the smuggling offense.

(b) Purposes.—The purposes of this section are—

(1) to make the act of smuggling bulk cash itself a criminal offense;

(2) to authorize forfeiture of any cash or instruments of the smuggling offense;

(3) to emphasize the seriousness of the act of bulk cash smuggling; and

(4) to prescribe guidelines for determining the amount of property subject to such forfeiture in various situations.

(c) Enactment of Bulk Cash Smuggling Offense.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"§ 5331. Bulk cash smuggling into or out of the United States

"(a) Criminal Offense.—

"(1) In general.—Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than $10,000 in currency or other monetary instruments on the person of such individual or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment pursuant to subsection (b).

"(2) Concealment on person.—For purposes of this section, the concealment of currency on the person of any individual includes concealment in any article of clothing worn by the individual or in any luggage, backpack, or other container worn or carried by such individual.

"(b) Penalty.—

"(1) Term of imprisonment.—A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such offense, shall be imprisoned for not more than 5 years.

"(2) Forfeiture.—In addition, the court, in imposing sentence under paragraph (1), shall order that the defendant forfeit to the United States, any property, real or personal, involved in the offense, and any property traceable to such property, subject to subsection (d) of this section.

"(3) Procedure.—The seizure, restraint, and forfeiture of property under this section shall be governed by section 413 of the Controlled Substances Act.

"(4) Personal money judgment.—If the property subject to forfeiture under paragraph (2) is unavailable, and the defendant has insufficient substitute property that may be forfeited pursuant to section 413(p) of the Controlled Substances Act, the court shall enter a personal money judgment against the defendant for the amount that would be subject to forfeiture.

"(c) Civil Forfeiture.—

"(1) In general.—Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable to such violation or conspiracy, may be seized and, subject to subsection (d) of this section, forfeited to the United States.

"(2) Procedure.—The seizure and forfeiture shall be governed by the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

"(3) Treatment of certain property as involved in the offense.—For purposes of this subsection and subsection (b), any currency or other monetary instrument that is concealed or intended to be concealed in violation of subsection (a) or a conspiracy to commit such violation, any article, container, or conveyance used, or intended to be used, to conceal or transport the currency or other monetary instrument, and any other property used, or intended to be used, to facilitate the offense, shall be considered property involved in the offense.".

(c) Clerical Amendment.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5330, the following new item:

"5331. Bulk cash smuggling into or out of the United States.".

SEC. 102. FORFEITURE IN CURRENCY REPORTING CASES.

(a) In General.—Subsection (c) of section 5317 of title 31, United States Code, is amended to read as follows:

"(c) Forfeiture.—

"(1) In general.—The court in imposing sentence for any violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

"(2) Procedure.—Forfeitures under this subsection shall be governed by the procedures established in section 413 of the Controlled Substances Act and the guidelines established in paragraph (4).

"(3) Civil forfeiture.—Any property involved in a violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy, may be seized and, subject to paragraph (4), forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.".

(b) CONFORMING AMENDMENTS.—

(1) Section 981(a)(1)(A) of title 18, United States Code, is amended by striking "of section 5313(a) or 5324(a) of title 31, or".

(2) Section 982(a)(1) of title 18, United States Code, is amended by striking "of section 5313(a), 5316, or 5324 of title 31, or".

SEC. 103. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) SCIENTER REQUIREMENT FOR SECTION 1960 VIOLATION.—Section .1960 of title 18, United States Code, is amended to read as follows:

"§ 1960. Prohibition of unlicensed money transmitting businesses

"(a) Whoever knowingly conducts, controls, manages, supervises, directs, or owns all or part of an unlicensed money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.

"(b) As used in this section—

"'(1) the term 'unlicensed money transmitting business' means a money transmitting business which affects interstate or foreign commerce in any manner or degree and—

"(A) is operated without an appropriate money transmitting license in a State where such operation is punishable as a misdemeanor or a felony under State law, whether or not the defendant knew that the operation was required to be licensed or that the operation was so punishable;

"(B) fails to comply with the money transmitting business registration requirements under section 5330 of title 31, United States Code, or regulations prescribed under such section; or

"(C) otherwise involves the transportation or transmission of funds that are known to the defendant to have been derived from a criminal offense or are intended to be used to be used to promote or support unlawful activity;

"(2) the term 'money transmitting' includes transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier; and

"(3) the term 'State' means any State of the United States, the District of Columbia, the Northern Mariana Islands, and any commonwealth, territory, or possession of the United States.".

(b) SEIZURE OF ILLEGALLY TRANSMITTED FUNDS.—Section 981(a)(1)(A) of title 18, United States Code, is amended by striking "or 1957" and inserting ", 1957 or 1960".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 95 of title 18, United States Code, is amended in the item relating to section 1960 by striking "illegal" and inserting "unlicensed".

SEC. 104. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by striking "(b) Whoever" and inserting "(b)(1) Whoever";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking "subsection (a)(1) or (a)(3)," and inserting "subsection (a)(1) or (a)(2) or section 1957,"; and

(4) by adding at the end the following new paragraphs:

"(2) For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if—

"(A) service of process upon such foreign person is made under the Federal Rules of Civil Procedure or the laws of the country where the foreign person is found; and

"(B) the foreign person—

"(i) commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

"(ii) converts to such person's own use property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

"(iii) is a financial institution that maintains a correspondent bank account at a financial institution in the United States.

"(3) The court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.".

SEC. 105. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c)(6) of title 18, United States Code, is amended to read as follows:

"(6) the term 'financial institution' includes any financial institution described in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder, as well as any foreign bank, as defined in paragraph (7) of section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(7));".

SEC. 106. SPECIFIED UNLAWFUL ACTIVITY FOR MONEY LAUNDERING.

(a) IN GENERAL.—Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking clause (ii) and inserting the following new clause:

"(ii) any act or acts constituting a crime of violence, as defined in section 16 of this title;"; and

(B) by inserting after clause (iii) the following new clauses:

"(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

"(v) smuggling or export control violations involving munitions listed in the United States Munitions List or technologies with military applications as defined in the Commerce Control List of the Export Administration Regulations; or

"(vi) an offense with respect to which the United States would be obligated by a bilateral treaty either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States;"; and

(2) in subparagraph (D)—

(A) by inserting "section 541 (relating to goods falsely classified)," before "section 542";

(B) by inserting "section 922(1) (relating to the unlawful importation of firearms), section 924(n) (relating to firearms trafficking)," before "section 956";

(C) by inserting "section 1030 (relating to computer fraud and abuse)," before "1032"; and

(D) by inserting "any felony violation of the Foreign Agents Registration Act of 1938, as amended," before "or any felony violation of the Foreign Corrupt Practices Act".

(b) RULE OF CONSTRUCTION.—None of the changes or amendments made by the Financial Anti-Terrorism Act of 2001 shall expand the jurisdiction of any Federal or State court over any civil action or claim for monetary damages for the nonpayment of taxes or duties under the revenue laws of a foreign state, or any political subdivision thereof, except as such actions or claims are authorized by United States treaty that provides the United States and its political subdivisions with reciprocal rights to pursue such actions or claims in the courts of the foreign state and its political subdivisions.

SEC. 107. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 108. PROCEEDS OF FOREIGN CRIMES.

Section 981(a)(1)(B) of title 18, United States Code, is amended to read as follows:

"(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such offense, if—

"(i) the offense involves the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act), or any other conduct described in section 1956(c)(7)(B),

"(ii) the offense would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding one year, and

"(iii) the offense would be punishable under the laws of the United States by imprisonment for a term exceeding one year if the act or activity constituting the offense had occurred within the jurisdiction of the United States.".

SEC. 109. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTAIN RECORD KEEPING REQUIREMENTS.

(a) CIVIL PENALTY FOR VIOLATION OF TARGETING ORDER.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by inserting "or order issued" after "subchapter or a regulation prescribed"; and

(2) by inserting ", or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508," after "sections 5314 and 5315)".

(b) CRIMINAL PENALTIES FOR VIOLATION OF TARGETING ORDER.—

Section 5322 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or order issued" after "willfully violating this subchapter or a regulation prescribed"; and

(B) by inserting ", or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508," after "under section 5315 or 5324)";

(2) in subsection (b)—

(A) by inserting "or order issued" after "willfully violating this subchapter or a regulation prescribed"; and

(B) by inserting "or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508," after "under section 5315 or 5324),";

(c) STRUCTURING TRANSACTIONS TO EVADE TARGETING ORDER OR CERTAIN RECORD KEEPING REQUIREMENTS.—Section 5324(a) of title 31, United States Code, is amended—

(1) by inserting a comma after "shall";

(2) by striking "section—" and inserting "section, the reporting requirements imposed by any order issued under section 5326, or the record keeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508—"; and

(3) in paragraphs (1) and (2), by inserting ", to file a report required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508" after "regulation prescribed under any such section" each place that term appears.

(d) Increase in Civil Penalties for Violation of Certain Record Keeping Requirements.—

(1) Federal deposit insurance act.—Section 21(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(j)(1)) is amended by striking "$10,000" and inserting "the greater of—

"(A) the amount (not to exceed $100,000) involved in the transaction (if any) with respect to which the violation occurred; or

"(B) $25,000".

(2) Public law 91–508.—Section 125(a) of Public Law 91–508 (12 U.S.C. 1955(a)) is amended by striking "$10,000" and inserting "the greater of—

"(1) the amount (not to exceed $100,000) involved in the transaction (if any) with respect to which the violation occurred; or

"(2) $25,000".

(e) Criminal Penalties for Violation of Certain Record Keeping Requirements.—

(1) Section 126.—Section 126 of Public Law 91–508 (12 U.S.C. 1956) is amended to read as follows:

"SEC. 126. CRIMINAL PENALTY.

"A person that willfully violates this chapter, section 21 of the Federal Deposit Insurance Act, or a regulation prescribed under this chapter or that section 21, shall be fined not more than $250,000, or imprisoned for not more than 5 years, or both.".

(2) Section 127.—Section 127 of Public Law 91–508 (12 U.S.C. 1957) is amended to read as follows:

"SEC. 127. ADDITIONAL CRIMINAL PENALTY IN CERTAIN CASES.

"A person that willfully violates this chapter, section 21 of the Federal Deposit Insurance Act, or a regulation prescribed under this chapter or that section 21, while violating another law of the United States or as part of a pattern of any illegal activity involving more than $100,000 in a 12-month period, shall be fined not more than $500,000, imprisoned for not more than 10 years, or both.".

SEC. 110. EXCLUSION OF ALIENS INVOLVED IN MONEY LAUNDERING.

(a) In General.—Section 212 of the Immigration and Nationality Act, as amended (8 U.S.C. 1182), is amended in subsection (a)(2)—

(1) by redesignating subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), (H), and (I), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) Money laundering activities.—

"(i) In general.—Any alien who the consular officer or the Attorney General knows or has reason to believe is or has been engaged in activities which if engaged in within the United States would constitute a violation of the money laundering provisions section 1956, 1957, or 1960 of title 18, United States Code, or has knowingly assisted, abetted, or conspired or colluded with others in any such illicit activity is inadmissible.

"(ii) Related individuals.—Any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from such illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible, except that the Attorney General may, in the full discretion of the Attorney General, waive the exclusion of the spouse, son, or daughter of an alien under this clause if the Attorney General determines that exceptional circumstances exist that justify such waiver.".

(b) Conforming amendment.—Section 212(h)(1)(A)(i) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182), is amended by striking "(D)(i) or (D)(ii)" and inserting "(E)(i) or (E)(ii)".

SEC. 111. STANDING TO CONTEST FORFEITURE OF FUNDS DEPOSITED INTO FOREIGN BANK THAT HAS A CORRESPONDENT ACCOUNT IN THE UNITED STATES.

Section 981 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k) Correspondent Bank Accounts.—

"(1) Treatment of accounts of correspondent bank in domestic financial institutions.—

"(A) In general.—For the purpose of a forfeiture under this section or under the Controlled Substances Act, if funds are deposited into a dollar-denominated bank account in a foreign financial institution, and that foreign financial institution has a correspondent account with a financial institution in the United States, the funds deposited into the foreign financial institution (the respondent bank) shall be deemed to have been deposited into the correspondent account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding such funds may be served on the correspondent bank, and funds in the correspondent account up to the value of the funds deposited into the dollar-denominated account in the foreign financial institution may be seized, arrested or restrained.

"(B) Authority to suspend.—The Attorney General, in consultation with the Secretary, may suspend or terminate a forfeiture under this section if the Attorney General determines that a conflict of law exists between the laws of the jurisdiction in which the foreign bank is located and the laws of the United States with respect to liabilities arising from the restraint, seizure, or arrest of such funds, and that such suspension or termination would be in the interest of justice and would not harm the national interests of the United States.

"(2) No requirement for government to trace funds.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), the Government shall not be required to establish that such funds are directly traceable to the funds that were deposited into the respondent bank, nor shall it be necessary for the Government to rely on the application of Section 984 of this title.

"(3) Claims brought by owner of the funds.—If a forfeiture action is instituted against funds seized, arrested, or restrained under paragraph (1), the owner of the funds may contest the forfeiture by filing a claim pursuant to section 983.

"(4) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Correspondent account.—The term 'correspondent account' has the meaning given to the term 'interbank account' in section 984(c)(2)(B).

"(B) Owner.—

"(i) In general.—Except as provided in clause (ii), the term 'owner'—

"(I) means the person who was the owner, as that term is defined in section 983(d)(6), of the funds that were deposited into the foreign bank at the time such funds were deposited; and

"(II) does not include either the foreign bank or any financial institution acting as an intermediary in the transfer of the funds into the interbank account.

"(ii) Exception.—The foreign bank may be considered the 'owner' of the funds (and no other person shall qualify as the owner of such funds) only if—

"(I) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

"(II) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its obligation to the prior owner of the funds, in which case the foreign bank shall be deemed the owner of the funds to the extent of such discharged obligation.".

SEC. 112. SUBPOENAS FOR RECORDS REGARDING FUNDS IN CORRESPONDENT BANK ACCOUNTS.

(a) In General.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5331 (as added by section 101) the following new section:

"§ 5332. Subpoenas for records

"(a) Designation By Foreign Financial Institution of Agent.—Any foreign financial institution that has a correspondent bank account at a financial institution in the United States shall designate a person residing in the United States as a person authorized to accept a subpoena for bank records or other legal process served on the foreign financial institution.

"(b) Maintenance of Records By Domestic Financial Institution.—

"(1) In general.—Any domestic financial institution that maintains a correspondent bank account for a foreign financial institution shall maintain records regarding the names and addresses of the owners of the foreign financial institution, and the name and address of the person who may be served with a subpoena for records regarding any funds transferred to or from the correspondent account.

"(2) Provision to law enforcement agency.—A domestic financial institution shall provide names and addresses maintained under paragraph (1) to a Government authority (as defined in section 1101(3) of the Right to Financial Privacy Act of 1978) within 7 days of the receipt of a request, in writing, for such records.

"(c) Administrative Subpoena.—

"(1) In general.—The Attorney General and the Secretary of the Treasury may each issue an administrative subpoena for records relating to the deposit of any funds into a dollar-denominated account in a foreign financial institution that maintains a correspondent account at a domestic financial institution.

"(2) Manner of issuance.—Any subpoena issued by the Attorney General or the Secretary of the Treasury under paragraph (1) shall be issued in the manner described in section 3486 of title 18, and may be served on the representative designated by the foreign financial institution pursuant to subsection (a) to accept legal process in the United States, or in a foreign country pursuant to any mutual legal assistance treaty, multilateral agreement, or other request for international law enforcement assistance.

"(d) Correspondent Account Defined.—For purposes of this section, the term 'correspondent account' has the same meaning as the term 'interbank account' as such term is defined in section 984(c)(2)(B) of title 18, United States Code.".

(b) CLERICAL AMENDMENTS.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5331 (as added by section 101) the following new item:

"5332. Subpoenas for records.".

(c) EFFECTIVE DATE.—Section 5332(a) of title 31, United States Code, (as added by subsection (a) of this section shall apply after the end of the 30-day period beginning on the date of the enactment of this Act.

(d) REQUESTS FOR RECORDS.—Section 3486(a)(1)(A)(i) of title 18, United States Code, is amended by striking "; or (II) a Federal offense involving the sexual exploitation or abuse of children," and inserting ", (II) a Federal offense involving the sexual exploitation or abuse of children, or (III) a money laundering offense in violation of section 1956, 1957 or 1960 of this title,".

SEC. 113. AUTHORITY TO ORDER CONVICTED CRIMINAL TO RETURN PROPERTY LOCATED ABROAD.

(a) FORFEITURE OF SUBSTITUTE PROPERTY.—Section 413(p) of the Controlled Substances Act (21 U.S.C. 853) is amended to read as follows:

"(p) FORFEITURE OF SUBSTITUTE PROPERTY.—

"(1) IN GENERAL.—Paragraph (2) of this subsection shall apply, if any property described in subsection (a), as a result of any act or omission of the defendant—

"(A) cannot be located upon the exercise of due diligence;

"(B) has been transferred or sold to, or deposited with, a third party;

"(C) has been placed beyond the jurisdiction of the court;

"(D) has been substantially diminished in value; or

"(E) has been commingled with other property which cannot be divided without difficulty.

"(2) SUBSTITUTE PROPERTY.—In any case described in any of subparagraphs (A) through (E) of paragraph (1), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

"(3) RETURN OF PROPERTY TO JURISDICTION.—In the case of property described in paragraph (1)(C), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.".

(b) PROTECTIVE ORDERS.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

"(4) ORDER TO REPATRIATE AND DEPOSIT.—

"(A) IN GENERAL.—Pursuant to its authority to enter a pretrial restraining order under this section, the court may order a defendant to repatriate any property that may be seized and forfeited, and to deposit that property pending trial in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, if appropriate.

"(B) FAILURE TO COMPLY.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant under the obstruction of justice provision of the Federal Sentencing Guidelines.".

SEC. 114. CORPORATION REPRESENTED BY A FUGITIVE.

Section 2466 of title 28, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

"(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.".

SEC. 115. ENFORCEMENT OF FOREIGN JUDGMENTS.

Section 2467 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting after paragraph (2) the following new paragraph:

"(3) PRESERVATION OF PROPERTY.—To preserve the availability of property subject to a foreign forfeiture or confiscation judgment, the Government may apply for, and the court may issue, a restraining order pursuant to section 983(j) of title 18, United States Code, at any time before or after an application is filed pursuant to subsection (c)(1). The court, in issuing the restraining order—

"(A) may rely on information set forth in an affidavit describing the nature of the proceeding or investigation underway in the foreign country, and setting forth a reasonable basis to believe that the property to be restrained will be named in a judgment of forfeiture at the conclusion of such proceeding; or

"(B) may register and enforce a restraining order that has been issued by a court of competent jurisdiction in the foreign country and certified by the Attorney General pursuant to subsection (b)(2).

No person may object to the restraining order on any ground that is the subject of parallel litigation involving the same property that is pending in a foreign court.";

(2) in subsection (b)(1)(C), by striking "establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant" and inserting "establishing that the foreign nation took steps, in accordance with the principles of due process, to give notice of the proceedings to all persons with an interest in the property in sufficient time to enable such persons";

(3) in subsection (d)(1)(D), by striking "the defendant in the proceedings in the foreign court did not receive notice" and inserting "the foreign nation did not take steps, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property"; and

(4) in subsection (a)(2)(A), by inserting ", any violation of foreign law that would constitute a violation of an offense for which property could be forfeited under Federal law if the offense were committed in the United States" after "United Nations Convention".

SEC. 116. REPORTING PROVISIONS AND ANTI-TERRORIST ACTIVITIES OF UNITED STATES INTELLIGENCE AGENCIES.

(a) AMENDMENT RELATING TO THE PURPOSES OF CHAPTER 53 OF TITLE 31, UNITED STATES CODE.—Section 5311 of title 31, United States Code, is amended by inserting before the period at the end the following: ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism".

(b) AMENDMENT RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.—Section 5318(g)(4)(B) of title 31, United States Code, is amended by striking "or supervisory agency" and inserting ", supervisory agency, or United States intelligence agency for use in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism".

(c) AMENDMENT RELATING TO AVAILABILITY OF REPORTS.—Section 5319 of title 31, United States Code, is amended to read as follows:

"§ 5319. Availability of reports

"The Secretary of the Treasury shall make information in a report filed under this subchapter available to an agency, including any State financial institutions supervisory agency, United States intelligence agency or self-regulatory organization registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission, upon request of the head of the agency or organization. The report shall be available for a purpose that is consistent with this subchapter. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from disclosure under section 552 of title 5.".

(d) AMENDMENT RELATING TO THE RETENTION OF RECORDS BY INSURED DEPOSITORY INSTITUTIONS.—Section 21(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)) is amended—

(1) in paragraph (1), by inserting ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism" after "proceedings"; and

(2) in paragraph (2), by inserting ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism" before the period at the end.

(e) AMENDMENT RELATING TO THE RETENTION OF RECORDS BY UNINSURED INSTITUTIONS.—Section 123(a) of Public Law 91–508 (12 U.S.C. 1953(a)) is amended by inserting ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism" after "proceedings".

(f) AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.—The Right to Financial Privacy Act of 1978 is amended—

(1) in section 1112(a) (12 U.S.C. 3412(a)), by inserting ", or intelligence or counterintelligence activity, investigation or analysis related to international terrorism" after "legitimate law enforcement inquiry";

(2) in section 1114(a)(1) (12 U.S.C. 3414(a)(1))—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(C) a Government authority authorized to conduct investigations of, or intelligence or counterintelligence analyses related to, international terrorism for the purpose of conducting such investigations or analyses."; and

(3) in section 1120(a)(2) (12 U.S.C. 3420(a)(2)), by inserting ", or for a purpose authorized by section 1112(a)" before the semicolon at the end.

(g) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—

(1) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) by redesignating the second of the 2 sections designated as section 624 (15 U.S.C. 1681u) (relating to disclosure to FBI for counterintelligence purposes) as section 625; and

(B) by adding at the end the following new section:

"§ 626. Disclosures to governmental agencies for counterterrorism purposes

"(a) DISCLOSURE.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish a consumer report of a consumer and all other information in a consumer's file to a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism when presented with a written certification by such government agency that such information is necessary for the agency's conduct or such investigation, activity or analysis.

"(b) FORM OF CERTIFICATION.—The certification described in subsection (a) shall be signed by a supervisory official designated by the head of a Federal agency or an officer of a Federal agency whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate.

"(c) CONFIDENTIALITY.—No consumer reporting agency, or officer, employee, or agent of such consumer reporting agency, shall disclose to any person, or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

"(d) RULE OF CONSTRUCTION.—Nothing in section 625 shall be construed to limit the authority of the Director of the Federal Bureau of Investigation under this section.

"(e) SAFE HARBOR.—Notwithstanding any other provision of this subchapter, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or other information pursuant to this section in good-faith reliance upon a certification of a governmental agency pursuant to the provisions of this section shall not be liable to any person for such disclosure under this subchapter, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.".

(2) CLERICAL AMENDMENTS.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) by redesignating the second of the 2 items designated as section 624 as section 625; and

(B) by inserting after the item relating to section 625 (as so redesignated) the following new item:

"626. Disclosures to governmental agencies for counterterrorism purposes.".

(h) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to reports filed or records maintained on, before, or after the date of the enactment of this Act.

SEC. 117. FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) IN GENERAL.—Subchapter I of chapter 3 of title 31, United States Code, is amended—

(1) by redesignating section 310 as section 311; and

(2) by inserting after section 309 the following new section:

"§ 310. Financial Crimes Enforcement Network

"(a) IN GENERAL.—The Financial Crimes Enforcement Network established by order of the Secretary of the Treasury (Treasury Order Numbered 105-08) on April 25, 1990, shall be a bureau in the Department of the Treasury.

"(b) DIRECTOR.—

"(1) APPOINTMENT.—The head of the Financial Crimes Enforcement Network shall be the Director who shall be appointed by the Secretary of the Treasury.

"(2) DUTIES AND POWERS.—The duties and powers of the Director are as follows:

"(A) Advise and make recommendations on matters relating to financial intelligence, financial criminal activities, and other financial activities to the Under Secretary for Enforcement.

"(B) Maintain a government-wide data access service, with access, in accordance with applicable legal requirements, to the following:

"(i) Information collected by the Department of the Treasury, including report information filed under subchapters II and III of chapter 53 of this title (such as reports on cash transactions, foreign financial agency transactions and relationships, foreign currency transactions, exporting and importing monetary instruments, and suspicious activities), chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act.

"(ii) Information regarding national and international currency flows.

"(iii) Other records and data maintained by other Federal, State, local, and foreign agencies, including financial and other records developed in specific cases.

"(iv) Other privately and publicly available information.

"(C) Analyze and disseminate the available data in accordance with applicable legal requirements and policies and guidelines established by the Secretary of the Treasury and the Under Secretary for Enforcement to—

"(i) identify possible criminal activity to appropriate Federal, State, local, and foreign law enforcement agencies;

"(ii) support ongoing criminal financial investigations and prosecutions and related proceedings, including civil and criminal tax and forfeiture proceedings;

"(iii) identify possible instances of noncompliance with subchapters II and III of chapter 53 of this title, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act to Federal agencies with statutory responsibility for enforcing compliance with such provisions and other appropriate Federal regulatory agencies;

"(iv) evaluate and recommend possible uses of special currency reporting requirements under section 5326;

"(v) determine emerging trends and methods in money laundering and other financial crimes;

"(vi) support the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism; and

"(vii) support government initiatives against money laundering.

"(D) Establish and maintain a financial crimes communications center to furnish law enforcement authorities with intelligence information related to emerging or ongoing investigations and undercover operations.

"(E) Furnish research, analytical, and informational services to financial institutions, appropriate Federal regulatory agencies with regard to financial institutions, and appropriate Federal, State, local, and foreign law enforcement authorities, in accordance with policies and guidelines established by the Secretary of the Treasury or the Under Secretary of the Treasury for Enforcement, in the interest of detection, prevention, and prosecution of terrorism, organized crime, money laundering, and other financial crimes.

"(F) Establish and maintain a special unit dedicated to assisting Federal, State, local, and foreign law enforcement and regulatory authorities in combatting the use of informal, nonbank networks and payment and barter system mechanisms that permit the transfer of funds or the equivalent of funds without records and without compliance with criminal and tax laws.

"(G) Provide computer and data support and data analysis to the Secretary of the Treasury for tracking and controlling foreign assets.

"(H) Coordinate with financial intelligence units in other countries on anti-terrorism and anti-money laundering initiatives, and similar efforts.

"(I) Administer the requirements of subchapters II and III of chapter 53 of this title, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary of the Treasury.

"(J) Such other duties and powers as the Secretary of the Treasury may delegate or prescribe.

"(c) REQUIREMENTS RELATING TO MAINTENANCE AND USE OF DATA BANKS.—The Secretary of the Treasury shall establish and maintain operating procedures with respect to the government-wide data access service and the financial crimes communications center maintained by the Financial Crimes Enforcement Network which provide—

"(1) for the coordinated and efficient transmittal of information to, entry of information into, and withdrawal of information from, the data maintenance system maintained by the Network, including—

"(A) the submission of reports through the Internet or other secure network, whenever possible;

"(B) the cataloguing of information in a manner that facilitates rapid retrieval by law enforcement personnel of meaningful data; and

"(C) a procedure that provides for a prompt initial review of suspicious activity reports and other reports, or such other means as the Secretary may provide, to identify information that warrants immediate action; and

"(2) in accordance with section 552a of title 5 and the Right to Financial Privacy Act of 1978, appropriate standards and guidelines for determining—

"(A) who is to be given access to the information maintained by the Network;

"(B) what limits are to be imposed on the use of such information; and

"(C) how information about activities or relationships which involve or are closely associated with the exercise of constitutional rights is to be screened out of the data maintenance system.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Financial Crimes Enforcement Network such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005.".

(b) COMPLIANCE WITH EXISTING REPORTS COMPLIANCE.—The Secretary of the Treasury shall study methods for improving compliance with the reporting requirements established in section 5314 of title 31, United States Code, and shall submit a report on such study to the Congress by the end of the 6-month period beginning on the date of the enactment of this Act and each 1-year period thereafter. The initial report shall include historical data on compliance with such reporting requirements.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 3 of title 31, United States Code, is amended—

(1) by redesignating the item relating to section 310 as section 311; and

(2) by inserting after the item relating to section 309 the following new item:

"310. Financial Crimes Enforcement Network".

SEC. 118. PROHIBITION ON FALSE STATEMENTS TO FINANCIAL INSTITUTIONS CONCERNING THE IDENTITY OF A CUSTOMER.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1007 the following:

"§ 1008. False statements concerning the identity of customers of financial institutions

"(a) IN GENERAL.—Whoever, in connection with information submitted to or requested by a financial institution, knowingly in any manner—

"(1) falsifies, conceals, or covers up, or attempts to falsify, conceal, or cover up, the identity of any person in connection with any transaction with a financial institution;

"(2) makes, or attempts to make, any materially false, fraudulent, or fictitious statement or representation of the identity of any person in connection with a transaction with a financial institution;

"(3) makes or uses, or attempts to make or use, any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry concerning the identity of any person in connection with a transaction with a financial institution; or

"(4) uses or presents, or attempts to use or present, in connection with a transaction with a financial institution, an identification document or means of identification the possession of which is a violation of section 1028;

shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) FINANCIAL INSTITUTION.—The term 'financial institution'—

"(A) has the same meaning as in section 20; and

"(B) in addition, has the same meaning as in section 5312(a)(2) of title 31, United States Code.

"(2) IDENTIFICATION DOCUMENT.—The term 'identification document' has the same meaning as in section 1028(d).

"(3) MEANS OF IDENTIFICATION.—The term 'means of identification' has the same meaning as in section 1028(d).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "1014 (relating to fraudulent loan" and inserting "section 1008 (relating to false statements concerning the identity of customers of financial institutions), section 1014 (relating to fraudulent loan".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1007 the following:

"1008. False statements concerning the identity of customers of financial institutions.".

SEC. 119. VERIFICATION OF IDENTIFICATION.

(a) IN GENERAL.—Section 5318 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(l) IDENTIFICATION AND VERIFICATION OF ACCOUNTHOLDERS.—

"(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary of the Treasury shall prescribe regulations setting forth the minimum standards regarding customer identification that shall apply in connection with the opening of an account at a financial institution.

"(2) MINIMUM REQUIREMENTS.—The regulations shall, at a minimum, require financial institutions to implement procedures for—

"(A) verifying the identity of any person seeking to open an account to the extent reasonable and practicable;

"(B) maintaining records of the information used to verify a person's identity, including name, address, and other identifying information;

"(C) consulting lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency to determine whether a person seeking to open an account appears on any such list.

"(3) FACTORS TO BE CONSIDERED.—In prescribing regulations under this subsection, the Secretary shall take into consideration the various types of accounts maintained by various types of financial institutions, the various methods of opening accounts, and the various types of identifying information available.

"(4) CERTAIN FINANCIAL INSTITUTIONS.—In the case of any financial institution the business of which is engaging in financial activities described in section 4(k) of the Bank Holding Company Act of 1956 (including financial activities subject to the jurisdiction of the Commodity Futures Trading Commission), the regulations prescribed by the Secretary under paragraph (1) shall be prescribed jointly with each Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act, including the Commodity Futures Trading Commission) appropriate for such financial institution.

"(5) EXEMPTIONS.—The Secretary of the Treasury (and, in the case of any financial institution described in paragraph (4), any Federal agency described in such paragraph) may, by regulation or order, exempt any financial institution or type of account from the requirements of any regulation prescribed under this subsection in accordance with such standards and procedures as the Secretary may prescribe.

"(6) EFFECTIVE DATE.—Final regulations prescribed under this subsection shall take effect before the end of the 1-year period beginning on the date of the enactment of the Financial Anti-Terrorism Act of 2001.".

(b) STUDY AND REPORT REQUIRED.—Within 6 months after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act) and other appropriate Government agencies, shall submit a report to the Congress containing recommendations for—

(1) determining the most timely and effective way to require foreign nationals to provide domestic financial institutions and agencies with appropriate and accurate information, comparable to that which is required of United States nationals, concerning their identity, address, and other related information necessary to enable such institutions and agencies to comply with the requirements of this section;

(2) requiring foreign nationals to apply for and obtain, before opening an account with a domestic financial institution, an identification number which would function similarly to a Social Security number or tax identification number; and

(3) establishing a system for domestic financial institutions and agencies to review information maintained by relevant Government agencies for purposes of verifying the identities of foreign nationals seeking to open accounts at those institutions and agencies.

SEC. 120. CONSIDERATION OF ANTI-MONEY LAUNDERING RECORD.

(a) BANK HOLDING COMPANY ACT OF 1956.—

(1) IN GENERAL.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended by adding at the end the following new paragraph:

"(6) MONEY LAUNDERING.—In every case the Board shall take into consideration the effectiveness of the company or companies in combatting and preventing money laundering activities, including in overseas branches.".

(2) SCOPE OF APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any application submitted to the Board of Governors of the Federal Reserve System under section 3 of the Bank Holding Company Act of 1956 after December 31, 2000, which has not been approved by the Board before the date of the enactment of this Act.

(b) MERGERS SUBJECT TO REVIEW UNDER FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10), the following new paragraph:

"(11) MONEY LAUNDERING.—In every case, the responsible agency shall take into consideration the effectiveness of any insured depository institution involved in the proposed merger transaction in combatting and preventing money laundering activities, including in overseas branches.".

(2) SCOPE OF APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any application submitted to the responsible agency under section 18(c) of the Federal Deposit Insurance Act after December 31, 2000, which has not been approved by all appropriate responsible agencies before the date of the enactment of this Act.

SEC. 121. REPORTING OF SUSPICIOUS ACTIVITIES BY INFORMAL UNDERGROUND BANKING SYSTEMS, SUCH AS HAWALAS.

(a) DEFINITION FOR SUBCHAPTER.—Subparagraph (R) of section 5312(a)(2) of title 31, United States Code, is amended to read as follows:

"(R) a licensed sender of money or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;".

(b) MONEY TRANSMITTING BUSINESS.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: "or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system".

(c) APPLICABILITY OF RULES.—Section 5318 of title 31, United States Code, as amended by this Act, is amended by adding at the end the following:

"(l) APPLICABILITY OF RULES.—Any rules prescribed pursuant to the authority contained in section 21 of the Federal Deposit

Insurance Act shall apply, in addition to any other financial institution to which such rules apply, to any person that engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system.".

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall report to Congress on the need for any additional legislation relating to—

(1) informal value transfer banking systems or networks of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;

(2) anti-money laundering controls; and

(3) regulatory controls relating to underground money movement and banking systems, such as the system referred to as "hawala", including whether the threshold for the filing of suspicious activity reports under section 5318(g) of title 31, United States Code should be lowered in the case of such systems.

SEC. 122. UNIFORM PROTECTION AUTHORITY FOR FEDERAL RESERVE FACILITIES.

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following:

"(q) UNIFORM PROTECTION AUTHORITY FOR FEDERAL RESERVE FACILITIES.—

"(1) Notwithstanding any other provision of law, to authorize personnel to act as law enforcement officers to protect and safeguard the premises, grounds, property, personnel, including members of the Board, of the Board, or any Federal reserve bank, and operations conducted by or on behalf of the Board or a reserve bank.

"(2) The Board may, subject to the regulations prescribed under paragraph (5), delegate authority to a Federal reserve bank to authorize personnel to act as law enforcement officers to protect and safeguard the bank's premises, grounds, property, personnel, and operations conducted by or on behalf of the bank.

"(3) Law enforcement officers designated or authorized by the Board or a reserve bank under paragraph (1) or (2) are authorized while on duty to carry firearms and make arrests without warrants for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States committed or being committed within the buildings and grounds of the Board or a reserve bank if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. Such officers shall have access to law enforcement information that may be necessary for the protection of the property or personnel of the Board or a reserve bank.

"(4) For purposes of this subsection, the term 'law enforcement officers' means personnel who have successfully completed law enforcement training and are authorized to carry firearms and make arrests pursuant to this subsection.

"(5) The law enforcement authorities provided for in this subsection may be exercised only pursuant to regulations prescribed by the Board and approved by the Attorney General.".

SEC. 123. REPORTS RELATING TO COINS AND CURRENCY RECEIVED IN NONFINANCIAL TRADE OR BUSINESS.

(a) REPORTS REQUIRED.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5332 (as added by section 112 of this title) the following new section:

"SEC. 5333. REPORTS RELATING TO COINS AND CURRENCY RECEIVED IN NONFINANCIAL TRADE OR BUSINESS.

"(a) COIN AND CURRENCY RECEIPTS OF MORE THAN $10,000.—Any person—

"(1) who is engaged in a trade or business; and

"(2) who, in the course of such trade or business, receives more than $10,000 in coins or currency in 1 transaction (or 2 or more related transactions),

shall file a report described in subsection (b) with respect to such transaction (or related transactions) with the Financial Crimes Enforcement Network at such time and in such manner as the Secretary may, by regulation, prescribe.

"(b) FORM AND MANNER OF REPORTS.—A report is described in this subsection if such report—

"(1) is in such form as the Secretary may prescribe;

"(2) contains—

"(A) the name and address, and such other identification information as the Secretary may require, of the person from whom the coins or currency was received;

"(B) the amount of coins or currency received;

"(C) the date and nature of the transaction; and

"(D) such other information, including the identification of the person filing the report, as the Secretary may prescribe.

"(c) EXCEPTIONS.—

"(1) AMOUNTS RECEIVED BY FINANCIAL INSTITUTIONS.—Subsection (a) shall not apply to amounts received in a transaction reported under section 5313 and regulations prescribed under such section.

"(2) TRANSACTIONS OCCURRING OUTSIDE THE UNITED STATES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall not apply to any transaction if the entire transaction occurs outside the United States.

"(d) CURRENCY INCLUDES FOREIGN CURRENCY AND CERTAIN MONETARY INSTRUMENTS.—

"(1) IN GENERAL.—For purposes of this section, the term 'currency' includes—

"(A) foreign currency; and

"(B) to the extent provided in regulations prescribed by the Secretary, any monetary instrument (whether or not in bearer form) with a face amount of not more than $10,000.

"(2) SCOPE OF APPLICATION.—Paragraph (1)(B) shall not apply to any check drawn on the account of the writer in a financial institution referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), (J), (K), (R), or (S) of section 5312(a)(2).".

(b) PROHIBITION ON STRUCTURING TRANSACTIONS.—

(1) IN GENERAL.—Section 5324 of title 31, United States Code, is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection:

"(b) DOMESTIC COIN AND CURRENCY TRANSACTIONS INVOLVING NONFINANCIAL TRADES OR BUSINESSES.—No person shall for the purpose of evading the report requirements of section 5333 or any regulation prescribed under such section—

"(1) cause or attempt to cause a nonfinancial trade or business to fail to file a report required under section 5333 or any regulation prescribed under such section;

"(2) cause or attempt to cause a nonfinancial trade or business to file a report required under section 5333 or any regulation prescribed under such section that contains a material omission or misstatement of fact; or

"(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with 1 or more nonfinancial trades or businesses.'.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The heading for subsection (a) of section 5324 of title 31, United States Code, is amended by inserting "INVOLVING FINANCIAL INSTITUTIONS" after "TRANSACTIONS'.

(B) Section 5317(c) of title 31, United States Code, is amended by striking "5324(b)" and inserting "5324(c)".

(c) DEFINITION OF NONFINANCIAL TRADE OR BUSINESS.—

(1) IN GENERAL.—Section 5312(a) of title 31, United States Code, is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

"(4) NONFINANCIAL TRADE OR BUSINESS.—The term 'nonfinancial trade or business' means any trade or business other than a financial institution that is subject to the reporting requirements of section 5313 and regulations prescribed under such section.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 5312(a)(3)(C) of title 31, United States Code, is amended by striking "section 5316," and inserting "sections 5333 and 5316,".

(B) Subsections (a) through (f) of section 5318 of title 31, United States Code, and sections 5321, 5326, and 5328 of such title are each amended—

(i) by inserting "or nonfinancial trade or business" after "financial institution" each place such term appears; and

(ii) by inserting "or nonfinancial trades or businesses" after "financial institutions" each place such term appears.

(C) Section 981(a)(1)(A) of title 18, United States Code, is amended by striking "5313(a) or 5324(a) of title 31," and inserting "5313(a) or 5333 of title 31, or subsection (a) or (b) of section 5324 of such title,".

(D) Section 982(a)(1) of title 18, United States Code, is amended by inserting "5333," after "5313(a),".

(c) CLERICAL AMENDMENT.—The tables of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5332 (as added by section 112 of this title) the following new item:

"5333. Reports relating to coins and currency received in nonfinancial trade or business.".

(f) REGULATIONS.—Regulations which the Secretary of the Treasury determines are necessary to implement this section shall be published in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

TITLE II—PUBLIC-PRIVATE COOPERATION

SEC. 201. ESTABLISHMENT OF HIGHLY SECURE NETWORK.

(a) IN GENERAL.—The Secretary of the Treasury shall establish a highly secure network in the Financial Crimes Enforcement Network that—

(1) allows financial institutions to file reports required under subchapter II or III of chapter 53 of title 31, United States Code, chapter 2 of title I of Public Law 91–508, or section 21 of the Federal Deposit Insurance Act through the network; and

(2) provides financial institutions with alerts and other information regarding suspicious activities that warrant immediate and enhanced scrutiny.

(b) EXPEDITED DEVELOPMENT.—The Secretary of the Treasury shall take such action as may be necessary to ensure that the website required under subsection (a) is fully operational before the end of the 9-month period beginning on the date of the enactment of this Act.

SEC. 202. REPORT ON IMPROVEMENTS IN DATA ACCESS AND OTHER ISSUES.

Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury, after consulting with appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act), shall report to the Congress on the following issues:

(1) DATA COLLECTION AND ANALYSIS.—Progress made since such date of enactment in meeting the requirements of section 310(c) of title 31, United States Code (as added by this Act).

(2) BARRIERS TO EXCHANGE OF FINANCIAL CRIME INFORMATION.—Technical, legal, and other barriers to the exchange of financial crime prevention and detection information among and between Federal law enforcement agencies, including an identification of all Federal law enforcement data systems between which or among which data cannot be shared for whatever reason.

(3) PRIVATE BANKING.—Private banking activities in the United States, including information on the following:

(A) The nature and extent of private banking activities in the United States.

(B) Regulatory efforts to monitor private banking activities and ensure that such activities are conducted in compliance with subchapter II of chapter 53 of title 31, United States Code, and section 21 of the Federal Deposit Insurance Act.

(C) With regard to financial institutions that offer private banking services, the policies and procedures of such institutions that are designed to ensure compliance with the requirements of subchapter II of chapter 53 of title 31, United States Code, and section 21 of the Federal Deposit Insurance Act with respect to private banking activity.

SEC. 203. REPORTS TO THE FINANCIAL SERVICES INDUSTRY ON SUSPICIOUS FINANCIAL ACTIVITIES.

At least once each calendar quarter, the Secretary of the Treasury shall—

(1) publish a report containing a detailed analysis identifying patterns of suspicious activity and other investigative insights derived from suspicious activity reports and investigations conducted by Federal, State, and local law enforcement agencies to the extent appropriate; and

(2) distribute such report to financial institutions (as defined in section 5312 of title 31, United States Code).

SEC. 204. EFFICIENT USE OF CURRENCY TRANSACTION REPORT SYSTEM.

(a) FINDINGS.—The Congress finds the following:

(1) The Congress established the currency transaction reporting requirements in 1970 because the Congress found then that such reports have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings and the usefulness of such reports has only increased in the years since the requirements were established.

(2) In 1994, in response to reports and testimony that excess amounts of currency transaction reports were interfering with effective law enforcement, the Congress reformed the currency transaction report exemption requirements to provide—

(A) mandatory exemptions for certain reports that had little usefulness for law enforcement, such as cash transfers between depository institutions and cash deposits from government agencies; and

(B) discretionary authority for the Secretary of the Treasury to provide exemptions, subject to criteria and guidelines established by the Secretary, for financial institutions with regard to regular business customers that maintain accounts at an institution into which frequent cash deposits are made.

(3) Today there is evidence that some financial institutions are not utilizing the exemption system, or are filing reports even if there is an exemption in effect, with the result that the volume of currency transaction reports is once again interfering with effective law enforcement.

(b) STUDY AND REPORT.—

(1) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study of—

(A) the possible expansion of the statutory exemption system in effect under 5313 of title 31, United States Code; and

(B) methods for improving financial institution utilization of the statutory exemption provisions as a way of reducing the submission of currency transaction reports that have little or no value for law enforcement purposes, including improvements in the systems in effect at financial institutions for regular review of the exemption procedures used at the institution and the training of personnel in its effective use.

(2) REPORT REQUIRED.—The Secretary of the Treasury shall submit a report to the Congress before the end of the 90-day period beginning on the date of the enactment of this Act containing the findings and conclusions of the Secretary with regard to the study required under subsection (a) and such recommendations for legislative or administrative action as the Secretary determines to be appropriate.

SEC. 205. PUBLIC-PRIVATE TASK FORCE ON TERRORIST FINANCING ISSUES.

Section 1564 of the Annunzio—Wylie Anti-Money Laundering Act (31 U.S.C. 5311 note) is amended by adding at the end the following new subsection:

"(d) TERRORIST FINANCING ISSUES.—

"(1) IN GENERAL.—The Secretary of the Treasury shall provide, either within the Bank Secrecy Act Advisory Group, or as a subcommittee or other adjunct of the Advisory Group, for a task force of representatives from agencies and officers represented on the Advisory Group, a representative of the Director of the Office of Homeland Security, and representatives of financial institutions, private organizations that represent the financial services industry, and other interested parties to focus on—

"(A) issues specifically related to the finances of terrorist groups, the means terrorist groups use to transfer funds around the world and within the United States, including through the use of charitable organizations, nonprofit organizations, and nongovernmental organizations, and the extent to which financial institutions in the United States are unwittingly involved in such finances and the extent to which such institutions are at risk as a result;

"(B) the relationship, particularly the financial relationship, between international narcotics traffickers and foreign terrorist organizations, the extent to which their memberships overlap and engage in joint activities, and the extent to which they cooperate with each other in raising and transferring funds for their respective purposes; and

"(C) means of facilitating the identification of accounts and transactions involving terrorist groups and facilitating the exchange of information concerning such accounts and transactions between financial institutions and law enforcement organizations.

"(2) APPLICABILITY OF OTHER PROVISIONS.—Sections 552, 552a, and 552b of title 5, United States Code, and the Federal Advisory Committee Act shall not apply to the task force established pursuant to paragraph (1).".

SEC. 206. SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS.

(a) DEADLINE FOR SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS FOR REGISTERED BROKERS AND DEALERS.—The Secretary of the Treasury, in consultation with the Securities and Exchange Commission, shall publish proposed regulations in the Federal Register before January 1, 2002, requiring brokers and dealers registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 to submit suspicious activity reports under section 5318(g) of title 31, United States Code. Such regulations shall be published in final form no later than June 1, 2002.

(b) SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS, COMMODITY TRADING ADVISORS, AND COMMODITY POOL OPERATORS.—The Secretary of the Treasury, in consultation with the Commodity Futures Trading Commission, may prescribe regulations requiring futures commission merchants, commodity trading advisors, and commodity pool operators registered under the Commodity Exchange Act to submit suspicious activity reports under section 5318(g) of title 31, United States Code.

SEC. 207. AMENDMENTS RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.

(a) AMENDMENT RELATING TO CIVIL LIABILITY IMMUNITY FOR DISCLOSURES.—Section 5318(g)(3) of title 31, United States Code, is amended to read as follows:

"(3) LIABILITY FOR DISCLOSURES.—

"(A) IN GENERAL.—Any financial institution that makes a voluntary disclosure of any possible violation of law or regulation to a government agency or makes a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution who makes, or requires another to make any such disclosure, shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to any person.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

(b) PROHIBITION ON NOTIFICATION OF DISCLOSURES.—Section 5318(g)(2) of title 31, United States Code, is amended to read as follows:

"(2) NOTIFICATION PROHIBITED.—

"(A) IN GENERAL.—If a financial institution or any director, officer, employee, or agent of any financial institution, voluntarily or pursuant to this section or any other authority, reports a suspicious transaction to a government agency—

"(i) the financial institution, director, officer, employee, or agent may not notify any person involved in the transaction that the transaction has been reported; and

"(ii) no officer or employee of the Federal Government or of any State, local, tribal, or territorial government within the United States, who has any knowledge that such report was made may disclose to any person involved in the transaction that the transaction has been reported other than as necessary to fulfill the official duties of such officer or employee.

"(B) DISCLOSURES IN CERTAIN EMPLOYMENT REFERENCES.—Notwithstanding the application of subparagraph (A) in any other context, subparagraph (A) shall not be construed as prohibiting any financial institution, or any director, officer, employee, or agent of such institution, from including, in a written employment reference that is provided in accordance with section 18(v) of the Federal Deposit Insurance Act in response to a request from another financial institution or a written termination notice or employment reference that is provided in accordance with the rules of the self-regulatory organizations registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission, information that was included in a report to which subparagraph (A) applies, but such written employment reference may not disclose that such information was also included in any such report or that such report was made.".

SEC. 208. AUTHORIZATION TO INCLUDE SUSPICIONS OF ILLEGAL ACTIVITY IN WRITTEN EMPLOYMENT REFERENCES.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(w) WRITTEN EMPLOYMENT REFERENCES MAY CONTAIN SUSPICIONS OF INVOLVEMENT IN ILLEGAL ACTIVITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any insured depository institution, and any director, officer, employee, or agent of such institution, may disclose in any written employment reference relating to a current or former institution-affiliated party of such institution which is provided to another insured depository institution in response to a request from such other institution, information concerning the possible involvement of such institution-affiliated party in potentially unlawful activity, to the extent—

"(A) the disclosure does not contain information which the institution, director, officer, employee, or agent knows to be false; and

"(B) the institution, director, officer, employee, or agent has not acted with malice or with reckless disregard for the truth in making the disclosure.

"(2) DEFINITION.—For purposes of this subsection, the term 'insured depository institution' includes any uninsured branch or agency of a foreign bank.".

SEC. 209. INTERNATIONAL COOPERATION ON IDENTIFICATION OF ORIGINATORS OF WIRE TRANSFERS.

The Secretary of the Treasury shall—

(1) in consultation with the Attorney General and the Secretary of State, take all reasonable steps to encourage foreign governments to require the inclusion of the name of the originator in wire transfer instructions sent to the United States and other countries, with the information to remain with the transfer from its origination until the point of disbursement; and

(2) report annually to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on—

(A) progress toward the goal enumerated in paragraph (1), as well as impediments to implementation and an estimated compliance rate; and

(B) impediments to instituting a regime in which all appropriate identification, as defined by the Secretary, about wire transfer recipients shall be included with wire transfers from their point of origination until disbursement.

SEC. 210. CHECK TRUNCATION STUDY.

Before the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General and the Board of Governors of the Federal Reserve System, shall conduct a study of the impact on—

(1) crime prevention (including money laundering and terrorism);

(2) law enforcement;

(3) the financial services industry (including the technical, operational, and economic impact on the industry) and customers of such industry;

(4) the payment system (including the liquidity, stability, and efficiency of the payment system and the ability to monitor and access the flow of funds); and

(5) the consumer protection laws,

of any policy of the Board of Governors of the Federal Reserve System relating to the promotion of check electronification, through truncation or other means, or migration away from paper checks. The study shall also include an analysis of the benefits and burdens of promoting check electronification on the foregoing entities.

TITLE III—COMBATTING INTERNATIONAL MONEY LAUNDERING

SEC. 301. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5318 the following new section:

"§5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern

"(a) INTERNATIONAL COUNTER-MONEY LAUNDERING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern, in accordance with subsection (c).

"(2) FORM OF REQUIREMENT.—The special measures described in—

"(A) subsection (b) may be imposed in such sequence or combination as the Secretary shall determine;

"(B) paragraphs (1) through (4) of subsection (b) may be imposed by regulation, order, or otherwise as permitted by law; and

"(C) subsection (b)(5) may be imposed only by regulation.

"(3) DURATION OF ORDERS; RULEMAKING.—Any order by which a special measure described in paragraphs (1) through (4) of subsection (b) is imposed (other than an order described in section 5326)—

"(A) shall be issued together with a notice of proposed rulemaking relating to the imposition of such special measure; and

"(B) may not remain in effect for more than 120 days, except pursuant to a regulation prescribed on or before the end of the 120-day period beginning on the date of issuance of such order.

"(4) PROCESS FOR SELECTING SPECIAL MEASURES.—In selecting which special measure or measures to take under this subsection, the Secretary—

"(A) shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act), the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration Board, and in the sole discretion of the Secretary such other agencies and interested parties as the Secretary may find to be appropriate; and

"(B) shall consider—

"(i) whether similar action has been or is being taken by other nations or multilateral groups;

"(ii) whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States;

"(iii) the extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, or class of transactions; and

"(iv) the effect on national security and foreign policy.

"(5) NO LIMITATION ON OTHER AUTHORITY.—This section shall not be construed as superseding or otherwise restricting any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

"(b) SPECIAL MEASURES.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts are as follows:

"(1) RECORDKEEPING AND REPORTING OF CERTAIN FINANCIAL TRANSACTIONS.—

"(A) IN GENERAL.—The Secretary may require any domestic financial institution or domestic financial agency to maintain records, file reports, or both, concerning the aggregate amount of transactions, or concerning each transaction, with respect to a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or class of transactions to be of primary money laundering concern.

``(B) Form of records and reports.—Such records and reports shall be made and retained at such time, in such manner, and for such period of time, as the Secretary shall determine, and shall include such information as the Secretary may determine, including—

``(i) the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer;

``(ii) the legal capacity in which a participant in any transaction is acting;

``(iii) the identity of the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

``(iv) a description of any transaction.

``(2) Information relating to beneficial ownership.—In addition to any other requirement under any other provision of law, the Secretary may require any domestic financial institution or domestic financial agency to take such steps as the Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on a regulated exchange or trading market), or a representative of such a foreign person, that involves a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, transaction, or account to be of primary money laundering concern.

``(3) Information relating to certain payable-through accounts.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a payable-through account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a payable through account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

``(A) to identify each customer (and representative of such customer) of such financial institution who is permitted to use, or whose transactions are routed through, such payable-through account; and

``(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

``(4) Information relating to certain correspondent accounts.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a correspondent account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a correspondent account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

``(A) to identify each customer (and representative of such customer) of any such financial institution who is permitted to use, or whose transactions are routed through, such correspondent account; and

``(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

``(5) Prohibitions or conditions on opening or maintaining certain correspondent or payable-through accounts.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account by any domestic financial institution or domestic financial agency for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account or payable-through account.

``(c) Consultations and Information To Be Considered in Finding Jurisdictions, Institutions, Types of Accounts, or Transactions To Be of Primary Money Laundering Concern.—

``(1) In general.—In making a finding that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern so as to authorize the Secretary to take 1 or more of the special measures described in subsection (b), the Secretary shall consult with the Secretary of State, and the Attorney General.

``(2) Additional considerations.—In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be relevant, including the following potentially relevant factors:

``(A) Jurisdictional factors.—In the case of a particular jurisdiction—

``(i) evidence that organized criminal groups, international terrorists, or both, have transacted business in that jurisdiction;

``(ii) the extent to which that jurisdiction or financial institutions operating in that jurisdiction offer bank secrecy or special regulatory advantages to nonresidents or nondomiciliaries of that jurisdiction;

``(iii) the substance and quality of administration of the bank supervisory and counter-money laundering laws of that jurisdiction;

``(iv) the relationship between the volume of financial transactions occurring in that jurisdiction and the size of the economy of the jurisdiction;

``(v) the extent to which that jurisdiction is characterized as an offshore banking or secrecy haven by credible international organizations or multilateral expert groups;

``(vi) whether the United States has a mutual legal assistance treaty with that jurisdiction, and the experience of United States law enforcement officials, and regulatory officials in obtaining information about transactions originating in or routed through or to such jurisdiction; and

``(vii) the extent to which that jurisdiction is characterized by high levels of official or institutional corruption.

``(B) Institutional factors.—In the case of a decision to apply 1 or more of the special measures described in subsection (b) only to a financial institution or institutions, or to a transaction or class of transactions, or to a type of account, or to all 3, within or involving a particular jurisdiction—

``(i) the extent to which such financial institutions, transactions, or types of accounts are used to facilitate or promote money laundering in or through the jurisdiction;

``(ii) the extent to which such institutions, transactions, or types of accounts are used for legitimate business purposes in the jurisdiction; and

``(iii) the extent to which such action is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of this subchapter continue to be fulfilled, and to guard against international money laundering and other financial crimes.

``(d) Notification of Special Measures Invoked by the Secretary.—Not later than 10 days after the date of any action taken by the Secretary under subsection (a)(1), the Secretary shall notify, in writing, the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of any such action.

``(e) Definitions.—Notwithstanding any other provision of this subchapter, for purposes of this section, the following definitions shall apply:

``(1) Bank definitions.—The following definitions shall apply with respect to a bank:

``(A) Account.—The term 'account'—

``(i) means a formal banking or business relationship established to provide regular services, dealings, and other financial transactions; and

``(ii) includes a demand deposit, savings deposit, or other transaction or asset account and a credit account or other extension of credit.

``(B) Correspondent account.—The term 'correspondent account' means an account established to receive deposits from, make payments on behalf of a foreign financial institution, or handle other financial transactions related to such institution.

``(C) Payable-through account.—The term 'payable-through account' means an account, including a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act), opened at a depository institution by a foreign financial institution by means of which the foreign financial institution permits its customers to engage, either directly or through a subaccount, in banking activities usual in connection with the business of banking in the United States.

``(D) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) DEFINITIONS APPLICABLE TO INSTITUTIONS OTHER THAN BANKS.—With respect to any financial institution other than a bank, the Secretary shall, after consultation with the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act), define by regulation the term 'account', and shall include within the meaning of that term, to the extent, if any, that the Secretary deems appropriate, arrangements similar to payable-through and correspondent accounts.

"(3) REGULATORY DEFINITION.—The Secretary shall prescribe regulations defining beneficial ownership of an account for purposes of this subchapter. Such regulations shall address issues related to an individual's authority to fund, direct, or manage the account (including the power to direct payments into or out of the account), and an individual's material interest in the income or corpus of the account, and shall ensure that the identification of individuals under this section does not extend to any individual whose beneficial interest in the income or corpus of the account is immaterial.

"(4) OTHER TERMS.—The Secretary may, by regulation, further define the terms in paragraphs (1) and (2) and define other terms for the purposes of this section, as the Secretary deems appropriate.".

(b) FINANCIAL INSTITUTIONS SPECIFIED IN SUBCHAPTER II OF CHAPTER 53 OF TITLE 31, UNITED STATES CODE.—

(1) CREDIT UNIONS.—Subparagraph (E) of section 5312(2) of title 31, United States Code, is amended to read as follows:

"(E) any credit union;".

(2) FUTURES COMMISSION MERCHANT; COMMODITY TRADING ADVISOR; COMMODITY POOL OPERATOR.—Section 5312 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) ADDITIONAL DEFINITIONS.—For purposes of this subchapter, the following definitions shall apply:

"(1) CERTAIN INSTITUTIONS INCLUDED IN DEFINITION.—The term 'financial institution' (as defined in subsection (a)) includes the following:

"(A) Any futures commission merchant, commodity trading advisor, or commodity pool operator registered, or required to register, under the Commodity Exchange Act.".

(3) CFTC INCLUDED.—For purposes of this Act and any amendment made by this Act to any other provision of law, the term "Federal functional regulator" includes the Commodity Futures Trading Commission.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5318 the following new item:

"5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.".

SEC. 302. SPECIAL DUE DILIGENCE FOR CORRESPONDENT ACCOUNTS AND PRIVATE BANKING ACCOUNTS.

(a) IN GENERAL.—Section 5318 of title 31, United States Code, is amended by inserting after subsection (i) (as added by section 119 of this Act) the following new subsection:

"(j) DUE DILIGENCE FOR UNITED STATES PRIVATE BANKING AND CORRESPONDENT BANK ACCOUNTS INVOLVING FOREIGN PERSONS.—

"(1) IN GENERAL.—Each financial institution that establishes, maintains, administers, or manages a private banking account or a correspondent account in the United States for a non-United States person, including a foreign individual visiting the United States, or a representative of a non-United States person, shall establish appropriate, specific, and, where necessary, enhanced due diligence policies, procedures, and controls to detect and report instances of money laundering through those accounts.

"(2) SPECIAL STANDARDS FOR CERTAIN CORRESPONDENT ACCOUNTS.—

"(A) IN GENERAL.—Subparagraph (B) shall apply if a correspondent account is requested or maintained by, or on behalf of, a foreign bank operating—

"(i) under an offshore banking license; or

"(ii) under a banking license issued by a foreign country that has been designated—

"(I) as noncooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization of which the United States is a member with which designation the Secretary of the Treasury concurs; or

"(II) by the Secretary as warranting special measures due to money laundering concerns.

"(B) POLICIES, PROCEDURES, AND CONTROLS.—The enhanced due diligence policies, procedures, and controls required under paragraph (1) for foreign banks described in subparagraph (A) shall, at a minimum, ensure that the financial institution in the United States takes reasonable steps—

"(i) to ascertain for any such foreign bank, the shares of which are not publicly traded, the identity of each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner;

"(ii) to conduct enhanced scrutiny of such account to guard against money laundering and report any suspicious transactions under section 5318(g); and

"(iii) to ascertain whether such foreign bank provides correspondent accounts to other foreign banks and, if so, the identity of those foreign banks and related due diligence information, as appropriate under paragraph (1).

"(3) MINIMUM STANDARDS FOR PRIVATE BANKING ACCOUNTS.—If a private banking account is requested or maintained by, or on behalf of, a non-United States person, then the due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution takes reasonable steps—

"(A) to ascertain the identity of the nominal and beneficial owners of, and the source of funds deposited into, such account as needed to guard against money laundering and report any suspicious transactions under section 5318(g); and

"(B) to conduct enhanced scrutiny of any such account that is requested or maintained by, or on behalf of, a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, to prevent, detect, and report transactions that may involve the proceeds of foreign corruption.

"(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) OFFSHORE BANKING LICENSE.—The term 'offshore banking license' means a license to conduct banking activities which, as a condition of the license, prohibits the licensed entity from conducting banking activities with the citizens of, or with the local currency of, the country which issued the license.

"(B) PRIVATE BANK ACCOUNT.—The term 'private bank account' means an account (or any combination of accounts) that—

"(i) requires a minimum aggregate deposits of funds or other assets of not less than $1,000,000;

"(ii) is established on behalf of 1 or more individuals who have a direct or beneficial ownership interest in the account; and

"(iii) is assigned to, or is administered or managed by, in whole or in part, an officer, employee, or agent of a financial institution acting as a liaison between the financial institution and the direct or beneficial owner of the account.

"(5) REGULATORY AUTHORITY.—Before the end of the 6-month period beginning on the date of the enactment of the Financial Anti-Terrorism Act of 2001, the Secretary, in consultation with the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act) shall further define and clarify, by regulation, the requirements of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 180 days after the date of the enactment of this Act with respect to accounts covered by subsection (j) of section 5318 of title 31, United States Code (as added by this section) that are opened before, on, or after the date of the enactment of this Act.

SEC. 303. PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.

Section 5318 of title 31, United States Code, is amended by inserting after subsection (j) (as added by section 302 of this title) the following new subsection:

"(k) PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.—

"(1) IN GENERAL.—A depository institution shall not establish, maintain, administer, or manage a correspondent account in the United States for, or on behalf of, a foreign bank that does not have a physical presence in any country.

"(2) PREVENTION OF INDIRECT SERVICE TO FOREIGN SHELL BANKS.—

"(A) IN GENERAL.—A depository institution shall take reasonable steps to ensure that any correspondent account established, maintained, administered, or managed by that institution in the United States for a foreign bank is not being used by that foreign bank to indirectly provide banking services to another foreign bank that does not have a physical presence in any country.

"(B) REGULATIONS.—The Secretary shall, in regulations, delineate reasonable steps necessary for a depository institution to comply with this subsection.

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not be construed as prohibiting a depository institution from providing a correspondent account to a foreign bank, if the foreign bank—

"(A) is an affiliate of a depository institution, credit union, or other foreign bank that maintains a physical presence in the United States or a foreign country, as applicable; and

"(B) is subject to supervision by a banking authority in the country regulating the affiliated depository institution, credit union, or foreign bank, described in subparagraph (A), as applicable.

"(4) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(A) AFFILIATE.—The term 'affiliate' means a foreign bank that is controlled by or is under common control with a depository institution, credit union, or foreign bank.

"(B) DEPOSITORY INSTITUTION.—The 'depository institution'—

"(i) has the meaning given such term in section 3 of the Federal Deposit Insurance Act; and

"(ii) includes a credit union.

"(C) PHYSICAL PRESENCE.—The term 'physical presence' means a place of business that—

"(i) is maintained by a foreign bank;

"(ii) is located at a fixed address (other than solely an electronic address) in a country in which the foreign bank is authorized to conduct banking activities, at which location the foreign bank—

"(I) employs 1 or more individuals on a full-time basis; and

"(II) maintains operating records related to its banking activities; and

"(iii) is subject to inspection by the banking authority which licensed the foreign bank to conduct banking activities.".

SEC. 304. ANTI-MONEY LAUNDERING PROGRAMS.

(a) IN GENERAL.—Section 5318(h) of title 31, United States Code, is amended to read as follows:

"(h) ANTI-MONEY LAUNDERING PROGRAMS.—

"(1) IN GENERAL.—In order to guard against money laundering through financial institutions, each financial institution shall establish anti-money laundering programs, including, at a minimum—

"(A) the development of internal policies, procedures, and controls;

"(B) the designation of an officer of the financial institution responsible for compliance;

"(C) an ongoing employee training program; and

"(D) an independent audit function to test programs.

"(2) REGULATIONS.—The Secretary may, after consultation with the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act), prescribe minimum standards for programs established under paragraph (1), and may exempt from the application of those standards any financial institution that is not subject to the provisions of the regulations contained in part 103 of title 31, of the Code of Federal Regulations, as in effect on the date of the enactment of the Financial Anti-Terrorism Act of 2001, or any successor to such regulations, for so long as such financial institution is not subject to the provisions of such regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

(c) DATE OF APPLICATION OF REGULATIONS; FACTORS TO BE TAKEN INTO ACCOUNT.—Before the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to implement the amendment made by subsection (a). In prescribing such regulations, the Secretary shall consider the extent to which the requirements imposed under such regulations are commensurate with the size, location, and activities of the financial institutions to which such regulations apply.

SEC. 305. CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code (as amended by section 304) is amended by adding at the end the following:

"(3) CONCENTRATION ACCOUNTS.—The Secretary may prescribe regulations under this subsection that govern maintenance of concentration accounts by financial institutions, in order to ensure that such accounts are not used to prevent association of the identity of an individual customer with the movement of funds of which the customer is the direct or beneficial owner, which regulations shall, at a minimum—

"(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

"(B) prohibit financial institutions and their employees from informing customers of the existence of, or the means of identifying, the concentration accounts of the institution; and

"(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that, any time a transaction involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is documented.".

SEC. 306. INTERNATIONAL COOPERATION IN INVESTIGATIONS OF MONEY LAUNDERING, FINANCIAL CRIMES, AND THE FINANCES OF TERRORIST GROUPS.

(a) NEGOTIATIONS.—

(1) IN GENERAL.—It is the sense of the Congress that, in addition to the existing requirements of section 4702 of the Anti-Drug Abuse Act of 1988, the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate and in consultation with the Board of Governors of the Federal Reserve System, to seek to enter into negotiations with the appropriate financial supervisory agencies and other officials of any foreign country the financial institutions of which do business with United States financial institutions or which may be utilized by any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes.

(2) PURPOSES OF NEGOTIATIONS.—It is the sense of the Congress that, in carrying out any negotiations described in paragraph (1), the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate, to seek to enter into and further cooperative efforts, voluntary information exchanges, the use of letters rogatory, mutual legal assistance treaties, and international agreements to—

(A) ensure that foreign banks and other financial institutions maintain adequate records of—

(i) large United States currency transactions; and

(ii) transaction and account information relating to any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes; and

(B) establish a mechanism whereby such records may be made available to United States law enforcement officials and domestic financial institution supervisors, when appropriate.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Secretary of State, in conjunction with the Attorney General and the Secretary of the Treasury, shall submit a report to the Congress, on the progress in any negotiations described in subsection (a).

(2) IDENTIFICATION OF CERTAIN COUNTRIES.—In any report submitted under paragraph (1), the Secretary of State shall identify countries—

(A) with respect to which the Secretary determines there is evidence that the financial institutions in such countries are being utilized by any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes; and

(B) which have not reached agreement with United States authorities to meet the objectives of subparagraphs (A) and (B) of subsection (a)(2).

(3) REPORT ON PENALTIES AND SANCTIONS.—If the President determines that—

(A) a foreign country is described in subparagraphs (A) and (B) of paragraph (2); and

(B) such country—

(i) is not negotiating in good faith to reach an agreement described in subsection (a)(2); or

(ii) has not complied with, or a financial institution of such country has not complied with, a request, made by an official of the United States Government authorized to make such request, for information regarding a foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), a person who is a member or representative of any such organization, or a person engaged in money laundering for or with any such organization,

and the President imposes any penalties or sanctions on such country or financial institutions of such country on the basis of such determination, the Secretary of State shall submit a report to the Congress describing the facts and circumstances of the case before the end of the 60-day period beginning on the date such sanctions and penalties take effect.

TITLE IV—CURRENCY PROTECTION

SEC. 401. COUNTERFEITING DOMESTIC CURRENCY AND OBLIGATIONS.

(a) COUNTERFEIT ACTS COMMITTED OUTSIDE THE UNITED STATES.—Section 470 of title 18, United States Code, is amended—

(1) in paragraph (2), by inserting "analog, digital, or electronic image," after "plate, stone,"; and

(2) by striking "shall be fined under this title, imprisoned not more than 20 years, or both" and inserting "shall be punished as is provided for the like offense within the United States".

(b) OBLIGATIONS OR SECURITIES OF THE UNITED STATES.—Section 471 of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

(c) UTTERING COUNTERFEIT OBLIGATIONS OR SECURITIES.—Section 472 of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

(d) DEALING IN COUNTERFEIT OBLIGATIONS OR SECURITIES.—Section 473 of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(e) PLATES, STONES, OR ANALOG, DIGITAL, OR ELECTRONIC IMAGES FOR COUNTERFEITING OBLIGATIONS OR SECURITIES.—

(1) IN GENERAL.—Section 474(a) of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any obligation or other security of the United States; or".

(2) AMENDMENT TO DEFINITION.—Section 474(b) of title 18, United States Code, is

amended by striking the first sentence and inserting the following new sentence: "For purposes of this section, the term 'analog, digital, or electronic image' includes any analog, digital, or electronic method used for the making, execution, acquisition, scanning, capturing, recording, retrieval, transmission, or reproduction of any obligation or security, unless such use is authorized by the Secretary of the Treasury.".

(3) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 474 of title 18, United States Code, is amended by striking "**or stones**" and inserting "**, stones, or analog, digital, or electronic images**".

(4) CLERICAL AMENDMENT.—The table of sections for chapter 25 of title 18, United States Code, is amended in the item relating to section 474 by striking "or stones" and inserting ", stones, or analog, digital, or electronic images".

(f) TAKING IMPRESSIONS OF TOOLS USED FOR OBLIGATIONS OR SECURITIES.—Section 476 of title 18, United States Code, is amended—

(1) by inserting "analog, digital, or electronic image," after "impression, stamp,"; and

(2) by striking "ten years" and inserting "25 years".

(g) POSSESSING OR SELLING IMPRESSIONS OF TOOLS USED FOR OBLIGATIONS OR SECURITIES.—Section 477 of title 18, United States Code, is amended—

(1) in the first paragraph, by inserting "analog, digital, or electronic image," after "imprint, stamp,";

(2) in the second paragraph, by inserting "analog, digital, or electronic image," after "imprint, stamp,"; and

(3) in the third paragraph, by striking "ten years" and inserting "25 years".

(h) CONNECTING PARTS OF DIFFERENT NOTES.—Section 484 of title 18, United States Code, is amended by striking "five years" and inserting "10 years".

(i) BONDS AND OBLIGATIONS OF CERTAIN LENDING AGENCIES.—The first and second paragraphs of section 493 of title 18, United States Code, are each amended by striking "five years" and inserting "10 years".

SEC. 402. COUNTERFEITING FOREIGN CURRENCY AND OBLIGATIONS.

(a) FOREIGN OBLIGATIONS OR SECURITIES.—Section 478 of title 18, United States Code, is amended by striking "five years" and inserting "20 years".

(b) UTTERING COUNTERFEIT FOREIGN OBLIGATIONS OR SECURITIES.—Section 479 of title 18, United States Code, is amended by striking "three years" and inserting "20 years".

(c) POSSESSING COUNTERFEIT FOREIGN OBLIGATIONS OR SECURITIES.—Section 480 of title 18, United States Code, is amended by striking "one year" and inserting "20 years".

(d) PLATES, STONES, OR ANALOG, DIGITAL, OR ELECTRONIC IMAGES FOR COUNTERFEITING FOREIGN OBLIGATIONS OR SECURITIES.—

(1) IN GENERAL.—Section 481 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any bond, certificate, obligation, or other security of any foreign government, or of any treasury note, bill, or promise to pay, lawfully issued by such foreign government and intended to circulate as money; or".

(2) INCREASED SENTENCE.—The last paragraph of section 481 of title 18, United States Code, is amended by striking "five years" and inserting "25 years".

(3) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 481 of title 18, United States Code, is amended by striking "**or stones**" and inserting "**, stones, or analog, digital, or electronic images**".

(4) CLERICAL AMENDMENT.—The table of sections for chapter 25 of title 18, United States Code, is amended in the item relating to section 481 by striking "or stones" and inserting ", stones, or analog, digital, or electronic images".

(e) FOREIGN BANK NOTES.—Section 482 of title 18, United States Code, is amended by striking "two years" and inserting "20 years".

(f) UTTERING COUNTERFEIT FOREIGN BANK NOTES.—Section 483 of title 18, United States Code, is amended by striking "one year" and inserting "20 years".

SEC. 403. PRODUCTION OF DOCUMENTS.

Section 5114(a) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended—

(1) by striking "(a) The Secretary of the Treasury" and inserting:

"(a) AUTHORITY TO ENGRAVE AND PRINT.—

"(1) IN GENERAL.—The Secretary of the Treasury"; and

(2) by adding at the end the following new paragraph:

"(2) ENGRAVING AND PRINTING FOR OTHER GOVERNMENTS.—The Secretary of the Treasury may, if the Secretary determines that it will not interfere with engraving and printing needs of the United States, produce currency, postage stamps, and other security documents for foreign governments, subject to a determination by the Secretary of State that such production would be consistent with the foreign policy of the United States.".

SEC. 404. REIMBURSEMENT.

Section 5143 of title 31, United States Code (relating to payment for services of the Bureau of Engraving and Printing), is amended—

(1) in the first sentence, by inserting ", any foreign government, or any territory of the United States" after "agency";

(2) in the second sentence, by inserting "and other" after "administrative"; and

(3) in the last sentence, by inserting ", foreign government, or territory of the United States" after "agency".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LAFALCE. Reserving the right to object, Mr. Speaker.

I will not object because the gentleman from Ohio and myself have worked on this bill in a very collegial fashion, in a bipartisan fashion; and we have attempted to iron out all differences. As of a half hour ago, we did come to accommodation on the remaining differences.

It is my understanding that the suspension calendar tomorrow will have the bill we have agreed upon and that amongst other things it in no way impinges upon any lawsuit that has been brought or that could be brought under existing law. The only impact it would have is to clarify that certain provisions of this bill would not expand the law with respect to RICO in certain areas. With that understanding, we can go forward.

One of the reasons I am willing to go forward, too, on a suspension calendar on such a bill, first of all, is I have long favored a money laundering bill. We advanced it last year in the Committee on Banking and Financial Services. Secondly, the exigencies of our time demand immediate swift action.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. GIBBONS) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 12, 2001 he presented to the President of the United States, for his approval, the following bill.

H.J. Res. 68. Making further continuing appropriations for the fiscal year 2002, and for other purposes.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 17, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4263. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Modification of Area No. 3 Handling Regulation [Docket No. FV01-948-1 FR] received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4264. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sethoxydim; Pesticide Tolerances for Emergency Exemptions [OPP-301179; FRL–6802–3] (RIN: 2070–AB78) received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4265. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Superintendent of the Air Force Academy, Colorado, has conducted a cost comparison to reduce the cost of the Logistics function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

4266. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Ronald E. Adams, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4267. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Maxwell C. Bailey, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4268. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General John G. Coburn, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

4269. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—National School Lunch Program and School Breakfast Program: Alternatives to Standard Application and Meal Counting Procedures (RIN: 0584-AC25) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4270. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4271. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the "Status of the State Small Business Stationary Source Technical and Environmental Compliance Program (SBTCP) for the Reporting Period, January-December 1999"; to the Committee on Energy and Commerce.

4272. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permits Program in Alaska [FRL–7059–3] received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4273. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 242–0292a; FRL–7067–3] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4274. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District [CA 235–0296a; FRL–7066–9] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4275. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District and Imperial County Air Pollution Control District [CA 242–0297a; FRL–7075–8] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4276. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA 241–0300; FRL–7075–7] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4277. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District [CA 242–0291a; FRL–7058–9] received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4278. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona—Maricopa Nonattainment Area; PM–10 [AZ105–0045; FRL–7063–1] received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4279. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans; Wisconsin; Post-1996 Rate of Progress Plan for the Milwaukee-Racine Ozone Nonattainment Area [WI85–02–7316; FRL–7076–6] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4280. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators (HMIWIs); State of Missouri [MO 0136–1136a; FRL–7078–8] received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4281. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 01–27), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4282. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 108–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4283. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 106–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4284. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Kingdom and France (Transmittal No. DTC 104–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4285. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 107–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4286. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 110–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4287. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 109–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4288. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Taiwan (Transmittal No. DTC 066–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4289. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Canada (Transmittal No. DTC 105–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4290. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the Republic of Korea (Transmittal No. DTC 103–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4291. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Canada, France, Germany (Transmittal No. DTC

111–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4292. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 113–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4293. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the report entitled, "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes"; to the Committee on International Relations.

4294. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with South Korea [Transmittal No. DTC 115–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4295. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of the Public Service Commission Agency Fund for Fiscal Year 2000," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

4296. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of the People's Counsel Agency Fund for Fiscal Year 2000," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

4297. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of Advisory Neighborhood Commission 1B for Fiscal Years 1999 and 2000 (10/1/1998 through 9/30/2000).," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

4298. A letter from the Comptroller General, General Accounting Office, transmitting list of all reports issued or released by the GAO in August 2001, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

4299. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions from the Procurement List—received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4300. A letter from the Special Assistant, White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4301. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4302. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4303. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4304. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4305. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4306. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4307. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4308. A letter from the United States Trade Representative, Executive Office of the President, transmitting 2001 Annual Inventory of Commercial Activities Under the Federal Activities Inventory Reform Act P.L. 105–270; to the Committee on Government Reform.

4309. A letter from the Director, National Gallery of Art, transmitting the Year 2001 Inventory Annual Report On Agency Management of Commercial Activities; to the Committee on Government Reform.

4310. A letter from the Administrator, U.S. Agency for International Development, transmitting a report on Year 2001 A–76 Inventory for FY00; to the Committee on Government Reform.

4311. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Maryland Regulatory Program [MD–050–FOR] received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4312. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Scaleshell Mussel (RIN: 1018–AF57) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4313. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for the Ohlone Tiger Beetle (Cicindela ohlone) (RIN: 1018–AF89) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4314. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Implementation of Conditional Closures [Docket No. 000407096–0096–01; I.D. 090501C] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4315. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment for the Commercial Salmon Season from Queets River, WA, to Cape Falcon, OR [Docket No. 010502110–1110–01; I.D. 091001C] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4316. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 010112013–1013–01; I.D. 091901A] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4317. A letter from the Acting Administrator, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program [Docket No. 010228052–1211–02; I.D. 010301D] (RIN: 0648–AL95) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4318. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock [Docket No. 010112013–1013–01; I.D. 091701A] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4319. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation [Docket No. 001226367–0367–01; I.D. 090701C] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4320. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Lake Pontchartrain, LA [CGD08–01–034] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4321. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Lake Ontario, Rochester, New York [CGD09–01–125] (RIN: 2115–AA97), received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4322. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Tomlinson Bridge, Quinnipiac River, New Haven, CT [CGD01–01–166] (RIN: 2115–AA97) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4323. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule–Security Zones; Port of Charleston, South Carolina [COTP Charleston-01–101] (RIN: 2115–AA97) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4324. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; St. Croix, U.S. Virgin Islands [COTP San Juan–01–098] (RIN: 2115–AA97) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4325. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Harlem River, MA [CGD01–01–058] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4326. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan [Docket No. FAA-2001-10664; SFAR 90] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4327. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Security Control of Air Traffic [Docket No. FAA-2001-10693] (RIN: 2120-AH25) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4328. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes; and Conforming Amendments [USCG-2001-10224] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4329. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Piscataqua River, ME [CGD01-01-125] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4330. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Goodyear Tire and Rubber Company Flight Eagle Tires, 34X9.25-16 18PR 210MPH, Part Number 348F83-2 [Docket No. 2001-CE-27-AD; Amendment 39-12431; AD 2001-18-05] (RIN: 2120-AA64) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4331. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company) AE 2100 Turboprop and AE 3007 Turbofan Series Engines [Docket No. 2000-NE-27-AD; Amendment 39-12423; AD 2001-17-31] (RIN: 2120-AA64) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4332. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation By Reference [Docket No. 29334; Amendment No. 71-33] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4333. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E5 Airspace; Ocracoke, NC [Airspace Docket No. 01-ASO-10] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4334. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Temporary Flight Restrictions [Docket No. FAA-2000-8274; Amendment No. 91-270 and 103-6] (RIN: 2120-AH13) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4335. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of Charleston, South Carolina [COTP Charleston-01-097] (RIN: 2115-AA97) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4336. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone: Snell and Eisenhower Locks, St. Lawrence River, Massena, New York [CGD09-01-127] (RIN: 2115-AA97) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4337. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone: Lake Ontario, Oswego, New York [CGD09-01-124] (RIN: 2115-AA97) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4338. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Saint Lawrence River, Massena, New York (RIN: 2115-AA97) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4339. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of Jacksonville and Port Canaveral, Florida [COTP Jacksonville-01-095] (RIN: 2115-AA97) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4340. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety and Security Zones; Coast Guard Force Protection Station Portsmouth Harbor, Portsmouth, New Hampshire; Coast Guard Base Portland, South Portland, Maine; and Station Boothbay Harbor, Boothbay Harbor, Maine [CGD01-01-163] (RIN: 2115-AA97) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4341. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30267; Amdt. No. 2068] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4342. A letter from the Program Analyst FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30269; Amdt. No. 2070] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4343. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectuses for the Corps of Engineers Jacksonville, FL, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

4344. A letter from the Deputy Administrator, General Services Administration, transmitting a report of a Building Project Survey for Toledo, OH, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

4345. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Preferential Treatment of Brassieres Under the United States-Caribbean Basin Trade Partnership Act [T.D. 01-74] (RIN: 1515-AC89) received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1408. A bill to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, and for other purposes; with an amendment (Rept. 107-192 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1552. A bill to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; with amendments (Rept. 107-240). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey. Committee on Veterans' Affairs. H.R. 2716. A bill to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans; with an amendment (Rept. 107-241 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey. Committee on Veterans' Affairs. H.R. 2792. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make service dogs available to disabled veterans and to make various other improvements in health care benefits provided by the Department of Veterans Affairs, and for other purposes; with an amendment (Rept. 107-242). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska. Committee on Transportation and Infrastructure. H.R. 2481. A bill to improve maritime safety and the quality of life for Coast Guard personnel, and for other purposes; with an amendment (Rept. 197-243). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 3008. A bill to reauthorize the trade adjustment assistance program under the Trade Act of 1974 (Rept. 107-244). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 3010. A bill to amend the Trade Act of 1974 to extend the Generalized System of Preferences until December 31, 2002 (Rept. 107-245). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBSON: Committee of Conference. Conference report on H.R. 2904. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-246). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 267. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–247). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 268. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002 (Rept. 107–248). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 3005. A bill to extend trade authorities procedures with respect to reciprocal trade agreements; with an amendment (Rept. 107–249 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of the rule XII the Committee on Financial Services discharged from further consideration. H.R. 2716 committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 3016 committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2716. Referral to the Committee on Financial Services extended for a period ending not later than October 16, 2001.

H.R. 3005. Referral to the Committee on Rules extended for a period ending not later than October 17, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 3129. A bill to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. BOEHLERT (for himself, Mr. Larson of Connecticut, Ms. Hart, Mr. Honda, and Mr. Udall of Colorado):

H.R. 3130. A bill to provide for increasing the technically trained workforce in the United States; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. Rangel, Mr. Berman, Mr. Foley, Mr. Matsui, Mr. Weller, Mr. Becerra, Ms. Dunn, Mr. Condit, Mrs. Bono, Mr. Weiner, Mr. McIntyre, Ms. McCarthy of Missouri, and Mr. Jefferson):

H.R. 3131. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit; to the Committee on Ways and Means.

By Mr. McGOVERN (for himself, Mr. Bachus, Mr. Oberstar, Mrs. Morella, Ms. McKinney, Ms. McCollum, Mr. Blumenauer, Mr. Horn, Mr. Nethercutt, Mr. LaTourette, Mr. Stearns, Mrs. Thurman, Mr. Wolf, and Mr. DeFazio):

H.R. 3132. A bill to amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANTOR:

H.R. 3133. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself and Ms. Lee):

H.R. 3134. A bill to amend the Internal Revenue Code of 1986 to make a technical correction to the definition of hard cider for purposes of the excise tax on alcohol; to the Committee on Ways and Means.

By Mr. DeMINT:

H.R. 3135. A bill to provide for the issuance of certificates to Social Security beneficiaries guaranteeing their right to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3136. A bill to develop and implement a plan to allow general aviation aircraft to fly using certain rules; to the Committee on Transportation and Infrastructure.

By Mr. FORBES (for himself and Mr. Fossella):

H.R. 3137. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain terrorist attack zone compensation of civilian uniformed personnel; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 3138. A bill to establish a club drug taskforce, and to authorize grants to expand prevention efforts regarding the abuse of club drugs; to the Committee on Energy and Commerce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. Kleczka):

H.R. 3139. A bill to amend the Internal Revenue Code of 1986 to provide for capital gains treatment for certain termination payments received by former insurance salesmen; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mr. Hastings of Florida):

H.R. 3140. A bill to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Small Business, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H,.R. 3148. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans,and for other purposes; to the Committee on Resources.

By Mr. KLECZKA:

H.R. 3141. A bill to provide for a program of emergency unemployment compensation and emergency health coverage assistance; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 3142. A bill to establish a separate process for State commission evaluation of rural and small telephone company exemptions, suspensions, and modifications, with respect to advanced telecommunications capabilities; to the Committee on Energy and Commerce.

By Mr. REYNOLDS (for himself and Mrs. Maloney of New York):

H.R. 3143. A bill to amend the Internal Revenue Code of 1986 to encourage the patronage of the travel, hospitality, restaurant, and entertainment industries; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 3144. A bill to amend the Internal Revenue Code of 1986 to provide a temporary incentive for investing in tangible property in the United States; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself and Mr. Gilman):

H.R. 3145. A bill to promote greater cooperation between the United States and its European allies toward religious tolerance and to require the imposition of punitive measures with respect to entities that discriminate against individuals or groups on the basis of religion or belief; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 3146. A bill to restrict the transmission of unsolicited electronic mail messages; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 3147. A bill to amend section 404 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 with respect to application of employment criteria under management contracts for certain mental health facilities; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 3148. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Resources.

By Ms. LEE:

H. Con. Res. 250. Concurrent resolution honoring the United States Capitol Police for their commitment to security at the Capitol; to the Committee on House Administration.

By Ms. PELOSI:

H. Res. 266. Resolution congratulating Barry Bonds on his spectacular, record-breaking season for the San Francisco Giants and Major League Baseball; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[October 16 (legislative day, October 17), 2001]

H.R. 91: Mr. PLATTS.

H.R. 218: Mrs. EMERSON, Mr. ETHERIDGE, and Mr. DINGELL.

H.R. 257: Mr. SMITH of Michigan.

H.R. 394: Mr. CRAMER and Mr. UDALL of Colorado.

H.R. 482: Mr. HOSTETTLER.

H.R. 488: Mr. MALONEY of Connecticut and Mr. INSLEE.

H.R. 527: Mr. CRANE.

H.R. 534: Ms. PRYCE of Ohio, Mr. SWEENEY, Mr. BARTLETT of Maryland, Mrs. JOHNSON of Connecticut, and Mr. NETHERCUTT.

H.R. 664: Mr. WEINER.

H.R. 697: Mr. FRANK.

H.R. 782: Ms. LOFGREN, Mr. UNDERWOOD, Mr. GREEN of Texas, Ms. BROWN of Florida, Mr. HASTINGS of Florida, and Mr. LATOURETTE.

H.R. 783: Mr. MCDERMOTT.

H.R. 975: Mr. SHIMKUS.

H.R. 1178: Ms. BERKLEY, Ms. BROWN of Florida, and Mr. MCDERMOTT.

H.R. 1198: Mr. SANDLIN, Mr. STENHOLM, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mr. MORAN of Virginia, Mr. MENENDEZ, Mr. ORTIZ, Ms. WOOLSEY, Mr. JOHN, Mr. ACKERMAN, Mr. REGULA, and Mr. GRAVES.

H.R. 1230: Mr. UNDERWOOD and Mrs. THURMAN.

H.R. 1251: Ms. SOLIS.

H.R. 1254: Mr. TOOMEY.

H.R. 1292: Mr. LARSON of Connecticut.

H.R. 1309: Mr. STUPAK.

H.R. 1351: Mr. BISHOP.

H.R. 1354: Ms. KAPTUR.

H.R. 1374: Mr. BARCIA, Mr. DINGELL, Mr. KILDEE, Mr. UPTON, Mr. LEVIN, Mr. HOEKSTRA, Mr. ROGERS of Michigan, and Mr. CAMP.

H.R. 1609: Mr. SNYDER and Mr. GOODLATTE.

H.R. 1624: Mr. PETRI and Mrs. EMERSON.

H.R. 1626: Mr. TERRY.

H.R. 1733: Mr. EVANS.

H.R. 1744: Mr. BACA, Mr. BAIRD, and Mr. ROTHMAN.

H.R. 1773: Mrs. MCCOLLUM.

H.R. 1779: Mr. PETERSON of Minnesota and Mr. HEFLEY.

H.R. 1780: Ms. CARSON of Indiana and Ms. WOOLSEY.

H.R. 1798: Ms. PRYCE of Ohio and Mr. SWEENEY.

H.R. 1841: Ms. HARMAN, Ms. CARSON of Indiana, Mr. WEXLER, Mr. BRADY of Pennsylvania, Ms. ROS-LEHTINEN, Mr. LARSEN of Washington, Mr. GILCHREST, MR. GEKAS, Ms. WATSON, Ms. MCCOLLUM, Mr. CLEMENT, Ms. SCHAKOWSKY, Mr. CAPUANO, Mr. ORTIZ, Mr. GONZALEZ, and Mr. CLAY.

H.R. 1910: Mr. WAXMAN.

H.R. 1988: Mr. HOLDEN.

H.R. 2163: Mr. WELLER.

H.R. 2219: Mr. SIMMONS.

H.R. 2254: Ms. CARSON of Indiana, Mr. UDALL of Colorado, and Mr. EVANS.

H.R. 2269: Mr. BROWN of South Carolina, Mr. MORAN of Virginia, and Mr. SESSIONS.

H.R. 2308: Ms. MCCOLLUM.

H.R. 2349: Ms. BALDWIN, Mr. DICKS, and Mr. INSLEE.

H.R. 2357: Mr. TIAHRT and Mr. DUNCAN.

H.R. 2362: Mr. SOUDER.

H.R. 2374: Mr. LEVIN.

H.R. 2412: Ms. BALDWIN.

H.R. 2417: Mr. GREENWOOD.

H.R. 2426: Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. TAYLOR of Mississippi, Mr. WICKER, Mr. SHOWS, Mr. BLUMENAUER, and Mr. PICKERING.

H.R. 2574: Mr. HEFLEY.

H.R. 2577: Mr. BARCIA, Mr. DINGELL, Mr. KILDEE, Mr. UPTON, Mr. LEVIN, Mr. HOEKSTRA, Mr. ROGERS of Michigan, and Mr. CAMP.

H.R. 2592: Ms. CARSON of Indiana.

H.R. 2613: Mr. HOLDEN.

H.R. 2619: Mr. PAYNE.

H.R. 2623: Mr. FALEOMAVAEGA.

H.R. 2629: Ms. WOOLSEY.

H.R. 2663: Ms. ROS-LEHTINEN, Mr. GORDON, and Mr. FORD.

H.R. 2677: Ms. SOLIS.

H.R. 2693: Mr. BENTSEN.

H.R. 2716: Mr. SNYDER.

H.R. 2722: Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. MORAN of Virginia, Mr. BARRETT, Mr. ENGEL, and Mr. BAIRD.

H.R. 2725: Ms. LOFGREN and Ms. WATSON.

H.R. 2775: Mr. BRADY of Pennsylvania and Mr. OWENS.

H.R. 2781: Mr. GOODLATTE and Mr. COX.

H.R. 2794: Mr. UDALL of Colorado, Mr. LARGENT, Mr. BOSWELL, Mrs. MORELLA, and Mr. ANDREWS.

H.R. 2795: Mr. LARSON of Connecticut, Mr. TERRY, and Mr. FERGUSON.

H.R. 2804: Mr. BAIRD.

H.R. 2805: Mr. PICKERING, Mr. LARGENT, and Mr. SMITH of New Jersey.

H.R. 2896: Mr. OTTER.

H.R. 2899: Mr. WU.

H.R. 2917: Ms. MCCARTHY of Missouri, Mr. LOBIONDO, Mr. TIBERI, Mr. ROTHMAN, Mr. MCGOVERN, Mr. KENNEDY of Minnesota, Mr. LATOURETTE, Mr. PASCRELL, Mr. SABO, Mr. CRAMER, and Mr. GALLEGLY.

H.R. 2921: Mr. FORBES.

H.R. 2940: Mr. TOWNS.

H.R. 2945: Ms. CARSON of Indiana and Mr. WU.

H.R. 2946: Mr. WU.

H.R. 2951: Mrs. MORELLA.

H.R. 2955: Mrs. CHRISTENSEN, Mr. KUCINICH, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, and Mr. FORD.

H.R. 2965: Mr. HEFLEY and Mr. GORDON.

H.R. 2970: Mr. ISAKSON and Mr. OTTER.

H.R. 2991: Mr. GREENWOOD and Mr. OSBORNE.

H.R. 2998: Mr. BALLENGER, Mr. HEFLEY, Mr. DEUTSCH, Mr. KENNEDY of Minnesota, Mrs. JO ANN DAVIS of Virginia, Mr. KING, Mr. UNDERWOOD, and Mr. WEXLER.

H.R. 3006: Mr. EVERETT, Mr. SHOWS, Mr. STEARNS, and Mr. TERRY.

H.R. 3007: Mrs. CHRISTENSEN, Mr. BARTLETT of Maryland, Mr. BAIRD, Mr. RYAN of Wisconsin, and Mr. BERRY.

H.R. 3011: Mr. LARSEN of Washington and Mr. BALDACCI.

H.R. 3015: Mrs. JONES of Ohio, Mr. BLAGOJEVICH, Mr. TIERNEY, and Mr. EVANS.

H.R. 3021: Mr. WALDEN of Oregon.

H.R. 3026: Ms. LOFGREN.

H.R. 3029: Mr. SMITH of Washington, Mrs. ROUKEMA, Mrs. JOHNSON of Connecticut, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mr. FORD, and Mr. UNDERWOOD.

H.R. 3032: Mr. KLECZKA.

H.R. 3033: Mr. FRANK.

H.R. 3040: Mr. GEORGE MILLER of California.

H.R. 3041: Mr. REYNOLDS, Ms. BERKLEY, Mr. RAMSTAD, and Mr. OBERSTAR.

H.R. 3059: Ms. CARSON of Indiana, Mr. DAVIS of Illinois, and Mr. EVANS.

H.R. 3063: Mr. PETERSON of Minnesota and Mr. TOWNS.

H.R. 3077: Mr. SMITH of New Jersey, Mr. SHAYS, and Mr. JONES of North Carolina.

H.R. 3079: Mr. KENNEDY of Rhode Island.

H.R. 3087: Mr. FILNER, Mr. FROST, and Mr. MCGOVERN.

H.R. 3088: Mr. HOUGHTON, Mr. SIMMONS, Mr. GRUCCI, Mr. TANCREDO, Mr. BURTON of Indiana, Mr. GIBBONS, Mr. WELDON of Pennsylvania, Mr. WAXMAN, Mr. MANZULLO, Mrs. JO ANN DAVIS of Virginia, Mr. REGULA, Mr. STEARNS, Mr. TOM DAVIS of Virginia, Mr. GREENWOOD, Mr. TERRY, Mr. NEY, Mrs. BIGGERT, Mr. BALLENGER, Mr. CULBERSON, Mr. KIRK, Mr. PENCE, Mr. WALSH, Mr. CROWLEY, Mr. FROST, Mr. CANTOR, Mr. TAUZIN, Mr. ISAKSON, Mr. PETERSON of Minnesota, Mr. HANSEN, Mr. COBLE, and Mr. CANNON.

H.R. 3106: Mr. CLEMENT.

H.R. 3109: Mr. PAYNE.

H.J. Res. 6: Mrs. LOWEY.

H.J. Res. 21: Ms. KILPATRICK.

H.J. Res. 67: Mr. FROST, Mr. BEREUTER, Mr. EDWARDS, Mr. BURTON of Indiana, Mr. WYNN, Mr. GORDON, Mr. DEFAZIO, Mr. DEUTSCH, Mr. EVANS, Mr. PHELPS, Mr. HINCHEY, Mr. OWENS, Mr. MCINNIS, Mr. HASTINGS of Florida, Mr. KUCINICH, Mr. ORTIZ, Mr. SANDLIN, Mrs. MCCARTHY of New York, and Mrs. TAUSCHER.

H. Con. Res. 184: Mr. ARMEY, Mr. KINGSTON, Mr. WAMP, Mr. WATKINS, and Mr. NEY.

H. Con. Res. 211: Mr. LEACH, Mr. GEORGE MILLER of California, and Mr. TIERNEY.

H. Con. Res. 217: Mr. BEREUTER.

H. Con. Res. 232: Ms. LOFGREN, Mr. WATTS of Oklahoma, Mr. OWENS, Mr. PASCRELL, Mr. DOOLEY of California, Mr. FALEOMAVAEGA, Mr. GUTKNECHT, Mr. SOUDER, Mr. CALVERT, Mr. WELDON of Florida, Mr. INSLEE, and Mr. NEY.

H. Con. Res. 233: Mr. SOUDER and Mr. WU.

H. Con. Res. 234: Mr. GEKAS and Mr. TOOMEY.

H. Con. Res. 240: Ms. SOLIS, Ms. BALDWIN, Mr. SANDERS, and Mr. HOEFFEL.

H. Con. Res. 248: Mr. BARR of Georgia, Mr. RYUN of Kansas, and Mr. TRAFICANT.

H. Con. Res. 249: Mr. OWENS, Mr. MCNULTY, Mr. KING, Mr. HINCHEY, Mrs. MALONEY of New York, and Mrs. LOWEY.

H. Res. 259: Mr. PAYNE.

H. Res. 262: Mr. GEORGE MILLER of California and Mrs. TAUSCHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

[October 16 (legislative day, October 17), 2001]

H.R. 1305: Mr. SHOWS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3090

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 1: Insert at the appropriate place in the bill the following new section (and conform the table of contents accordingly):

SEC. . ONE-YEAR INCREASED DEDUCTION FOR MEAL EXPENSES.

(a) IN GENERAL.—Paragraph (1) of section 274(n) (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by inserting after "shall not exceed 50 percent" the following: "(80 percent for taxable years beginning during 2001)".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

EXTENSIONS OF REMARKS

IN HONOR OF THE NEW YORK CITY FIREMEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the New York City Firemen, and to submit for the record a brief article written by one of my constituents, Mr. Matthew T. Fitzsimmons. Mr. Fitzsimmons truly captures the selfless nature of the hundreds of firemen that have risked their lives since September 11th, and those that continue to put themselves in harm's way. It is my hope that this article inspires you to realize the true American spirit embodied by "New York's Bravest."

CLIMBING A STAIRWAY TO HEAVEN

(By Matthew T. Fitzsimmons)

I have always been proud to be the son of a retired New York City fireman (Marine Co. 9) and brother of a current New York City fireman (Ladder Co. 77). I was born and raised in the tradition and culture of the New York City Fire Department. I am now a lawyer in Cleveland.

Last Tuesday morning at the World Trade Center, New York City firefighters demonstrated to the world, in the most graphic manner imaginable, why they are called New York's Bravest. As tens of thousands evacuated the Twin Towers in mass hysteria, the firefighters, with complete and utter disregard for their own safety, ran into and up the buildings to rescue the injured and others in need of help. It was an extraordinary act of bravery.

Up thirty, forty, fifty, sixty, seventy floors, and higher, with full gear. A height at which you could almost reach out and touch the face of God. Unbeknownst to them, they were climbing a stairway to heaven.

There have been many words used to describe last week's attack on our country: horrific, horrendous, barbaric, tragic, and surreal. For me, there was nothing more horrific, horrendous, barbaric, tragic, surreal—and sickening—than Tuesday's TV graphic that approximately three hundred New York City firefighters were missing, and presumed dead. It is a number that is beyond comprehension—beyond comprehension. It is numbing. Three hundred firefighters—about fifty companies—are significantly more than are on duty in the entire City of Cleveland on any given day.

My thoughts this past week have not been on the faraway lands of Afghanistan, Pakistan, or the Middle East, but on the neighborhoods of Brooklyn, Queens, Staten Island, and the closer in suburbs of Long Island, where families of many firefighters live. The sense of loss and grief in those neighborhoods must be unbearable and unspeakable. I am very sorry for their loss, and mourn with them. To paraphrase Will Rogers' eulogy of President Woodrow Wilson, last Tuesday the world lost three hundred of its greatest friends. Tellingly, it now appears that about ten percent of those who died at the World Trade Center died trying to rescue others.

Firefighters in all cities share many admirable qualities. They are, for the most part, good family men and women. They love kids, and are good with, and make time for, them. They make great Little League coaches, peewee football coaches, and CYO basketball coaches—much more so than doctors, lawyers, investment bankers, and the dotcom crowd. Because they face death with the ring of every alarm bell, they appreciate how valuable and precious life is—each life. Above all else, they are extraordinarily brave.

When my father died in 1996, a reporter from one of the New York newspapers asked if he could deliver the eulogy at his funeral Mass. In the early 1970's, this reporter had witnessed my father, then the pilot of the Firefighter (the world's largest and most powerful fireboat), make a rescue in New York Harbor after a freighter and a container cargo ship collided near the Verrazano-Narrows Bridge. Scores of people were incinerated in the collision. My father had maneuvered the Firefighter between the two burning ships and rescued about twenty-five crewmen, who were trapped and jumping overboard. The heat was so intense that it melted the paint off the Firefighter's decks. The reporter, a safe distance away on a tugboat, thought the Firefighter was going to catch on fire, explode, and sink. The reporter recounted this rescue in the eulogy, and concluded by saying: "Your father was the bravest man I ever knew." My brothers and sisters and I were very proud to hear this tribute to our father.

In the upcoming days and weeks, there will be funeral Masses and services for all of these fallen heroes. I hope that at these Masses and services someone will tell the children of each one of these deceased firefighters that their father or mother "was the bravest person I ever knew."

Although America can be, at times, a country with a short memory, I am sure that America—indeed the entire world—will never, ever forget the bravery which the men and women of the New York City Fire Department displayed last Tuesday. I am confident that when those firefighters reached the top of that stairway to heaven, Our Lord and St. Peter were likewise in awe of their bravery.

100th ANNIVERSARY OF SS. PETER AND PAUL UKRAINIAN CATHOLIC CHURCH IN AUBURN, NY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 100th anniversary of SS. Peter and Paul Ukrainian Catholic Church in Auburn, NY. The congregation gathered to recognize this important milestone during a Centennial Jubilee celebration on Sunday, September 30, 2001.

It was during the pontificate of Pope St. Pius X that the first Ukrainian Catholic Bishop was appointed in the United States. An occasion such as the Centennial Jubilee was an appropriate time for the parish to reaffirm their loyalty to the currently reigning Pope Paul VI.

Many Ukrainian Catholic priests served the Parish during the past 100 years as visitors, pastors/administrators, assistant pastors, missionaries, and substitutes. There were also many parochial projects that the pastors directed throughout the years.

This celebration was a time for reflecting on the love and dedication by members of the parish. Gratitude was given to those who devoted time and effort toward the well-being of the parish and also those who used their talents in special fields for the benefit of the parish.

On the occasion of its 100th anniversary, it is my honor to recognize the people of SS. Peter and Paul Ukrainian Catholic Church and to extend best wishes for many more successful years of faith-based ministry to follow.

PATRIOT ACT OF 2001

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. MEEHAN. Mr. Speaker, I have been proud to serve as a member of the House Judiciary Committee over the past month. In the past, our committee has had a reputation for confrontation—not consensus. But when terrorists destroyed the World Trade Center and assaulted the Pentagon, the Judiciary Committee beat its swords into plowshares.

Under the leadership of JIM SENSENBRENNER and JOHN CONYERS, we came together to produce a bipartisan bill that updates law enforcement's arsenal against terrorism without casting aside our fundamental liberties.

Our efforts produced a balanced bill that received a unanimous vote—a historic accomplishment. I wish it were the Judiciary Committee bill on the floor today.

Unfortunately, today's floor debate has tainted that accomplishment. The short-circuiting of the regular order clouds what should have been a day of unanimity.

Nonetheless, I rise in support of the antiterrorism legislation before us. While the bill is not perfect, it does maintain an acceptable balance between bolstering law enforcement powers and protecting our civil liberties.

In fact, when I read the Senate bill, I see much of the House Judiciary Committee's work reflected in that product.

Since our surveillance laws were first enacted, the terrorists have gotten smarter, faster, and richer. The technology that brings us unprecedented convenience has brought them unprecedented opportunities to wreak havoc. It's time for law enforcement to catch up.

I only regret that today's action won't have quite the bipartisan shine it should.

TRIBUTE TO CELIA CRUZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Ms. Celia Cruz, known as the "Queen of Salsa," who is being presented with the James Smithson Bicentennial Medal for her countless contributions to American culture and music for more than 40 years. I would also like to thank Ms. Cruz for her generous donation of a marvelous gown to the National Museum of American History which will be included in the exhibit "Moda y Musica: Stage, Fashion and Style" in commemoration of Hispanic Heritage Month.

Throughout her childhood in Havana, Cuba, Ms. Cruz's passion for music was well-known. As a young adult she became more serious about this passion. Already noted for her pregón singing (a vocal style which evolved from the calls, chants, and cries of street vendors) and various songs that had earned her local fame, Cruz enrolled at the Conservatory of Music to study voice and theory. Ms. Cruz has always appreciated the power of music, particularly the power of salsa and other forms of Hispanic music. Salsa music is the pulse of many Hispanic cultures and has in recent years been discovered and revered by people throughout the world.

Mr. Speaker, Ms. Cruz left Cuba in 1960 and began recording with the legendary Tito Puente and his band in the United States, where they brought the heat and rhythm of Cuba and Puerto Rico to the streets of New York City, Puente's birth city. Ms. Cruz went on to marry her long-time friend and colleague Pedro Knight on July 14, 1962. Knight was the first trumpeter of Cruz's famed orchestra, La Sonora Matancera, and had known the singer for over 14 years. Knight has served as Cruz's protector, manager, and musical director ever since and gave her the golden "Salsa" engraved earrings she still wears.

Throughout Ms. Cruz's illustrious career, she has toured the world and appeared in numerous films, most notably the 1992 release, "Mambo Kings." She also played the role of La Gracia Divina in the goundbreaking opera "Hommy" at Carnegie Hall in 1973. Ms. Cruz has recorded over 70 albums. Many fans say that while her albums are among their most treasured, nothing compares to hearing the singer live in concert. Critics around the world have noted that she electrifies the stage. These accomplishments have earned Ms. Cruz the prestigious James Smithson Bicentennial Medal, awarded under the authorization of the Secretary of the Smithsonian to people who have made distinguished contributions to the advancement of society and culture.

After nearly half a century of high-energy concerts, album recordings, interviews and other speaking engagements, Ms. Cruz is still in high demand. To illustrate that fact, Mr. Speaker, I should mention that Ms. Cruz took home the 2000 Latin Grammy award for Best Salsa Performance. I ask my colleagues to Join me in congratulating Celia Cruz on earning the James Smithson Bicentennial Medal and in thanking her for decades of legendary music and for her terrific spirit.

TERRITORIAL CONCESSIONS TO YASSER ARAFAT—UTTERLY UNACCEPTABLE

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. CANTOR. Mr. Speaker, I rise today in response to a series of recent news reports indicating that the State Department is developing a plan to pressure Israel to make territorial concessions to Yasser Arafat. The latest indications point to Israel even having to give up part of Jerusalem.

Mr. Speaker, such a proposal is utterly unacceptable.

I find it hard to believe that anyone would choose now as the time to put pressure on our only democratic friend in the Middle East, a friend that has been at the mercy of terrorists for decades.

According to a recent poll, the vast majority of Palestinians oppose the American air strikes against Afghanistan, and one in four believes terrorism against the United States is okay.

Terrorism is terrorism wherever it occurs: New York, Washington, Jerusalem, or Tel Aviv. Until Yasser Arafat rids himself of his ties to terrorism, he should not be rewarded with statehood.

INTRODUCTION OF THE "VIETNAM VETERANS BILL FOR ALASKA NATIVES"

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce legislation to provide for the equitable treatment of Alaska Native Vietnam veterans. My bill will amend Section 41 of the Alaska Native Claims Settlement Act (ANCSA). This section applies to the Native Allotments for Alaska Native Vietnam veterans.

In 1998, P.L. 105–276 (Section 432) amended the Alaska Native Claims Settlement Act (ANCSA) to provide Alaska Native Vietnam veterans an opportunity to obtain an allotment of up to 160 acres of land under the Native Allotment Act. There are approximately 2,800 Alaska Natives who served in the military during the Vietnam conflict who did not have an opportunity to apply for their Native allotment. When P.L. 105–276 became law, many Alaska Native Vietnam veterans were encouraged with the belief that they would finally receive recognition for their military service to the United States. Many Alaska Native Vietnam veterans saw this as their last opportunity to obtain land which had been used by their families for generations for subsistence purposes. That opportunity was lost to 1,700 Alaska Native Vietnam veterans who were excluded by the terms of P.L. 150–276 (which was harshly enforced by the previous Administration).

P.L. 105–276 contains three major obstacles which prohibit Alaska Native Vietnam veterans an opportunity to select and obtain their Native allotment. These obstacles are so formidable that 48% of the total Alaska Native Vietnam veteran allotment applications which have been filed (as of September 27, 2001) have been rejected [according to the Bureau of Land Management (BLM)]. The BLM also reports that only 116 applications for Alaska Native Vietnam veterans' allotments have been filed and 56 of those applications have been rejected. The reasons for all but 16 of the rejections are for one of the following reasons: (1) the land applied for is not available; and/or (2) the dates that the Alaska Native Vietnam veteran served during the Vietnam conflict did not coincide with those required under P.L. 105–276.

P.L. 105–276's first obstacle is: Alaska Native Vietnam veterans can only apply for land that was vacant, unappropriated, and unreserved when their use of the land first began. Land that is available to Alaska Native Vietnam veterans for allotments is extremely limited or non-existent. For example, out of the 116 applications filed thus far, 36% have been rejected because the land applied for is not available under P.L. 105–276. Most land in Alaska is out of reach for Alaska Native Vietnam veteran allotments. Lands that are expressly not available for allotments are lands in a National Forest, selected by the State of Alaska or Alaska Native Claims Settlement Act Native Corporations or under a public land law, camping sites, designated wilderness, and acquired by the federal government through gift, purchase, or exchange.

The second obstacle is: Alaska Native Vietnam veterans can only apply if they served in active military duty from January 1, 1969 to December 31, 1971 (even though the Vietnam conflict began August 5, 1964 and ended May 7, 1975). The dates of January 1969 to December 1971 were adamantly required by the previous Administration because they did not want to give up any additional federal lands in Alaska. Approximately 1,700 Alaska Native Vietnam veterans who served during the Vietnam conflict are not eligible for an allotment under existing law because they do not meet the military service date's requirement. Many of those 1,700 veterans did not even apply, but those who did have been rejected. Of all of the applications rejected, 13% were rejected because the Alaska Native Vietnam veteran's military service dates did not meet the existing requirements.

The third obstacle is: Alaska Native Vietnam veterans must prove they used the land (applied for in their native allotment application) in a substantially continuous and independent manner, at least potentially exclusive of others, for five or more years. This requirement was not in the original Native Allotment Act, nor has it been required of other Alaska Native allotment applicants. This requirement further penalizes our Alaska Native Vietnam veterans and will certainly cause many applications to be rejected. Further, adjudication of use and occupancy issues will take years and will be very costly.

My proposed legislation will increase the available land by authorizing Alaska Native Vietnam veterans to apply for land that is federally owned and vacant. The lack of available land under existing law nullifies the very purpose of granting Alaska Native Vietnam veterans an allotment benefit. This is true because most land in Alaska is not available for Alaska Native Vietnam veteran allotment applications under existing laws. For example, there is no land available in southeast Alaska because it either is within the Tongass National Forest or has been selected or conveyed to the State of Alaska or ANCSA Native Corporations. In addition, vast areas of land in Alaska were withdrawn before most Alaska Native Vietnam veterans could have made qualifying use of the land. In contrast, federally owned "vacant" land is still available throughout Alaska and should be made available for Alaska Native Vietnam veteran allotments.

My legislation will also expand the military service dates to the dates that coincide with the entire Vietnam era conflict: beginning August 5, 1964 and ending on May 7, 1975. The expansion of military service dates to include all Alaska Natives Vietnam veterans who served in the military during the Vietnam conflict is consistent with the federal government's policy of providing benefits to all veterans of the Vietnam conflict and not just to some of those veterans. This provision also fulfills the trust obligation to Alaska Natives. The limited military service dates have excluded many Alaska Native Vietnam veterans who bravely served during the Vietnam conflict. Never before has the United States given veteran land benefits to only a portion of those who served their country. The federal government has given public land benefits to all veterans (or their widows or heirs) of every war beginning with the Indian Wars of 1790 and ending with the Korean conflict in 1955. As Members will recall, Alaska Native veterans were not eligible for these public land benefits until 1924 because the courts had determined Alaska Natives were not United States citizens.

My legislation will also replace existing use and occupancy requirements with legislative approval of allotment applications. The provision assures the legislative approval process affords due process protections of valid existing interests in the land a veteran claims. The use and occupancy requirements would be replaced with legislative approval for several reasons. First, Congress has made legislative approval available to all other allotment applicants under 43 U.S.C. Section 1634(a)(1)(A)—[Section 905 of the Alaska National Interest Lands Conservation Act (ANILCA) which extends the legislative approval of Native allotments that were pending at the time of passage of ANILCA]. Second, legislative approvals of allotments prevent costly and lengthy adjudication of use and occupancy issues. Legislative approval also prevents lengthy delays that will impede many Alaska Native Vietnam veteran applicants from ever receiving land during their lifetime. Third, there are many Alaska Native Vietnam veterans that could not meet use and occupancy requirements as a result of their service to their country, One example that illustrates this point is that a deserving Alaska Native Vietnam veteran who was paralyzed during the Vietnam conflict would be rejected if that veteran was unable to complete the five years of use of the claimed land and had not used the land for five years before the Vietnam conflict.

My legislation addresses the formidable barriers that deserving Alaska Native Vietnam veterans face when applying for a Native allotment under P.L. 105–267. For many years, Alaska Natives have had a unique legal relationship with the United States. Because of this unique relationship, Alaska Natives have steadfastly answered a call to duty when the United States called during a conflict or an act of war. Alaska Natives did so in disproportionately high numbers during the Vietnam conflict. Those who answered the call during the entire Vietnam conflict should not be penalized for their service to their country.

My proposed legislation will correct those inequities imposed by the last Administration in allowing all of the Alaska Native Vietnam veterans to apply for their Native allotment under the Native Allotment Act. I urge America's support of this legislation and of the Alaska Native Vietnam veterans who bravely served this great country during the Vietnam conflict. Fulfill our promise to all Alaska Native Vietnam veterans and allow them to obtain their Native allotment under the Native Allotment Act.

IMPORTANCE OF BINATIONAL HEALTH WEEK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. RADANOVICH. Mr. Speaker, I come before the House today to highlight the importance of Binational Health Week, BHW, as proclaimed by the Fresno California County Board of Supervisors. Binational Health Week takes place this week, October 12–19, and it marks the beginning of the California-Mexico Health Initiative (CMHI) action plan. The CMHI is a cooperative working group between a number of local organizations in the Central Valley, and it works as a cultural bridge between migrants' health needs and available health care services in selected Mexican states as well as selected regions of California.

The Binational Health Week promotes and reinforces healthy behavior among migrant families. It will reinforce California's vaccination campaigns by specifically targeting migrant families, and reinforce Mexican vaccination efforts. BHW will promote flu vaccination among high-risk migrant adults and provide migrant families with information on health resources and services available in selected counties in California. Finally, healthcare providers will be given an updated directory containing information on migrant health resources in California and Mexico and disseminate current research on migrant health issues by promoting bilateral collaboration among researchers, health care providers and administrators to address service gaps and unmet needs.

This first Binational Health Week in California is conceived as a demonstration project to improve health care for migrants and will serve as the basis for future bilateral efforts. I certainly extend my support for Binational Health Week in California and urge members to become familiar of the cutting edge bilateral working group, the California-Mexico Health Initiative.

DOUGLAS H. PIERSON, RHODE ISLAND'S PRINCIPAL OF THE YEAR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today to pay tribute to Douglas Pierson, principal of North Kingstown's Hamilton Elementary School who was recently named a National Distinguished Principal by the U.S. Department of Education and the National Association of Elementary School Principals.

Mr. Pierson was selected for this honor for his outstanding leadership, and inter-personal and management skills. Throughout his tenure at Hamilton Elementary, Mr. Pierson has created a trusting environment where students, teachers, staff, and parents are encouraged to reflect, learn from their mistakes, and be thoughtful and creative about every aspect of their educational experience.

While Federal officials are just beginning to fully recognize the value of continuous learning for teachers and staff, Mr. Pierson has been encouraging it among his faculty for years. By modeling teaching strategies and disseminating research on innovative education practices, Mr. Pierson has improved instruction for each and every student at Hamilton. It was Mr. Pierson's leadership that led Hamilton Elementary to conduct a study of its effectiveness, and it is his guidance that allows time for each teacher to consider his or her instructional methods in light of the study's conclusions.

In addition to being an outstanding administrator, Mr. Pierson is an extraordinary teacher. From playing the ukulele to demonstrating mime to first-graders to dressing up as "Zero the Hero," complete with tights, a cape and hood, Mr. Pierson shows that he values students above all else.

Mr. Pierson was selected for this honor from among nominees of schools all over the State. U.S. Education Secretary Rod Paige will recognize him at a ceremony here in Washington on October 19. I am very much looking forward to welcoming Mr. Pierson to our Nation's Capitol and congratulating him on this impressive honor in person.

Mr. Speaker, we all know the immense challenges associated with true leadership. True leadership inspires people to be their best, to collaborate, and to work together toward long-term and often intangible goals. Mr. Douglas Pierson consistently displays true leadership, and, on behalf of the Second Congressional District of Rhode Island, I would like to extend a heartfelt thank you for his efforts.

HONORING THE BUCKS COUNTY HOUSING GROUP AND BUCKS COUNTY COMMUNITY COLLEGE (BCCC) STUDENTS IN FREE ENTERPRISE FOR OUTSTANDING ACHIEVEMENT OF WHEELZ 2 WORK PROGRAM FOR HOUSING CLIENTS

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. GREENWOOD. Mr. Speaker, I would like to take this opportunity to pay tribute to the Bucks County Housing Group and the Bucks County Community College Students in Free Enterprise for the remarkable achievements of the Wheelz 2 Work Program. This innovative program provides donated cars to clients receiving services through the Bucks County's Homeless Assistance Program.

As many of you are well aware, reliable transportation is critical to clients pursuing education, training, and employment as a means of securing self-sufficiency and permanent housing. The Wheelz 2 Work Program fills this need in addition to providing the community a tangible opportunity to be involved in a family's success. The program helps establish a long-term solution by providing a key element that allows people to maintain employment and/or advance in education.

Of significant achievement is the donation of the program's 100th car this October 2001. Nancy Lawrence of Pipersville is donating her 1985 Honda Accord to Housing Group client Michelle Heintz. Ms. Heintz, a single mother with a 3-year-old child, recently graduated from a medical assistant training program. Thanks to the highly successful Wheelz to Work Program, Ms. Heintz will now have a reliable way to get to work.

Students in Free Enterprise (SIFE) is a nonprofit organization that gives students the tools to learn the free enterprise system in a real working situation. SIFE challenges students on more than 700 college campuses worldwide to take what their learning in the classroom and use this knowledge to better local communities. Bucks County Community College SIFE students launched the Wheelz 2 Work in 1995 as an integral part of its community outreach activities. These students have brought extraordinary energy and leadership to the partnership with the Bucks County Housing Group on behalf of the agency's housing clients.

The Bucks County Housing Group is a private, nonprofit social service agency that provides comprehensive continuum of housing programs for homeless and low-income families throughout Bucks County. Founded in 1979 in response to the increase in the number of homeless families in the county, the Housing Group has worked cooperatively with both the public and private sectors to develop and expand essential services. At present, the Housing Group operates four homeless shelters, two transitional housing programs, a food pantry program and owns and operates three apartment complexes. In addition, the agency offers a First-time Homebuyers' Program and a Homeowners' Emergency Mortgage Assistance Program.

The Bucks County Housing Group and the BCCC Students in Free Enterprise have substantially improved the quality of life for 100 families in their county through their exemplary collaborative efforts. They will continue their important effort to reach out to many others. For this I ask my colleagues to join me in honoring these two organizations for outstanding service to the community.

HONORING BLUE RIBBON SCHOOL RECIPIENTS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise today to recognize that seven blue ribbon schools in my 51st Congressional District of California are being honored as National Blue Ribbon Schools for 2001.

In alphabetical order, these schools are:

Chaparral Elementary School, Poway, CA. The principal is Holly Brommer, and the superintendent of the Poway Unified School District is Donald Phillips.

Del Mar Hills School, Del Mar, CA. The principal is Gary Wilson, and the superintendent of the Del Mar Union School District is Thomas Bishop.

Los Penasquitos School, San Diego, CA. The principal is Jeffrey King, and the superintendent of the Poway Unified School District is Donald Phillips.

Olivenhain Pioneer Elementary School, Carlsbad, CA. The principal is Emily Andrade, and the superintendent of the Encinitas Union School District is Doug DeVore.

Park Village Elementary School, San Diego, CA. The principal is Kathy Cleveland, and the superintendent of the Poway Unified School District is Donald Phillips.

Solana Highlands School, San Diego, CA. The principal is Brian McBride, and the superintendent of the Solana Beach School District is Ellie Topolovac.

Westwood Elementary School, San Diego, CA. The principal is Suzanne Roy, and the superintendent of the Poway Unified School District is Donald Phillips.

The National Blue Ribbon Schools program evaluates schools based upon their effectiveness in meeting local, state and national educational goals. In 2001, 264 elementary schools are being recognized as National Blue Ribbon Schools, including the seven above in California's 51st Congressional District, and 43 in the State of California. Blue Ribbon status is awarded to schools that have strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, expanded involvement of families, evidence that the school helps all students achieve high standards, and a commitment to share best practices with other schools.

I am immensely proud of the men and women whose outstanding and tireless work in the interest of better education has now been recognized through the National Blue Ribbon Schools program. This is particularly close to my heart, because, as a former teacher and coach, and as a father, one of my passions is improving education so that every American can have a fighting chance to achieve the American dream.

And while these seven schools in my district have now been recognized as National Blue Ribbon Schools, the real winners are all of the children, parents, teachers and citizens who have all been challenged through this recognition to successfully improve education in all of their local communities.

PATRIOT ACT OF 2001

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mrs. MINK of Hawaii. Mr. Speaker, on September 11, 2001 our national tranquility was shattered by terrorists dedicated to violence at a scale we have not seen before. All of us watched in horror as airplanes were used as weapons of mass murder.

Following the attacks, the administration warned us that the terrorists operated within the United States. The Attorney General came to Congress and asked for broad powers to rout out the terrorists who may remain among us.

Fear has crept over our nation. Many Americans across the nation look with suspicion at their Muslim and Arab neighbors. People refuse to touch letters from far away countries. Passengers are denied access to planes because they have last names that sound Arabic. Mosques and businesses owned by Arab American have been attacked by vandals. Some Arab Americans have tragically lost their lives in acts of racial hatred.

As legislators, we need to ensure that any measure designed to strengthen federal investigative powers do not go too far. We must not let fear entice us to toss away the civil liberties that are the centerpiece of our democratic society.

I agree that America must pursue the villains who conspired to kill innocent Americans and to bring our country to a grinding halt. But we must not violate constitutional principles in our search for the conspirators.

The measures included in the USA Act go too far. We tossed away the bipartisan compromise painstakingly passed unanimously by the House Judiciary Committee. We were denied legislative due process. The Committee decision was trashed.

H.R. 2975 allows law enforcement agencies to wiretap and monitor Internet use whenever intelligence gathering constitutes a "significant purpose" of the surveillance. We should not expose citizens to invasions of privacy under vague phrases such as "significant purpose."

The bill H.R. 2975 does not include adequate safeguards to prevent the government from monitoring the communications of innocent people. Citizens may be monitored simply by using a pay phone frequented by terrorists.

People may have the shadow of suspicion cast over them by calling a suspected terrorist. Guilt by association will take us back to the dark days of the baseless inflammatory accusations made by the House Un-American Activities Committee.

H.R. 2975 gives the Immigration and Naturalization Service unchecked ability to detain aliens for up to seven days without charges. If the Attorney General continues to detain an individual after seven days, the bill limits the suspect's ability to appeal their detention.

We do not need to expand existing powers the government has used to detain 698 people during its terrorist investigations. At least 165 people have been held for violating immigration laws and can be detained indefinitely if the government begins deportation proceedings. The government does not even need to prove that they are suspects. Many are detained merely because they are material witnesses.

The bill H.R. 2975 allows grand jury and other sensitive information to be shared with other agencies. It will allow law enforcement and intelligence agencies to share information without a court order. Absent judicial oversight, a key element that prevents significant abuses of power by our law enforcement agencies is removed.

Under H.R. 2975, the government will define "federal terrorism offense" as the intent to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct. This unclear definition may include groups such as Green Peace along with the terrorists.

These measures will take us back to the time when the FBI and CIA investigated citizens such as Martin Luther King and his associates simply because they were deemed a threat to the nation.

Does anyone want to live in a country where you must hide your thoughts and avoid associations for fear of becoming tainted as a terrorist sympathizer?

We must not allow the terrorists to scare us into destroying our cherished values and rights.

I urge my colleagues to listen to the voices of moderation and reason. Do not toss away our sacred civil liberties.

Vote "No" on H.R. 2975 to protect the constitutional principles that have protected the citizens of this nation for more than 200 years.

PATRIOT ACT OF 2001

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. DEGETTE. Mr. Speaker, I rise to vehemently oppose H.R. 3081, the Anti-Terrorism bill. In this time of national emergency, Congress must work to provide law enforcement with the necessary capabilities to fight terrorists in the 21st century. However, Congress must also remember that we are dealing with very precious civil liberties that we must not trample.

Today, Congress is considering greatly expanding the power of the federal government to access information and listen to the conversations of people in the United States. We are considering providing greater authority for law enforcement to tap phone lines, to track email and internet addresses, and to swap sensitive information. Issues with this magnitude require cautious consideration with ample time to ponder the consequences.

After careful deliberation, House Judiciary Committee on October 11, 2001 passed H.R. 2975, the "Provide Appropriate Tools Required to Implement and Obstruct Terrorism (PATRIOT) Act." In fact, the committee recognized the importance of the subject matter and the potential consequences of the bill and passed H.R. 2975 unanimously. This bill enjoyed broad bipartisan support from the Judiciary Committee and members of the full House.

However, in an end run around bipartisanship and the committee process, the House majority leadership brought a different and controversial bill to the floor without allowing time for committee consideration and without even giving Members time to figure out what the bill does. Actually, this new bill was being written at the same time that the House was supposed to be debating the bipartisan PATRIOT Act.

The new 187-page bill contained some very distressing provisions. Under current law, search warrants must include very specific information including what is to be searched, who must cooperate, and who is the target of the search. A provision in the new bill would allow federal investigators to obtain search warrants without specifically naming each person who is involved. Another provision would allow federal authorities to obtain information like credit card numbers and bank account numbers with a subpoena, not a court order, as is the case under current law. Also, many of the provisions that expand the government's search and surveillance powers would not allow Congress to review the new powers until 2006.

Yet, instead of bringing up a bipartisan bill that has worked its way through the committee process, the House Majority hastily brought a very large and complicated bill to the floor that could have serious consequences for the liberties of the American public. Congress must update its anti-terrorism laws for the 21st century, however, we must not sacrifice our civil liberties in a rush to vote on potentially dangerous legislation that has not been adequately reviewed by lawmakers.

HONORING THE 50TH ANNIVERSARY OF THE LITHUANIAN AMERICAN COMMUNITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 50th anniversary of the Lithuanian American Community, Inc. on this great day, the 12th of October, 2001.

The Lithuanian American Community celebrates Lithuanian heritage and provides educational, cultural, and social services to its membership. Founded in 1951, LAC, Inc. has kept Lithuanian heritage and religious traditions alive in America through its network of Lithuanian Heritage and Language Schools, which provide classes to Lithuanian Americans of all ages.

In the United States today, there are approximately 800,000 people of Lithuanian descent. LAC, Inc. offers a variety of services to Lithuanian Americans. The Human Services Council of the Lithuanian American Community provides legal aid, medical assistance, and other services to Lithuanian Americans across the country.

This organization educates the general public about Lithuanian heritage and seeks to spread their rich culture. The Lithuanian American Community sponsors events such as folk dances, art and science symposiums, and theater festivals.

The Lithuanian American Community has long remained focused on sharing their cultural history through events open to the public, and educating other citizens of their rich and deep culture. They have done an excellent job of supporting cultural interaction between the United States and Lithuania.

Mr. Speaker, please join me in recognizing the 50th anniversary of the Lithuanian American Community, a great organization that has provided support for Lithuanian Americans, and enriched Cleveland with the contribution of their culture and heritage.

TRIBUTE TO HON. ROBERT A. CONTIGUGLIA

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to a man who has dedicated his life to serving our nation, the 25th District of New York, Cayuga County, and the city of Auburn. From the day he enlisted in the U.S. Army, until today, as he steps down as Judge of Cayuga County Surrogate Court, he has exemplified nothing but dedication to our country and local community. I am honored to congratulate and thank the Honorable Robert A. Contiguglia for his ongoing support and devotion to our community.

Throughout his distinguished career, Judge Contiguglia has embraced several leadership roles with spirit and loyalty. He has served as Chairman of the city of Auburn Zoning Board, Cayuga County Supervisor, Chairman of Cayuga County Legislature, Assistant United States Attorney for the Northern District of New York, and Assistant Attorney General for the State of New York. He has been an attorney for 45 years and practiced law with his father Anthony J. and brother Louis.

Today we celebrate Judge Contiguglia's lifetime of achievements to express our gratitude for his 23 years of service on the Cayuga County Surrogate Court bench. On behalf of the people of the 25th District of New York, I am honored to congratulate Judge Contiguglia for his well-deserved retirement from public life, and thank him for his years of service to Central New York. We wish him and his family the very best.

THE MENTAL HEALTH COMMUNITY PARTNERSHIP ACT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Ms. WOOLSEY. Mr. Speaker, Sonoma County, which I represent, as well as Stanislaus County in California, currently face a potential crisis in their mental health communities. In order for these County staffed inpatient psychiatric units to keep their Medicare provider status, under last year's HCFA rule, the hospitals would have to take over employment of County health care workers who currently provide the psychiatric care. Today I am introducing legislation that will enable the hospitals to keep their Medicare provider status while allowing the health care workers to remain County employees. This is an avenue the counties and hospitals currently don't have under the HCFA rules. Under my bill, everyone wins: County employees keep their job status, the hospitals retain their Medicare provider status, and Medicare patients will continue to receive the high quality treatment that they deserve.

This predicament began when the agency formerly known as the Health Care Financing Administration (HCFA) issued the Provider-Based Rules (PBR) as part of the "Outpatient Prospective Payment System" final rule last year. The regulations were issued in an attempt to curb abuses and manipulation in the Medicare reimbursement system. However, it created an unintended consequence for my constituents.

The concept behind the PBR was to regulate hospital acquisitions of off-site physicians' offices to ensure these outpatient sites were sufficiently integrated with a hospital in order to receive the higher cost-based reimbursement available only to hospitals. HCFA's rule also stated that this applied to inpatient services. In effect, the PBR prohibits management companies from employing the health care workers who provide the care at its inpatient hospital units. While this may seem reasonable on the surface, this employment requirement presents a serious problem that HCFA did not intend when it issued the PBR. In the case of Sonoma and Stanislaus counties, the counties employ both the management staff and the health care workers at local Sutter hospitals' inpatient psychiatric units. In my district, Sonoma County currently manages and employs the staff at the former Oakerest psychiatric unit (now the "Norton Center") through a contract with Sutter Medical Center of Santa Rosa. Preserving this management contract arrangement between Sutter and the County is critical because current County health care workers have the necessary expertise to deliver this specialized type of care to patients. My bill will allow this type of public-private management contract arrangement to continue without threatening a hospital's Medicare provider status.

In accordance with the PBR, the Norton Center can meet the seven requirements that demonstrate it is an integrated part of the Hospital. However, it cannot meet HCFA's additional requirements for entities operating through management contracts. Unless it can comply with all the regulations, the Norton Center will not receive any reimbursement under the Medicare and Medicaid programs. If the Norton Center has to forfeit its role as a Medicare and Medicaid provider, it may have to stop providing services altogether since it serves a high percentage of Medicare and Medicaid beneficiaries. HCFA's recommendation is that entities in violation of the management contract requirements just employ the County health care workers directly. This is not a realistic remedy for Sonoma County because it would result in the termination of approximately 60 County employees. That's why I am pleased to offer the "Mental Health Community Partnership Act," because I agree that the regulations were never intended to eliminate this form of public-private management contract arrangements or threaten access to essential health care services. Specifically, this bill allows a hospital to contract with a public entity to provide inpatient psychiatric services, if the health facility is operated or managed by a state or local government. It's a win-win for everyone because it preserves the rule's original goal to curb Medicare abuse, the Norton Center will keep its Medicare provider status, County workers will keep their job status, and Medicare and Medicaid patients will continue to enjoy access to inpatient psychiatric services. Congress should take this opportunity to protect quality jobs and provide access to comprehensive health care for our most needy.

HONORING JERRY POOLE ON HIS RECEPTION OF THE DOROTHY RICHARDSON AWARD FOR RESIDENT LEADERSHIP

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to an outstanding member of the New Haven, Connecticut community and my dear friend, Jerry Poole. Jerry was recently honored here in Washington by the Neighborhood Reinvestment Corporation with the Dorothy Richardson Award for Resident Leadership.

Dorothy Richardson emerged as a community resident leader in the mid-1960s in response to an urban renewal effort that threatened her neighborhood. Her diligent work with lenders city officials, foundation heads, community organizers, and her neighbors served as the vehicle to improve her neighborhood's housing stock. She later founded the first Neighborhood Housing Service in Pittsburgh and served as a model for the development of NHS partnerships across the nation. Each year the Neighborhood Reinvestment Corporation honors individuals who reflect the character and spirit of Dorothy Richardson. Jerry is one of only nine selected from thousands of volunteers in the 1,800 communities across the country served by the NeighborWorks network of nonprofit organizations for this prestigious national recognition.

Jerry has been the Executive Director of New Haven's Opportunities Industrialization Centers of America for the last fifteen years. He has dedicated his professional career to ensuring that the unemployed find work. His incredible dedication has opened up employment opportunities for thousands throughout Greater New Haven. In addition to his professional career, Jerry has spent innumerable hours working with his neighbors and community leaders to change the face of the West River neighborhood—giving residents a renewed sense of pride and hope in this community.

A dynamic neighborhood leader, Jerry's vision and tenacity has not only made a real difference in the West River Neighborhood but across the State of Connecticut. It was only eight short years ago that he joined the West River Neighborhood Association, a group of residents dedicated to improving their community. When they first started, the Association was a group of neighbors who met regularly at each others homes and never had much more than one hundred dollars in their checking account. Based on Jerry's simple belief that residents should give ten percent of their time to their neighbors, the group developed a strategic plan that is now coming to fruition. Under his leadership, the West River Neighborhood Association focused their attention on an ambitious plan. Partnering with the City of New Haven and the Mutual Housing Association of Southern Connecticut, the group worked hard on plans for the West River Memorial Park and to rehabilitate housing along George Street—a section of their neighborhood that had lacked attention for years. I had the opportunity to work closely with Jerry and his group to bring federal funding to the West River Memorial Park project and earlier this year, the West River neighborhood Association joined Mutual housing in breaking ground on a $1.3 million rehabilitation project on blighted properties.

The commitment and dedication Jerry has shown to our community and to the State of Connecticut is unquestionable. His advocacy and strong voice have gone a long way in enriching the lives of his neighbors and their families. I am honored to stand today to join with his wife, Joyce, daughter, Summerleigh, family, friends, and the New Haven community in congratulating Jerry Poole on this very special occasion.

HONORING KAREN MATHEWS' RETIREMENT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. CONDIT. Mr. Speaker, I rise today to honor Karen Mathews on the occasion of her retirement.

First elected Stanislaus County Clerk-Recorder in 1990, her retirement on September 30, 2001, capped a 17-year career of dedicated public service. Perhaps most compelling is the price she paid for that public service.

In 1994, tax protesters assaulted Karen in her home because of her refusal to file fraudulent tax liens against local officials. Earlier, she had been subjected to repeated threats of violence but not once, for one moment, did she succumb to these threats.

Nine people were subsequently indicted by a federal grand jury, tried, and on May 1, 1997, convicted of conspiracy and obstruction of the Internal Revenue Service, assault on an elected official and federal racketeering. This trial signified the first prosecution of a sexual assault on an elected official by an anti-government splinter group. Sentencing ranged from six months in-home detainment, to approximately seven years in federal prison. On November 10, 1997, Roger Steiner, the assailant, was convicted and sentenced to 21 years, 10 months in federal prison.

Karen is the chairwoman of a special committee formed by the California State Recorder's Association to develop legislation to protect recorders dealing with threatening anti-government criminal extremists. Karen was instrumental in the passage of legislation, resulting in two California laws; one to protect public officials from general threats and harassment; and the other to expedite court resolution of frivolous documents.

She has testified twice before congressional committees regarding domestic terrorism. She is now working to pass federal legislation protecting victims from frivolous lawsuits brought by inmates. Over the past three years she has been featured on NBC Dateline, periodicals such as People, The New York Times, Klanwatch, and a soon to be published article in The Ladies Home Journal. With this exposure, she hopes to help educate America on the danger and cowardice of anti-government extremists.

I want to commend and recognize Karen Mathews for her courage and outstanding service and dedication to the citizens of Stanislaus County. It is a privilege to call her my friend and I ask my colleagues to rise and join me in honoring her as she retires from public life.

HISPANIC HERITAGE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. RANGEL. Mr. Speaker, I rise today to emphasize the importance of Hispanic Heritage Month, September 15th–October 15th. A culture that began over 500 years ago as a fusion between Spanish and indigenous societies across the Americas, the Hispanic community has helped forge our Nation's identity and today the Latino population is the largest minority group in the United States. The Hispanic community enriches the ethnic diversity that makes our Nation unique, contributing greatly to the cultural, artistic, economic and political life of this country.

Like many other immigrants who came to this country in pursuit of the American dream, Hispanics have struggled to overcome adversity, fighting stereotypes and discrimination. This battle has not been easy and I salute all those that have worked to advance the prosperity of our Latino population. While this fight is far from over, we can see the results of our efforts throughout the Country, beginning with our Congress. Today, I am joined by a constantly growing number of Hispanic colleagues, each with a strong work ethic and committed to public service and the preservation of our democracy.

At home in New York City, I am proud to represent a district that reflects a cultural mosaic of Hispanic groups such as people of Puerto Rican, Dominican, Mexican and Cuban heritage. The influence of Latin culture is seen throughout the streets of Upper Manhattan from Washington Heights to El Barrio. It is an essential part of the cultural Mecca that defines the 15th congressional district and I am honored to speak for one of the Nation's most distinct groups.

More than our fellow citizens, Latinos are our brothers and sisters. I would like to honor and thank the entire Hispanic community its contributions to the past, present, and future of the United States.

IN HONOR OF THE 150TH ANNIVERSARY OF THE PARISH CHURCH OF OUR LADY OF GRACE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and celebrate the 150th Anniversary of Our Lady of Grace Church. This church has served the community of Hoboken, New Jersey for many generations. The church will celebrate its anniversary on Saturday, October 20, 2001, at the Casino-In-The-Park Restaurant in Jersey City, New Jersey.

Our Lady of Grace Church is one of the largest Roman Catholic Churches in New Jersey. It was founded in 1851. Today, Our Lady of Grace Church stands as the focal point of Hoboken's Church Square Park. Its cornerstone was laid in 1875, construction of this grand edifice was completed in 1878 and dedicated by Bishop Corrigan.

Francis G. Himpler, a well-known 19th Century architect, designed this grand gothic structure. After the church dedication in 1878, members of the Italian and French royal families donated ceremonial works of art to decorate this magnificent dwelling.

This Church is well known for its kindness, charity, and for its involvement in the parish. Our Lady of Grace Church stands poised to continue to make invaluable contributions to the ongoing success of the Hoboken community.

Today, I ask my colleagues to join me in honoring Our Lady of Grace Church on its 150th Anniversary.

REMARKS OF SECRETARY OF DEFENSE DONALD RUMSFELD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. SKELTON. Mr. Speaker, I am proud to share with the Members of the House the excellent remarks of Secretary of Defense Donald H. Rumsfeld yesterday at the Memorial Service in Remembrance of Those Lost on September 11th. The fine statement is set forth as follows:

We are gathered here because of what happened here on September 11th. Events that bring to mind tragedy—but also our gratitude to those who came to assist that day and afterwards, those we saw at the Pentagon site everyday—the guards, police, fire and rescue workers, the Defense Protective service, hospitals, Red Cross, family center professionals and volunteers and many others.

And yet our reason for being here today is something else.

We are gathered here to remember, to console and to pray.

To remember comrades and colleagues, friends and family members—those lost to us on Sept. 11th.

We remember them as heroes. And we are right to do so. They died because—in words of justification offered by their attackers—they were Americans. They died, then, because of how they lived—as free men and women, proud of their freedom, proud of their country and proud of their country's cause—the cause of human freedom.

And they died for another reason—the simple fact they worked here in this building—the Pentagon.

It is seen as a place of power, the locus of command for what has been called the greatest accumulation of military might in history. And yet a might used far differently than the long course of history has usually known.

In the last century, this building existed to oppose two totalitarian regimes that sought to oppress and to rule other nations. And it is no exaggeration of historical judgment to say that without this building, and those who worked here, those two regimes would not have been stopped or thwarted in their oppression of countless millions.

But just as those regimes sought to rule and oppress, others in this century seek to do the same by corrupting a noble religion. Our President has been right to see the similarity—and to say that the fault, the evil is the same. It is the will to power, the urge to dominion over others, to the point of oppressing them, even to taking thousands of innocent lives—or more. And that this oppression makes the terrorist a believer—not in the theology of God, but the theology of self—and in the whispered words of temptation: "Ye shall be as Gods."

In targeting this place, then, and those who worked here, the attackers, the evildoers correctly sensed that the opposite of all they were, and stood for, resided here.

Those who worked here—those who on Sept. 11 died here—whether civilians or in uniform,—side by side they sought not to rule, but to serve. They sought not to oppress, but to liberate. They worked not to take lives, but to protect them. And they tried not to preempt God, but see to it His creatures lived as He intended—in the light and dignity of human freedom.

Our first task then is to remember the fallen as they were—as they would have wanted to be remembered—living in freedom, blessed by it, proud of it and willing—like so many others before them, and like so many today, to die for it.

And to remember them as believers in the heroic ideal for which this nation stands and for which this building exists—the ideal of service to country and to others.

Beyond all this, their deaths remind us of a new kind of evil, the evil of a threat and menace to which this nation and the world has now fully awakened, because of them.

In causing this awakening, then, the terrorists have assured their own destruction. And those we mourn today, have, in the moment of their death, assured their own triumph over hate and fear. For out of this act of terror—and the awakening it brings—here and across the globe—will surely come a victory over terrorism. A victory that one day may save millions from the harm of weapons of mass destruction. And this victory—their victory—we pledge today.

But if we gather here to remember them—we are also here to console those who shared their lives, those who loved them. And yet, the irony is that those whom we have come to console have given us the best of all consolations, by reminding us not only of the meaning of the deaths, but of the lives of their loved ones.

"He was a hero long before the eleventh of September," said a friend of one of those we have lost—"a hero every single day, a hero to his family, to his friends and to his professional peers."

A veteran of the Gulf War—hardworking, who showed up at the Pentagon at 3:30 in the morning, and then headed home in the afternoon to be with his children—all of whom he loved dearly, but one of whom he gave very special care, because she needs very special care and love.

About him and those who served with him, his wife said: "It's not just when a plane hits their building. They are heroes every day."

"Heroes every day." We are here to affirm that. And to do this on behalf of America.

And also to say to those who mourn, who have lost loved ones: Know that the heart of America is here today, and that it speaks to each one of you words of sympathy, consolation, compassion and love. All the love that the heart of America—and a great heart it is—can muster.

Watching and listening today, Americans everywhere are saying: I wish I could be there to tell them how sorry we are, how much we grieve for them. And to tell them too, how thankful we are for those they loved, and that we will remember them, and recall always the meaning of their deaths and their lives.

A Marine chaplain, in trying to explain why there could be no human explanation for a tragedy such as this, said once: "You would think it would break the heart of God."

We stand today in the midst of tragedy—the mystery of tragedy. Yet a mystery that is part of that larger awe and wonder that causes us to bow our heads in faith and say of those we mourn, those we have lost, the words of scripture: "Lord now let Thy servants go in peace, Thy word has been fulfilled."

To the families and friends of our fallen colleagues and comrades we extend today our deepest sympathy and condolences—and those of the American people.

We pray that God will give some share of the peace that now belongs to those we lost, to those who knew and loved them in this life.

But as we grieve together we are also thankful—thankful for their lives, thankful for the time we had with them. And proud too—as proud as they were—that they lived their lives as Americans.

We are mindful too—and resolute that their deaths, like their lives, shall have meaning. And that the birthright of human freedom—a birthright that was theirs as Americans and for which they died—will always be ours and our children's. And through our efforts and example, one day, the birthright of every man, woman, and child on earth.

CONGRATULATIONS TO AZERBAIJAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. BURTON of Indiana. Mr. Speaker, I would like to present my most sincere congratulations to President Aliyev on the occasion of the 10th anniversary of the restoration of Azerbaijan's independence. The past several years have proven your nation's commitment to democracy, and I encourage you to continue your efforts aimed at strengthening Azerbaijan's independence, territorial integrity, and sovereignty. We, in the U.S. Congress, appreciate Azerbaijan's friendship and support, especially in these times of the international campaign against terrorism. Please, accept, Mr. President, my best wishes to yourself and the Azerbaijani people on this anniversary.

RURAL EXEMPTION ENHANCEMENT ACT OF 2001

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce the "Rural Exemption Enhancement Act of 2001" (REEA). This modest proposal would ensure greater regulatory certainty for many of our nation's rural telephone companies as they continue their efforts to bring quality and affordable advanced telecommunications services to our communities. I am pleased that this legislation has been endorsed by the Organization for the Promotion and Advancement of Small Telecommunications Companies as well as Sierra Telephone Company in my home district.

More than five years ago, Congress passed comprehensive legislation to reform our nation's telecommunications laws—the Telecommunications Act of 1996. In crafting this legislation, Congress wisely included provisions which exempt rural telephone companies from the collocation, unbundling and resale obligations imposed upon incumbent local exchange carriers. Congress understood that these obligations would not serve the best interests of rural consumers and would deter investment in high-cost areas that are already challenging to serve due to a lack of economies of scale.

Mr. Speaker, it is important to note that the rural exemption accorded to rural telephone companies is not permanent and can be lifted by a State commission. Under section 251(f) of the Telecommunications Act, a new entrant may make a bona fide request to a State commission to lift a rural ILEC's exemption. Following a 120 day evaluation of the request, a State commission may lift the exemption if the request from the competing carrier is not found to be unduly economically burdensome, is technically feasible, and is consistent with the universal service provisions of the Act.

I am very concerned, however, that the lifting of a rural telephone company exemption by a State commission currently applies to both voice grade and advanced services. The current process for evaluating a petition to lift a rural exemption provides disincentive for small, rural carriers to make costly investment in advanced telecommunications service infrastructure. For these reasons, I am introducing the "Rural Exemption Enhancement Act.

My legislation should not in any way be interpreted to be a competing proposal to H.R. 1542, the "Internet Freedom and Broadband Deployment Act of 2001" passed by the House Energy and Commerce Committee. I am proud to be a cosponsor and active supporter of that proposal. The bill that I am introducing today would simply make it clear that a request to lift the voice grade exemption should be made and evaluated separately from the advanced services exemption.

Mr. Speaker, this Congress and the President will spend the remainder of this session developing legislation that is vital to our nation's economy and national security. I look forward to working with my colleagues to move this legislation forward next year before the 107th Congress adjourns sine die.

IN HONOR OF CELIA CRUZ, RECIPIENT OF THE JAMES SMITHSON BICENTENNIAL MEDAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and pay tribute to musical legend Celia Cruz. On Tuesday, October 16, 2001, Ms. Cruz will be awarded the James Smithson Bicentennial Medal for her distinguished musical career and invaluable contributions to our nation's cultural heritage. The award ceremony will take place at the Smithsonian Institution in Washington, DC.

Celia Cruz was born and raised in the Santa Suárez neighborhood of Havana, Cuba. As a young girl, she spent much of her spare time entertaining her peers, friends, and neighbors by singing lullabies and melodies. In the 1940's, she officially began her musical career by singing on numerous Cuban radio programs. She expanded her musical aptitude by studying at Havana's Conservatory of Music from 1947 to 1950.

In 1950, Celia Cruz gained international acclaim by becoming the lead singer for Cuba's top dance band, La Sonora Matancera. For over fifteen years, La Sonora Matancera electrified sold-out audiences with their vibrant and catchy Afro-Cuban melodies and rhythms.

Throughout much of her career, Celia Cruz has been hailed as the "Queen of Salsa" due to herr energetic and animated musical performances. Cruz, a Grammy Award winner and Latina musical icon, has enjoyed a dynamic career that has spanned over five decades, recorded countless albums, and has often performed with musical great Tito Puente.

Today, I ask my colleagues to join me in honoring Celia Cruz, for her immeasurable contributions throughout her illustrious career. The James Smithson, Bicentennial Medal could not have been awarded to a more deserving human being—Celia Cruz, a living legend, who continues to inspire the world.

THE INTRODUCTION OF THE FAIR TAX TREATMENT FOR INSURANCE AGENTS' TERMINATION PAYMENTS ACT OF 2001

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in order to introduce a small business tax relief measure that will assist thousands of insurance agents throughout this country as they prepare for retirement.

Many exclusive insurance agents who leave or retire from their jobs receive what is known as a "termination payment" under a contractual agreement with their respective insurance companies. These payments are paid for intangible assets, including the agent's "book of business" and goodwill, and are usually spread out over a series of years.

Currently, there is confusion about the tax treatment of these termination payments, which has caused some IRS field agents to question the capital gains treatment of these payments. My bill, the "Fair Tax Treatment for Insurance Agents" Termination Payments Act of 2000," will make it clear that these termination payments are for the sale or other disposition of intangible capital assets and therefore should be subject to capital gains treatment. A clarification of current law is needed to ensure the correct result and prevent unknowing IRS agents from subjecting innocent insurance agents around the country to attack and audit on an Issue that has no basis for controversy.

I urge my colleagues to support my bill and work with me to clarify the law to ensure that insurance agent "termination payments" are subject to capital gains treatment for Federal income tax purposes.

PERSONAL EXPLANATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. MCHUGH. Mr. Speaker, I was called away from Washington on the evening of October 11th to attend to an ill family member. Due to my absence that evening and on Friday, October 12, I missed votes on the floor of the House of Representatives, including the vote on H.R. 2975, the Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act. Had I been present, I would have voted in support of the legislation and its worthy objective of providing law enforcement officials with additional tools to detect, apprehend, and prosecute terrorists.

The horrific events of September 11th have demonstrated that more needs to be done to protect Americans from terrorism. At the same time, my colleagues and I are quite cognizant of our responsibilities in safeguarding the fundamental constitutional rights of the American people. The PATRIOT Act recognizes these concerns and strikes a balance between security enhancements and tools for law enforcement and civil liberties.

TRIBUTE TO MAJOR GENERAL JOHN D. HAVENS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to General John Havens, who recently retired as the Adjutant General of the Missouri National Guard. He has distinguished himself, the Missouri National Guard, and our nation with dedicated service.

General Havens began his military career as an ROTC cadet at the Missouri School of Mines, now the University of Missouri-Rolla. Upon graduation, he was commissioned as a Second Lieutenant and attended the Army's engineer school at Fort Belvoir, Virginia. Next, General Havens served as a Platoon Leader and Engineer Supply Officer in France and Assistant S4 at Fort Ord, California. General Havens was then released from active duty in 1963.

General Havens' distinguished career with the Missouri National Guard began in 1963 as a Platoon Leader in Rolla, Missouri. He held the same position in Fredericktown, Missouri, and Salem, Missouri, before serving as a Maintenance Officer at Jefferson Barracks, Missouri. General Havens continued to serve at Jefferson Barracks for 11 years, serving as Assistant Operations Officer, Construction Engineer, Engineer Plans Officer, and Facility Engineer. The next position General Havens held was Chief Facility Engineer at Nevada, Missouri, and was then promoted to Commander, Camp Clark Training Site in Nevada. General Havens then served as Director of Facilities at the Missouri National Guard Headquarters.

In July of 1993, General Havens was appointed Assistant Adjutant General, Army, of the Missouri National Guard. He served in this position until 1997 when he was appointed, by Governor Mel Carnahan, Adjutant General of the Missouri National Guard. As the Adjutant General, he was responsible to the Governor for the command and control of 10,000 Missouri Army and Air National Guard personnel. He was also responsible to the Governor for the State Emergency Management Agency and the Civil Air Patrol.

Mr. Speaker, General Havens has had an impressive career in the military. As he prepares for this next stage in his life, I am certain that my colleagues will join me in wishing General Havens all the best. We thank him for his 40 years of service to the United States of America.

INDIA FIRING ON KASHMIR OPPORTUNITY TO BRING FREEDOM TO SOUTH ASIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. TOWNS. Mr. Speaker, last year when former President Clinton visited India, 35 Sikhs were massacred in the village of Chithisinghpora. Two independent investigations have shown that the Indian government carried out this massacre. Now Secretary of State Powell is visiting India and Indian troops are firing on Kashmir. I can't help but wonder why the sudden outbreak. It seems odd these incidents occur when American officials visit the country.

Mr. Speaker, this could be an opportunity for the people and nations seeking freedom in South Asia. The Council of Khalistan has put out an open letter saying that now is the ideal time for the people of Kashmir, Khalistan, Nagaland, and the other minority nations of South Asia to claim their freedom.

Clearly, India is taking advantage of the U.S. war on terrorism to advance its own hegemonic agenda. The fact that Sikhs, Kashmiri Muslims, and other minorities are going to be casualties of this strategy is apparently of no importance to them. It's just another opportunity to take down their enemy, Pakistan, which has been an active supporter and participant in the U.S. antiterrorist coalition.

America was founded on the idea of freedom. It is that freedom that the terrorists are trying to destroy. One of the best ways to fight the terrorists is to help spread freedom to new corners of the world.

Mr. Speaker, the time has come to cut off U.S. aid to India in light of its human-rights abuses and its opportunistic use of the antiterrorist effort to promote its narrow interest. It is also time to put the U.S. Congress on record in support of the freedom movements around South Asia in the form of a free and fair plebiscite on their political status. These measures will help spread freedom and undermine the efforts of the terrorists to destroy our principles.

Mr. Speaker, I would like to place the Council of Khalistan's open letter on the Indian attack on Kashmir into the RECORD for the information of my colleagues.

INDIAN ATTACK ON KASHMIR PROVIDES OPPORTUNITY FOR FREEDOM; INDIA IS NOT ONE NATION

Taking advantage of the U.S. war on terrorism to advance its own agenda, India has begun shelling Azad (Free) Kashmir. This action brings the war over Kashmir out into the open just as Secretary of State Colin Powell is arriving in South Asia. Unfortunately, there will undoubtedly be casualties, and most of them will be Kashmiris, Sikhs, and other minorities. The only party that benefits from this is the Indian government, which has murdered over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, more than 75,000 Kashmiri Muslims since 1988, and tens of thousands of Dalits (dark-skinned "Untouchables," the aboriginal people of South Asia), Tamils, Bodos, Assamese, Manipuris, and others.

This act by India shows who America's real allies are, and which country is the real supporter of terrorism. Once again, India is claiming that it is going after terrorism, despite India's own record of terrorism.

In November 1994, the Indian newspaper Hitavada reported that the Indian government paid the late governor of Punjab, Surendra Nath, approximately $1.5 billion to organize and support covert state terrorism in Punjab Khalistan, and in Kashmir. The book Soft Target, written by journalists from the Toronto Star and the Toronto Globe and Mail, shows that the Indian government blew up its own airliner in 1985, killing 329 innocent people. According to India Today, the Indian government created the Liberation Tigers of Tamil Eelam (LTTE) and put up LTTE leaders in New Delhi's finest hotel. The LTTE were created to stop a U.S. broadcast tower in Sri Lanka. Then the Indian government turned on the LTTE because the LTTE seeks an independent country for Tamils.

The Indian government sentenced Devinder Singh Bhullar to death because he advocated Khalistan, yet Ribeiro, Ray, K.P.S. Gill, Swaran Singh Ghotna, and the other police and political officials who committed genocide against the Sikhs are not punished. In June a train carrying Sikh religious pilgrims was attacked by militant Hindu fundamentalists. On May 27, several Indian soldiers were caught red-handed trying to set fire to a Gurdwara and some Sikh homes in Kashmir. Sikh and Muslim residents of the village overwhelmed the troops and stopped them from carrying out this atrocity.

A report issued in April by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA). These Sikh political prisoners must be released immediately. These prisoners continue to be held under TADA even though it expired in 1995. Persons arrested under TADA are routinely re-arrested upon their release. Cases were routinely registered against Sikh activists under TADA in states other than Punjab to give the police an excuse to continue holding them. The MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" As General Narinder Singh has said, "Punjab is a police state." U.S. Congressman Dana Rohrabacher has said that for minorities like the Sikhs, the Muslims of Kashmir, and others, "India might as well be Nazi Germany."

It is not just Sikhs who are being targeted by Indian terrorism. In 1997, a Christian religious festival was broken up by police gunfire. Since Christmas 1998, Christians have been subjected to a reign of terror which has seen the murder of priests, the rape of nuns, the burning of churches, attacks on Christian schools and prayer halls, and other incidents carried out by supporters of the pro-Fascist Rashtriya Swayamsewak Sangh (RSS), the parent organization of the ruling BJP, which was formed in support of the Nazis. RSS activists also burned missionary Graham Staines and his two young sons, ages 8 and 10, to death while they slept in their jeeps. The killers gathered around the jeep chanting "Victory to Hannuman," a Hindu god. Prime Minister Atal Behari Vajpayee told an audience in New York last year, "I will always be a Swayamsewak."

India is also anti-American. According to the May 18, 1999 issue of the Indian Express, the Indian Defense Minister met with the Ambassadors from terrorist countries' Iraq, Libya, and Cuba, as well as Red China, Russia, and Serbia, to set up a security alliance "to stop the U.S." India voted with the dictatorships to throw the United States off the UN Human Rights Commission. It votes against America at the United Nations more often than any country except Cuba. It voted to suppress a U.S.-sponsored resolution critical of China's human-rights violations. It was a strong Soviet ally.

This is an ideal opportunity to begin a Shantmai Morcha and form a Khalsa Raj party to achieve independence for Khalistan and to liberate the other countries seeking their freedom from Indian occupation. Remember the words of former Akal Takht Jathedar Professor Darshan Singh: "If a Sikh is not Khalistani, he is not a Sikh." Self-determination is the right of all people and nations.

Pro-Khalistan handbills were handed out at the Golden Temple on June 7 during the commemoration of Gallughara Divas and Sant Bhindranwale's martyrdom. Ajmer Singh Lakhowal, the head of the Bharat Kisan Union, has called for self-determination for the Sikhs. The flame of freedom bums bright in the hearts of the Sikhs.

When we liberate Khalistan, we will be more respected, appreciated, and understood by Americans and throughout the world. We must take this occasion to renew our commitment to free Khalistan. Every Sikh should put a bumper sticker on his or her car saying "INDIA FREE KHALISTAN." This sticker is available from this office.

In 1947, when India was divided, the cunning and deceitful Hindu leadership promised that Sikhs would have the glow of freedom in Punjab and that no law affecting Sikh rights would be passed without Sikh consent. As soon as the transfer of power had occurred and India was free, those promises were broken. Instead, India began its effort to wipe out the Sikh people, the Sikh Nation, and the Sikh religion.

Sikhs gave over 80 percent of the sacrifices to free India from the British. At that time, they were only 1.6 percent of the population. Sikhs are the ones who suffered the most after the freedom and partition of India. Fifty percent of the Sikh population had to migrate from the Pakistan side of Punjab to the Indian side of Punjab. Sikhs were prosperous farmers in West Punjab. They lost their fertile farming land. When they were allotted lands in Indian Punjab, everyone got a cut between 25 and 95 percent of their acreage.

In a free Khalistan, there will be economic prosperity. The Punjab farmers will be able to sell their produce at high prices in the international market and buy cheaper fertilizers, insecticides, and seeds. Farm produce will not lie in the market for weeks without buyers as it did during the sale of the rice crop last year.

We must have a full, free, and fair plebiscite on the status of Khalistan and we must launch a Shantmai Morcha to liberate our homeland. India is not one nation. It has 18 official languages. Let us take this opportunity to bring freedom to our homeland and all the countries of South Asia.

IN REMEMBRANCE OF ROGER HERNON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. TRAFICANT. Mr. Speaker, today, I was deeply saddened to hear of the passing of Roger Hernon.

Roger Hernon was a great American, and is to be commended for his accomplishments as the city of Warren Fire Chief and City Councilman. He leaves behind a wife, Norma; nine sons; 18 grandchildren; and two great-grandchildren.

Roger first began his firefighting career in May of 1960 when he was hired as a Warren firefighter. He was then promoted to fire chief in 1978. Roger was also a founding member of the Irish Heritage Society, where he earned the "Erin Go Bragh Irishman" of the Year Award in 1985. Not only did Roger serve his community as a Warren City Councilman-At-Large, but he also served his country in the Korean war where he was awarded the Purple Heart.

Roger Hernon will be sorely missed, and I extend my deepest sympathy to his family.

TRIBUTE TO JUSTICE JAMES H. BRICKLEY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. LEVIN. Mr. Speaker, yesterday a memorial service was held to honor and remember an exceptional distinguished citizen of our State of Michigan.

Jim Brickley life's work spanned all three branches of government. Early in his career, he served as a legislator on the Detroit Common Council. He served in the Executive Branch, in state government twice as Lieutenant Governor and much earlier in the FBI after he graduated law school in 1954. His legal career encompassed work in early years as an assistant prosecutor, later as a U.S. attorney and at the end of his public career as a Justice and Chief Justice of the Michigan Supreme Court.

The public careers of few individuals ever achieve such a broad scope. What is even more remarkable is the talent and integrity which Jim Brickley brought to each segment of his life's work. He also brought a decency and humanity into public life that reflected his numerous, diverse relationships in his private life cutting across all racial, religious and ethnic lines.

Michigan will miss Jim Brickley. He was an exceptional public servant. We send our deepest condolences to his wife Joyce Braithwaite and the entire family.

A TRIBUTE TO DR. RUTH GRUBER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mrs. LOWEY. Mr. Speaker, I rise in tribute to Dr. Ruth Gruber who recently celebrated her ninetieth birthday on September 30th, 2001. A courageous leader, devoted humanitarian, acclaimed journalist, and loving grandmother, Dr. Gruber's contribution to New York and our nation is immeasurable.

At the age of 20, Dr. Gruber became the youngest Ph.D. in the world. That, a remarkable achievement in and of itself, was only the first of many unprecedented accomplishments. In 1944, at the request of then Secretary of the Interior Harold Ickes, Dr. Gruber was sent on a top secret mission to escort 1,000 refugees from war-torn Europe to America. After safely arriving back in the United States, she immediately led the charge to ensure that the refugees be allowed to stay in the country permanently.

Dr. Gruber's talents as a journalist took her to all corners of the globe. She was the first foreign correspondent to enter the Soviet gulag, an experience which she chronicled in her book, I Went to the Soviet Arctic. She visited Korea and Vietnam to write They Came to Stay, a book about 10 Korean children who had been adopted by families in the United States. Through her many books and articles Dr. Gruber has been our eyes on the world. We are fortunate that she went to places she knew we needed to see and told such compelling stories.

In February, CBS will air Haven, a four hour documentary chronicling Dr. Gruber's exceptional life. At age ninety, she still has plans to write more books, although much of her time is spent with her precious grandchildren. It is my privilege to thank Dr. Gruber for all she has done for our society, and of course, to wish her a happy ninetieth birthday.

HONORING THELMA HERMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. McINNIS. Mr. Speaker, it brings me great pleasure to have the opportunity to congratulate Thelma Herman, who recently celebrated her 103rd birthday. It isn't often that one encounters a person with such longevity and, according to her friends at Belmont Senior Care, she is still going strong.

Thelma has spent much of her life living in Pueblo, Colorado. As a young adult, she worked as a telephone operator and at a pharmacy. She has outlived both of her siblings and has only one surviving relative. Thelma cannot quite nail down exactly why she has survived so long, but she has always been relatively healthy. Thelma has developed a wide variety of healthy habits throughout her life including drinking a glass of water with every meal, taking a walk each day, never snacking between meals and brushing her teeth several times per day. Her advice to young Americans today is to be a good citizen. Thelma has been a good role model and citizen who has voted nearly her entire life.

Mr. Speaker, it brings me great pleasure to congratulate Thelma for this phenomenal achievement. She is an exceptional individual and I wish her only the best and continued prosperity. Happy Birthday Thelma!

OPPRESSION OF AFGHAN WOMEN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. HILLIARD. Mr. Speaker, I rise today to express my distress over the oppression of Afghan women. These women, who only won their freedom for a few years in all of history, have been driven back into oppression by a brutal, violent and blindly ignorant regime. Forced by the Taliban out of the schools allowed by former ruler Nur Mohammed Taraki, women are now uneducated. Women cannot work, but can be forced to beg for bread.

Women are forbidden to sing or listen to music, and will be viciously beaten if seen in public with men who are not relatives. Women in today's Afghanistan cannot be treated by a male doctor., and will be killed if they are treated by one. The life expectancy of Afghan women is 43, almost half that of American women. This vicious oppression is not the will of God or of any decent man.

Women have been oppressed throughout the ages by every society on earth, but have gone a long way toward gaining freedom and dignity. Afghanistan's brutal rulers and their fundamentalist counterparts in other religions must not be allowed to destroy the lives, the futures, and the honor of women.

This Congress must support these desperate victims and any counterparts they have in any other part of the world. People of faith from every nation and every religion must unite to end all use of twisted religious rhetoric, to oppress any person. We must apply this principle to Afghanistan now, and to our own lives everyday.

TRIBUTE TO BOB LARSON, FOUNDER OF NORTHWOODS AIRLIFELINE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Michigan resident Bob Larson, a man who turned his own passion for flying into a non-profit, lifesaving organization that serves the Upper Peninsula of Michigan.

Bob is the prime mover behind Northwoods Airlifeline, an organization of pilots who volunteer their time and aircraft to help obtain medical assistance unavailable in Upper Michigan. Since Bob conceived the service in 1989, Northwoods Airlifeline has flown more than 1,100 missions—all free of charge, Mr. Speaker—to destinations all around the Midwest.

Northwoods Airlifeline fills a gap in critical services by transporting patients who may be financially distressed, who may be unable to travel by car or commercial transportation, or who for medical reasons may face severe time constraints.

The primary need of individuals served by Northwoods Airlifeline has been organ transplants, since there is no facility in Upper Michigan to perform this procedure. The service has also met the needs of chronically-ill people who cannot afford to fly or drive long distances, and it has transported medical patients who are beyond medical help to be with their loved ones.

Bob Larson, a native of Minneapolis, Minnesota, and a World War II Navy veteran, took flying lessons after he left the service and went to work in Chicago, where he bought his first plane in 1958.

But Bob, along with Ruth, his wife of 57 years, who is a registered nurse, eventually moved back to the North Woods, settling in the small town of Witch Lake in the Upper Peninsula of Michigan. The Larsons shared a dream of forming an air medical service to assist friends and neighbors in times of medical emergency.

From these two caring, giving, loving individuals Northwoods Airlifeline was born, and it is still coordinated by Bob today. The organization recruits volunteer pilots, operates a dispatching network to receive and fill requests for transportation, and conducts community education and fund raising programs for its services. There are no salaried personnel or rental expenses. Pilots and volunteers absorb fuel costs and other expenses, and all donations go toward the administrative costs of transporting those in need.

The high regard in which the service is held can be summed up in the comments of a man who was flown out of state for a surgical procedure, "Well, I have met some real-life angels, wings included," he said, "only their wings are attached to the airplanes they fly."

Bob Larson is being honored on Oct. 20 by Iron Mountain Chapter #44, Order of the Eastern Star, which has selected him as the 13th recipient of the annual Eastern Star Community Service Award. The purpose of the award is to recognize an individual, not affiliated with any Masonic or Masonic-related organization, who has shown unselfish dedication for the betterment of the community and the world in general.

Mr. Speaker, I encourage you and all our House colleagues to go on the World Wide Web at *www.northwoodsairlifeline.org* and read about the other men and women who make this vital service possible, and read the wonderful stories of the families that Northwoods Airlifeline has assisted.

We say that dreamers have their heads in the clouds, Mr. Speaker, but maybe it's up in the clouds, where Bob Larson spent so much time, that one gains the best perspective of the world and the place of each individual in it. So I ask you to join me in celebrating the accomplishments of two dreamers, Bob and Ruth Larson, and the wonderful volunteer organization they have brought into being.

ON INTRODUCTION OF THE TERRORIST RESPONSE TAX EXEMPTION ACT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. FORBES. Mr. Speaker, tonight, I rise with my colleague, Congressman VITO FOSSELLA of New York, to introduce the Terrorist Response Tax Exemption Act, which would provide our first responders with the tax benefits that they deserve for serving on the front lines of our war against terrorism.

As we speak, men and women are putting their lives at risk to fight terrorist threats both abroad and at home. For the American military personnel who are overseas, the federal government currently excludes from taxable income the salary they receive in any month they serve in a combat zone. This is a suitable recognition of the increased risk in which they place themselves to protect our freedoms and of the increased burdens on their families given that risk.

But, today, we know that the men and women who serve as fire, rescue, and police personnel can be just as much at risk. Terrorists have brought the frontlines into our communities, and it is these first responders that are first on the scene, first to assess the situation, and first to respond to the needs of the victims. As the World Trade Center attack has proven, they are just as much in jeopardy of losing their lives as the soldiers and sailors engaged overseas—perhaps even more so as our military technology advances. They and their families deserve the same tax benefits for serving in terrorist attack zones.

That is precisely what the Terrorist Response Tax Exemption Act does. It exempts from federal income the basic pay that a uniformed civilian employee earns for any month in which they serve the public in a terrorist attack zone. It provides well-deserved recognition of the hard and dangerous work that these individuals perform. The Senate companion bill, S. 1446, has already been endorsed by the Fraternal Order of Police, the International Association of Fire Chiefs, and other organizations that represent our public safety personnel.

It is not that we anticipate that this tax incentive will encourage this kind of heroic public service. In fact, we know for a fact that these men and women perform their duties out of a sense of honor and an overwhelming desire to help others in need. But, we should show them our gratitude with more than words of thanks. I encourage my colleagues to join us in cosponsoring this legislation.

HONORING THE LIFE OF ANTHONY T. CAPOZZOLO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor the life and memory of Anthony T. "Capps" Capozzolo, a man who always sought to brighten the horizons for others, especially through increasing educational opportunities.

Born at his father's dairy farm in Pueblo, Colorado, Capps learned what hard work was at a very early age. At one time, he sold newspapers while attending school and tending to the chores of his family's farm. Capps followed his heart, however, and proved to be a fantastic dancer. At the age of 18, Capps left Pueblo and joined his brother in California where he pursued his passion for dancing. It was here that he met his dance partner, Theresa Harmon, who would eventually become his wife. The couple performed in numerous reputable studios like Columbia Pictures and MGM. Capps and Theresa also worked to help raise money for charitable contributions.

Beyond his dancing performances, Capps served his community whenever he could. He was a charter member of the Assistance League in Palm Springs, California, the Desert Hospital Auxiliary and the Opera Guild of the Desert to name only a few. Upon the death of his wife Theresa, he founded a gallery of art at St. Martin's Abbey and College in Lacy, Washington. Furthermore, Capps became a generous donor to the performing arts at the University of Southern Colorado and funded a scholarship and various activities of the University. In August of 1998, his honorable service to others was recognized with the 1998 Pope John XXIII award offered by the Italian Catholic Federation, which recognizes community achievements, civic involvement and religious vitality.

Mr. Speaker, Anthony Capozzolo was an honorable man who will be remembered by many. At this time, I would like to acknowledge the outstanding contributions that Capps made and recognize his selfless acts of kindness. He truly was an example for others to emulate. I would like to extend my deepest sympathies to the Capozzolo family during this time of remembrance and I would like them to know that my thoughts and prayers are with them now and for years to come.

IN RECOGNITION OF THE ACCOMPLISHMENTS OF ONE EARTH ONE PEOPLE ON ITS 10TH ANNIVERSARY

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to recognize One Earth One People, an organization in Cincinnati, Ohio that will celebrate its 10th Anniversary on October 26, 2001.

One Earth One People was founded by Jane Church in October, 1990. Jane continues to serve as its president, and she has played a key role in making this innovative nonprofit environmental education organization such a success.

The vision of One Earth One People is to "network youth around the world via Interactive Telecommunications to prepare them to preserve their local and global environment." And, its mission is to work with all sectors and ethnic groups, "offering students hands-on educational experiences to increase their scientific knowledge, enhance their communication, leadership and other lifelong skills and attitudes to protect the environment through sharing, cooperation and cultural understanding."

Although One Earth One People is based in Cincinnati, its work can be seen throughout Ohio, across our nation and around the world. Some of its activities and accomplishments include: running 21 student workshops in local elementary, middle and high schools; publishing "The OEOP Newsletter," which is read by over 1,500 area teachers, students, community organizations and supporters; and attending several seminars and conferences held by Earth Day USA and the United Nations Environment Programme.

One Earth One People's work also includes the Youth Cloth Bag Project, which encourages consumers to use reusable cloth bags when they shop. Just this year, the Youth Cloth Bag Project was expanded so that schools that sell cloth bags can use the proceeds to help preserve wildlife habitats in Adams County, Ohio and in the Maya Mountain Marine Corridor in Belize.

I have enjoyed meeting with the participants involved in One Earth One People. It provides young people with valuable knowledge about the environment and how to work together as team players and communicators. It also offers hands-on experience in organizing, problem solving, decision making and other important life skills.

Mr. Speaker, One Earth One People has been an effective organization in the Cincinnati area. I hope my colleagues will join me in thanking its members for their dedication to our environment and in congratulating the organization on 10 years of community service.

PATRIOT ACT OF 2001

SPEECH OF

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KLECZKA. Mr. Speaker, on Friday, the House was scheduled to take up H.R. 2975, a bill to give law enforcement greater latitude in finding and combating terrorism. The version that was scheduled to come to the floor was the result of bipartisan negotiations between the Republicans and Democrats on the House Judiciary Committee. The Committee was careful in crafting this bill, since any effort to give law enforcement these greater investigatory powers has an impact on the civil liberties of all Americans.

However, Friday morning, the House Rules Committee reported a measure providing for debate of H.R. 2975 that inserted a substitute measure still warm from printing. With the exception of the Members of Congress directly involved in the substitute's drafting, the majority of the Members of the House had little idea what the 175 pages of this bill would do to our laws. It is crucial that our legislative branch of government has adequate time to scrutinize and debate legislation that could have a drastic effect on the privacy and civil rights of our people.

This bill would dramatically alter our existing wiretap laws under the Foreign Intelligence Surveillance Act (FISA). FISA sets the bar for obtaining a wiretap order to investigate foreign agents much lower than laws governing regular domestic criminal investigations. In the past, the courts have held that the Fourth Amendment's prohibition on unreasonable search and seizure protects our citizens from surveillance without probable cause, except in cases concerning foreign intelligence operations. Surveillance under FISA is granted by a secret court whose decisions and proceedings are not part of the public record, and those being wiretapped never know that such an order has been granted, and have no way to appeal the court's decision.

Presently, a wiretap under FISA can be obtained if the target is suspected of being an agent of a foreign power, without probable cause. The bill passed by the House would allow a person to be secretly wiretapped under the easier FISA rules as long as foreign intelligence is at least one component of the investigation. This means that Americans not suspected of being spies can now be placed under surveillance as if they are foreign agents, without the usual protections of the Fourth Amendment. So, without probable cause, the government would be able to secretly authorize wiretaps to trace the calls made to the person being monitored, as well as monitor their Internet activity. Although the bill says that the Internet surveillance is limited to the address visited but not the content, all a government agency has to do to capture content is to use the Internet address information gathered and visit the site in question.

Not only does this allow American intelligence agencies to spy on Americans, but the bill authorizes the sharing of information gathered with other federal agencies without judicial authorization. This means American intelligence agencies like the Central Intelligence Agency would be able to collect information from other agencies about the activities of our citizens. Also, under this bill's more relaxed rules, FISA can be used to authorize "black bag" searches, which would allow the government to secretly enter a person's home without their knowledge and remove or copy documents and other items.

Another troubling provision grants the authority to the secret court established by FISA to allow the Federal Bureau of Investigation to obtain individuals' financial and personal records without that person's consent or knowledge. Because this would be done under the relaxed requirements of FISA, the judge's order is sufficient to allow the FBI to obtain personal information without probable cause, yet another instance where the bill goes around the Fourth Amendment.

The bill the House was scheduled to consider would sunset most surveillance provisions in 2003, when Congress could review and then renew these changes if necessary. The bill that was actually taken up would sunset its surveillance provisions in 2004, and allow the President to further extend the sunset provisions by an additional two years, which would effectively be a five-year sunset provision.

It has been said that extraordinary times call for extraordinary measures. While this may be true, it is also true that our civil liberties are what sets America apart from other nations. Although the House-passed measure contained language to sunset some of the bill's provisions, I fear that once this line is crossed, we will never be able to go back. Without adequate discussion of this bill's merits and effects on our rights, I could not support this measure. I hope that the House-Senate conference committee will carefully consider the impact this legislation could have on our lives, and make corrections so that I can support the final version of this bill that we send to the President to become the law of the land.

INTEL ACHIEVES ENVIRONMENTAL SUCCESS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I am pleased to inform my colleagues that Intel New Mexico has become the first Excellence Award winner as part of my home state's Green Zia Environmental Excellence program. This is a significant achievement.

The Green Zia program was launched three years ago, but no business had ever been named an Excellence Award winner, which is the program's highest honor. For the past two years, Intel New Mexico had won the program's Achievement Award.

This award would not have been possible without the support of every employee of Intel New Mexico. Indeed, the company has a fully-integrated, prevention-based environmental management system in place throughout their site in New Mexico. Some of the company's major environmental achievements include: a water conservation rate of more than 50 percent; a recycling rate of 78 percent for solid waste with only 22 percent going to a landfill; and a 20 percent reduction in volatile organic compound emissions from last year.

The company also has strong environmental programs for employees, including commute reduction, recycling, and several volunteer programs in which employees directly contribute.

Mr. Speaker, Intel is one of the largest employers in my state, and I am pleased at the fine example they have set for other businesses. The crowning achievement of Intel New Mexico's efforts in environmental stewardship is proving that environmental protection is good business, that sound environmental practices are good for business, and that the environment is everyone's business.

HONORING THE LIFE OF RICHARD MIUCCIO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. McINNIS. Mr. Speaker, the vicious attack unleashed on our country on September 11, 2001 left tears in many American's eyes. Many people were victims in this tragedy and as the recovery efforts continue, many innocent citizens are being uncovered amidst the bricks and steel of the collapsed buildings. On that day, Richard Miuccio was killed at the hands of this terrible and malicious assault. I would like to take a moment to pay tribute and recognize the life of Richard.

Richard was born on May 23, 1946 and was raised on Staten Island in New York. This city served as his residence for his entire life. Thirty-four years ago he married his childhood sweetheart, Joyce Black, and they became the proud parents of three children—Owen, Laura and Thomas. Rich was employed for thirty-five years with the New York State Department of Taxation and Finance and served as the Auditor Supervisor in the last years of his employment. He served honorably in the United States Army and from 1967 to 1968 Rich served in active duty in the war in Vietnam.

St. Mary's Church on Staten Island always held a special place in Rich's heart and he was a member of the church for 20 years. Faith played an integral part for Richard and his family and they routinely attended services for solace. Richard was battling prostate cancer and his fight proved victorious. He credited much of this to his faith and his family.

Mr. Speaker, Rich will always be remembered as a man who had a quick smile and a gentle spirit. His passing leaves an emptiness in the lives of those who knew and loved him. Rich will always remain in our hearts and in our prayers. While the flag of our great nation flies high, the lives of those who were lost in this incident will never be forgotten. I would like to stand together with this body and offer our deepest sympathies to Richard's family at this time of remembrance. Our thoughts and prayers are with them.

HONORING THE LIFE OF HOUSTON FIRE DEPARTMENT CAPTAIN JAY JAHNKE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today in honor of the life of Houston Fire Department Captain Jay H. Jahnke. A 20-year veteran of the department, Jahnke, aged 40, died in the line of duty on the morning of Saturday, October 13, 2001.

Captain Jahnke and the three other fire fighters were attempting to help residents trapped by choking smoke and flames escape a fire that had broken out in a high-rise apartment building. After carrying over 100 pounds of equipment up five flights of stairs, in full gear including breathing apparatus, they found themselves trapped by the blaze. The crew sent in to rescue Capt. Jahnke and his men were also temporarily trapped by the fury and intensity of this fire before being rescued. While no other fire fighters were killed, several others were injured.

Due to the rapid response and quick action of the Houston Fire Department, only one resident died in this fire. Three fire fighters and 12 residents were hospitalized for smoke inhalation or burns. 300 residents were left homeless by this fierce blaze.

As the grandson and nephew of fire fighters myself, I am familiar with the Jahnke name. For many years, Jahnkes have served in the Houston Fire Department with distinction. Currently, over a dozen Jahnkes answer the call and lay their lives on the line as fire fighters. Numerous other fire fighters are part of the Jahnke extended family through marriage.

His father, Claude Jahnke, was a District Chief who died of a heart attack while training for the departmental Olympics. Three uncles, former District Chief Marvin "Roe" Jahnke, who died in 1991; retired Assistant Chief Eugene "Duke" Jahnke; and former District Chief in charge of cadet training, and namesake for the department's training center Val Jahnke, all protected our community for many years.

Jay Jahnke died doing his job, trying to protect and evacuate Houstonians whose lives were in danger. The words of his cousin, District Chief Steve Jahnke, say it best: "That early in the morning, you know there are people sleeping in. They had to get them out, so they took a calculated risk. That's what the job's about. We don't ever go in trying to commit suicide, but we do take calculated risks, and that's what Jay did. It's what all firemen do."

Jahnke is survived by his wife, Dawn; daughter, Jayne, 11; son, Hunter, 8; mother, Katherine; brother, Jeff; and sisters Karen and Mary Ann.

Mr. Speaker, across our nation every day, people like Capt. Jahnke put their lives on the line. Later this week, I plan to introduce legislation that would help not just the Houston Fire Department, but departments across America protect our lives and homes by providing Federal assistance for hiring additional fire fighters.

The SAFER Act of 2001, which would be modeled after the successful Community Oriented Policing Services (COPS), will provide direct funding in the form of grants to States or communities for the hiring of additional fire fighters. It will help fire departments meet industry minimum standards for staffing and enhance the ability of fire fighters to save lives, property, and effectively respond to emergencies.

We can never replace Houston Fire Captain Jay Jahnke, loving father and husband, skilled fire fighter, and loyal friend. It is my hope, though, that we can provide the residents of Houston with a greater level of fire protection, and prevent incidents like this one from happening in the future.

HONORING THE 10TH ANNIVERSARY OF ARMENIAN INDEPENDENCE

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. CANTOR. Mr. Speaker, recently, Armenia celebrated its 10th anniversary of independence from the Soviet Union. This anniversary reminds us of the strong bond that the people of the United States and Armenia share. As we grieve for the victims of the terrorist attacks on September 11, so do the Armenian people. The Armenian people have expressed their solidarity with the American people. Armenian President Robert Kocharian has offered rescue aid to help in the recovery efforts. Moreover, Armenia has joined with the United States and the world in the fight against terrorism.

Earlier this year in a House Resolution, I joined with the people of Armenia, the Armenian Church in America, and His Holiness Karekin II in celebrating the ideals and values they share with the people of the United States. These values are essential to the continued stability and economic prosperity in the region. In a letter to President Kocharian of Armenia, President George W. Bush echoed these ideals. President Bush states, "our countries continue to work together to achieve our common goal of establishing peace and stability and seeing Armenia prosper. Peace in this region will provide Armenia with great opportunities to ensure the economic prosperity and security of future generations."

Traces of Armenian heritage are evident in the United States and worldwide. Throughout the United States, and in my state of Virginia, there are multiple monuments, towns, and mountains celebrating Armenian heritage. One of Virginia's own search and rescue teams aided the Armenian people during the unfortunate earthquake of 1988.

The close bonds between Armenia and the United States are constantly being strengthened. I am confident that the people of Armenia and America will flourish together in the spirit of freedom and democracy.

COMMENDING DELTA AIRLINES

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Ms. McKINNEY. Mr. Speaker, I rise today to express my admiration to a Good Corporate Citizen. I would like to call attention to the thoughtful actions being performed by Delta Airlines in response to the attacks of September 11, 2001.

The airline industry in this country has suffered a catastrophe with the events of September 11, along with the rest of the country. However the tragedy was not a license to treat people poorly. Other airlines ejected passengers from their seats because fellow passengers were scared to fly with people of Middle Eastern descent. While others committed vicious acts like these, Delta took another road and sent out a memo from the president Fred Reid saying: "Delta has an uncompromising policy never to discriminate against customers on the basis of race, gender, age, national origin, disability, sexual orientation, or similar classifications. The law mandates this policy—discrimination is not only illegal, it is wrong and will not be tolerated".

If only the rest of this nation's airline carriers could follow Delta's lead.

Instead other airline carriers ignored the law and punished innocent people just trying to fly during a difficult time. But what do you expect from airlines that blindly cut jobs and not executive salaries?

I stand today to commend Delta for the careful cost cutting measures it has taken to preserve jobs and morale as the airlines weather these uncertain times. Delta has put the needs of their workers first. No employee at Delta will be left out in the cold this winter. You can tell a lot about a corporation by the way they act when the going gets tough.

Finally I want to commend Delta for providing complimentary tickets to New York City on behalf of volunteer relief workers who are giving so much to the recovery effort. Delta has been a true Corporate Good Citizen and on behalf of a grateful nation we thank you!

HONORING ROBERTA BARR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a person who truly understands the importance of education. Roberta Barr has spent a majority of her life dedicated to helping others and ensuring that all who cross her path receive only the best education possible. Even after retiring from her formal role as an educator, she has continued in her quest and has remained diligent to helping others.

Roberta Barr, now 87, grew up in La Plata County, Colorado. She graduated from Durango High School in 1931 and went on to receive her teaching certificate from Fort Lewis College. From 1933 to 1979 Roberta taught at many different local schools and was appointed Principal of Mason Elementary School in 1962. Roberta returned to school earning a Master's Degree at Western State. She has been retired from teaching for the last 22 years, but continues to contribute to educating others in her community.

Roberta and her husband Robert never had any children of their own, so after her husband passed away she established the Robert and Roberta Armstrong Barr Foundation. This foundation has been set up to provide up to ten thousand dollars in scholarships each year to students from the State of Colorado who attend Fort Lewis College or Western College and plan to become teachers. The foundation provides financial assistance to future educators and is designed so that the funds do not diminish, even after Roberta is gone.

Mr. Speaker, I am honored to have this opportunity to recognize Roberta Barr for the significant contributions that she has made to educating her community. She has spent her life teaching others and through her foundation will now be able to continue her life's ambition indefinitely. Her selfless dedication certainly deserves the praise and admiration of this body.

POEM BY AMY FARLEY

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. DEMINT. Mr. Speaker, I would like to call to your attention a poem written by one of my constituents, Amy Farley. Amy is one of the many youth in our nation who are struggling to deal with the tragedy surrounding the September 11 attacks. As the children of today are our nation's brightest hope for the future, we should reach out to console them and encourage them to express themselves as they cope with these unfamiliar times. I would like to commend Amy and her effort to honor and remember the events of September 11, 2001 by highlighting the poem she submitted to Mauldin High School:

A POEM OF TRIBUTE . . . . AND WARNING

(By Amy Farley, Age 16, Junior at Mauldin High School)

For the mothers, fathers, sisters, and brothers,
For the colleagues, friends, children, and lovers,
For the three brave men of flight 93,
For the 200 fighters under Trade Center debris.
For Father Michael, the FDNY chaplain
For the thousands who will never see our flag again
For the students who ran, their lives in danger
For our president who acts with quiet anger
For astronauts who see dust and fire from space
For each battered, broken, and bloody face
For the Muslims who have been beaten by racists
For the FBI, as they search for the terrorists
For all of America as they watch in horror,
For Britain, as she watches her crippled daughter
For France, as they stand in a moment of silence
For the UN, who condemns such acts of violence
For Iraqis, who have never known freedom
For the Afghanistans, trusting the men that lead them
For the women there who live in fright,
For the young men coerced by bin Laden to fight
For the Pentagon, once thought impenetrable
For those trapped in crevices rendered unreachable
For the thousands of innocents maimed or killed,
For the pain and suffering New Yorkers feel
For the rescuers, convinced that hell's not this bad,
For the children at home without moms and dads
For the people who have to clean up the mess,
For the volunteers who do just as much for less
For those so hurt that they can't see the light
For the tables with empty seats tonight,
For those who eventually have to go back
For those who saw the sky turn black.
For all the world, because we've all been affected
Because of the attack that could not be deflected
We pray for you all, and hold you near
As our hearts ache and our eyes tear
Because of a few violent people out there
Who just by chance caught the US unaware
The whole world has been turned upside down
And now, nothing seems it will ever be sound
So hear this, world, countrymen and foes
America will not be disrupted by those
Who attack viciously in the broad daylight
We will not surrender this terrible fight
We will punish who did these heinous crimes
We will scrape together our nickels and dimes
So know that we will stand together,
With liberty and justice for all . . . . FOREVER.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. ABERCROMBIE. Mr. Speaker, on Friday, October 12, 2001 it was unavoidable that I missed two roll call votes. Had I been present, I would have voted: Roll Call 385—Motion to Recommit H.R. 2975, the anti-terrorism initiative—Yes. Roll Call 386—Passage of H.R. 2975, the anti-terrorism initiative.—No.

PAYING TRIBUTE TO BECKY SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this moment to acknowledge an extraordinary individual who resides in Colorado's Third Congressional District. Becky Smith, who will be stepping down from the Board of Education in the Bayfield School District, has dedicated her life to education in her community. It is my privilege to have the opportunity to thank her for twelve years of exceptional service.

Ms. Smith has made considerable efforts to support education and children's athletics both inside and outside of the classroom. She is a computer teacher in a neighboring school district and volunteers for numerous school related activities while teaching quilting and sewing classes in her free time. During her tenure on the Board of Education, Becky has held several positions and accomplished many initiatives. As President, Vice-President and Director of the Board, she has helped in acquiring funding for a new elementary school addition, renovating the middle school, building a new high school which included a new athletic facility for the students and surrounding community. Becky is a role model for others who will succeed her on the Board of Education.

Mr. Speaker, Becky Smith has been a true asset to the Bayfield Board of Education. Her contributions to education in her community and her selflessness deeds will not be forgotten. The Bayfield School District and the surrounding communities are grateful for the guidance and leadership that she has displayed. I would like to thank Becky and wish her the all the best in her future endeavors.

HOUSE OF REPRESENTATIVES—*Wednesday, October 17, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHIMKUS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 17, 2001.

I hereby appoint the Honorable JOHN M. SHIMKUS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. George Dillard, Peachtree City Christian Church, Peachtree City, Georgia, offered the following prayer:

Almighty God, Creator, the One who with a Word spoke all things into existence and who even now holds all things together by the power of Your might, we come humbly in Your presence today seeking grace and mercy to help in time of need. As we acknowledge You as the sovereign Lord of this Nation, we seek Your will in all the decisions that will be made in this place by these men and women who have given themselves to service of the people. We ask that You give each Member of this House a heart of wisdom. Create, O God, in us a heart committed to You.

Father, we thank You for the blessings of freedom and liberty, for we acknowledge these as Your gifts. It is our prayer that we do not use our freedom and liberty as a covering for evil, but as an opportunity to proclaim Your truths.

Father, our prayer is that the eyes of our hearts might be open so that we can see the evil that seeks to destroy, that we might be prepared to stand against the schemes of the evil one.

We pray for revival in our land, for a return to the truth, morals, and values from Your word that once governed our lives. We ask for the wisdom to trust in You and Your son, Jesus, as the source of our courage, power, and strength to lead us through this present darkness. Father, we do not know what our tomorrows hold, but we do know that You hold our tomorrows.

So then we ask that You bless this House, our President, and the other leaders of this great Nation, cleanse our hearts from every sin, teach us to walk in Your paths and to live in Your righteousness and justice. Bind our hearts together and our minds into one great Nation that honors and serves You. We give You all the glory, the honor, and the praise in the precious name of Your son and our saviour, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KNOLLENBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. GEORGE DILLARD

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, it is a great pleasure today to introduce my friend, Dr. George Dillard of the Peachtree City Christian Church in Peachtree City, Georgia.

George Dillard and his wife, Renee, and his children have been friends of mine for many years. We met in 1992 when I was running for office and George helped me a lot, not just in terms of let us get out and get some votes, but as a candidate, you often go through peaks and valleys and many, many dark hours. And George helped me through those, gave me a lot of advice. He also was one of the first persons that I called when my Aunt Louie died because I wanted to ask him a few questions about her beliefs; and George was there to give me some very sage, Biblical advice.

George has been a friend through the period when the guards at the United States Capitol were shot and killed. He was a friend during the trials and tribulations regarding the impeachment debate. He has been a friend through Bosnia and Kosovo, and now Afghanistan. All the perils. He was among the first to call me after the tragedy of September 11 and said, what can I do to help? He has opened this House Chamber in the past with prayer before, and so it is good to have a familiar voice and a familiar face with us.

Now, George was pastor in Rincon, Georgia in the first district of Georgia when I was running in 1992, but having done great works there and converted so many souls, he realized he needed to go up to the third district of Georgia where the gentleman from Georgia (Mr. COLLINS) was elected. I think he felt like there must be a need, and so he is now a constituent of my great friend, the gentleman from the third district of Georgia (Mr. COLLINS).

So I am going to yield to the gentleman from Georgia (Mr. COLLINS) and let him complete the introduction of Dr. George Dillard. To George, let me just say thank you.

Mr. COLLINS. Mr. Speaker, I thank the gentleman. I appreciate the fact that Reverend George Dillard did move to the third district of Georgia. As we can tell by his opening prayer, he is a messenger of God's word; and he is also one who believes in returning the message to God based on the things that he sees and the things that are happening in this country and asking for the need and the help of God. I welcome him here today.

I think it is great that he opened the House this morning. His wife and children were here last year and as he was leaving home yesterday and he called in, his children answered and said, Where are you? He said, I am in Congressman COLLINS's office. They said, oh, that is Uncle Mac. Tell him we will be back to see him, and we want them to come. His family does great work in Peachtree City, Georgia. He will do

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

great work wherever he goes because he is delivering the message of God.

Thank you, George Dillard, for being here this morning. Thank you, Chaplain, for inviting him to come up and participate here this morning.

CONGRATULATIONS TO RANDY HERMAN SCHENKMAN AND MARIETTA GLAZER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, since September 11, every day we honor the firefighters, police, and rescue workers who heroically gave their lives to save others. But today, I would also like to congratulate two South Florida women who have dedicated themselves to saving thousands of lives in the fight against breast cancer. Dr. Randy Herman Schenkman, former medical director of the Diagnostic Breast Cancer of Baptist Hospital and Outpatient Services, and Dr. Mariette Glazer, a therapist and pioneer of the first ostomy outpatient clinic at Memorial Regional Hospital. These women of visions have dedicated their careers to educating, imaging, and diagnosing women with breast cancer.

On Thursday, October 18, they will join the American Committee for Weizmann Institute of Science to explore the diagnostic and emotional aspects of breast cancer. They will share their knowledge and commitment to taking patient care to new heights. During this difficult time, it is inspiring to learn about the positive achievements of so many Americans. So I ask my colleagues to join me in congratulating these brave women for distinguishing themselves as champions in the war against breast cancer.

WE SHALL OVERCOME

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, for a moment let me speak about resolve. We have the tools of terrorism being used against us, whether they be anthrax or whether they be physical destruction. I came back from Missouri Sunday evening after talking with so many of the good folks that I represent, talking with young people; and I sense a deep resolve that I have not seen in a long time, a resolve to overcome the difficulties of terror. So from the heartland to those terrorists: we will win.

There are two things that we must do. Number one, we must continue to do what we do best. And that is be Americans, and we are resolved to do that. Number two, we must show our appreciation to the young men and young women in uniform. It was Cicero who once said that the greatest of all virtues is gratitude. So today in our resolve to go about our business and to keep our country strong, let us show added appreciation and gratitude to those who wear the uniform of the United States. We shall overcome this day.

FREEDOM SHALL PREVAIL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. FOLEY. Mr. Speaker, let me associate myself with the remarks of the gentleman from Missouri and also to salute all of the people that work in this fine building.

We have been under a unique amount of pressure in recent days, but I have to salute the entirety of this Capitol, the police, the rank and file workers, the members who work for the Clerk's office, the pages, everyone else who has participated in keeping an orderly transition for our government.

Mr. bin Laden, your 15 minutes of fame are about over. The United States is united together in an attempt to rid the world of people like you who have threatened civilization, harmed our citizens, and now are infecting our territories with a bacteria. You will not win. You will not win this battle, because the United States stands for freedom, and that freedom shall prevail.

We thank you all, our citizens, who have rallied behind the flag and our President, we thank you for entrusting us, not only with your votes, but your opportunity to lead this country. And as Members of Congress, we remain united behind our President to rid the world of terror, to rid the world of hatred, and to make certain that your days are numbered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members need to be reminded that comments should be directed to the Chair and not to anyone who may be watching the proceedings.

THREAT OF WAR IN THE MIDDLE EAST

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, reports say there is a growing number of Arab people opposing Uncle Sam, and they are also beginning to oppose their own leaders. If these reports are true, Arab nations are now vulnerable. Egypt and Mubarak may fall. King Fahd in Saudi Arabia may fall. Musharraf and Pakistan may fall, and they say that Arafat has now even insulated himself. These possibilities would destabilize the entire Free World.

I ask Congress, and I yield back the need to establish a Palestinian State, the first step necessary to avoid war in the Middle East and war spread throughout the entire world.

NUCLEAR TERRORISM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Osama bin Laden's thirst for destruction is only limited by the tools he has at hand. Last month, his henchmen destroyed the World Trade Center and took almost 6,000 innocent lives. Many of us said at that time that if he had chemical, biological, or nuclear weapons, he would use them.

Well, now we have confirmation. Russia's Interfax news agency is reporting that al-Qaeda has repeated attempts to buy nuclear material through the Russian Mafia. There is a lot of surplus weapons-grade nuclear material left in Russia left over from the Cold War and some of it has ended up on the black market. Bin Laden established contacts with representatives of Russian organized crime gangs in Germany, Belarus, and Russia. As far as we know, bin Laden has been unsuccessful in his attempts to purchase or build a nuclear weapon.

□ 1015

But how about all the other terrorist groups? How about Iraq or some other rogue regime?

Mr. Speaker, this revelation makes removing terrorism from the world even more important today than it was yesterday. The terrorists are insane men who must be stopped. Make no mistake, we will do it.

CONGRESS ADJOURNS WITHOUT ASSURING AIRLINE SAFETY FOR THE AMERICAN PUBLIC

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, the American people are justifiably disappointed in this House that, over 1 month after the attack of September 11, this House has not done a stitch, not a stitch to improve airline safety. When we get on our planes to go back to our districts tomorrow or tonight, we are going to go there with the knowledge that over 90 percent of the bags that go into the belly of our jets are not screened for explosive devices. That does not help give confidence to the American people.

We now for a month have been asking the majority leadership to schedule a vote on airline safety so we can assure that screeners are well-trained and decently paid and know how to do the job, and so that we put screening devices to make sure they do not put bombs in our luggage that go in the belly of the aircraft. The Republican leadership has not scheduled a vote for over a month. It is just wrong.

I must say that I am disappointed that we are adjourning today for the safety of Congress and our employees, and perhaps that is the right thing to do, I do not know, but it is not the right thing to do when we have not done anything to protect Americans while they are on the airlines.

ECONOMIC AND PERSONAL SECURITY FOR AMERICANS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I hate to respond to the gentleman, but he is wrong. Airline safety is great. It is better than it has ever been. The gentleman ought to go through D-FW airport. He would find out. When I was there, I got screened three times. They are looking for bombs.

September 11 is going to live forever in the hearts and minds of those who value freedom and prosperity. One way to give Americans peace of mind during these trying times is to give people more confidence about their bank accounts, retirement plans, and the national economy.

Now more than ever people want economic security as well as personal security. The House economic stimulus plan which we will try to pass next week will do just that by cutting taxes and helping businesses. Under this plan, the average family of four would see their disposable annual income increase by $940 a year. Knowing I had an extra $940 every year sure would make me sleep better tonight.

The old adage applies: Success is the best revenge. I cannot think of a better way to spite those who want to harm our quality of life and capitalist society than by putting more money back into the economy and showing those who wish us harm what we are made of. Terrorists will never take away our hopes and dreams of a better America and a better economy.

A CALL TO FEDERALIZE AIRPORT SECURITY TO ASSURE AIRCRAFT SAFETY

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, with all due respect to the previous speaker, it is true that 90 percent of the luggage that goes into the belly of our aircraft are not screened for explosive devices. If my friend, the gentleman from Texas, would like to challenge that statement, I will relinquish the remainder of my 1-minute so he can do so.

A message from the heartland: The Columbus Dispatch wrote yesterday: "How much more evidence do House Republicans need to convince them that only a top notch security force, paid by the taxpayer and not hired by low-bid contractors, will make the airlines as safe as possible? A bill passed by the Senate and pending in the House would federalize airport security. The House should stop playing politics with this essential legislation and pass it."

Mr. Speaker, airline travel may be marginally safer now than it was before September 11, but it is still not as safe as it ought to be or as safe as we can make it. This House should pass airline safety so that when Americans and their families get on our airlines, they can have confidence that there is not a bomb within the belly of that airplane.

Until we pass this legislation, we can never have that confidence.

AIRLINE SECURITY CAN BE ACHIEVED WITHOUT FEDERALIZING WORKFORCE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I am very pleased to join this debate over airline security today on the floor of the House, and set aside the remarks that I came to make.

My friends on the other side of the aisle would have us believe that this is a choice between one party that is interested in airline security and another party that is not. But Mr. Speaker, that is simply and plainly and baldly not the case.

The reality is that the proposal that has been passed in the other Chamber, the proposal that my Democrat friends support, would create 28,000 new Federal employees. Our proposal is to do what the President, Mr. Speaker, has called for from the very beginning; that is, new and higher standards, new Federal resources.

But let us not create a new class of Federal employees. Let us not have the people who run the post office or who run our immigration and naturalization and border services providing the security at our airports. It has been tried in Europe. It was rejected and failed. What we need is to strengthen our private security system, create accountability, provide resources.

This Republican will fight to give President Bush the airline security program that he so richly deserves.

TRIBUTE TO THE LIFE OF CAPTAIN JAY JAHNKE OF THE HOUSTON FIRE DEPARTMENT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning I wear the purple and black to honor the fallen firefighter in my community who died this past weekend. This morning we will funeralize in Houston, Texas, Captain Jay Jahnke, a soldier on the battlefield saving lives every day, a member of a fire dynasty, family members who have been part of the Houston firefighting community for many, many years.

I pay tribute to the life of Captain Jay Jahnke, who died on Saturday, October 13, 2001, after trying to rescue residents from a burning high-rise in the City of Houston. Captain Jahnke was a 20-year veteran of the Houston Fire Department. Captain Jahnke represents another perfect example of the brave fire and rescue professionals who put their lives on the line each day in order to protect the public. Every day these professionals take calculated risks that could cost them their lives.

Captain Jahnke never wanted to pursue any other profession besides serving the public as a firefighter. He developed his love for the firefighting profession by watching his father, who also served the public as a district fire chief in Houston, and many, many other relatives.

September 11, 2001, raised the consciousness of America of how important these brave souls are. A firefighter's prayer always is to do the very best that he or she can do. Many of Captain Jahnke's colleagues in the Houston Fire Department knew him as a well-trained firefighter, Mr. Speaker, with special training in high water rescue and hazardous materials.

He is a great leader, a great hero, a great Houstonian and Texan, but most of all, he is a great American. God bless him and his family.

FINANCIAL ANTI-TERRORISM ACT OF 2001

Mr. OXLEY. Mr. Speaker, pursuant to the order of the House of October 16, 2001, I move to suspend the rules and pass the bill (H.R. 3004) to combat the financing of terrorism and other financial crimes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Anti-Terrorism Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING LAW ENFORCEMENT
Sec. 101. Bulk cash smuggling into or out of the United States.
Sec. 102. Forfeiture in currency reporting cases.
Sec. 103. Illegal money transmitting businesses.
Sec. 104. Long-arm jurisdiction over foreign money launderers.
Sec. 105. Laundering money through a foreign bank.
Sec. 106. Specified unlawful activity for money laundering.
Sec. 107. Laundering the proceeds of terrorism.
Sec. 108. Proceeds of foreign crimes.
Sec. 109. Penalties for violations of geographic targeting orders and certain record keeping requirements.
Sec. 110. Exclusion of aliens involved in money laundering.
Sec. 111. Standing to contest forfeiture of funds deposited into foreign bank that has a correspondent account in the United States.
Sec. 112. Subpoenas for records regarding funds in correspondent bank accounts.
Sec. 113. Authority to order convicted criminal to return property located abroad.
Sec. 114. Corporation represented by a fugitive.
Sec. 115. Enforcement of foreign judgments.
Sec. 116. Reporting provisions and anti-terrorist activities of United States intelligence agencies.
Sec. 117. Financial Crimes Enforcement Network.
Sec. 118. Prohibition on false statements to financial institutions concerning the identity of a customer.
Sec. 119. Verification of identification.
Sec. 120. Consideration of anti-money laundering record.
Sec. 121. Reporting of suspicious activities by informal underground banking systems, such as hawalas.
Sec. 122. Uniform protection authority for Federal reserve facilities.
Sec. 123. Reports relating to coins and currency received in nonfinancial trade or business.
TITLE II—PUBLIC-PRIVATE COOPERATION
Sec. 201. Establishment of highly secure network.
Sec. 202. Report on improvements in data access and other issues.
Sec. 203. Reports to the financial services industry on suspicious financial activities.
Sec. 204. Efficient use of currency transaction report system.
Sec. 205. Public-private task force on terrorist financing issues.
Sec. 206. Suspicious activity reporting requirements.
Sec. 207. Amendments relating to reporting of suspicious activities.
Sec. 208. Authorization to include suspicions of illegal activity in written employment references.
Sec. 209. International cooperation on identification of originators of wire transfers.
Sec. 210. Check truncation study.
TITLE III—COMBATTING INTERNATIONAL MONEY LAUNDERING
Sec. 301. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.
Sec. 302. Special due diligence for correspondent accounts and private banking accounts.
Sec. 303. Prohibition on United States correspondent accounts with foreign shell banks.
Sec. 304. Anti-money laundering programs.
Sec. 305. Concentration accounts at financial institutions.
Sec. 306. International cooperation in investigations of money laundering, financial crimes, and the finances of terrorist groups.
TITLE IV—CURRENCY PROTECTION
Sec. 401. Counterfeiting domestic currency and obligations.
Sec. 402. Counterfeiting foreign currency and obligations.
Sec. 403. Production of documents.
Sec. 404. Reimbursement.

TITLE I—STRENGTHENING LAW ENFORCEMENT

SEC. 101. BULK CASH SMUGGLING INTO OR OUT OF THE UNITED STATES.

(a) FINDINGS.—The Congress finds the following:

(1) Effective enforcement of the currency reporting requirements of subchapter II of chapter 53 of title 31, United States Code, and the regulations prescribed under such subchapter, has forced drug dealers and other criminals engaged in cash-based businesses to avoid using traditional financial institutions.

(2) In their effort to avoid using traditional financial institutions, drug dealers and other criminals are forced to move large quantities of currency in bulk form to and through the airports, border crossings, and other ports of entry where the currency can be smuggled out of the United States and placed in a foreign financial institution or sold on the black market.

(3) The transportation and smuggling of cash in bulk form may now be the most common form of money laundering, and the movement of large sums of cash is one of the most reliable warning signs of drug trafficking, terrorism, money laundering, racketeering, tax evasion and similar crimes.

(4) The intentional transportation into or out of the United States of large amounts of currency or monetary instruments, in a manner designed to circumvent the mandatory reporting provisions of subchapter II of chapter 53 of title 31, United States Code,, is the equivalent of, and creates the same harm as, the smuggling of goods.

(5) The arrest and prosecution of bulk cash smugglers are important parts of law enforcement's effort to stop the laundering of criminal proceeds, but the couriers who attempt to smuggle the cash out of the United States are typically low-level employees of large criminal organizations, and thus are easily replaced. Accordingly, only the confiscation of the smuggled bulk cash can effectively break the cycle of criminal activity of which the laundering of the bulk cash is a critical part.

(6) The current penalties for violations of the currency reporting requirements are insufficient to provide a deterrent to the laundering of criminal proceeds. In particular, in cases where the only criminal violation under current law is a reporting offense, the law does not adequately provide for the confiscation of smuggled currency. In contrast, if the smuggling of bulk cash were itself an offense, the cash could be confiscated as the corpus delicti of the smuggling offense.

(b) PURPOSES.—The purposes of this section are—

(1) to make the act of smuggling bulk cash itself a criminal offense;

(2) to authorize forfeiture of any cash or instruments of the smuggling offense;

(3) to emphasize the seriousness of the act of bulk cash smuggling; and

(4) to prescribe guidelines for determining the amount of property subject to such forfeiture in various situations.

(c) ENACTMENT OF BULK CASH SMUGGLING OFFENSE.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"§ 5331. Bulk cash smuggling into or out of the United States

"(a) CRIMINAL OFFENSE.—

"(1) IN GENERAL.—Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than $10,000 in currency or other monetary instruments on the person of such individual or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment pursuant to subsection (b).

"(2) CONCEALMENT ON PERSON.—For purposes of this section, the concealment of currency on the person of any individual includes concealment in any article of clothing worn by the individual or in any luggage, backpack, or other container worn or carried by such individual.

"(b) PENALTY.—

"(1) TERM OF IMPRISONMENT.—A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such offense, shall be imprisoned for not more than 5 years.

"(2) FORFEITURE.—In addition, the court, in imposing sentence under paragraph (1), shall order that the defendant forfeit to the United States, any property, real or personal, involved in the offense, and any property traceable to such property, subject to subsection (d) of this section.

"(3) PROCEDURE.—The seizure, restraint, and forfeiture of property under this section shall be governed by section 413 of the Controlled Substances Act.

"(4) PERSONAL MONEY JUDGMENT.—If the property subject to forfeiture under paragraph (2) is unavailable, and the defendant has insufficient substitute property that may be forfeited pursuant to section 413(p) of the Controlled Substances Act, the court shall enter a personal money judgment against the defendant for the amount that would be subject to forfeiture.

"(c) CIVIL FORFEITURE.—

"(1) IN GENERAL.—Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable to such violation or conspiracy, may be seized and, subject to subsection (d) of this section, forfeited to the United States.

"(2) PROCEDURE.—The seizure and forfeiture shall be governed by the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

"(3) Treatment of Certain Property as Involved in the Offense.—For purposes of this subsection and subsection (b), any currency or other monetary instrument that is concealed or intended to be concealed in violation of subsection (a) or a conspiracy to commit such violation, any article, container, or conveyance used, or intended to be used, to conceal or transport the currency or other monetary instrument, and any other property used, or intended to be used, to facilitate the offense, shall be considered property involved in the offense.".

(c) Clerical Amendment.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5330, the following new item:

"5331. Bulk cash smuggling into or out of the United States.".

SEC. 102. FORFEITURE IN CURRENCY REPORTING CASES.

(a) In General.—Subsection (c) of section 5317 of title 31, United States Code, is amended to read as follows:

"(c) Forfeiture.—

"(1) In General.—The court in imposing sentence for any violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

"(2) Procedure.—Forfeitures under this subsection shall be governed by the procedures established in section 413 of the Controlled Substances Act and the guidelines established in paragraph (4).

"(3) Civil Forfeiture.—Any property involved in a violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy, may be seized and, subject to paragraph (4), forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.".

(b) Conforming Amendments.—

(1) Section 981(a)(1)(A) of title 18, United States Code, is amended by striking "of section 5313(a) or 5324(a) of title 31, or".

(2) Section 982(a)(1) of title 18, United States Code, is amended by striking "of section 5313(a), 5316, or 5324 of title 31, or".

SEC. 103. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) Scienter Requirement for Section 1960 Violation.—Section 1960 of title 18, United States Code, is amended to read as follows:

"§ 1960. Prohibition of unlicensed money transmitting businesses

"(a) Whoever knowingly conducts, controls, manages, supervises, directs, or owns all or part of an unlicensed money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) the term 'unlicensed money transmitting business' means a money transmitting business which affects interstate or foreign commerce in any manner or degree and—

"(A) is operated without an appropriate money transmitting license in a State where such operation is punishable as a misdemeanor or a felony under State law, whether or not the defendant knew that the operation was required to be licensed or that the operation was so punishable;

"(B) fails to comply with the money transmitting business registration requirements under section 5330 of title 31, United States Code, or regulations prescribed under such section; or

"(C) otherwise involves the transportation or transmission of funds that are known to the defendant to have been derived from a criminal offense or are intended to be used to be used to promote or support unlawful activity;

"(2) the term 'money transmitting' includes transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier; and

"(3) the term 'State' means any State of the United States, the District of Columbia, the Northern Mariana Islands, and any commonwealth, territory, or possession of the United States.".

(b) Seizure of Illegally Transmitted Funds.—Section 981(a)(1)(A) of title 18, United States Code, is amended by striking "or 1957" and inserting ", 1957 or 1960".

(c) Clerical Amendment.—The table of sections for chapter 95 of title 18, United States Code, is amended in the item relating to section 1960 by striking "illegal" and inserting "unlicensed".

SEC. 104. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by striking "(b) Whoever" and inserting "(b)(1) Whoever";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking "subsection (a)(1) or (a)(3)," and inserting "subsection (a)(1) or (a)(2) or section 1957,"; and

(4) by adding at the end the following new paragraphs:

"(2) For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if—

"(A) service of process upon such foreign person is made under the Federal Rules of Civil Procedure or the laws of the country where the foreign person is found; and

"(B) the foreign person—

"(i) commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

"(ii) converts to such person's own use property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

"(iii) is a financial institution that maintains a correspondent bank account at a financial institution in the United States.

"(3) The court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.".

SEC. 105. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c)(6) of title 18, United States Code, is amended to read as follows:

"(6) the term 'financial institution' includes any financial institution described in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder, as well as any foreign bank, as defined in paragraph (7) of section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(7));".

SEC. 106. SPECIFIED UNLAWFUL ACTIVITY FOR MONEY LAUNDERING.

(a) In General.—Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking clause (ii) and inserting the following new clause:

"(ii) any act or acts constituting a crime of violence, as defined in section 16 of this title;"; and

(B) by inserting after clause (iii) the following new clauses:

"(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

"(v) smuggling or export control violations involving munitions listed in the United States Munitions List or technologies with military applications as defined in the Commerce Control List of the Export Administration Regulations; or

"(vi) an offense with respect to which the United States would be obligated by a bilateral treaty either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States;"; and

(2) in subparagraph (D)—

(A) by inserting "section 541 (relating to goods falsely classified)," before "section 542";

(B) by inserting "section 922(1) (relating to the unlawful importation of firearms), section 924(n) (relating to firearms trafficking)," before "section 956";

(C) by inserting "section 1030 (relating to computer fraud and abuse)," before "1032"; and

(D) by inserting "any felony violation of the Foreign Agents Registration Act of 1938, as amended," before "or any felony violation of the Foreign Corrupt Practices Act".

(b) Rule of Construction.—None of the changes or amendments made by the Financial Anti-Terrorism Act of 2001 shall expand the jurisdiction of any Federal or State court over any civil action or claim for monetary damages for the nonpayment of taxes or duties under the revenue laws of a foreign state, or any political subdivision thereof, except as such actions or claims are authorized by United States treaty that provides the United States and its political subdivisions with reciprocal rights to pursue such actions or claims in the courts of the foreign state and its political subdivisions.

SEC. 107. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 108. PROCEEDS OF FOREIGN CRIMES.

Section 981(a)(1)(B) of title 18, United States Code, is amended to read as follows:

"(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such offense, if—

"(i) the offense involves the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act), or any other conduct described in section 1956(c)(7)(B),

"(ii) the offense would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding one year, and

"(iii) the offense would be punishable under the laws of the United States by imprisonment for a term exceeding one year if the act or activity constituting the offense had occurred within the jurisdiction of the United States.”.

SEC. 109. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTAIN RECORD KEEPING REQUIREMENTS.

(a) CIVIL PENALTY FOR VIOLATION OF TARGETING ORDER.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by inserting “or order issued” after “subchapter or a regulation prescribed”; and

(2) by inserting “, or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “sections 5314 and 5315)”.

(b) CRIMINAL PENALTIES FOR VIOLATION OF TARGETING ORDER.—

Section 5322 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or order issued” after “willfully violating this subchapter or a regulation prescribed”; and

(B) by inserting “, or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “under section 5315 or 5324)”;

(2) in subsection (b)—

(A) by inserting “or order issued” after “willfully violating this subchapter or a regulation prescribed”; and

(B) by inserting “or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “under section 5315 or 5324),”;

(c) STRUCTURING TRANSACTIONS TO EVADE TARGETING ORDER OR CERTAIN RECORD KEEPING REQUIREMENTS.—Section 5324(a) of title 31, United States Code, is amended—

(1) by inserting a comma after “shall”;

(2) by striking “section—” and inserting “section, the reporting requirements imposed by any order issued under section 5326, or the record keeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508—”; and

(3) in paragraphs (1) and (2), by inserting “, to file a report required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508” after “regulation prescribed under any such section” each place that term appears.

(d) INCREASE IN CIVIL PENALTIES FOR VIOLATION OF CERTAIN RECORD KEEPING REQUIREMENTS.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—Section 21(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(j)(1)) is amended by striking “$10,000” and inserting “the greater of—

“(A) the amount (not to exceed $100,000) involved in the transaction (if any) with respect to which the violation occurred; or

“(B) $25,000”.

(2) PUBLIC LAW 91–508.—Section 125(a) of Public Law 91–508 (12 U.S.C. 1955(a)) is amended by striking “$10,000” and inserting “the greater of—

“(1) the amount (not to exceed $100,000) involved in the transaction (if any) with respect to which the violation occurred; or

“(2) $25,000”.

(e) CRIMINAL PENALTIES FOR VIOLATION OF CERTAIN RECORD KEEPING REQUIREMENTS.—

(1) SECTION 126.—Section 126 of Public Law 91–508 (12 U.S.C. 1956) is amended to read as follows:

“SEC. 126. CRIMINAL PENALTY.

“A person that willfully violates this chapter, section 21 of the Federal Deposit Insurance Act, or a regulation prescribed under this chapter or that section 21, shall be fined not more than $250,000, or imprisoned for not more than 5 years, or both.”.

(2) SECTION 127.—Section 127 of Public Law 91–508 (12 U.S.C. 1957) is amended to read as follows:

“SEC. 127. ADDITIONAL CRIMINAL PENALTY IN CERTAIN CASES.

“A person that willfully violates this chapter, section 21 of the Federal Deposit Insurance Act, or a regulation prescribed under this chapter or that section 21, while violating another law of the United States or as part of a pattern of any illegal activity involving more than $100,000 in a 12-month period, shall be fined not more than $500,000, imprisoned for not more than 10 years, or both.”.

SEC. 110. EXCLUSION OF ALIENS INVOLVED IN MONEY LAUNDERING.

(a) IN GENERAL.—Section 212 of the Immigration and Nationality Act, as amended (8 U.S.C. 1182), is amended in subsection (a)(2)—

(1) by redesignating subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), (H), and (I), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) MONEY LAUNDERING ACTIVITIES.—

“(i) IN GENERAL.—Any alien who the consular officer or the Attorney General knows or has reason to believe is or has been engaged in activities which if engaged in within the United States would constitute a violation of the money laundering provisions section 1956, 1957, or 1960 of title 18, United States Code, or has knowingly assisted, abetted, or conspired or colluded with others in any such illicit activity is inadmissible.

“(ii) RELATED INDIVIDUALS.—Any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from such illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible, except that the Attorney General may, in the full discretion of the Attorney General, waive the exclusion of the spouse, son, or daughter of an alien under this clause if the Attorney General determines that exceptional circumstances exist that justify such waiver.”.

(b) CONFORMING AMENDMENT.—Section 212(h)(1)(A)(i) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182), is amended by striking “(D)(i) or (D)(ii)” and inserting “(E)(i) or (E)(ii)”.

SEC. 111. STANDING TO CONTEST FORFEITURE OF FUNDS DEPOSITED INTO FOREIGN BANK THAT HAS A CORRESPONDENT ACCOUNT IN THE UNITED STATES.

Section 981 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(k) CORRESPONDENT BANK ACCOUNTS.—

“(1) TREATMENT OF ACCOUNTS OF CORRESPONDENT BANK IN DOMESTIC FINANCIAL INSTITUTIONS.—

“(A) IN GENERAL.—For the purpose of a forfeiture under this section or under the Controlled Substances Act, if funds are deposited into a dollar-denominated bank account in a foreign financial institution, and that foreign financial institution has a correspondent account with a financial institution in the United States, the funds deposited into the foreign financial institution (the respondent bank) shall be deemed to have been deposited into the correspondent account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding such funds may be served on the correspondent bank, and funds in the correspondent account up to the value of the funds deposited into the dollar-denominated account in the foreign financial institution may be seized, arrested or restrained.

“(B) AUTHORITY TO SUSPEND.—The Attorney General, in consultation with the Secretary, may suspend or terminate a forfeiture under this section if the Attorney General determines that a conflict of law exists between the laws of the jurisdiction in which the foreign bank is located and the laws of the United States with respect to liabilities arising from the restraint, seizure, or arrest of such funds, and that such suspension or termination would be in the interest of justice and would not harm the national interests of the United States.

“(2) NO REQUIREMENT FOR GOVERNMENT TO TRACE FUNDS.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), the Government shall not be required to establish that such funds are directly traceable to the funds that were deposited into the respondent bank, nor shall it be necessary for the Government to rely on the application of Section 984 of this title.

“(3) CLAIMS BROUGHT BY OWNER OF THE FUNDS.—If a forfeiture action is instituted against funds seized, arrested, or restrained under paragraph (1), the owner of the funds may contest the forfeiture by filing a claim pursuant to section 983.

“(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) CORRESPONDENT ACCOUNT.—The term ‘correspondent account’ has the meaning given to the term ‘interbank account’ in section 984(c)(2)(B).

“(B) OWNER.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘owner’—

“(I) means the person who was the owner, as that term is defined in section 983(d)(6), of the funds that were deposited into the foreign bank at the time such funds were deposited; and

“(II) does not include either the foreign bank or any financial institution acting as an intermediary in the transfer of the funds into the interbank account.

“(ii) EXCEPTION.—The foreign bank may be considered the ‘owner’ of the funds (and no other person shall qualify as the owner of such funds) only if—

“(I) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

“(II) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its obligation to the prior owner of the funds, in which case the foreign bank shall be deemed the owner of the funds to the extent of such discharged obligation.”.

SEC. 112. SUBPOENAS FOR RECORDS REGARDING FUNDS IN CORRESPONDENT BANK ACCOUNTS.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5331 (as added by section 101) the following new section:

“§ 5332. Subpoenas for records

“(a) DESIGNATION BY FOREIGN FINANCIAL INSTITUTION OF AGENT.—Any foreign financial institution that has a correspondent bank account at a financial institution in the United States shall designate a person residing in the United States as a person authorized to accept a subpoena for bank records or other legal process served on the foreign financial institution.

“(b) MAINTENANCE OF RECORDS BY DOMESTIC FINANCIAL INSTITUTION.—

“(1) IN GENERAL.—Any domestic financial institution that maintains a correspondent bank account for a foreign financial institution shall maintain records regarding the names and addresses of the owners of the foreign financial institution, and the name and address of the person who may be served with a subpoena for records regarding any funds transferred to or from the correspondent account.

“(2) PROVISION TO LAW ENFORCEMENT AGENCY.—A domestic financial institution shall provide names and addresses maintained under paragraph (1) to a Government authority (as defined in section 1101(3) of the Right to Financial Privacy Act of 1978) within 7 days of the receipt of a request, in writing, for such records.

“(c) ADMINISTRATIVE SUBPOENA.—

“(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury may each issue an administrative subpoena for records relating to the deposit of any funds into a dollar-denominated account in a foreign financial institution that maintains a correspondent account at a domestic financial institution.

“(2) MANNER OF ISSUANCE.—Any subpoena issued by the Attorney General or the Secretary of the Treasury under paragraph (1) shall be issued in the manner described in section 3486 of title 18, and may be served on the representative designated by the foreign financial institution pursuant to subsection (a) to accept legal process in the United States, or in a foreign country pursuant to any mutual legal assistance treaty, multilateral agreement, or other request for international law enforcement assistance.

“(d) CORRESPONDENT ACCOUNT DEFINED.—For purposes of this section, the term ‘correspondent account’ has the same meaning as the term ‘interbank account’ as such term is defined in section 984(c)(2)(B) of title 18, United States Code.”.

(b) CLERICAL AMENDMENTS.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5331 (as added by section 101) the following new item:

“5332. Subpoenas for records.”.

(c) EFFECTIVE DATE.—Section 5332(a) of title 31, United States Code, (as added by subsection (a) of this section shall apply after the end of the 30-day period beginning on the date of the enactment of this Act.

(d) REQUESTS FOR RECORDS.—Section 3486(a)(1)(A)(i) of title 18, United States Code, is amended by striking “; or (II) a Federal offense involving the sexual exploitation or abuse of children,” and inserting “, (II) a Federal offense involving the sexual exploitation or abuse of children, or (III) a money laundering offense in violation of section 1956, 1957 or 1960 of this title,”.

SEC. 113. AUTHORITY TO ORDER CONVICTED CRIMINAL TO RETURN PROPERTY LOCATED ABROAD.

(a) FORFEITURE OF SUBSTITUTE PROPERTY.—Section 413(p) of the Controlled Substances Act (21 U.S.C. 853) is amended to read as follows:

“(p) FORFEITURE OF SUBSTITUTE PROPERTY.—

“(1) IN GENERAL.—Paragraph (2) of this subsection shall apply, if any property described in subsection (a), as a result of any act or omission of the defendant—

“(A) cannot be located upon the exercise of due diligence;

“(B) has been transferred or sold to, or deposited with, a third party;

“(C) has been placed beyond the jurisdiction of the court;

“(D) has been substantially diminished in value; or

“(E) has been commingled with other property which cannot be divided without difficulty.

“(2) SUBSTITUTE PROPERTY.—In any case described in any of subparagraphs (A) through (E) of paragraph (1), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

“(3) RETURN OF PROPERTY TO JURISDICTION.—In the case of property described in paragraph (1)(C), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.”.

(b) PROTECTIVE ORDERS.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

“(4) ORDER TO REPATRIATE AND DEPOSIT.—

“(A) IN GENERAL.—Pursuant to its authority to enter a pretrial restraining order under this section, the court may order a defendant to repatriate any property that may be seized and forfeited, and to deposit that property pending trial in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, if appropriate.

“(B) FAILURE TO COMPLY.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant under the obstruction of justice provision of the Federal Sentencing Guidelines.”.

SEC. 114. CORPORATION REPRESENTED BY A FUGITIVE.

Section 2466 of title 28, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

“(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.”.

SEC. 115. ENFORCEMENT OF FOREIGN JUDGMENTS.

Section 2467 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting after paragraph (2) the following new paragraph:

“(3) PRESERVATION OF PROPERTY.—To preserve the availability of property subject to a foreign forfeiture or confiscation judgment, the Government may apply for, and the court may issue, a restraining order pursuant to section 983(j) of title 18, United States Code, at any time before or after an application is filed pursuant to subsection (c)(1). The court, in issuing the restraining order—

“(A) may rely on information set forth in an affidavit describing the nature of the proceeding or investigation underway in the foreign country, and setting forth a reasonable basis to believe that the property to be restrained will be named in a judgment of forfeiture at the conclusion of such proceeding; or

“(B) may register and enforce a restraining order that has been issued by a court of competent jurisdiction in the foreign country and certified by the Attorney General pursuant to subsection (b)(2).

No person may object to the restraining order on any ground that is the subject of parallel litigation involving the same property that is pending in a foreign court.”;

(2) in subsection (b)(1)(C), by striking “establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant” and inserting “establishing that the foreign nation took steps, in accordance with the principles of due process, to give notice of the proceedings to all persons with an interest in the property in sufficient time to enable such persons”;

(3) in subsection (d)(1)(D), by striking “the defendant in the proceedings in the foreign court did not receive notice” and inserting “the foreign nation did not take steps, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property”; and

(4) in subsection (a)(2)(A), by inserting “, any violation of foreign law that would constitute a violation of an offense for which property could be forfeited under Federal law if the offense were committed in the United States” after “United Nations Convention”.

SEC. 116. REPORTING PROVISIONS AND ANTI-TERRORIST ACTIVITIES OF UNITED STATES INTELLIGENCE AGENCIES.

(a) AMENDMENT RELATING TO THE PURPOSES OF CHAPTER 53 OF TITLE 31, UNITED STATES CODE.—Section 5311 of title 31, United States Code, is amended by inserting before the period at the end the following: “, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism”.

(b) AMENDMENT RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.—Section 5318(g)(4)(B) of title 31, United States Code, is amended by striking “or supervisory agency” and inserting “, supervisory agency, or United States intelligence agency for use in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism”.

(c) AMENDMENT RELATING TO AVAILABILITY OF REPORTS.—Section 5319 of title 31, United States Code, is amended to read as follows:

“§ 5319. Availability of reports

“The Secretary of the Treasury shall make information in a report filed under this subchapter available to an agency, including any State financial institutions supervisory agency, United States intelligence agency or self-regulatory organization registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission, upon request of the head of the agency or organization. The report shall be available for a purpose that is consistent with this subchapter. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from disclosure under section 552 of title 5.”.

(d) AMENDMENT RELATING TO THE RETENTION OF RECORDS BY INSURED DEPOSITORY INSTITUTIONS.—Section 21(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)) is amended—

(1) in paragraph (1), by inserting ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism" after "proceedings"; and

(2) in paragraph (2), by inserting ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism" before the period at the end.

(e) AMENDMENT RELATING TO THE RETENTION OF RECORDS BY UNINSURED INSTITUTIONS.—Section 123(a) of Public Law 91-508 (12 U.S.C. 1953(a)) is amended by inserting ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism" after "proceedings".

(f) AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.—The Right to Financial Privacy Act of 1978 is amended—

(1) in section 1112(a) (12 U.S.C. 3412(a)), by inserting ", or intelligence or counterintelligence activity, investigation or analysis related to international terrorism" after "legitimate law enforcement inquiry";

(2) in section 1114(a)(1) (12 U.S.C. 3414(a)(1))—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(C) a Government authority authorized to conduct investigations of, or intelligence or counterintelligence analyses related to, international terrorism for the purpose of conducting such investigations or analyses."; and

(3) in section 1120(a)(2) (12 U.S.C. 3420(a)(2)), by inserting ", or for a purpose authorized by section 1112(a)" before the semicolon at the end.

(g) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—

(1) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) by redesignating the second of the 2 sections designated as section 624 (15 U.S.C. 1681u) (relating to disclosure to FBI for counterintelligence purposes) as section 625; and

(B) by adding at the end the following new section:

"§ 626. Disclosures to governmental agencies for counterterrorism purposes

"(a) DISCLOSURE.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish a consumer report of a consumer and all other information in a consumer's file to a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism when presented with a written certification by such government agency that such information is necessary for the agency's conduct or such investigation, activity or analysis.

"(b) FORM OF CERTIFICATION.—The certification described in subsection (a) shall be signed by a supervisory official designated by the head of a Federal agency or an officer of a Federal agency whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate.

"(c) CONFIDENTIALITY.—No consumer reporting agency, or officer, employee, or agent of such consumer reporting agency, shall disclose to any person, or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

"(d) RULE OF CONSTRUCTION.—Nothing in section 625 shall be construed to limit the authority of the Director of the Federal Bureau of Investigation under this section.

"(e) SAFE HARBOR.—Notwithstanding any other provision of this subchapter, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or other information pursuant to this section in good-faith reliance upon a certification of a governmental agency pursuant to the provisions of this section shall not be liable to any person for such disclosure under this subchapter, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.".

(2) CLERICAL AMENDMENTS.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) by redesignating the second of the 2 items designated as section 624 as section 625; and

(B) by inserting after the item relating to section 625 (as so redesignated) the following new item:

"626. Disclosures to governmental agencies for counterterrorism purposes.".

(h) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to reports filed or records maintained on, before, or after the date of the enactment of this Act.

SEC. 117. FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) IN GENERAL.—Subchapter I of chapter 3 of title 31, United States Code, is amended—

(1) by redesignating section 310 as section 311; and

(2) by inserting after section 309 the following new section:

"§ 310. Financial Crimes Enforcement Network

"(a) IN GENERAL.—The Financial Crimes Enforcement Network established by order of the Secretary of the Treasury (Treasury Order Numbered 105-08) on April 25, 1990, shall be a bureau in the Department of the Treasury.

"(b) DIRECTOR.—

"(1) APPOINTMENT.—The head of the Financial Crimes Enforcement Network shall be the Director who shall be appointed by the Secretary of the Treasury.

"(2) DUTIES AND POWERS.—The duties and powers of the Director are as follows:

"(A) Advise and make recommendations on matters relating to financial intelligence, financial criminal activities, and other financial activities to the Under Secretary for Enforcement.

"(B) Maintain a government-wide data access service, with access, in accordance with applicable legal requirements, to the following:

"(i) Information collected by the Department of the Treasury, including report information filed under subchapters II and III of chapter 53 of this title (such as reports on cash transactions, foreign financial agency transactions and relationships, foreign currency transactions, exporting and importing monetary instruments, and suspicious activities), chapter 2 of title I of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act.

"(ii) Information regarding national and international currency flows.

"(iii) Other records and data maintained by other Federal, State, local, and foreign agencies, including financial and other records developed in specific cases.

"(iv) Other privately and publicly available information.

"(C) Analyze and disseminate the available data in accordance with applicable legal requirements and policies and guidelines established by the Secretary of the Treasury and the Under Secretary for Enforcement to—

"(i) identify possible criminal activity to appropriate Federal, State, local, and foreign law enforcement agencies;

"(ii) support ongoing criminal financial investigations and prosecutions and related proceedings, including civil and criminal tax and forfeiture proceedings;

"(iii) identify possible instances of noncompliance with subchapters II and III of chapter 53 of this title, chapter 2 of title I of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act to Federal agencies with statutory responsibility for enforcing compliance with such provisions and other appropriate Federal regulatory agencies;

"(iv) evaluate and recommend possible uses of special currency reporting requirements under section 5326;

"(v) determine emerging trends and methods in money laundering and other financial crimes;

"(vi) support the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism; and

"(vii) support government initiatives against money laundering.

"(D) Establish and maintain a financial crimes communications center to furnish law enforcement authorities with intelligence information related to emerging or ongoing investigations and undercover operations.

"(E) Furnish research, analytical, and informational services to financial institutions, appropriate Federal regulatory agencies with regard to financial institutions, and appropriate Federal, State, local, and foreign law enforcement authorities, in accordance with policies and guidelines established by the Secretary of the Treasury or the Under Secretary of the Treasury for Enforcement, in the interest of detection, prevention, and prosecution of terrorism, organized crime, money laundering, and other financial crimes.

"(F) Establish and maintain a special unit dedicated to assisting Federal, State, local, and foreign law enforcement and regulatory authorities in combatting the use of informal, nonbank networks and payment and barter system mechanisms that permit the transfer of funds or the equivalent of funds without records and without compliance with criminal and tax laws.

"(G) Provide computer and data support and data analysis to the Secretary of the Treasury for tracking and controlling foreign assets.

"(H) Coordinate with financial intelligence units in other countries on anti-terrorism and anti-money laundering initiatives, and similar efforts.

"(I) Administer the requirements of subchapters II and III of chapter 53 of this title, chapter 2 of title I of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary of the Treasury.

"(J) Such other duties and powers as the Secretary of the Treasury may delegate or prescribe.

"(c) Requirements Relating to Maintenance and Use of Data Banks.—The Secretary of the Treasury shall establish and maintain operating procedures with respect to the government-wide data access service and the financial crimes communications center maintained by the Financial Crimes Enforcement Network which provide—

"(1) for the coordinated and efficient transmittal of information to, entry of information into, and withdrawal of information from, the data maintenance system maintained by the Network, including—

"(A) the submission of reports through the Internet or other secure network, whenever possible;

"(B) the cataloguing of information in a manner that facilitates rapid retrieval by law enforcement personnel of meaningful data; and

"(C) a procedure that provides for a prompt initial review of suspicious activity reports and other reports, or such other means as the Secretary may provide, to identify information that warrants immediate action; and

"(2) in accordance with section 552a of title 5 and the Right to Financial Privacy Act of 1978, appropriate standards and guidelines for determining—

"(A) who is to be given access to the information maintained by the Network;

"(B) what limits are to be imposed on the use of such information; and

"(C) how information about activities or relationships which involve or are closely associated with the exercise of constitutional rights is to be screened out of the data maintenance system.

"(d) Authorization of Appropriations.—There are authorized to be appropriated for the Financial Crimes Enforcement Network such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005.".

(b) Compliance With Existing Reports Compliance.—The Secretary of the Treasury shall study methods for improving compliance with the reporting requirements established in section 5314 of title 31, United States Code, and shall submit a report on such study to the Congress by the end of the 6-month period beginning on the date of the enactment of this Act and each 1-year period thereafter. The initial report shall include historical data on compliance with such reporting requirements.

(c) Clerical Amendment.—The table of sections for subchapter I of chapter 3 of title 31, United States Code, is amended—

(1) by redesignating the item relating to section 310 as section 311; and

(2) by inserting after the item relating to section 309 the following new item:

"310. Financial Crimes Enforcement Network".

SEC. 118. PROHIBITION ON FALSE STATEMENTS TO FINANCIAL INSTITUTIONS CONCERNING THE IDENTITY OF A CUSTOMER.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1007 the following:

"§ 1008. False statements concerning the identity of customers of financial institutions

"(a) In General.—Whoever, in connection with information submitted to or requested by a financial institution, knowingly in any manner—

"(1) falsifies, conceals, or covers up, or attempts to falsify, conceal, or cover up, the identity of any person in connection with any transaction with a financial institution;

"(2) makes, or attempts to make, any materially false, fraudulent, or fictitious statement or representation of the identity of any person in connection with a transaction with a financial institution:

"(3) makes or uses, or attempts to make or use, any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry concerning the identity of any person in connection with a transaction with a financial institution; or

"(4) uses or presents, or attempts to use or present, in connection with a transaction with a financial institution, an identification document or means of identification the possession of which is a violation of section 1028;

shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) Definitions.—In this section, the following definitions shall apply:

"(1) Financial institution.—The term 'financial institution'—

"(A) has the same meaning as in section 20; and

"(B) in addition, has the same meaning as in section 5312(a)(2) of title 31, United States Code.

"(2) Identification document.—The term 'identification document' has the same meaning as in section 1028(d).

"(3) Means of identification.—The term 'means of identification' has the same meaning as in section 1028(d).".

(b) Technical and Conforming Amendments.—

(1) Title 18, united states code.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "1014 (relating to fraudulent loan" and inserting "section 1008 (relating to false statements concerning the identity of customers of financial institutions), section 1014 (relating to fraudulent loan".

(2) Table of sections.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1007 the following:

"1008. False statements concerning the identity of customers of financial institutions.".

SEC. 119. VERIFICATION OF IDENTIFICATION.

(a) In General.—Section 5318 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(i) Identification and Verification of Accountholders.—

"(1) In general.—Subject to the requirements of this subsection, the Secretary of the Treasury shall prescribe regulations setting forth the minimum standards regarding customer identification that shall apply in connection with the opening of an account at a financial institution.

"(2) Minimum requirements.—The regulations shall, at a minimum, require financial institutions to implement procedures for—

"(A) verifying the identity of any person seeking to open an account to the extent reasonable and practicable;

"(B) maintaining records of the information used to verify a person's identity, including name, address, and other identifying information;

"(C) consulting lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency to determine whether a person seeking to open an account appears on any such list.

"(3) Factors to be considered.—In prescribing regulations under this subsection, the Secretary shall take into consideration the various types of accounts maintained by various types of financial institutions, the various methods of opening accounts, and the various types of identifying information available.

"(4) Certain financial institutions.—In the case of any financial institution the business of which is engaging in financial activities described in section 4(k) of the Bank Holding Company Act of 1956 (including financial activities subject to the jurisdiction of the Commodity Futures Trading Commission), the regulations prescribed by the Secretary under paragraph (1) shall be prescribed jointly with each Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act, including the Commodity Futures Trading Commission) appropriate for such financial institution.

"(5) Exemptions.—The Secretary of the Treasury (and, in the case of any financial institution described in paragraph (4), any Federal agency described in such paragraph) may, by regulation or order, exempt any financial institution or type of account from the requirements of any regulation prescribed under this subsection in accordance with such standards and procedures as the Secretary may prescribe.

"(6) Effective date.—Final regulations prescribed under this subsection shall take effect before the end of the 1-year period beginning on the date of the enactment of the Financial Anti-Terrorism Act of 2001.".

(b) Study and Report Required.—Within 6 months after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act) and other appropriate Government agencies, shall submit a report to the Congress containing recommendations for—

(1) determining the most timely and effective way to require foreign nationals to provide domestic financial institutions and agencies with appropriate and accurate information, comparable to that which is required of United States nationals, concerning their identity, address, and other related information necessary to enable such institutions and agencies to comply with the requirements of this section;

(2) requiring foreign nationals to apply for and obtain, before opening an account with a domestic financial institution, an identification number which would function similarly to a Social Security number or tax identification number; and

(3) establishing a system for domestic financial institutions and agencies to review information maintained by relevant Government agencies for purposes of verifying the identities of foreign nationals seeking to open accounts at those institutions and agencies.

SEC. 120. CONSIDERATION OF ANTI-MONEY LAUNDERING RECORD.

(a) Bank Holding Company Act of 1956.—

(1) In general.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended by adding at the end the following new paragraph:

"(6) Money laundering.—In every case the Board shall take into consideration the effectiveness of the company or companies in combatting and preventing money laundering activities, including in overseas branches.".

(2) Scope of application.—The amendment made by paragraph (1) shall apply with respect to any application submitted to the Board of Governors of the Federal Reserve System under section 3 of the Bank Holding Company Act of 1956 after December 31, 2000, which has not been approved by the Board before the date of the enactment of this Act.

(b) MERGERS SUBJECT TO REVIEW UNDER FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10), the following new paragraph:

"(11) MONEY LAUNDERING.—In every case, the responsible agency shall take into consideration the effectiveness of any insured depository institution involved in the proposed merger transaction in combatting and preventing money laundering activities, including in overseas branches.".

(2) SCOPE OF APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any application submitted to the responsible agency under section 18(c) of the Federal Deposit Insurance Act after December 31, 2000, which has not been approved by all appropriate responsible agencies before the date of the enactment of this Act.

SEC. 121. REPORTING OF SUSPICIOUS ACTIVITIES BY INFORMAL UNDERGROUND BANKING SYSTEMS, SUCH AS HAWALAS.

(a) DEFINITION FOR SUBCHAPTER.—Subparagraph (R) of section 5312(a)(2) of title 31, United States Code, is amended to read as follows:

"(R) a licensed sender of money or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;".

(b) MONEY TRANSMITTING BUSINESS.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: "or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system".

(c) APPLICABILITY OF RULES.—Section 5318 of title 31, United States Code, as amended by this Act, is amended by adding at the end the following:

"(l) APPLICABILITY OF RULES.—Any rules prescribed pursuant to the authority contained in section 21 of the Federal Deposit Insurance Act shall apply, in addition to any other financial institution to which such rules apply, to any person that engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system.".

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall report to Congress on the need for any additional legislation relating to—

(1) informal value transfer banking systems or networks of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;

(2) anti-money laundering controls; and

(3) regulatory controls relating to underground money movement and banking systems, such as the system referred to as "hawala", including whether the threshold for the filing of suspicious activity reports under section 5318(g) of title 31, United States Code should be lowered in the case of such systems.

SEC. 122. UNIFORM PROTECTION AUTHORITY FOR FEDERAL RESERVE FACILITIES.

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following:

"(q) UNIFORM PROTECTION AUTHORITY FOR FEDERAL RESERVE FACILITIES.—

"(1) Notwithstanding any other provision of law, to authorize personnel to act as law enforcement officers to protect and safeguard the premises, grounds, property, personnel, including members of the Board, of the Board, or any Federal reserve bank, and operations conducted by or on behalf of the Board or a reserve bank.

"(2) The Board may, subject to the regulations prescribed under paragraph (5), delegate authority to a Federal reserve bank to authorize personnel to act as law enforcement officers to protect and safeguard the bank's premises, grounds, property, personnel, and operations conducted by or on behalf of the bank.

"(3) Law enforcement officers designated or authorized by the Board or a reserve bank under paragraph (1) or (2) are authorized while on duty to carry firearms and make arrests without warrants for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States committed or being committed within the buildings and grounds of the Board or a reserve bank if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. Such officers shall have access to law enforcement information that may be necessary for the protection of the property or personnel of the Board or a reserve bank.

"(4) For purposes of this subsection, the term 'law enforcement officers' means personnel who have successfully completed law enforcement training and are authorized to carry firearms and make arrests pursuant to this subsection.

"(5) The law enforcement authorities provided for in this subsection may be exercised only pursuant to regulations prescribed by the Board and approved by the Attorney General.".

SEC. 123. REPORTS RELATING TO COINS AND CURRENCY RECEIVED IN NONFINANCIAL TRADE OR BUSINESS.

(a) REPORTS REQUIRED.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5332 (as added by section 112 of this title) the following new section:

"SEC. 5333. REPORTS RELATING TO COINS AND CURRENCY RECEIVED IN NONFINANCIAL TRADE OR BUSINESS.

"(a) COIN AND CURRENCY RECEIPTS OF MORE THAN $10,000.—Any person—

"(1) who is engaged in a trade or business; and

"(2) who, in the course of such trade or business, receives more than $10,000 in coins or currency in 1 transaction (or 2 or more related transactions),

shall file a report described in subsection (b) with respect to such transaction (or related transactions) with the Financial Crimes Enforcement Network at such time and in such manner as the Secretary may, by regulation, prescribe.

"(b) FORM AND MANNER OF REPORTS.—A report is described in this subsection if such report—

"(1) is in such form as the Secretary may prescribe;

"(2) contains—

"(A) the name and address, and such other identification information as the Secretary may require, of the person from whom the coins or currency was received;

"(B) the amount of coins or currency received;

"(C) the date and nature of the transaction; and

"(D) such other information, including the identification of the person filing the report, as the Secretary may prescribe.

"(c) EXCEPTIONS.—

"(1) AMOUNTS RECEIVED BY FINANCIAL INSTITUTIONS.—Subsection (a) shall not apply to amounts received in a transaction reported under section 5313 and regulations prescribed under such section.

"(2) TRANSACTIONS OCCURRING OUTSIDE THE UNITED STATES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall not apply to any transaction if the entire transaction occurs outside the United States.

"(d) CURRENCY INCLUDES FOREIGN CURRENCY AND CERTAIN MONETARY INSTRUMENTS.—

"(1) IN GENERAL.—For purposes of this section, the term 'currency' includes—

"(A) foreign currency; and

"(B) to the extent provided in regulations prescribed by the Secretary, any monetary instrument (whether or not in bearer form) with a face amount of not more than $10,000.

"(2) SCOPE OF APPLICATION.—Paragraph (1)(B) shall not apply to any check drawn on the account of the writer in a financial institution referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), (J), (K), (R), or (S) of section 5312(a)(2).".

(b) PROHIBITION ON STRUCTURING TRANSACTIONS.—

(1) IN GENERAL.—Section 5324 of title 31, United States Code, is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection:

"(b) DOMESTIC COIN AND CURRENCY TRANSACTIONS INVOLVING NONFINANCIAL TRADES OR BUSINESSES.—No person shall for the purpose of evading the report requirements of section 5333 or any regulation prescribed under such section—

"(1) cause or attempt to cause a nonfinancial trade or business to fail to file a report required under section 5333 or any regulation prescribed under such section;

"(2) cause or attempt to cause a nonfinancial trade or business to file a report required under section 5333 or any regulation prescribed under such section that contains a material omission or misstatement of fact; or

"(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with 1 or more nonfinancial trades or businesses.'.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The heading for subsection (a) of section 5324 of title 31, United States Code, is amended by inserting "INVOLVING FINANCIAL INSTITUTIONS" after "TRANSACTIONS'.

(B) Section 5317(c) of title 31, United States Code, is amended by striking "5324(b)" and inserting "5324(c)".

(c) DEFINITION OF NONFINANCIAL TRADE OR BUSINESS.—

(1) IN GENERAL.—Section 5312(a) of title 31, United States Code, is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

"(4) NONFINANCIAL TRADE OR BUSINESS.—The term 'nonfinancial trade or business' means any trade or business other than a financial institution that is subject to the reporting requirements of section 5313 and regulations prescribed under such section.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 5312(a)(3)(C) of title 31, United States Code, is amended by striking ``section 5316,'' and inserting ``sections 5333 and 5316,''.

(B) Subsections (a) through (f) of section 5318 of title 31, United States Code, and sections 5321, 5326, and 5328 of such title are each amended—

(i) by inserting ``or nonfinancial trade or business'' after ``financial institution'' each place such term appears; and

(ii) by inserting ``or nonfinancial trades or businesses'' after ``financial institutions'' each place such term appears.

(C) Section 981(a)(1)(A) of title 18, United States Code, is amended by striking ``5313(a) or 5324(a) of title 31,'' and inserting ``5313(a) or 5333 of title 31, or subsection (a) or (b) of section 5324 of such title,''.

(D) Section 982(a)(1) of title 18, United States Code, is amended by inserting ``5333,'' after ``5313(a),''.

(c) CLERICAL AMENDMENT.—The tables of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5332 (as added by section 112 of this title) the following new item:

``5333. Reports relating to coins and currency received in nonfinancial trade or business.''.

(f) REGULATIONS.—Regulations which the Secretary of the Treasury determines are necessary to implement this section shall be published in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

TITLE II—PUBLIC-PRIVATE COOPERATION

SEC. 201. ESTABLISHMENT OF HIGHLY SECURE NETWORK.

(a) IN GENERAL.—The Secretary of the Treasury shall establish a highly secure network in the Financial Crimes Enforcement Network that—

(1) allows financial institutions to file reports required under subchapter II or III of chapter 53 of title 31, United States Code, chapter 2 of title I of Public Law 91–508, or section 21 of the Federal Deposit Insurance Act through the network; and

(2) provides financial institutions with alerts and other information regarding suspicious activities that warrant immediate and enhanced scrutiny.

(b) EXPEDITED DEVELOPMENT.—The Secretary of the Treasury shall take such action as may be necessary to ensure that the website required under subsection (a) is fully operational before the end of the 9-month period beginning on the date of the enactment of this Act.

SEC. 202. REPORT ON IMPROVEMENTS IN DATA ACCESS AND OTHER ISSUES.

Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury, after consulting with appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act), shall report to the Congress on the following issues:

(1) DATA COLLECTION AND ANALYSIS.—Progress made since such date of enactment in meeting the requirements of section 310(c) of title 31, United States Code (as added by this Act).

(2) BARRIERS TO EXCHANGE OF FINANCIAL CRIME INFORMATION.—Technical, legal, and other barriers to the exchange of financial crime prevention and detection information among and between Federal law enforcement agencies, including an identification of all Federal law enforcement data systems between which or among which data cannot be shared for whatever reason.

(3) PRIVATE BANKING.—Private banking activities in the United States, including information on the following:

(A) The nature and extent of private banking activities in the United States.

(B) Regulatory efforts to monitor private banking activities and ensure that such activities are conducted in compliance with subchapter II of chapter 53 of title 31, United States Code, and section 21 of the Federal Deposit Insurance Act.

(C) With regard to financial institutions that offer private banking services, the policies and procedures of such institutions that are designed to ensure compliance with the requirements of subchapter II of chapter 53 of title 31, United States Code, and section 21 of the Federal Deposit Insurance Act, with respect to private banking activity.

SEC. 203. REPORTS TO THE FINANCIAL SERVICES INDUSTRY ON SUSPICIOUS FINANCIAL ACTIVITIES.

At least once each calendar quarter, the Secretary of the Treasury shall—

(1) publish a report containing a detailed analysis identifying patterns of suspicious activity and other investigative insights derived from suspicious activity reports and investigations conducted by Federal, State, and local law enforcement agencies to the extent appropriate; and

(2) distribute such report to financial institutions (as defined in section 5312 of title 31, United States Code).

SEC. 204. EFFICIENT USE OF CURRENCY TRANSACTION REPORT SYSTEM.

(a) FINDINGS.—The Congress finds the following:

(1) The Congress established the currency transaction reporting requirements in 1970 because the Congress found then that such reports have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings and the usefulness of such reports has only increased in the years since the requirements were established.

(2) In 1994, in response to reports and testimony that excess amounts of currency transaction reports were interfering with effective law enforcement, the Congress reformed the currency transaction report exemption requirements to provide—

(A) mandatory exemptions for certain reports that had little usefulness for law enforcement, such as cash transfers between depository institutions and cash deposits from government agencies; and

(B) discretionary authority for the Secretary of the Treasury to provide exemptions, subject to criteria and guidelines established by the Secretary, for financial institutions with regard to regular business customers that maintain accounts at an institution into which frequent cash deposits are made.

(3) Today there is evidence that some financial institutions are not utilizing the exemption system, or are filing reports even if there is an exemption in effect, with the result that the volume of currency transaction reports is once again interfering with effective law enforcement.

(b) STUDY AND REPORT.—

(1) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study of—

(A) the possible expansion of the statutory exemption system in effect under 5313 of title 31, United States Code; and

(B) methods for improving financial institution utilization of the statutory exemption provisions as a way of reducing the submission of currency transaction reports that have little or no value for law enforcement purposes, including improvements in the systems in effect at financial institutions for regular review of the exemption procedures used at the institution and the training of personnel in its effective use.

(2) REPORT REQUIRED.—The Secretary of the Treasury shall submit a report to the Congress before the end of the 90-day period beginning on the date of the enactment of this Act containing the findings and conclusions of the Secretary with regard to the study required under subsection (a) and such recommendations for legislative or administrative action as the Secretary determines to be appropriate.

SEC. 205. PUBLIC-PRIVATE TASK FORCE ON TERRORIST FINANCING ISSUES.

Section 1564 of the Annunzio—Wylie Anti-Money Laundering Act (31 U.S.C. 5311 note) is amended by adding at the end the following new subsection:

``(d) TERRORIST FINANCING ISSUES.—

``(1) IN GENERAL.—The Secretary of the Treasury shall provide, either within the Bank Secrecy Act Advisory Group, or as a subcommittee or other adjunct of the Advisory Group, for a task force of representatives from agencies and officers represented on the Advisory Group, a representative of the Director of the Office of Homeland Security, and representatives of financial institutions, private organizations that represent the financial services industry, and other interested parties to focus on—

``(A) issues specifically related to the finances of terrorist groups, the means terrorist groups use to transfer funds around the world and within the United States, including through the use of charitable organizations, nonprofit organizations, and nongovernmental organizations, and the extent to which financial institutions in the United States are unwittingly involved in such finances and the extent to which such institutions are at risk as a result;

``(B) the relationship, particularly the financial relationship, between international narcotics traffickers and foreign terrorist organizations, the extent to which their memberships overlap and engage in joint activities, and the extent to which they cooperate with each other in raising and transferring funds for their respective purposes; and

``(C) means of facilitating the identification of accounts and transactions involving terrorist groups and facilitating the exchange of information concerning such accounts and transactions between financial institutions and law enforcement organizations.

``(2) APPLICABILITY OF OTHER PROVISIONS.—Sections 552, 552a, and 552b of title 5, United States Code, and the Federal Advisory Committee Act shall not apply to the task force established pursuant to paragraph (1).''.

SEC. 206. SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS.

(a) DEADLINE FOR SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS FOR REGISTERED BROKERS AND DEALERS.—The Secretary of the Treasury, in consultation with the Securities and Exchange Commission, shall publish proposed regulations in the Federal Register before January 1, 2002, requiring brokers and dealers registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 to submit suspicious activity reports under section 5318(g) of title 31, United States Code. Such regulations shall be published in final form no later than June 1, 2002.

(b) SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS, COMMODITY TRADING ADVISORS, AND COMMODITY POOL OPERATORS.—The Secretary of the Treasury, in consultation with the Commodity Futures Trading Commission, may prescribe regulations requiring futures commission merchants, commodity trading advisors, and commodity pool operators registered under the Commodity Exchange Act to submit suspicious activity reports under section 5318(g) of title 31, United States Code.

SEC. 207. AMENDMENTS RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.

(a) AMENDMENT RELATING TO CIVIL LIABILITY IMMUNITY FOR DISCLOSURES.—Section 5318(g)(3) of title 31, United States Code, is amended to read as follows:

"(3) LIABILITY FOR DISCLOSURES.—

"(A) IN GENERAL.—Any financial institution that makes a voluntary disclosure of any possible violation of law or regulation to a government agency or makes a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution who makes, or requires another to make any such disclosure, shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to any person.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

(b) PROHIBITION ON NOTIFICATION OF DISCLOSURES.—Section 5318(g)(2) of title 31, United States Code, is amended to read as follows:

"(2) NOTIFICATION PROHIBITED.—

"(A) IN GENERAL.—If a financial institution or any director, officer, employee, or agent of any financial institution, voluntarily or pursuant to this section or any other authority, reports a suspicious transaction to a government agency—

"(i) the financial institution, director, officer, employee, or agent may not notify any person involved in the transaction that the transaction has been reported; and

"(ii) no officer or employee of the Federal Government or of any State, local, tribal, or territorial government within the United States, who has any knowledge that such report was made may disclose to any person involved in the transaction that the transaction has been reported other than as necessary to fulfill the official duties of such officer or employee.

"(B) DISCLOSURES IN CERTAIN EMPLOYMENT REFERENCES.—Notwithstanding the application of subparagraph (A) in any other context, subparagraph (A) shall not be construed as prohibiting any financial institution, or any director, officer, employee, or agent of such institution, from including, in a written employment reference that is provided in accordance with section 18(v) of the Federal Deposit Insurance Act in response to a request from another financial institution or a written termination notice or employment reference that is provided in accordance with the rules of the self-regulatory organizations registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission, information that was included in a report to which subparagraph (A) applies, but such written employment reference may not disclose that such information was also included in any such report or that such report was made.".

SEC. 208. AUTHORIZATION TO INCLUDE SUSPICIONS OF ILLEGAL ACTIVITY IN WRITTEN EMPLOYMENT REFERENCES.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(w) WRITTEN EMPLOYMENT REFERENCES MAY CONTAIN SUSPICIONS OF INVOLVEMENT IN ILLEGAL ACTIVITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any insured depository institution, and any director, officer, employee, or agent of such institution, may disclose in any written employment reference relating to a current or former institution-affiliated party of such institution which is provided to another insured depository institution in response to a request from such other institution, information concerning the possible involvement of such institution-affiliated party in potentially unlawful activity, to the extent—

"(A) the disclosure does not contain information which the institution, director, officer, employee, or agent knows to be false; and

"(B) the institution, director, officer, employee, or agent has not acted with malice or with reckless disregard for the truth in making the disclosure.

"(2) DEFINITION.—For purposes of this subsection, the term 'insured depository institution' includes any uninsured branch or agency of a foreign bank.".

SEC. 209. INTERNATIONAL COOPERATION ON IDENTIFICATION OF ORIGINATORS OF WIRE TRANSFERS.

The Secretary of the Treasury shall—

(1) in consultation with the Attorney General and the Secretary of State, take all reasonable steps to encourage foreign governments to require the inclusion of the name of the originator in wire transfer instructions sent to the United States and other countries, with the information to remain with the transfer from its origination until the point of disbursement; and

(2) report annually to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on—

(A) progress toward the goal enumerated in paragraph (1), as well as impediments to implementation and an estimated compliance rate; and

(B) impediments to instituting a regime in which all appropriate identification, as defined by the Secretary, about wire transfer recipients shall be included with wire transfers from their point of origination until disbursement.

SEC. 210. CHECK TRUNCATION STUDY.

Before the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General and the Board of Governors of the Federal Reserve System, shall conduct a study of the impact on—

(1) crime prevention (including money laundering and terrorism);

(2) law enforcement;

(3) the financial services industry (including the technical, operational, and economic impact on the industry) and customers of such industry;

(4) the payment system (including the liquidity, stability, and efficiency of the payment system and the ability to monitor and access the flow of funds); and

(5) the consumer protection laws,

of any policy of the Board of Governors of the Federal Reserve System relating to the promotion of check electronification, through truncation or other means, or migration away from paper checks. The study shall also include an analysis of the benefits and burdens of promoting check electronification on the foregoing entities.

TITLE III—COMBATTING INTERNATIONAL MONEY LAUNDERING

SEC. 301. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5318 the following new section:

"§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern

"(a) INTERNATIONAL COUNTER-MONEY LAUNDERING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern, in accordance with subsection (c).

"(2) FORM OF REQUIREMENT.—The special measures described in—

"(A) subsection (b) may be imposed in such sequence or combination as the Secretary shall determine;

"(B) paragraphs (1) through (4) of subsection (b) may be imposed by regulation, order, or otherwise as permitted by law; and

"(C) subsection (b)(5) may be imposed only by regulation.

"(3) DURATION OF ORDERS; RULEMAKING.—Any order by which a special measure described in paragraphs (1) through (4) of subsection (b) is imposed (other than an order described in section 5326)—

"(A) shall be issued together with a notice of proposed rulemaking relating to the imposition of such special measure; and

"(B) may not remain in effect for more than 120 days, except pursuant to a regulation prescribed on or before the end of the 120-day period beginning on the date of issuance of such order.

"(4) PROCESS FOR SELECTING SPECIAL MEASURES.—In selecting which special measure or measures to take under this subsection, the Secretary—

"(A) shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act), the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union

Administration Board, and in the sole discretion of the Secretary such other agencies and interested parties as the Secretary may find to be appropriate; and

“(B) shall consider—

“(i) whether similar action has been or is being taken by other nations or multilateral groups;

“(ii) whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States;

“(iii) the extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, or class of transactions; and

“(iv) the effect on national security and foreign policy.

“(5) NO LIMITATION ON OTHER AUTHORITY.—This section shall not be construed as superseding or otherwise restricting any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

“(b) SPECIAL MEASURES.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts are as follows:

“(1) RECORDKEEPING AND REPORTING OF CERTAIN FINANCIAL TRANSACTIONS.—

“(A) IN GENERAL.—The Secretary may require any domestic financial institution or domestic financial agency to maintain records, file reports, or both, concerning the aggregate amount of transactions, or concerning each transaction, with respect to a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or class of transactions to be of primary money laundering concern.

“(B) FORM OF RECORDS AND REPORTS.—Such records and reports shall be made and retained at such time, in such manner, and for such period of time, as the Secretary shall determine, and shall include such information as the Secretary may determine, including—

“(i) the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer;

“(ii) the legal capacity in which a participant in any transaction is acting;

“(iii) the identity of the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

“(iv) a description of any transaction.

“(2) INFORMATION RELATING TO BENEFICIAL OWNERSHIP.—In addition to any other requirement under any other provision of law, the Secretary may require any domestic financial institution or domestic financial agency to take such steps as the Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on a regulated exchange or trading market), or a representative of such a foreign person, that involves a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, transaction, or account to be of primary money laundering concern.

“(3) INFORMATION RELATING TO CERTAIN PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a payable-through account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a payable through account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

“(A) to identify each customer (and representative of such customer) of such financial institution who is permitted to use, or whose transactions are routed through, such payable-through account; and

“(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

“(4) INFORMATION RELATING TO CERTAIN CORRESPONDENT ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a correspondent account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a correspondent account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

“(A) to identify each customer (and representative of such customer) of any such financial institution who is permitted to use, or whose transactions are routed through, such correspondent account; and

“(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

“(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account by any domestic financial institution or domestic financial agency for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account or payable-through account.

“(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN.—

“(1) IN GENERAL.—In making a finding that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern so as to authorize the Secretary to take 1 or more of the special measures described in subsection (b), the Secretary shall consult with the Secretary of State, and the Attorney General.

“(2) ADDITIONAL CONSIDERATIONS.—In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be relevant, including the following potentially relevant factors:

“(A) JURISDICTIONAL FACTORS.—In the case of a particular jurisdiction—

“(i) evidence that organized criminal groups, international terrorists, or both, have transacted business in that jurisdiction;

“(ii) the extent to which that jurisdiction or financial institutions operating in that jurisdiction offer bank secrecy or special regulatory advantages to nonresidents or nondomiciliaries of that jurisdiction;

“(iii) the substance and quality of administration of the bank supervisory and counter-money laundering laws of that jurisdiction;

“(iv) the relationship between the volume of financial transactions occurring in that jurisdiction and the size of the economy of the jurisdiction;

“(v) the extent to which that jurisdiction is characterized as an offshore banking or secrecy haven by credible international organizations or multilateral expert groups;

“(vi) whether the United States has a mutual legal assistance treaty with that jurisdiction, and the experience of United States law enforcement officials, and regulatory officials in obtaining information about transactions originating in or routed through or to such jurisdiction; and

“(vii) the extent to which that jurisdiction is characterized by high levels of official or institutional corruption.

“(B) INSTITUTIONAL FACTORS.—In the case of a decision to apply 1 or more of the special measures described in subsection (b) only to a financial institution or institutions, or to a transaction or class of transactions, or to a type of account, or to all 3, within or involving a particular jurisdiction—

“(i) the extent to which such financial institutions, transactions, or types of accounts are used to facilitate or promote money laundering in or through the jurisdiction;

"(ii) the extent to which such institutions, transactions, or types of accounts are used for legitimate business purposes in the jurisdiction; and

"(iii) the extent to which such action is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of this subchapter continue to be fulfilled, and to guard against international money laundering and other financial crimes.

"(d) Notification of Special Measures Invoked by the Secretary.—Not later than 10 days after the date of any action taken by the Secretary under subsection (a)(1), the Secretary shall notify, in writing, the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of any such action.

"(e) Definitions.—Notwithstanding any other provision of this subchapter, for purposes of this section, the following definitions shall apply:

"(1) Bank definitions.—The following definitions shall apply with respect to a bank:

"(A) Account.—The term 'account'—

"(i) means a formal banking or business relationship established to provide regular services, dealings, and other financial transactions; and

"(ii) includes a demand deposit, savings deposit, or other transaction or asset account and a credit account or other extension of credit.

"(B) Correspondent account.—The term 'correspondent account' means an account established to receive deposits from, make payments on behalf of a foreign financial institution, or handle other financial transactions related to such institution.

"(C) Payable-through account.—The term 'payable-through account' means an account, including a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act), opened at a depository institution by a foreign financial institution by means of which the foreign financial institution permits its customers to engage, either directly or through a subaccount, in banking activities usual in connection with the business of banking in the United States.

"(D) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) Definitions applicable to institutions other than banks.—With respect to any financial institution other than a bank, the Secretary shall, after consultation with the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act), define by regulation the term 'account', and shall include within the meaning of that term, to the extent, if any, that the Secretary deems appropriate, arrangements similar to payable-through and correspondent accounts.

"(3) Regulatory definition.—The Secretary shall prescribe regulations defining beneficial ownership of an account for purposes of this subchapter. Such regulations shall address issues related to an individual's authority to fund, direct, or manage the account (including the power to direct payments into or out of the account), and an individual's material interest in the income or corpus of the account, and shall ensure that the identification of individuals under this section does not extend to any individual whose beneficial interest in the income or corpus of the account is immaterial.

"(4) Other terms.—The Secretary may, by regulation, further define the terms in paragraphs (1) and (2) and define other terms for the purposes of this section, as the Secretary deems appropriate.".

(b) Financial Institutions Specified in Subchapter II of Chapter 53 of Title 31, United States Code.—

(1) Credit unions.—Subparagraph (E) of section 5312(2) of title 31, United States Code, is amended to read as follows:

"(E) any credit union;".

(2) Futures commission merchant; commodity trading advisor; commodity pool operator.—Section 5312 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) Additional Definitions.—For purposes of this subchapter, the following definitions shall apply:

"(1) Certain institutions included in definition.—The term 'financial institution' (as defined in subsection (a)) includes the following:

"(A) Any futures commission merchant, commodity trading advisor, or commodity pool operator registered, or required to register, under the Commodity Exchange Act.".

(3) CFTC included.—For purposes of this Act and any amendment made by this Act to any other provision of law, the term "Federal functional regulator" includes the Commodity Futures Trading Commission.

(c) Clerical Amendment.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5318 the following new item:

"5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.".

SEC. 302. SPECIAL DUE DILIGENCE FOR CORRESPONDENT ACCOUNTS AND PRIVATE BANKING ACCOUNTS.

(a) In General.—Section 5318 of title 31, United States Code, is amended by inserting after subsection (i) (as added by section 119 of this Act) the following new subsection:

"(j) Due Diligence for United States Private Banking and Correspondent Bank Accounts Involving Foreign Persons.—

"(1) In general.—Each financial institution that establishes, maintains, administers, or manages a private banking account or a correspondent account in the United States for a non-United States person, including a foreign individual visiting the United States, or a representative of a non-United States person, shall establish appropriate, specific, and, where necessary, enhanced due diligence policies, procedures, and controls to detect and report instances of money laundering through those accounts.

"(2) Special standards for certain correspondent accounts.—

"(A) In general.—Subparagraph (B) shall apply if a correspondent account is requested or maintained by, or on behalf of, a foreign bank operating—

"(i) under an offshore banking license; or

"(ii) under a banking license issued by a foreign country that has been designated—

"(I) as noncooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization of which the United States is a member with which designation the Secretary of the Treasury concurs; or

"(II) by the Secretary as warranting special measures due to money laundering concerns.

"(B) Policies, procedures, and controls.—The enhanced due diligence policies, procedures, and controls required under paragraph (1) for foreign banks described in subparagraph (A) shall, at a minimum, ensure that the financial institution in the United States takes reasonable steps—

"(i) to ascertain for any such foreign bank, the shares of which are not publicly traded, the identity of each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner;

"(ii) to conduct enhanced scrutiny of such account to guard against money laundering and report any suspicious transactions under section 5318(g); and

"(iii) to ascertain whether such foreign bank provides correspondent accounts to other foreign banks and, if so, the identity of those foreign banks and related due diligence information, as appropriate under paragraph (1).

"(3) Minimum standards for private banking accounts.—If a private banking account is requested or maintained by, or on behalf of, a non-United States person, then the due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution takes reasonable steps—

"(A) to ascertain the identity of the nominal and beneficial owners of, and the source of funds deposited into, such account as needed to guard against money laundering and report any suspicious transactions under section 5318(g); and

"(B) to conduct enhanced scrutiny of any such account that is requested or maintained by, or on behalf of, a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, to prevent, detect, and report transactions that may involve the proceeds of foreign corruption.

"(4) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Offshore banking license.—The term 'offshore banking license' means a license to conduct banking activities which, as a condition of the license, prohibits the licensed entity from conducting banking activities with the citizens of, or with the local currency of, the country which issued the license.

"(B) Private bank account.—The term 'private bank account' means an account (or any combination of accounts) that—

"(i) requires a minimum aggregate deposits of funds or other assets of not less than $1,000,000;

"(ii) is established on behalf of 1 or more individuals who have a direct or beneficial ownership interest in the account; and

"(iii) is assigned to, or is administered or managed by, in whole or in part, an officer, employee, or agent of a financial institution acting as a liaison between the financial institution and the direct or beneficial owner of the account.

"(5) Regulatory authority.—Before the end of the 6-month period beginning on the date of the enactment of the Financial Anti-Terrorism Act of 2001, the Secretary, in consultation with the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act) shall further define and clarify, by regulation, the requirements of this subsection.".

(b) Effective Date.—The amendments made by this section shall take effect beginning 180 days after the date of the enactment of this Act with respect to accounts covered by subsection (j) of section 5318 of title 31, United States Code (as added by this section) that are opened before, on, or after the date of the enactment of this Act.

SEC. 303. PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.

Section 5318 of title 31, United States Code, is amended by inserting after subsection (j) (as added by section 302 of this title) the following new subsection:

"(k) Prohibition on United States Correspondent Accounts With Foreign Shell Banks.—

"(1) In general.—A depository institution shall not establish, maintain, administer, or manage a correspondent account in the United States for, or on behalf of, a foreign bank that does not have a physical presence in any country.

"(2) Prevention of indirect service to foreign shell banks.—

"(A) In general.—A depository institution shall take reasonable steps to ensure that any correspondent account established, maintained, administered, or managed by that institution in the United States for a foreign bank is not being used by that foreign bank to indirectly provide banking services to another foreign bank that does not have a physical presence in any country.

"(B) Regulations.—The Secretary shall, in regulations, delineate reasonable steps necessary for a depository institution to comply with this subsection.

"(3) Exception.—Paragraphs (1) and (2) shall not be construed as prohibiting a depository institution from providing a correspondent account to a foreign bank, if the foreign bank—

"(A) is an affiliate of a depository institution, credit union, or other foreign bank that maintains a physical presence in the United States or a foreign country, as applicable; and

"(B) is subject to supervision by a banking authority in the country regulating the affiliated depository institution, credit union, or foreign bank, described in subparagraph (A), as applicable.

"(4) Definitions.—For purposes of this section, the following definitions shall apply:

"(A) Affiliate.—The term 'affiliate' means a foreign bank that is controlled by or is under common control with a depository institution, credit union, or foreign bank.

"(B) Depository institution.—The 'depository institution'—

"(i) has the meaning given such term in section 3 of the Federal Deposit Insurance Act; and

"(ii) includes a credit union.

"(C) Physical presence.—The term 'physical presence' means a place of business that—

"(i) is maintained by a foreign bank;

"(ii) is located at a fixed address (other than solely an electronic address) in a country in which the foreign bank is authorized to conduct banking activities, at which location the foreign bank—

"(I) employs 1 or more individuals on a full-time basis; and

"(II) maintains operating records related to its banking activities; and

"(iii) is subject to inspection by the banking authority which licensed the foreign bank to conduct banking activities.".

SEC. 304. ANTI-MONEY LAUNDERING PROGRAMS.

(a) In General.—Section 5318(h) of title 31, United States Code, is amended to read as follows:

"(h) Anti-Money Laundering Programs.—

"(1) In general.—In order to guard against money laundering through financial institutions, each financial institution shall establish anti-money laundering programs, including, at a minimum—

"(A) the development of internal policies, procedures, and controls;

"(B) the designation of an officer of the financial institution responsible for compliance;

"(C) an ongoing employee training program; and

"(D) an independent audit function to test programs.

"(2) Regulations.—The Secretary may, after consultation with the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act), prescribe minimum standards for programs established under paragraph (1), and may exempt from the application of those standards any financial institution that is not subject to the provisions of the regulations contained in part 103 of title 31, of the Code of Federal Regulations, as in effect on the date of the enactment of the Financial Anti-Terrorism Act of 2001, or any successor to such regulations, for so long as such financial institution is not subject to the provisions of such regulations.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

(c) Date of Application of Regulations; Factors to Be Taken Into Account.—Before the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to implement the amendment made by subsection (a). In prescribing such regulations, the Secretary shall consider the extent to which the requirements imposed under such regulations are commensurate with the size, location, and activities of the financial institutions to which such regulations apply.

SEC. 305. CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code (as amended by section 304) is amended by adding at the end the following:

"(3) Concentration accounts.—The Secretary may prescribe regulations under this subsection that govern maintenance of concentration accounts by financial institutions, in order to ensure that such accounts are not used to prevent association of the identity of an individual customer with the movement of funds of which the customer is the direct or beneficial owner, which regulations shall, at a minimum—

"(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

"(B) prohibit financial institutions and their employees from informing customers of the existence of, or the means of identifying, the concentration accounts of the institution; and

"(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that, any time a transaction involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is documented.".

SEC. 306. INTERNATIONAL COOPERATION IN INVESTIGATIONS OF MONEY LAUNDERING, FINANCIAL CRIMES, AND THE FINANCES OF TERRORIST GROUPS.

(a) Negotiations.—

(1) In general.—It is the sense of the Congress that, in addition to the existing requirements of section 4702 of the Anti-Drug Abuse Act of 1988, the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate and in consultation with the Board of Governors of the Federal Reserve System, to seek to enter into negotiations with the appropriate financial supervisory agencies and other officials of any foreign country the financial institutions of which do business with United States financial institutions or which may be utilized by any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes.

(2) Purposes of negotiations.—It is the sense of the Congress that, in carrying out any negotiations described in paragraph (1), the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate, to seek to enter into and further cooperative efforts, voluntary information exchanges, the use of letters rogatory, mutual legal assistance treaties, and international agreements to—

(A) ensure that foreign banks and other financial institutions maintain adequate records of—

(i) large United States currency transactions; and

(ii) transaction and account information relating to any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes; and

(B) establish a mechanism whereby such records may be made available to United States law enforcement officials and domestic financial institution supervisors, when appropriate.

(b) Reports.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Secretary of State, in conjunction with the Attorney General and the Secretary of the Treasury, shall submit a report to the Congress, on the progress in any negotiations described in subsection (a).

(2) Identification of certain countries.—In any report submitted under paragraph (1), the Secretary of State shall identify countries—

(A) with respect to which the Secretary determines there is evidence that the financial institutions in such countries are being utilized by any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes; and

(B) which have not reached agreement with United States authorities to meet the objectives of subparagraphs (A) and (B) of subsection (a)(2).

(3) Report on penalties and sanctions.—If the President determines that—

(A) a foreign country is described in subparagraphs (A) and (B) of paragraph (2); and

(B) such country—

(i) is not negotiating in good faith to reach an agreement described in subsection (a)(2); or

(ii) has not complied with, or a financial institution of such country has not complied with, a request, made by an official of the United States Government authorized to make such request, for information regarding a foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), a person who is a member or representative of any such organization, or a person engaged in money laundering for or with any such organization,

and the President imposes any penalties or sanctions on such country or financial institutions of such country on the basis of such determination, the Secretary of State shall submit a report to the Congress describing the facts and circumstances of the case before the end of the 60-day period beginning on the date such sanctions and penalties take effect.

TITLE IV—CURRENCY PROTECTION

SEC. 401. COUNTERFEITING DOMESTIC CURRENCY AND OBLIGATIONS.

(a) Counterfeit Acts Committed Outside the United States.—Section 470 of title 18, United States Code, is amended—

(1) in paragraph (2), by inserting "analog, digital, or electronic image," after "plate, stone,"; and

(2) by striking "shall be fined under this title, imprisoned not more than 20 years, or both" and inserting "shall be punished as is provided for the like offense within the United States".

(b) Obligations or securities of the United States.—Section 471 of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

(c) Uttering Counterfeit Obligations or Securities.—Section 472 of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

(d) Dealing in Counterfeit Obligations or Securities.—Section 473 of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(e) Plates, Stones, or Analog, Digital, or Electronic Images For Counterfeiting Obligations or Securities.—

(1) In general.—Section 474(a) of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any obligation or other security of the United States; or".

(2) Amendment to definition.—Section 474(b) of title 18, United States Code, is amended by striking the first sentence and inserting the following new sentence: "For purposes of this section, the term 'analog, digital, or electronic image' includes any analog, digital, or electronic method used for the making, execution, acquisition, scanning, capturing, recording, retrieval, transmission, or reproduction of any obligation or security, unless such use is authorized by the Secretary of the Treasury.".

(3) Technical and conforming amendment.—The heading for section 474 of title 18, United States Code, is amended by striking "**or stones**" and inserting "**, stones, or analog, digital, or electronic images**".

(4) Clerical amendment.—The table of sections for chapter 25 of title 18, United States Code, is amended in the item relating to section 474 by striking "or stones" and inserting ", stones, or analog, digital, or electronic images".

(f) Taking Impressions of Tools Used for Obligations or Securities.—Section 476 of title 18, United States Code, is amended—

(1) by inserting "analog, digital, or electronic image," after "impression, stamp,"; and

(2) by striking "ten years" and inserting "25 years".

(g) Possessing or Selling Impressions of Tools Used for Obligations or Securities.—Section 477 of title 18, United States Code, is amended—

(1) in the first paragraph, by inserting "analog, digital, or electronic image," after "imprint, stamp,";

(2) in the second paragraph, by inserting "analog, digital, or electronic image," after "imprint, stamp,"; and

(3) in the third paragraph, by striking "ten years" and inserting "25 years".

(h) Connecting Parts of Different Notes.—Section 484 of title 18, United States Code, is amended by striking "five years" and inserting "10 years".

(i) Bonds and Obligations of Certain Lending Agencies.—The first and second paragraphs of section 493 of title 18, United States Code, are each amended by striking "five years" and inserting "10 years".

SEC. 402. COUNTERFEITING FOREIGN CURRENCY AND OBLIGATIONS.

(a) Foreign Obligations or Securities.—Section 478 of title 18, United States Code, is amended by striking "five years" and inserting "20 years".

(b) Uttering Counterfeit Foreign Obligations or Securities.—Section 479 of title 18, United States Code, is amended by striking "three years" and inserting "20 years".

(c) Possessing Counterfeit Foreign Obligations or Securities.—Section 480 of title 18, United States Code, is amended by striking "one year" and inserting "20 years".

(d) Plates, Stones, or Analog, Digital, or Electronic Images for Counterfeiting Foreign Obligations or Securities.—

(1) In general.—Section 481 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any bond, certificate, obligation, or other security of any foreign government, or of any treasury note, bill, or promise to pay, lawfully issued by such foreign government and intended to circulate as money; or".

(2) Increased sentence.—The last paragraph of section 481 of title 18, United States Code, is amended by striking "five years" and inserting "25 years".

(3) Technical and conforming amendment.—The heading for section 481 of title 18, United States Code, is amended by striking "**or stones**" and inserting "**, stones, or analog, digital, or electronic images**".

(4) Clerical amendment.—The table of sections for chapter 25 of title 18, United States Code, is amended in the item relating to section 481 by striking "or stones" and inserting ", stones, or analog, digital, or electronic images".

(e) Foreign Bank Notes.—Section 482 of title 18, United States Code, is amended by striking "two years" and inserting "20 years";

(f) Uttering Counterfeit Foreign Bank Notes.—Section 483 of title 18, United States Code, is amended by striking "one year" and inserting "20 years".

SEC. 403. PRODUCTION OF DOCUMENTS.

Section 5114(a) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended—

(1) by striking "(a) The Secretary of the Treasury" and inserting:

"(a) Authority To Engrave and Print.—

"(1) In general.—The Secretary of the Treasury"; and

(2) by adding at the end the following new paragraph:

"(2) Engraving and printing for other governments.—The Secretary of the Treasury may, if the Secretary determines that it will not interfere with engraving and printing needs of the United States, produce currency, postage stamps, and other security documents for foreign governments, subject to a determination by the Secretary of State that such production would be consistent with the foreign policy of the United States.".

SEC. 404. REIMBURSEMENT.

Section 5143 of title 31, United States Code (relating to payment for services of the Bureau of Engraving and Printing), is amended—

(1) in the first sentence, by inserting ", any foreign government, or any territory of the United States" after "agency";

(2) in the second sentence, by inserting "and other" after "administrative"; and

(3) in the last sentence, by inserting ", foreign government, or territory of the United States" after "agency".

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3004 and to include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 3004, the Financial Anti-terrorism Act of 2001. The Committee on Financial Services overwhelmingly approved this bill last week in a near unanimous vote of 62 to 1, signalling a strong consensus among Republicans and Democrats alike, administration officials, and the financial services industry, that the time for business as usual is far over.

There is little dissent among us. Strong anti-money laundering measures are needed and needed now. We recognize that failure to move swiftly could leave an open door to future attacks against U.S. citizens and refuse to stand idly by. This bill and the strong bipartisan support it enjoys represents a resounding pledge of congressional support for the President in fulfilling his vow to starve terrorists of their funding.

In the months since the devastating attacks of September 11, we have learned how easily the terrorists used American dollars and the world-class services of the American financial system to underwrite their deadly operations.

At our October 3 committee hearing, we heard testimony from Treasury undersecretary for enforcement, Jimmy Gurule, on how terrorist operatives from bin Laden's organization, al-Qaeda, utilized checks, credit cards, ATM cards, wire transfer systems and brokerage accounts throughout the world, including the U.S.

He testified that al-Qaeda uses banks, legal businesses, front companies, and underground financial systems to finance the organization's activities, and that some elements of the organization rely on profits from the drug trade.

He also pointed out how some Islamic charities have been penetrated and their fund-raising activities exploited by terrorists.

Another witness, Deputy Assistant Attorney General for the Justice Department's Criminal Division, Mary Lee Warren, warned that the United States is fighting with outdated weapons in the war against money laundering and flagged serious problems associated with international smuggling of bulk cash and wire transfers of funds that enable criminals in one country to conceal their funds in another.

Chief of the Financial Crimes Section of the FBI's Criminal Investigations Division, Dennis Lormel, echoed that concern when he testified how terrorists and other criminal organizations rely heavily upon wire transfers. He flagged correspondent banking as another potential in the financial services sector that can offer terrorist organizations a gateway into U.S. banks.

The private sector money laundering experts subsequently described in detail how underground black market banking operations, like the ancient South Asian Hawala money transfer system, are used by criminals to finance their operations.

Mr. Speaker, I applaud the efforts the administration has already taken to disrupt the financial infrastructure of international terrorist organizations. Those actions include the creation of a new foreign terrorist asset tracking center, the issuing of a strong executive order to block the financial assets of terrorists and their supporters, the passage by the United Nations of a U.S.-drafted resolution calling on all governments to freeze terrorist assets, and the immediate widespread mobilization of the U.S. financial services industry to assist in ferreting out the money trail of these terrorists.

To supplement these early initiatives, H.R. 3004 gives the administration new and improved tools to fight the financial war against terrorism. Here is how.

First, the bill significantly strengthens the hand of law enforcement by enhancing bulk cash smuggling laws, making it easier to prosecute illegal money service businesses, making the provision of material support to terrorists a predicate offense for money laundering, barring the entry of aliens suspected of money laundering, and strengthening procedures for obtaining foreign bank records relevant to terrorism or money laundering.

Second, the bill enhances private-public cooperation between Federal agencies and the financial services industry. The bill requires the creation of a private-public task force on terrorist financing, as well as the establishment of a secure website to accept reports from financial institutions about suspected terrorist activities, and to alert them to matters requiring immediate attention.

The bill also seeks to reduce the number of bank-filed reports where they are unnecessary for law enforcement, and requires Treasury to report regularly to industry on the utility of the reports that are being filed.

Third, in order to deal with international money laundering risks, including those associated with terrorism, the bill prohibits U.S. correspondent banking privileges for offshore shell banks, and authorizes the Secretary of the Treasury to take special measures if a foreign country, institution, or a particular type of transaction or account is deemed to be a primary money laundering concern.

In closing, let me simply say that this package is balanced and comprehensive. It reflects input from Members on both sides of the aisle, as well as from the White House, the Treasury Department, and the Justice Department.

I want to personally thank my good friend and ranking minority member, the gentleman from New York (Mr. LAFALCE), for his tireless efforts on this bill. I know he has been a leader on this bill over a number of years, and it has finally come to fruition, thanks to his cooperative efforts.

I urge my colleagues to give H.R. 3004 their full support and vote aye.

Mr. Speaker, I reserve the balance of my time.

□ 1030

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the Financial Anti-Terrorism Act of 2001 provides a new array of weapons in the fight to disrupt the funding of criminals and international terrorist organizations. Our strong legislation was adopted by our Committee on Financial Services by a 62 to 1 vote.

The committee's product provides the President and the executive branch an array of new weapons to combat terrorist funding and money laundering. It largely reflects legislation that then chairman, the gentleman from Iowa (Mr. LEACH), and I worked on together during the last Congress, along with Stu Eizenstat, the Deputy Secretary of the Treasury, and which also passed our committee on a broad bipartisan basis in 2000, again with only one dissenting vote, the same individual dissenting in 2000 who dissented in 2001.

That legislation, like today's, was conceived in an effort to track and impede access to the funds on which criminals and terrorists rely to conduct their activity. Our medicine today is strong medicine, but it is fair medicine. It is balanced medicine, and the need for it is compelling. If we cannot take strong steps to impede the funding of terrorist activity in light of recent events, I do not know what incentive it would take.

Our antiterrorism package on which the House acted on Friday was a good package, and I strongly supported, but it was incomplete. It was incomplete because it did not contain today's vital provisions. It is imperative that today's bill be enacted as part of a comprehensive antiterrorism package to give the President the full range of tools he needs.

The legislation that the chairman, the gentleman from (Mr. OXLEY), and the vice chairwoman, the gentlewoman from New Jersey (Mrs. ROUKEMA), and I and so many others worked on is a balanced consensus product. It was developed through extensive bipartisan consultation with members of the committee, with members of other committees, with the administration, with the financial services industry, et cetera.

Reasonable accommodations were made by all sides to garner overwhelming bipartisan support that was achieved at last Thursday's committee markup and as recently as late last night. We will not win the fight against terrorism unless we cut off the funding of al-Qaeda and each and every other terrorist organization that exists in the world and we can do it.

The Financial Anti-Terrorism Act of 2001 provides weapons that are absolutely essential for our long-term war against terrorism. Failure to enact this legislation is not an option for either the House or the Senate or for America.

Let me say that I regret that, while the committee also included provisions last week with respect to illegal Internet gambling, they were dropped from this bill, but I understand that because that was problematic. It was filled with contentious issues that had not been adequately aired. It is not contained in the Senate bill. The administration opposed the language that the committee reported out on Internet gambling last week. I regret that but we still reported it out, and I look forward at the earliest possible moment of bringing that legislation to the floor of the House of Representatives separately and advancing it.

In the meantime, this administration has present laws on the books, and this Justice Department can interpret those laws on the books and enforce them both criminally and civilly very aggressively, and so I call on Attorney General John Ashcroft to pursue illegal Internet gambling much more aggressively in the future, not only to cut it off because of its troublesome impacts societally, but because according to the testimony of the FBI, it too is being used to launder clean money for dirty purposes and dirty money for transparent cosmetic purposes.

So pass today's bill and let us have the administration aggressively pursue existing law on Internet gambling and let the full House take up the Internet gambling provisions in the future in as expeditious a manner as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), the vice-chairman of the committee.

Mrs. ROUKEMA. Mr. Speaker, I thank the Chair, and I want to associate myself with the statements of our chairman and our ranking member. They have properly outlined the benefits of this bill, and I also want to thank the chairman for his leadership in bringing this bill before the Congress.

As many of my colleagues know, former Congressman McCollum and I had a bill 2 years ago that very closely tracked this bill, and it was a proposal put forth by Attorney General Ashcroft more recently. There are essential elements in this bill that have been outlined here. They were able to be included. The due diligence for correspondent accounts, private banking accounts, requirements for financial institutions have anti-money laundering programs about the authorization of Treasury regulations governing the so-called concentration accounts.

These are essential provisions that I fully expect will be maintained in the Congress. Certainly we must do everything we can to assure that.

I would like to also say thanks to the gentleman from Ohio (Mr. OXLEY), and the bill that was passed in Committee on Financial Services, that there were provisions to make it a crime to smuggle more than 10,000 in currency in and out of the United States. Unfortunately, these provisions were among those that were removed from the bill, and in fact, in my opinion it was unwise and injudicious, if my colleagues get it, get the reference, because it was not our committee that removed them.

The point is finally, and I do not have too much time, the point is that this is important legislation. It would make a mockery of the anti-terrorist bill if we do not have, as I think the gentleman from New York (Mr. LAFALCE) alluded to, if we do not have strong money laundering legislation as a component of it. It would make a mockery of it and cripple law enforcement while protecting the terrorist money network.

I urge all of our colleagues, it may not be perfect, but it is essential legislation that we must support; and it is a significant step down the right track to cripple the terrorist network.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY), who has so personally experienced the terrorist attack and who also has been a multiyear advocate of the strongest possible money laundering legislation.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the bipartisan anti-money laundering legislation produced by the Committee on Financial Services.

As we move to pass comprehensive antiterror legislation, this work product, which was approved 62 to one, must be included in any legislation that the President signs. Since September 11, our Nation has dedicated its resources to fighting terrorism on all front. The brave men and women of our military are targeting the terrorists overseas. Our security agencies are working around the clock to seek out domestic threats, and our law enforcement apparatus is on the trail of the perpetrators in working to prevent future attacks.

This antimoney laundering legislation provides critically needed tools to help law enforcement in these efforts. Like any business, money is as important as oxygen to terrorists. This legislation aims to cut off their oxygen. And like any business, Terrorism, Inc., is out of business when they are out of money.

In the past, money laundering has been associated with drug cartels and criminal organizations that attempt to wash money that is the product of illegal enterprises. In fighting terrorism, we face a new challenge. In addition to stopping money that comes from illegal sources, we must stop money that comes from front charities, overseas businesses, and underground financial systems such as hawala. This bill targets all of these.

The sources of terror money are wide spread. The New York Times recently reported that al-Qaeda has gone so far as to use profits from Mid-East honey trading to fund terror. While it will never be possible to plan for every inevitability, this legislation greatly increases our ability to detect suspicious flows of money, no matter what their source. The legislation gives Treasury the authority to impose additional due diligence requirements on U.S. institutions when they conduct business with individuals or banks in weak money laundering enforcement countries.

In the past, terrorists such as Osama bin Laden have used accounts in the Sudan or other countries to set up correspondent accounts with U.S. banks and wire money to individuals in the United States. This provision directly targets such relationships.

The bill also criminalizes the concealments of $10,000 or more in currency to avoid reporting requirements. All the provisions of H.R. 3004 greatly increase cooperation between the private sector, the financial services regulators, and law enforcement. Communication and cooperation among these divergent interests is key to coordinating resources and cutting off terror money.

Global money laundering is an immense problem. The IMF has conservatively estimated that between $600 billion and $1.5 trillion is laundered annually worldwide. Working with our allies, the President has frozen terrorists assets around the world. This legislation gives our government additional tools to fight old and new laundering schemes.

Mr. Speaker, I applaud our Chair, our ranking member for their consistent and outstanding leadership in passing this bill and the gentleman from Iowa (Mr. LEACH), the former chairman.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would first say with regard to the words that have been brought to us today that this is an important provision in law to bring a money laundering statute into being. Following the money is the most effective way of tracking criminal activity of a given nature. It also serves as a deterrent to crime.

When we first looked at this in the last several years, the main emphasis has been on narco-trafficking; but clearly with regard to terrorism, it is an important ingredient. But it is with some disappointment that I must say that I am amazed and startled to learn that the provision of the bill that relates to Internet gambling has been removed by leadership. And I would only as strongly as I can say that I consider this to be an affront to the committee. I also consider it to be an assault on basic judgment. I would hope that there would be a greater courage and greater will in this body on this issue of Internet gambling.

We are at one of the last moments if there is any hope whatsoever of trying to put a curb on something that is very destructive to the economy and very difficult for individual human beings. And a footnote to the Internet gambling issue is that gambling is one of the great techniques of laundering money. We have to put a footprint down now to stop this form of money laundering and stop the kinds of things that affect so many American individuals. A million Americans a day are now gambling on the Internet with over 600 casino sites with nobody having any idea what these casinos do with the credit card numbers that one gives to these illegal offshore entities.

This Congress has to show a little more backbone when a few interest groups stand up and say they object, when a few ideologues stand up and say they have concerns. The judgment is one that I think has got to be based on compassion and decency, and I hope we can do better.

Mr. LaFALCE. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, we know that this bill is not the silver bullet in our war against terrorism, but it is a vital tool for our law enforcement community. I want to thank the chairman and the ranking member for getting this good strong bill to the floor with such dispatch.

Mr. Speaker, September 11 we have learned a great deal about Osama bin Laden and the al-Qaeda terrorist network. We know that in addition to a complex global financial network, there are many, many sources of funds and a personal fortune of $300 million that Osama bin Laden has. Alarmingly, evidence suggests that organizations in the United States and abroad have cloaked themselves as charitable organizations to help funnel those funds to al-Qaeda.

The President has already frozen the assets of the Wafa Humanitarian Organization, the Al Rashid Trust, the Makhtab al-Khidamat, and most recently, the Society of Islamic Cooperation.

These were groups that were supposedly charitable organizations, but were mere conduits for raising money for the treacherous acts of September 11.

In committee, Mr. Speaker, I introduced an amendment that the chairman and the gentleman from New York (Mr. LaFALCE) were gracious enough to accept. It is an important measure. It simply tells the Treasury Department to scrutinize how terrorists use charitable non-profits and other groups to fund these activities.

□ 1045

If we are going to win the war on terrorism, we must fight it on every front. This is an important bill in that battle.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), the chairman of the Subcommittee on Oversight and Investigations.

Mrs. KELLY. Mr. Speaker, I rise today in strong support of this act. This legislation takes substantive steps to combat how terrorists and drug traffickers move their money. One issue that has been given little attention in our war against terrorism is that the chief export of the Taliban is illegal drugs. Hence, efforts on both fronts have been essential in crafting this legislation.

One of my deepest concerns in our effort to dry up the funding sources for terrorist activities is how we can combat hawalas. This is an international underground economic system by which financial operators in different locations honor each other's financial obligations by making payments in a way which avoids taxes and tariffs. There is no movement of money between countries; hence no taxes and tariffs are paid. At best, there are very small traces of the transactions. This legislation takes the first important step to combat hawala by enforcing the law against unlicensed money transmitting businesses.

While there have long been laws on the books to ensure that money-transmitting businesses be licensed, these laws have been unenforceable due to court rulings which require knowledge of the law and willful intent. In effect, the law is unenforceable: Section 103 of this legislation removes the standard and tightens up the law to ensure that law enforcement has the tools to go after the threat.

This legislation takes important steps to ensure that more financial institutions have in place antimoney laundering programs. But this is not a one-size-fits-all mandate; and size, location, and activities of a business are taken into account. This will ensure everyone, from the very large financial institutions, with billions in transactions every day, to small stores that offer wire transfers, has in place internal policies and procedures and controls to minimize their susceptibility to inadvertently assisting criminals.

We know the terrorists of September 11 were savvy and familiar with the law. We know that the terrorists used money orders and had bank accounts. We know the terrorists were careful not to do anything that would have attracted attention to themselves before they carried out their plans of terror, murder, and destruction. We must take steps to ensure that if future manipulations take place, law enforcement will be notified in time to prevent acts of cowardice.

The Financial Anti-terrorism Act takes these steps. I urge support of the bill.

Mr. LaFALCE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. LaFALCE) has 10½ minutes remaining, and the gentleman from Ohio (Mr. OXLEY) has 9 minutes remaining.

Mr. LaFALCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the ranking member for yielding me this time, and I also want to thank our chairman and ranking member for bringing this bipartisan bill to the floor in such an expedited fashion. This important legislation will help crack down on terrorists using our financial services and having access to funds through money laundering.

While I am strongly supportive of this bill, I had intended to offer a very simple amendment that I hope can be included in conference which would require the Departments of Justice and Treasury to report to Congress on how the terrorists in the September 11 attacks acquired and used credit and debt cards.

We still do not know how the terrorists accessed the credit cards they used to rent cars, purchase airline tickets, and take other actions that facilitated the terrorist attacks. Did they steal other people's identity? Did financial institutions have the tools that they needed to do thorough checks before giving out these cards? We just do not know.

I would like to mention a quote from today's New York Post with reference to this issue. According to the New York Post, in an article today, and I quote, "The most recent charge on one of the cards came 2 weeks ago, a full 3 weeks after the terrorist strike, a law enforcement official told the Post."

We must take every step possible to shut down access to capital to the terrorists. Finding out how they got credit and debt cards is one of the important steps in this process. So I would like to thank my colleagues, our ranking member, the gentleman from New York (Mr. LaFALCE), and our chairman for this bill; and I ask them and suggest to them to include this provision in the conference committee.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the chairman for yielding me this time and rise in support of the Financial Anti-terrorism Act. I appreciate how quickly and how wisely the chairman, the gentleman from Ohio (Mr. OXLEY), and the ranking member, the gentleman from New York (Mr. LaFALCE), moved on this subject.

Mr. Speaker, in this new war we fight new and unpredictable enemies, and we fight against weapons that are unconventional and at least initially unexpected. Our enemies seek to turn our own systems, financial and transportation, against us. But today we fight back.

Today, we approve new weapons for this new war. We authorize new broader searches of international mail; we make a new Federal crime of falsifying a customer's ID in a transaction with a financial institution. This bill directs the Secretary of the Treasury to set up a new secure Web site dedicated to the filing of suspicious activity reports by financial institutions and providing those institutions with alerts.

Last week on the antiterrorism bill and this week on the financial antiterrorism bill some have questioned why we moved so quickly. But we have men and women in harm's way overseas; we have them in harm's way abroad. Let us act boldly, let us act creatively, and let us act today. Please support this bill.

Mr. LaFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of H.R. 3004, the Financial Anti-terrorism Act of 2001. As original cosponsor of this legislation, I want to commend the chairman and the ranking member, as well as the former chairman, the gentleman from Iowa (Mr. LEACH), for the work that they have done on this bill.

This is not the first time that this legislation has come to light. In fact, last year the former House Committee on Banking passed this legislation overwhelmingly. And while we were unable to get it through the House and through the other body last year, and while our motivation last year was probably less focused on terrorism as it was on public corruption and other forms and drug-running corruption and other forms of money laundering, the body of the legislation is encompassed in this bill; and I am glad to see it is finally seeing the light of day.

This bill will give our Federal financial agencies and law enforcement agencies the tools necessary to combat money laundering. And while, as one of our colleagues said, this is not a silver bullet, this will help choke off the resources that terrorist organizations and other corrupt organizations need in order to operate. We learned in this country in the last century, in efforts to combat organized crime, that if we could cut off the flow of money, we could start to cut off the flow of activity. And the same would be true here.

This legislation gives the Treasury Department very important authority to ensure that financial institutions abroad, which might be working with money laundering organizations, including terrorist organizations, will not have access to the U.S. financial payment systems if they do not comply with appropriate internationally recognized banking standards that deal with money laundering. And it is terribly important that it is in this bill.

Now, we, over the year, have taken great effort with the administration to include appropriate due process so that everyone gets a fair shake under this bill, but this is an important bill in the way it is structured.

I would also like to point out two things. The bill is going to require bringing new requirements on a number of U.S. financial institutions, and that is unfortunately a price that we have to pay. I hope that the regulators look closely at this and do not create too much burden, but we have to enforce this bill.

I am pleased that the committee included an amendment of mine that would not sanction U.S. financial institutions for overreporting. On the one hand, we want them to report; but we should not sanction them for overreporting. We ought to work with those institutions.

In addition, I appreciate the work of the committee in including a provision that would allow the U.S. Justice Department to help enforce foreign judgments against U.S. entities which have had these judgments brought against them overseas to ensure that such judgments of law do not conflict with U.S. law and, thus, we protect the rights of U.S. citizens. So I appreciate the chairman and the ranking member for the work they did on that.

This is a critical piece of legislation. I am glad to see it has been brought up. I commend the chairman and the ranking member and the gentleman from Iowa (Mr. LEACH), who brought this up last year; and I hope the House will pass it unanimously.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I thank the distinguished chairman for yielding me this time, and I rise today in support of a critical piece of legislation which seeks to attack the core foundation of terrorist organizations.

The Financial Anti-Terrorism Act of 2001 provides law enforcement and financial oversight officials with critical tools necessary to dismantle the fundraising abilities of terrorist networks. It is my understanding that terrorists used small amounts of cash and remained well below the checkpoints currently in place to catch financial criminals.

The Financial Anti-Terrorism Act of 2001 will enhance the ability of law enforcement agencies to identify and detect terrorist-related transactions and attack the financial infrastructure of these organizations.

It will also enhance cooperation between the Government and private institutions and their abilities to detect and disrupt terrorist funding as well as prevent terrorists from accessing the U.S. financial system through foreign countries and institutions.

President Bush stated this will be a war like no other, where we will fight our enemy both on the field of battle and in the halls of our financial institutions. This legislation strikes at the ability of terrorist networks to launder their money and strengthen their ability of our law enforcement agencies, and I urge my colleagues to support H.R. 3004, the Financial Anti-terrorism Act of 2001.

Mr. LAFALCE. Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I will be voting for H.R. 3004 and support most of its provisions, but I have some reservations about some features of the bill.

Section 301 is designed to give the Treasury Secretary new powers to identify and punish governments that fail to control money laundering. However, some of the provisions in this section are controversial, particularly the criteria that the Treasury Secretary is supposed to use when determining whether a jurisdiction is a money laundering concern.

A jurisdiction should be punished if it refuses to suspend bank secrecy when presented evidence of a serious crime like terrorism. But the mere existence of privacy should not be a cause for concern. The appropriate criteria should be evidence of money laundering, particularly if conducted with the government's complicity. It would be wrong to characterize a nation as harboring money laundering activities simply because they offer lower taxes than European or U.S. and other nations.

Lower taxes are often designed to foster economic growth of a nation that is engaging in the lower-tax policy. It should not be interpreted as evidence of money laundering.

Mr. Speaker, I believe that bill falls short in providing the assurances needed to ensure that a country is not placed on a blacklist simply because they have relatively lower taxes.

I believe strongly that a jurisdiction should be punished if it refuses to suspend bank secrecy when presented with evidence of a serious crime like terrorism, murder, or drug smuggling, but the mere existence of financial privacy should not be a cause for concern. Also, the presence of a vibrant financial services sector is an odd criterion to be used as evidence of money laundering. Using this criteria, New York City and London would likely be classified as money laundering centers.

The appropriate criterion should be evidence of money laundering, particularly if conducted with a government's complicity. It would be wrong to characterize a nation has harboring money laundering activities simply because they offer lower taxes than European nations or the U.S. Lower taxes are designed to foster economic growth and some nation's believe that economic growth is an important policy objective. They should not be punished for making that decision.

We should use our resources effectively. This means targeting and punishing the jurisdictions that harbor and protect terrorists and other criminals.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF) because of an anticipatory association on my part with the remarks of the gentleman from Virginia.

Mr. WOLF. I do not know that I have 4 minutes to speak, but I thank the gentleman.

I am very disappointed that the language of the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) with regard to money laundering and gambling has been taken out.

Gambling is beginning to destroy families and fundamentally corrupt this country. It is bringing about greater divorce and breakup of families; and now we see the influence of it coming into this Chamber, whereby here was an opportunity to deal with money laundering and to do it in a way that would be a positive thing; yet it was removed.

I want to thank the chairman, the gentleman from Ohio (Mr. OXLEY), because I know he supports this language. And I want to thank the gentleman from New York (Mr. LAFALCE) and the gentleman from Iowa (Mr. LEACH). If this Congress adjourns without dealing with the issue of money laundering with regard to gambling, it will be an indictment of this institution.

□ 1100

Mr. Speaker, this, on my side, is the reason that I signed the discharge petition with regard to campaign finance reform because we cannot have the spread of gambling continue in this Nation and not deal with it every chance we have.

I thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE). We ought not to lose this opportunity. Maybe for good reasons the gentlemen had to move ahead with this bill and abandon this opportunity to deal with what is taking place in this country; but we cannot let anti-gambling legislation languish.

Mr. Speaker, we need to continue to push to pass legislation to help families.

Mr. LAFALCE. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New York.

Mr. LAFALCE. Mr. Speaker, the gentleman from Virginia knows that I have been advocating greater regulation for gambling, even before he began in 1994; but the administration was not supportive of the provisions that we passed. I want to come to the floor separately as soon as possible. I know that is the desire of the gentleman from Ohio (Mr. OXLEY) and the desire of the gentleman from Iowa (Mr. LEACH). We will do it, and we will do it together with the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I want to make sure what I say does not reflect on the gentleman from Ohio (Mr. OXLEY), and I appreciate the efforts of the gentleman.

The reason I feel so strongly is that gambling is running rampant in the country. The addiction level, particularly among the young is skyrocketing, and for those of us on both sides of the aisle who care about the young, this will enable somebody to sit in their bathrobe at home and gamble, and literally take their family down the road to bankruptcy. This legislation is important, and I appreciate the gentleman's efforts. I look forward to an opportunity to pass such legislation.

Mr. Speaker, I include for the RECORD two articles regarding Internet gambling.

[From the New York Times, June 5, 2001]

NEVADA APPROVES ONLINE GAMBLING

(By Matt Richtel)

The Nevada Legislature voted yesterday to authorize regulators to license casinos to offer gambling over the Internet, the first time a state has moved to legalize the potentially lucrative but highly controversial business of online gambling.

The Legislature passed the bill on the last day of its every-two-year session, despite objections by some state senators who said it would permit only big, politically powerful casino corporations to participate. A spokesman for Gov. Kenny Guinn said he supported the idea of Internet gambling but would not make a decision about signing the bill until he had read it in its final form.

Even if he does approve, it is far from clear when Las Vegas's most powerful casinos will be able to offer gambling over the Internet, or to whom they will be able to offer it. Federal law enforcement officials say operation of an Internet casino is illegal under the Wire Act, but legal experts say it is not clear whether the courts concur with that interpretation, and, as a result, whether casinos will need to seek a change in federal law.

The casinos must satisfy regulators that they have technology to prevent bets from being placed by minors or by anyone living in a jurisdiction where gambling is illegal, which currently includes most states.

If the Nevada Gaming Commission finds those criteria are met, it would have the power to "adopt regulations governing the licensing and operation of interactive gaming." Industry observers said that while the bill authorized regulators to license casinos, it did not legalize gambling immediately. It would, however, effectively legalize it in the future—a major victory for casinos that advocate online gaming.

"This is a very big step," said Anthony Cabot, a gambling law expert and partner in the law firm of Lionel, Sawyer & Collins, which represents some of Nevada's largest casinos. "There is no doubt that interactive gambling will be authorized."

If and when they are able to participate, Nevada's casinos will enter an already booming market. According to Bear Stearns, Internet users worldwide wagered $1.4 billion online last year on casino games; lotteries, horse races and other sports events—a figure that the investment banking firm expects to grow to $5 billion by 2003.

Some Nevada legislators say only the largest casinos will be able to benefit, however. The bill is written to ensure that the only casinos eligible to get a license are those with an established—and resort-size—physical presence in the state. To get a license, applicants must pay $500,000 for the first two years, and $250,000 a year thereafter.

"That would have been like saying five years ago, 'only bricks-and-mortar bookstores can sell books over the Internet,'" said Senator Terry Care, who was on the losing side of yesterday's 17-to-4 vote in the Senate. "What would that have meant for Amazon?"

Mr. Care had hoped to offer an amendment to open the prospect of online gambling to any entity in the state with an unrestricted gambling license, but his was one of several amendments that was never introduced because of a parliamentary maneuver.

In recent weeks, a similar bill was tabled after it became clear that amendments would be offered by several legislators, including Senator Joe Neal, a longtime antagonist of the gambling industry who hoped to amend the bill to increase the gambling tax from 6.25 percent.

To get around the tax question—and the high-profile debate about taxes that it would have entailed—proponents of Internet gambling tacked the legislation as a rider onto a peripheral bill about the work card system for casino employees, said Senator Dina Titus, a Democrat from Las Vegas.

Ms. Titus, who voted against the bill, said she objected to the political maneuvering but she said she supported the idea of Internet gambling. She said the rationale behind permitting only large casinos to participate was the belief that they might be best able to "operate at this level" and would have the "capability and money to back up" the regulations.

Las Vegas's casinos are not united in their desire to move onto the Internet. Until recently, in fact, many of them advocated keeping online gambling illegal as a way of trying to kill competition from overseas. Several of the biggest casinos have, however, advocated legalizing Internet gambling, with the companies' executives asserting that since there is no way to stop people from gambling on the Internet, American companies should be allowed to compete.

BRYAN WARY OF INTERNET GAMBLING

THE SENATOR PREDICTS LAS VEGAS COMPANIES WILL LAUNCH ONLINE CASINOS IF LAWS ARE NOT PASSED

(By Tony Batt) Donrey Washington Bureau

WASHINGTON.—Unless Congress acts this year to prohibit Internet gambling, Sen. Richard Bryan says mainstream casinos inevitably will expand into the World Wide Web, a prediction roundly rebutted by a gaming lobbyist.

"Right now, the industry has been supportive, by and large, of an Internet gambling ban," said Bryan, D-Nev. "But every indication is that in another year, segments of the industry will break ranks and jump into this market with both feet. I think that would be terrible public policy."

Bryan cited recent comments by Brian Sandoval, the chairman of the Nevada Gaming Commission, that it may be only a matter of time before the state Legislature is asked to authorize Internet gambling.

"One analogy is the number of operators who were staunchly opposed to Indian gaming, and now many of those same casinos are in business with the tribes," Bryan said.

The industry's top lobbyist in Washington insisted that casinos are not preparing forays into the Internet market.

"Even if our companies wanted to do business on the Internet, they couldn't do it without the approval of the gaming control boards in the states where they are licensed," said Frank Fahrenkopf, president of the American Gaming Association.

"I haven't seen any sign that the gaming control boards in Nevada, New Jersey and Mississippi are ready for that," he said.

But if Internet gambling is authorized in those states, Bryan said, the gaming control boards will not be able to stop casinos from expanding into the Web.

Bryan was the leading Democratic co-sponsor of an Internet gambling ban proposed by Sen. Jon Kyl, R-Ariz., that cleared the Senate in November by voice vote.

But to become law, the ban must be passed by the House, and prospects there appear uncertain. One reason: a turf battle between two powerful committee chairmen.

On April 6, the House Judiciary Committee voted 21–8 in favor of an Internet gambling ban by Rep. Bob Goodlatte, R-Va.

The vote appeared to pave the way for a vote by the full House. But the vote has been delayed because the chairman of the House Commerce Committee, Rep. Tom Bliley Jr., R-Va., has asked House Speaker Dennis Hastert, R-Ill., to give his panel jurisdiction over the bill.

Ironically, Bliley is friends with Goodlatte, and the lawmakers play tennis together.

"We are optimistic that the Judiciary Committee has complete jurisdiction, and the bill will be going to the House floor soon," said Goodlatte spokeswoman Michelle Semones. She said she had no idea when Hastert would make a decision on Bliley's request.

The Commerce Committee is seeking oversight because it claims the bill would impose a mandate on Internet service providers to help enforce the gambling ban.

The judiciary panel argues it should have sole jurisdiction because the bill includes criminal penalties—up to $20,000 in fines and four years in prison for companies offering gambling on the Internet.

Bliley has clashed with Judiciary Committee Chairman Henry Hyde, R-Ill., over a number of jurisdictional issues regarding the Internet.

This is not the first turf fight over the Internet gambling ban. The bill made it through the judiciary panel only after it was amended to allow American Indian casinos to operate reservation-to-reservation Internet gambling networks. The change was made to accommodate Rep. Don Young, R-Alaska, chairman of the House Resources Committee.

Even if the Commerce Committee is granted jurisdiction, gaming lobbyists are confident the Internet gambling ban will become law this year.

"I think the prospects of the bill getting to the (House) floor in the next few weeks are very good, and my expectation is that it will pass by a huge margin," said Wayne Mehl, who lobbies Congress for the Nevada Resort Association.

If the House passes the ban, members of both chambers will meet in conference to hammer out differences in the House and Senate versions.

"There is not that much difference between the two bills, and I don't think the conference will take much time at all," Mehl said.

The version that comes out of the conference then must be voted on by the House and Senate before being sent to President Clinton.

The president hasn't said whether he would approve or veto an Internet gambling ban. The Clinton administration voiced concern about the House bill in March, when Deputy Assistant Attorney General Kevin DiGregory said Congress should update federal statutes to ban Internet gambling instead of creating a new law.

White House spokeswoman Elizabeth Newman said the president hopes his concerns about the legislation can be addressed before he is asked to sign an Internet gambling ban.

"I'll be surprised if this bill does not get to Clinton's desk before the August recess," Mehl said. "The big battle has been fought and the outcome has been decided. They're just nibbling around the edges right now."

But Bryan remains concerned.

"The holdup in the House does not necessarily mean the death knell for this legislation," he said. "But in terms of legislative days, we are down to less than 40 days (for this year)."

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3004, the Financial Anti-Terrorism Act and applaud its sponsors for their work on this comprehensive bipartisan legislation, which seeks to declare financial war on terrorists.

I am pleased as well, that the bill does not include language banning Internet gambling because of the impact that such a ban will have on my district, which is exploring Internet gaming as a means of stimulating our stagnant local economy. While I have my own personal reservations about gambling generally, I must accede to the wishes of my constituents and local legislature, which earlier this year passed legislation to make Internet gaming legal in the U.S. Virgin Islands.

My colleagues, one of the disturbing trends in our present economy has been that when the mainland was experiencing boom times, the economies of the offshore areas of our country—the Virgin Islands, Guam, American Samoa and Puerto Rico—did not share in this boom. Additionally, with the events of September 11 dramatically contributing to the then downturn in our national economy, the tourism dependent economy of the Virgin Islands has been decimated. It is because of this that the Government of the Virgin Islands has looked at Internet gambling as a means of stimulating our local economy.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 3004, the Financial Anti-Terrorism Act of 2001, which is being considered under suspension of the House rules. As a result of the terrorist attacks on September 11, 2001, H.R. 3004, of which this Member is an original cosponsor, is necessary to detect and eliminate terrorist funding by giving the Federal authorities the enhanced tools to address financial crimes.

First, this Member would like to thank the distinguished Chairman of the House Financial Services Committee from Ohio (Mr. OXLEY) and the distinguished Ranking Member of the House Financial Services Committee from New York (Mr. LAFALCE) for their role in bringing this legislation to the House Floor today.

The September 11th terrorist attacks on the World Trade Center and the Pentagon illustrate the extensive financial infrastructure which can be associated with terrorism. As both the Vice Chairman of the House Intelligence Committee and as House Intelligence Subcommittee Chair of Intelligence Policy and National Security, this Member has been actively studying the details surrounding the tragic events of September 11th.

Therefore, this member would like to focus on the following three provisions of the Financial Anti-Terrorism Act of 2001: (1) codification of the Financial Crimes Enforcement Network (FinCEN) within the Department of the Treasury; (2) enhancement of law enforcement's ability to address informal banking systems used by terrorists such as the South Asian "hawala" system; and (3) making bulk cash smuggling into or out of the United States a Federal crime.

First, this legislation codifies FinCEN's status as a Department of Treasury bureau with a separate authorization and statutorily assigns the FinCEN with duties consistent with those assigned currently by order of the Treasury, such as the administration of the Bank Secrecy Act. The FinCEN was created in 1990 by an order of the Secretary of the Treasury to be the government's primary financial intelligence unit. In addition, the FinCEN has been very successful in collecting and analyzing data related to large currency transactions and other suspicious financial activity. Moreover, this legislation also requires the FinCEN to provide computer support to the Office of Foreign Asset Control which is also within the Department of Treasury. This FinCEN support will avoid unnecessary computer data base duplication.

Second, this legislation enhances the ability of law enforcement to address informal banking systems such as hawalas. Many terrorism experts believe that a share of terrorist financing is conducted through an ancient South Asian money exchange system called "hawalas." Hawala is an underground network of financiers who acquire funds in one country and subsequently have a partner in a different country pay a certain amount per recipient. In this case, no transaction records are kept with no funds crossing any borders. This legislation mandates the creation of a unit within FinCEN specifically tasked with addressing informal nonbank networks such as hawalas. Furthermore, this legislation also requires a report to Congress from the Secretary of the Treasury on these informal banking systems.

Lastly, this legislation, among many other things, makes it a Federal crime for anyone to knowingly smuggle more than $10,000 in currency or other monetary instrument across the United States border. The measure provides a punishment of up to five years in prison and confiscation of the smuggled money. Under current law, the only requirement is that such currency be declared to customs inspectors upon entering the United States. This Members believes that the criminalization of bulk cash smuggling is necessary to help eliminate terrorist funding within the borders of the United States.

Therefore, this Member urges his colleagues to support H.R. 3004, the Financial Anti-Terrorism Act of 2001.

Ms. WATERS. Mr. Speaker, I am pleased that we are passing H.R. 3004, the Financial Anti-Terrorism Act today. It is crucial that we take steps to ensure that terrorist funding is cut off at its source. I have been working on money laundering issues for years, and I believe that the time for action is long overdue.

I am pleased that this bill addresses may concerns I have been raising about money laundering for years.

This legislation authorizes Treasury to take special measures against foreign countries or financial institutions deemed to be primary money laundering concerns. This provision is similar to one I have advocated in the past. I am also pleased that other measures I have sponsored over the years, particularly heightened due diligence for private banking, and correspondent accounts, are included in this bill. Additional scrutiny will be required for these accounts, which have "flown below radar" for many years.

In an October 28, 1999 letter, Citibank's Private Bank division defined private banks as banks "which provide specialized and sophisticated investment and other services to wealthy individuals and families." The letter went on to say that private banks "are inevitably exposed to the risk that an unscrupulous client will attempt to 'launder' proceeds of illegal activities through the bank." This is stating the situation mildly.

A 1998 GAO report on Private Banking detailed how known drug trafficker and international criminal Raul Salinas was able to transfer between $90 million to $100 million of proceeds through Citibank's private banking system. In November of 1999, the Senate's Committee on Governmental Affairs Permanent Subcommittee on Investigations (PSI) presented revealing accounts of how Raul Salinas, and several other private banking customers, were able to launder funds through Citibank's private banking system. According to the Subcommittee's minority staff report, a key problem area within the private banking system is the use of concentration accounts.

Currently, concentration accounts are bank accounts maintained by financial institutions in which funds from various bank branches and bank customers are commingled into one single account. Banks have used concentration accounts as a convenient, internal, banking-transfer mechanism. However, by combining funds from various sources into one account, and then wire transferring those funds into separate accounts, the true ownership and identity of the funds are temporarily lost, and more importantly, the paper trail is effectively ended.

Law enforcement officials have stated that one of the biggest problems they encounter in money laundering investigations, particularly where there is an international flow of funds, is the inability of investigators to reconstruct an audit trail for prosecution purposes. This legislation will authorize the Secretary of the Treasury to issue regulations to ensure that concentration accounts no longer shield the identity of individual customers. These new regulations will prohibit banks from telling their customers about concentration accounts. It will also prohibit banks from allowing their customers to direct that their money be moved through concentration accounts. And it will establish procedures to document the identity of and the amount of funds attributed to each customer whose money is moved through these accounts. I look forward to working with Treasury on these issues and seeing strong regulations implemented as soon as possible.

I am particularly pleased that this legislation also includes and amendment I offered during markup which will ensure that an institution's record on money laundering issues is taken into account when the institution is attempting to merge with or acquire another institution. I have been told that the regulators can currently consider this factor, but my amendment makes it clear that they must consider an institution's record when considering an application from them.

I would like to thank my colleagues, Chairman OXLEY and Ranking Member LAFALCE for working so quickly to bring this legislation to markup, and for including many strong provisions that I have championed for years.

Mr. FORD. Mr. Speaker, the September 11 attacks were the evil work of a well-financed global network of terror. It has been reported that the 19 terrorists, while living in America, received at least $500,000 from Al Qaeda sources overseas. Their coordinated attack could not have been planned or perpetrated without access to sources of substantial funding.

The cowards of September 11 proved that our enemies do not need armies or tanks or missiles to wage war on the United States. But these terrorists did need money.

By starving the Al Qaeda terrorist network and all terrorists of their funding, we can strip them of an essential tool in waging terror. By following the money, we can more effectively track terrorist activity and prevent terrorist attacks before they occur.

No anti-terrorism package will be complete without strong financial anti-terrorism provisions. To fight global terrorism effectively, we have to crack down on illegal money laundering and on underground financial activity. To fight terrorism, we have to crack the financial networks of terrorists.

Last Thursday, thanks in no small part to the hard work and exemplary cooperation between Chairman OXLEY and Ranking Member LAFALCE, the Financial Services Committee reported out bipartisan financial anti-terrorism legislation by a 62–1 margin.

The Financial Anti-Terrorism Act of 2001 takes critical steps to give Treasury and other law enforcement agencies the tools they need to attack the financial infrastructure of terrorists. The bill encourages cooperation between Federal agencies and the financial services industry. Such cooperation between government and the private sector will be critical in our efforts ahead.

The bill also helps prevent international money laundering by preventing banks from engaging with overseas shell banks. It gives the Treasury the authority to take special measures against countries, institutions, or transactions that are of "primary money laundering concern." We cannot allow terrorists to use offshore money laundromats to evade the international network of transparent commerce.

Financial anti-terrorism legislation is an essential, indispensable piece of our overall anti-terrorism efforts. In the words of Secretary O'Neill, we must ensure that the terrorists' moral bankruptcy must be matched by an empty wallet.

Mr. Speaker, I strongly support the passage of this bill. Financial anti-terrorism legislation, including strong money laundering provisions, must be included in any ultimate anti-terrorism package passed by this Congress.

Mr. PAUL. Mr. Speaker, the so-called Financial Anti-Terrorism Act of 2001 (H.R. 3004) has more to do with the ongoing war against financial privacy than with the war against international terrorism. Of course, the Federal government should take all necessary and constitutional actions to enhance the ability of law enforcement to locate and seize funds flowing to known terrorists and their front groups. For example, America should consider signing more mutual legal assistance treaties with its allies so we can more easily locate the assets of terrorists and other criminals.

Unfortunately, instead of focusing on reasonable measures aimed at enhancing the ability to reach assets used to support terrorism, H.R. 3004 is a laundry list of dangerous, unconstitutional power grabs. Many of these proposals have already been rejected by the American people when presented as necessary to "fight the war on drugs" or "crackdown on white-collar crime." For example, this bill facilitates efforts to bully low tax jurisdictions into raising taxes to levels approved by the tax-loving, global bureaucrats of the Organization for Economic Cooperation and Development!

Among the most obnoxious provisions of this bill: codifying the unconstitutional authority of the Financial Crimes Enforcement Network (FinCeN) to snoop into the private financial dealings of American citizens; and expanding the "suspicious activity reports" mandate to broker-dealers, even though history has shown that these reports fail to significantly aid apprehending criminals. These measures will actually distract from the battle against terrorism by encouraging law enforcement authorities to waste time snooping through the financial records of innocent Americans who simply happen to demonstrate an "unusual" pattern in their financial dealings.

in conclusion, Mr. Speaker, I urge my colleagues to reject this package of unconstitutional expansions of the financial police state, most of which will prove ultimately ineffective in the war against terrorism. Instead, I hope Congress will work to fashion a measure aimed at giving the government a greater ability to locate and seize the assets of terrorists while respecting the constitutional rights of American citizens.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill before us today, H.R. 3004, the "Financial Anti-Terrorism Act of 2001" will continue the work that we undertook last week in the Judiciary Committee addressing the growing threats of terrorism on U.S. soil.

In an historic effort of bi-partisanship, my Judiciary Committee colleagues and I passed our anti-terrorism bill by a 36–0 vote. Similarly, the bill before us today passed the House Financial Services Committee on a bi-partisan vote of 62–1. These numbers demonstrate to America and to the world the unanimity of our resolve to rid society of terror, and reiterate the overwhelming timeliness for such legislation.

The problems of money laundering have always been great, but these problems are exacerbated where international terrorist networks fund their evil enterprises by masking the origin and purpose of the money. It has been suggested that the terrorist hijackers behind the September 11 attacks had a deep knowledge of the U.S. Bank Secrecy Act, record keeping duties of financial institutions, and that at least one of the leaders conducted transactions that evinced a deep understanding of obscure and complex U.S. banking regulations. This knowledge is likely to have helped expedite these horrific acts, which clearly transcend traditional notions of money laundering.

Make no mistake about it: this is big business. It has been estimated that money laundering accounts for between $600 billion and $1.5 trillion a year. Given the fact that the recent attacks on the World Trade Center, the Pentagon, and the crash in Somerset County Pennsylvania have been estimated to have cost only about $.5 million, a relatively insignificant amount given the direct and collateral damage caused by the attacks, it is clear that our current money laundering laws are insufficient to deal with the current threats raised by our new war on terrorism.

With that in mind I believe that we should thank Senate Majority Leader TOM DASCHLE for insisting that money laundering language be included in the final anti-terrorism package, and we should also thank the staffs of the Financial Services and Judiciary Committees who worked late into the evening last night in search of an agreement that would bring this important legislation to the floor.

H.R. 3004 moves us in the right direction in fighting this new battle. It includes specific provisions to detect terrorist funding by increasing safeguards at banks, borders, and businesses, and gives authorities the tools that they need to effectively combat financial terrorism and related crimes. It provides for increased investigatory abilities to infiltrate terrorist cells and infrastructure, irrespective of whether such cells utilize normal financial institutions such as banks, or whether they use more clandestine underground "hawala" financial systems.

The bill establishes a partnership between private industry and government in order to decimate terrorist funding, and to this end, it provides additional tracking authority and increased cooperation between U.S. and foreign national to monitor terrorist funds kept in offshore accounts.

The bill also limits the potential for mistakes in targeting terrorists by directing the Treasury Secretary to develop regulations that require financial institutions to verify the identify of customers before opening accounts.

The bill also expands jurisdiction of the Customs Service in order to search, without a warrant, outbound U.S. mail for bulk cash or other contraband, and criminalizes smuggle currency in excess of $10,000, and stiffens penalties for knowing falsification of transactional information in financial institutions.

Finally, additional provisions prohibit the use of credit cards, wire transfers or checks from U.S. banks to pay for illegal gambling on the Internet where so much money laundering currently takes place. In all, this bill gives law enforcement the tools needed to fight this new and formidable enemy of terrorism.

The need for this legislation is great. Let us pass it today and send a powerful signal to the world that terrorism, in any form, will not be tolerated in our free society. I urge my colleagues to support it.

Mr. OXLEY. Mr. Speaker, could I inquire whether the gentleman from New York has further speakers?

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3004, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 1, not voting 17, as follows:

[Roll No. 390]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—17

Bass
Bishop
Burton
Conyers
Cubin
Fattah
Issa
Kaptur
Kleczka
LaTourette
Miller (FL)
Price (NC)
Roybal-Allard
Sabo
Sandlin
Serrano
Sweeney

□ 1128

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISSA. Mr. Speaker, on rollcall No. 390, had I been present, I would have voted "yea."

LEGISLATIVE PROGRAM

(Mr. LAFALCE asked and was given permission to address the House for 1 minute.)

Mr. LAFALCE. Mr. Speaker, I would like to ask the majority leader, it is the disposition of the loyal minority to proceed as expeditiously as possible to join this bill with the PATRIOT bill we passed Friday and to go to conference with the Senate. It is my understanding that the Senate is probably going to adjourn as of about 2:00 o'clock this afternoon, and that we are going to adjourn about 4:00 o'clock.

I want the majority leader to know that if it is possible, we would like to come back with a conference report today, before 2:00 in the Senate, before 4:00 today, so that we could send the bill to President Bush for his signature today. We are ready to do anything. I know there are difficulties because some Senate offices have been quarantined. If it is necessary, we could meet on the House side. The conferees, if necessary, could be appointed immediately. We are willing to work with the gentleman in a most expeditious manner.

☐ 1130

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman.

Let me take this moment if I may, to say that what was agreed to this morning by the Speaker and the minority leader and myself is we had certain work we could get done today and we thought we needed to get done today, and we would do that work and then adjourn for the week. We are progressing nicely on this.

I think it was a clear anticipation on the part of all three of us that should this conferencing of these two very important bills get done that expeditiously and be available to us at a reasonable time, we would be happy to take it and try to move it. So I would encourage Members to go to work on that.

In the meantime, Members should be advised that the basic ground rules are we will do the additional work that is available to us. When that work is completed, we will adjourn the House. We will then not reconvene the House until Tuesday. The exact time of reconvening will be announced later in the day. Between that adjournment today and Tuesday, we ask on behalf of the research team that will survey our work areas that Members go ahead and give their staffs the couple of days off and give that space over, make it available for this research, so we can establish the condition of the properties, not only in terms of securing their current safety, but establishing a base from which we can evaluate any future changes in these circumstances.

FURTHER LEGISLATIVE PROGRAM

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, would the leader give us some indication as to why we would adjourn after 3 o'clock? If there is a risk of possible exposure by staying around, then I would ask the leader why is it we are staying in for another 3 hours and continuing to possibly expose employees of this building?

There is a line that is about 100 long around the Physician's Office right now waiting to be tested. It seems to me we have responsibility at this time to know what the facts are and to be able to operate in a way that is consistent with whatever clinical judgment the Physician's Office gives us.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, again, during our discussions earlier this morning between the minority leader, the Speaker and myself with the House Physician, Dr. Eisold, it was clear that we did not feel, according to the doctor's advice, that anyone was in imminent danger at this moment, and that there were Members from some offices, particularly from the other side of the building, that were taking these precautionary screening tests and it was considered advised.

On the House side at this time there was seen to be no imminent danger, but as a matter of prudence and in the interests of what I would call the research protocol of establishing a clearly defined base from which to proceed, it was advised that when we complete our business today, that we surrender the properties for the purposes of that sweep and that establishment.

There has been and is no announced time by which we would complete our work because that would depend, of course, on the flow of the work. But we believe Members all appreciate the seriousness of the situation.

We see the work is going expeditiously on the floor. As we return to that floor and complete that work, then I would advise the gentleman to have your staff complete their work and depart the properties. I think there is no reason to be concerned about having to rush out of here because the actual research, sweeping, will begin in the morning, and we will have given then these people the opportunity to access all our facilities and do this job properly.

So I would encourage Members not to feel a sense of anxiety or concern about any of their folks being in immediate danger. If any have any sense of concern, they might want to take their less critical personnel and encourage them to leave early. I do not think that is necessary, but I think at this point it is well within the sense of discretion of the individual Member and their office.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2002".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. Applicability of report of Committee on Armed Services of the Senate.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical agents and munitions destruction, Defense.
Sec. 107. Defense health programs.

Subtitle B—Army Programs

(Reserved)

Subtitle C—Navy Programs

Sec. 121. Virginia class submarine program.
Sec. 122. Multiyear procurement authority for F/A-18E/F aircraft engines.
Sec. 123. V-22 Osprey aircraft program.
Sec. 124. Additional matter relating to V-22 Osprey aircraft.

Subtitle D—Air Force Programs

Sec. 131. Multiyear procurement authority for C-17 aircraft.

Subtitle E—Other Matters

Sec. 141. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
Sec. 142. Procurement of additional M291 skin decontamination kits.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.
Sec. 203. Authorization of additional funds.
Sec. 204. Funding for Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness program.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. F-22 aircraft program.
Sec. 212. C-5 aircraft reliability enhancement and reengining.
Sec. 213. Review of alternatives to the V-22 Osprey aircraft.
Sec. 214. Joint biological defense program.
Sec. 215. Report on V-22 Osprey aircraft before decision to resume flight testing.
Sec. 216. Big Crow Program and Defense Systems Evaluation program.

Subtitle C—Other Matters

Sec. 231. Technology Transition Initiative.
Sec. 232. Communication of safety concerns between operational testing and evaluation officials and program managers.
Sec. 233. Supplemental Authorization of Appropriations for Fiscal Year 2001 for Research, Development, Test, and Evaluation Defense-wide.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 305. Amount for impact aid for children with severe disabilities.
Sec. 306. Improvements in instrumentation and targets at Army live fire training ranges.
Sec. 307. Environmental Restoration, Formerly Used Defense Sites.
Sec. 308. Authorization of additional funds.
Sec. 309. Funds for renovation of Department of Veterans Affairs facilities adjacent to Naval Training Center, Great Lakes, Illinois.

Subtitle B—Environmental Provisions

Sec. 311. Establishment in environmental restoration accounts of sub-accounts for unexploded ordnance and related constituents.
Sec. 312. Assessment of environmental remediation of unexploded ordnance and related constituents.
Sec. 313. Department of Defense energy efficiency program.
Sec. 314. Extension of pilot program for sale of air pollution emission reduction incentives.
Sec. 315. Reimbursement of Environmental Protection Agency for certain response costs in connection with Hooper Sands Site, South Berwick, Maine.
Sec. 316. Conformity of surety authority under environmental restoration program with surety authority under superfund.
Sec. 317. Procurement of alternative fueled and hybrid electric light duty trucks.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Rebate agreements with producers of foods provided under the special supplemental food program.
Sec. 322. Reimbursement for use of commissary facilities by military departments for purposes other than commissary sales.
Sec. 323. Public releases of commercially valuable information of commissary stores.

Subtitle D—Other Matters

Sec. 331. Codification of authority for Department of Defense support for counterdrug activities of other governmental agencies.
Sec. 332. Exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
Sec. 333. Repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes la-Coquette, France.
Sec. 334. Implementation of the Navy-Marine Corps Intranet contract.
Sec. 335. Revision of authority to waive limitation on performance of depot-level maintenance.
Sec. 336. Reauthorization of warranty claims recovery pilot program.
Sec. 337. Funding for land forces readiness-information operations sustainment.
Sec. 338. Defense Language Institute Foreign Language Center expanded Arabic language program.
Sec. 339. Consequence management training.
Sec. 340. Critical infrastructure protection initiative of the Navy.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Authorized daily average active duty strength for Navy enlisted members in pay grade E-8.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2002 limitation on nondual status technicians.
Sec. 415. Limitations on numbers of reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of reserve components.
Sec. 416. Strength and grade limitation accounting for reserve component members on active duty in support of a contingency operation.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. General officer positions.
Sec. 502. Reduction of time-in-grade requirement for eligibility for promotion of first lieutenants and lieutenants (junior grade).
Sec. 503. Promotion of officers to the grade of captain in the Army, Air Force, or Marine Corps or to the grade of lieutenant in the Navy without selection board action.
Sec. 504. Authority to adjust date of rank.
Sec. 505. Extension of deferments of retirement or separation for medical reasons.
Sec. 506. Exemption from administrative limitations of retired members ordered to active duty as defense and service attachés.
Sec. 507. Certifications of satisfactory performance for retirements of officers in grades above major general and rear admiral.
Sec. 508. Effective date of mandatory separation or retirement of regular officer delayed by a suspension of certain laws under emergency authority of the President.
Sec. 509. Detail and grade of officer in charge of the United States Navy Band.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Reauthorization and expansion of temporary waiver of the requirement for a baccalaureate degree for promotion of certain reserve officers of the Army.
Sec. 512. Status list of reserve officers on active duty for a period of three years or less.
Sec. 513. Equal treatment of Reserves and full-time active duty members for purposes of managing deployments of personnel.
Sec. 514. Modification of physical examination requirements for members of the Individual Ready Reserve.
Sec. 515. Members of reserve components afflicted while remaining overnight at duty station within commuting distance of home.
Sec. 516. Retirement of reserve personnel without request.
Sec. 517. Space-required travel by Reserves on military aircraft.

Subtitle C—Education and Training

Sec. 531. Improved benefits under the Army College First program.
Sec. 532. Repeal of limitation on number of Junior Reserve Officers' Training Corps units.
Sec. 533. Acceptance of fellowships, scholarships, or grants for legal education of officers participating in the funded legal education program.
Sec. 534. Grant of degree by Defense Language Institute Foreign Language Center.
Sec. 535. Authority for the Marine Corps University to award the degree of master of strategic studies.
Sec. 536. Foreign persons attending the service academies.
Sec. 537. Expansion of financial assistance program for health-care professionals in reserve components to include students in programs of education leading to initial degree in medicine or dentistry.

Sec. 538. Pilot program for Department of Veterans Affairs support for graduate medical education and training of medical personnel of the Armed Forces.
Sec. 539. Transfer of entitlement to educational assistance under Montgomery GI Bill by members of the Armed Forces with critical military skills.
Sec. 540. Participation of regular members of the Armed Forces in the Senior Reserve Officers' Training Corps.

Subtitle D—Decorations, Awards, and Commendations

Sec. 551. Authority for award of the Medal of Honor to Humbert R. Versace for valor during the Vietnam War.
Sec. 552. Review regarding award of Medal of Honor to certain Jewish American war veterans.
Sec. 553. Issuance of duplicate and replacement Medals of Honor.
Sec. 554. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 555. Sense of Senate on issuance of Korea Defense Service Medal.
Sec. 556. Retroactive Medal of Honor special pension.

Subtitle E—Funeral Honors Duty

Sec. 561. Active duty end strength exclusion for Reserves on active duty or full-time National Guard duty for funeral honors duty.
Sec. 562. Participation of retirees in funeral honors details.
Sec. 563. Benefits and protections for members in a funeral honors duty status.
Sec. 564. Military leave for civilian employees serving as military members of funeral honors detail.

Subtitle F—Uniformed Services Overseas Voting

Sec. 571. Sense of the Senate regarding the importance of voting by members of the uniformed services.
Sec. 572. Standard for invalidation of ballots cast by absent uniformed services voters in Federal elections.
Sec. 573. Guarantee of residency for military personnel.
Sec. 574. Extension of registration and balloting rights for absent uniformed services voters to State and local elections.
Sec. 575. Use of single application as a simultaneous absentee voter registration application and absentee ballot application.
Sec. 576. Use of single application for absentee ballots for all Federal elections.
Sec. 577. Electronic voting demonstration project.
Sec. 578. Federal voting assistance program.
Sec. 579. Maximization of access of recently separated uniformed services voters to the polls.
Sec. 580. Governors' reports on implementation of Federal voting assistance program recommendations.

Subtitle G—Other Matters

Sec. 581. Persons authorized to be included in surveys of military families regarding Federal programs.
Sec. 582. Correction and extension of certain Army recruiting pilot program authorities.
Sec. 583. Offense of drunken operation of a vehicle, aircraft, or vessel under the Uniform Code of Military Justice.
Sec. 584. Authority of civilian employees to act as notaries.
Sec. 585. Review of actions of selection boards.
Sec. 586. Acceptance of voluntary legal assistance for the civil affairs of members and former members of the uniformed services and their dependents.
Sec. 587. Extension of Defense Task Force on Domestic Violence.
Sec. 588. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.
Sec. 589. Report on health and disability benefits for pre-accession training and education programs.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2002.
Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
Sec. 603. Reserve component compensation for distributed learning activities performed as inactive-duty training.
Sec. 604. Clarifications for transition to reformed basic allowance for subsistence.
Sec. 605. Increase of basic allowance for housing in the United States.
Sec. 606. Clarification of eligibility for supplemental subsistence allowance.
Sec. 607. Correction of limitation on additional uniform allowance for officers.
Sec. 608. Payment for unused leave in excess of 60 days accrued by members of reserve components on active duty for one year or less.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Hazardous duty pay for members of maritime visit, board, search, and seizure teams.
Sec. 616. Submarine duty incentive pay rates.
Sec. 617. Career sea pay.
Sec. 618. Modification of eligibility requirements for Individual Ready Reserve bonus for reenlistment, enlistment, or extension of enlistment.
Sec. 619. Accession bonus for officers in critical skills.
Sec. 620. Modification of the nurse officer candidate accession program restriction on students attending civilian educational institutions with Senior Reserve Officers' Training Programs.
Sec. 621. Eligibility for certain career continuation bonuses for early commitment to remain on active duty.
Sec. 622. Hostile fire or imminent danger pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Eligibility for temporary housing allowance while in travel or leave status between permanent duty stations.
Sec. 632. Eligibility for payment of subsistence expenses associated with occupancy of temporary lodging incident to reporting to first permanent duty station.
Sec. 633. Eligibility for dislocation allowance.
Sec. 634. Allowance for dislocation for the convenience of the Government at home station.
Sec. 635. Travel and transportation allowances for family members to attend the burial of a deceased member of the uniformed services.
Sec. 636. Family separation allowance for members electing unaccompanied tour by reason of health limitations of dependents.
Sec. 637. Funded student travel for foreign study under an education program approved by a United States school.
Sec. 638. Transportation or storage of privately owned vehicles on change of permanent station.

Subtitle D—Matters Relating to Retirement and Survivor Benefits

Sec. 651. Payment of retired pay and compensation to disabled military retirees.
Sec. 652. SBP eligibility of survivors of retirement-ineligible members of the uniformed services who die while on active duty.

Subtitle E—Other Matters

Sec. 661. Education savings plan for reenlistments and extensions of service in critical specialties.
Sec. 662. Commissary benefits for new members of the Ready Reserve.
Sec. 663. Authorization of transitional compensation and commissary and exchange benefits for dependents of commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration who are separated for dependent abuse.

Subtitle F—National Emergency Family Support

Sec. 681. Child care and youth assistance.
Sec. 682. Family education and support services.

TITLE VII—HEALTH CARE

Subtitle A—TRICARE Benefits Modernization

Sec. 701. Requirement for integration of benefits.
Sec. 702. Domiciliary and custodial care.
Sec. 703. Long term care.
Sec. 704. Extended benefits for disabled beneficiaries.
Sec. 705. Conforming repeals.
Sec. 706. Prosthetics and hearing aids.
Sec. 707. Durable medical equipment.
Sec. 708. Rehabilitative therapy.
Sec. 709. Mental health benefits.
Sec. 710. Effective date.

Subtitle B—Other Matters

Sec. 711. Repeal of requirement for periodic screenings and examinations and related care for members of Army Reserve units scheduled for early deployment.

Sec. 712. Clarification of eligibility for reimbursement of travel expenses of adult accompanying patient in travel for specialty care.

Sec. 713. TRICARE program limitations on payment rates for institutional health care providers and on balance billing by institutional and noninstitutional health care providers.

Sec. 714. Two-year extension of health care management demonstration program.

Sec. 715. Study of health care coverage of members of the Selected Reserve.

Sec. 716. Study of adequacy and quality of health care provided to women under the defense health program.

Sec. 717. Pilot program for Department of Veterans Affairs support for Department of Defense in the performance of separation physical examinations.

Sec. 718. Modification of prohibition on requirement of nonavailability statement or preauthorization.

Sec. 719. Transitional health care to members separated from active duty.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Procurement Management and Administration

Sec. 801. Management of procurements of services.

Sec. 802. Savings goals for procurements of services.

Sec. 803. Competition requirement for purchases pursuant to multiple award contracts.

Sec. 804. Risk reduction at initiation of major defense acquisition program.

Sec. 805. Follow-on production contracts for products developed pursuant to prototype projects.

Subtitle B—Defense Acquisition and Support Workforce

Sec. 811. Report on implementation of recommendations of the Acquisition 2005 Task Force.

Sec. 812. Moratorium on reduction of the defense acquisition and support workforce.

Sec. 813. Revision of acquisition workforce qualification requirements.

Subtitle C—Use of Preferred Sources

Sec. 821. Applicability of competition requirements to purchases from a required source.

Sec. 822. Consolidation of contract requirements.

Sec. 823. Codification and continuation of Mentor-Protege Program as permanent program.

Sec. 824. Hubzone small business concerns.

Subtitle D—Amendments to General Contracting Authorities, Procedures, and Related Matters

Sec. 831. Amendments to conform with administrative changes in acquisition phase and milestone terminology and to make related adjustments in certain requirements applicable at milestone transition points.

Sec. 832. Inapplicability of limitation to small purchases of miniature or instrument ball or roller bearings under certain circumstances.

Sec. 833. Insensitive munitions program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Organization and Management

Sec. 901. Deputy Under Secretary of Defense for Personnel and Readiness.

Sec. 902. Responsibility of Under Secretary of the Air Force for acquisition of space launch vehicles and services.

Sec. 903. Sense of Congress regarding the selection of officers for assignment as the Commander in Chief, United States Transportation Command.

Sec. 904. Organizational realignment for Navy Director for Expeditionary Warfare.

Sec. 905. Revised requirements for content of annual report on joint warfighting experimentation.

Sec. 906. Suspension of reorganization of engineering and technical authority policy within the Naval Sea Systems Command.

Sec. 907. Conforming amendments relating to change of name of Air Mobility Command.

Subtitle B—Organization and Management of Space Activities

Sec. 911. Establishment of position of Under Secretary of Defense for Space, Intelligence, and Information.

Sec. 912. Responsibility for space programs.

Sec. 913. Major force program category for space programs.

Sec. 914. Assessment of implementation of recommendations of Commission To Assess United States National Security Space Management and Organization.

Sec. 915. Grade of commander of Air Force Space Command.

Sec. 916. Sense of Congress regarding grade of officer assigned as Commander of United States Space Command.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.

Sec. 1002. Reduction in authorizations of appropriations for Department of Defense for management efficiencies.

Sec. 1003. Authorization of supplemental appropriations for fiscal year 2001.

Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2002.

Sec. 1005. Clarification of applicability of interest penalties for late payment of interim payments due under contracts for services.

Sec. 1006. Reliability of Department of Defense financial statements.

Sec. 1007. Financial Management Modernization Executive Committee and financial feeder systems compliance process.

Sec. 1008. Combating Terrorism Readiness Initiatives Fund for combatant commands.

Sec. 1009. Authorization of additional funds.

Sec. 1010. Authorization of 2001 Emergency Supplemental Appropriations Act for recovery from and response to terrorist attacks on the United States.

Subtitle B—Strategic Forces

Sec. 1011. Repeal of limitation on retirement or dismantlement of strategic nuclear delivery systems.

Sec. 1012. Bomber force structure.

Sec. 1013. Additional element for revised nuclear posture review.

Subtitle C—Reporting Requirements

Sec. 1021. Information and recommendations on congressional reporting requirements applicable to the Department of Defense.

Sec. 1022. Report on combating terrorism.

Sec. 1023. Revised requirement for Chairman of the Joint Chiefs of Staff to advise Secretary of Defense on the assignment of roles and missions to the Armed Forces.

Sec. 1024. Revision of deadline for annual report on commercial and industrial activities.

Sec. 1025. Production and acquisition of vaccines for defense against biological warfare agents.

Sec. 1026. Extension of times for Commission on the Future of the United States Aerospace Industry to report and to terminate.

Sec. 1027. Comptroller General study and report on interconnectivity of National Guard Distributive Training Technology Project networks and related public and private networks.

Subtitle D—Armed Forces Retirement Home

Sec. 1041. Amendment of Armed Forces Retirement Home Act of 1991.

Sec. 1042. Definitions.

Sec. 1043. Revision of authority establishing the Armed Forces Retirement Home.

Sec. 1044. Chief Operating Officer.

Sec. 1045. Residents of Retirement Home.

Sec. 1046. Local boards of trustees.

Sec. 1047. Directors, Deputy Directors, and staff of facilities.

Sec. 1048. Disposition of effects of deceased persons and unclaimed property.

Sec. 1049. Transitional provisions.

Sec. 1050. Conforming and clerical amendments and repeals of obsolete provisions.

Sec. 1051. Amendments of other laws.

Subtitle E—Other Matters

Sec. 1061. Requirement to conduct certain previously authorized educational programs for children and youth.

Sec. 1062. Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense.

Sec. 1063. Conveyances of equipment and related materials loaned to State and local governments as assistance for emergency response to a use or threatened use of a weapon of mass destruction.

Sec. 1064. Authority to pay gratuity to members of the Armed Forces and civilian employees of the United States for slave labor performed for Japan during World War II.

Sec. 1065. Retention of travel promotional items.
Sec. 1066. Radiation Exposure Compensation Act mandatory appropriations.
Sec. 1067. Leasing of Navy ships for University National Oceanographic Laboratory System.
Sec. 1068. Small business procurement competition.
Sec. 1069. Chemical and biological protective equipment for military and civilian personnel of the Department of Defense.
Sec. 1070. Authorization of the sale of goods and services by the Naval Magazine, Indian Island.
Sec. 1071. Assistance for firefighters.
Sec. 1072. Plan to ensure embarkation of civilian guests does not interfere with operational readiness and safe operation of Navy vessels.
Sec. 1073. Modernizing and enhancing missile wing helicopter support—study and plan.
Sec. 1074. Sense of the Senate that the Secretary of the Treasury should immediately issue savings bonds, to be designated as "Unity Bonds", in response to the terrorist attacks against the United States on September 11, 2001.
Sec. 1075. Personnel pay and qualifications authority for Department of Defense Pentagon Reservation civilian law enforcement and security force.
Sec. 1076. Waiver of vehicle weight limits during periods of national emergency.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

Subtitle A—Intelligence Personnel

Sec. 1101. Authority to increase maximum number of positions in the Defense Intelligence Senior Executive Service.
Sec. 1102. Continued applicability of certain civil service protections for employees integrated into the National Imagery and Mapping Agency from the Defense Mapping Agency.

Subtitle B—Matters Relating to Retirement

Sec. 1111. Federal employment retirement credit for nonappropriated fund instrumentality service.
Sec. 1112. Improved portability of retirement coverage for employees moving between civil service employment and employment by nonappropriated fund instrumentalities.
Sec. 1113. Repeal of limitations on exercise of voluntary separation incentive pay authority and voluntary early retirement authority.

Subtitle C—Other Matters

Sec. 1121. Housing allowance for the chaplain for the Corps of Cadets at the United States Military Academy.
Sec. 1122. Study of adequacy of compensation provided for teachers in the Department of Defense overseas dependents' schools.
Sec. 1123. Pilot program for payment of retraining expenses incurred by employers of persons involuntarily separated from employment by the Department of Defense.
Sec. 1124. Participation of personnel in technical standards development activities.
Sec. 1125. Authority to exempt certain health care professionals from examination for appointment in the competitive civil service.
Sec. 1126. Professional credentials.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Cooperative Threat Reduction With States of the Former Soviet Union

Sec. 1201. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1202. Funding allocations.
Sec. 1203. Chemical weapons destruction.
Sec. 1204. Management of Cooperative Threat Reduction programs and funds.
Sec. 1205. Additional matter in annual report on activities and assistance under Cooperative Threat Reduction programs.

Subtitle B—Other Matters

Sec. 1211. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
Sec. 1212. Cooperative research and development projects with NATO and other countries.
Sec. 1213. International cooperative agreements on use of ranges and other facilities for testing of defense equipment.
Sec. 1214. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.
Sec. 1215. Participation of government contractors in chemical weapons inspections at United States Government facilities under the Chemical Weapons Convention.
Sec. 1216. Authority to transfer naval vessels to certain foreign countries.
Sec. 1217. Acquisition of logistical support for security forces.
Sec. 1218. Personal services contracts to be performed by individuals or organizations abroad.
Sec. 1219. Allied defense burdensharing.
Sec. 1220. Release of restriction on use of certain vessels previously authorized to be sold.

TITLE XIII—CONTINGENT AUTHORIZATION OF APPROPRIATIONS

Sec. 1301. Authorization of appropriations contingent on increased allocation of new budget authority.
Sec. 1302. Reductions.
Sec. 1303. Reference to Concurrent Resolution on the Budget for Fiscal Year 2002.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2001 projects.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2001 projects.
Sec. 2206. Modification of authority to carry out fiscal year 2000 project.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authority to carry out certain fiscal year 2001 project.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Cancellation of authority to carry out certain fiscal year 2001 projects.
Sec. 2405. Cancellation of authority to carry out additional fiscal year 2001 project.
Sec. 2406. Modification of authority to carry out certain fiscal year 2000 projects.
Sec. 2407. Modification of authority to carry out certain fiscal year 1999 project.
Sec. 2408. Modification of authority to carry out certain fiscal year 1995 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1998 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in thresholds for certain unspecified minor military construction projects.
Sec. 2802. Unforeseen environmental hazard remediation as basis for authorized cost variations for military construction and family housing construction projects.
Sec. 2803. Repeal of requirement for annual reports to Congress on military construction and military family housing activities.

Sec. 2804. Authority available for lease of property and facilities under alternative authority for acquisition and improvement of military housing.
Sec. 2805. Funds for housing allowances of members assigned to military family housing under alternative authority for acquisition and improvement of military housing.
Sec. 2806. Amendment of Federal Acquisition Regulation to treat financing costs as allowable expenses under contracts for utility services from utility systems conveyed under privatization initiative.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Availability of proceeds of sales of Department of Defense property from closed military installations.
Sec. 2812. Pilot efficient facilities initiative.
Sec. 2813. Demonstration program on reduction in long-term facility maintenance costs.

Subtitle C—Land Conveyances

Sec. 2821. Land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
Sec. 2822. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.
Sec. 2823. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.
Sec. 2824. Conveyance of segment of Loring Petroleum Pipeline, Maine, and related easements.
Sec. 2825. Land conveyance, petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine.
Sec. 2826. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.
Sec. 2827. Modification of land conveyance, Mukilteo Tank Farm, Everett, Washington.
Sec. 2828. Land conveyances, Charleston Air Force Base, South Carolina.
Sec. 2829. Land conveyance, Fort Des Moines, Iowa.
Sec. 2830. Land conveyances, certain former Minuteman III ICBM facilities in North Dakota.
Sec. 2831. Land acquisition, Perquimans County, North Carolina.
Sec. 2832. Land conveyance, Army Reserve Center, Kewaunee, Wisconsin.
Sec. 2832. Treatment of amounts received.

Subtitle D—Other Matters

Sec. 2841. Development of United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.
Sec. 2842. Repeal of limitation on cost of renovation of Pentagon Reservation.
Sec. 2843. Naming of Patricia C. Lamar Army National Guard Readiness Center, Oxford, Mississippi.
Sec. 2844. Construction of parking garage at Fort DeRussy, Hawaii.
Sec. 2845. Acceptance of contributions to repair or establishment memorial at Pentagon Reservation.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Subtitle A—Modifications of 1990 Base Closure Law

Sec. 2901. Authority to carry out base closure round in 2003.
Sec. 2902. Base Closure Account 2003.
Sec. 2903. Additional modifications of base closure authorities.
Sec. 2904. Technical and clarifying amendments.

Subtitle B—Modification of 1988 Base Closure Law

Sec. 2911. Payment for certain services provided by redevelopment authorities for property leased back by the United States.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense environmental management privatization.
Sec. 3105. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on minor construction projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfer of defense environmental management funds.
Sec. 3130. Transfer of weapons activities funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Limitation on availability of funds for weapons activities for facilities and infrastructure.
Sec. 3132. Limitation on availability of funds for other defense activities for national security programs administrative support.
Sec. 3133. Nuclear Cities Initiative.
Sec. 3134. Construction of Department of Energy operations office complex.

Subtitle D—Matters Relating to Management of National Nuclear Security Administration

Sec. 3141. Establishment of position of Deputy Administrator for Nuclear Security.
Sec. 3142. Responsibility for national security laboratories and weapons production facilities of Deputy Administrator of National Nuclear Security Administration for Defense Programs.
Sec. 3143. Clarification of status within the Department of Energy of administration and contractor personnel of the National Nuclear Security Administration.
Sec. 3144. Modification of authority of Administrator for Nuclear Security to establish scientific, engineering, and technical positions.

Subtitle E—Other Matters

Sec. 3151. Improvements to Energy Employees Occupational Illness Compensation Program.
Sec. 3152. Department of Energy counterintelligence polygraph program.
Sec. 3153. One-year extension of authority of Department of Energy to pay voluntary separation incentive payments.
Sec. 3154. Additional objective for Department of Energy defense nuclear facility work force restructuring plan.
Sec. 3155. Modification of date of report of Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile.
Sec. 3156. Reports on achievement of milestones for National Ignition Facility.
Sec. 3157. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.
Sec. 3158. Improvements to Corral Hollow Road, Livermore, California.
Sec. 3159. Annual assessment and report on vulnerability of Department of Energy facilities to terrorist attack.

Subtitle F—Rocky Flats National Wildlife Refuge

Sec. 3171. Short title.
Sec. 3172. Findings and purposes.
Sec. 3173. Definitions.
Sec. 3174. Future ownership and management.
Sec. 3175. Transfer of management responsibilities and jurisdiction over Rocky Flats.
Sec. 3176. Continuation of environmental cleanup and closure.
Sec. 3177. Rocky Flats National Wildlife Refuge.
Sec. 3178. Comprehensive conservation plan.
Sec. 3179. Property rights.
Sec. 3180. Rocky Flats Museum.
Sec. 3181. Report on funding.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authority to dispose of certain materials in the National Defense Stockpile.
Sec. 3302. Revision of limitations on required disposals of cobalt in the National Defense Stockpile.
Sec. 3303. Acceleration of required disposal of cobalt in the National Defense Stockpile.
Sec. 3304. Revision of restriction on disposal of manganese ferro.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

SEC. 4. APPLICABILITY OF REPORT OF COMMITTEE ON ARMED SERVICES OF THE SENATE.

Senate Report 107-62, the report of the Committee on Armed Services of the Senate to accompany the bill S. 1416, 107th Congress, 1st session, shall apply to this Act with the exception of the portions of the report that relate to sections 221 through 224.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Army as follows:

(1) For aircraft, $2,123,391,000.

(2) For missiles, $1,807,384,000.

(3) For weapons and tracked combat vehicles, $2,276,746,000.

(4) For ammunition, $1,187,565,000.

(5) For other procurement, $4,024,486,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Navy as follows:

(1) For aircraft, $8,169,043,000.

(2) For weapons, including missiles and torpedoes, $1,503,475,000.

(3) For shipbuilding and conversion, $9,522,121,000.

(4) For other procurement, $4,293,476,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Marine Corps in the amount of $981,724,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement of ammunition for the Navy and the Marine Corps in the amount of $476,099,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Air Force as follows:

(1) For aircraft, $10,892,957,000.

(2) For ammunition, $885,344,000.

(3) For missiles, $3,286,136,000.

(4) For other procurement, $8,081,721,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2002 for Defense-wide procurement in the amount of $1,594,325,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Inspector General of the Department of Defense in the amount of $2,800,000.

SEC. 106. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

There is hereby authorized to be appropriated for the Office of the Secretary of Defense for fiscal year 2002 the amount of $1,153,557,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $267,915,000.

Subtitle B—Army Programs

(RESERVED)

Subtitle C—Navy Programs

SEC. 121. VIRGINIA CLASS SUBMARINE PROGRAM.

Section 123(b)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–25) is amended—

(1) by striking "five Virginia class submarines" and inserting "seven Virginia class submarines"; and

(2) by striking "through 2006" and inserting "2007".

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A-18E/F AIRCRAFT ENGINES.

Beginning with the 2002 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the procurement of engines for F/A–18E/F aircraft.

SEC. 123. V-22 OSPREY AIRCRAFT PROGRAM.

The production rate for V–22 Osprey aircraft may not be increased above the minimum sustaining production rate for which funds are authorized to be appropriated by this Act until the Secretary of Defense certifies to Congress that successful operational testing of the aircraft demonstrates that—

(1) the solutions to the problems regarding the reliability of hydraulic system components and flight control software that were identified by the panel appointed by the Secretary of Defense on January 5, 2001, to review the V–22 aircraft program are adequate to achieve low risk for crews and passengers aboard V–22 aircraft that are operating under operational conditions;

(2) the V–22 aircraft can achieve reliability and maintainability levels that are sufficient for the aircraft to achieve operational availability at the level required for fleet aircraft;

(3) the V–22 aircraft will be operationally effective—

(A) when employed in operations with other V–22 aircraft; and

(B) when employed in operations with other types of aircraft; and

(4) the V–22 aircraft can be operated effectively, taking into consideration the downwash effects inherent in the operation of the aircraft, when the aircraft—

(A) is operated in remote areas with unimproved terrain and facilities;

(B) is deploying and recovering personnel—

(i) while hovering within the zone of ground effect; and

(ii) while hovering outside the zone of ground effect; and

(C) is operated with external loads.

SEC. 124. ADDITIONAL MATTER RELATING TO V-22 OSPREY AIRCRAFT.

Not later than 30 days before the recommencement of flights of the V–22 Osprey aircraft, the Secretary of Defense shall submit to Congress notice of the waiver, if any, of any item capability or any other requirement specified in the Joint Operational Requirements Document for the V–22 Osprey aircraft, including a justification of each such waiver.

Subtitle D—Air Force Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C-17 AIRCRAFT.

Beginning with the 2002 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the procurement of up to 60 C–17 aircraft.

Subtitle E—Other Matters

SEC. 141. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

Section 141(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543 note) is amended by striking "through 2001" and inserting "through 2002".

SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby decreased by $2,400,000, with the amount to be derived from the amount available for the Technical Studies, Support and Analysis program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $6,899,170,000.

(2) For the Navy, $11,134,806,000.

(3) For the Air Force, $14,459,457,000.

(4) For Defense-wide activities, $14,099,702,000, of which $221,355,000 is authorized for the Director of Operational Test and Evaluation.

(5) For the Defense Health Program, $65,304,000.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2002.—Of the amounts authorized to be appropriated by section 201, $5,093,605,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. AUTHORIZATION OF ADDITIONAL FUNDS.

(a) AUTHORIZATION.—The amount authorized to be appropriated in section 201(1) is increased by $2,500,000 in PE62303A214 for Enhanced Scramjet Mixing.

(b) OFFSET.—The amount authorized to be appropriated by section 301(5) is reduced by $2,500,000.

SEC. 204. FUNDING FOR SPECIAL OPERATIONS FORCES COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS, AND INTELLIGENCE SYSTEMS THREAT WARNING AND SITUATIONAL AWARENESS PROGRAM.

(a) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $2,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), $2,800,000 may be available for the Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness (PRIVATEER) program (PE1160405BB).

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $2,800,000.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. F-22 AIRCRAFT PROGRAM.

(a) Repeal of Limitations on Total Cost of Engineering and Manufacturing Development.—The following provisions of law are repealed:

(1) Section 217(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660).

(2) Section 8125 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 702).

(3) Section 219(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–38).

(b) Conforming Amendments.—(1) Section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660) is amended—

(A) in subsection (c)—

(i) by striking "limitations set forth in subsections (a) and (b)" and inserting "limitation set forth in subsection (b)"; and

(ii) by striking paragraph (3); and

(B) in subsection (d)(2), by striking subparagraphs (D) and (E).

(2) Section 131 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 536) is amended—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

"(2) That the production phase for that program can be executed within the limitation on total cost applicable to that program under section 217(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660)."; and

(B) in subsection (b)(3), by striking "for the remainder of the engineering and manufacturing development phase and".

SEC. 212. C–5 AIRCRAFT RELIABILITY ENHANCEMENT AND REENGINING.

The Secretary of the Air Force shall ensure that engineering manufacturing and development under the C–5 aircraft reliability enhancement and reengining program includes kit development for an equal number of C–5A and C–5B aircraft.

SEC. 213. REVIEW OF ALTERNATIVES TO THE V–22 OSPREY AIRCRAFT.

(a) Requirement for Review.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct a review of the requirements of the Marine Corps and the Special Operations Command that the V–22 Osprey aircraft is intended to meet in order to identify the potential alternative means for meeting those requirements if the V–22 Osprey aircraft program were to be terminated.

(b) Matters To Be Included.—The requirements reviewed shall include the following:

(1) The requirements to be met by an aircraft replacing the CH–46 medium lift helicopter.

(2) The requirements to be met by an aircraft replacing the MH–53 helicopter.

(c) Funding.—Of the amount authorized to be appropriated by section 201(2), $5,000,000 shall be available for carrying out the review required by this section.

SEC. 214. JOINT BIOLOGICAL DEFENSE PROGRAM.

Section 217(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–36) is amended by striking "funds authorized to be appropriated by this Act may not" and inserting "no funds authorized to be appropriated to the Department of Defense for fiscal year 2002 may".

SEC. 215. REPORT ON V–22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.

Not later than 30 days before the planned date to resume flight testing of the V–22 Osprey aircraft, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V–22 Osprey Aircraft, including—

(A) a description and analysis of any deficiencies in the hydraulics system and flight control software of the V–22 Osprey aircraft; and

(B) a description and assessment of the actions taken to redress such deficiencies.

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommendations of the Panel to Review the V–22 Program.

(3) An assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

SEC. 216. BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.

(a) Increase in Authorization of Appropriations for Research, Development, Test, and Evaluation, Defense-Wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $6,500,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) Availability of Funds.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) $5,000,000 may be available for the Big Crow program; and

(2) $1,500,000 may be available for the Defense Systems Evaluation (DSE) program.

(c) Offset.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $6,500,000.

Subtitle C—Other Matters

SEC. 231. TECHNOLOGY TRANSITION INITIATIVE.

(a) Establishment and Conduct.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2354 the following new section 2355:

"§ 2355. Technology Transition Initiative

"(a) Requirement for Program.—The Secretary of Defense shall carry out a Technology Transition Initiative to facilitate the rapid transition of new technologies from science and technology programs of the Department of Defense into acquisition programs for the production of the technologies.

"(b) Objectives.—The objectives of the Initiative are as follows:

"(1) To successfully demonstrate new technologies in relevant environments.

"(2) To ensure that new technologies are sufficiently mature for production.

"(c) Management.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to manage the Initiative.

"(2) In administering the Initiative, the Initiative Manager shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(3) The Initiative Manager shall—

"(A) in consultation with the Commander of the Joint Forces Command, identify promising technologies that have been demonstrated in science and technology programs of the Department of Defense;

"(B) identify potential sponsors in the Department of Defense to undertake the transition of such technologies into production;

"(C) work with the science and technology community and the acquisition community to develop memoranda of agreement, joint funding agreements, and other cooperative arrangements to provide for the transition of the technologies into production; and

"(D) provide funding support for selected projects as provided under subsection (d).

"(d) Jointly Funded Projects.—(1) The senior procurement executive of each military department shall select technology projects of the military department to recommend for funding support under the Initiative and shall submit a list of the recommended projects, ranked in order of priority, to the Initiative Manager. The projects shall be selected, in a competitive process, on the basis of the highest potential benefits in areas of interest identified by the Secretary of that military department.

"(2) The Initiative Manager, in consultation with the Commander of the Joint Forces Command, shall select projects for funding support from among the projects on the lists submitted under paragraph (1). The Initiative Manager shall provide funds, out of the Technology Transition Fund, for each selected project. The total amount provided for a project shall be an amount that equals or exceeds 50 percent of the total cost of the project.

"(3) The senior procurement executive of the military department shall manage each project selected under paragraph (2) that is undertaken by the military department. Memoranda of agreement, joint funding agreements, and other cooperative arrangements between the science and technology community and the acquisition community shall be used in carrying out the project if the senior procurement executive determines that it is appropriate to do so to achieve the objectives of the project.

"(e) Technology Transition Fund.—(1) There is established in the Treasury of the United States a fund to be known as the 'Technology Transition Fund'.

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Initiative Manager shall administer the Fund consistent with the provisions of this section.

"(3) Amounts appropriated for the Initiative shall be deposited in the Fund.

"(4) Amounts in the Fund shall be available, to the extent provided in appropriations Acts, for carrying out the Initiative.

"(5) The President shall specify in the budget submitted for a fiscal year pursuant to section 1105(a) of title 31 the amount provided in that budget for the Initiative.

"(f) Definitions.—In this section:

"(1) The term 'Initiative' means the Technology Transition Initiative carried out under this section.

"(2) The term 'Initiative Manager' means the official designated to manage the Initiative under subsection (c).

"(3) The term 'Fund' means the Technology Transition Fund established under subsection (e).

"(4) The term 'senior procurement executive', with respect to a military department, means the official designated as the senior procurement executive for that military department under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2354 the following new item:

"2355. Technology Transition Initiative.".

SEC. 232. COMMUNICATION OF SAFETY CONCERNS BETWEEN OPERATIONAL TESTING AND EVALUATION OFFICIALS AND PROGRAM MANAGERS.

Section 139 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Director shall ensure that safety concerns developed during the operational test and evaluation of a weapon system under a major defense acquisition program are timely communicated to the program manager for consideration in the acquisition decisionmaking process.".

SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.

Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–32) is amended by striking "$10,873,712,000" and inserting "$10,874,712,000".

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $21,134,982,000.

(2) For the Navy, $26,927,931,000.

(3) For the Marine Corps, $2,911,339,000.

(4) For the Air Force, $25,993,582,000.

(5) For Defense-wide activities, $12,482,532,000.

(6) For the Army Reserve, $1,803,146,000.

(7) For the Naval Reserve, $1,000,369,000.

(8) For the Marine Corps Reserve, $142,956,000.

(9) For the Air Force Reserve, $2,029,866,000.

(10) For the Army National Guard, $3,697,659,000.

(11) For the Air National Guard, $4,037,161,000.

(12) For the Defense Inspector General, $149,221,000.

(13) For the United States Court of Appeals for the Armed Forces, $9,096,000.

(14) For Environmental Restoration, Army, $389,800,000.

(15) For Environmental Restoration, Navy, $257,517,000.

(16) For Environmental Restoration, Air Force, $385,437,000.

(17) For Environmental Restoration, Defense-wide, $23,492,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $190,255,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $49,700,000.

(20) For Drug Interdiction and Counterdrug Activities, Defense-wide, $860,381,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $60,000,000.

(22) For the Defense Health Program, $17,546,750,000.

(23) For Cooperative Threat Reduction programs, $403,000,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,844,226,000.

(25) For Support for International Sporting Competitions, Defense, $15,800,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,917,186,000.

(2) For the National Defense Sealift Fund, $506,408,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

(a) Amount for Fiscal Year 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of $71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

(b) Amounts Previously Authorized.—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, an amount of $22,400,000 shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

SEC. 304. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Continuation of Department of Defense Program for Fiscal Year 2002.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) Notification.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2002 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) Disbursement of Funds.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) Definitions.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 305. AMOUNT FOR IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated under section 301(5), $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77).

SEC. 306. IMPROVEMENTS IN INSTRUMENTATION AND TARGETS AT ARMY LIVE FIRE TRAINING RANGES.

(a) Increase in Authorization of Appropriations for Operation and Maintenance, Army.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby increased by $11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) Offset.—The amount authorized to be appropriated by section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by $11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

SEC. 307. ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES.

Of the funds authorized to be appropriated for section 301, $230,255,000 shall be available for Environmental Restoration, Formerly Used Defense Sites.

SEC. 308. AUTHORIZATION OF ADDITIONAL FUNDS.

Of the amount authorized to be appropriated by section 301(5), $2,000,000 may be available for the replacement and refurbishment of air handlers and related control systems at Air Force medical centers.

SEC. 309. FUNDS FOR RENOVATION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES ADJACENT TO NAVAL TRAINING CENTER, GREAT LAKES, ILLINOIS.

(a) Availability of Funds for Renovation.—Subject to subsection (b), of the amount authorized to be appropriated by section 301(2) for operations and maintenance for the Navy, the Secretary of the Navy may make available to the Secretary of Veterans Affairs up to $2,000,000 for relocation of Department of Veterans Affairs activities and associated renovation of existing facilities at the North Chicago Department of Veterans Affairs Medical Center.

(b) Limitation.—The Secretary of the Navy may make funds available under subsection (a) only after the Secretary of the Navy and the Secretary of Veterans Affairs enter into an appropriate agreement for the use by the Secretary of the Navy of approximately 48 acres of real property at the North Chicago Department of Veterans Affairs property referred to in subsection (a) for expansion of the Naval Training Center, Great Lakes, Illinois.

Subtitle B—Environmental Provisions

SEC. 311. ESTABLISHMENT IN ENVIRONMENTAL RESTORATION ACCOUNTS OF SUB-ACCOUNTS FOR UNEXPLODED ORDNANCE AND RELATED CONSTITUENTS.

Section 2703 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Sub-Accounts for Unexploded Ordnance and Related Constituents.—There is hereby established within each environmental restoration account established under subsection (a) a sub-account to be known as the 'Environmental Restoration Sub-Account, Unexploded Ordnance and Related Constituents', for the account concerned.".

SEC. 312. ASSESSMENT OF ENVIRONMENTAL REMEDIATION OF UNEXPLODED ORDNANCE AND RELATED CONSTITUENTS.

(a) Report Required.—The report submitted to Congress under section 2706(a) of title 10, United States Code, in 2002 shall include, in addition to the matters required by such section, a comprehensive assessment of the extent of unexploded ordnance and related constituents at current and former facilities of the Department of Defense.

(b) ELEMENTS.—The assessment included under subsection (a) in the report referred to in that subsection shall include, at a minimum—

(1) an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all active facilities of the Department;

(2) an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all installations that are being, or have been, closed or realigned under the base closure laws as of the date of the report under subsection (a);

(3) an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all formerly used defense sites;

(4) a comprehensive plan for addressing the unexploded ordinance and related constituents referred to in paragraphs (1) through (3), including an assessment of the funding required and the period of time over which such funding will be provided; and

(5) an assessment of the technology available for the remediation of unexploded ordnance and related constituents, an assessment of the impact of improved technology on the cost of remediation of such ordnance and constituents, and a plan for the development and utilization of such improved technology.

(c) REQUIREMENTS FOR ESTIMATES.—(1) The estimates of aggregate projected costs under each of paragraphs (1), (2), and (3) of subsection (b) shall—

(A) be stated as a range of aggregate projected costs, including a low estimate and a high estimate;

(B) set forth the differing assumptions underlying each such low estimate and high estimate, including—

(i) any public uses for the facilities, installations, or sites concerned that will be available after the remediation has been completed;

(ii) the extent of the cleanup required to make the facilities, installations, or sites concerned available for such uses; and

(iii) the technologies to be applied to utilized this purpose; and

(C) include, and identify separately, an estimate of the aggregate projected costs of the remediation of any ground water contamination that may be caused by unexploded ordnance and related constituents at the facilities, installations, or sites concerned.

(2) The high estimate of the aggregate projected costs for facilities and installations under paragraph (1)(A) shall be based on the assumption that all unexploded ordnance and related constituents at such facilities and installations will be addressed, regardless of whether there are any current plans to close such facilities or installations or discontinue training at such facilities or installations.

(3) The estimate of the aggregate projected costs of remediation of ground water contamination under paragraph (1)(C) shall be based on a comprehensive assessment of the risk of such contamination and of the actions required to protect the ground water supplies concerned.

SEC. 313. DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall carry out a program to significantly improve the energy efficiency of Department of Defense facilities through 2010.

(b) RESPONSIBLE OFFICIALS.—The Secretary shall designate a senior official of the Department of Defense to be responsible for managing the program for the Department and a senior official of each military department to be responsible for managing the program for such department.

(c) ENERGY EFFICIENCY GOALS.—The goal of the program shall be to achieve reductions in energy consumption by Department facilities as follows:

(1) In the case of industrial and laboratory facilities, reductions in the average energy consumption per square foot of such facilities, per unit of production or other applicable unit, relative to energy consumption in 1990—

(A) by 20 percent by 2005; and

(B) by 25 percent by 2010.

(2) In the case of other facilities, reductions in average energy consumption per gross square foot of such facilities, relative to energy consumption per gross square foot in 1985—

(A) by 30 percent by 2005; and

(B) by 35 percent by 2010.

(d) STRATEGIES FOR IMPROVING ENERGY EFFICIENCY.—In order to achieve the goals set forth in subsection (c), the Secretary shall, to the maximum extent practicable—

(1) purchase energy-efficient products, as so designated by the Environmental Protection Agency and the Department of Energy, and other energy-efficient products;

(2) utilize energy savings performance contracts, utility energy-efficiency service contracts, and other contracts designed to achieve energy conservation;

(3) use life-cycle cost analysis, including assessment of life-cycle energy costs, in making decisions about investments in products, services, construction, and other projects;

(4) conduct energy efficiency audits for approximately 10 percent of all Department of Defense facilities each year;

(5) explore opportunities for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching; and

(6) retire inefficient equipment on an accelerated basis where replacement results in lower life-cycle costs.

(e) REPORTS.— Not later than January 1, 2002, and annually thereafter through 2010, the Secretary shall submit to the congressional defense committees a report on progress made toward achieving the goals set forth in subsection (c). Each report shall include, at a minimum—

(1) the percentage reduction in energy consumption accomplished as of the date of such report by the Department, and by each of the military departments, in facilities covered by the goals set forth in subsection (c)(1);

(2) the percentage reduction in energy consumption accomplished as of the date of such report by the Department, and by each of the military departments, in facilities covered by the goals set forth in subsection (c)(2); and

(3) the steps taken by the Department, and by each of the military departments, to implement the energy efficiency strategies required by subsection (d) in the preceding calendar year.

SEC. 314. EXTENSION OF PILOT PROGRAM FOR SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

Section 351(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2701 note) is amended by striking "September 30, 2001" and inserting "September 30, 2003".

SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN RESPONSE COSTS IN CONNECTION WITH HOOPER SANDS SITE, SOUTH BERWICK, MAINE.

(a) AUTHORITY TO REIMBURSE.—Using amounts specified in subsection (c), the Secretary of the Navy may pay $1,005,478 to the Hooper Sands Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency for the response costs incurred by the Environmental Protection Agency for actions taken between May 12, 1992, and July 31, 2000, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Hooper Sands site in South Berwick, Maine, in accordance with the Interagency Agreement entered into by the Department of the Navy and the Environmental Protection Agency in January 2001.

(b) TREATMENT OF REIMBURSEMENT.—Payment of the amount authorized by subsection (a) shall be in full satisfaction of amounts due from the Department of the Navy to the Environmental Protection Agency for the response costs described in that subsection.

(c) SOURCE OF FUNDS.—Payment under subsection (a) shall be made using amounts authorized to be appropriated by section 301(15) to the Environmental Restoration Account, Navy, established by section 2703(a)(3) of title 10, United States Code.

SEC. 316. CONFORMITY OF SURETY AUTHORITY UNDER ENVIRONMENTAL RESTORATION PROGRAM WITH SURETY AUTHORITY UNDER SUPERFUND.

Section 2701(j)(1) of title 10, United States Code, is amended by striking "or after December 31, 1999".

SEC. 317. PROCUREMENT OF ALTERNATIVE FUELED AND HYBRID ELECTRIC LIGHT DUTY TRUCKS.

(a) DEFENSE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—(1) The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that only hybrid electric vehicles are procured by the Administrator for the Department of Defense fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) The Secretary, in consultation with the Administrator, may waive the policy regarding the procurement of hybrid electric vehicles in paragraph (1) to the extent that the Secretary determines necessary—

(A) in the case of trucks that are exempt from the requirements of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) for national security reasons under subsection (b)(3)(E) of such section, to meet specific requirements of the Department of Defense for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government; or

(C) to adjust to limitations on the commercial availability of light duty trucks that are hybrid electric vehicles.

(3) This subsection applies with respect to procurements of light duty trucks in fiscal year 2005 and subsequent fiscal years.

(b) REQUIREMENT TO EXCEED REQUIREMENT IN ENERGY POLICY ACT OF 1992.—(1) The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that, of the light duty trucks procured in fiscal years after fiscal year 2004 for the fleets of light duty vehicles of the Department of Defense to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies—

(A) five percent of the total number of such trucks that are procured in each of fiscal years 2005 and 2006 are alternative fueled vehicles or hybrid electric vehicles; and

(B) ten percent of the total number of such trucks that are procured in each fiscal year after fiscal year 2006 are alternative fueled vehicles or hybrid electric vehicles.

(2) Light duty trucks acquired for the Department of Defense that are counted to comply with section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) for a fiscal year shall be counted to determine the total number of light duty trucks procured for the Department of Defense for that fiscal year for the purposes of paragraph (1), but shall not be counted to satisfy the requirement in that paragraph.

(c) Report on Plans for Implementation.—At the same time that the President submits the budget for fiscal year 2003 to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the plans for carrying out subsections (a) and (b).

(d) Definitions.—In this section:

(1) The term “hybrid electric vehicle” means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

(2) The term “alternative fueled vehicle” has the meaning given that term in section 301 of the Energy Policy Act of 1992 (43 U.S.C. 13211).

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 321. REBATE AGREEMENTS WITH PRODUCERS OF FOODS PROVIDED UNDER THE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(b) of title 10, United States Code, is amended—

(1) by striking “(b) Funding Mechanism.—” and inserting “(b) Funding.—(1); and

(2) by adding at the end the following new paragraph:

“(2)(A) In the administration of the program under this section, the Secretary of Defense may enter into a contract with a producer of a particular brand of food that provides for—

“(i) the Secretary of Defense to procure that particular brand of food, exclusive of other brands of the same or similar food, for the purpose of providing the food in commissary stores of the Department of Defense as a supplemental food under the program; and

“(ii) the producer to rebate to the Department of Defense amounts equal to agreed portions of the amounts paid by the department for the procurement of that particular brand of food for the program.

“(B) The Secretary shall use competitive procedures under chapter 137 of this title for entering into contracts under this paragraph.

“(C) The period covered by a contract entered into under this paragraph may not exceed one year. No such contract may be extended by a modification of the contract, by exercise of an option, or by any other means. Nothing in this subparagraph prohibits a contractor under a contract entered into under this paragraph for any year from submitting an offer for, and being awarded, a contract that is to be entered into under this paragraph for a successive year.

“(D) Amounts rebated under a contract entered into under subparagraph (A) shall be credited to the appropriation available for carrying out the program under this section in the fiscal year in which rebated, shall be merged with the other sums in that appropriation, and shall be available for the program for the same period as the other sums in the appropriation.”.

SEC. 322. REIMBURSEMENT FOR USE OF COMMISSARY FACILITIES BY MILITARY DEPARTMENTS FOR PURPOSES OTHER THAN COMMISSARY SALES.

(a) Requirement.—Chapter 147 of title 10, United States Code, is amended by inserting after section 2482a the following new section:

“§ 2483. Commissary stores: reimbursement for use of commissary facilities by military departments

“(a) Payment Required.—The Secretary of a military department shall pay the Defense Commissary Agency the amount determined under subsection (b) for any use of a commissary facility by the military department for a purpose other than commissary sales or operations in support of commissary sales.

“(b) Amount.—The amount payable under subsection (a) for use of a commissary facility by a military department shall be equal to the share of depreciation of the facility that is attributable to that use, as determined under regulations prescribed by the Secretary of Defense.

“(c) Covered Facilities.—This section applies with respect to a commissary facility that is acquired, constructed, converted, expanded, installed, or otherwise improved (in whole or in part) with the proceeds of an adjustment or surcharge applied under section 2486(c) of this title.

“(d) Crediting of Payments.—The Director of the Defense Commissary Agency shall credit amounts paid under this section for use of a facility to an appropriate account to which proceeds of an adjustment or surcharge referred to in subsection (c) are credited.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2482a the following new item:

“2483. Commissary stores: reimbursement for use of commissary facilities by military departments.”.

SEC. 323. PUBLIC RELEASES OF COMMERCIALLY VALUABLE INFORMATION OF COMMISSARY STORES.

(a) Limitations and Authority.—Section 2487 of title 10, United States Code, is amended to read as follows:

“§ 2487. Commissary stores: release of certain commercially valuable information to the public

“(a) Authority To Limit Release.—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with subsection (b).

“(2) Paragraph (1) applies to the following:

“(A) Information contained in the computerized business systems of commissary stores or the Defense Commissary Agency that is collected through or in connection with the use of electronic scanners in commissary stores, including the following information:

“(i) Data relating to sales of goods or services.

“(ii) Demographic information on customers.

“(iii) Any other information pertaining to commissary transactions and operations.

“(B) Business programs, systems, and applications (including software) relating to commissary operations that were developed with funding derived from commissary surcharges.

“(b) Release Authority.—(1) The Secretary of Defense may, using competitive procedures, enter into a contract to sell information described in subsection (a)(2).

“(2) The Secretary of Defense may release, without charge, information on an item sold in commissary stores to—

“(A) the manufacturer or producer of that item; or

“(B) the manufacturer or producer's agent when necessary to accommodate electronic ordering of the item by commissary stores.

“(3) The Secretary of Defense may, by contract entered into with a business, grant to the business a license to use business programs referred to in subsection (a)(2)(B), including software used in or comprising any such program. The fee charged for the license shall be based on the costs of similar programs developed and marketed by businesses in the private sector, determined by means of surveys.

“(4) Each contract entered into under this subsection shall specify the amount to be paid for information released or a license granted under the contract, as the case may be.

“(c) Form of Release.—Information described in subsection (a)(2) may not be released, under subsection (b) or otherwise, in a form that identifies any customer or that provides information making it possible to identify any customer.

“(d) Receipts.—Amounts received by the Secretary under this section shall be credited to funds derived from commissary surcharges, shall be merged with those funds, and shall be available for the same purposes as the funds with which merged.

“(e) Definitions.—In this section, the term ‘commissary surcharge’ means any adjustment or surcharge applied under section 2486(c) of this title.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 147 of such title is amended to read as follows:

“2487. Commissary stores: release of certain commercially valuable information to the public.”.

Subtitle D—Other Matters

SEC. 331. CODIFICATION OF AUTHORITY FOR DEPARTMENT OF DEFENSE SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

(a) Authority.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 383. Additional support for counterdrug activities of other agencies

“(a) Support to Other Agencies.—The Secretary of Defense may provide support for the counterdrug activities of any other department or agency of the Federal Government or of any State, local, or foreign law enforcement agency for any of the purposes set forth in subsection (b) if such support is requested—

“(1) by the official who has responsibility for the counterdrug activities of the department or agency of the Federal Government, in the case of support for the department or agency;

"(2) by the appropriate official of a State or local government, in the case of support for the State or local law enforcement agency; or

"(3) by an appropriate official of a department or agency of the Federal Government that has counterdrug responsibilities, in the case of support for a foreign law enforcement agency.

"(b) TYPES OF SUPPORT.—The purposes for which the Secretary may provide support under subsection (a) are the following:

"(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State or local government by the Department of Defense for the purposes of—

"(A) preserving the potential future utility of such equipment for the Department of Defense; and

"(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department of Defense.

"(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in subparagraph (A) for the purpose of—

"(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

"(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department of Defense.

"(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities within or outside the United States.

"(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities of the Department of Defense or any Federal, State, or local law enforcement agency within or outside the United States or counterdrug activities of a foreign law enforcement agency outside the United States.

"(5) Counterdrug related training of law enforcement personnel of the Federal Government, of State and local governments, and of foreign countries, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

"(6) The detection, monitoring, and communication of the movement of—

"(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

"(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

"(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

"(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

"(9) The provision of linguist and intelligence analysis services.

"(10) Aerial and ground reconnaissance.

"(c) LIMITATION ON COUNTERDRUG REQUIREMENTS.—The Secretary of Defense may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.

"(d) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary of Defense may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department of Defense.

"(e) LIMITED WAIVER OF PROHIBITION—Notwithstanding section 376 of this title, the Secretary of Defense may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

"(f) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary of Defense may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1564; 10 U.S.C. 124 note)) for the purpose of aiding civilian law enforcement agencies.

"(g) RELATIONSHIP TO OTHER LAWS.—(1) The authority provided in this section for the support of counterdrug activities by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the requirements of any other provision of this chapter.

"(2) Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

"(h) CONGRESSIONAL NOTIFICATION OF FACILITIES PROJECTS.—(1) When a decision is made to carry out a military construction project described in paragraph (2), the Secretary of Defense shall submit to the committees of Congress named in paragraph (3) a written notice of the decision, including the justification for the project and the estimated cost of the project. The project may be commenced only after the end of the 21-day period beginning on the date on which the written notice is received by the committees.

"(2) Paragraph (1) applies to an unspecified minor military construction project that—

"(A) is intended for the modification or repair of a Department of Defense facility for the purpose set forth in subsection (b)(4); and

"(B) has an estimated cost of more than $500,000.

"(3) The committees referred to in paragraph (1) are as follows:

"(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

"(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"383. Additional support for counterdrug activities of other agencies.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) is repealed.

(c) SAVINGS PROVISION.—The repeal of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 by subsection (b) shall not affect any support provided under that section that is ongoing as of the date of the enactment of this Act. The support may be continued in accordance with section 383 of title 10, United States Code, as added by subsection (a).

SEC. 332. EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) AMOUNTS EXCLUDED.—Amounts expended out of funds described in subsection (b) for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence designated pursuant to section 2474(a) of title 10, United States Code, shall not be counted for purposes of section 2466(a) of such title if the personnel are provided by private industry pursuant to a public-private partnership undertaken by the Center under section 2474(b) of such title.

(b) FUNDS FOR FISCAL YEARS 2002 THROUGH 2004.—The funds referred to in subsection (a) are funds available to the military departments for depot-level maintenance and repair workloads for fiscal years 2002, 2003, and 2004.

SEC. 333. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COQUETTE, FRANCE.

(a) AUTHORITY TO MAKE GRANT.—The Secretary of the Air Force may, using amounts specified in subsection (d), make a grant to the Lafayette Escadrille Memorial Foundation, Inc., for purposes of the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes la-Coquette, France.

(b) GRANT AMOUNT.—The amount of the grant under subsection (a) may not exceed $2,000,000.

(c) USE OF GRANT.—Amounts from the grant under this section shall be used solely for the purposes described in subsection (a). None of such amounts may be used for remuneration of any entity or individual associated with fundraising for any project for such purposes.

(d) FUNDS FOR GRANT.—Funds for the grant under this section shall be derived from amounts authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force for fiscal year 2002.

SEC. 334. IMPLEMENTATION OF THE NAVY-MARINE CORPS INTRANET CONTRACT.

(a) ADDITIONAL PHASE-IN AUTHORITY.—Subsection (b) of section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-215) is amended by adding at the end the following new paragraphs:

"(5)(A) The Secretary of the Navy may, before the submittal of the joint certification referred to in paragraph (3)(D), contract for one or more additional increments of work stations under the Navy-Marine Corps Intranet contract, with the number of work stations to be ordered in each additional increment to be determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(B) Upon determining the number of work stations in an additional increment for purposes of subparagraph (A), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report, current as of the date of such determination, on the following:

“(i) The number of work stations operating on the Navy-Marine Corps Intranet.

“(ii) The status of testing and implementation of the Navy-Marine Corps Intranet program.

“(iii) The number of work stations to be contracted for in the additional increment.

“(C) The Under Secretary of Defense for Acquisition, Technology, and Logistics may not make a determination to order any number of work stations to be contracted for under subparagraph (A) in excess of the number permitted under paragraph (2) until—

“(i) the completion of a three-phase contractor test and user evaluation, observed by the Department of Defense, of the work stations operating on the Navy-Marine Corps Intranet at the first three sites under the Navy-Marine Corps Intranet program; and

“(ii) the Chief Information Officer of the Navy has certified to the Secretary of the Navy and the Chief Information Officer of the Department of Defense that the results of the test and evaluation referred to in clause (i) are acceptable.

“(D) The Under Secretary of Defense for Acquisition, Technology, and Logistics may not make a determination to order any number of work stations to be contracted for under subparagraph (A) in excess of the number provided for under subparagraph (C) until—

“(i) there has been a full transition of not less than 20,000 work stations to the Navy-Marine Corps Intranet;

“(ii) the work stations referred to in clause (i) have met service-level agreements specified in the Navy-Marine Corps Intranet contract for not less than 30 days, as determined by contractor performance measurement under oversight by the Department of the Navy; and

“(iii) the Chief Information Officer of the Department of Defense and the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence jointly certify to the congressional defense committees that the results of testing of the work stations referred to in clause (i) are acceptable.”.

(b) Definitions.—Subsection (f) of that section is amended to read as follows:

“(f) Definitions.—In this section:

“(1) The term ‘Navy-Marine Corps Intranet contract’ means a contract providing for a long-term arrangement of the Department of the Navy with the commercial sector that imposes on the contractor a responsibility for, and transfers to the contractor the risk of, providing and managing the significant majority of desktop, server, infrastructure, and communication assets and services of the Department of the Navy.

“(2) The term ‘provide’, in the case of a work station under the Navy-Marine Corps Intranet contract, means transfer of the legacy information infrastructure and systems of the user of the work station to Navy-Marine Corps Intranet infrastructure and systems of the work station under the Navy-Marine Corps Intranet contract and performance thereof consistent with the service-level agreements specified in the Navy-Marine Corps Intranet contract.”.

SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) In General.—Section 2466(c) of title 10, United States Code, is amended to read as follows:

“(c) Waiver of Limitation.—(1) The Secretary of Defense may waive the limitation in subsection (a) for a fiscal year if—

“(A) the Secretary of Defense determines that the waiver is necessary for reasons of national security; and

“(B) the Secretary of Defense submits to Congress a notification of the waiver together with the reasons for the waiver; and

“(2) The Secretary of Defense may not delegate the authority to exercise the waiver authority under paragraph (1).”.

(b) Report.—The Secretary of Defense shall provide a report to Congress not later than January 31, 2002 that outlines the Secretary's strategy regarding the operations of the public depots.

SEC. 336. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) Extension of Authority.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking “September 30, 1999” and inserting “September 30, 2003”.

(b) Reporting Requirements.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking “January 1, 2000” and inserting “January 1, 2003”; and

(2) in paragraph (2), by striking “March 1, 2000” and inserting “March 1, 2003”.

SEC. 337. FUNDING FOR LAND FORCES READINESS-INFORMATION OPERATIONS SUSTAINMENT.

Of the amount authorized to be appropriated by section 301(6), $5,000,000 may be available for land forces readiness-information operations sustainment.

SEC. 338. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

SEC. 339. CONSEQUENCE MANAGEMENT TRAINING.

Of the amount authorized to be appropriated by section 301(5), $5,000,000 may be available for the training of members of the Armed Forces (including reserve component personnel) in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

SEC. 340. CRITICAL INFRASTRUCTURE PROTECTION INITIATIVE OF THE NAVY.

Of the amount authorized to be appropriated by section 301(2), $6,000,000 shall be available for the critical infrastructure protection initiative of the Navy.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2002, as follows:

(1) The Army, 480,000.

(2) The Navy, 376,000.

(3) The Marine Corps, 172,600.

(4) The Air Force, 358,800.

SEC. 402. AUTHORIZED DAILY AVERAGE ACTIVE DUTY STRENGTH FOR NAVY ENLISTED MEMBERS IN PAY GRADE E-8.

(a) In General.—Section 517(a) of title 10, United States Code, is amended by inserting “or the Navy” after “in the case of the Army”.

(b) Applicability.—The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2002, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 87,000.

(4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 108,400.

(6) The Air Force Reserve, 74,700.

(7) The Coast Guard Reserve, 8,000.

(b) Adjustments.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2002, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,698.

(2) The Army Reserve, 13,406.

(3) The Naval Reserve, 14,811.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,591.

(6) The Air Force Reserve, 1,437.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2002 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,249.

(2) For the Army National Guard of the United States, 23,615.

(3) For the Air Force Reserve, 9,818.

(4) For the Air National Guard of the United States, 22,422.

SEC. 414. FISCAL YEAR 2002 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

(a) Limitation.—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2002, may not exceed the following:

(1) For the Army Reserve, 1,095.

(2) For the Army National Guard of the United States, 1,600.

(3) For the Air Force Reserve, 0.

(4) For the Air National Guard of the United States, 350.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given the term in section 10217(a) of title 10, United States Code.

SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES FOR ADMINISTRATION OF RESERVE COMPONENTS.

(a) OFFICERS.—The text of section 12011 of title 10, United States Code, is amended to read as follows:

"(a) LIMITATIONS.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

"Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army Reserve:			
10,000	1,390	740	230
11,000	1,529	803	242
12,000	1,668	864	252
13,000	1,804	924	262
14,000	1,940	984	272
15,000	2,075	1,044	282
16,000	2,210	1,104	291
17,000	2,345	1,164	300
18,000	2,479	1,223	309
19,000	2,613	1,282	318
20,000	2,747	1,341	327
21,000	2,877	1,400	336
Army National Guard:			
20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	370
26,000	1,930	1,085	385
28,000	2,070	1,160	400
30,000	2,200	1,235	405
32,000	2,330	1,305	408
34,000	2,450	1,375	411
36,000	2,570	1,445	411
38,000	2,670	1,515	411
40,000	2,770	1,580	411
42,000	2,837	1,644	411
Marine Corps Reserve:			
1,100	106	56	20
1,200	110	60	21
1,300	114	63	22
1,400	118	66	23
1,500	121	69	24
1,600	124	72	25
1,700	127	75	26
1,800	130	78	27
1,900	133	81	28
2,000	136	84	29
2,100	139	87	30
2,200	141	90	31
2,300	143	92	32
2,400	145	94	33
2,500	147	96	34
2,600	149	98	35
Air Force Reserve:			
500	83	85	50
1,000	155	165	95
1,500	220	240	135
2,000	285	310	170
2,500	350	369	203
3,000	413	420	220
3,500	473	464	230
4,000	530	500	240
4,500	585	529	247
5,000	638	550	254
5,500	688	565	261
6,000	735	575	268
7,000	770	595	280
8,000	805	615	290
10,000	835	635	300
Air National Guard:			
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	630	296
11,000	740	688	305
12,000	807	742	314
13,000	873	795	323
14,000	939	848	332
15,000	1,005	898	341
16,000	1,067	948	350
17,000	1,126	998	359
18,000	1,185	1,048	368
19,000	1,235	1,098	377
20,000	1,283	1,148	380.

"(2) Of the total number of members of the Naval Reserve who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of lieutenant commander, commander, and captain may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

"Total number of members of Naval Reserve serving on full-time reserve component duty:	Number of officers who may be serving in the grade of:		
	Lieutenant commander	Commander	Captain
10,000	807	447	141
11,000	867	467	153
12,000	924	485	163
13,000	980	503	173
14,000	1,035	521	183
15,000	1,088	538	193
16,000	1,142	555	203
17,000	1,195	565	213
18,000	1,246	575	223
19,000	1,291	585	233
20,000	1,334	595	242
21,000	1,364	603	250
22,000	1,384	610	258
23,000	1,400	615	265
24,000	1,410	620	270.

"(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table at the same proportion as is reflected in the nearest limit shown in the table.

"(c) REALLOCATIONS TO LOWER GRADES.—Whenever the number of officers serving in any grade for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

"(d) SECRETARIAL WAIVER.—Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve officers that may be on full-time reserve component duty for a reserve component in a grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for the grade in that table.

"(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term 'full-time reserve component duty' means the following duty:

"(1) Active duty described in sections 10211, 10302, 10303, 10304, 10305, 12310, or 12402 of this title.

"(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32.

"(3) Active duty described in section 708 of title 32.".

(b) SENIOR ENLISTED MEMBERS.—The text of section 12012 of title 10, United States Code, is amended to read as follows:

"(a) LIMITATIONS.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members in each of pay grades of E–8 and E–9 who may be serving on active duty under section 10211 or 12310, or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

"Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E–8	E–9
Army Reserve:		
10,000	1,052	154
11,000	1,126	168
12,000	1,195	180
13,000	1,261	191
14,000	1,327	202
15,000	1,391	213
16,000	1,455	224
17,000	1,519	235
18,000	1,583	246
19,000	1,647	257
20,000	1,711	268
21,000	1,775	278
Army National Guard:		
20,000	1,650	550
22,000	1,775	615
24,000	1,900	645
26,000	1,945	675
28,000	1,945	705
30,000	1,945	725
32,000	1,945	730
34,000	1,945	735
36,000	1,945	738
38,000	1,945	741
40,000	1,945	743
42,000	1,945	743
Naval Reserve:		
10,000	340	143
11,000	364	156
12,000	386	169
13,000	407	182
14,000	423	195
15,000	435	208
16,000	447	221
17,000	459	234
18,000	471	247
19,000	483	260
20,000	495	273
21,000	507	286
22,000	519	299
23,000	531	312
24,000	540	325
Marine Corps Reserve:		
1,100	50	11
1,200	55	12
1,300	60	13
1,400	65	14
1,500	70	15
1,600	75	16
1,700	80	17
1,800	85	18
1,900	89	19
2,000	93	20
2,100	96	21
2,200	99	22
2,300	101	23
2,400	103	24
2,500	105	25
2,600	107	26
Air Force Reserve:		
500	75	40
1,000	145	75
1,500	208	105
2,000	270	130
2,500	325	150
3,000	375	170
3,500	420	190
4,000	460	210
4,500	495	230
5,000	530	250
5,500	565	270
6,000	600	290
7,000	670	330
8,000	740	370
10,000	800	400
Air National Guard		
5,000	1,020	405
6,000	1,070	435
7,000	1,120	465
8,000	1,170	490
9,000	1,220	510
10,000	1,270	530
11,000	1,320	550
12,000	1,370	570
13,000	1,420	589
14,000	1,470	608
15,000	1,520	626
16,000	1,570	644
17,000	1,620	661
18,000	1,670	678
19,000	1,720	695
20,000	1,770	712.

"(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the table in subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in the table at the same proportion as is reflected in the nearest limit shown in the table.

"(c) Reallocations to Lower Grade.—Whenever the number of officers serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for pay grade E–8.

"(d) Secretarial Waiver.—Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve enlisted members that may be on active duty or full-time National Guard duty as described in subsection (a) for a reserve component in a pay grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for that grade and reserve component in the table.

"(e) Full-Time Reserve Component Duty Defined.—In this section, the term 'full-time reserve component duty' has the meaning given the term in section 12011(e) of this title.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 416. STRENGTH AND GRADE LIMITATION ACCOUNTING FOR RESERVE COMPONENT MEMBERS ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) Active Duty Strength Accounting.—Section 115(c)(1) of title 10, United States Code, is amended to read as follows:

"(1) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for any of the armed forces by—

"(A) a number equal to not more than 1 percent of that end strength; and

"(B) the number (if any) of the members of the reserve components that, as determined by the Secretary, are on active duty under section 12301(d) of this title in support of a contingency operation.".

(b) Limitation on Authorized Daily Average for Members in Pay Grades E–8 and E–9 on Active Duty.—Section 517 of such title is amended by adding at the end the following new paragraph:

"(d) The Secretary of Defense may increase the authorized daily average number of enlisted members on active duty in an armed force in pay grade E–8 or E–9 in a fiscal year, as determined under subsection (a), by the number (if any) of enlisted members of a reserve component of that armed force in that pay grade who, as determined by the Secretary, are on active duty under section 12301(d) of this title in support of a contingency operation.".

(c) Limitation on Authorized Strengths for Commissioned Officers in Pay Grades O–4, O–5, and O–6 on Active Duty.—Section 523(b) of such title is amended—

(1) in paragraphs (1) and (2) of subsection (a), by striking "Except as provided in subsection (c)" and inserting "Except as provided in subsections (c) and (e)"; and

(2) by adding at the end the following new subsection:

"(e) The Secretary of Defense may increase the limitation on the total number of commissioned officers of an armed force authorized to be serving on active duty at the end of any fiscal year in the grade of O–4, O–5, or O–6, determined under subsection (a), by the number (if any) of commissioned officers of a reserve component of that armed force in that grade who, as determined by the Secretary, are serving on active duty under section 12301(d) of this title in support of a contingency operation.".

(d) Limitation on Authorized Strengths for General and Flag Officers on Active Duty.—Section 526(a) of such title is amended—

(1) by striking "Limitations.—The" and inserting "Limitations.—(1) Except as provided in paragraph (2), the";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary of Defense may increase the limitation on the number of general and flag officers on active duty, determined under paragraph (1), by the number (if any) of reserve component general and flag officers who, as determined by the Secretary, are serving on active duty under section 12301(d) of this title in support of a contingency operation.".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 a total of $82,396,900,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2002.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. GENERAL OFFICER POSITIONS.

(a) Increased Grade for Vice Chief of National Guard Bureau.—Section 10505(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) Increased Grade for Heads of Nurse Corps of the Armed Forces.—(1) Section 3069(b) of title 10, United States Code, is amended by striking "brigadier general" in the second sentence and inserting "major general".

(2) The first sentence of section 5150(c) of such title is amended—

(A) by inserting "rear admiral (upper half) in the case of an officer in the Nurse Corps or" after "for promotion to the grade of"; and

(B) by inserting "in the case of an officer in the Medical Service Corps" after "rear admiral (lower half)".

(3) Section 8069(b) of such title is amended by striking "brigadier general" in the second sentence and inserting "major general".

(c) Appointment and Grade of Chief of Army Veterinary Corps.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section 3071:

"§ 3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade

"(a) Composition.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

"(b) Chief.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

"(c) Assistant Chief.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3070 the following new item:

"3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.".

(d) Exclusions From Limitation of Active Duty Officers in Grades Above Major General.—Section 525(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(B), by striking "16.2 percent" and inserting "17.5 percent";

(2) in paragraph (3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B) An officer while serving as the Senior Military Assistant to the Secretary of Defense, if serving in the grade of general or lieutenant general, or admiral or vice admiral, is in addition to the number that would otherwise be permitted for his armed force for that grade under paragraph (1) or (2)."; and

(3) by striking paragraph (6) and inserting the following:

"(6)(A) An officer while serving in a position named in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general under paragraph (1).

"(B) Subparagraph (A) applies with respect to the following positions:

"(i) Chief of the National Guard Bureau.

"(ii) Vice Chief of the National Guard Bureau.".

(e) Repeal of Limitation on Number of Officers on Active Duty in the Grades of General or Admiral.—(1) Section 528 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

SEC. 502. REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION OF FIRST LIEUTENANTS AND LIEUTENANTS (JUNIOR GRADE).

Paragraph (1) of section 619(a) of title 10, United States Code, is amended by striking "the following period of service" and all that follows through the end of the paragraph and inserting "eighteen months of service in the grade in which he holds a permanent appointment.".

SEC. 503. PROMOTION OF OFFICERS TO THE GRADE OF CAPTAIN IN THE ARMY, AIR FORCE, OR MARINE CORPS OR TO THE GRADE OF LIEUTENANT IN THE NAVY WITHOUT SELECTION BOARD ACTION.

(a) Active-Duty List Promotions.—(1) Section 611(a) of title 10, United States Code, is amended by striking "Under" and inserting "Except in the case of promotions recommended under section 624(a)(3) of this title, under".

(2) Section 624(a) of such title is amended by adding at the end the following new paragraph (3):

"(3) The President may, upon a recommendation of the Secretary of the military department concerned approved by the President, promote to the grade of captain (for officers of the Regular Army, Regular

Air Force, or Regular Marine Corps) or lieutenant (for officers of the Regular Navy) all fully qualified officers on the active-duty list in the permanent or temporary grade of first lieutenant or lieutenant (junior grade), respectively, who would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 611(a) of this title. The Secretary of a military department may make such a recommendation whenever the Secretary determines that all such officers are needed in the next higher grade to accomplish mission objectives. Promotions under this paragraph shall be effectuated under regulations prescribed by the Secretary of the military department concerned.''.

(3) Section 631 of such title is amended by adding at the end the following new subsection (d):

''(d) For the purposes of this chapter—

''(1) a recommendation made by the Secretary of the military department concerned under section 624(a)(3) of this title that is approved by the President shall be treated in the same manner as a report of a promotion selection board convened under section 611(a) of this title that is approved by the President; and

''(2) an officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of first lieutenant, and an officer of the Regular Navy who holds the regular grade of lieutenant (junior grade), shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 611(a) of this title but is not fully qualified for promotion when recommending for promotion under section 624(a)(3) of this title all fully qualified officers of the officer's armed force in such grade who would be eligible for such consideration.''.

(b) RESERVE ACTIVE-STATUS LIST PROMOTIONS.—(1) Section 14101(a) of such title is amended by striking ''Whenever'' and inserting ''Except in the case of promotions recommended under section 14308(b)(4) of this title, whenever''.

(2) Section 14308(b) of such title is amended by adding at the end the following new paragraph (4):

''(4) The President may, upon a recommendation of the Secretary of the military department concerned approved by the President, promote to the grade of captain (for officers of a reserve component of the Army, Air Force, or Marine Corps) or lieutenant (for officers of the Naval Reserve) all fully qualified officers on the reserve active-status list in the permanent grade of first lieutenant or lieutenant (junior grade), respectively, who would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title. The Secretary of a military department may make such a recommendation whenever the Secretary determines that all such officers are needed in the next higher grade to accomplish mission objectives. Promotions under this paragraph shall be effectuated under regulations prescribed by the Secretary of the military department concerned.''.

(3) Section 14504 of such title is amended by adding at the end the following new subsection (c):

''(c) For the purposes of this chapter—

''(1) a recommendation made by the Secretary of the military department concerned under section 14308(b)(4) of this title that is approved by the President shall be treated the same as a report of a promotion selection board convened under section 14101(a) of this title that is approved by the President; and

''(2) an officer on a reserve active-status list who holds the grade of first lieutenant (in the case of an officer in a reserve component of the Army, Air Force, or Marine Corps) or the grade of lieutenant (junior grade) (in the case of an officer of the Naval Reserve) shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title but is not fully qualified for promotion when recommending for promotion under section 14308(b)(4) of this title all fully qualified officers of that officer's reserve component in such grade who would be eligible for such consideration.''.

SEC. 504. AUTHORITY TO ADJUST DATE OF RANK.

(a) ACTIVE DUTY OFFICERS.—Subsection 741(d) of title 10, United States Code, is amended, by adding at the end the following new paragraph (4):

''(4)(A) The Secretary concerned may adjust the date of rank of an officer appointed to a higher grade under section 624(a) of this title if the appointment is to a grade below O–7 and is delayed by reason of unusual circumstances that cause an unintended delay in the processing or approval of—

''(i) a report of a selection board recommending the appointment of the officer to that grade; or

''(ii) the promotion list established on the basis of that report.

''(B) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be consistent with the officer's position on the promotion list for that grade and competitive category when additional officers in that grade and competitive category were needed and shall also be consistent with compliance with the applicable authorized strengths for officers in that grade and competitive category.

''(C) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be the effective date for the officer's pay and allowances for the grade and for the officer's position on the active-duty list.

''(D) In the case of an officer whose appointment to a higher grade under this section is made by and with the advice and consent of the Senate, the Secretary concerned shall transmit to the Committee on Armed Services of the Senate a notification of any adjustment of a date of rank for the appointment of an officer to a higher grade under subparagraph (A) to a date that is prior to the date of the advice and consent of the Senate on the appointment. The notification shall include the name of the officer and a discussion of the reasons for the adjustment.''.

(b) RESERVE OFFICERS.—Section 14308(c) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) The Secretary concerned may adjust the date of rank of an officer appointed to a higher grade under this section if the appointment is to a grade below O–7 and is delayed by reason of unusual circumstances that cause an unintended delay in the processing or approval of—

''(i) a report of a selection board recommending the appointment of the officer to that grade; or

''(ii) the promotion list established on the basis of that report.

''(B) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be consistent with the officer's position on the promotion list for that grade and competitive category when additional officers in that grade and competitive category were needed and shall also be consistent with compliance with the applicable authorized strengths for officers in that grade and competitive category.

''(C) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be the effective date for the officer's pay and allowances for the grade and for the officer's position on the active-duty list.

''(D) In the case of an officer whose appointment to a higher grade under this section is made by and with the advice and consent of the Senate, the Secretary concerned shall transmit to the Committee on Armed Services of the Senate a notification of any adjustment of a date of rank for the appointment of an officer to a higher grade under subparagraph (A) to a date that is prior to the date of the advice and consent of the Senate on the appointment. The notification shall include the name of the officer and a discussion of the reasons for the adjustment.''; and

(3) in paragraph (3), as redesignated by paragraph (1), by inserting ''provided in paragraph (2) or as otherwise'' after ''Except as''.

SEC. 505. EXTENSION OF DEFERMENTS OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.

Section 640 of title 10, United States Code, is amended—

(1) by inserting ''(a) DEFERMENT.—'' before ''The Secretary''; and

(b) by adding at the end the following new subsection:

''(b) AUTHORITY TO EXTEND.—In the case of an officer whose retirement or separation under any of sections 632 through 638, or section 1251, of this title is deferred under subsection (a), the Secretary of the military department concerned may extend the deferment by an additional period of not more than 30 days following the completion of the evaluation of the officer's physical condition if the Secretary determines that continuation of the officer would facilitate the officer's transition to civilian life.''.

SEC. 506. EXEMPTION FROM ADMINISTRATIVE LIMITATIONS OF RETIRED MEMBERS ORDERED TO ACTIVE DUTY AS DEFENSE AND SERVICE ATTACHÉS.

(a) LIMITATION OF PERIOD OF RECALLED SERVICE.—Section 688(e)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph (D):

''(D) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.''.

(b) LIMITATION ON NUMBER OF RECALLED OFFICERS ON ACTIVE DUTY.—Section 690(b)(2) of such title is amended by adding at the end the following new subparagraph (E):

''(E) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.''.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply with respect to officers serving on active duty as a defense attaché or service attaché on or after the date of the enactment of this Act.

SEC. 507. CERTIFICATIONS OF SATISFACTORY PERFORMANCE FOR RETIREMENTS OF OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

Section 1370(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary of Defense may delegate authority to make a certification for an officer under paragraph (1) to the Under Secretary of Defense for Personnel and Readiness or the Deputy Under Secretary of Defense for Personnel and Readiness. The certification authority may not be delegated to any other official.

"(B) If an official to whom authority is delegated under subparagraph (A) determines in the case of an officer that there is potentially adverse information on the officer and that the information has not previously been reported to the Senate in connection with the action of the Senate on a previous appointment of that officer under section 601 of this title, the official may not exercise the authority in that case, but shall refer the case to the Secretary of Defense. The Secretary of Defense shall personally issue or withhold a certification for an officer under paragraph (1) in any case referred to the Secretary under the preceding sentence.".

SEC. 508. EFFECTIVE DATE OF MANDATORY SEPARATION OR RETIREMENT OF REGULAR OFFICER DELAYED BY A SUSPENSION OF CERTAIN LAWS UNDER EMERGENCY AUTHORITY OF THE PRESIDENT.

Section 12305 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) In the case of an officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps whose mandatory separation or retirement under section 632, 633, 634, 635, 636, 637, or 1251 of this title is delayed by reason of a suspension under this section, the separation or retirement of the officer upon termination of the suspension shall take effect on the date elected by the officer, but not later than 90 days after the date of the termination of the suspension.".

SEC. 509. DETAIL AND GRADE OF OFFICER IN CHARGE OF THE UNITED STATES NAVY BAND.

Section 6221 of title 10, United States Code, is amended—

(1) by inserting "(a) ESTABLISHMENT.—"; and

(2) by adding at the end the following new subsection:

"(b) OFFICER IN CHARGE.—(1) An officer serving in a grade above lieutenant may be detailed as Officer in Charge of the United States Navy Band.

"(2) While serving as Officer in Charge of the United States Navy Band, an officer holds the grade of captain if appointed to that grade by the President, by and with the advice and consent of the Senate, notwithstanding the limitation in section 5596(d) of this title.".

Subtitle B—Reserve Component Personnel Policy

SEC. 511. REAUTHORIZATION AND EXPANSION OF TEMPORARY WAIVER OF THE REQUIREMENT FOR A BACCALAUREATE DEGREE FOR PROMOTION OF CERTAIN RESERVE OFFICERS OF THE ARMY.

(a) REAUTHORIZATION.—Subsection (b) of section 516 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2008; 10 U.S.C. 12205 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(b) EXPANSION OF ELIGIBILITY.—Subsection (a) of such section is amended by striking "before the date of the enactment of this Act".

SEC. 512. STATUS LIST OF RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

(a) CLARIFICATION.—Section 641(1)(D) of title 10, United States Code, is amended to read as follows:

"(D) on active duty under section 12301(d) of this title, other than as provided under subparagraph (C), under a call or order to active duty specifying a period of three years or less and continuation (pursuant to regulations prescribed by the Secretary concerned) on the reserve active-status list;".

(b) RETROACTIVE ADJUSTMENTS.—(1) The Secretary of the military department concerned—

(A) may place on the active-duty list of the armed force concerned any officer under the jurisdiction of the Secretary who was placed on the reserve active-status list under subparagraph (D) of section 641(1) of title 10, United States Code, as added by section 521(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–108); and

(B) for the purposes of chapter 36 of such title (other than section 640 of such title and, in the case of a warrant officer, section 628 of such title), shall treat an officer placed on the active-duty list under subparagraph (A) as having been on the active-duty list continuously from the date on which the officer was placed on the reserve active-status list as described in that subparagraph.

(2) The Secretary of the military department concerned may place on the reserve active-status list of the armed force concerned, effective as of the date of the enactment of this Act, any officer who was placed on the active-duty list before that date and after October 29, 1997, while on active duty under section 12301(d) of title 10, United States Code, other than as described under section 641(1)(C) of such title, under a call or order to active duty specifying a period of three years or less.

SEC. 513. EQUAL TREATMENT OF RESERVES AND FULL-TIME ACTIVE DUTY MEMBERS FOR PURPOSES OF MANAGING DEPLOYMENTS OF PERSONNEL.

(a) RESIDENCE OF RESERVES AT HOME STATION.—Section 991(b)(2) of title 10, United States Code, is amended to read as follows:

"(2) In the case of a member of a reserve component who is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to in paragraph (1) is any housing (which may include the member's residence) that the member usually occupies for use during off-duty time when on garrison duty at the member's permanent duty station or homeport, as the case may be.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on October 1, 2001, and shall apply with respect to duty performed on or after that date.

SEC. 514. MODIFICATION OF PHYSICAL EXAMINATION REQUIREMENTS FOR MEMBERS OF THE INDIVIDUAL READY RESERVE.

Section 10206 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(ii) by striking "his" and inserting "the member's"; and

(B) in the second sentence, by striking "Each Reserve" and inserting the following: "(c) Each Reserve";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) A member of the Individual Ready Reserve or inactive National Guard shall be examined for physical fitness as necessary to determine the member's physical fitness for military duty or for promotion, attendance at a school of the armed forces, or other action related to career progression.".

SEC. 515. MEMBERS OF RESERVE COMPONENTS AFFLICTED WHILE REMAINING OVERNIGHT AT DUTY STATION WITHIN COMMUTING DISTANCE OF HOME.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS.—Section 1074a(a)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(b) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Section 1076(a)(2)(C) of title 10, United States Code, is amended by inserting before the period at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(c) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—(1) Section 1204(2)(B)(iii) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(2) Section 1206(2)(A)(iii) of title 10, United States Code, is amended by inserting before the semicolon the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(d) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(e) ENTITLEMENT TO BASIC PAY.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)(D), by inserting before the semicolon the following: "or if the member remained overnight for another reason authorized under applicable regulations"; and

(2) in subsection (h)(1)(D), by inserting before the semicolon the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(f) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206(a)(3)(C) of title 37, United States Code, is amended by inserting before the period at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

SEC. 516. RETIREMENT OF RESERVE PERSONNEL WITHOUT REQUEST.

(a) RETIRED RESERVE.—Section 10154(2) of title 10, United States Code, is amended by striking "upon their request".

(b) RETIREMENT FOR FAILURE OF SELECTION OF PROMOTION.—(1) Paragraph (2) of section 14513 of such title is amended by striking ", if the officer is qualified and applies for such transfer" and inserting "if the officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve".

(2)(A) The heading for such section is amended to read as follows:

"§14513. Transfer, retirement, or discharge for failure of selection of promotion".

(B) The item relating to such section in the table of sections at the beginning of chapter 1407 of title 10, United States Code, is amended to read as follows:

"14513. Transfer, retirement, or discharge for failure of selection for promotion.".

(c) RETIREMENT FOR YEARS OF SERVICE OR AFTER SELECTION FOR EARLY REMOVAL.—Section 14514 of such title is amended—

(1) in paragraph (1), by striking ", if the officer is qualified and applies for such transfer" and inserting "if the officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve"; and

(2) by striking paragraph (2) and inserting the following:

"(2) be discharged from the officer's reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.".

(d) RETIREMENT FOR AGE.—Section 14515 of such title is amended—

(1) in paragraph (1), by striking ", if the officer is qualified and applies for such transfer" and inserting "if the officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve"; and

(2) by striking paragraph (2) and inserting the following:

"(2) be discharged from the officer's reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.".

(e) DISCHARGE OR RETIREMENT OF WARRANT OFFICERS FOR YEARS OF SERVICE OR AGE.—(1) Chapter 1207 of such title is amended by adding at the end the following new section:

"§12244. Warrant officers: discharge or retirement for years of service or for age

"Each reserve warrant officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

"(1) be transferred to the Retired Reserve if the warrant officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

"(2) be discharged if the warrant officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12244. Warrant officers: discharge or retirement for years of service or for age.".

(f) DISCHARGE OR RETIREMENT OF ENLISTED MEMBERS FOR YEARS OF SERVICE OR AGE.—(1) Chapter 1203 of title 10, United States Code, is amended by adding at the end the following new section:

"§12108. Enlisted members: discharge or retirement for years of service or for age

"Each reserve enlisted member of the Army, Navy, Air Force, or Marine Corps who is in an active status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

"(1) be transferred to the Retired Reserve if the member is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

"(2) be discharged if the member is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12108. Enlisted members: discharge or retirement for years of service or for age.".

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that is more than 180 days after the date of the enactment of this Act.

SEC. 517. SPACE-REQUIRED TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) CORRECTION OF IMPAIRMENT TO AUTHORIZED TRAVEL WITH ALLOWANCES.—Section 18505(a) of title 10, United States Code, is amended by striking "annual training duty or" each place it appears.

(b) CONFORMING AMENDMENTS.—(1) The heading for such section is amended to read as follows:

"§18505. Reserves traveling for inactive-duty training: space-required travel on military aircraft".

(2) The item relating to such section in the table of contents at the beginning of chapter 1805 of title 10, United States Code, is amended to read as follows:

"18505. Reserves traveling for inactive-duty training: space-required travel on military aircraft.".

Subtitle C—Education and Training

SEC. 531. IMPROVED BENEFITS UNDER THE ARMY COLLEGE FIRST PROGRAM.

(a) INCREASED MAXIMUM PERIOD OF DELAYED ENTRY.—Section 573 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 623; 10 U.S.C. 513 note) is amended—

(1) in subsection (b)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—Under the pilot program, the Secretary may—

"(1) exercise the authority under section 513 of title 10, United States Code—";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning those subparagraphs four ems from the left margin;

(C) in subparagraph (A), as so redesignated, by inserting "and" after the semicolon; and

(D) in subparagraph (B), as so redesignated, by striking "two years after the date of such enlistment as a Reserve under paragraph (1)" and inserting "the maximum period of delay determined for the person under subsection (c)"; and

(2) in subsection (c)—

(A) by striking "paragraph (2)" and inserting "paragraph (1)(B)";

(B) by striking "two-year period" and inserting "30-month period"; and

(C) by striking "paragraph (1)" and inserting "paragraph (1)(A)".

(b) ALLOWANCE ELIGIBILITY AND AMOUNT.—(1) Such section is further amended—

(A) in subsection (b), by striking paragraph (3) and inserting the following:

"(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of such subsection, pay an allowance to the person for each month of that period during which the member is enrolled in and pursuing such a program"; and

(B) in subsection (d)—

(i) by redesignating paragraph (2) as paragraph (4);

(ii) by striking paragraph (1) and inserting the following new paragraphs:

"(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for certain members of the Senior Reserve Officers' Training Corps under section 209(a) of title 37, United States Code.

"(2) An allowance may not be paid to a person under this section for more than 24 months.

"(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which the member performs satisfactorily as a member of a unit of the reserve component that trains as prescribed in section 10147(a)(1) of title 10, United States Code, or section 502(a) of title 32, United States Code. Satisfactory performance shall be determined under regulations prescribed by the Secretary."

(2) The heading for such subsection is amended by striking "AMOUNT OF".

(c) INELIGIBILITY FOR LOAN REPAYMENTS.—Such section is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) INELIGIBILITY FOR LOAN REPAYMENTS.—A person who has received an allowance under this section is not eligible for any benefits under chapter 109 of title 10, United States Code.

(d) RECOUPMENT OF ALLOWANCE.—Such section, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

"(f) RECOUPMENT OF ALLOWANCE.—(1) A person who, after receiving an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized for the person under section 513 of title 10, United States Code, shall repay the United States the amount which bears the same ratio to the total amount of that allowance paid to the person as the unserved part of the total required period of service bears to the total period.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge of a person in bankruptcy under title 11, United States Code, that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authority under section 513 of title 10, United States Code, does not discharge that person from a debt arising under paragraph (1).

"(4) The Secretary of the Army may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to persons who, on or after that date, are enlisted as described in subsection (a) of section 513 of title 10, United States Code, with delayed entry authorized under that section.

SEC. 532. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS.

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

SEC. 533. ACCEPTANCE OF FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS FOR LEGAL EDUCATION OF OFFICERS PARTICIPATING IN THE FUNDED LEGAL EDUCATION PROGRAM.

(a) FLEP Detail.—Section 2004 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) Acceptance of a fellowship, scholarship, or grant as financial assistance for training described in subsection (a) in accordance with section 2603(a) of this title does not disqualify the officer accepting it from also being detailed at a law school for that training under this section. Service obligations incurred under subsection (b)(2)(C) and section 2603(b) of this title with respect to the same training shall be served consecutively.".

(b) Fellowships, Scholarships, or Grants.—Section 2603 of such title is amended by adding at the end the following new subsection:

"(c) A detail of an officer for training at a law school under section 2004 of this title does not disqualify the officer from also accepting a fellowship, scholarship, or grant under this section as financial assistance for that training. Service obligations incurred under subsection (b) and section 2004(b)(2)(C) of this title with respect to the same training shall be served consecutively.".

SEC. 534. GRANT OF DEGREE BY DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) Authority.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2167. Defense Language Institute: associate of arts

"Under regulations prescribed by the Secretary of Defense, the Commandant of the Foreign Language Center of the Defense Language Institute may confer an associate of arts degree in foreign language upon graduates of the Institute who fulfill the requirements for the degree, as certified by the Provost of the Institute.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2167. Defense Language Institute: associate of arts.".

SEC. 535. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) Authority.—(1) Subsection (a) of section 7102 of title 10, United States Code, is amended to read as follows:

"(a) Authority.—Upon the recommendation of the Director and faculty of a college of the Marine Corps University, the President of the Marine Corps University may confer a degree upon graduates of the college who fulfill the requirements for the degree, as follows:

"(1) For the Marine Corps War College, the degree of master of strategic studies.

"(2) For the Command and Staff College, the degree of master of military studies.".

(2)(A) The heading for such section is amended to read as follows:

"§ 7102. Marine Corps University: masters degrees".

(B) The item relating to such section in the table of sections at the beginning of chapter 609 of title 10, United States Code, is amended to read as follows:

"7102. Marine Corps University: masters degrees.".

(b) Condition for Initial Exercise of Authority.—(1) The President of the Marine Corps University may exercise the authority provided under section 7102(a)(1) of title 10, United States Code, only after the Secretary of Education has notified the Secretary of the Navy of a determination made under paragraph (2) that the requirements established by the Marine Corps War College of the Marine Corps University for the degree of master of strategic studies are in accordance with the requirements typically imposed for awards of the degree of master of arts by institutions of higher education in the United States.

(2) The Secretary of Education shall review the requirements established by the Marine Corps War College of the Marine Corps University for the degree of master of strategic studies, determine whether the requirements are in accordance with the requirements typically imposed for awards of the degree of master of arts by institutions of higher education in the United States, and notify the Secretary of the Navy of the determination.

SEC. 536. FOREIGN PERSONS ATTENDING THE SERVICE ACADEMIES.

(a) United States Military Academy.—(1) Subsection (a)(1) of section 4344 of title 10, United States Code, is amended by striking "not more than 40 persons" and inserting "not more than 60 persons".

(2) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking "unless a written waiver of reimbursement is granted by the Secretary of Defense" in the first sentence; and

(B) by striking paragraph (3) and inserting the following:

"(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.".

(b) United States Naval Academy.—(1) Subsection (a)(1) of section 6957 of such title is amended by striking "not more than 40 persons" and inserting "not more than 60 persons".

(2) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking "unless a written waiver of reimbursement is granted by the Secretary of Defense" in the first sentence; and

(B) by striking paragraph (3) and inserting the following:

"(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a midshipman under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.".

(c) United States Air Force Academy.—(1) Subsection (a)(1) of section 9344 of such title is amended by striking "not more than 40 persons" and inserting "not more than 60 persons".

(2) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking "unless a written waiver of reimbursement is granted by the Secretary of Defense" in the first sentence; and

(B) by striking paragraph (3) and inserting the following:

"(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.".

(d) Applicability.—The amendments made by this section shall apply with respect to academic years that begin after October 1, 2001.

SEC. 537. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE STUDENTS IN PROGRAMS OF EDUCATION LEADING TO INITIAL DEGREE IN MEDICINE OR DENTISTRY.

(a) Medical and Dental Student Stipend.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) Programs Leading to Initial Medical or Dental Degree.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

"(A) is eligible to be appointed as an officer in a reserve component of the armed forces; and

"(B) is enrolled or has been accepted for enrollment in an accredited medical or dental school in a program of education and training that results in an initial degree in medicine or dentistry.

"(2) Under the agreement—

"(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (f), for the period or the remainder of the period that the student is satisfactorily progressing toward an initial degree in medicine or dentistry in a program of an accredited medical or dental school;

"(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

"(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

"(D) the participant shall agree—

"(i) to complete the program of education and training in which enrolled or accepted for enrollment as described in paragraph (1)(B);

"(ii) to accept an appointment or designation in the participant's reserve component, if tendered, based upon the participant's health profession, following satisfactory completion of the educational and internship components of the program of education and training;

"(iii) if required by regulations prescribed by the Secretary of Defense, to apply for (if eligible) and accept (if offered) residency training in a health profession skill that has been designated by the Secretary of Defense as a skill critically needed by the armed forces in wartime; and

"(iv) to serve in the Selected Reserve, upon successful completion of the program, for the period of service applicable under paragraph (3).

"(3)(A) Except as provided in subparagraph (B), the minimum period for which a participant shall serve in the Selected Reserve under the agreement pursuant to paragraph (2)(D)(iv) shall be one year in the Selected Reserve for each six months, or part thereof, for which the participant is provided a stipend pursuant to the agreement.

"(B) If a participant referred to in subparagraph (A) enters into an agreement under subsection (b) and, after completing a program of education and training for which a stipend was provided under this subsection, successfully completes residency training in the specialty covered by the agreement, the minimum period for which the participant shall serve in the Selected Reserve under that agreement and the agreement under this subsection shall be one year for each year, or part thereof, for which a stipend was provided under this chapter.".

(b) AMOUNT OF STIPEND.—Subsection (f) of such section, as redesignated by subsection (a), is amended by striking "or (c)" and inserting ", (c), or (e)".

(c) ELIGIBILITY FOR ASSISTANCE FOR GRADUATE MEDICAL OR DENTAL TRAINING.—Subsection (b) of such section is amended—

(1) by striking "SPECIALTIES.—" and inserting "WARTIME SPECIALTIES.—"; and

(2) in paragraph (1)(B), by inserting ", or has been appointed," after "assignment".

(d) SERVICE OBLIGATION FOR STIPEND FOR OTHER PROFESSIONAL PROGRAMS.—(1) Subsection (b)(2)(D) of such section by striking "agree to serve, upon successful completion of the program, two years in the Ready Reserve for each year," and inserting "agree (subject to subsection (e)(3)(B)) to serve, upon successful completion of the program, one year in the Ready Reserve for each six months,".

(2) Subsection (c)(2)(D) of such section is amended by striking "two years in the Ready Reserve for each year," and inserting "one year in the Ready Reserve for each six months,".

(e) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in the first sentence—

(i) by inserting "in health professions and" after "qualified"; and

(ii) by striking "training in such" and inserting "education and training in such professions and"; and

(B) in the second sentence, by striking "training in certain" and inserting "education and training in certain health professions and",

(2) Subsections (b)(2)(A) and (c)(2)(A) of such section are amended by striking "subsection (e)" and inserting "subsection (f)".

SEC. 538. PILOT PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS SUPPORT FOR GRADUATE MEDICAL EDUCATION AND TRAINING OF MEDICAL PERSONNEL OF THE ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs may jointly carry out a pilot program of graduate medical education and training for medical personnel of the Armed Forces.

(b) DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.—Under any pilot program carried out under this section, the Secretary of Defense and the Secretary of Veterans Affairs shall provide for medical personnel of the Armed Forces to pursue one or more programs of graduate medical education and training in one or more medical centers of the Department of Veterans Affairs.

(c) AGREEMENT.—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement for carrying out any pilot program under this section. The agreement shall provide a means for the Secretary of Defense to defray the costs incurred by the Secretary of Veterans Affairs in providing the graduate medical education and training in, or the use of, the facility or facilities of the Department of Veterans Affairs participating in the pilot program.

(d) USE OF EXISTING AUTHORITIES.—To carry out the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall exercise authorities provided to the Secretaries, respectively, under other laws relating to the furnishing or support of medical education and the cooperative use of facilities.

(e) PERIOD OF PROGRAM.—Any pilot program carried out under this section shall begin not later than August 1, 2002, and shall terminate on July 31, 2007.

(f) ANNUAL REPORT.—(1) Not later than January 31, 2003, and January 31 of each year thereafter, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the conduct of any pilot program carried out under this section. The report shall cover the preceding year and shall include the Secretaries' assessment of the efficacy of providing for medical personnel of the Armed Forces to pursue programs of graduate medical education and training in medical centers of the Department of Veterans Affairs.

(2) The reporting requirement under this subsection shall terminate upon the submittal of the report due on January 31, 2008.

SEC. 539. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL BY MEMBERS OF THE ARMED FORCES WITH CRITICAL MILITARY SKILLS.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills

"(a) IN GENERAL.—Subject to the provisions of this section, each Secretary concerned may, for the purpose of enhancing recruitment and retention of members of the Armed Forces with critical military skills and at such Secretary's sole discretion, permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer, in whole or in part, up to 18 months of such individual's entitlement to such assistance to the dependents specified in subsection (c).

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

"(1) has completed six years of service in the Armed Forces;

"(2) either—

"(A) has a critical military skill designated by the Secretary concerned for purposes of this section; or

"(B) is in a military specialty designated by the Secretary concerned for purposes of this section as requiring critical military skills; and

"(3) enters into an agreement to serve at least four more years as a member of the Armed Forces.

"(c) ELIGIBLE DEPENDENTS.—An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by an individual under this section may not exceed 18 months.

"(e) DESIGNATION OF TRANSFEREE.—An individual transferring an entitlement to basic educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such dependent; and

"(2) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

"(2)(A) An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

"(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until the following:

"(1) In the case of entitlement transferred to a spouse, the completion by the individual making the transfer of 6 years of service in the Armed Forces.

"(2) In the case of entitlement transferred to a child, both—

"(A) the completion by the individual making the transfer of 10 years of service in the Armed Forces; and

"(B) either—

"(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(ii) the attainment by the child of 18 years of age.

"(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided under subsection (e)(2) and subject to paragraphs (4) and (5), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

"(3) The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the individual to whom the entitlement is transferred.

"(4) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(5) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

"(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(i) OVERPAYMENT.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

"(2) Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(3) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of basic educational assistance under paragraph (1).

"(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

"(A) by reason of the death of the individual; or

"(B) for a reason referred to in section 3011(a)(1)(A)(ii)(I) of this title.

"(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to basic educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in the fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of title 10 in the fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of basic educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in the fiscal year.

"(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2), and shall specify the manner of the applicability of the administrative provisions referred to in subsection (h)(5) to a dependent to whom entitlement is transferred under this section.

"(l) ANNUAL REPORTS.—(1) Not later than January 31, 2003, and each year thereafter, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the transfers of entitlement to basic educational assistance under this section that were approved by such Secretary during the preceding year.

"(2) Each report shall set forth—

"(A) the number of transfers of entitlement under this section that were approved by such Secretary during the preceding year; or

"(B) if no transfers of entitlement under this section were approved by such Secretary during that year, a justification for such Secretary's decision not to approve any such transfers of entitlement during that year.

"(m) SECRETARY CONCERNED DEFINED.—Notwithstanding section 101(25) of this title, in this section, the term 'Secretary concerned' means—

"(1) the Secretary of the Army with respect to matters concerning the Army;

"(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

"(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

"(4) the Secretary of the Defense with respect to matters concerning the Coast Guard, or the Secretary of Transportation when it is not operating as a service in the Navy.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills.".

(b) TREATMENT UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title 10, United States Code, is amended by adding at the end the following:

"(D) The present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance under subchapter II of chapter 30 of title 38 attributable to increased usage of benefits as a result of transfers of entitlement to basic educational assistance under section 3020 of that title during such period.".

(c) PLAN FOR IMPLEMENTATION.—Not later than June 30, 2002, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretaries of the military departments and the Secretary of Transportation propose to exercise the authority granted by section 3020 of title 38, United States Code, as added by subsection (a). The report shall include the regulations prescribed under subsection (k) of that section for purposes of the exercise of the authority.

(d) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, $30,000,000 may be available in fiscal year 2002 for deposit into the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for purposes of covering payments of amounts under subparagraph (D) of section 2006(b)(2) of title 10, United States Code (as added by subsection (b)), as a result of transfers of entitlement to basic educational assistance under section 3020 of title 38, United States Code (as added by subsection (a)).

SEC. 540. PARTICIPATION OF REGULAR MEMBERS OF THE ARMED FORCES IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) ELIGIBILITY.—Section 2104(b)(3) of title 10, United States Code, is amended by inserting "the regular component or" after "enlist in".

(b) PAY RATE WHILE ON FIELD TRAINING OR PRACTICE CRUISE.—Section 209(c) of title 37, United States Code, is amended by inserting before the period at the end the following: ", except that the rate for a cadet or midshipmen who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

Subtitle D—Decorations, Awards, and Commendations

SEC. 551. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO HUMBERT R. VERSACE FOR VALOR DURING THE VIETNAM WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to Humbert R. Versace for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Humbert R. Versace between October 29, 1963, and September 26, 1965, while interned as a prisoner of war by the Vietnamese Communist National Liberation Front (Viet Cong) in the Republic of Vietnam.

SEC. 552. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AMERICAN WAR VETERANS.

(a) REVIEW REQUIRED.—The Secretary of each military department shall review the service records of each Jewish American war veteran described in subsection (b) to determine whether or not that veteran should be awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American war veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American war veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross.

(2) Any other Jewish American war veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded to a Jewish American war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service

Cross, Navy Cross, Air Force Cross, or any other decoration has been awarded.

(g) JEWISH AMERICAN WAR VETERAN DEFINED.—In this section, the term "Jewish American war veteran" means any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.

SEC. 553. ISSUANCE OF DUPLICATE AND REPLACEMENT MEDALS OF HONOR.

(a) ARMY.—(1)(A) Chapter 357 of title 10, United States Code, is amended by inserting after section 3747 the following new section:

"§ 3747a. Medal of honor: issuance of duplicate

"(a) ISSUANCE.—Upon written application by a person to whom a medal of honor has been awarded under this chapter, the Secretary of the Army may issue to the person one duplicate medal of honor, with ribbons and appurtenances. No charge may be imposed for the issuance of the duplicate medal.

"(b) SPECIAL MARKING.—A duplicate medal of honor issued under this section shall be marked as a duplicate or for display purposes only. The Secretary shall prescribe the manner in which the duplicate medal is marked.

"(c) ISSUANCE NOT TO BE CONSIDERED ADDITIONAL AWARD.—The issuance of a duplicate medal of honor under of this section may not be considered an award of more than one medal of honor prohibited by section 3744(a) of this title.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3747 the following:

"3747a. Medal of honor: issuance of duplicate.".

(2) Section 3747 of title 10, United States Code, is amended by striking "lost" and inserting "stolen, lost,".

(b) NAVY AND MARINE CORPS.—(1)(A) Chapter 567 of such title is amended by inserting after section 6253 the following new section:

"§ 6253a. Medal of honor: issuance of duplicate

"(a) ISSUANCE.—Upon written application by a person to whom a medal of honor has been awarded under this chapter, the Secretary of the Navy may issue to the person one duplicate medal of honor, with ribbons and appurtenances. No charge may be imposed for the issuance of the duplicate medal.

"(b) SPECIAL MARKING.—A duplicate medal of honor issued under this section shall be marked as a duplicate or for display purposes only. The Secretary shall prescribe the manner in which the duplicate medal is marked.

"(c) ISSUANCE NOT TO BE CONSIDERED ADDITIONAL AWARD.—The issuance of a duplicate medal of honor under this section may not be considered an award of more than one medal of honor prohibited by section 6247 of this title.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6253 the following:

"6253a. Medal of honor: issuance of duplicate.".

(2) Section 6253 of title 10, United States Code, is amended by striking "lost" and inserting "stolen, lost,".

(c) AIR FORCE.—(1)(A) Chapter 857 of such title is amended by inserting after section 8747 the following new section:

"§ 8747a. Medal of honor: issuance of duplicate

"(a) ISSUANCE.—Upon written application by a person to whom a medal of honor has been awarded under this chapter, the Secretary of the Air Force may issue to the person one duplicate medal of honor, with ribbons and appurtenances. No charge may be imposed for the issuance of the duplicate medal.

"(b) SPECIAL MARKING.—A duplicate medal of honor issued under this section shall be marked as a duplicate or for display purposes only. The Secretary shall prescribe the manner in which the duplicate medal is marked.

"(c) ISSUANCE NOT TO BE CONSIDERED ADDITIONAL AWARD.—The issuance of a duplicate medal of honor under this section may not be considered an award of more than one medal of honor prohibited by section 8744(a) of this title.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8747 the following:

"8747a. Medal of honor: issuance of duplicate.".

(2) Section 8747 of title 10, United States Code, is amended by striking "lost" and inserting "stolen, lost,".

SEC. 554. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code. .

(b) SILVER STAR.—Subsection (a) applies to the award of the Silver Star to Wayne T. Alderson, of Glassport, Pennsylvania, for gallantry in action from March 15 to March 18, 1945, while serving as a member of the Army.

(c) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 30, 2000, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 555. SENSE OF SENATE ON ISSUANCE OF KOREA DEFENSE SERVICE MEDAL.

It is the sense of the Senate that the Secretary of Defense should consider authorizing the issuance of a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Armed Forces served in the Republic of Korea, or the waters adjacent thereto, during the period beginning on July 28, 1954, and ending on such date after that date as the Secretary considers appropriate.

SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105–103 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) AMOUNT.—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

Subtitle E—Funeral Honors Duty

SEC. 561. ACTIVE DUTY END STRENGTH EXCLUSION FOR RESERVES ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY FOR FUNERAL HONORS DUTY.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) Members of reserve components on active duty or full-time National Guard duty to prepare for and to perform funeral honors functions under section 1491 of this title.".

SEC. 562. PARTICIPATION OF RETIREES IN FUNERAL HONORS DETAILS.

(a) AUTHORITY.—(1) Subsection (b)(2) of section 1491 of title 10, United States Code, is amended by inserting ", members or former members of the armed forces in a retired status," in the second sentence after "members of the armed forces".

(2) Subsection (h) of such section is amended to read as follows:

"(h) DEFINITIONS.—In this section:

"(1) The term 'retired status', with respect to a member or former member of the armed forces, means that the member or former member—

"(A) is on a retired list of an armed force;

"(B) is entitled to receive retired or retainer pay; or

"(C) except for not having attained 60 years of age, would be entitled to receive retired pay upon application under chapter 1223 of this title. '

"(2) The term 'veteran' means a decedent who—

"(A) served in the active military, naval, or air service (as defined in section 101(24) of title 38) and who was discharged or released therefrom under conditions other than dishonorable; or

"(B) was a member or former member of the Selected Reserve described in section 2301(f) of title 38.".

(b) FUNERAL HONORS DUTY ALLOWANCE.—Section 435(a) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(a) ALLOWANCE AUTHORIZED.—"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The Secretary concerned may authorize payment of an allowance to a member or former member of the armed forces in a retired status (as defined in section 1491(h) of title 10) for participating as a member of a funeral honors detail under section 1491 of title 10 for a period of at least two hours, including time for preparation.

"(B) An allowance paid to a member or former member under subparagraph (A) shall be in addition to any retired or retainer pay or other compensation to which the member or former member is entitled under this title or title 10 or 38.".

SEC. 563. BENEFITS AND PROTECTIONS FOR MEMBERS IN A FUNERAL HONORS DUTY STATUS.

(a) FUNERAL HONORS DUTY DEFINED.—Section 101(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) The term 'funeral honors duty' means duty under section 12503 of this title or section 115 of title 32.".

(b) APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE.—Section 802 of title 10, United States Code, is amended—

(1) in subsection (a)(3), by inserting "or engaged in funeral honors duty" after "on inactive-duty training"; and

(2) in subsection (d)(2)(B), by inserting "or engaged in funeral honors duty" after "on inactive-duty training".

(c) COMMISSARY STORES PRIVILEGES FOR DEPENDENTS OF A DECEASED RESERVE COMPONENT MEMBER.—Section 1061(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking "or" the first place it appears; and

(B) by inserting ", or funeral honors duty" before the semicolon; and

(2) in paragraph (2)—

(A) by striking "or" the third place it appears; and

(B) by inserting ", or funeral honors duty" before the period.

(d) PAYMENT OF A DEATH GRATUITY.—(1) Section 1475(a) of such title is amended—

(A) in paragraph (2), by inserting "or while engaged in funeral honors duty" after "Public Health Service)"; and

(B) in paragraph (3)—

(i) by striking "or inactive duty training" the first place it appears and inserting "inactive-duty training";

(ii) by inserting "or funeral honors duty," after "Public Health Service),"; and

(iii) by striking "or inactive duty training" the second place it appears and inserting ", inactive-duty training, or funeral honors duty".

(2) Section 1476(a) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "or";

(ii) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following new subparagraph:

"(C) funeral honors duty."; and

(B) in paragraph (2)(A), by striking "or inactive-duty training" and inserting ", inactive-duty training, or funeral honors duty".

(e) MILITARY AUTHORITY FOR MEMBERS OF THE COAST GUARD RESERVE.—(1) Section 704 of title 14, United States Code, is amended by striking "or inactive-duty training" in the second sentence and inserting ", inactive-duty training, or funeral honors duty".

(2) Section 705(a) of such title is amended by inserting "on funeral honors duty," after "on inactive-duty training,".

(f) VETERANS BENEFITS.—Section 101(24) of title 38, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C)(ii) and inserting "; and"; and

(3) by adding at the end the following new subparagraph (D):

"(D) any period of funeral honors duty (as defined in section 101(d) of title 10) during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty.".

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

SEC. 564. MILITARY LEAVE FOR CIVILIAN EMPLOYEES SERVING AS MILITARY MEMBERS OF FUNERAL HONORS DETAIL.

Section 6323(a) of title 5, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking "active duty, inactive duty training" and all that follows through "National Guard" and inserting "military duty or training described in paragraph (4)"; and

(2) by adding at the end the following new paragraph:

"(4) The entitlement under paragraph (1) applies to the performance of duty or training as a Reserve of the armed forces or member of the National Guard, as follows:

"(A) Active duty.

"(B) Inactive duty training (as defined in section 101 of title 37).

"(C) Field or coast defense training under sections 502 through 505 of title 32.

"(D) Funeral honors duty under section 12503 of title 10 or section 115 of title 32.".

Subtitle F—Uniformed Services Overseas Voting

SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by striking "Each State" and inserting "(a) IN GENERAL.—Each State"; and

(2) by adding at the end the following:

"(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

"(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely—

"(A) on the grounds that the ballot lacked a notarized witness signature, an address, other than on a Federal write-in absentee ballot (SF186) or a postmark: *Provided*, That there are other indicia that the vote was cast in a timely manner; or

"(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

"(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as redesignated by section 572(a)(1), is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) Establishment of Demonstration Project.—

(1) In general.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) Authority to delay implementation.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004. The Secretary shall notify the Armed Services Committees of the Senate and the House of Representatives of any decision to delay implementation of the demonstration project.

(b) Coordination With State Election Officials.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) Report to Congress.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis for absent uniformed services voters during the next regularly scheduled general election for Federal office.

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) Review and Report.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) Absentee Registration.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) Voting by Recently Separated Uniformed Services Voters.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) Definitions.—In this section:

(1) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term "recently separated uniformed services voter" means any individual who was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) Reports.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) Period of Applicability.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) Definitions.—In this section:

(1) The term "legislative recommendation" means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term "Presidential designee" means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

Subtitle G—Other Matters

SEC. 581. PERSONS AUTHORIZED TO BE INCLUDED IN SURVEYS OF MILITARY FAMILIES REGARDING FEDERAL PROGRAMS.

(a) Addition of Certain Family Members and Survivors.—Subsection (a) of section 1782 of title 10, United States Code, is amended to read as follows:

"(a) Authority.—The Secretary of Defense may conduct surveys of persons to determine the effectiveness of Federal programs relating to military families and the need for new programs, as follows:

"(1) Members of the armed forces on active duty or in an active status.

"(2) Retired members of the armed forces.

"(3) Members of the families of such members and retired members of the armed forces (including surviving members of the families of deceased members and deceased retired members).".

(b) Federal Recordkeeping Requirements.—Subsection (c) of such section is amended to read as follows:

"(c) Federal Recordkeeping Requirements.—With respect to a survey authorized under subsection (a) that includes a person referred to in that subsection who is not an employee of the United States or is not considered an employee of the United States for the purposes of section 3502(3)(A)(i) of title 44, the person shall be considered as being an employee of the United States for the purposes of that section.".

SEC. 582. CORRECTION AND EXTENSION OF CERTAIN ARMY RECRUITING PILOT PROGRAM AUTHORITIES.

(a) Contract Recruiting Initiatives.—Subsection (d)(2) of section 561 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–130) is amended—

(1) in subparagraphs (A) and (D), by inserting "and Army Reserve" after "Regular Army"; and

(2) in subparagraph (B), by striking "and chain of command".

(b) Extension of Authority.—Subsection (e) of such section is amended by striking "December 31, 2005" and inserting "September 30, 2007".

(c) Extension of Time for Reports.—Subsection (g) of such section is amended by striking "February 1, 2006" and inserting "February 1, 2008".

SEC. 583. OFFENSE OF DRUNKEN OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) Lower Standard of Alcohol Concentration.—Section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by striking "0.10 grams" both places it appears in paragraph (2) and inserting "0.08 grams".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts described in paragraph (2) of section 911 of title 10, United States Code, that are committed on or after that date.

SEC. 584. AUTHORITY OF CIVILIAN EMPLOYEES TO ACT AS NOTARIES.

(a) Clarification of Status of Civilian Attorneys Eligible To Act as Notaries.—Subsection (b) of section 1044a of title 10, United States Code, is amended by striking "legal assistance officers" in paragraph (2) and inserting "legal assistance attorneys".

(b) OTHER CIVILIAN EMPLOYEES DESIGNATED TO ACT AS NOTARIES ABROAD.—Such subsection is further amended by adding at the end the following new paragraph:

"(5) For the performance of notarial acts at locations outside the United States, all employees of a military department or the Coast Guard who are designated by regulations of the Secretary concerned or by statute to have those powers for exercise outside the United States.".

SEC. 585. REVIEW OF ACTIONS OF SELECTION BOARDS.

(a) IN GENERAL.—(1) Chapter 79 of title 10, United States Code, is amended by adding at the end the following:

"§ 1558. Exclusive remedies in cases involving selection boards

"(a) CORRECTION OF MILITARY RECORDS.—The Secretary concerned may correct a person's military records in accordance with a recommendation made by a special board. Any such correction shall be effective, retroactively, as of the effective date of the action taken on a report of a previous selection board that resulted in the action corrected in the person's military records.

"(b) RELIEF ASSOCIATED WITH CORRECTIONS OF CERTAIN ACTIONS.—(1) The Secretary concerned shall ensure that a person receives relief under paragraph (2) or (3), as the person may elect, if the person—

"(A) was separated or retired from an armed force, or transferred to the retired reserve or to inactive status in a reserve component, as a result of a recommendation of a selection board; and

"(B) becomes entitled to retention on or restoration to active duty or active status in a reserve component as a result of a correction of the person's military records under subsection (a).

"(2)(A) With the consent of a person referred to in paragraph (1), the person shall be retroactively and prospectively restored to the same status, rights, and entitlements (less appropriate offsets against back pay and allowances) in the person's armed force as the person would have had if the person had not been selected to be separated, retired, or transferred to the retired reserve or to inactive status in a reserve component, as the case may be, as a result of an action corrected under subsection (a). An action under this subparagraph is subject to subparagraph (B).

"(B) Nothing in subparagraph (A) shall be construed to permit a person to be on active duty or in an active status in a reserve component after the date on which the person would have been separated, retired, or transferred to the retired reserve or to inactive status in a reserve component if the person had not been selected to be separated, retired, or transferred to the retired reserve or to inactive status in a reserve component, as the case may be, in an action of a selection board that is corrected under subsection (a).

"(3) If the person does not consent to a restoration of status, rights, and entitlements under paragraph (2), the person shall receive back pay and allowances (less appropriate offsets) and service credit for the period beginning on the date of the person's separation, retirement, or transfer to the retired reserve or to inactive status in a reserve component, as the case may be, and ending on the earlier of—

"(A) the date on which the person would have been so restored under paragraph (2), as determined by the Secretary concerned; or

"(B) the date on which the person would otherwise have been separated, retired, or transferred to the retired reserve or to inactive status in a reserve component, as the case may be.

"(c) FINALITY OF UNFAVORABLE ACTION.—If a special board makes a recommendation not to correct the military records of a person regarding action taken in the case of that person on the basis of a previous report of a selection board, the action previously taken on that report shall be considered as final as of the date of the action taken on that report.

"(d) REGULATIONS.—(1) The Secretary concerned may prescribe regulations to carry out this section (other than subsection (e)) with respect to the armed force or armed forces under the jurisdiction of the Secretary.

"(2) The Secretary may prescribe in the regulations the circumstances under which consideration by a special board may be provided for under this section, including the following:

"(A) The circumstances under which consideration of a person's case by a special board is contingent upon application by or for that person.

"(B) Any time limits applicable to the filing of an application for consideration.

"(3) Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

"(e) JUDICIAL REVIEW.—(1) A person challenging for any reason the action or recommendation of a selection board, or the action taken by the Secretary concerned on the report of a selection board, is not entitled to relief in any judicial proceeding unless the person has first been considered by a special board under this section or the Secretary concerned has denied such consideration.

"(2) A court of the United States may review a determination by the Secretary concerned not to convene a special board in the case of any person. In any such case, a court may set aside the Secretary's determination only if the court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law. If a court sets aside a determination not to convene a special board, it shall remand the case to the Secretary concerned, who shall provide for consideration of the person by a special board.

"(3) A court of the United States may review a recommendation of a special board or an action of the Secretary concerned on the report of a special board convened for consideration of a person. In any such case, a court may set aside the recommendation or action, as the case may be, only if the court finds that the recommendation or action was contrary to law or involved a material error of fact or a material administrative error. If a court sets aside the recommendation of a special board, it shall remand the case to the Secretary concerned, who shall provide for reconsideration of the person by another special board. If a court sets aside the action of the Secretary concerned on the report of a special board, it shall remand the case to the Secretary concerned for a new action on the report of the special board.

"(4)(A) If, not later than six months after receiving a complete application for consideration by a special board in any case, the Secretary concerned has not convened a special board and has not denied consideration by a special board in that case, the Secretary shall be deemed to have denied the consideration of the case for the purposes of this subsection.

"(B) If, not later than one year after the convening of a special board in any case, the Secretary concerned has not taken final action on the report of the special board, the Secretary shall be deemed to have denied relief in such case for the purposes of this subsection.

"(C) Under regulations prescribed under subsection (d), the Secretary concerned may waive the applicability of subparagraph (A) or (B) in a case if the Secretary determines that a longer period for consideration of the case is warranted. The Secretary of a military department may not delegate authority to make a determination under this subparagraph.

"(f) EXCLUSIVITY OF REMEDIES.—Notwithstanding any other provision of law, but subject to subsection (g), the remedies provided under this section are the only remedies available to a person for correcting an action or recommendation of a selection board regarding that person or an action taken on the report of a selection board regarding that person.

"(g) EXISTING JURISDICTION.—(1) Nothing in this section limits the jurisdiction of any court of the United States under any provision of law to determine the validity of any statute, regulation, or policy relating to selection boards, except that, in the event that any such statute, regulation, or policy is held invalid, the remedies prescribed in this section shall be the sole and exclusive remedies available to any person challenging the recommendation of a special board on the basis of the invalidity.

"(2) Nothing in this section limits authority to correct a military record under section 1552 of this title.

"(h) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard when it is not operating as a service in the Navy.

"(i) DEFINITIONS.—In this section:

"(1) The term 'special board'—

"(A) means a board that the Secretary concerned convenes under any authority to consider whether to recommend a person for appointment, enlistment, reenlistment, assignment, promotion, retention, separation, retirement, or transfer to inactive status in a reserve component instead of referring the records of that person for consideration by a previously convened selection board which considered or should have considered that person;

"(B) includes a board for the correction of military or naval records convened under section 1552 of this title, if designated as a special board by the Secretary concerned; and

"(C) does not include a promotion special selection board convened under section 628 or 14502 of this title.

"(2) The term 'selection board'—

"(A) means a selection board convened under section 573(c), 580, 580a, 581, 611(b), 637, 638, 638a, 14101(b), 14701, 14704, or 14705 of this title, and any other board convened by the Secretary concerned under any authority to recommend persons for appointment, enlistment, reenlistment, assignment, promotion, or retention in the armed forces or for separation, retirement, or transfer to inactive status in a reserve component for the purpose of reducing the number of persons serving in the armed forces; and

"(B) does not include—

"(i) a promotion board convened under section 573(a), 611(a), or 14101(a) of this title;

"(ii) a special board;

"(iii) a special selection board convened under section 628 of this title; or

"(iv) a board for the correction of military records convened under section 1552 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1558. Exclusive remedies in cases involving selection boards .".

(b) SPECIAL SELECTION BOARDS.—Section 628 of such title is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following:

"(g) JUDICIAL REVIEW.—(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1) or (b)(1) not to convene a special selection board in the case of an officer or former officer of the armed forces. If the court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

"(2) A court of the United States may review the action of a special selection board convened under this section upon the request of an officer or former officer of the armed forces and any action taken by the President on the report of the board. If the court finds that the action was contrary to law or involved a material error of fact or a material administrative error, it shall remand the case to the Secretary concerned, who shall provide for reconsideration of the officer or former officer by another special selection board.

"(3)(A) For the purposes of this subsection, the Secretary concerned shall be deemed to have determined not to convene a special selection board under subsection (a)(1) or (b)(1) in the case of an officer or former officer of the armed forces upon a failure of the Secretary to make a determination on the convening of a special selection board in that case within six months after receiving a properly completed request to convene a special selection board under that authority in that case.

"(B) Under regulations prescribed by the Secretary concerned, the Secretary may waive the applicability of subparagraph (A) in the case of a request for the convening of a special selection board if the Secretary determines that a longer period for consideration of the request is warranted. The Secretary concerned may not delegate authority to make a determination under this subparagraph.

"(h) LIMITATIONS OF OTHER JURISDICTION.—(1) No official or court of the United States may, with respect to a claim based to any extent on the failure of an officer or former officer of the armed forces to be selected for promotion by a promotion board—

"(A) consider the claim unless the officer or former officer has first been referred by the Secretary concerned to a special selection board convened under this section and acted upon by that board and the report of the board has been approved by the President; or

"(B) except as provided in subsection (g), grant any relief on the claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer for recommendation for promotion and the report of the board has been approved by the President.

"(i) EXISTING JURISDICTION.—(1) Nothing in this section limits the jurisdiction of any court of the United States under any provision of law to determine the validity of any statute, regulation, or policy relating to selection boards, except that, in the event that any such statute, regulation, or policy is held invalid, the remedies prescribed in this section shall be the sole and exclusive remedies available to any person challenging the recommendation of a selection board on the basis of the invalidity.

"(2) Nothing in this section limits authority to correct a military record under section 1552 of this title.".

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by this section shall take effect on the date of the enactment of this Act and, except as provided in paragraph (2), shall apply with respect to any proceeding pending on or after that date without regard to whether a challenge to an action of a selection board of any of the Armed Forces being considered in such proceeding was initiated before, on, or after that date.

(2) The amendments made by this section shall not apply with respect to any action commenced in a court of the United States before the date of the enactment of this Act.

SEC. 586. ACCEPTANCE OF VOLUNTARY LEGAL ASSISTANCE FOR THE CIVIL AFFAIRS OF MEMBERS AND FORMER MEMBERS OF THE UNIFORMED SERVICES AND THEIR DEPENDENTS.

(a) AUTHORITY.—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) Legal services voluntarily provided as legal assistance under section 1044 of this title.".

(b) DEFENSE OF LEGAL MALPRACTICE.—Subsection (d)(1) of that section is amended by adding at the end the following new subparagraph:

"(E) Section 1054 of this title (relating to legal malpractice), for a person voluntarily providing legal services accepted under subsection (a)(5), as if the person were providing the services as an attorney of a legal staff within the Department of Defense.".

SEC. 587. EXTENSION OF DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

Section 591(j) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 641, 10 U.S.C. 1562 note) is amended by striking "three years after the date of the enactment of this Act" and inserting "April 24, 2003".

SEC. 588. TRANSPORTATION TO ANNUAL MEETING OF NEXT-OF-KIN OF PERSONS UNACCOUNTED FOR FROM CONFLICTS AFTER WORLD WAR II.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II

"The Secretary of Defense may provide transportation for the next-of-kin of persons who are unaccounted for from the Korean conflict, the Cold War, Vietnam War era, or the Persian Gulf War to and from those annual meetings sanctioned by the Department of Defense in the United States. Such transportation shall be provided under such regulations as the Secretary of Defense may prescribe.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.".

(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 589. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the total number of cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A statement of the processes and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide recruits and officer candidates with succinct information on the eligibility requirements (including information on when they become eligible) for health care benefits under the Defense health care program, and the nature and availability of the benefits under the program.

(5) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2002.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2002 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2002, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	7,180.20	7,415.40	7,571.10	7,614.90	7,809.30
O–7	5,966.40	6,371.70	6,371.70	6,418.20	6,657.90
O–6	4,422.00	4,857.90	5,176.80	5,176.80	5,196.60
O–5	3,537.00	4,152.60	4,440.30	4,494.30	4,673.10
O–4	3,023.70	3,681.90	3,927.60	3,982.50	4,210.50
O–3[3]	2,796.60	3,170.40	3,421.80	3,698.70	3,875.70
O–2[3]	2,416.20	2,751.90	3,169.50	3,276.30	3,344.10
O–1[3]	2,097.60	2,183.10	2,638.50	2,638.50	2,638.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	8,135.10	8,210.70	8,519.70	8,608.50	8,874.30
O–7	6,840.30	7,051.20	7,261.80	7,472.70	8,135.10
O–6	5,418.90	5,448.60	5,448.60	5,628.60	6,305.70
O–5	4,673.10	4,813.50	5,073.30	5,413.50	5,755.80
O–4	4,395.90	4,696.20	4,930.20	5,092.50	5,255.70
O–3[3]	4,070.10	4,232.40	4,441.20	4,549.50	4,549.50
O–2[3]	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O–1[3]	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O–10[2]	$0.00	11,601.90	11,659.20	11,901.30	12,324.00
O–9	0.00	10,147.50	10,293.60	10,504.80	10,873.80
O–8	9,259.50	9,614.70	9,852.00	9,852.00	9,852.00
O–7	8,694.90	8,694.90	8,694.90	8,694.90	8,738.70
O–6	6,627.00	6,948.30	7,131.00	7,316.10	7,675.20
O–5	5,919.00	6,079.80	6,262.80	6,262.80	6,262.80
O–4	5,310.60	5,310.60	5,310.60	5,310.60	5,310.60
O–3[3]	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50
O–2[3]	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O–1[3]	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is $13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in pay grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–3E	$0.00	$0.00	$0.00	3,698.70	3,875.70
O–2E	0.00	0.00	0.00	3,276.30	3,344.10
O–1E	0.00	0.00	0.00	2,638.50	2,818.20
	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E	4,070.10	4,232.40	4,441.20	4,617.00	4,717.50
O–2E	3,450.30	3,630.00	3,768.90	3,872.40	3,872.40
O–1E	2,922.30	3,028.50	3,133.20	3,276.30	3,276.30
	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E	4,855.20	4,855.20	4,855.20	4,855.20	4,855.20
O–2E	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40
O–1E	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30

WARRANT OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	2,889.60	3,108.60	3,198.00	3,285.90	3,437.10
W–3	2,638.80	2,862.00	2,862.00	2,898.90	3,017.40
W–2	2,321.40	2,454.00	2,569.80	2,654.10	2,726.40
W–1	2,049.90	2,217.60	2,330.10	2,402.70	2,511.90
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,586.50	3,737.70	3,885.30	4,038.00	4,184.40
W–3	3,152.40	3,330.90	3,439.50	3,558.30	3,693.90
W–2	2,875.20	2,984.40	3,093.90	3,200.40	3,318.00
W–1	2,624.70	2,737.80	2,850.00	2,963.70	3,077.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	4,965.60	5,136.00	5,307.00	5,478.60
W–4	4,334.40	4,480.80	4,632.60	4,782.00	4,935.30
W–3	3,828.60	3,963.60	4,098.30	4,233.30	4,368.90
W–2	3,438.90	3,559.80	3,680.10	3,801.30	3,801.30
W–1	3,189.90	3,275.10	3,275.10	3,275.10	3,275.10

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	1,986.90	2,169.00	2,251.50	2,332.50	2,417.40
E-6	1,701.00	1,870.80	1,953.60	2,033.70	2,117.40
E-5	1,561.50	1,665.30	1,745.70	1,828.50	1,912.80
E-4	1,443.60	1,517.70	1,599.60	1,680.30	1,752.30
E-3	1,303.50	1,385.40	1,468.50	1,468.50	1,468.50
E-2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1	[3] 1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[2]	$0.00	$3,423.90	3,501.30	3,599.40	3,714.60
E-8	2,858.10	2,940.60	3,017.70	3,110.10	3,210.30
E-7	2,562.90	2,645.10	2,726.40	2,808.00	2,892.60
E-6	2,254.50	2,337.30	2,417.40	2,499.30	2,558.10
E-5	2,030.10	2,110.20	2,193.30	2,193.30	2,193.30
E-4	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9[2]	$3,830.40	3,944.10	4,098.30	4,251.30	4,467.00
E-8	3,314.70	3,420.30	3,573.00	3,724.80	3,937.80
E-7	2,975.10	3,057.30	3,200.40	3,292.80	3,526.80
E-6	2,602.80	2,602.80	2,602.80	2,602.80	2,602.80
E-5	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30
E-4	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,022.70.

SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COMMISSIONED OFFICERS WITH PRIOR SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER.

(a) SERVICE CREDIT.—Section 203(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(d)";

(2) by striking "active service as a warrant officer or as a warrant officer and an enlisted member" and inserting "service described in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) Service to be taken into account for purposes of computing basic pay under paragraph (1) is as follows:

"(A) Active service as a warrant officer or as a warrant officer and an enlisted member, in the case of—

"(i) a commissioned officer on active duty who is paid from funds appropriated for active-duty personnel; or

"(ii) a commissioned officer on active Guard and Reserve duty.

"(B) In the case of a commissioned officer (not referred to in subparagraph (A)(ii)) who is paid from funds appropriated for reserve personnel, service as a warrant officer, or as a warrant officer and enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12732(a)(2) of title 10.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

SEC. 603. RESERVE COMPONENT COMPENSATION FOR DISTRIBUTED LEARNING ACTIVITIES PERFORMED AS INACTIVE-DUTY TRAINING.

(a) COMPENSATION AUTHORIZED.—Section 206(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) Compensation is payable under this section to a member in a grade below E–7 for a period of instruction or duty in pursuit of the satisfaction of educational requirements imposed on members of the uniformed services by law or regulations if—

"(A) the particular activity in pursuit of the satisfaction of such requirements is an activity approved for that period of instruction or duty by the commander who prescribes the instruction or duty for the member for that period; and

"(B) the member attains the learning objectives required for the period of instruction or duty, as determined under regulations prescribed by the Secretary concerned.

"(2) Acceptable means of pursuit of the satisfaction of educational requirements for the purposes of compensation under this section include any means (which may include electronic, documentary, or distributed learning) that is authorized for the attainment of educational credit toward the satisfaction of those requirements in regulations prescribed by the Secretary concerned.".

(b) DEFINITION OF INACTIVE-DUTY TRAINING.—Section 101(22) of title 37, United States Code, is amended by striking "but does not include work or study in connection with a correspondence course of a uniformed service".

SEC. 604. CLARIFICATIONS FOR TRANSITION TO REFORMED BASIC ALLOWANCE FOR SUBSISTENCE.

(a) BASELINE AMOUNT FOR CALCULATING ALLOWANCE FOR ENLISTED MEMBERS.—For the purposes of section 402(b)(2) of title 37, United States Code, the monthly rate of basic allowance for subsistence that is in effect for an enlisted member for the year ending December 31, 2001, is $233.

(b) RATE FOR ENLISTED MEMBERS WHEN MESSING FACILITIES NOT AVAILABLE.—(1) Notwithstanding section 402 of title 37, United States Code, the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may prescribe a rate of basic allowance for subsistence to apply to enlisted members of the uniformed services when messing facilities of the United States are not available. The rate may be higher than the rate of basic allowance for subsistence that would otherwise be applicable to the members under that section, but may not be higher than the highest rate that was in effect for enlisted members of the uniformed services under those circumstances before the date of the enactment of this Act.

(2) Paragraph (1) shall cease to be effective on the first day of the first month for which the basic allowance for subsistence calculated for enlisted members of the uniformed services under section 402 of title 37, United States Code, exceeds the rate of the basic allowance for subsistence prescribed under that paragraph.

(c) DATE FOR EARLY TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Section 603(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–145) is amended by striking "October 1, 2001," and inserting "January 1, 2002,".

SEC. 605. INCREASE IN BASIC ALLOWANCE FOR HOUSING IN THE UNITED STATES.

(a) ACCELERATION OF INCREASE.—Subsection 403(b)(1) of title 37, United States Code, is amended by adding at the end the following: "After September 30, 2002, the rate prescribed for a grade and dependency status for a military housing area in the United States may not be less than the median cost of adequate housing for members in that grade and dependency status in that area, as determined on the basis of the costs of adequate housing determined for the area under paragraph (2).".

(b) FISCAL YEAR 2002 RATES.—(1) Subject to subsection (b)(3) of section 403 of title 37, United States Code, in the administration of such section 403 for fiscal year 2002, the monthly amount of a basic allowance for housing for an area of the United States for a member of a uniformed service shall be equal to 92.5 percent of the monthly cost of adequate housing in that area, as determined by the Secretary of Defense, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member.

(2) In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, to be the total amount to be paid during fiscal year 2002 for the basic allowance for housing for military housing areas inside the United States, $232,000,000 of the amount authorized to be appropriated by section 421 for military personnel may be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

SEC. 606. CLARIFICATION OF ELIGIBILITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE.

Section 402a(b)(1) of title 37, United States Code, is amended by inserting "with dependents" after "a member of the armed forces".

SEC. 607. CORRECTION OF LIMITATION ON ADDITIONAL UNIFORM ALLOWANCE FOR OFFICERS.

Section 416(b)(1) of title 37, United States Code, is amended by striking "$200" and inserting "$400".

SEC. 608. PAYMENT FOR UNUSED LEAVE IN EXCESS OF 60 DAYS ACCRUED BY MEMBERS OF RESERVE COMPONENTS ON ACTIVE DUTY FOR ONE YEAR OR LESS.

(a) Eligibility.—Section 501(b)(5) of title 37, United States Code, is amended by—

(1) striking "or" at the end of subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) adding at the end the following new subparagraph:

"(D) by a member of a reserve component while serving on active duty, full-time National Guard duty, or active duty for training for a period of more than 30 days but not in excess of 365 days.".

(b) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to periods of active duty that begin on or after that date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) Special Pay for Health Professionals in Critically Short Wartime Specialties.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) Selected Reserve Reenlistment Bonus.—Section 308b(f) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) Selected Reserve Enlistment Bonus.—Section 308c(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(d) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(e) Selected Reserve Affiliation Bonus.—Section 308e(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(f) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(g) Prior Service Enlistment Bonus.—Section 308i(f) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(h) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2002" and inserting "January 1, 2003".

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002,".

(b) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) Bonus for Enlistment for Two or More Years.—Section 309(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(d) Retention Bonus for Members With Critical Skills.—Section 323(i) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

SEC. 615. HAZARDOUS DUTY PAY FOR MEMBERS OF MARITIME VISIT, BOARD, SEARCH, AND SEIZURE TEAMS.

(a) Eligibility.—Section 301(a) of title 37, United States Code, is amended—

(1) by striking "or" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; or"; and

(3) by inserting at the end the following new paragraph:

"(12) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations.".

(b) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001.

SEC. 616. SUBMARINE DUTY INCENTIVE PAY RATES.

(a) Authority.—Section 301c of title 37, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) The Secretary of the Navy shall prescribe the monthly rates of submarine duty incentive pay. The maximum monthly rate may not exceed $1,000.".

(b) Conforming Amendments.—(1) Subsection (a) of such section is amended—

(A) by striking "in the amount set forth in subsection (b)" in paragraphs (1) and (2); and

(B) in paragraph (4), by striking "that pay in the amount set forth in subsection (b)" and inserting "submarine duty incentive pay".

(2) Subsection (d) of such section is amended by striking "monthly incentive pay authorized by subsection (b)" and inserting "monthly submarine duty incentive pay authorized".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2002.

SEC. 617. CAREER SEA PAY.

(a) In General.—Section 305a(d) of title 37, United States Code, is amended by adding at the end the following: "Under no circumstances shall a member of the uniformed services be excluded from this entitlement by virtue of his or her rank, no matter how junior, or subjected to a minimum time in service or underway in order to rate this entitlement.".

(b) Effective Date and Applicability.—The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to pay periods beginning on or after that date.

SEC. 618. MODIFICATION OF ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL READY RESERVE BONUS FOR REENLISTMENT, ENLISTMENT, OR EXTENSION OF ENLISTMENT.

(a) Eligibility Based on Qualifications in Critically Short Wartime Skills or Specialties.—Section 308h(a) of title 37, United States Code, is amended to read as follows:

"(a)(1) The Secretary concerned may pay a bonus as provided in subsection (b) to an eligible person who reenlists, enlists, or voluntarily extends an enlistment in a reserve component of an armed force for assignment to an element (other than the Selected Reserve) of the Ready Reserve of that armed force if the reenlistment, enlistment, or extension is for a period of three years, or for a period of six years, beyond any other period the person is obligated to serve.

"(2) A person is eligible for a bonus under this section if the person—

"(A) is or has been a member of an armed force;

"(B) is qualified in a skill or specialty designated by the Secretary concerned as a critically short wartime skill or critically short wartime specialty, respectively; and

"(C) has not failed to complete satisfactorily any original term of enlistment in the armed forces.

"(3) For the purposes of this section, the Secretary concerned may designate a skill or specialty as a critically short wartime skill or critically short wartime specialty, respectively, for an armed force under the jurisdiction of the Secretary if the Secretary determines that—

"(A) the skill or specialty is critical to meet wartime requirements of the armed force; and

"(B) there is a critical shortage of personnel in that armed force who are qualified in that skill or specialty.".

(b) Regulations.—The Secretaries of the military departments shall prescribe the regulations necessary for administering section

308h of title 37, United States Code, as amended by this section, not later than the effective date determined under subsection (c)(1).

(c) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect on the first day of the first month that begins more than 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to reserve component reenlistments, enlistments, and extensions of enlistments that are executed on or after the first day of that month.

SEC. 619. ACCESSION BONUS FOR OFFICERS IN CRITICAL SKILLS.

(a) IN GENERAL.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 323 the following new section:

"§ 324. Special pay: critical officer skills accession bonus

"(a) ACCESSION BONUS AUTHORIZED.—A person who executes a written agreement to accept a commission as an officer of an armed force and serve on active duty in a designated critical officer skill for the period specified in the agreement may be paid an accession bonus upon acceptance of the written agreement by the Secretary concerned.

"(b) DESIGNATION OF CRITICAL OFFICER SKILLS.—(1) The Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall designate the critical officer skills for the purposes of this section. The Secretary of Defense may so designate a skill for any one or more of the armed forces.

"(2) A skill may be designated as a critical officer skill for an armed force for the purposes of this section if—

"(A) in order to meet requirements of the armed force, it is critical for the armed force to have a sufficient number of officers who are qualified in that skill; and

"(B) in order to mitigate a current or projected significant shortage of personnel in the armed force who are qualified in that skill, it is critical to access into that armed force in sufficient numbers persons who are qualified in that skill or are to be trained in that skill.

"(c) AMOUNT OF BONUS.—The amount of a bonus paid with respect to a critical officer skill shall be determined under regulations jointly prescribed by the Secretary of Defense and the Secretary of Transportation, but may not exceed $20,000.

"(d) LIMITATION ON ELIGIBILITY FOR BONUS.—An individual may not be paid a bonus under subsection (a) if the individual has received, or is receiving, an accession bonus for the same period of service under section 302d, 302h, or 312b of this title.

"(e) PAYMENT METHOD.—Upon acceptance of a written agreement referred to in subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement under this section becomes fixed and may be paid by the Secretary in either a lump sum or installments.

"(f) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) A person who, after having received all or part of the bonus under this section pursuant to an agreement referred to in subsection (a), fails to accept an appointment as a commissioned officer or to commence or complete the total period of active duty service in a designated critical officer skill as provided in the agreement shall refund to the United States the amount that bears the same ratio to the total amount of the bonus authorized for such person as the unserved part of the period of agreed active duty service in a designated critical officer skill bears to the total period of the agreed active duty service, but not more than the amount that was paid to the person.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (1).

"(g) TERMINATION OF AUTHORITY.—No bonus may be paid under this section with respect to an agreement entered into after December 31, 2002.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 323 the following new item:

"324. Special pay: critical officer skills accession bonus.".

(b) EFFECTIVE DATE.—Section 324 of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2001.

SEC. 620. MODIFICATION OF THE NURSE OFFICER CANDIDATE ACCESSION PROGRAM RESTRICTION ON STUDENTS ATTENDING CIVILIAN EDUCATIONAL INSTITUTIONS WITH SENIOR RESERVE OFFICERS' TRAINING PROGRAMS.

Section 2130a of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking "that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title"; and

(2) in subsection (b)(1), by striking "that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title" and inserting "and, in the case of a student so enrolled at a civilian institution that has a Senior Reserve Officers' Training Program established under section 2102 of this title, is not eligible to participate in the Senior Reserve Officers' Training Program".

SEC. 621. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

(b) SURFACE WARFARE OFFICERS.—Section 319(a)(3) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

SEC. 622. HOSTILE FIRE OR IMMINENT DANGER PAY.

(a) IN GENERAL.—Chapter 59, Subchapter IV of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5949 Hostile fire or imminent danger pay

"(a) The head of an Executive agency may pay an employee special pay at the rate of $150 for any month in which the employee, while on duty in the United States—

"(1) was subject to hostile fire or explosion of hostile mines;

"(2) was in an area of the Pentagon in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period on duty in that area, other employees were subject to hostile fire or explosion of hostile mines;

"(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

"(4) was in an area of the Pentagon in which the employee was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

"(b) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which the employee is so hospitalized.

"(c) For the purpose of this section, "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

"(d) An employee may be paid special pay under this section in addition to other pay and allowances to which entitled. Payments under this section may not be considered to be part of basic pay of an employee.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end the following new item:

"5949. Hostile fire or imminent danger pay.".

(c) EFFECTIVE DATE.—This provision is effective as if enacted into law on September 11, 2001, and may be applied to any hostile action that took place on that date or thereafter.

Subtitle C—Travel and Transportation Allowances

SEC. 631. ELIGIBILITY FOR TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS BETWEEN PERMANENT DUTY STATIONS.

(a) PERSONNEL IN GRADES BELOW E-4.—Section 403(i) of title 37, United States Code, is amended by striking "who is in a pay grade E-4 (4 or more years of service) or above".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 632. ELIGIBILITY FOR PAYMENT OF SUBSISTENCE EXPENSES ASSOCIATED WITH OCCUPANCY OF TEMPORARY LODGING INCIDENT TO REPORTING TO FIRST PERMANENT DUTY STATION.

(a) OFFICER PERSONNEL.—Section 404a(a)(2)(C) of title 37, United States Code, is amended by striking "an enlisted member" and inserting "a member".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 633. ELIGIBILITY FOR DISLOCATION ALLOWANCE.

(a) MEMBERS WITH DEPENDENTS WHEN ORDERED TO FIRST DUTY STATION.—Section 407 of title 37, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(F) A member whose dependents actually move from the member's place of residence in connection with the performance of orders for the member to report to the member's first permanent duty station if the move—

"(i) is to the permanent duty station or a designated location; and "(ii) is an authorized move."; and

(2) in subsection (e), by inserting "(except as provided in subsection (a)(2)(F))" after "first duty station".

(b) MARRIED MEMBERS WITHOUT DEPENDENTS ASSIGNED TO GOVERNMENT FAMILY QUARTERS.—Subsection (a) of such section, as amended by subsection (a), is further amended—

(1) by adding at the end of paragraph (2) the following new subparagraph:

"(G) Each of two members married to each other who—

"(i) is without dependents;

"(ii) actually moves with the member's spouse to a new permanent duty station; and

"(iii) is assigned to family quarters of the United States at or in the vicinity of the new duty station."; and

(2) by adding at the end of the subsection the following new paragraph:

"(4) If a primary dislocation allowance is payable to two members described in subparagraph (G) of paragraph (2) who are married to each other, the amount of the allowance payable to such members shall be the amount otherwise payable under this subsection to the member in the higher pay grade, or to either member if both members are in the same pay grade. The allowance shall be paid jointly to both members.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

SEC. 634. ALLOWANCE FOR DISLOCATION FOR THE CONVENIENCE OF THE GOVERNMENT AT HOME STATION.

(a) AUTHORITY.—(1) Chapter 7 of title 37, United States Code is amended by inserting after section 407 the following new section:

"§ 407a. Travel and transportation: allowance for dislocation for the convenience of the Government at home station

"(a) AUTHORITY.—Under regulations prescribed by the Secretary concerned, a member of the uniformed services may be paid a dislocation allowance under this section when ordered, for the convenience of the Government and not pursuant to a permanent change of station, to occupy or to vacate family housing provided by the Department of Defense, or by the Department of Transportation in the case of the Coast Guard.

"(b) AMOUNT.—(1) Subject to paragraph (2), the amount of a dislocation allowance paid under this section is $500.

"(2) Effective on the same date that the monthly rates of basic pay for members of the uniformed services are increased under section 1009 of this title or by a law increasing those rates by a percentage specified in the law, the amount of the dislocation allowance provided under this section shall be increased by the percentage by which the monthly rates of basic pay are so increased.

"(c) ADVANCE PAYMENT.—A dislocation allowance payable under this section may be paid in advance.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 407 the following new item:

"407a. Travel and transportation: allowance for dislocation for the convenience of the Government at home station.".

(b) EFFECTIVE DATE.—Section 407a of title 37, United States Code, shall take effect on October 1, 2001.

SEC. 635. TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO ATTEND THE BURIAL OF A DECEASED MEMBER OF THE UNIFORMED SERVICES.

(a) CONSOLIDATION OF AUTHORITIES.—Section 411f of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "ALLOWANCES AUTHORIZED.—(1)" after "(a)";

(B) by striking "the dependents of a member" and inserting "eligible members of the family of a member of the uniformed services";

(C) by striking "such dependents" and inserting "such persons"; and

(D) by inserting at the end the following new paragraph:

"(2) An attendant accompanying a person provided travel and transportation allowances under this section for travel to the burial ceremony for a deceased member may also be provided under the uniform regulations round trip travel and transportation allowances for travel to the burial ceremony if—

"(A) the accompanied person is unable to travel unattended because of age, physical condition, or other justifiable reason, as determined under the uniform regulations; and

"(B) there is no other eligible member of the family of the deceased member traveling to the burial ceremony who is eligible for travel and transportation allowances under this section and is qualified to serve as the attendant.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2)" and inserting "LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3)"; and

(ii) by inserting before the period at the end the following: "and the time necessary for such travel";

(B) in paragraph (2), by striking "be extended to accommodate" and inserting "not exceed the rates for 2 days and"; and

(C) by adding at the end the following new paragraph:

"(3) If a deceased member is interred in a cemetery maintained by the American Battle Monuments Commission, the travel and transportation allowances authorized under this section may be provided to and from such cemetery and may not exceed the rates for 2 days and the time necessary for such travel."; and

(3) by striking subsection (c) and inserting the following:

"(c) ELIGIBLE MEMBERS OF FAMILY.—The following members of the family of a deceased member of the uniformed services are eligible for the travel and transportation allowances under this section:

"(1) The surviving spouse (including a remarried surviving spouse) of the deceased member.

"(2) The unmarried child or children of the deceased member referred to in section 401(a)(2) of this title.

"(3) If no person described in paragraphs (1) and (2) is provided travel and transportation allowances under this section, the parent or parents of the deceased member (as defined in section 401(b)(2) of this title).

"(4) If no person described in paragraphs (1), (2), and (3) is provided travel and transportation allowances under this section, then—

"(A) the person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made; and

"(B) up to two additional persons closely related to the deceased member who are selected by the person referred to in subparagraph (A).

"(d) DEFINITIONS.—In this section:

"(1) The term 'burial ceremony' includes the following:

"(A) An interment of casketed or cremated remains.

"(B) A placement of cremated remains in a columbarium.

"(C) A memorial service for which reimbursement is authorized under section 1482(d)(2) of title 10.

"(D) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

"(2) The term 'member of the family' includes a person described in section 1482(c)(4) of title 10 who, except for this paragraph, would not otherwise be considered a family member.".

(b) REPEAL OF SUPERSEDED LAWS.—(1) Section 1482 of title 10, United States Code, is amended by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) The Funeral Transportation and Living Expense Benefits Act of 1974 (Public Law 93–257; 88 Stat. 53; 37 U.S.C. 406 note) is repealed.

(c) APPLICABILITY.—The amendments made by this Act shall apply with respect to deaths that occur on or after the later of—

(1) October 1, 2001; or

(2) the date of the enactment of this Act.

SEC. 636. FAMILY SEPARATION ALLOWANCE FOR MEMBERS ELECTING UNACCOMPANIED TOUR BY REASON OF HEALTH LIMITATIONS OF DEPENDENTS.

(a) ELIGIBILITY.—Section 427(c) of title 37, United States Code, is amended—

(1) in the first sentence, by striking "A member who elects" and inserting "(1) Except as provided in paragraph (2), a member who elects";

(2) in the second sentence, by striking "The Secretary concerned may waive the preceding sentence" and inserting the following:

"(3) The Secretary concerned may waive paragraph (1)"; and

(3) by inserting after paragraph (1) (as designated by the amendment made by paragraph (1) of this section) the following new paragraph:

"(2) The prohibition in the first sentence of paragraph (1) does not apply in the case of a member who elects to serve a tour of duty unaccompanied by his dependents at the member's permanent station because a dependent cannot accompany the member to or at that permanent station for medical reasons certified by a health care professional in accordance with regulations prescribed for the administration of this section.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

SEC. 637. FUNDED STUDENT TRAVEL FOR FOREIGN STUDY UNDER AN EDUCATION PROGRAM APPROVED BY A UNITED STATES SCHOOL.

(a) AUTHORITY.—Section 430 of title 37, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by striking "attending" and inserting "enrolled in"; and

(B) by inserting before the comma at the end the following: "and is attending that school or is participating in a foreign study program approved by that school and, pursuant to that program, is attending a school outside the United States for a period of not more than one year"; and

(2) in subsection (b)—

(A) in the first sentence of paragraph (1), by striking "each unmarried dependent child," and all that follows through "the school being attended" and inserting "each unmarried dependent child (described in subsection (a)(3)) of one annual trip between the school being attended by that child"; and

(B) by adding at the end the following new paragraph:

"(3) The transportation allowance paid under paragraph (1) for an annual trip of a dependent child described in subsection (a)(3) who is attending a school outside the United States may not exceed the transportation allowance that would be paid under this section for the annual trip of that child between the child's school in the continental United States and the member's duty station outside the continental United States and return.".

(b) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to travel that originates outside the continental United States (as defined in section 430(f) of title 37, United States Code), on or after that date.

SEC. 638. TRANSPORTATION OR STORAGE OF PRIVATELY OWNED VEHICLES ON CHANGE OF PERMANENT STATION.

(a) Advance Payment of Storage Costs.—Section 2634(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Storage costs payable under this subsection may be paid in advance.".

(b) Shipment in Permanent Change of Station Within CONUS.—Subsection (h)(1) of such section is amended—

(1) by striking "includes" in the second sentence and all that follows and inserting "includes the following:"; and

(2) by adding at the end the following subparagraphs:

"(A) An authorized change in home port of a vessel.

"(B) A transfer or assignment between two permanent stations in the continental United States when—

"(i) the member cannot, because of injury or the conditions of the order, drive the motor vehicle between the permanent duty stations; or

"(ii) the Secretary concerned determines that it is advantageous and cost-effective to the Government for one motor vehicle of the member to be transported between the permanent duty stations.".

(c) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001.

Subtitle D—Matters Relating to Retirement and Survivor Benefits

SEC. 651. PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) Restoration of Retired Pay Benefits.—Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

"(a) Payment of Both Retired Pay and Compensation.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) Special Rule for Chapter 61 Career Retirees.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) Exception.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) Definitions.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) Repeal of Special Compensation Program.—Section 1413 of such title is repealed.

(c) Clerical Amendments.—The table of sections at the beginning of such chapter is amended—

(1) by striking the item relating to section 1413; and

(2) by adding at the end the following new item:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.".

(d) Effective Date.—(1) The amendments made by this section shall take effect on October 1, 2002.

(2) No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as added by the amendment made by subsection (a), for any period before the effective date under paragraph (1).

SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE ON ACTIVE DUTY.

(a) Surviving Spouse Annuity.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) Surviving spouse annuity.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a member who dies while on active duty after—

"(i) becoming eligible to receive retired pay;

"(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

"(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

"(B) a member not described in subparagraph (A) who dies in line of duty while on active duty.".

(b) Computation of Survivor Annuity.—Section 1451(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "based upon his years of active service when he died." and inserting "based upon the following:"; and

(B) by adding at the end the following new clauses:

"(i) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

"(ii) In the case of an annuity payable under section 1448(d)(1)(A) of this title by reason of the death of a member not in line of duty, the member's years of active service when he died.

"(iii) In the case of an annuity under section 1448(f) of this title, the member's years of active service when he died."; and

(2) in subparagraph (B)(i), by striking "if the member or former member" and all that follows and inserting "as described in subparagraph (A).".

(c) Conforming Amendments.—(1) The heading for subsection (d) of section 1448 of such title is amended by striking "Retirement-Eligible".

(2) Subsection (d)(3) of such section is amended by striking "1448(d)(1)(B) or 1448(d)(1)(C)" and inserting "clause (ii) or (iii) of section 1448(d)(1)(A)".

(d) Extension and Increase of Objectives for Receipts From Disposals of Certain Stockpile Materials Authorized for Several Fiscal Years Beginning With Fiscal Year 1999.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2262; 50 U.S.C. 98d note) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking "$720,000,000" and inserting "$760,000,000"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) $770,000,000 by the end of fiscal year 2011.".

(e) Effective Date and Applicability.—This section and the amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle E—Other Matters

SEC. 661. EDUCATION SAVINGS PLAN FOR REENLISTMENTS AND EXTENSIONS OF SERVICE IN CRITICAL SPECIALTIES.

(a) Establishment of Savings Plan.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 324. Incentive bonus: savings plan for education expenses and other contingencies

"(a) Benefit and Eligibility.—The Secretary concerned may purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

"(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

"(2) A member who, after completing three years of service on active duty but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

"(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

"(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether or not such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

"(1) is not less than six years; and

"(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

"(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—

"(1) in the case of an enlisted member, a reenlistment; and

"(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

"(d) AMOUNTS OF BONDS.—The total of the face amounts of the United States savings bonds authorized to be purchased for a member under this section for a commitment shall be as follows:

"(1) In the case of a purchase for a member under paragraph (1) of subsection (a), $5,000.

"(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

"(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of $30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

"(e) TOTAL AMOUNT OF BENEFIT.—The total amount of the benefit authorized for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

"(1) the purchase price of the United States savings bonds; and

"(2) the amounts that would be deducted and withheld for the payment of individual income taxes if the total amount computed under this subsection for that commitment were paid to the member as a bonus.

"(f) AMOUNT WITHHELD FOR TAXES.—The total amount payable for a member under subsection (e)(2) for a commitment by that member shall be withheld, credited, and otherwise treated in the same manner as amounts deducted and withheld from the basic pay of the member.

"(g) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) If a person fails to complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall refund to the United States the amount that bears the same ratio to the total amount paid for the person (as computed under subsection (e)) for that particular commitment as the uncompleted part of the period of qualifying service bears to the total period of the qualifying service for which obligated.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment or other agreement under this section does not discharge the person signing such reenlistment or other agreement from a debt arising under the reenlistment or agreement, respectively, or this subsection.

"(h) RELATIONSHIP TO OTHER SPECIAL PAYS.—The benefit authorized under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

"(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"324. Incentive bonus: savings plan for education and other contingencies.".

(b) EFFECTIVE DATE.—Section 324 of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2001, and shall apply with respect to reenlistments and other agreements for qualifying service (described in that section) that are entered into on or after that date.

(c) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, $20,000,000 may be available in that fiscal year for the purchase of United States savings bonds under section 324 of title 37, United States Code (as added by subsection (a)).

SEC. 662. COMMISSARY BENEFITS FOR NEW MEMBERS OF THE READY RESERVE.

(a) ELIGIBILITY.—Section 1063 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) ELIGIBILITY OF NEW MEMBERS.—(1) The Secretary concerned shall authorize a new member of the Ready Reserve to use commissary stores of the Department of Defense for a number of days accruing at the rate of two days for each month in which the member participates satisfactorily in training required under section 10147(a)(1) of this title or section 502(a) of title 32, as the case may be.

"(2) For the purposes of paragraph (1), a person shall be considered a new member of the Ready Reserve upon becoming a member and continuing without a break in the membership until the earlier of—

"(A) the date on which the member becomes eligible to use commissary stores under subsection (a); or

"(B) December 31 of the first calendar year in which the membership has been continuous for the entire year.

"(3) A new member may not be authorized under this subsection to use commissary stores for more than 24 days for any calendar year.".

(b) REQUIRED DOCUMENTATION.—Subsection (d) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following: "The regulations shall specify the required documentation of satisfactory participation in training for the purposes of subsection (b).".

(c) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by striking "Subsection (a)" and inserting "Subsections (a) and (b)".

(d) CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

"§ 1063. Use of commissary stores: members of Ready Reserve".

(2) Subsection (a) of such section is amended by striking "OF READY RESERVE" and inserting "WITH 50 OR MORE CREDITABLE POINTS".

(3) The item relating to such section in the table of sections at the beginning of chapter 54 of title 10, United States Code, is amended to read as follows:

"1063. Use of commissary stores: members of Ready Reserve.".

SEC. 663. AUTHORIZATION OF TRANSITIONAL COMPENSATION AND COMMISSARY AND EXCHANGE BENEFITS FOR DEPENDENTS OF COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WHO ARE SEPARATED FOR DEPENDENT ABUSE.

(a) COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following new paragraph:

"(17) Section 1059, Transitional compensation and commissary and exchange benefits for dependents of members separated for dependent abuse.".

(b) COMMISSIONED OFFICERS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3(a) of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard'", approved August 10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the end the following new paragraph:

"(17) Section 1059, Transitional compensation and commissary and exchange benefits for dependents of members separated for dependent abuse.".

Subtitle F—National Emergency Family Support

SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) AUTHORITY.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during fiscal year 2002, in order to ensure that the children of such families obtain needed child care and youth services.

(b) APPROPRIATE PRIMARY OBJECTIVE.—The assistance authorized by this section should be directed primarily toward providing needed family support, including child care and youth services for children of such personnel who are deployed, assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

SEC. 682. FAMILY EDUCATION AND SUPPORT SERVICES.

During fiscal year 2002, the Secretary of Defense is authorized to provide family education and support services to families of members of the Armed Services to the same extent that these services were provided during the Persian Gulf War.

TITLE VII—HEALTH CARE

Subtitle A—TRICARE Benefits Modernization

SEC. 701. REQUIREMENT FOR INTEGRATION OF BENEFITS.

(a) In General.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program carried out under section 1079(a)(17) of title 10, United States Code (as in effect on September 30, 2001); and

(2) integrate the beneficiaries under that program, and the furnishing of care to those beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this subtitle.

(b) Repeal of Separate Authority.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17).

(c) Savings Provision.—Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to modify any eligibility requirement for any person receiving benefits under the Individual Case Management Program before October 1, 2001; or

(2) to terminate any benefits available under that program before that date.

(d) Consultation Requirement.—The Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, in carrying out this section.

SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(8) The term 'domiciliary care' means treatment or services involving assistance with the performance of activities of daily living that is provided to a patient in a home-like setting because—

"(A) the treatment or services are not available, or are not suitable to be provided, to the patient in the patient's home; or

"(B) no member of the patient's family is willing to provide the treatment or services.

"(9) The term 'custodial care'—

"(A) means treatment or services that—

"(i) could be provided safely and reasonably by a person not trained as a physician, nurse, paramedic, or other health care provider; or

"(ii) are provided principally to assist the recipient of the treatment or services with the performance of activities of daily living; and

"(B) includes any treatment or service described in subparagraph (A) without regard to—

"(i) the source of any recommendation to provide the treatment or service; and

"(ii) the setting in which the treatment or service is provided.".

SEC. 703. LONG TERM CARE.

(a) Limitation.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

"§ 1074j. Long term care benefits program

"(a) Requirement for Program.—The Secretary of Defense shall provide long term health care benefits under the TRICARE program in an effective and efficient manner that integrates those benefits with the benefits provided on a less than a long term basis under the TRICARE program.

"(b) Authorized Care.—The types of health care authorized to be provided under this section shall include the following:

"(1) The types of health care authorized to be acquired by contract under section 1079 of this title.

"(2) Extended care services.

"(3) Post-hospital extended care services.

"(4) Comprehensive intermittent home health services.

"(c) Duration of Post-Hospital Extended Care Services.—The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue for as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (b)(2)(A) of section 1812 of the Social Security Act (42 U.S.C. 1395d) shall not apply with respect to the care provided that patient.

"(d) Regulations.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

"(e) Definitions.—In this section:

"(1) The term 'extended care services' has the meaning given the term in subsection (h) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

"(2) The term 'post-hospital extended services' has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

"(3) The term 'home health services' has the meaning given the term in subsection (m) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

"(4) The term 'skilled nursing facility' has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)).

"(5) The term 'spell of illness' has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

"1074j. Long term care benefits program.".

SEC. 704. EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.

Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following:

"(d)(1) The health care benefits contracted for under this section shall include extended benefits for dependents referred to in the first sentence of subsection (a) who have any of the following qualifying conditions:

"(A) Moderate or severe mental retardation.

"(B) A serious physical disability.

"(C) Any extraordinary physical or psychological condition.

"(2) The extended benefits under paragraph (1) may include comprehensive health care, including services necessary to maintain function, or to minimize or prevent deterioration of function, of the patient, and case management services, to the extent not otherwise provided under this chapter with respect to a qualifying condition, as follows:

"(A) Diagnosis.

"(B) Inpatient, outpatient, and comprehensive home health supplies and services.

"(C) Training and rehabilitation, including special education and assistive technology devices.

"(D) Institutional care in private nonprofit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

"(E) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

"(3) The extended benefits under paragraph (1) may also include respite care for the primary caregiver of a dependent eligible for extended benefits under this subsection.

"(4) Home health supplies and services may be provided to a dependent under paragraph (2)(B) as other than part-time or intermittent services (as determined in accordance with the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) only if—

"(A) the provision of such supplies and services in the home of the dependent is medically appropriate; and

"(B) the cost of the provision of such supplies and services to the dependent is equal to or less than the cost of the provision of similar supplies and services to the dependent in a skilled nursing facility.

"(5) Subsection (a)(13) shall not apply to the provision of care and services determined appropriate to be provided as extended benefits under this subsection.

"(6) Subject to paragraph (7), a member of the uniformed services shall pay a share of the cost of any care and services provided as extended benefits to any of the dependents of the member under this subsection as follows:

"(A) In the case of a member in the lowest enlisted pay grade, the first $25 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

"(B) In the case of a member in the highest commissioned pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

"(C) In the case of a member in any other pay grade, a fixed amount of the cumulative costs of all care furnished to one or more dependents of the member in a month, as prescribed for that pay grade in regulations prescribed under paragraph (9).

"(7)(A) In the case of extended benefits provided under subparagraph (C) or (D) of paragraph (2) to a dependent of a member of the uniformed services—

"(i) the Government's share of the total cost of providing such benefits in any month shall not exceed $2,500, except for costs that a member is exempt from paying under subparagraph (B); and

"(ii) the member shall pay (in addition to any amount payable under paragraph (6)) the amount, if any, by which the amount of such total cost for the month exceeds the Government's maximum share under clause (i).

"(B) A member of the uniformed services who incurs expenses under subparagraph (A) for a month for more than one dependent shall not be required to pay for the month under clause (ii) of that subparagraph an amount greater than the amount the member would otherwise be required to pay under that clause for the month if the member were incurring expenses under that subparagraph for only one dependent.

"(8) To qualify for extended benefits under subparagraph (C) or (D) of paragraph (2), a dependent of a member of the uniformed services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries.

"(9) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this subsection.".

SEC. 705. CONFORMING REPEALS.

The following provisions of law are repealed:

(1) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 682; 10 U.S.C. 1077 note).

(2) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1260).

(3) Section 8100 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696).

SEC. 706. PROSTHETICS AND HEARING AIDS.

Section 1077 of title 10 United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.";

(2) in subsection (b)(2), by striking "Hearing aids, orthopedic footwear," and inserting "Orthopedic footwear"; and

(3) by adding at the end the following new subsection:

"(f)(1) Authority to provide a prosthetic device under subsection (a)(15) includes authority to provide the following:

"(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

"(B) Services necessary to train the recipient of the device in the use of the device.

"(C) Repair of the device for normal wear and tear or damage.

"(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

"(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

"(3) A prosthetic device customized for a patient may be provided under this section only by a prosthetic practitioner who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.".

SEC. 707. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 706, is further amended—

(1) in subsection (a)(12), by striking "such as wheelchairs, iron lungs, and hospital beds," and inserting "which"; and

(2) by adding at the end the following new subsection:

"(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

"(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

"(B) Any durable medical equipment that can maximize the patient's function consistent with the patient's physiological or medical needs.

"(C) Wheelchairs.

"(D) Iron lungs.

"(E) Hospital beds.

"(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

"(A) achieving therapeutic benefit for the patient;

"(B) making the equipment serviceable; or

"(C) otherwise assuring the proper functioning of the equipment.".

(b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

"(5) Durable equipment provided under this section may be provided on a rental basis.".

SEC. 708. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 706(1), is further amended by inserting after paragraph (16) the following new paragraph:

"(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician.".

SEC. 709. MENTAL HEALTH BENEFITS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine the adequacy of the scope and availability of outpatient mental health benefits provided for members of the Armed Forces and covered beneficiaries under the TRICARE program.

(b) REPORT.—Not later than March 31, 2002, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study, including the conclusions and any recommendations for legislation that the Secretary considers appropriate.

SEC. 710. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2001.

Subtitle B—Other Matters

SEC. 711. REPEAL OF REQUIREMENT FOR PERIODIC SCREENINGS AND EXAMINATIONS AND RELATED CARE FOR MEMBERS OF ARMY RESERVE UNITS SCHEDULED FOR EARLY DEPLOYMENT.

Section 1074a of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 712. CLARIFICATION OF ELIGIBILITY FOR REIMBURSEMENT OF TRAVEL EXPENSES OF ADULT ACCOMPANYING PATIENT IN TRAVEL FOR SPECIALTY CARE.

Section 1074i of title 10, United States Code, is amended by inserting before the period at the end the following: "and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age".

SEC. 713. TRICARE PROGRAM LIMITATIONS ON PAYMENT RATES FOR INSTITUTIONAL HEALTH CARE PROVIDERS AND ON BALANCE BILLING BY INSTITUTIONAL AND NONINSTITUTIONAL HEALTH CARE PROVIDERS.

(a) INSTITUTIONAL PROVIDERS.—Section 1079(j) of title 10, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "(A)"; and

(B) by striking "may be determined under joint regulations" and inserting "shall be determined under joint regulations";

(2) by redesignating subparagraph (B) of paragraph (2) as paragraph (4), and, in such paragraph, as so redesignated, by striking "subparagraph (A)," and inserting "this subsection,"; and

(3) by inserting before paragraph (4), as redesignated by paragraph (2), the following new paragraph (3):

"(3) A contract for a plan covered by this section shall include a clause that prohibits each provider of services under the plan from billing any person covered by the plan for any balance of charges for services in excess of the amount paid for those services under the joint regulations referred to in paragraph (2), except for any unpaid amounts of deductibles or copayments that are payable directly to the provider by the person.".

(b) NONINSTITUTIONAL PROVIDERS.—Section 1079(h)(4) of such title is amended—

(1) by inserting "(A)" after "(4)"; and

(2) by adding at the end the following new subparagraph:

"(B) The regulations shall include a restriction that prohibits an individual health care professional (or other noninstitutional health care provider) from billing a beneficiary for services for more than the amount that is equal to—

"(i) the excess of the limiting charge (as defined in section 1848(g)(2) of the Social Security Act (42 U.S.C. 1395w–4(g)(2))) that would be applicable if the services had been provided by the professional (or other provider) as an individual health care professional (or other noninstitutional health care provider) on a nonassignment-related basis under part B of title XVIII of such Act over the amount that is payable by the United States for those services under this subsection, plus

"(ii) any unpaid amounts of deductibles or copayments that are payable directly to the professional (or other provider) by the beneficiary.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 714. TWO-YEAR EXTENSION OF HEALTH CARE MANAGEMENT DEMONSTRATION PROGRAM.

(a) EXTENSION.—Subsection (d) of section 733 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–191) is amended by striking "December 31, 2001" and inserting "December 31, 2003".

(b) REPORT.—Subsection (e) of that section is amended—

(1) by striking "REPORTS.—" and inserting "REPORT.—"; and

(2) by striking "March 15, 2002" and inserting "March 15, 2004".

SEC. 715. STUDY OF HEALTH CARE COVERAGE OF MEMBERS OF THE SELECTED RESERVE.

(a) REQUIREMENT FOR STUDY.—The Comptroller General shall carry out a study of the needs of members of the Selected Reserve of the Ready Reserve of the Armed Forces and their families for health care benefits.

(b) REPORT.—Not later than March 1, 2002, the Comptroller General shall submit to Congress a report on the study under subsection (a). The report shall include the following matters:

(1) An analysis of how members of the Selected Reserve currently obtain coverage for health care benefits when not on active duty, together with statistics on enrollments in health care benefits plans, including—

(A) the percentage of members of the Selected Reserve who are not covered by an employer health benefits plan;

(B) the percentage of members of the Selected Reserve who are not covered by an individual health benefits plan; and

(C) the percentage of members of the Selected Reserve who are not covered by any health insurance or other health benefits plan.

(2) An assessment of the disruptions in health benefits coverage that a mobilization of members of the Selected Reserve has caused for the members and their families.

(3) An assessment of the cost and effectiveness of various options for preventing or reducing disruptions described in paragraph (2), including—

(A) providing health care benefits to all members of the Selected Reserve and their families through TRICARE, the Federal Employees Health Benefits Program, or otherwise;

(B) revising and extending the program of transitional medical and dental care that is provided under section 1074b of title 10, United States Code, for members of the Armed Forces upon release from active duty served in support of a contingency operation;

(C) requiring the health benefits plans of members of the Selected Reserve, including individual health benefits plans and group health benefits plans, to permit members of the Selected Reserve to elect to resume coverage under such health benefits plans upon release from active duty in support of a contingency operation;

(D) providing financial assistance for paying premiums or other subscription charges for continuation of coverage by private sector health insurance or other health benefits plans; and

(E) any other options that the Comptroller General determines advisable to consider.

SEC. 716. STUDY OF ADEQUACY AND QUALITY OF HEALTH CARE PROVIDED TO WOMEN UNDER THE DEFENSE HEALTH PROGRAM.

(a) REQUIREMENT FOR STUDY.—The Comptroller General shall carry out a study of the adequacy and quality of the health care provided to women under chapter 55 of title 10, United States Code.

(b) SPECIFIC CONSIDERATION.—The study shall include an intensive review of the availability and quality of reproductive health care services.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress not later than April 1, 2002.

SEC. 717. PILOT PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS SUPPORT FOR DEPARTMENT OF DEFENSE IN THE PERFORMANCE OF SEPARATION PHYSICAL EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of Veterans Affairs may jointly carry out a pilot program for the performance of the physical examinations required in connection with the separation of members of the uniformed services. The requirements of this section shall apply to a pilot program, if any, that is carried out under the authority of this subsection.

(b) PERFORMANCE OF PHYSICAL EXAMINATIONS BY DEPARTMENT OF VETERANS AFFAIRS.—Under the pilot program, the Secretary of Veterans Affairs shall perform the physical examinations of members of the uniformed services separating from the uniformed services who are in one or more geographic areas designated for the pilot program by the Secretaries.

(c) REIMBURSEMENT.—The Secretary of Defense shall provide for reimbursing the Secretary of Veterans Affairs for the cost incurred by the Secretary of Veterans Affairs in performing, under the pilot program, the items of physical examination that are required by the Secretary concerned in connection with the separation of a member of a uniformed service. Reimbursements shall be paid out of funds available for the performance of separation physical examinations of members of that uniformed service in facilities of the uniformed services.

(d) AGREEMENT.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement for carrying out a pilot program established under this section. The agreement shall specify the geographic area in which the pilot program is carried out and the means for making reimbursement payments.

(2) The other administering Secretaries shall also enter into the agreement to the extent that the Secretary of Defense determines necessary to apply the pilot program, including the requirement for reimbursement, to the uniformed services not under the jurisdiction of the Secretary of a military department.

(e) CONSULTATION REQUIREMENT.—In developing and carrying out the pilot program, the Secretary of Defense shall consult with the other administering Secretaries.

(f) PERIOD OF PROGRAM.—Any pilot program established under this section shall begin not later than July 1, 2002, and terminate on December 31, 2005.

(g) REPORTS.—(1) Not later than January 31, 2004, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress an interim report on the conduct of the pilot program.

(2) Not later than March 1, 2005, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a final report on the conduct of the pilot program.

(3) Each report under this subsection shall include the Secretaries' assessment, as of the date of such report, of the efficacy of the performance of separation physical examinations as provided for under the pilot program.

(h) DEFINITIONS.—In this section:

(1) The term "administering Secretaries" has the meaning given the term in section 1072(3) of title 10, United States Code.

(2) The term "Secretary concerned" has the meaning given the term in section 101(5) of title 37, United States Code.

SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) CLARIFICATION OF COVERED BENEFICIARIES.—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–184) is amended by striking "covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard," and inserting "covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code,".

(b) REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.—Subsection (b) of such section is repealed.

(c) WAIVER AUTHORITY.—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

"(b) WAIVER AUTHORITY.—The Secretary may waive the prohibition in subsection (a) if—

"(1) the Secretary—

"(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

"(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

"(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

"(2) the Secretary provides notification of the Secretary's intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

"(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

"(4) 60 days have elapsed since the date of the notification described in paragraph (3).".

(d) DELAY OF EFFECTIVE DATE.—Subsection (d) of such section is amended—

(1) by striking "take effect on October 1, 2001" and inserting "be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002"; and

(2) by redesignating the subsection as subsection (c).

(e) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

SEC. 719. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2), a member" and all that follows through "of the member)," and inserting "paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) This subsection applies to the following members of the armed forces:

"(A) A member who is involuntarily separated from active duty.

"(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

"(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

"(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation."; and

(4) in paragraph (3), as redesignated by paragraph (2), is amended by striking "involuntary" each place it appears.

(b) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking "during the period beginning on October 1, 1990, and ending on December 31, 2001"; and

(2) in subsection (e), by striking the first sentence.

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(d) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (c), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Procurement Management and Administration

SEC. 801. MANAGEMENT OF PROCUREMENTS OF SERVICES.

(a) RESPONSIBILITY OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section 133(b) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

"(5) managing the procurements of services for the Department of Defense; and".

(b) REQUIREMENT FOR MANAGEMENT STRUCTURE.—(1) Chapter 137 of such title is amended by inserting after section 2328 the following new section:

"§ 2330. Procurements of services: management structure

"(a) REQUIREMENT FOR MANAGEMENT STRUCTURE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish a structure for the management of procurements of services for the Department of Defense.

"(b) DELEGATION OF AUTHORITY.—(1) The management structure shall provide for a designated official in each Defense Agency, military department, and command to exercise the responsibility for the management of the procurements of services for the official's Defense Agency, military department, or command, respectively.

"(2) For the exercise of the responsibility under paragraph (1), a designated official shall report, and be accountable, to—

"(A) the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

"(B) such other officials as the Under Secretary may prescribe for the management structure.

"(3) Paragraph (2) shall not affect the responsibility of a designated official for a military department who is not the Secretary of that military department to report, and be accountable, to the Secretary of the military department.

"(c) CONTRACTING RESPONSIBILITIES OF DESIGNATED OFFICIALS.—The responsibilities of an official designated under subsection (b) shall include, with respect to the procurements of services for the Defense Agency, military department, or command of that official, the following:

"(1) Ensuring that the services are procured by means of contracts or task orders that are in the best interests of the Department of Defense and are entered into or issued and managed in compliance with the applicable statutes, regulations, directives, and other requirements, regardless of whether the services are procured through a contract of the Department of Defense or through a contract entered into by an official of the United States outside the Department of Defense.

"(2) Establishing within the Department of Defense appropriate contract vehicles for use in the procurement of services so as to ensure that officials of the Department of Defense are accountable for the procurement of the services in accordance with the requirements of paragraph (1).

"(3) Analyzing data collected under section 2330a of this title on contracts that are entered into for the procurement of services.

"(4) Approving, in advance, any procurement of services that is to be made through the use of—

"(A) a contract or task order that is not a performance-based contract or task order; or

"(B) a contract entered into, or a task order issued, by an official of the United States outside the Department of Defense.

"(d) DEFINITION.—In this section, the term 'performance-based', with respect to a contract or a task order means that the contract or task order, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.".

(2) Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance for officials in the management structure established under section 2330 of title 10, United States Code (as added by paragraph (1)), regarding how to carry out their responsibilities under that section. The guidance shall include, at a minimum, the following:

(A) Specific dollar thresholds, approval levels, and criteria for advance approvals under subsection (c)(4) of such section 2330.

(B) A prohibition on the procurement of services through the use of a contract entered into, or a task order issued, by an official of the United States outside the Department of Defense that is not a performance-based contract or task order, unless an appropriate official in the management structure established under such section 2330 determines in writing that the use of that means for the procurement is justified on the basis of exceptional circumstances as being in the best interests of the Department of Defense.

(c) TRACKING OF PROCUREMENTS OF SERVICES.—Chapter 137 of title 10, United States Code, as amended by subsection (b), is further amended by inserting after section 2330 the following new section:

"§ 2330a. Procurements of services: tracking

"(a) DATA COLLECTION REQUIRED.—The Secretary of Defense shall establish a data collection system to provide management information with regard to each purchase of services by a military department or Defense Agency in excess of the simplified acquisition threshold, regardless of whether such a purchase is made in the form of a contract, task order, delivery order, military interdepartmental purchase request, or any other form of interagency agreement.

"(b) DATA TO BE COLLECTED.—The data required to be collected under subsection (a) includes the following:

"(1) The services purchased.

"(2) The total dollar amount of the purchase,

"(3) The form of contracting action used to make the purchase.

"(4) Whether the purchase was made through—

"(A) a performance-based contract, performance-based task order, or other performance-based arrangement that contains firm fixed prices for the specific tasks to be performed;

"(B) any other performance-based contract, performance-based task order, or performance-based arrangement; or

"(C) any contract, task order, or other arrangement that is not performance based.

"(5) In the case of a purchase made through an agency other than the Department of Defense—

"(A) the agency through which the purchase is made; and

"(B) the reasons for making the purchase through that agency.

"(6) The extent of competition provided in making the purchase (including the number of offerors).

"(7) whether the purchase was made from—

"(A) a small business concern;

"(B) a small business concern owned and controlled by socially and economically disadvantaged individuals; or

"(C) a small business concern owned and controlled by women.

"(c) COMPATIBILITY WITH DATA COLLECTION SYSTEM FOR INFORMATION TECHNOLOGY PURCHASES.—To the maximum extent practicable, a single data collection system shall be used to collect data under this section and information under section 2225 of this title.

"(d) DEFINITIONS.—In this section:

"(1) The term 'performance-based', with respect to a contract, task order, or arrangement, means that the contract, task order, or arrangement, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

"(2) The definitions set forth in section 2225(f) of this title for the terms 'simplified acquisition threshold', 'small business concern', 'small business concern owned and controlled by socially and economically disadvantaged individuals', and 'small business concern owned and controlled by women' shall apply.".

(d) REQUIREMENT FOR PROGRAM REVIEW STRUCTURE.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue and implement a policy that applies to the procurement of services by the Department of Defense a program review structure that is similar to the one developed for and applied to the procurement of systems by the Department of Defense.

(2) The program review structure for the procurement of services shall, at a minimum, include the following:

(A) Standards for determining which procurements should be subject to review by either the senior procurement executive of a military department or the senior procurement executive of the Department of Defense under such section, including criteria based on dollar thresholds, program criticality, or other appropriate measures.

(B) Appropriate milestones at which those reviews should take place.

(C) A description of the specific matters that should be reviewed.

(e) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the Secretary issues the policy required by subsection (d) and the Under Secretary of Defense for Acquisition, Technology, and Logistics issues the guidance required by subsection (b)(2), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives an assessment of the compliance with the requirements of this section and the amendments made by this section.

(f) DEFINITIONS.—In this section:

(1) The term "senior procurement executive" means the official designated as the senior procurement executive under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

(2) The term "performance-based", with respect to a contract or a task order means that the contract or task order, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(g) CLERICAL AMENDMENTS.—(1) The heading for section 2331 of title 10, United States Code, is amended to read as follows:

"§2331. Procurements of services: contracts for professional and technical services".

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2331 and inserting the following new items:

"2330. Procurements of services: management structure.
"2330a. Procurements of services: tracking.
"2331. Procurements of services: contracts for professional and technical services.".

SEC. 802. SAVINGS GOALS FOR PROCUREMENTS OF SERVICES.

(a) GOALS.—(1) It shall be an objective of the Department of Defense to achieve savings in expenditures for procurements of services through the use of—

(A) performance-based services contracting;

(B) competition for task orders under services contracts; and

(C) program review, spending analyses, and improved management of services contracts.

(2) In furtherance of that objective, the Department of Defense shall have goals to use improved management practices to achieve, over 10 fiscal years, reductions in the total amount that would otherwise be expended by the Department for the procurement of services (other than military construction) in a fiscal year by the amount equal to 10 percent of the total amount of the expenditures of the Department for fiscal year 2000 for procurement of services (other than military construction), as follows:

(A) By fiscal year 2002, a three percent reduction.

(B) By fiscal year 2003, a four percent reduction.

(C) By fiscal year 2004, a five percent reduction.

(D) By fiscal year 2011, a ten percent reduction.

(b) ANNUAL REPORT.—Not later than March 1, 2002, and annually thereafter through March 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made toward meeting the objective and goals established in subsection (a). Each report shall include, at a minimum, the following information:

(1) A summary of the steps taken or planned to be taken in the fiscal year of the report to improve the management of procurements of services.

(2) A summary of the steps planned to be taken in the following fiscal year to improve the management of procurements of services.

(3) An estimate of the amount that will be expended by the Department of Defense for procurements of services in the fiscal year of the report.

(4) An estimate of the amount that will be expended by the Department of Defense for procurements of services in the following fiscal year.

(5) An estimate of the amount of savings that, as a result of improvement of the management practices used by the Department of Defense, will be achieved for the procurement of services by the Department in the fiscal year of the report and in the following fiscal year.

(c) REVIEW AND REPORT BY COMPTROLLER GENERAL.—The Comptroller General shall review each report submitted by the Secretary pursuant to subsection (b), and within 90 days after the date of the report, submit to Congress a report containing the Comptroller General's assessment of the extent to which the Department of Defense has taken steps necessary to achieve the objective and goals established by subsection (a). In each report the Comptroller General shall, at a minimum, address—

(1) the accuracy and reliability of the estimates included in the Secretary's report; and

(2) the effectiveness of the improvements in management practices that have been taken, and those that are planned to be taken, in the Department of Defense to achieve savings in procurements of services by the Department.

SEC. 803. COMPETITION REQUIREMENT FOR PURCHASES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate in the Department of Defense Supplement to the Federal Acquisition Regulation regulations requiring competition in the purchase of products and services by the Department of Defense pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—The regulations required by subsection (a) shall provide, at a minimum, that each individual procurement of products and services in excess of $50,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the Department of Defense—

(1) waives the requirement on the basis of a determination that one of the circumstances described in paragraphs (1) through (4) of section 2304(c) of title 10, United States Code, applies to such individual procurement; and

(2) justifies the determination in writing.

(c) REPORTING REQUIREMENT.—The Secretary shall submit to the congressional defense committees each year a report on the use of the waiver authority provided in the regulations prescribed under subsection (b). The report for a year shall include, at a minimum, for each military department and each Defense Agency, the following:

(1) The number of the waivers granted.

(2) The dollar value of the procurements for which the waivers were granted.

(3) The bases on which the waivers were granted.

(d) DEFINITIONS.—In this section:

(1) The term "individual procurement" means a task order, delivery order, or other purchase.

(2) The term "multiple award contract" means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with two or more sources pursuant to the same solicitation.

(3) The term "competitive basis", with respect to an individual procurement of products or services under a multiple award contract, means procedures that—

(A) require fair notice to be provided to all contractors offering such products or services under the multiple award contract of the intent to make that procurement; and

(B) afford all such contractors a fair opportunity to make an offer and have that offer fully and fairly considered by the official making the procurement.

(4) The term "Defense Agency" has the meaning given that term in section 101(a)(11) of title 10, United States Code.

(e) APPLICABILITY.—The regulations promulgated by the Secretary pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual procurements that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

SEC. 804. RISK REDUCTION AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAM.

(a) STANDARD FOR TECHNOLOGICAL MATURITY.—(1) Chapter 144 of title 10, United States Code, is amended by inserting after section 2431 the following new section:

"§2431a. Risk reduction at program initiation

"(a) REQUIREMENT FOR DEMONSTRATION OF CRITICAL TECHNOLOGIES.—Each critical technology that is to be used in production under a major defense acquisition program shall be successfully demonstrated in a relevant environment, as determined in writing by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(b) PROHIBITION.—Neither of the following actions may be taken in a major defense acquisition program before the requirement of subsection (a) has been satisfied for the program:

"(1) Milestone B approval.

"(2) Initiation of the program without a Milestone B approval.

"(c) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the prohibition in subsection (b) with respect to a major defense acquisition program if the Milestone Decision Authority for the program certifies to the Under Secretary that exceptional circumstances justify proceeding with an action described in that subsection for the program before compliance with subsection (a).

"(d) ANNUAL REPORT ON WAIVERS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives each year the justification for any waiver granted with respect to a major defense acquisition program under subsection (c) during the fiscal year covered by the report.

"(2) The report for a fiscal year shall be submitted with the submission of the weapons development and procurement schedules under section 2431 of this title and shall cover the fiscal year preceding the fiscal year in which submitted.

"(e) DEFINITIONS.—In this section:

"(1) The term 'Milestone B approval' means approval to begin integrated system development and demonstration.

"(2) The term 'Milestone Decision Authority' means the official of the Department of Defense who is designated in accordance with criteria prescribed by the Secretary of Defense to approve entry of a major defense acquisition program into the next phase of the acquisition process.".

(2) The table of sections at the beginning of such chapter is amended by inserting after

the item relating to section 2431 the following:

"2431a. Risk reduction at program initiation.".

(b) Effective Date and Applicability.—(1) Section 2431a of title 10, United States Code (as added by subsection (a)), shall take effect on the date of the enactment of this Act and shall apply to—

(A) any major defense acquisition program that is initiated on or after that date without a Milestone B approval having been issued for the program; and

(B) any major defense acquisition program that is initiated more than 6 months after that date with a Milestone B approval having been issued for the program before the initiation of the program.

(2) In paragraph (1):

(A) The term "major defense acquisition program" has the meaning given the term in section 2430 of title 10, United States Code.

(B) The term "Milestone B approval" has the meaning given the term under section 2431a(d) of title 10, United States Code (as added by subsection (a)).

SEC. 805. FOLLOW-ON PRODUCTION CONTRACTS FOR PRODUCTS DEVELOPED PURSUANT TO PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) Follow-On Production Contracts.—(1) A transaction entered into under this section for a prototype project that satisfies the conditions set forth in subsection (d)(1)(B)(i) may provide for the award of a follow-on production contract to the participants in the transaction for a specific number of units at specific target prices. The number of units specified in the transaction shall be determined on the basis of a balancing of the level of the investment made in the project by the participants other than the Federal Government with the interest of the Federal Government in having competition among sources in the acquisition of the product or products prototyped under the project.

"(2) A follow-on production contract provided for in a transaction under paragraph (1) may be awarded to the participants in the transaction without the use of competitive procedures, notwithstanding the requirements of section 2304 of title 10, United States Code, if—

"(A) competitive procedures were used for the selection of parties for participation in the transaction;

"(B) the participants in the transaction successfully completed the prototype project provided for in the transaction;

"(C) the number of units provided for in the follow-on production contract does not exceed the number of units specified in the transaction for such a follow-on production contract; and

"(D) the prices established in the follow-on production contract do not exceed the target prices specified in the transaction for such a follow-on production contract.".

Subtitle B—Defense Acquisition and Support Workforce

SEC. 811. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE ACQUISITION 2005 TASK FORCE.

(a) Requirement for Report.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent of the implementation of the recommendations set forth in the final report of the Department of Defense Acquisition 2005 Task Force, entitled "Shaping the Civilian Acquisition Workforce of the Future".

(b) Content of Report.—The report shall include the following:

(1) For each recommendation in the final report that is being implemented or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement the recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of the recommendation.

(2) For each recommendation in the final report that the Secretary does not plan to implement—

(A) the reasons for the decision not to implement the recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plans to take to address concerns raised in the final report about the size and structure of the acquisition workforce of the Department of Defense.

(c) Comptroller General Review.—Not later than 60 days after the date on which the Secretary submits the report required by subsection (a), the Comptroller General shall—

(1) review the report; and

(2) submit to the committees referred to in subsection (a) the Comptroller General's assessment of the extent to which the report—

(A) complies with the requirements of this section; and

(B) addresses the concerns raised in the final report about the size and structure of the acquisition workforce of the Department of Defense.

SEC. 812. MORATORIUM ON REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) Prohibition.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2002, 2003, and 2004, below the level of that workforce as of September 30, 2001, determined on the basis of full-time equivalent positions.

(b) Waiver Authority.—The Secretary of Defense may waive the prohibition in subsection (a) and reduce the level of the defense acquisition and support workforce upon submitting to Congress the Secretary's certification that the defense acquisition and support workforce, at the level to which reduced, will be able efficiently and effectively to perform the workloads that are required of that workforce consistent with the cost-effective management of the defense acquisition system to obtain best value equipment and with ensuring military readiness.

(c) Defense Acquisition and Support Workforce Defined.—In this section, the term "defense acquisition and support workforce" means Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that is—

(1) an acquisition organization specified in Department of Defense Instruction 5000.58, dated January 14, 1992; or

(2) an organization not so specified that has acquisition as its predominant mission, as determined by the Secretary of Defense.

SEC. 813. REVISION OF ACQUISITION WORKFORCE QUALIFICATION REQUIREMENTS.

(a) Special Requirements for Members of a Contingency Contracting Force.—(1) Subchapter II of chapter 87 of title 10, United States Code, is amended by inserting after section 1724 the following new section:

"§ 1724a. Contingency contracting force: qualification requirements

"(a) Contingency Contracting Force.—The Secretary of Defense may identify as a contingency contracting force the acquisition positions described in subsections (a) and (b) of section 1724 of this title that involve duties requiring the personnel in those positions to deploy to perform contracting functions in support of a contingency operation or other Department of Defense operation.

"(b) Qualification Requirements.—The Secretary of Defense shall prescribe the qualification requirements for a person appointed to a position in any contingency contracting force identified under subsection (a). The requirements shall include requirements that the person—

"(1) either—

"(A) have completed the credits of study as described in section 1724(a)(3)(B) of this title;

"(B) have passed an examination considered by the Secretary of Defense to demonstrate that the person has skills, knowledge, or abilities comparable to that of a person who has completed the credits of study described in such section; or

"(C) through a combination of having completed some of the credits of study described in such section and having passed an examination, have demonstrated that the person has skills, knowledge, or abilities comparable to that of a person who has completed all of the credits of study described in such section; and

"(2) have satisfied such additional requirements for education and experience as the Secretary may prescribe.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1724 the following new item:

"1724a. Contingency contracting force: qualification requirements.".

(b) Exceptions to Generally Applicable Qualification Requirements.—Subsection (c) of such section is amended to read as follows:

"(c) Exceptions.—(1) The requirements imposed under subsection (a) or (b) of this section shall not apply to a person for either of the following purposes:

"(A) In the case of an employee, to qualify to serve in the position in which the employee was serving on October 1, 1993, or in any other position in the same or lower grade and involving the same or lower level of responsibilities as the position in which the employee was serving on such date.

"(B) To qualify to serve in an acquisition position in any contingency contracting force identified under section 1724a of this title.

"(2) Subject to paragraph (3), the requirements imposed under subsection (a) or (b) shall not apply to a person who, before October 1, 2000, served—

"(A) as a contracting officer in an executive agency with authority to award or administer contracts in excess of the simplified acquisition threshold (referred to in section 2304(g) of this title); or

"(B) in a position in an executive agency either as an employee in the GS–1102 occupational series or as a member of the armed forces in a similar occupational specialty.

"(3) For the exception in subparagraph (A) or (B) of paragraph (2) to apply to an employee with respect to the requirements imposed under subsection (a) or (b), the employee must—

"(A) before October 1, 2000—

"(i) have received a baccalaureate degree as described in subparagraph (A) of subsection (a)(3);

"(ii) have completed credits of study as described in subparagraph (B) of subsection (a)(3);

"(iii) have passed an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of a person who has completed credits of study as described in subparagraph (B) of subsection (a)(3); or

"(iv) have been granted a waiver of the applicability of the requirements imposed under subsection (a) or (b), as the case may be; or

"(B) on October 1, 1991, had at least 10 years of experience in one or more acquisition positions in the Department of Defense, comparable positions in other government agencies or the private sector, or similar positions in which an individual obtains experience directly relevant to the field of contracting.".

(c) CLARIFICATION OF APPLICABILITY OF WAIVER AUTHORITY TO MEMBERS OF THE ARMED FORCES.—Subsection (d) of such section is amended by striking "employee or member of" in the first sentence and inserting "employee of, or a member of an armed force in,".

(d) OFFICE OF PERSONNEL MANAGEMENT APPROVAL OF GENERALLY APPLICABLE DISCRETIONARY REQUIREMENTS.—Section 1725 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "section 1723 or under section 1724(a)(4) of this title" in the first sentence and inserting "section 1723, 1724(a)(4), or 1724a(b)(2)"; and

(2) in subsection (b), by striking "subsection (a)(3) or (b) of section 1724 of this title" in the first sentence and inserting "subsection (a)(3), (b), or (c)(3)(A)(iii) of section 1724 of this title or under subparagraph (B) or (C) of section 1724a(b)(1) of this title".

(e) TECHNICAL CORRECTIONS.—Sections 1724(a)(3)(B) and 1732(c)(2) of such title are amended by striking "business finance" and inserting "business, finance".

Subtitle C—Use of Preferred Sources

SEC. 821. APPLICABILITY OF COMPETITION REQUIREMENTS TO PURCHASES FROM A REQUIRED SOURCE.

(a) CONDITIONS FOR COMPETITION.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following:

"§ 2410n. Products of Federal Prison Industries: procedural requirements

"(a) MARKET RESEARCH BEFORE PURCHASE.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18, the Secretary of Defense shall conduct market research to determine whether the Federal Prison Industries product is comparable in price, quality, and time of delivery to products available from the private sector.

"(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary shall use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410n. Products of Federal Prison Industries: procedural requirements.".

(b) APPLICABILITY.—Section 2410n of title 10, United States Code (as added by subsection (a)), shall apply to purchases initiated on or after October 1, 2001.

SEC. 822. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) AMENDMENT TO TITLE 10.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2381 the following new section:

"§ 2382. Consolidation of contract requirements: policy and restrictions

"(a) POLICY.—The Secretary of Defense shall require the Secretary of each military department, the head of each Defense Agency, and the head of each Department of Defense Field Activity to ensure that the decisions made by that official regarding consolidation of contract requirements of the department, agency, or activity as the case may be, are made with a view to providing small business concerns with appropriate opportunities to participate in Department of Defense procurements as prime contractors and appropriate opportunities to participate in such procurements as subcontractors.

"(b) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—(1) An official of a military department, Defense Agency, or Department of Defense Field Activity may not execute an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000, unless the senior procurement executive concerned first—

"(A) conducts market research;

"(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(C) determines that the consolidation is necessary and justified.

"(2) A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under subparagraph (B) of that paragraph. However, savings in administrative or personnel costs alone do not constitute, for such purposes, a sufficient justification for a consolidation of contract requirements in a procurement unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

"(3) Benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

"(A) quality;

"(B) acquisition cycle;

"(C) terms and conditions; and

"(D) any other benefit.

"(c) DEFINITIONS.—In this section:

"(1) The terms 'consolidation of contract requirements' and 'consolidation', with respect to contract requirements of a military department, Defense Agency, or Department of Defense Field Activity, mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy two or more requirements of that department, agency, or activity for goods or services that have previously been provided to, or performed for, that department, agency, or activity under two or more separate contracts smaller in cost than the total cost of the contract for which the offers are solicited.

"(2) The term "multiple award contract" means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of this title;

"(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2304d of this title or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

"(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with two or more sources pursuant to the same solicitation.

"(3) The term 'senior procurement executive concerned' means—

"(A) with respect to a military department, the official designated under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) as the senior procurement executive for the military department; or

"(B) with respect to a Defense Agency or a Department of Defense Field Activity, the official so designated for the Department of Defense.

"(4) The term 'small business concern' means a business concern that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2381 the following new item:

"2382. Consolidation of contract requirements: policy and restrictions.".

(b) DATA REVIEW.—(1) The Secretary of Defense shall revise the data collection systems of the Department of Defense to ensure that such systems are capable of identifying each procurement that involves a consolidation of contract requirements within the department with a total value in excess of $5,000,000.

(2) The Secretary shall ensure that appropriate officials of the Department of Defense periodically review the information collected pursuant to paragraph (1) in cooperation with the Small Business Administration—

(A) to determine the extent of the consolidation of contract requirements in the Department of Defense; and

(B) to assess the impact of the consolidation of contract requirements on the availability of opportunities for small business concerns to participate in Department of Defense procurements, both as prime contractors and as subcontractors.

(3) In this subsection:

(A) The term "bundling of contract requirements" has the meaning given that term in section 3(o)(2) of the Small Business Act (15 U.S.C. 632(o)(2)).

(B) The term "consolidation of contract requirements" has the meaning given that term in section 2382(c)(1) of title 10, United States Code, as added by subsection (a).

(c) EVALUATION OF BUNDLING EFFECTS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting ", and whether contract bundling played a role in the failure," after "agency goals"; and

(2) by adding at the end the following:

“(G) The number and dollar value of consolidations of contract requirements with a total value in excess of $5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.”.

(d) Reporting Requirement.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

“(p) Reporting Requirement.—

“(1) In general.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

“(2) Provision of information.—A Federal agency shall provide to the appropriate procurement center representative a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of $5,000,000, upon request.

“(3) Report.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.”.

SEC. 823. CODIFICATION AND CONTINUATION OF MENTOR-PROTEGE PROGRAM AS PERMANENT PROGRAM.

(a) In General.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2402 the following new section:

“§ 2403. Mentor-Protege Program

“(a) Establishment of Program.—The Secretary of Defense shall carry out a program known as the ‘Mentor-Protege Program’.

“(b) Purpose.—The purpose of the program is to provide incentives for major Department of Defense contractors to furnish eligible small business concerns (as defined in subsection (l)(2)) with assistance designed to enhance the capabilities of eligible small business concerns to perform as subcontractors and suppliers under Department of Defense contracts and other contracts and subcontracts in order to increase the participation of such business concerns as subcontractors and suppliers under Department of Defense contracts, other Federal Government contracts, and commercial contracts.

“(c) Program Participants.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnish assistance to eligible small business concerns upon making application to the Secretary of Defense and being approved for participation in the program by the Secretary. A business concern participating in the program pursuant to such an approval shall be known, for the purposes of the program, as a ‘mentor firm’.

“(2) An eligible small business concern may obtain assistance from a mentor firm upon entering into an agreement with the mentor firm as provided in subsection (e). An eligible small business concern may not be a party to more than one agreement to receive such assistance at any time. An eligible small business concern receiving such assistance shall be known, for the purposes of the program, as a ‘protege firm’.

“(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a small business concern described in subsection (l)(2)(A). The Administrator of the Small Business Administration shall determine the status of such business concern as such a small business concern in the event of a protest regarding the status of the business concern. If at any time the business concern is determined by the Administrator not to be such a small business concern, assistance furnished to the business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the program.

“(d) Mentor Firm Eligibility.—Subject to subsection (c)(1), a mentor firm eligible for award of Federal contracts may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the program pursuant to that agreement if—

“(1) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the Department of Defense contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than $100,000,000; or

“(2) the mentor firm demonstrates the capability to assist in the development of protege firms, and is approved by the Secretary of Defense pursuant to criteria specified in the regulations prescribed pursuant to subsection (k).

“(e) Mentor-Protege Agreement.—Before providing assistance to a protege firm under the program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be provided by the mentor firm. The agreement shall include the following:

“(1) A developmental program for the protege firm, in such detail as may be reasonable, including—

“(A) factors to assess the protege firm's developmental progress under the program; and

“(B) the anticipated number and type of subcontracts to be awarded the protege firm.

“(2) A program participation term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years.

“(3) Procedures for the protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

“(f) Forms of Assistance.—A mentor firm may provide a protege firm the following:

“(1) Assistance, by using mentor firm personnel, in—

“(A) general business management, including organizational management, financial management, and personnel management, marketing, business development, and overall business planning;

“(B) engineering and technical matters such as production, inventory control, and quality assurance; and

“(C) any other assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e).

“(2) Award of subcontracts on a noncompetitive basis to the protege firm under the Department of Defense or other contracts.

“(3) Payment of progress payments for performance of the protege firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance.

“(4) Advance payments under such subcontracts.

“(5) Loans.

“(6) Cash in exchange for an ownership interest in the protege firm, not to exceed 10 percent of the total ownership interest.

“(7) Assistance obtained by the mentor firm for the protege firm from one or more of the following:

“(A) Small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648).

“(B) Entities providing procurement technical assistance pursuant to chapter 142 of this title.

“(C) A historically Black college or university or a minority institution of higher education.

“(g) Incentives for Mentor Firms.—(1) The Secretary of Defense may provide to a mentor firm reimbursement for the total amount of any progress payment or advance payment made under the program by the mentor firm to a protege firm in connection with a Department of Defense contract awarded the mentor firm.

“(2)(A) The Secretary of Defense may provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to paragraphs (1) and (7) of subsection (f) as provided for in a line item in a Department of Defense contract under which the mentor firm is furnishing products or services to the Department, subject to a maximum amount of reimbursement specified in such contract. The preceding sentence does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.

“(B) The determinations made in annual performance reviews of a mentor firm's mentor-protege agreement under subsection (j)(2) shall be a major factor in the determinations of amounts of reimbursement, if any, that the mentor firm is eligible to receive in the remaining years of the program participation term under the agreement.

“(C) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed $1,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount.

“(3)(A) Costs incurred by a mentor firm in providing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) shall be recognized as credit in lieu of subcontract awards for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract, under a contract with another executive agency, or under a divisional or company-wide subcontracting plan negotiated with the Department of Defense or another executive agency.

“(B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to—

“(i) four times the total amount of such costs attributable to assistance provided by entities described in subsection (f)(7);

“(ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm's employees; and

“(iii) two times the total amount of any other such costs.

“(C) Under regulations prescribed pursuant to subsection (k), the Secretary of Defense shall adjust the amount of credit given a mentor firm pursuant to subparagraphs (A) and (B) if the Secretary determines that the firm's performance regarding the award of subcontracts to eligible small business concerns has declined without justifiable cause.

"(4) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm for each subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

"(A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing such product or service is a small business concern; and

"(B) the business concern formerly had a mentor-protege agreement with such mentor firm that was not terminated for cause.

"(h) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) For purposes of the Small Business Act, no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f).

"(2) Notwithstanding section 8 of the Small Business Act (15 U.S.C. 637), the Small Business Administration may not determine an eligible small business concern to be ineligible to receive any assistance authorized under the Small Business Act on the basis that such business concern has participated in the Mentor-Protege Program or has received assistance pursuant to any developmental assistance agreement authorized under such program.

"(3) The Small Business Administration may not require a firm that is entering into, or has entered into, an agreement under subsection (e) as a protege firm to submit the agreement, or any other document required by the Secretary of Defense in the administration of the Mentor-Protege Program, to the Small Business Administration for review, approval, or any other purpose.

"(i) PARTICIPATION IN MENTOR-PROTEGE PROGRAM NOT TO BE A CONDITION FOR AWARD OF A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm.

"(j) REPORTS AND REVIEWS.—(1) The mentor firm and protege firm under a mentor-protege agreement shall submit to the Secretary of Defense an annual report on the progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the fiscal year covered by the report. The requirement for submission of an annual report applies with respect to each fiscal year covered by the program participation term under the agreement and each of the two fiscal years following the expiration of the program participation term. The Secretary shall prescribe the timing and form of the annual report.

"(2)(A) The Secretary shall conduct an annual performance review of each mentor-protege agreement that provides for reimbursement of costs. The Secretary shall determine on the basis of the review whether—

"(i) all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protege firm in accordance with the requirements of this section and applicable regulations; and

"(ii) the mentor firm and protege firm accurately reported progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the program participation term covered by the mentor-protege agreement and the two fiscal years following the expiration of the program participation term.

"(B) The Secretary shall act through the Commander of the Defense Contract Management Command in carrying out the reviews and making the determinations under subparagraph (A).

"(k) REGULATIONS AND POLICIES.—(1) The Secretary of Defense shall prescribe regulations to carry out the Mentor-Protege Program. The regulations shall include the following:

"(A) The requirements set forth in section 8(d) of the Small Business Act (15 U.S.C. 673(d)).

"(B) Procedures by which mentor firms may terminate participation in the program.

"(2) The Department of Defense policy regarding the Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.

"(l) DEFINITIONS.—In this section:

"(1) The term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant thereto.

"(2) The term 'eligible small business concern' is a small business concern that—

"(A) is either—

"(i) a disadvantaged small business concern; or

"(ii) a small business concern owned and controlled by women; and

"(B) is eligible for the award of Federal contracts.

"(3) The term 'disadvantaged small business concern' means—

"(A) a small business concern owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C));

"(B) a business entity owned and controlled by an Indian tribe as defined by section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

"(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)); or

"(D) a qualified organization employing the severely disabled.

"(4) The term 'small business concern owned and controlled by women' has the meaning given such term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).

"(5) The term 'historically Black college and university' means any of the historically Black colleges and universities referred to in section 2323 of this title.

"(6) The term 'minority institution of higher education' means an institution of higher education with a student body that reflects the composition specified in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)), as in effect on September 30, 1992.

"(7) The term 'subcontracting participation goal', with respect to a Department of Defense contract, means a goal for the extent of the participation by eligible small business concerns in the subcontracts awarded under such contract, as established pursuant to section 2323 of this title and section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(8) The term 'qualified organization employing the severely disabled' means a business entity operated on a for-profit or nonprofit basis that—

"(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

"(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;

"(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

"(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) to those employees who are severely disabled individuals.

"(9) The term 'severely disabled individual' means an individual who has a physical or mental disability which constitutes a substantial handicap to employment and which, in accordance with criteria prescribed by the Committee for Purchase From People Who Are Blind or Severely Disabled established by the first section of the Javits-Wagner-O'Day Act (41 U.S.C. 46), is of such a nature that the individual is otherwise prevented from engaging in normal competitive employment.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2402 the following new item:

"2403. Mentor-Protege Program.".

(b) REPEAL OF SUPERSEDED LAW.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is repealed.

(c) CONTINUATION OF TEMPORARY REPORTING REQUIREMENT.—(1) Not later than six months after the end of each of fiscal years 2001 through 2004, the Secretary of Defense shall submit to Congress an annual report on the Mentor-Protege Program for that fiscal year.

(2) The annual report for a fiscal year shall include, at a minimum, the following:

(A) The number of mentor-protege agreements that were entered into during the fiscal year.

(B) The number of mentor-protege agreements that were in effect during the fiscal year.

(C) The total amount reimbursed during the fiscal year to mentor firms pursuant to section 2403(g) of title 10, United States Code (as added by subsection (a)), or section 831(g) of the National Defense Authorization Act for fiscal year 1991 (as in effect on the day before the date of the enactment of this Act).

(D) Each mentor-protege agreement, if any, that was approved during the fiscal year in accordance with section 2403(e)(2) of title 10, United States Code (as added by subsection (a)), or section 831(e)(2) of the National Defense Authorization Act for Fiscal Year 1991 (as in effect on the day before the date of the enactment of this Act) to provide a program participation term in excess of three years, together with the justification for the approval.

(E) Each reimbursement of a mentor firm in excess of the limitation in subsection (g)(2)(C) of section 2403 of title 10, United States Code (as added by subsection (a)), or subsection (g)(2)(C) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (as in effect on the day before the date of the enactment of this Act) that was made during the fiscal year pursuant to an approval granted in accordance with that subsection, together with the justification for the approval.

(F) Trends in the progress made in employment, revenues, and participation in Department of Defense contracts by the protege firms participating in the program during the fiscal year and the protege firms that completed or otherwise terminated participation in the program during the preceding two fiscal years.

(d) Continuation of Requirement for GAO Study and Report.—Nothing in this section shall be construed as modifying the requirements of section 811(d)(3) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 709).

(e) Savings Provisions.—(1) All orders, determinations, rules, regulations, contracts, privileges, and other administrative actions that—

(A) have been issued, made, granted, or allowed to become effective under the pilot Mentor-Protege Program under section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on the day before the date of the enactment of this Act, including any such action taken by a court of competent jurisdiction, and

(B) are in effect at the end of such day, or were final before the date of the enactment of this Act and are to become effective on or after that date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary of Defense or a court of competent jurisdiction or by operation of law.

(2) This section and the amendments made by this section shall not affect any proceedings, including notices of proposed rulemaking, that are pending before the Department of Defense as of the date of the enactment of this Act, with respect to the administration of the pilot Mentor-Protege Program under section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on the day before that date, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) The amendment made by subsection (a)(1), and the repeal of section 831 of the National Defense Authorization Act for Fiscal Year 1991 by subsection (b), shall not be construed as modifying or otherwise affecting the requirement in section 811(f)(2) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 709).

SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) Rule of Construction Relating to Citizenship.—

"(A) In General.—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

"(B) Concerns Described.—A small business concern is described in this subparagraph if the small business concern—

"(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781); and

"(ii) files reports with the Securities and Exchange Commission as a small business issuer.".

"(C) Non-citizens.—In this paragraph, the term 'non-citizen' means

"(i) an individual that is not a United States citizen; and

"(ii) any other person that is not organized under the laws of any State or the United States.".

Subtitle D—Amendments to General Contracting Authorities, Procedures, and Related Matters

SEC. 831. AMENDMENTS TO CONFORM WITH ADMINISTRATIVE CHANGES IN ACQUISITION PHASE AND MILESTONE TERMINOLOGY AND TO MAKE RELATED ADJUSTMENTS IN CERTAIN REQUIREMENTS APPLICABLE AT MILESTONE TRANSITION POINTS.

(a) Acquisition Phase Terminology.—The following provisions of title 10, United States Code, are amended by striking "engineering and manufacturing development" each place it appears and inserting "system development and demonstration": sections 2366(c) and 2434(a), and subsections (b)(3)(A)(i), (c)(3)(A), and (h)(1) of section 2432.

(b) Milestone Transition Points.—(1) Section 811(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–211), is amended by striking "Milestone I approval, Milestone II approval, or Milestone III approval (or the equivalent) of a major automated information system" and inserting "approval of a major automated information system at Milestone B or C or for full rate production, or an equivalent approval,".

(2) Department of Defense Directive 5000.1, as revised in accordance with subsection (b) of section 811 of such Act, shall be further revised as necessary to comply with subsection (c) of such section, as amended by paragraph (1), within 60 days after the date of the enactment of this Act.

(c) Adjustments to Requirement for Determination of Quantity for Low-Rate Initial Production.—Section 2400(a) of title 10, United States Code, is amended—

(1) by striking "milestone II" each place it appears in paragraphs (1)(A), (2), (4) and (5) and inserting "milestone B"; and

(2) in paragraph (2), by striking "engineering and manufacturing development" and inserting "system development and demonstration".

(d) Adjustments to Requirements for Baseline Description and the Related Limitation.—Section 2435 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "engineering and manufacturing development" and inserting "system development and demonstration"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "demonstration and validation" and inserting "system development and demonstration";

(B) in paragraph (2), by striking "engineering and manufacturing development" and inserting "production and deployment"; and

(C) in paragraph (3), by striking "production and deployment" and inserting "full rate production".

SEC. 832. INAPPLICABILITY OF LIMITATION TO SMALL PURCHASES OF MINIATURE OR INSTRUMENT BALL OR ROLLER BEARINGS UNDER CERTAIN CIRCUMSTANCES.

Section 2534(g)(2) of title 10, United States Code, is amended—

(1) by striking "contracts" and inserting "a contract";

(2) by striking the period at the end and inserting "unless the head of the contracting activity determines that—"; and

(3) by adding at the end the following:

"(A) the amount of the purchase does not exceed $25,000;

"(B) the precision level of the ball or roller bearings to be procured under the contract is rated lower than the rating known as Annual Bearing Engineering Committee (ABEC) 5 or Roller Bearing Engineering Committee (RBEC) 5, or an equivalent of such rating;

"(C) at least two manufacturers in the national technology and industrial base that are capable of producing the ball or roller bearings have not responded to a request for quotation issued by the contracting activity for that contract; and

"(D) no bearing to be procured under the contract has a basic outside diameter (exclusive of flange diameters) in excess of 30 millimeters.".

SEC. 833. INSENSITIVE MUNITIONS PROGRAM.

(a) Requirement for Program.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2404 the following new section 2405:

"§ 2405. Insensitive munitions program

"(a) Requirement for Program.—The Secretary of Defense shall carry out a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and fielding when subjected to unplanned stimuli.

"(b) Content of Program.—The program shall include safety criteria, safety procedures, and requirements to conform to those criteria and procedures.

"(c) Reporting Requirement.—At the same time that the budget for a fiscal year is submitted to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following matters:

"(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding fiscal year in which the report is submitted, together with a discussion of the justifications for the waivers.

"(2) Identification of the funding proposed for the program in that budget, together with an explanation of the proposed funding.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2404 the following new item:

"2405. Insensitive munitions program.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Organization and Management

SEC. 901. DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

(a) ESTABLISHMENT OF POSITION.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

"§ 136a. Deputy Under Secretary of Defense for Personnel and Readiness

"(a) There is a Deputy Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Deputy Under Secretary of Defense for Personnel and Readiness shall assist the Under Secretary of Defense for Personnel and Readiness in the performance of the duties of that position. The Deputy Under Secretary of Defense for Personnel and Readiness shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

"136a. Deputy Under Secretary of Defense for Personnel and Readiness.".

(b) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after "Deputy Under Secretary of Defense for Policy." the following:

"Deputy Under Secretary of Defense for Personnel and Readiness.".

(c) REDUCTION IN NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—(1) Section 138(a) of title 10, United States Code, is amended by striking "nine" and inserting "eight".

(2) Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Defense (9)." and inserting the following:

"Assistant Secretaries of Defense (8).".

SEC. 902. RESPONSIBILITY OF UNDER SECRETARY OF THE AIR FORCE FOR ACQUISITION OF SPACE LAUNCH VEHICLES AND SERVICES.

Section 8015(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) The Under Secretary shall be responsible for planning and contracting for, and for managing, the acquisition of space launch vehicles and space launch services for the Department of Defense and the National Reconnaissance Office.".

SEC. 903. SENSE OF CONGRESS REGARDING THE SELECTION OF OFFICERS FOR ASSIGNMENT AS THE COMMANDER IN CHIEF, UNITED STATES TRANSPORTATION COMMAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 envisioned that an officer would be assigned to serve as the commander of a combatant command on the basis of being the best qualified officer for the assignment rather than the best qualified officer of the armed force that has historically supplied an officer to serve in that assignment.

(2) In order to provide for greater competition among the Armed Forces for selection of officers for assignment as the commanders of the combatant commands and assignment to certain other joint positions in the grade of general or admiral, Congress provided temporary relief from the limitation on the number of officers serving on active duty in the grade of general or admiral in section 405 of the National Defense Authorization Act for Fiscal Year 1995 and thereafter extended that relief until September 30, 2003, but has also required that the Secretary of Defense be furnished the name of at least one officer from each of the Armed Forces for consideration for appointment to each such position.

(3) Most of the positions of commanders of the combatant commands have been filled successively by officers of more than one of the Armed Forces since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

(4) However, general officers of the Air Force with only limited experience in the transportation services have usually filled the position of Commander in Chief of the United States Transportation Command.

(5) The United States Transportation Command and its component commands could benefit from the appointment of an officer selected from the two armed forces that are the primary users of their transportation resources, namely the Army and the Marine Corps.

(b) SENSE OF CONGRESS.— In light of the findings set forth in subsection (a), it is the sense of Congress that the Secretary of Defense should, when considering officers for recommendation to the President for appointment as the Commander in Chief, United States Transportation Command, give careful consideration to recommending an officer of the Army or the Marine Corps.

SEC. 904. ORGANIZATIONAL REALIGNMENT FOR NAVY DIRECTOR FOR EXPEDITIONARY WARFARE.

Section 5038(a) of title 10, United States Code, is amended by striking "Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments" and inserting "Office of the Deputy Chief of Naval Operations for Warfare Requirements and Programs".

SEC. 905. REVISED REQUIREMENTS FOR CONTENT OF ANNUAL REPORT ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended—

(1) by inserting before the period at the end of paragraph (1) the following: ", together with a specific assessment of whether there is a need for a major force program for funding joint warfighting experimentation and for funding the development and acquisition of any technology the value of which has been empirically demonstrated through such experimentation"; and

(2) in paragraph (4)(E)—

(A) by inserting "(by lease or by purchase)" after "acquire"; and

(B) by inserting "(including any prototype)" after "or equipment".

SEC. 906. SUSPENSION OF REORGANIZATION OF ENGINEERING AND TECHNICAL AUTHORITY POLICY WITHIN THE NAVAL SEA SYSTEMS COMMAND.

(a) SUSPENSION.—During the period specified in subsection (b), the Secretary of the Navy may not commence or continue any change in engineering or technical authority policy for the Naval Sea Systems Command or its subsidiary activities.

(b) DURATION.—Subsection (a) applies during the period beginning on the date of enactment of this Act and ending 60 days after the date on which the Secretary submits to the congressional defense committees a report that sets forth in detail the Navy's plans and justification for the reorganization of engineering and technical authority policy within the Naval Sea Systems Command.

SEC. 907. CONFORMING AMENDMENTS RELATING TO CHANGE OF NAME OF AIR MOBILITY COMMAND.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended—

(1) by striking "Military Airlift Command" in sections 2554(d) and 2555(a) and inserting "Air Mobility Command"; and

(2) in section 8074, by striking subsection (c).

(b) TITLE 37, UNITED STATES CODE.—Sections 430(c) and 432(b) of title 37, United States Code, are amended by striking "Military Airlift Command" and inserting "Air Mobility Command".

Subtitle B—Organization and Management of Space Activities

SEC. 911. ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.

(a) AUTHORITY OF SECRETARY OF DEFENSE TO ESTABLISH POSITION.—Upon the direction of the President, the Secretary of Defense may, subject to subsection (b), establish in the Office of the Secretary of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If the position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise powers as set forth under section 137 of title 10, United States Code, as amended by subsection (d).

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary may not exercise the authority in subsection (a) after December 31, 2003.

(c) NOTICE OF EXERCISE OF AUTHORITY.—If the authority in subsection (a) is exercised, the Secretary shall immediately notify Congress of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date on which the position is established.

(d) NATURE OF POSITION.—

(1) IN GENERAL.—Effective as of the date provided for in paragraph (7), chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137 as section 139a and by transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(B) by inserting after section 136 the following new section 137:

"§ 137. Under Secretary of Defense for Space, Intelligence, and Information

"(a) There is an Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe. The duties and powers prescribed for the Under Secretary shall include the following:

"(1) In coordination with the Under Secretary of Defense for Policy, the establishment of policy on space.

"(2) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the acquisition of space systems.

"(3) The deployment and use of space assets.

"(4) The oversight of research, development, acquisition, launch, and operation of space, intelligence, and information assets.

"(5) The coordination of military intelligence activities within the Department.

"(6) The coordination of intelligence activities of the Department and the intelligence community in order to meet the long-term intelligence requirements of the United States.

"(7) The coordination of space activities of the Department with commercial and civilian space activities.

"(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(2)(B) of title 44.

"(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.".

(2) ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.—Section 138(a) of that title is amended by striking "nine Assistant Secretaries of Defense" and inserting "ten Assistant Secretaries of Defense".

(3) DUTIES OF ASSISTANT SECRETARIES OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.—Section 138(b) of that title is amended by adding at the end the following new paragraph:

"(7) Two of the Assistant Secretaries shall have as their principal duties supervision of activities relating to space, intelligence, and information. The Assistant Secretaries shall each report to the Under Secretary of Defense for Space, Intelligence, and Information in the performance of such duties.".

(4) CONFORMING AMENDMENTS.—Section 131(b) of that title is amended—

(A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the following new paragraph (6):

"(6) The Under Secretary of Defense for Space, Intelligence, and Information.".

(5) PAY LEVELS.—(A) Section 5314 of title 5, United States Code, is amended by inserting after "Under Secretary of Defense for Personnel and Readiness" the following:

"Under Secretary of Defense for Space, Intelligence, and Information.".

(B) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of Defense by striking "(9)" and inserting "(10)".

(6) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking the item relating to section 137 and inserting the following new item:

"137. Under Secretary of Defense for Space, Intelligence, and Information."; and

(B) by inserting after the item relating to section 139 the following new item:

"139a. Director of Defense Research and Engineering.".

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as of the date specified in the notification provided by the Secretary of Defense to Congress under subsection (c) of the exercise of the authority in subsection (a).

(e) REPORT.—(1) Not later than 30 days before an exercise of the authority provided in subsection (a), the President shall submit to Congress a report on the proposed organization of the office of the Under Secretary of Defense for Space, Intelligence, and Information.

(2) If the Secretary of Defense has not exercised the authority granted in subsection (a) on the date that is one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives on that date a report describing the actions taken by the Secretary to address the problems in the management and organization of the Department of Defense for space activities that are identified by the Commission To Assess United States National Security Space Management and Organization in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

SEC. 912. RESPONSIBILITY FOR SPACE PROGRAMS.

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

"CHAPTER 135—SPACE PROGRAMS

"Sec.
"2271. Responsibility for space programs.

"§ 2271. Responsibility for space programs

"(a) RESPONSIBILITY OF SECRETARY OF AIR FORCE AS EXECUTIVE AGENT.—The Secretary of the Air Force shall be the executive agent of the Department of Defense for functions of the Department designated by the Secretary of Defense with respect to the following:

"(1) Planning for the acquisition programs, projects, and activities of the Department that relate to space.

"(2) Efficient execution of the programs, projects, and activities.

"(b) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS ACQUISITION EXECUTIVE.—The Under Secretary of the Air Force shall be the acquisition executive of the Department of the Air Force for the programs, projects, and activities referred to in subsection (a).

"(c) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS DIRECTOR OF NRO.—The Under Secretary of the Air Force shall act as the Director of the National Reconnaissance Office.

"(d) COORDINATION OF DUTIES OF UNDER SECRETARY OF AIR FORCE.—In carrying out duties under subsections (b) and (c), the Under Secretary of the Air Force shall coordinate the space programs, projects, and activities of the Department of Defense and the programs, projects, and activities of the National Reconnaissance Office.

"(e) SPACE CAREER FIELD.—(1) The Under Secretary of the Air Force shall establish and implement policies and procedures to develop a cadre of technically competent officers with the capability to develop space doctrine, concepts of space operations, and space systems for the Department of the Air Force.

"(2) The Secretary of the Air Force shall assign to the commander of Air Force Space Command primary responsibility for—

"(A) establishing and implementing education and training programs for space programs, projects, and activities of the Department of the Air Force; and

"(B) management of the space career field under paragraph (1).

"(f) JOINT PROGRAM MANAGEMENT.—The Under Secretary of the Air Force shall take appropriate actions to ensure that, to maximum extent practicable, Army, Navy, Marine Corps, and Air Force personnel are assigned, on a joint duty assignment basis, as follows:

"(1) To carry out the space development and acquisition programs of the Department of Defense; and

"(2) To the Office of the National Security Space Architect.".

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such subtitle and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

"135. Space Programs .... 2271".

SEC. 913. MAJOR FORCE PROGRAM CATEGORY FOR SPACE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall create a major force program category for space programs for purposes of the future-years defense program under section 221 of title 10, United States Code.

(b) COMMENCEMENT.—The category created under subsection (a) shall be included in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

SEC. 914. ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.

(a) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General shall carry out an assessment of the progress made by the Department of Defense in implementing the recommendations of the Commission To Assess United States National Security Space Management and Organization as contained in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

SEC. 915. GRADE OF COMMANDER OF AIR FORCE SPACE COMMAND.

(a) IN GENERAL.—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8584. Commander of Air Force Space Command

"(a) GRADE.—The officer serving as commander of the Air Force Space Command shall, while so serving, have the grade of general.

"(b) LIMITATION ON CONCURRENT COMMAND ASSIGNMENTS.—The officer serving as commander of the Air Force Space Command may not, while so serving, serve as commander-in-chief of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the United States element of the North American Air Defense Command.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8584. Commander of Air Force Space Command.".

SEC. 916. SENSE OF CONGRESS REGARDING GRADE OF OFFICER ASSIGNED AS COMMANDER OF UNITED STATES SPACE COMMAND.

It is the sense of Congress that the Secretary of Defense should assign the best qualified officer of the Army, Marine Corps, or Air Force with the grade of general, or of the Navy with the grade of admiral, to the position of Commander of the United States Space Command.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2002 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS FOR DEPARTMENT OF DEFENSE FOR MANAGEMENT EFFICIENCIES.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for the Department of Defense by divisions A and B of this Act is hereby reduced by $1,630,000,000, to reflect savings to be achieved through implementation of the provisions of title VIII and other management efficiencies and business process reforms.

SEC. 1003. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2001.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Supplemental Appropriations Act, 2001 (Public Law 107-20).

SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2002.

(a) Fiscal Year 2002 Limitation.—The total amount contributed by the Secretary of Defense in fiscal year 2002 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) Total Amount.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2001, of funds appropriated for fiscal years before fiscal year 2002 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) Authorized Amounts.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $708,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $175,849,000 for the Military Budget.

(d) Definitions.—For purposes of this section:

(1) Common-funded budgets of NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) Fiscal year 1998 baseline limitation.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1005. CLARIFICATION OF APPLICABILITY OF INTEREST PENALTIES FOR LATE PAYMENT OF INTERIM PAYMENTS DUE UNDER CONTRACTS FOR SERVICES.

Section 1010(d) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-251) is amended by inserting before the period at the end of the first sentence the following: ", and shall apply with respect to interim payments that are due on or after such date under contracts entered into before, on, or after that date".

SEC. 1006. RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.

(a) Annual Report on Reliability.—(1) Not later than July 1 of each year, the Secretary of Defense shall submit to the recipients referred to in paragraph (3) a report on the reliability of the Department of Defense financial statements, including the financial statements of each component of the department that is required to prepare a financial statement under section 3515(c) of title 31, United States Code.

(2) The annual report shall contain the following:

(A) A conclusion regarding whether the policies and procedures of the Department of Defense, and the systems used within the Department of Defense, for the preparation of financial statements allow the achievement of reliability in the financial statements.

(B) For each of the financial statements prepared for the Department of Defense for the fiscal year in which the report is submitted, a conclusion regarding the expected reliability of the financial statement (evaluated on the basis of Office of Management and Budget guidance on financial statements), together with a discussion of the major deficiencies to be expected in the statement.

(C) A summary of the specific sections of the annual Financial Management Improvement Plan of the Department of Defense, current as of the date of the report, that—

(i) detail the priorities, milestones, and measures of success that apply to the preparation of the financial statements;

(ii) detail the planned improvements in the process for the preparation of financial statements that are to be implemented within 12 months after the date on which the plan is issued; and

(iii) provide an estimate of when each financial statement will convey reliable information.

(3) The annual report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(B) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

(C) The Director of the Office of Management and Budget.

(D) The Secretary of the Treasury.

(E) The Comptroller General of the United States.

(4) The Secretary of Defense shall make a copy of the annual report available to the Inspector General of the Department of Defense.

(b) Minimization of Use of Resources for Unreliable Financial Statements.—(1) With respect to each financial statement for a fiscal year that the Secretary of Defense assesses as being expected to be unreliable in the annual report under subsection (a), the Under Secretary of Defense (Comptroller) or the Assistant Secretary (Financial Management and Comptroller) of the military department concerned shall take appropriate actions to minimize the resources, including contractor support, that are used to develop, compile, and report the financial statement.

(2)(A) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, the following information:

(i) An estimate of the resources that the Department of Defense is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the preparation of financial statements.

(ii) A discussion of how the resources saved as estimated under clause (i) have been redirected or are to be redirected from the preparation of financial statements to the improvement of systems underlying financial management within the Department of Defense and to the improvement of financial management policies, procedures, and internal controls within the Department of Defense.

(B) The Assistant Secretaries (Financial Management and Comptroller) of the Army, Navy, and Air Force shall provide the Under Secretary of Defense (Comptroller) with the information necessary for making the estimate required by subparagraph (A)(i).

(c) Information to Auditors.—Not later than October 31 of each year, the Under Secretary of Defense (Comptroller) and the Assistant Secretaries (Financial Management and Comptroller) of the Army, Navy, and Air Force shall each provide to the auditors of the financial statement of that official's department for the fiscal year ending during the preceding month the official's preliminary management representation, in writing, regarding the expected reliability of the financial statement. The representation shall be consistent with guidance issued by the Director of the Office of Management and Budget and shall include the basis for the reliability assessment stated in the representation.

(d) LIMITATION ON INSPECTOR GENERAL AUDITS.—(1) On each financial statement that an official asserts is unreliable under subsection (b) or (c), the Inspector General of the Department of Defense shall only perform the audit procedures required by generally accepted government auditing standards consistent with any representation made by management.

(2)(A) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, information which the Inspector General shall report to the Under Secretary, as follows:

(i) An estimate of the resources that the Inspector General is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the auditing of financial statements.

(ii) A discussion of how the resources saved as estimated under clause (i) have been redirected or are to be redirected from the auditing of financial statements to the oversight and improvement of systems underlying financial management within the Department of Defense and to the oversight and improvement of financial management policies, procedures, and internal controls within the Department of Defense.

(e) PERIOD OF APPLICABILITY.—(1) Except as provided in paragraph (2), the requirements of this section shall apply with respect to financial statements for fiscal years after fiscal year 2000 and before fiscal year 2006 and to the auditing of those financial statements.

(2) If the Secretary of Defense certifies to the Inspector General of the Department of Defense that the financial statement for the Department of Defense, or a financial statement for a component of the Department of Defense, for a fiscal year is reliable, this section shall not apply with respect to that financial statement or to any successive financial statement for the department or that component, as the case may be, for any later fiscal year.

SEC. 1007. FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE AND FINANCIAL FEEDER SYSTEMS COMPLIANCE PROCESS.

(a) ESTABLISHMENT OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall establish a Financial Management Modernization Executive Committee.

(2) The Committee shall be composed of the Under Secretary of Defense (Comptroller), the Under Secretary of Defense (Acquisition, Technology, and Logistics), the Under Secretary of Defense (Personnel and Readiness), the chief information officer of the Department of Defense, and other key managers of the Department of Defense (including key managers in Defense Agencies and military departments) who are designated by the Secretary.

(3) The Under Secretary of Defense (Comptroller) shall be the Chairman of the Committee.

(4) The Committee shall be accountable to the Senior Executive Council composed of the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

(b) DUTIES.—The Financial Management Modernization Executive Committee shall have the following duties:

(1) To establish a financial and feeder systems compliance process that ensures that each critical accounting, financial management, and feeder system of the Department of Defense is compliant with applicable Federal financial management and reporting requirements.

(2) To develop a management plan for the implementation of the financial and feeder systems compliance process.

(3) To supervise and monitor the actions that are necessary to implement the management plan, as approved by the Secretary of Defense.

(4) To ensure that a Department of Defense financial management enterprise architecture is development and maintained in accordance with—

(A) the overall business process transformation strategy of the Department; and

(B) the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Architecture Framework of the Department.

(5) To ensure that investments in existing or proposed financial management systems for the Department comply with the overall business practice transformation strategy of the Department and the financial management enterprise architecture developed under paragraph (4).

(6) To provide an annual accounting of all financial and feeder system investment technology projects to ensure that such projects are being implemented at acceptable cost and within a reasonable schedule, and are contributing to tangible, observable improvements in mission performance.

(c) MANAGEMENT PLAN FOR IMPLEMENTATION OF FINANCIAL FEEDER SYSTEMS COMPLIANCE PROCESS.—The management plan developed under subsection (b)(2) shall include among its principal elements at least the following elements:

(1) A requirement to establish and maintain a complete inventory of all budgetary, accounting, finance, and feeder systems that support the transformed business processes of the Department and produce financial statements.

(2) A phased process for improving systems that provides for mapping financial data flow from sources to cognizant Department business functions (as part of the overall business process transformation strategy of the Department) and financial statements before other actions are initiated.

(3) Periodic submittal to the Secretary of Defense, the Deputy Secretary of Defense, the Senior Executive Council, or any combination thereof, of reports on the progress being made in achieving financial management transformation goals and milestone included in the annual financial management improvement plan in 2002 in accordance with subsection (e).

(4) Documentation of the completion of each phase—Awareness, Evaluation, Renovation, Validation, and Compliance—of improvements made to each accounting, finance, and feeder system.

(5) Independent audit by the Inspector General of the Department, the audit agencies of the military department, private sector firms contracted to conduct validation audits, or any combination thereof, at the validation phase for each accounting, finance, and feeder system.

(d) ANNUAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) Subsection (a) of section 2222 of title 10, United States Code, is amended to read as follows:

"(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress an annual strategic plan for the improvement of financial management within the Department of Defense. The plan shall be submitted not later than September 30 each year.".

(2)(A) The section heading of such section is amended to read as follows:

"§ 2222. Annual financial management improvement plan".

(B) The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2222 and inserting the following new item:

"2222. Annual financial management improvement plan.".

(e) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN IN 2002.—In the annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), in 2002, the Secretary shall include the following:

(1) Measurable annual performance goals for improvement of the financial management of the Department.

(2) Performance milestones for initiatives under the plan for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(3) An assessment of the anticipated annual cost of any plans for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(4) A discussion of the following:

(A) The roles and responsibilities of appropriate Department officials to ensure the supervision and monitoring of the compliance of each accounting, finance, and feeder system of the Department with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(B) A summary of the actions taken by the Financial Management Modernization Executive Committee to ensure that such systems comply with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(f) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN AFTER 2002.—In each annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), after 2002, the Secretary shall include the following:

(1) A description of the actions to be taken in the fiscal year beginning in the year in which the plan is submitted to implement the goals and milestones included in the financial management improvement plan in 2002 under paragraphs (1) and (2) of subsection (e).

(2) An estimate of the amount expended in the fiscal year ending in the year in which the plan is submitted to implement the financial management improvement plan in

such preceding calendar year, set forth by system.

(3) If an element of the financial management improvement plan submitted in the fiscal year ending in the year in which the plan is submitted was not implemented, a justification for the lack of implementation of such element.

SEC. 1008. COMBATING TERRORISM READINESS INITIATIVES FUND FOR COMBATANT COMMANDS.

(a) FUNDING FOR INITIATIVES.—Chapter 6 of title 10, United States Code, is amended by inserting after section 166a the following new section:

"§ 166b. Combatant commands: funding for combating terrorism readiness initiatives

"(a) COMBATING TERRORISM READINESS INITIATIVES FUND.—From funds made available in any fiscal year for the budget account in the Department of Defense known as the 'Combating Terrorism Readiness Initiatives Fund', the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose. The Chairman may provide such funds for initiating any activity named in subsection (b) and for maintaining and sustaining the activity for the fiscal year in which initiated and one additional fiscal year.

"(b) AUTHORIZED ACTIVITIES.—Activities for which funds may be provided under subsection (a) are the following:

"(1) Procurement and maintenance of physical security equipment.

"(2) Improvement of physical security sites.

"(3) Under extraordinary circumstances—

"(A) physical security management planning;

"(B) procurement and support of security forces and security technicians;

"(C) security reviews and investigations and vulnerability assessments; and

"(D) any other activity relating to physical security.

"(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the Combating Terrorism Readiness Initiatives Fund, should give priority consideration to emergency or emergent unforeseen high-priority requirements for combating terrorism.

"(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Chairman of the Joint Chiefs of Staff for a fiscal year out of the Combating Terrorism Readiness Initiatives Fund for an activity referred to in subsection (b) shall be in addition to amounts otherwise available for that activity for that fiscal year.

"(e) LIMITATION.—Funds may not be provided under this section for any activity that has been denied authorization by Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 166a the following new item:

"166b. Combatant commands: funding for combating terrorism readiness initiatives.".

SEC. 1009. AUTHORIZATION OF ADDITIONAL FUNDS.

(a) AUTHORIZATION.—$1,300,000,000 is hereby authorized, in addition to the funds authorized elsewhere in division A of this Act, for whichever of the following purposes the President determines to be in the national security interests of the United States—

(1) research, development, test and evaluation for ballistic missile defense; and

(2) activities for combating terrorism.

SEC. 1010. AUTHORIZATION OF 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

(a) AUTHORIZATION.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) are hereby adjusted by the amounts of appropriations made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(b) QUARTERLY REPORT.—(1) Promptly after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of funds made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(2) The first report under paragraph (1) shall be submitted not later than January 2, 2002.

(c) PROPOSED ALLOCATION AND PLAN.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 15 days after the date on which the Director of the Office of Management and Budget submits to the Committees on Appropriations of the Senate and House of Representatives the proposed allocation and plan required by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, a proposed allocation and plan for the use of the funds made available to the Department of Defense pursuant to that Act.

Subtitle B—Strategic Forces

SEC. 1011. REPEAL OF LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) is repealed.

SEC. 1012. BOMBER FORCE STRUCTURE.

(a) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2002 may be obligated or expended for retiring or dismantling any of the 93 B–1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit or facility to which assigned as of that date, until 30 days after the latest of the following:

(1) The date on which the President transmits to Congress the national security strategy report required in 2001 pursuant to section 108(a)(1) of the National Security Act of 1947 (50 U.S.C. 404a(a)(1)).

(2) The date on which the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, that is required to be submitted under that section not later than September 30, 2001.

(3) The date on which the Secretary of Defense submits to the committees referred to in paragraph (2) a report that sets forth—

(A) the changes in national security considerations from those applicable to the air force bomber studies conducted during 1992, 1995, and 1999 that warrant changes in the current configuration of the bomber fleet;

(B) the role of manned bomber aircraft appropriate to meet the requirements of the national security strategy referred to in paragraph (1);

(C) the amount and type of bomber force structure in the United States Air Force appropriate to meet the requirements of the national security strategy referred to in paragraph (1);

(D) the results of a comparative analysis of the cost of basing, maintaining, operating, and upgrading the B–1B Lancer bomber fleet in the active force of the Air Force with the cost of basing, maintaining, operating, and upgrading the B–1B Lancer bomber fleet in a mix of active and reserve component forces of the Air Force; and

(E) the plans of the Department of Defense for assigning new missions to the National Guard units that currently fly B–1 aircraft and for the transition of those units and their facilities from the current B–1 mission to such new missions.

(4) The date on which the Secretary of Defense submits to Congress the report on the results of the Revised Nuclear Posture Review conducted under section 1042 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–262), as amended by section 1013 of this Act.

(b) GAO STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study on the matters specified in subsection (a)(3). The Comptroller General shall submit to Congress a report containing the results of the study not later than January 31, 2002.

(c) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE DEFINED.—In this section, the term "amount and type of bomber force structure" means the required numbers of B–2 aircraft, B–52 aircraft, and B–1 aircraft consistent with the requirements of the national security strategy referred to in subsection (a)(1).

SEC. 1013. ADDITIONAL ELEMENT FOR REVISED NUCLEAR POSTURE REVIEW.

Section 1041(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–262) is amended by adding at the end the following new paragraph:

"(7) The possibility of deactivating or dealerting nuclear warheads or delivery systems immediately, or immediately after a decision to retire any specific warhead, class of warheads, or delivery system or systems.".

Subtitle C—Reporting Requirements

SEC. 1021. INFORMATION AND RECOMMENDATIONS ON CONGRESSIONAL REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) COMPILATION OF REPORTING REQUIREMENTS.—The Secretary of Defense shall compile a list of all provisions of law in effect on the date of the enactment of this Act that require or request the President, with respect to the national defense functions of the Federal Government, or any officer or employee of the Department of Defense, to submit a report, notification, or study to Congress or any committee of Congress. The preceding sentence does not apply to a provision of law that requires or requests only one report, notification, or study.

(b) SUBMITTAL OF COMPILATION.—(1) The Secretary shall submit the list compiled under subsection (a) to Congress not later than 60 days after the date of the enactment of this Act.

(2) In submitting the list, the Secretary shall specify for each provision of law compiled in the list—

(A) the date of the enactment of such provision of law and a current citation in law for such provision of law; and

(B) the Secretary's assessment of the continuing utility of any report, notification, or study arising under such provision of law, both for the executive branch and for Congress.

(3) The Secretary may also include with the list any recommendations that the Secretary considers appropriate for the consolidation of reports, notifications, and studies under the provisions of law described in subsection (a), together with a proposal for legislation to implement such recommendations.

SEC. 1022. REPORT ON COMBATING TERRORISM.

(a) Requirement for Report.—The Secretary of Defense shall submit to Congress a report on the Department of Defense policies, plans, and procedures for combating terrorism.

(b) Content.—(1) The Secretary shall identify and explain in the report the Department of Defense structure, strategy, roles, relationships, and responsibilities for combating terrorism.

(2) The report shall also include a discussion of the following matters:

(A) The policies, plans, and procedures relating to how the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Joint Task Force–Civil Support of the Joint Forces Command are to perform, and coordinate the performance of, their functions for combating terrorism with—

(i) the various teams in the Department of Defense that have responsibilities to respond to acts or threats of terrorism, including—

(I) the weapons of mass destruction civil support teams when operating as the National Guard under the command of the Governor of a State, the Governor of Puerto Rico, or the Commanding General of the District of Columbia National Guard, as the case may be; and

(II) the weapons of mass destruction civil support teams when operating as the Army National Guard of the United States or the Air National Guard of the United States under the command of the President;

(ii) the Army's Director of Military Support;

(iii) the various teams in other departments and agencies of the Federal Government that have responsibilities to respond to acts or threats of terrorism;

(iv) the organizations outside the Federal Government, including any private sector entities, that are to function as first responders to acts or threats of terrorism; and

(v) the units and organizations of the reserve components of the Armed Forces that have missions relating to combating terrorism.

(B) Any preparedness plans to combat terrorism that are developed for installations of the Department of Defense by the commanders of the installations and the integration of those plans with the plans of the teams and other organizations described in subparagraph (A).

(C) The policies, plans, and procedures for using and coordinating the Joint Staff's integrated vulnerability assessment teams inside the United States and outside the United States.

(D) The missions of Fort Leonard Wood and other installations for training units, weapons of mass destruction civil support teams and other teams, and individuals in combating terrorism.

(3) The report shall also include the Secretary's views on the appropriate number and missions of the Department of Defense teams referred to in paragraph (2)(A)(i).

(c) Time for Submittal.—The Secretary shall submit the report under this section not later than 180 days after the date of the enactment of this Act.

SEC. 1023. REVISED REQUIREMENT FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF TO ADVISE SECRETARY OF DEFENSE ON THE ASSIGNMENT OF ROLES AND MISSIONS TO THE ARMED FORCES.

(a) Assessment During Defense Quadrennial Review.—Subsection 118(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(e) CJCS Review.—"; and

(2) by adding at the end the following new paragraph:

"(2) The Chairman shall include in the assessment submitted under paragraph (1), the Chairman's assessment of the assignment of functions (or roles and missions) to the armed forces together with any recommendations for changes in assignment that the Chairman considers necessary to achieve the maximum efficiency of the armed forces. In making the assessment, the Chairman should consider (among other matters) the following:

"(A) Unnecessary duplication of effort among the armed forces.

"(B) Changes in technology that can be applied effectively to warfare.".

(b) Repeal of Requirement for Triennial Report on Assignment of Roles and Missions.—Section 153 of such title is amended by striking subsection (b).

(c) Conforming Amendment.—Subsection (a) of such section 153 is amended by striking "(a) Planning; Advice; Policy Formulation.—".

SEC. 1024. REVISION OF DEADLINE FOR ANNUAL REPORT ON COMMERCIAL AND INDUSTRIAL ACTIVITIES.

Section 2461(g) of title 10, United States Code, is amended by striking "February 1" and inserting "June 30".

SEC. 1025. PRODUCTION AND ACQUISITION OF VACCINES FOR DEFENSE AGAINST BIOLOGICAL WARFARE AGENTS.

(a) Government Facility.—(1) Subject to the availability of funds appropriated and authorized to be appropriated for such purposes, the Secretary of Defense may—

(A) design, construct, and operate on an installation of the Department of Defense a facility for the production of vaccines described in subsection (b)(1);

(B) qualify and validate the facility for the production of vaccines in accordance with the requirements of the Food and Drug Administration; and

(C) contract with a private sector source for the production of vaccines in that facility.

(2) The Secretary shall use competitive procedures under chapter 137 of title 10, United States Code, to enter into contracts to carry out subparagraphs (A) and (C) of paragraph (1).

(b) Plan.—(1) The Secretary of Defense shall develop a long-range plan to provide for the production and acquisition of vaccines to meet the requirements of the Department of Defense to prevent or mitigate the physiological effects of exposure to biological warfare agents.

(2) The plan shall include the following:

(A) An evaluation of the need for one or more vaccine production facilities that are specifically dedicated to meeting the requirements of the Department of Defense and other national interests.

(B) An evaluation of the alternative options for the means of production of the vaccines, including—

(i) use of public facilities, private facilities, or a combination of public and private facilities; and

(ii) management and operation of the facilities by the Federal Government, one or more private persons, or a combination of the Federal Government and one or more private persons.

(C) The means for producing the vaccines that the Secretary determines most appropriate.

(3) The Secretary shall ensure that the plan is consistent with the requirement for safe and effective vaccines approved by the Food and Drug Administration.

(4) In preparing the plan, the Secretary shall—

(A) consider and, as the Secretary determines appropriate, include the information compiled and the analyses developed in meeting the reporting requirements set forth in sections 217 and 218 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–36 and 1654A–37); and

(B) consult with the heads of other appropriate departments and agencies of the Federal Government.

(c) Report.—Not later than February 1, 2002, the Secretary of Defense shall submit to the congressional defense committees a report on the plan for the production of vaccines required by subsection (b). The report shall include, at a minimum, the plan and the following matters:

(1) A description of the policies and requirements of the Department of Defense regarding acquisition and use of the vaccines.

(2) The estimated schedule for the acquisition of the vaccines in accordance with the plan.

(3) A discussion of the options considered for production of the vaccines under subsection (b)(2)(B).

(4) The Secretary's recommendations for the most appropriate course of action to meet the requirements described in subsection (b)(1), together with the justification for the recommendations and the long-term cost of implementing the recommendations.

SEC. 1026. EXTENSION OF TIMES FOR COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY TO REPORT AND TO TERMINATE.

(a) Submittal of Report.—Subsection (d) of section 1092 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–302) is amended by striking "Not later than March 1, 2002," and inserting "Not later than one year after the date of its first meeting,".

(b) Termination.—Subsection (g) of such section is amended by striking "30 days" and inserting "60 days".

SEC. 1027. COMPTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF NATIONAL GUARD DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT NETWORKS AND RELATED PUBLIC AND PRIVATE NETWORKS.

(a) Study Required.—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project (DTTP) and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, and networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies.

(b) PURPOSES.—The purposes of the study under subsection (a) are as follows:

(1) To identify existing capabilities, and future requirements, for transmission of voice, data, and video for purposes of operational support of disaster response, homeland defense, command and control of premobilization forces, training of military personnel, training of first responders, and shared use of the networks of the Distributive Training Technology Project by government and members of the networks.

(2) To identify appropriate connections between the networks of the Distributive Training Technology Project and networks of the Federal Emergency Management Agency, State emergency management agencies, and other Federal and State agencies having disaster response functions.

(3) To identify requirements for connectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a) in the event of a significant disruption of providers of public services.

(4) To identify means of protecting the networks of the Distributive Training Technology Project from outside intrusion, including an assessment of the manner in which so protecting the networks facilitates the mission of the National Guard and homeland defense.

(5) To identify impediments to interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(6) To identify means of improving interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(c) PARTICULAR MATTERS.—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, national security concerns impede interconnectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a).

(2) Whether, and to what extent, limitations on the technological capabilities of the Department of Defense impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(3) Whether, and to what extent, other concerns or limitations impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(4) Whether, and to what extent, any national security, technological, or other concerns justify limitations on interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) Potential improvements in National Guard or other Department technologies in order to improve interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a). The report shall describe the results of the study, and include any recommendations that the Comptroller General considers appropriate in light of the study.

Subtitle D—Armed Forces Retirement Home

SEC. 1041. AMENDMENT OF ARMED FORCES RETIREMENT HOME ACT OF 1991.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.).

SEC. 1042. DEFINITIONS.

Section 1502 (24 U.S.C. 401) is amended—

(1) by striking paragraphs (1), (2), (3), (4), and (5), and inserting the following:

"(1) The term 'Retirement Home' includes the institutions established under section 1511, as follows:

"(A) The Armed Forces Retirement Home—Washington.

"(B) The Armed Forces Retirement Home—Gulfport.

"(2) The term 'Local Board' means a Local Board of Trustees established under section 1516.

"(3) The terms 'Armed Forces Retirement Home Trust Fund' and 'Fund' mean the Armed Forces Retirement Home Trust Fund established under section 1519(a).";

(2) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6); and

(3) in paragraph (5), as so redesignated—

(A) in subparagraph (C), by striking ", Manpower and Personnel" and inserting "for Personnel"; and

(B) in subparagraph (D), by striking "with responsibility for personnel matters" and inserting "for Manpower and Reserve Affairs".

SEC. 1043. REVISION OF AUTHORITY ESTABLISHING THE ARMED FORCES RETIREMENT HOME.

Section 1511 (24 U.S.C. 411) is amended to read as follows:

"SEC. 1511. ESTABLISHMENT OF THE ARMED FORCES RETIREMENT HOME.

"(a) INDEPENDENT ESTABLISHMENT.—The Armed Forces Retirement Home is an independent establishment in the executive branch.

"(b) PURPOSE.—The purpose of the Retirement Home is to provide, through the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, residences and related services for certain retired and former members of the Armed Forces.

"(c) FACILITIES.—(1) Each facility of the Retirement Home referred to in paragraph (2) is a separate establishment of the Retirement Home.

"(2) The United States Soldiers' and Airmen's Home is hereby redesignated as the Armed Forces Retirement Home—Washington. The Naval Home is hereby redesignated as the Armed Forces Retirement Home—Gulfport.

"(d) OPERATION.—(1) The Chief Operating Officer of the Armed Forces Retirement Home is the head of the Retirement Home. The Chief Operating Officer is subject to the authority, direction, and control of the Secretary of Defense.

"(2) Each facility of the Retirement Home shall be maintained as a separate establishment of the Retirement Home for administrative purposes and shall be under the authority, direction, and control of the Director of that facility. The Director of each facility of the Retirement Home is subject to the authority, direction, and control of the Chief Operating Officer.

"(e) PROPERTY AND FACILITIES.—(1) The Retirement Home shall include such property and facilities as may be acquired under paragraph (2) or accepted under section 1515(f) for inclusion in the Retirement Home.

"(2) The Secretary of Defense may acquire, for the benefit of the Retirement Home, property and facilities for inclusion in the Retirement Home.

"(3) The Secretary of Defense may dispose of any property of the Retirement Home, by sale, lease, or otherwise, that the Secretary determines is excess to the needs of the Retirement Home. The proceeds from such a disposal of property shall be deposited in the Armed Forces Retirement Home Trust Fund. No such disposal of real property shall be effective earlier than 120 days after the date on which the Secretary transmits a notification of the proposed disposal to the Committees on Armed Services of the Senate and the House of Representatives.

"(f) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense may make available from the Department of Defense to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this title.

"(g) ACCREDITATION.—The Chief Operating Officer shall endeavor to secure for each facility of the Retirement Home accreditation by a nationally recognized civilian accrediting organization, such as the Continuing Care Accreditation Commission and the Joint Commission for Accreditation of Health Organizations.

"(h) ANNUAL REPORT.—The Secretary of Defense shall transmit to Congress an annual report on the financial and other affairs of the Retirement Home for each fiscal year.".

SEC. 1044. CHIEF OPERATING OFFICER.

(a) ESTABLISHMENT AND AUTHORITY OF POSITION.—Section 1515 (24 U.S.C. 415) is amended to read as follows:

"SEC. 1515. CHIEF OPERATING OFFICER.

"(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Operating Officer of the Retirement Home. The Secretary of Defense may make the appointment without regard to the provisions of title 5, United States Code, governing appointments in the civil service.

"(2) The Chief Operating Officer shall serve at the pleasure of the Secretary of Defense.

"(3) The Secretary of Defense shall evaluate the performance of the Chief Operating Officer at least once each year.

"(b) QUALIFICATIONS.—To qualify for appointment as the Chief Operating Officer, a person shall—

"(1) be a continuing care retirement community professional;

"(2) have appropriate leadership and management skills; and

"(3) have experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

"(c) RESPONSIBILITIES.—(1) The Chief Operating Officer shall be responsible to the Secretary of Defense for the overall direction, operation, and management of the Retirement Home and shall report to the Secretary on those matters.

"(2) The Chief Operating Officer shall supervise the operation and administration of the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, including the Local Boards of those facilities.

"(3) The Chief Operating Officer shall perform the following duties:

"(A) Issue, and ensure compliance with, appropriate rules for the operation of the Retirement Home.

"(B) Periodically visit, and inspect the operation of, the facilities of the Retirement Home.

"(C) Periodically examine and audit the accounts of the Retirement Home.

"(D) Establish any advisory body or bodies that the Chief Operating Officer considers to be necessary.

"(d) Compensation.—(1) The Secretary of Defense may prescribe the pay of the Chief Operating Officer without regard to the provisions of title 5, United States Code, governing classification and pay, except that the basic pay, including locality pay, of the Chief Operating Officer may not exceed the limitations established in section 5307 of such title.

"(2) In addition to basic pay and any locality pay prescribed for the Chief Operating Officer, the Secretary may award the Chief Operating Officer, not more than once each year, a bonus based on the performance of the Chief Operating Officer for the year. The Secretary shall prescribe the amount of any such bonus.

"(e) Administrative Staff.—(1) The Chief Operating Officer may, subject to the approval of the Secretary of Defense, appoint a staff to assist in the performance of the Chief Operating Officer's duties in the overall administration of the Retirement Home.

"(2) The Chief Operating Officer shall prescribe the rates of pay applicable to the members of the staff appointed under paragraph (1), without regard to the provisions of title 5, United States Code, regarding classification and pay, except that—

"(A) a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States may not receive additional pay by reason of service on the administrative staff; and

"(B) the limitations in section 5373 of title 5, United States Code, relating to pay set by administrative action, shall apply to the rates of pay prescribed under this paragraph.

"(f) Acceptance of Gifts.—(1) The Chief Operating Officer may accept gifts of money, property, and facilities on behalf of the Retirement Home.

"(2) Monies received as gifts, or realized from the disposition of property and facilities received as gifts, shall be deposited in the Armed Forces Retirement Home Trust Fund.".

(b) Transfer of Authorities.—(1) The following provisions are amended by striking "Retirement Home Board" each place it appears and inserting "Chief Operating Officer":

(A) Section 1512 (24 U.S.C. 412), relating to eligibility and acceptance for residence in the Armed Forces Retirement Home.

(B) Section 1513(a) (24 U.S.C. 412(a)), relating to services provided to residents of the Armed Forces Retirement Home.

(C) Section 1518(c) (24 U.S.C. 418(c)), relating to inspection of the Armed Forces Retirement Home.

(2) Section 1519(c) (24 U.S.C. 419(c)), relating to authority to invest funds in the Armed Forces Retirement Home Trust Fund, is amended by striking "Director" and inserting "Chief Operating Officer".

(3) Section 1521(a) (24 U.S.C. 421(a)), relating to payment of residents for services, is amended by striking "Chairman of the Armed Forces Retirement Board" and inserting "Chief Operating Officer".

(4) Section 1522 (24 U.S.C. 422), relating to authority to accept certain uncompensated services, is amended—

(A) in subsection (a)—

(i) by striking "Chairman of the Retirement Home Board or the Director of each establishment" and inserting "Chief Operating Officer or the Director of a facility"; and

(ii) by striking "unless" and all that follows through "Retirement Home Board";

(B) in subsection (b)(1)—

(i) by striking "Chairman of the Retirement Home Board or the Director of the establishment" and inserting "Chief Operating Officer or the Director of a facility"; and

(ii) by inserting "offering the services" after "notify the person";

(C) in subsection (b)(2), by striking "Chairman" and inserting "Chief Operating Officer";

(D) in subsection (c), by striking "Chairman of the Retirement Home Board or the Director of an establishment" and inserting "Chief Operating Officer or the Director of a facility"; and

(E) in subsection (e)—

(i) by striking "Chairman of the Retirement Board or the Director of the establishment" in the first sentence and inserting "Chief Operating Officer or the Director of a facility"; and

(ii) by striking "Chairman" in the second sentence and inserting "Chief Operating Officer".

(5) Section 1523(b) (24 U.S.C. 423(b)), relating to preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington, is amended by striking "Chairman of the Retirement Home Board" and inserting "Chief Operating Officer".

SEC. 1045. RESIDENTS OF RETIREMENT HOME.

(a) Repeal of Requirement of Resident To Reapply After Substantial Absence.—Subsection (e) of section 1512 (24 U.S.C. 412) is repealed.

(b) Fees Paid by Residents.—Section 1514 (24 U.S.C. 414) is amended to read as follows:

"SEC. 1514. FEES PAID BY RESIDENTS.

"(a) Monthly Fees.—The Director of each facility of the Retirement Home shall collect a monthly fee from each resident of that facility.

"(b) Deposit of Fees.—The Directors shall deposit fees collected under subsection (a) in the Armed Forces Retirement Home Trust Fund.

"(c) Fixing Fees.—(1) The Chief Operating Officer, with the approval of the Secretary of Defense, shall from time to time prescribe the fees required by subsection (a). Changes to such fees shall be based on the financial needs of the Retirement Home and the ability of the residents to pay. A change of a fee may not take effect until 120 days after the Secretary of Defense transmits a notification of the change to the Committees on Armed Services of the Senate and the House of Representatives.

"(2) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident. The fee shall be subject to a limitation on maximum monthly amount. The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in a percentage or limitation on maximum amount that the Secretary determines appropriate.

"(d) Transitional Fee Structures.—(1) Until different fees are prescribed and take effect under subsection (c), the percentages and limitations on maximum monthly amount that are applicable to fees charged residents of the Retirement Home are (subject to any adjustment that the Secretary of Defense determines appropriate) as follows:

"(A) For months beginning before January 1, 2002—

"(i) for a permanent health care resident, 65 percent (without limitation on maximum monthly amount); and

"(ii) for a resident who is not a permanent health care resident, 40 percent (without limitation on maximum monthly amount).

"(B) For months beginning after December 31, 2001—

"(i) for an independent living resident, 35 percent, but not to exceed $1,000 each month;

"(ii) for an assisted living resident, 40 percent, but not to exceed $1,500 each month; and

"(iii) for a long-term care resident, 65 percent, but not to exceed $2,500 each month.

"(2) Notwithstanding the limitations on maximum monthly amount prescribed under subsection (c) or set forth in paragraph (1)(B), until an independent living resident or assisted living resident of the Armed Forces Retirement Home—Gulfport occupies a renovated room at that facility, as determined by the Secretary of Defense, the limitation on maximum monthly amount applicable to the resident for months beginning after December 31, 2001, shall be—

"(A) in the case of an independent living resident, $800; and

"(B) in the case of an assisted living resident, $1,300.

SEC. 1046. LOCAL BOARDS OF TRUSTEES.

Section 1516 (24 U.S.C. 416) is amended to read as follows:

"SEC. 1516. LOCAL BOARDS OF TRUSTEES.

"(a) Establishment.—Each facility of the Retirement Home shall have a Local Board of Trustees.

"(b) Duties.—The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

"(c) Composition.—(1) The Local Board for a facility shall consist of at least 11 members who (except as otherwise specifically provided) shall be appointed by the Secretary of Defense in consultation with each of the Secretaries of the military departments concerned. At least one member of the Local Board shall have a perspective that is oriented toward the Retirement Home overall. The Local Board for a facility shall consist of the following members:

"(A) One member who is a civilian expert in nursing home or retirement home administration and financing from the geographical area of the facility.

"(B) One member who is a civilian expert in gerontology from the geographical area of the facility.

"(C) One member who is a service expert in financial management.

"(D) One representative of the Department of Veterans Affairs regional office nearest in proximity to the facility, who shall be designated by the Secretary of Veterans Affairs.

"(E) One representative of the resident advisory committee or council of the facility, who shall be a nonvoting member.

"(F) One enlisted representative of the Services' Retiree Advisory Council.

"(G) The senior noncommissioned officer of one of the Armed Forces.

"(H) One senior representative of the military hospital nearest in proximity to the facility.

"(I) One senior judge advocate from one of the Armed Forces.

"(J) The Director of the facility, who shall be a nonvoting member.

"(K) One senior representative of one of the chief personnel officers of the Armed Forces.

"(L) Other members designated by the Secretary of Defense (if the Local Board is to have more than 11 members).

"(2) The Secretary of Defense shall designate one member of a Local Board to serve as the chairman of the Local Board at the pleasure of the Secretary of Defense.

"(d) TERMS.—(1) Except as provided in subsections (e), (f), and (g), the term of office of a member of a Local Board shall be five years.

"(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Local Board after the expiration of the member's term until a successor is appointed or designated, as the case may be.

"(e) EARLY EXPIRATION OF TERM.—A member of a Local Board who is a member of the Armed Forces or an employee of the United States serves as a member of the Local Board only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Local Board.

"(f) VACANCIES.—(1) A vacancy in the membership of a Local Board shall be filled in the manner in which the original appointment or designation was made, as the case may be.

"(2) A member appointed or designated to fill a vacancy occurring before the end of the term of the predecessor of the member shall be appointed or designated, as the case may be, for the remainder of the term for which the predecessor was appointed.

"(3) A vacancy in a Local Board shall not affect its authority to perform its duties.

"(g) EARLY TERMINATION.—The Secretary of Defense may terminate the appointment of a member of a Local Board before the expiration of the member's term for any reason that the Secretary determines appropriate.

"(h) COMPENSATION.—(1) Except as provided in paragraph (2), a member of a Local Board shall—

"(A) be provided a stipend consistent with the daily government consultant fee for each day on which the member is engaged in the performance of services for the Local Board; and

"(B) while away from home or regular place of business in the performance of services for the Local Board, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

"(2) A member of a Local Board who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving a member of a Local Board.".

SEC. 1047. DIRECTORS, DEPUTY DIRECTORS, AND STAFF OF FACILITIES.

Section 1517 (24 U.S.C. 417) is amended to read as follows:

"SEC. 1517. DIRECTORS, DEPUTY DIRECTORS, AND STAFF OF FACILITIES.

"(a) APPOINTMENT.—The Secretary of Defense shall appoint a Director and a Deputy Director for each facility of the Retirement Home.

"(b) DIRECTOR.—The Director of a facility shall—

"(1) be a member of the Armed Forces serving on active duty in a grade above lieutenant colonel or commander;

"(2) have appropriate leadership and management skills; and

"(3) be required to pursue a course of study to receive certification as a retirement facilities director by an appropriate civilian certifying organization, if the Director is not so certified at the time of appointment.

"(c) DUTIES OF DIRECTOR.—(1) The Director of a facility shall be responsible for the day-to-day operation of the facility, including the acceptance of applicants to be residents of that facility.

"(2) The Director of a facility shall keep accurate and complete records of the facility.

"(d) DEPUTY DIRECTOR.—(1) The Deputy Director of a facility shall—

"(A) be a civilian with experience as a continuing care retirement community professional or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander; and

"(B) have appropriate leadership and management skills.

"(2) The Deputy Director of a facility shall—

"(A) be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

"(B) serve at the pleasure of the Secretary of Defense, without regard to the provisions of title 5, United States Code.

"(e) DUTIES OF DEPUTY DIRECTOR.—The Deputy Director of a facility shall, under the authority, direction, and control of the Director of the facility, perform such duties as the Director may assign.

"(f) STAFF.—(1) The Director of a facility may, subject to the approval of the Chief Operating Officer, appoint and prescribe the pay of such principal staff as the Director considers appropriate to assist the Director in operating the facility.

"(2) The principal staff of a facility shall include persons with experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

"(3) The Director of a facility may exercise the authority under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, classification, and pay, except that the limitations in section 5373 of such title (relating to pay set by administrative action) shall apply to the rates of pay prescribed under this paragraph.

"(g) ANNUAL EVALUATION OF DIRECTORS.—(1) The Chief Operating Officer shall evaluate the performance of each of the Directors of the facilities of the Retirement Home each year.

"(2) The Chief Operating Officer shall submit to the Secretary of Defense any recommendations regarding a Director that the Chief Operating Officer determines appropriate taking into consideration the annual evaluation.".

SEC. 1048. DISPOSITION OF EFFECTS OF DECEASED PERSONS AND UNCLAIMED PROPERTY.

(a) LEGAL REPRESENTATION FOR RETIREMENT HOME.—Subsection (b)(2)(A) of section 1520 (24 U.S.C. 420) is amended by inserting "who is a full-time officer or employee of the United States or a member of the Armed Forces on active duty" after "may designate an attorney".

(b) CORRECTION OF REFERENCE.—Subsection (b)(1)(B) of such section is amended by inserting "Armed Forces" before "Retirement Home Trust Fund".

SEC. 1049. TRANSITIONAL PROVISIONS.

Part B is amended by striking sections 1531, 1532, and 1533 and inserting the following:

"SEC. 1531. TEMPORARY CONTINUATION OF ARMED FORCES RETIREMENT HOME BOARD.

"Until the Secretary of Defense appoints the first Chief Operating Officer after the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Armed Forces Retirement Home Board, as constituted on the day before the date of the enactment of that Act, shall continue to serve and shall perform the duties of the Chief Operating Officer.

"SEC. 1532. TEMPORARY CONTINUATION OF DIRECTOR OF THE ARMED FORCES RETIREMENT HOME—WASHINGTON.

"The person serving as the Director of the Armed Forces Retirement Home—Washington on the day before the enactment of the National Defense Authorization Act for Fiscal Year 2002 may continue to serve as the Director of that facility until April 2, 2002.

"SEC. 1533. TEMPORARY CONTINUATION OF INCUMBENT DEPUTY DIRECTORS.

"A person serving as the Deputy Director of a facility of the Retirement Home on the day before the enactment of the National Defense Authorization Act for Fiscal Year 2002 may continue to serve, at the pleasure of the Secretary of Defense, as the Deputy Director until the date on which a Deputy Director is appointed for that facility under section 1517, except that the service in that position may not continue under this section after December 31, 2004.".

SEC. 1050. CONFORMING AND CLERICAL AMENDMENTS AND REPEALS OF OBSOLETE PROVISIONS.

(a) CONFORMING AMENDMENTS.—(1) Section 1513(b) (24 U.S.C. 413(b)), relating to services provided to residents of the Armed Forces Retirement Home, is amended by striking "maintained as a separate establishment" in the second sentence.

(2) The heading for section 1519 (24 U.S.C. 419) is amended to read as follows:

"SEC. 1519. ARMED FORCES RETIREMENT HOME TRUST FUND.".

(3) Section 1520 (24 U.S.C. 420), relating to disposition of effects of deceased persons and unclaimed property, is amended—

(A) in subsection (a), by striking "each facility that is maintained as a separate establishment" and inserting "a facility";

(B) in subsection (b)(2)(A), by striking "maintained as a separate establishment"; and

(C) in subsection (e), by striking "Directors" and inserting "Director of the facility".

(4)(A) Section 1523 (24 U.S.C. 423), relating to preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington, is amended by striking "United States Soldiers' and Airmen's Home" each place it appears and inserting "Armed Forces Retirement Home—Washington".

(B) The heading for such section is amended to read as follows:

"SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT THE ARMED FORCES RETIREMENT HOME—WASHINGTON.".

(5) Section 1524 (24 U.S.C. 424), relating to conditional supervisory control of the Retirement Home Board, is repealed.

(b) REPEAL OF OBSOLETE PROVISIONS.—The following provisions are repealed:

(1) Section 1512(f) (24 U.S.C. 412(f)), relating to the applicability of certain eligibility requirements.

(2) Section 1519(d) (24 U.S.C. 419(d)), relating to transitional accounts in the Armed Forces Retirement Home Trust Fund.

(3) Part C, relating to effective date and authorization of appropriations.

(c) ADDITION OF TABLE OF CONTENTS.—Title XV of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1722) is amended by inserting after the heading for such title the following:

"Sec. 1501. Short title.
"Sec. 1502. Definitions.

"PART A—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME

"Sec. 1511. Establishment of the Armed Forces Retirement Home.
"Sec. 1512. Residents of Retirement Home.
"Sec. 1513. Services provided residents.
"Sec. 1514. Fees paid by residents.
"Sec. 1515. Chief Operating Officer.
"Sec. 1516. Local Boards of Trustees.
"Sec. 1517. Directors, Deputy Directors, and staff of facilities.
"Sec. 1518. Inspection of Retirement Home.
"Sec. 1519. Armed Forces Retirement Home Trust Fund.
"Sec. 1520. Disposition of effects of deceased persons; unclaimed property.
"Sec. 1521. Payment of residents for services.
"Sec. 1522. Authority to accept certain uncompensated services.
"Sec. 1523. Preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington.

"PART B—TRANSITIONAL PROVISIONS

"Sec. 1531. Temporary Continuation of Armed Forces Retirement Home Board.
"Sec. 1532. Temporary Continuation of Director of the Armed Forces Retirement Home—Washington.
"Sec. 1533. Temporary Continuation of Incumbent Deputy Directors.".

SEC. 1051. AMENDMENTS OF OTHER LAWS.

(a) EMPLOYEE PERFORMANCE APPRAISALS.—Section 4301(2) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (G);

(2) by striking "and" at the end of subparagraph (H) and inserting "or"; and

(3) by inserting at the end the following new subparagraph:

"(I) the Chief Operating Officer and the Deputy Directors of the Armed Forces Retirement Home; and".

(b) EXCLUSION OF CERTAIN OFFICERS FROM CERTAIN LIMITATIONS APPLICABLE TO GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—(1) Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) An officer while serving as a Director of the Armed Forces Retirement Home, if serving in the grade of major general or rear admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for that grade under subsection (a).".

(2)(A) Section 526 of such title is amended by adding at the end the following new subsection:

"(e) EXCLUSION OF DIRECTORS OF ARMED FORCES RETIREMENT HOME.—The limitations of this section do not apply to a general or flag officer while the officer is assigned as the Director of a facility of the Armed Forces Retirement Home.".

(B) Subsection (d) of such section is amended by inserting "RESERVE COMPONENT" after "EXCLUSION OF CERTAIN".

(3) Section 688(e)(2) of such title is amended by adding at the end the following new subparagraph:

"(D) A general officer or flag officer assigned as the Director of a facility of the Armed Forces Retirement Home for the period of active duty to which ordered.".

(4) Section 690 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking the second sentence and inserting the following: "The following officers are not counted for the purposes of this subsection:"; and

(ii) by adding at the end the following:

"(1) A retired officer ordered to active duty for a period of 60 days or less.

"(2) A general or flag officer who is assigned as the Director of a facility of the Armed Forces Retirement Home for the period of active duty to which ordered."; and

(B) in subsection (b), by adding at the end of paragraph (2) the following new subparagraph:

"(E) A general officer or flag officer assigned as the Director of a facility of the Armed Forces Retirement Home for the period of active duty to which ordered.".

Subtitle E—Other Matters

SEC. 1061. REQUIREMENT TO CONDUCT CERTAIN PREVIOUSLY AUTHORIZED EDUCATIONAL PROGRAMS FOR CHILDREN AND YOUTH.

(a) NATIONAL GUARD CHALLENGE PROGRAM.—Section 509(a) of title 32, United States Code, is amended by striking "The Secretary of Defense may" and inserting "The Secretary of Defense shall".

(b) STARBASE PROGRAM.—Section 2193b(a) of title 10, United States Code, is amended by striking "The Secretary of Defense may" and inserting "The Secretary of Defense shall".

SEC. 1062. AUTHORITY TO ENSURE DEMILITARIZATION OF SIGNIFICANT MILITARY EQUIPMENT FORMERLY OWNED BY THE DEPARTMENT OF DEFENSE.

(a) PROHIBITION.—It is unlawful for any person to possess significant military equipment formerly owned by the Department of Defense unless—

(1) the military equipment has been demilitarized in accordance with standards prescribed by the Secretary of Defense;

(2) the person is in possession of the military equipment for the purpose of demilitarizing the equipment pursuant to a Federal Government contract; or

(3) the person is specifically authorized by law or regulation to possess the military equipment.

(b) REFERRAL TO ATTORNEY GENERAL.—The Secretary of Defense shall notify the Attorney General of any potential violation of subsection (a) of which the Secretary becomes aware.

(c) AUTHORITY TO REQUIRE DEMILITARIZATION.—(1) The Attorney General may require any person who, in violation of subsection (a), is in possession of significant military equipment formerly owned by the Department of Defense—

(A) to demilitarize the equipment;

(B) to have the equipment demilitarized by a third party; or

(C) to return the equipment to the Federal Government for demilitarization.

(2) When the demilitarization of significant military equipment is carried out pursuant to subparagraph (A) or (B) of paragraph (1), an officer or employee of the United States designated by the Attorney General shall have the right to confirm, by inspection or other means authorized by the Attorney General, that the equipment has been demilitarized.

(3) If significant military equipment is not demilitarized or returned to the Federal Government for demilitarization as required under paragraph (1) within a reasonable period after the Attorney General notifies the person in possession of the equipment of the requirement to do so, the Attorney General may request that a court of the United States issue a warrant authorizing the seizure of the military equipment in the same manner as is provided for a search warrant. If the court determines that there is probable cause to believe that the person is in possession of significant military equipment in violation of subsection (a), the court shall issue a warrant authorizing the seizure of such equipment.

(d) DEMILITARIZATION OF EQUIPMENT.—(1) The Attorney General shall transfer any military equipment returned to the Federal Government or seized pursuant to subsection (c) to the Department of Defense for demilitarization.

(2) If the person in possession of significant military equipment obtained the equipment in accordance with any other provision of law, the Secretary of Defense shall bear all costs of transportation and demilitarization of the equipment and shall either—

(A) return the equipment to the person upon completion of the demilitarization; or

(B) reimburse the person for the cost incurred by that person to acquire the equipment if the Secretary determines that the cost to demilitarize and return the property to the person would be prohibitive.

(e) ESTABLISHMENT OF DEMILITARIZATION STANDARDS.—(1) The Secretary of Defense shall prescribe regulations regarding the demilitarization of military equipment.

(2) The regulations shall be designed to ensure that—

(A) the equipment, after demilitarization, does not constitute a significant risk to public safety and does not have—

(i) a significant capability for use as a weapon; or

(ii) a uniquely military capability; and

(B) any person from whom private property is taken for public use under this section receives just compensation for the taking of the property.

(3) The regulations shall, at a minimum, define—

(A) the classes of significant military equipment requiring demilitarization before disposal; and

(B) what constitutes demilitarization for each class of significant military equipment.

(f) DEFINITION OF SIGNIFICANT MILITARY EQUIPMENT.—In this section, the term "significant military equipment" means equipment that has a capability described in clause (i) or (ii) of subsection (e)(2) and—

(1) is a defense article listed on the United States Munitions List maintained under section 38 of the Arms Export Control Act (22 U.S.C. 2778) that is designated on that list as significant military equipment; or

(2) is designated by the Secretary of Defense under the regulations prescribed under

subsection (e) as being equipment that it is necessary in the interest of public safety to demilitarize before disposal by the United States.

SEC. 1063. CONVEYANCES OF EQUIPMENT AND RELATED MATERIALS LOANED TO STATE AND LOCAL GOVERNMENTS AS ASSISTANCE FOR EMERGENCY RESPONSE TO A USE OR THREATENED USE OF A WEAPON OF MASS DESTRUCTION.

Section 1412(e) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2718; 50 U.S.C. 2312(e)) is amended by adding at the end the following new paragraph:

“(5) A conveyance of ownership of United States property to a State or local government, without cost and without regard to subsection (f) and title II of the Federal Property and Administrative Services Act of 1949 (or any other provision of law relating to the disposal of property of the United States), if the property is equipment, or equipment and related materials, that is in the possession of the State or local government on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002 pursuant to a loan of the property as assistance under this section.”.

SEC. 1064. AUTHORITY TO PAY GRATUITY TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES FOR SLAVE LABOR PERFORMED FOR JAPAN DURING WORLD WAR II.

(a) Payment of Gratuity Authorized.—The Secretary of Veterans Affairs may pay a gratuity to a covered veteran or civilian internee, or to the surviving spouse of a covered veteran or civilian internee, in the amount of $20,000.

(b) Covered Veteran or Civilian Internee Defined.—In this section, the term “covered veteran or civilian internee” means any individual who—

(1) was a member of the Armed Forces, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(2) served in or with United States combat forces during World War II;

(3) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(4) was required by the Imperial Government of Japan, or one or more Japanese corporations, to perform slave labor during World War II.

(c) Relationship to Other Payments.—Any amount paid a person under this section for activity described in subsection (b) is in addition to any other amount paid such person for such activity under any other provision of law.

SEC. 1065. RETENTION OF TRAVEL PROMOTIONAL ITEMS.

(a) In General.—To the extent provided in subsection (b), a Federal employee, member of the foreign service, member of a uniformed service, any family member or dependent of such an employee or member, or other individual traveling at Government expense who receives a promotional item (including frequent flyer miles, upgrades, or access to carrier clubs or facilities) as a result of using travel or transportation services procured by the United States or accepted under section 1353 of title 31, United States Code, may retain the promotional item for personal use if the promotional item is obtained under the same terms as those offered to the general public and at no additional cost to the Government.

(b) Applicability to Executive Branch Only.—Subsection (a)—

(1) applies only to travel that is at the expense of the executive branch; and

(2) does not apply to travel by any officer, employee, or other official of the Government outside the executive branch.

(c) Conforming Amendment.—Section 6008 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 5 U.S.C. 5702 note) is amended by adding at the end the following new subsection:

“(d) Inapplicability to Executive Branch.—The guidelines issued under subsection (a) and the requirement under subsection (b) shall not apply to any agency of the executive branch or to any Federal employee or other personnel in the executive branch.”.

(d) Applicability.—This section shall apply with respect to promotional items received before, on, or after the date of enactment of this Act.

SEC. 1066. RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

“(e) Appropriation.—

“(1) In general.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.

“(2) Limitation.—Amounts appropriated pursuant to paragraph (1) may not exceed—

“(A) in fiscal year 2002, $172,000,000;

“(B) in fiscal year 2003, $143,000,000;

“(C) in fiscal year 2004, $107,000,000;

“(D) in fiscal year 2005, $65,000,000;

“(E) in fiscal year 2006, $47,000,000;

“(F) in fiscal year 2007, $29,000,000;

“(G) in fiscal year 2008, $29,000,000;

“(H) in fiscal year 2009, $23,000,000;

“(I) in fiscal year 2010, $23,000,000; and

“(J) in fiscal year 2011, $17,000,000.”.

SEC. 1067. LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (g) of section 2667 of title 10, United States Code (section 1061, National Defense Authorization Act, 1998, P.L. 105–85) is amended by adding a new paragraph at the end as follows:

“(3) The requirements of paragraph (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if—

“(A) use of the ship is restricted to federally supported research programs and non-Federal uses under specific conditions with approval by the Secretary of the Navy;

“(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

“(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.”.

SEC. 1068. SMALL BUSINESS PROCUREMENT COMPETITION.

(a) Definition of Covered Contracts.—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after “bundled contract” the following: “, the aggregate dollar value of which is anticipated to be less than $5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be $5,000,000 or more”;

(2) by striking “In the” and inserting the following:

“(A) In general.—In the”; and

(3) by adding at the end the following:

“(B) Contracting goals.—

“(i) In general.—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

“(ii) Preponderance test.—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency.”.

(b) Proportionate Work Requirements for Bundled Contracts.—

(1) Section 8.—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

“(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

“(II) no other concern will perform a greater proportion of the work on that contract; and

“(III) no other concern that is not a small business concern will perform work on the contract.”.

(2) Qualified HUBZone small business concerns.—Section 3(p)(5)(A)(i)(III) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(III)) is amended—

(A) in item (bb), by striking “and” at the end;

(B) by redesignating item (cc) as item (dd); and

(C) by inserting after item (bb) the following:

“(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract; and”.

(3) Section 15.—Section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) notwithstanding subparagraphs (A) and (B), in the case of a bundled contract—

“(i) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

“(ii) no other concern will perform a greater proportion of the work on that contract; and

“(iii) no other concern that is not a small business concern will perform work on the contract.”.

(c) Small Business Procurement Competition Pilot Program.—

(1) Definitions.—In this subsection—

(A) the term "Administrator" means the Administrator of the Small Business Administration;

(B) the term "Federal agency" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(C) the term "Program" means the Small Business Procurement Competition Program established under paragraph (2);

(D) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(E) the term "small business-only joint ventures" means a team described in section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) comprised of only small business concerns.

(2) Establishment of program.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the "Small Business Procurement Competition Program".

(3) Purposes of program.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to fulfill the procurement needs of Federal agencies;

(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns;

(C) to engage in outreach to small business-only joint ventures for Federal agency procurement purposes; and

(D) to engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) Outreach.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business-only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) Regulatory authority.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) Small business administration database.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business-only joint ventures, and shall make the database available to each Federal agency and to small business concerns in electronic form to facilitate the formation of small business-only joint ventures.

(7) Termination of program.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) Report to congress.—Not later than 60 days before the date of termination of the Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) Relationship to other laws.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business-only joint ventures may participate under the Program.

SEC. 1069. CHEMICAL AND BIOLOGICAL PROTECTIVE EQUIPMENT FOR MILITARY AND CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) Report Required.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements of the Department of Defense, including the reserve components, for chemical and biological protective equipment.

(2) The report shall set forth the following:

(A) A description of any current shortfalls in requirements for chemical and biological protective equipment, whether for individuals or units, for military personnel.

(B) A plan for providing appropriate chemical and biological protective equipment for all military personnel and for all civilian personnel of the Department of Defense.

(C) An assessment of the costs associated with carrying out the plan under subparagraph (B).

(b) Sense of Congress.—It is the sense of Congress that the Secretary of Defense should consider utilizing funds available to the Secretary for chemical and biological defense programs, including funds available for such program under this Act and funds available for such programs under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, to provide an appropriate level of protection from chemical and biological attack, including protective equipment, for all military personnel and for all civilian personnel of the Department of Defense who are not currently protected from chemical or biological attack.

SEC. 1070. AUTHORIZATION OF THE SALE OF GOODS AND SERVICES BY THE NAVAL MAGAZINE, INDIAN ISLAND.

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source: *Provided*, That a sale pursuant to this section shall conform to the requirements of section 2563 (c) and (d) of title 10, United States Code: *Provided further*, That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

SEC. 1071. ASSISTANCE FOR FIREFIGHTERS.

Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) $600,000,000 for fiscal year 2002.

"(3) $800,000,000 for fiscal year 2003.

"(4) $1,000,000,000 for fiscal year 2004.".

SEC. 1072. PLAN TO ENSURE EMBARKATION OF CIVILIAN GUESTS DOES NOT INTERFERE WITH OPERATIONAL READINESS AND SAFE OPERATION OF NAVY VESSELS.

(a) Plan.—The Secretary of the Navy shall, not later than February 1, 2002, submit to Congress a plan to ensure that the embarkation of selected civilian guests does not interfere with the operational readiness and safe operation of Navy vessels. The plan shall include, at a minimum—

(1) procedures to ensure that guest embarkations are conducted only within the framework of regularly scheduled operations and that underway operations are not conducted solely to accommodate nonofficial civilian guests,

(2) guidelines for the maximum number of guests that can be embarked on the various classes of Navy vessels,

(3) guidelines and procedures for supervising civilians operating or controlling any equipment on Navy vessels,

(4) guidelines to ensure that proper standard operating procedures are not hindered by activities related to hosting civilians,

(5) any other guidelines or procedures the Secretary shall consider necessary or appropriate.

(b) Definition.—For the purposes of this section, civilian guests are defined as civilians invited to embark on Navy ships solely for the purpose of furthering public awareness of the Navy and its mission. It does not include civilians conducting official business.

SEC. 1073. MODERNIZING AND ENHANCING MISSILE WING HELICOPTER SUPPORT—STUDY AND PLAN.

(a) Report and Recommendations.—With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congressional defense committees a report and the Secretary's recommendations on options for providing the helicopter support missions for the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming, for as long as these missions are required.

(b) Options.—Options to be reviewed include—

(1) the Air Force's current plan for replacement or modernization of UH–1N helicopters currently flown by the Air Force at the missile wings;

(2) replacement of the UH–1N helicopters currently flown by the Air Force with UH–60 Black Hawk helicopters, the UH–1Y, or another platform;

(3) replacement of UH–1N helicopters with UH–60 helicopters and transition of the mission to the Army National Guard, as detailed in a November 2000 Air Force Space Command/Army National Guard plan, "ARNG Helicopter Support to Air Force Space Command";

(4) replacement of UH–1N helicopters with UH–60 helicopters or another platform, and establishment of composite units combining active duty Air Force and Army National Guard personnel; and

(5) other options as the Secretary deems appropriate.

(c) Factors.—Factors to be considered in this analysis include—

(1) any implications of transferring the helicopter support missions on the command and control of and responsibility for missile field force protection;

(2) current and future operational requirements, and the capabilities of the UH–1N, the UH–60 or other aircraft to meet them;

(3) cost, with particular attention to opportunities to realize efficiencies over the long run;

(4) implications for personnel training and retention; and

(5) evaluation of the assumptions used in the plan specified in subsection (b)(3).

(d) Consideration.—The Secretary shall consider carefully the views of the Secretary of the Army, Secretary of the Air Force, Commander in Chief of the United States Strategic Command, and the Chief of the National Guard Bureau.

SEC. 1074. SENSE OF THE SENATE THAT THE SECRETARY OF THE TREASURY SHOULD IMMEDIATELY ISSUE SAVINGS BONDS, TO BE DESIGNATED AS "UNITY BONDS", IN RESPONSE TO THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001.

(a) Findings.—The Senate finds that—

(1) a national tragedy occurred on September 11, 2001, whereby enemies of freedom

and democracy attacked the United States of America and injured or killed thousands of innocent victims;

(2) the perpetrators of these reprehensible attacks destroyed brick and mortar buildings, but the American spirit and the American people have become stronger as they have united in defense of their country;

(3) the American people have responded with incredible acts of heroism, kindness, and generosity;

(4) the outpouring of volunteers, blood donors, and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts;

(5) the American people stand together to resist all attempts to steal their freedom; and

(6) united, Americans will be victorious over their enemies, whether known or unknown.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Treasury should—

(A) immediately issue savings bonds, to be designated as "Unity Bonds"; and

(B) report quarterly to Congress on the revenue raised from the sale of Unity Bonds; and

(2) the proceeds from the sale of Unity Bonds should be directed to the purposes of rebuilding America and fighting the war on terrorism.

SEC. 1075. PERSONNEL PAY AND QUALIFICATIONS AUTHORITY FOR DEPARTMENT OF DEFENSE PENTAGON RESERVATION CIVILIAN LAW ENFORCEMENT AND SECURITY FORCE.

Section 2674(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" before the text in the first paragraph of that subsection;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph:

"(2) For positions whose permanent duty station is the Pentagon Reservation, the Secretary, in his sole and exclusive discretion, may without regard to the pay provisions of title 5, fix the rates of basic pay for such positions occupied by civilian law enforcement and security personnel appointed under the authority of this section so as to place such personnel on a comparable basis with other similar Federal law enforcement and security organizations within the vicinity of the Pentagon Reservation, not to exceed basic pay for personnel performing similar duties in the Uniformed Division of the Secret Service or the Park Police.

SEC. 1076. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

"(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.".

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

Subtitle A—Intelligence Personnel

SEC. 1101. AUTHORITY TO INCREASE MAXIMUM NUMBER OF POSITIONS IN THE DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.

Section 1606(a) of title 10, United States Code, is amended by striking "517." and inserting the following: "517, except that the Secretary may increase such maximum number by one position for each Senior Intelligence Service position in the Central Intelligence Agency that is permanently eliminated by the Director of Central Intelligence after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002. In no event may the number of positions in the Defense Intelligence Senior Executive Service exceed 544.".

SEC. 1102. CONTINUED APPLICABILITY OF CERTAIN CIVIL SERVICE PROTECTIONS FOR EMPLOYEES INTEGRATED INTO THE NATIONAL IMAGERY AND MAPPING AGENCY FROM THE DEFENSE MAPPING AGENCY.

Section 1612(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) If not otherwise applicable to an employee described in subparagraph (B), subchapters II and IV of chapter 75 of title 5 shall continue to apply to the employee for as long as the employee serves on and after October 1, 1996, without a break in service, as an employee of the Department of Defense in any position, or successively in two or more positions, in the National Imagery and Mapping Agency.

"(B) This paragraph applies to a person who—

"(i) on September 30, 1996, was employed as an employee of the Department of Defense in a position in the Defense Mapping Agency to whom subchapters II and IV of title 5 applied; and

"(ii) on October 1, 1996, became an employee of the National Imagery and Mapping Agency under paragraph 1601(a) of this title.".

Subtitle B—Matters Relating to Retirement

SEC. 1111. FEDERAL EMPLOYMENT RETIREMENT CREDIT FOR NONAPPROPRIATED FUND INSTRUMENTALITY SERVICE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—(1) Section 8332(b) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (15);

(B) by striking the period at the end of paragraph (16) and inserting "; and";

(C) by inserting after paragraph (16) the following new paragraph:

"(17) service performed by any individual as an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title that is not covered by paragraph (16), if the individual elects (in accordance with regulations prescribed by the Office) at the time of separation from service to have such service credited under this paragraph.";

(D) in the last sentence, by inserting "or (17)" after "service of the type described in paragraph (16)"; and

(E) by inserting after the last sentence the following: "Service credited under paragraph (17) may not also be credited under any other retirement system provided for employees of a nonappropriated fund instrumentality.".

(2) Section 8334 of such title is amended by adding at the end the following new subsection:

"(o) Notwithstanding subsection (c), no deposit may be made with respect to service credited under section 8332(b)(17) of this title.".

(3) Section 8339 of such title is amended by adding at the end the following new subsection:

"(u) The annuity of an employee retiring under this subchapter with service credited under section 8332(b)(17) of this title shall be reduced to the maximum amount necessary to ensure that the present value of the annuity payable to the employee is actuarially equivalent to the present value of the annuity that would be payable to the employee under this subchapter if it were computed on the basis of service that does not include service credited under section 8332(b)(17) of this title. The amount of the reduction shall be computed under regulations prescribed by the Office of Personnel Management for the administration of this subsection.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8411 of such title is amended—

(A) in subsection (b)—

(i) by striking "and" at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting "; and"; and

(iii) by inserting after paragraph (5) the following new paragraph:

"(6) service performed by any individual as an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title, if the individual elects (in accordance with regulations prescribed by the Office) at the time of separation from service to have such service credited under this paragraph."; and

(B) by adding at the end the following new subsection:

"(k)(1) The Office of Personnel Management shall accept, for the purposes if this chapter, the certification of the head of a nonappropriated fund instrumentality of the United States concerning service of the type described in subsection (b)(6) that was performed for such nonappropriated fund instrumentality.

"(2) Service credited under subsection (b)(6) may not also be credited under any other retirement system provided for employees of a nonappropriated fund instrumentality.".

(2)(A) Section 8422 of such title is amended by adding at the end the following new subsection:

"(g) No deposit may be made with respect to service credited under section 8411(b)(6) of this title.".

(B) The heading for such section is amended to read as follows:

"§ 8422. Deductions from pay; contributions for other service".

(C) The item relating to such section in the table of contents at the beginning of chapter 84 of title 5, United States Code, is amended to read as follows:

"8422. Deductions from pay; contributions for other service.".

(3) Section 8415 of such title is amended by adding at the end the following new subsection:

"(j) The annuity of an employee retiring under this chapter with service credited under section 8411(b)(6) of this title shall be reduced to the maximum amount necessary to ensure that the present value of the annuity payable to the employee under this subchapter is actuarially equivalent to the present value of the annuity that would be payable to the employee under this subchapter if it were computed on the basis of service that does not include service credited under section 8411(b)(6) of this title. The amount of the reduction shall be computed under regulations prescribed by the Office of Personnel Management for the administration of this subsection.".

(c) APPLICABILITY.—The amendments made by this section shall apply only to separations from service as an employee of the United States on or after the date of the enactment of this Act.

SEC. 1112. IMPROVED PORTABILITY OF RETIREMENT COVERAGE FOR EMPLOYEES MOVING BETWEEN CIVIL SERVICE EMPLOYMENT AND EMPLOYMENT BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "and" at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2)(B)—

(A) by striking "vested"; and

(B) by striking ", as the term" and all that follows through "such system".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "and" at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2)(B)—

(A) by striking "vested"; and

(B) by striking ", as the term" and all that follows through "such system".

SEC. 1113. REPEAL OF LIMITATIONS ON EXERCISE OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY AND VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 1153(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–323) is amended—

(1) in paragraph (1), by striking "Subject to paragraph (2), the" and inserting "The";

(2) by striking paragraph (2); and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

Subtitle C—Other Matters

SEC. 1121. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR THE CORPS OF CADETS AT THE UNITED STATES MILITARY ACADEMY.

Section 4337 of title 10, United States Code, is amended by striking the second sentence and inserting the following: "The chaplain is entitled to a housing allowance equal to the basic allowance for housing that is applicable for an officer in pay grade O–5 at the Academy under section 403 of title 37, and to fuel and light for quarters in kind.".

SEC. 1122. STUDY OF ADEQUACY OF COMPENSATION PROVIDED FOR TEACHERS IN THE DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS.

(a) REQUIREMENT FOR STUDY.—The Comptroller General shall carry out a study of the adequacy of the pay and other elements of the compensation provided for teachers in the defense dependents' education system established under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

(b) SPECIFIC CONSIDERATIONS.—In carrying out the study, the Comptroller General shall consider the following issues:

(1) Whether the compensation is adequate for recruiting and retaining high quality teachers.

(2) Whether any revision of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq) or the regulations under that Act is advisable to address any problems identified with respect to the recruitment and retention of high quality teachers or for other purposes.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress not later than March 1, 2002. The report shall include the following:

(1) The Comptroller General's conclusions on the issues considered.

(2) Any recommendations for actions that the Comptroller General considers appropriate.

SEC. 1123. PILOT PROGRAM FOR PAYMENT OF RETRAINING EXPENSES INCURRED BY EMPLOYERS OF PERSONS INVOLUNTARILY SEPARATED FROM EMPLOYMENT BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY.—The Secretary of Defense may carry out a pilot program in accordance with this section to facilitate the reemployment of employees of the Department of Defense who are being separated as described in subsection (b) by providing employers outside the Federal Government with retraining incentive payments to encourage those employers to hire, train, and retain such employees.

(b) COVERED EMPLOYEES.—A retraining incentive payment may be made under subsection (c) with respect to a person who—

(1) has been involuntarily separated from employment by the United States due to—

(A) a reduction in force (within the meaning of chapter 35 of title 5, United States Code); or

(B) a relocation resulting from a transfer of function (within the meaning of section 3503 of title 5, United States Code), realignment, or change of duty station; and

(2) when separated—

(A) was employed without time limitation in a position in the Department of Defense;

(B) had been employed in such position or any combination of positions in the Department of Defense for a continuous period of at least one year;

(C) was not a reemployed annuitant under subchapter III of chapter 83 of title 5, United States Code, chapter 84 of such title, or another retirement system for employees of the Federal Government;

(D) was not eligible for an immediate annuity under subchapter III of chapter 83 of title 5, United States Code, or subchapter II of chapter 84 of such title; and

(E) was not eligible for disability retirement under any of the retirement systems referred to in subparagraph (C).

(c) RETRAINING INCENTIVE.—(1) Under the pilot program, the Secretary may pay a retraining incentive to any person outside the Federal Government that, pursuant to an agreement entered into under subsection (d), employs a former employee of the United States referred to in subsection (b).

(2) For employment of a former employee that is continuous for one year, the amount of any retraining incentive paid to the employer under paragraph (1) shall be the lesser of—

(A) the amount equal to the total cost incurred by the employer for any necessary training provided to the former employee in connection with the employment by that employer, as determined by the Secretary taking into consideration a certification by the employer under subsection (d); or

(B) $10,000.

(3) For employment of a former employee that terminates within one year after the employment begins, the amount of any retraining incentive paid to the employer under paragraph (1) shall be equal to the amount that bears the same ratio to the amount computed under paragraph (2) as the period of continuous employment of the employee by that employer bears to one year.

(4) The cost of the training of a former employee of the United States for which a retraining incentive is paid to an employer under this subsection may include any cost incurred by the employer for training that commenced for the former employee after the former employee, while still employed by the Department of Defense, received a notice of the separation from employment by the United States.

(5) Not more than one retraining incentive may be paid with respect to a former employee under this subsection.

(d) EMPLOYER AGREEMENT.—Under the pilot program, the Secretary shall enter into an agreement with an employer outside the Federal Government that provides for the employer—

(1) to employ a person described in subsection (b) for at least one year for a salary or rate of pay that is mutually agreeable to the employer and such person; and

(2) to certify to the Secretary the cost incurred by the employer for any necessary training provided to such person in connection with the employment of the person by that employer.

(e) NECESSARY TRAINING.—For the purposes of this section, the necessity of training provided a former employee of the Department of Defense shall be determined under regulations prescribed by the Secretary of Defense for the administration of this section.

(f) TERMINATION OF PILOT PROGRAM.—No retraining incentive may be paid under this section for training commenced after September 30, 2005.

SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (109 Stat. 783; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) EXPENSES OF GOVERNMENT PERSONNEL.—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.".

SEC. 1125. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.

(a) AUTHORITY TO EXEMPT.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination

"(a) AUTHORITY TO EXEMPT.—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303, 3321, and 3328 of such title) an individual who has a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

"(b) COVERED HEALTH-CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

"(1) Physician.

"(2) Dentist.

"(3) Podiatrist.

"(4) Optometrist.

"(5) Pharmacist.

"(6) Nurse.

"(7) Physician assistant.

"(8) Audiologist.

"(9) Expanded-function dental auxiliary.

"(10) Dental hygienist.

"(c) PREFERENCES IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.".

SEC. 1126. PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

"§ 5758. Expenses for credentials

"(a) An agency may use appropriated or other available funds to pay for—

"(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and professional certifications; and

"(2) examinations to obtain such credentials.

"(b) No authority under subsection (a) may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"5758. Expenses for credentials.".

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Cooperative Threat Reduction With States of the Former Soviet Union

SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2002 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2002 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1202. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $403,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2002 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $133,405,000.

(2) For strategic nuclear arms elimination in Ukraine, $51,500,000.

(3) For weapons of mass destruction infrastructure elimination in Ukraine, $6,024,000.

(4) For weapons of mass destruction infrastructure elimination in Kazakhstan, $6,000,000.

(5) For weapons transportation security in Russia, $9,500,000.

(6) For weapons storage security in Russia, $56,000,000.

(7) For implementation of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $41,700,000.

(8) For biological weapons proliferation prevention activities in the former Soviet Union, $17,000,000.

(9) For chemical weapons destruction in Russia, $50,000,000.

(10) For activities designated as Other Assessments/Administrative Support, $13,221,000.

(11) For defense and military contacts, $18,650,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (11) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2002 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2002 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in paragraph (7), (10) or (11) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1203. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 794; 22 U.S.C. 5952 note) is amended—

(1) by inserting "(a) LIMITATION.—" before "No fiscal year";

(2) in subsection (a), as so designated, by inserting before the period at the end the following: "until the Secretary of Defense submits to Congress a certification that there has been—

"(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

"(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

"(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

"(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;

"(5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and

"(6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility."; and

(3) by adding at the end the following new subsection:

"(b) OMISSION OF CERTAIN INFORMATION.—The Secretary may omit from the certification under subsection (a) the matter specified in paragraph (1) of that subsection, and the certification with the matter so omitted shall be effective for purposes of that subsection, if the Secretary includes with the certification notice to Congress of a determination by the Secretary that it is not in the national security interests of the United States for the matter specified in that paragraph to be included in the certification, together with a justification of the determination.".

SEC. 1204. MANAGEMENT OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) AUTHORITY OVER MANAGEMENT.—The Secretary of Defense shall have authority, direction, and control over the management of Cooperative Threat Reduction programs and the funds for such programs.

(b) IMPLEMENTING AGENT.—The Defense Threat Reduction Agency shall be the implementing agent of the Department of Defense for the functions of the Department relating to Cooperative Threat Reduction programs.

(c) SPECIFICATION OF FUNDS IN DEPARTMENT OF DEFENSE BUDGET.—The budget justification materials submitted to Congress in support of the budget of the Department of Defense for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall include amounts, if any, requested for such fiscal year for Cooperative Threat Reduction programs.

SEC. 1205. ADDITIONAL MATTER IN ANNUAL REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (at enacted by Public Law 106-398; 114 Stat. 1654A-341) is amended by adding at the end of the following new paragraph:

"(6) A description of the amount of the financial commitment from the international community, and from Russia, for the chemical weapons destruction facility located at Shchuch'ye, Russia, for the fiscal year beginning in the year in which the report is submitted.".

Subtitle B—Other Matters

SEC. 1211. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2002—The total amount of the assistance for fiscal year 2002 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking "2001" and inserting "2002".

SEC. 1212. COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS WITH NATO AND OTHER COUNTRIES.

(a) ELIGIBILITY OF FRIENDLY FOREIGN COUNTRIES.—Section 2350a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a) AUTHORITY TO ENGAGE IN COOPERATIVE R&D PROJECTS.—";

(B) by striking "major allies of the United States or NATO organizations" and inserting "countries or organizations referred to in paragraph (2)"; and

(C) by adding at the end the following new paragraph:

"(2) The countries and organizations with which the Secretary may enter into a memorandum of agreement (or other formal agreement) under paragraph (1) are as follows:

"(A) The North Atlantic Treaty Organization.

"(B) A NATO organization.

"(C) A member nation of the North Atlantic Treaty Organization.

"(D) A major non-NATO ally.

"(E) Any other friendly foreign country.";

(2) in subsection (b), by striking "its major non-NATO allies" and inserting "a country or organization referred to in subsection (a)(2)";

(3) in subsection (d)—

(A) in paragraph (1), by striking "the major allies of the United States" and inserting "countries and organizations referred to in subsection (a)(2)"; and

(B) in paragraph (2)—

(i) by striking "major ally of the United States" and inserting "country or organization referred to in subsection (a)(2)"; and

(ii) by striking "ally's" and inserting "country's or organization's";

(4) in subsection (e)(2)—

(A) in subparagraph (A), by striking "one or more of the major allies of the United States" and inserting "any country or organization referred to in subsection (a)(2)";

(B) in subparagraph (B), by striking "major allies of the United States or NATO organizations" and inserting "countries and organizations referred to in subsection (a)(2)";

(C) in subparagraph (C), by striking "major allies of the United States" and inserting "countries and organizations referred to in subsection (a)(2)"; and

(D) in subparagraph (D), by striking "major allies of the United States" and inserting "countries and organizations referred to in subsection (a)(2)";

(5) paragraphs (1)(A) and (4)(A) of subsection (g), by striking "major allies of the United States and other friendly foreign countries" and inserting "countries referred to in subsection (a)(2)"; and

(6) in subsection (i)—

(A) in paragraph (1), by striking "major allies of the United States or NATO organizations" and inserting "countries and organizations referred to in subsection (a)(2)";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (4) as paragraph (2), and by transferring that paragraph, as so redesignated, within that subsection and inserting the paragraph after paragraph (1).

(b) DELEGATION OF AUTHORITY TO DETERMINE ELIGIBILITY OF PROJECTS.—Subsection (b)(2) of such section is amended by striking "or the Under Secretary of Defense for Acquisition and Technology" and inserting "and to one other official of the Department of Defense".

(c) REVISION OF REQUIREMENT FOR ANNUAL REPORT ON ELIGIBLE COUNTRIES.—Subsection (f)(2) of such section is amended to read as follows:

"(2) Not later than January 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and on Foreign Relations of the Senate and to the Committees on Armed Services and on International Relations of the House of Representatives a report specifying—

"(A) the countries that are eligible to participate in a cooperative project agreement under this section; and

"(B) the criteria used to determine the eligibility of such countries.".

(d) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2350a. Cooperative research and development agreements: NATO and foreign countries".

(2) The item relating to such section in the table of sections at the beginning of subchapter II of chapter 138 of title 10, United States Code, is amended to read as follows:

"2350a. Cooperative research and development agreements: NATO and foreign countries.".

SEC. 1213. INTERNATIONAL COOPERATIVE AGREEMENTS ON USE OF RANGES AND OTHER FACILITIES FOR TESTING OF DEFENSE EQUIPMENT.

(a) AUTHORITY.—Chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350l. Cooperative use of ranges and other facilities for testing of defense equipment: agreements with foreign countries and international organizations

"(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may enter into a memorandum of understanding (or other formal agreement) with a foreign country or international organization to provide reciprocal access by the United States and such country or organization to each other's ranges and other facilities for testing of defense equipment.

"(b) PAYMENT OF COSTS.—A memorandum or other agreement entered into under subsection (a) shall include provisions for charging a user of a range or other facility for test and evaluation services furnished by the officers, employees, or governmental agencies of the supplying country or international organization under the memorandum or other agreement. The provisions for charging a user shall conform to the following pricing principles:

"(1) The user shall be charged the amount equal to the direct costs incurred by the country or international organization to supply the services.

"(2) The user may also be charged indirect costs of the use of the range or other facility, but only to the extent specified in the memorandum or other agreement.

"(c) RETENTION OF FUNDS COLLECTED BY THE UNITED STATES.—Amounts collected from the user of a range or other facility of the United States under a memorandum of understanding or other formal agreement entered into under subsection (a) shall be credited to the appropriation from which the costs incurred by the United States in providing support for the use of the range or other facility by that user were paid.

"(d) DELEGATION OF AUTHORITY.—The Secretary of Defense may delegate only to the Deputy Secretary of Defense and to one other official of the Department of Defense authority to determine the appropriateness of the amount of indirect costs charged the United States under a memorandum or other agreement entered into under subsection (a).

"(e) DEFINITIONS.—In this section:

"(1) The term 'direct cost', with respect to testing and evaluation under a memorandum or other agreement entered into under subsection (a)—

"(A) means any item of cost that—

"(i) is easily and readily identified to a specific unit of work or output within the range or other facility where the testing and evaluation occurred under the memorandum or other agreement; and

"(ii) would not have been incurred if the testing and evaluation had not taken place; and

"(B) may include costs of labor, materials, facilities, utilities, equipment, supplies, and any other resources of the range or other facility that are consumed or damaged in connection with—

"(i) the conduct of the test and evaluation; or

"(ii) the maintenance of the range or other facility for the use of the country or international organization under the memorandum or other agreement.

"(2) The term 'indirect cost', with respect to testing and evaluation under a memorandum or other agreement entered into under subsection (a)—

"(A) means any item of cost that cannot readily be identified directly to a specific unit of work or output; and

"(B) may include general and administrative expenses for such activities as supporting base operations, manufacturing, supervision, procurement of office supplies, and utilities that are accumulated costs allocated among several users.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"23501. Cooperative use of ranges and other facilities for testing of defense equipment: agreements with foreign countries and international organizations.".

SEC. 1214. CLARIFICATION OF AUTHORITY TO FURNISH NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

(a) REDESIGNATION OF EXISTING AUTHORITY.—(1) Section 2555 of title 10, United States Code, as added by section 1203 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–324), is redesignated as section 2565 of that title.

(2) The table of sections at the beginning of chapter 152 of that title is amended by striking the item relating to section 2555, as so added, and inserting the following new item:

"2565. Nuclear test monitoring equipment: furnishing to foreign governments.".

(b) CLARIFICATION OF AUTHORITY.—Section 2565 of that title, as so redesignated by subsection (a), is further amended—

(1) in subsection (a)—

(A) by striking "CONVEY OR" in the subsection heading and inserting "TRANSFER TITLE TO OR OTHERWISE";

(B) in paragraph (1)—

(i) by striking "convey" and inserting "transfer title"; and

(ii) by striking "and" at the end;

(C) by striking the period at the end of paragraph (2) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(3) inspect, test, maintain, repair, or replace any such equipment."; and

(2) in subsection (b)—

(A) by striking "conveyed or otherwise provided" and inserting "provided to a foreign government";

(B) by inserting "and" at the end of paragraph (1);

(C) by striking "; and" at the end of paragraph (2) and inserting a period; and

(D) by striking paragraph (3).

SEC. 1215. PARTICIPATION OF GOVERNMENT CONTRACTORS IN CHEMICAL WEAPONS INSPECTIONS AT UNITED STATES GOVERNMENT FACILITIES UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) AUTHORITY.—Section 303(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6723(b)(2)) is amended by inserting after "designation of employees of the Federal Government" the following: "(and, in the case of an inspection of a United States Government facility, the designation of contractor personnel who shall be led by an employee of the Federal Government)".

(b) CREDENTIALS.—Section 304(c) of such Act (22 U.S.C. 6724(c)) is amended by striking "Federal government" and inserting "Federal Government (and, in the case of an inspection of a United States Government facility, any accompanying contractor personnel)".

SEC. 1216. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) POLAND.—To the Government of Poland, the OLIVER HAZARD PERRY class guided missile frigate WADSWORTH (FFG 9).

(2) TURKEY.—To the Government of Turkey, the KNOX class frigates CAPODANNO (FF 1093), THOMAS C. HART (FF 1092), DONALD B. BEARY (FF 1085), McCANDLESS (FF 1084), REASONER (FF 1063), and BOWEN (FF 1079).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign governments and foreign governmental entities on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the KIDD class guided missile destroyers KIDD (DDG 993), CALLAGHAN (DDG 994), SCOTT (DDG 995), and CHANDLER (DDG 996).

(2) TURKEY.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates ESTOCIN (FFG 15) and SAMUEL ELIOT MORISON (FFG 13).

(c) ADDITIONAL CONGRESSIONAL NOTIFICATION NOT REQUIRED.—Except as provided in subsection (d), the following provisions do not apply with respect to transfers authorized by this section:

(1) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).

(2) Section 524 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2001 (as enacted by Public Law 106–429; 114 Stat. 1900A–30) and any similar successor provision.

(d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(e) COSTS OF TRANSFERS ON GRANT BASIS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer authorized to be made on a grant basis under subsection (a).

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 1217. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

"(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit composed of members of the United States Armed Forces.

"(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President determines that such action enhances or supports the national security interests of the United States.".

SEC. 1218. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

"(n) exercise the authority provided in subsection (c), upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be.".

SEC. 1219. ALLIED DEFENSE BURDENSHARING.

It is the sense of the Senate that—

(1) the efforts of the President to increase defense burdendsharing by allied and friendly nations deserve strong support;

(2) host nations support agreements with those nations in which United States military personnel are assigned to permanent duty ashore should be negotiated consistent with section 1221(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85) which sets forth a goal of obtaining financial contributions from host nations that amount to 75 percent of the nonpersonnel costs incurred by the United States Government for stationing military personnel in those nations.

SEC. 1220. RELEASE OF RESTRICTION ON USE OF CERTAIN VESSELS PREVIOUSLY AUTHORIZED TO BE SOLD.

Section 3603(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2273) is amended by striking "for full use as an oiler".

TITLE XIII—CONTINGENT AUTHORIZATION OF APPROPRIATIONS

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS CONTINGENT ON INCREASED ALLOCATION OF NEW BUDGET AUTHORITY.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the total amounts authorized to be appropriated under subtitle A of title I, sections 201, 301, and 302, and division B are authorized to be appropriated in accordance with those provisions without reduction under section 1302 only if—

(1) the Chairman of the Committee on the Budget of the Senate—

(A) determines, for the purposes of section 217(b) of the Concurrent Resolution on the Budget for Fiscal Year 2002, that the appropriation of all of the amounts specified in section 1302 would not, when taken together with all other previously enacted legislation (except for legislation enacted pursuant to section 211 of such concurrent resolution) reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by the concurrent resolution; and

(B) increases the allocation of new budget authority for defense spending in accordance with section 217(a) of the Concurrent Resolution on the Budget for Fiscal Year 2002; or

(2) the Senate—

(A) by a vote of at least three-fifths of the Members of the Senate duly chosen and sworn, waives the point of order under section 302(f) of the Congressional Budget and Impoundment Control Act of 1974 with respect to an appropriation bill or resolution that provides new budget authority for the National Defense major functional category (050) in excess of the amount specified for the defense category in section 203(c)(1)(A) of the Concurrent Resolution on the Budget for Fiscal Year 2002; and

(B) approves the appropriation bill or resolution.

(b) FULL OR PARTIAL AUTHORIZATION.—(1) If the total amount of the new budget authority allocated or available for the National Defense major functional category (050) for fiscal year 2002 is increased as described in subsection (a) by at least $18,448,601,000 over the amount of the new budget authority allocated for that category for fiscal year 2002 by the Concurrent Resolution on the Budget for Fiscal Year 2002, the reductions under section 1302 shall not be made.

(2) If the total amount of new budget authority allocated or available for the National Defense major functional category (050) for fiscal year 2002 is increased as described in subsection (a) by less than $18,448,601,000 over the amount of the new

budget authority allocated for that category for fiscal year 2002 by the Concurrent Resolution on the Budget for Fiscal Year 2002, each of the total amounts referred to in section 1302 shall be reduced by a proportionate amount of the difference between $18,448,601,000 and the amount of the increase in the allocated new budget authority.

SEC. 1302. REDUCTIONS.

Until such time as the amount of the new budget authority allocated or available for the National Defense major functional category (050) for fiscal year 2002 is increased as described in section 1301(a), the total amounts authorized to be appropriated by provisions of this Act are reduced as follows:

(1) For the total amount authorized to be appropriated for procurement by subtitle A of title I, the reduction is $2,100,854,000.

(2) For the total amount authorized to be appropriated for research, development, test and evaluation by section 201, the reduction is $3,033,434,000.

(3) For the total amount authorized to be appropriated for operation and maintenance by section 301, the reduction is $8,737,773,000.

(4) For the total amount authorized to be appropriated for working capital and revolving funds by section 302, the reduction is $1,018,394,000.

(5) For the total amount authorized to be appropriated by division B, the reduction is $348,065,000.

SEC. 1303. REFERENCE TO CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

For the purposes of this title, a reference to the Concurrent Resolution on the Budget for Fiscal Year 2002 is a reference to House Concurrent Resolution 83 (107th Congress, 1st session).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2002".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$5,150,000
	Fort Rucker	$11,400,000
	Redstone Arsenal	$7,200,000
Alaska	Fort Richardson	$115,000,000
	Fort Wainwright	$27,200,000
Arizona	Fort Huachuca	$6,100,000
Colorado	Fort Carson	$66,000,000
District of Columbia	Fort McNair	$11,600,000
Georgia	Fort Benning	$23,900,000
	Fort Gillem	$34,600,000
	Fort Gordon	$34,000,000
	Fort Stewart/Hunter Army Air Field	$39,800,000
Hawaii	Navy Public Works Center, Pearl Harbor	$11,800,000
	Pohakuloa Training Facility	$6,600,000
	Wheeler Army Air Field	$50,000,000
Illinois	Rock Island Arsenal	$3,500,000
Kansas	Fort Riley	$10,900,000
Kentucky	Fort Campbell	$88,900,000
	Fort Knox	$11,600,000
Louisiana	Fort Polk	$21,200,000
Maryland	Aberdeen Proving Ground	$58,300,000
	Fort Meade	$5,800,000
Missouri	Fort Leonard Wood	$7,850,000
New Jersey	Fort Monmouth	$20,000,000
New Mexico	White Sands Missile Range	$7,600,000
New York	Fort Drum	$37,850,000
North Carolina	Fort Bragg	$21,300,000
	Sunny Point Military Ocean Terminal	$11,400,000
Oklahoma	Fort Sill	$40,100,000
South Carolina	Fort Jackson	$62,000,000
Texas	Fort Hood	$86,200,000
	Fort Sam Houston	$2,250,000
Virginia	Fort Belvoir	$35,950,000
	Fort Eustis	$34,650,000
	Fort Lee	$23,900,000
Washington	Fort Lewis	$238,200,000
	Total:	$1,279,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bamberg	$36,000,000
	Area Support Group, Darmstadt	$13,500,000
	Baumholder	$9,000,000
	Hanau	$7,200,000
	Heidelberg	$15,300,000
	Mannheim	$16,000,000
	Wiesbaden Air Base	$26,300,000
Korea	Camp Carroll	$16,593,000
	Camp Casey	$8,500,000
	Camp Hovey	$35,750,000
	Camp Humphreys	$14,500,000
	Camp Jackson	$6,100,000
	Camp Stanley	$28,000,000
Kwajalein	Kwajalein Atoll	$11,000,000
	Total:	$243,743,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$4,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or county	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	32 Units	$12,000,000
Arizona	Fort Huachuca	72 Units	$10,800,000
Kansas	Fort Leavenworth	40 Units	$20,000,000
Texas	Fort Bliss	76 Units	$13,600,000
	Fort Sam Houston	80 Units	$11,200,000
Korea	Camp Humphreys	54 Units	$12,800,000
	Total:		$80,400,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $12,702,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $220,750,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,068,303,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,027,300,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $243,743,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $18,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $142,198,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $313,852,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,108,991,000.

(7) For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, $10,119,000, to remain available until expended.

(8) For the construction of the Cadet Development Center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $37,900,000.

(9) For the construction of a Barracks Complex—Tagaytay Street Phase 2C, Fort Bragg, North Carolina, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 824), $17,500,000.

(10) For the construction of a Barracks Complex—Wilson Street, Phase 1C, Schofield Barracks, Hawaii, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 824), $23,000,000.

(11) For construction of a Basic Combat Training Complex Phase 2, Fort Leonard Wood, Missouri, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–389), $27,000,000.

(12) For the construction of the Battle Simulation Center Phase 2, Fort Drum, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–389), $9,000,000.

(13) For the construction of a Barracks Complex—Bunter Road Phase 2, Fort Bragg, North Carolina, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–389), $49,000,000.

(14) For the construction of a Barracks Complex—Longstreet Road Phase 2, Fort Bragg, North Carolina, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–389), $27,000,000.

(15) For the construction of a Multipurpose Digital Training Range, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–389), $13,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $52,000,000 (the balance of the amount authorized under section 2101(a) for Barracks Complex D Street Phase at Fort Richardson, Alaska);

(3) $41,000,000 (the balance of the amount authorized under section 2101(a) for Barracks Complex—Nelson Boulevard (Phase I) at Fort Carson, Colorado);

(4) $36,000,000 (the balance of the amount authorized under section 2101(a) for Basic Combat Training Complex (Phase I) at Fort Jackson, South Carolina);

(5) $102,000,000 (the balance of the amount authorized under section 2101(a) for Barracks Complex—17th & B Street (Phase I) at Fort Lewis, Washington); and

(6) $21,500,000 (the balance of the amount authorized under section 2101(a) for Consolidated Logistics Complex (Phase I) at Fort Sill, Oklahoma).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $3,300,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–389) is amended—

(1) in the item relating to Fort Leonard Wood, Missouri, by striking "$65,400,000" in the amount column and inserting "$69,800,000";

(2) in the item relating to Fort Drum, New York, by striking "$18,000,000" in the amount column and inserting "$21,000,000";

(3) in the item relating to Fort Hood, Texas, by striking "$36,492,000" in the amount column and inserting "$39,492,000"; and

(4) by striking the amount identified as the total in the amount column and inserting "$626,374,000".

(b) CONFORMING AMENDMENTS.—Section 2104 of that Act (114 Stat. 1654A–391) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "$1,925,344,000" and inserting "$1,935,744,000"; and

(2) in subsection (b)—

(A) in paragraph (2), by striking "$22,600,000" and inserting "$27,000,000";

(B) in paragraph (3), by striking "$10,000,000" and inserting "$13,000,000"; and

(C) in paragraph (6), by striking "$6,000,000" and inserting "$9,000,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$22,570,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	$75,125,000
	Marine Corps Air Station, Camp Pendleton	$4,470,000
	Marine Corps Base, Camp Pendleton	$96,490,000
	Naval Air Facility, El Centro	$23,520,000
	Naval Air Station, Lemoore	$10,010,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	$13,730,000
	Naval Amphibious Base, Coronado	$8,610,000
	Naval Construction Battalion Center, Port Hueneme	$12,400,000
	Naval Construction Training Center, Port Hueneme	$3,780,000
	Naval Station, San Diego	$47,240,000
District of Columbia	Naval Air Facility, Washington	$9,810,000
Florida	Naval Air Station, Key West	$11,400,000
	Naval Air Station, Pensacola	$3,700,000
	Naval Air Station, Whiting Field, Milton	$2,140,000
	Naval Station, Mayport	$16,420,000
Hawaii	Marine Corps Base, Kaneohe	$24,920,000
	Naval Magazine, Lualualei	$6,000,000
	Naval Shipyard, Pearl Harbor	$20,000,000
	Naval Station, Pearl Harbor	$54,700,000
	Navy Public Works Center, Pearl Harbor	$16,900,000
Illinois	Naval Training Center, Great Lakes	$82,260,000
Indiana	Naval Surface Warfare Center, Crane	$5,820,000
Maine	Naval Air Station, Brunswick	$67,395,000
	Naval Shipyard, Kittery-Portsmouth	$14,620,000
Maryland	Naval Air Warfare Center, Patuxent River	$2,260,000
	Naval Explosive Ordinance Disposal Technology Center, Indian Head	$1,250,000
Mississippi	Naval Construction Battalion Center, Gulfport	$21,660,000
	Naval Air Station, Meridian	$3,370,000
	Naval Station, Pascagoula	$4,680,000
Missouri	Marine Corp Support Activity, Kansas City	$9,010,000
Nevada	Naval Air Station, Fallon	$6,150,000
New Jersey	Naval Weapons Station, Earle	$4,370,000
North Carolina	Marine Corps Air Station, New River	$4,050,000
	Marine Corps Base, Camp LeJeune	$67,070,000
Rhode Island	Naval Station, Newport	$15,290,000
	Naval Undersea Warfare Center, Newport	$9,370,000
South Carolina	Marine Corps Air Station, Beaufort	$8,020,000
	Marine Corps Recruit Depot, Parris Island	$5,430,000
Tennessee	Naval Support Activity, Millington	$3,900,000
Texas	Naval Air Station, Kingsville	$6,160,000
Virginia	Marine Corps Air Facility, Quantico	$3,790,000
	Marine Corps Combat Development Command, Quantico	$9,390,000
	Naval Station, Norfolk	$139,270,000
Washington	Naval Air Station, Whidbey Island	$7,370,000
	Naval Station, Everett	$6,820,000
	Strategic Weapons Facility, Bangor	$3,900,000
	Total:	$996,610,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity Joint Headquarters Command, Larissa	$12,240,000
	Naval Support Activity, Souda Bay	$3,210,000
Guam	Naval Station, Guam	$9,300,000
	Navy Public Works Center, Guam	$14,800,000
Iceland	Naval Air Station, Keflavik	$2,820,000
Italy	Naval Air Station, Sigonella	$3,060,000
Spain	Naval Station, Rota	$2,240,000
	Total:	$47,670,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State or country	Installation or location	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	51 Units	$9,017,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	74 Units	$16,250,000
Hawaii	Marine Corps Base, Kaneohe	172 Units	$55,187,000
	Naval Station, Pearl Harbor	70 Units	$16,827,000
Mississippi	Naval Construction Battalion Center, Gulfport	160 Units	$23,354,000
Italy	Naval Air Station, Sigonella	10 Units	$2,403,000
		Total:	$123,038,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,499,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $183,054,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Navy, in the total amount of $2,377,634,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $963,370,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $47,670,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $10,546,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,752,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $312,591,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $918,095,000.

(6) For replacement of a pier at Naval Station, San Diego, California, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398); 114 Stat. 1654A-395), $17,500,000.

(7) For replacement of Pier Delta at Naval Station, Bremerton, Washington, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001, $24,460,000.

(8) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp Smith, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 828), $37,580,000.

(9) For construction of an Advanced Systems Integration Facility, phase 6, at Naval Air Warfare Center, Patuxent River, Maryland, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2590), $10,770,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $33,240,000 (the balance of the amount authorized under section 2201(a) for Pier Replacement (Increment I), Naval Station, Norfolk, Virginia).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $700,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398); 114 Stat. 1654A-395) is amended—

(1) in the item relating to Naval Shipyard, Bremerton, Puget Sound, Washington, by striking "$100,740,000" in the amount column and inserting "$98,740,000";

(2) in the item relating to Naval Station, Bremerton, Washington, by striking "$11,930,000" in the amount column and inserting "$1,930,000"; and

(3) by striking the amount identified as the total in the amount column and inserting "$799,497,000".

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 828) is amended—

(1) in the item relating to Camp Smith, Hawaii, by striking "$86,050,000" in the amount column and inserting "$89,050,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$820,230,000".

(b) CONFORMING AMENDMENT.—Section 2204(b)(3) of that Act (113 Stat. 831) is amended by striking "$70,180,000" and inserting "$73,180,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$34,400,000
Alaska	Eareckson Air Force Base	$4,600,000
	Elmendorf Air Force Base	$32,200,000
Arizona	Davis-Monthan Air Force Base	$17,300,000
Arkansas	Little Rock Air Force Base	$18,100,000
California	Edwards Air Force Base	$16,300,000
	Los Angeles Air Force Base	$23,000,000
	Travis Air Force Base	$16,400,000
	Vandenberg Air Force Base	$11,800,000
Colorado	Buckley Air Force Base	$23,200,000
	Schriever Air Force Base	$19,000,000
	United States Air Force Academy	$25,500,000
Delaware	Dover Air Force Base	$7,300,000
District of Columbia	Bolling Air Force Base	$2,900,000
Florida	Cape Canaveral Air Force Station	$7,800,000
	Eglin Air Force Base	$11,400,000
	Hurlburt Field	$10,400,000
	MacDill Air Force Base	$10,000,000
	Tyndall Air Force Base	$15,050,000
Georgia	Moody Air Force Base	$8,600,000
	Robins Air Force Base	$14,650,000
Idaho	Mountain Home Air Force Base	$14,600,000
Louisiana	Barksdale Air Force Base	$5,000,000
Maryland	Andrews Air Force Base	$19,420,000
Massachusetts	Hanscom Air Force Base	$9,400,000
Mississippi	Columbus Air Force Base	$5,000,000
	Keesler Air Force Base	$28,600,000
Montana	Malmstrom Air Force Base	$4,650,000
Nebraska	Offet Air Force Base	$10,400,000
Nevada	Nellis Air Force Base	$31,600,000
New Jersey	McGuire Air Force Base	$36,550,000
New Mexico	Cannon Air Force Base	$9,400,000
	Kirtland Air Force Base	$15,500,000
North Carolina	Pope Air Force Base	$17,800,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
North Dakota	Grand Forks Air Force Base	$7,800,000
Ohio	Wright-Patterson Air Force Base	$24,850,000
Oklahoma	Altus Air Force Base	$20,200,000
	Tinker Air Force Base	$21,400,000
	Vance Air Force Base	$4,800,000
South Carolina	Shaw Air Force Base	$5,800,000
South Dakota	Ellsworth Air Force Base	$12,000,000
Tennessee	Arnold Air Force Base	$24,400,000
Texas	Lackland Air Force Base	$12,800,000
	Laughlin Air Force Base	$12,000,000
	Sheppard Air Force Base	$37,000,000
Utah	Hill Air Force Base	$14,000,000
Virginia	Langley Air Force Base	$47,300,000
Washington	Fairchild Air Force Base	$2,800,000
	McChord Air Force Base	$20,700,000
Wyoming	F.E. Warren Air Force Base	$10,200,000
	Total:	$811,370,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	$42,900,000
	Spangdahlem Air Base	$8,700,000
Guam	Andersen Air Force Base	$10,150,000
Italy	Aviano Air Base	$11,800,000
Korea	Kunsan Air Base	$12,000,000
	Osan Air Base	$101,142,000
Oman	Masirah Island	$8,000,000
Turkey	Eskisehir	$4,000,000
United Kingdom	Royal Air Force, Lakenheath	$11,300,000
	Royal Air Force, Mildenhall	$22,400,000
Wake Island	Wake Island	$25,000,000
	Total:	$257,392,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location and in the amount, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$4,458,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or country	Installation or location	Purpose	Amount
Arizona	Luke Air Force Base	120 Units	$15,712,000
California	Travis Air Force Base	118 Units	$18,150,000
Colorado	Buckley Air Force Base	55 Units	$11,400,000
Delaware	Dover Air Force Base	120 Units	$18,145,000
District of Columbia	Bolling Air Force Base	136 Units	$16,926,000
Hawaii	Hickam Air Force Base	102 Units	$25,037,000
Louisiana	Barksdale Air Force Base	56 Units	$7,300,000
South Dakota	Ellsworth Air Force Base	78 Units	$13,700,000
Virginia	Langley Air Force Base	4 Units	$1,200,000
Portugal	Lajes Field, Azores	64 Units	$13,230,000
		Total:	$140,800,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,558,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $375,379,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,587,791,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $816,070,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $257,392,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $4,458,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,250,000.

(5) For architectural and engineering services and construction design under section

2807 of title 10, United States Code, $90,419,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $542,381,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $869,121,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $3,300,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–400) is amended in the item relating to Mountain Home Air Force Base, Idaho, by striking "119 Units" in the purpose column and inserting "46 Units".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity	Laurel Bay, South Carolina	$12,850,000
	Marine Corps Base, Camp LeJeune, North Carolina	$8,857,000
Defense Logistics Agency	Defense Distribution Depot Tracy, California	$30,000,000
	Defense Distribution Depot, Susquehanna, New Cumberland, Pennsylvania	$19,900,000
	Eielson Air Force Base, Alaska	$8,800,000
	Fort Belvoir, Virginia	$900,000
	Grand Forks Air Force Base, North Dakota	$9,110,000
	Hickam Air Force Base, Hawaii	$29,200,000
	McGuire Air Force Base, New Jersey	$4,400,000
	Minot Air Force Base, North Dakota	$14,000,000
	Philadelphia, Pennsylvania	$2,429,000
	Pope Air Force Base, North Carolina	$3,400,000
Special Operations Command	Aberdeen Proving Ground, Maryland	$3,200,000
	Fort Benning, Georgia	$5,100,000
	Fort Bragg, North Carolina	$33,562,000
	Fort Lewis, Washington	$6,900,000
	Hurlburt Field, Florida	$13,400,000
	MacDill Air Force Base, Florida	$12,000,000
	Naval Station, San Diego, California	$13,650,000
	CONUS Classified	$2,400,000
TRICARE Management Activity	Andrews Air Force Base, Maryland	$10,250,000
	Dyess Air Force Base, Texas	$3,300,000
	F.E. Warren Air Force Base, Wyoming	$2,700,000
	Fort Hood, Texas	$12,200,000
	Fort Stewart/Hunter Army Air Field, Georgia	$11,000,000
	Holloman Air Force Base, New Mexico	$5,700,000
	Hurlburt Field, Florida	$8,800,000
	Marine Corps Base, Camp Pendleton, California	$15,300,000
	Marine Corps Logistics Base, Albany, Georgia	$5,800,000
	Naval Air Station, Whidbey Island, Washington	$6,600,000
	Naval Hospital, Twentynine Palms, California	$1,600,000
	Naval Station, Mayport, Florida	$24,000,000
	Naval Station, Norfolk, Virginia	$21,000,000
	Schriever Air Force Base, Colorado	$4,000,000
Washington Headquarters Services	Pentagon Reservation, Virginia	$25,000,000
	Total:	$391,308,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Aviano Air Base, Italy	$3,647,000
	Geilenkirchen, Germany	$1,733,000
	Heidelberg, Germany	$3,312,000
	Kaiserslautern, Germany	$1,439,000
	Kitzingen, Germany	$1,394,000
	Landstuhl, Germany	$1,444,000
	Ramstein Air Base, Germany	$2,814,000
	Royal Air Force, Feltwell, United Kingdom	$22,132,000
	Vogelweh Annex, Germany	$1,558,000
	Wiesbaden Air Base, Germany	$1,378,000
	Wuerzburg, Germany	$2,684,000
Defense Logistics Agency	Andersen Air Force Base, Guam	$20,000,000
	Camp Casey, Korea	$5,500,000
	Naval Station, Rota, Spain	$3,000,000
	Yokota Air Base, Japan	$13,000,000
Office of Secretary of Defense	Comalapa Air Base, El Salvador	$12,577,000
TRICARE Management Activity	Heidelberg, Germany	$28,000,000
	Lajes Field, Azores, Portugal	$3,750,000
	Thule, Greenland	$10,800,000
	Total:	$140,162,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $35,600,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,492,956,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $391,308,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $140,162,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $24,492,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $87,382,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $35,600,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $592,200,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $250,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $43,762,000 of which not more than $37,298,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,000,000.

(9) For construction of the Ammunition Demilitarization Facility Phase 6, Pine Bluff Arsenal, Arkansas, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 538), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), and section 2408 of this Act, $26,000,000.

(10) For construction of the Ammunition Demilitarization Facility Phase 3, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), $11,000,000.

(11) For construction of the Ammunition Demilitarization Facility Phase 4, Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $66,000,000.

(12) For construction of the Ammunition Demilitarization Facility phase 4, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), as amended by section 2407 of this Act, $66,500,000.

(13) For construction of the Ammunition Demilitarization Facility Phase 2, Blue Grass Army Depot, Kentucky, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2406 of this Act, $3,000,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) Adjustment.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (8) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $1,700,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2404. CANCELLATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) Cancellation of Projects at Camp Pendleton, California.—(1) The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–402) is amended—

(A) by striking the item relating to Marine Corps Base, Camp Pendleton, California, under the heading TRICARE Management Activity; and

(B) by striking the amount identified as the total in the amount column and inserting "$242,756,000".

(2) Of the amount authorized to be appropriated by section 2403(a) of that Act (114 Stat. 1654A–404), and paragraph (1) of that section, $14,150,000 shall be available for purposes relating to construction of the Portsmouth Naval Hospital, Virginia, as authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189). Such amount is the amount authorized to be appropriated by section 2403(a) of the Military Construction Authorization Act for Fiscal Year 2001 for purposes authorized in section 2401(a) of that Act relating to Marine Corps Base, Camp Pendleton, California.

(b) Conforming Amendments.—Section 2403(a) of that Act is amended—

(1) in the matter preceding paragraph (1), by striking "$1,883,902,000" and inserting "$1,828,902,000"; and

(2) in paragraph (3), by striking "$85,095,000" and inserting "$30,095,000".

SEC. 2405. CANCELLATION OF AUTHORITY TO CARRY OUT ADDITIONAL FISCAL YEAR 2001 PROJECT.

(a) Cancellation of Authority.—Section 2401(c) the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–404) is amended by striking "$451,135,000" and inserting "$30,095,000".

(b) Conforming Amendments.—Section 2403 of that Act is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "$1,883,902,000" and inserting "$1,828,902,000"; and

(B) in paragraph (3), by striking "$85,095,000" and inserting "$30,095,000"; and

(2) in subsection (b), by striking "may not exceed—" and all that follows through the end of the subsection and inserting "may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).".

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) Modification.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835) is amended—

(1) in the item under the heading Chemical Demilitarization relating to Blue Grass Army Depot, Kentucky, by striking "$206,800,000" and inserting "$254,030,000";

(2) under the heading relating to TRICARE Management Agency—

(A) in the item relating to Fort Wainwright, Alaska, by striking "$133,000,000" and inserting "$215,000,000"; and

(B) by striking the item relating to Naval Air Station, Whidbey Island, Washington; and

(3) by striking the amount identified as the total in the amount column and inserting "$711,950,000".

(b) Conforming Amendments.—Section 2405(b) of that Act (113 Stat. 839) is amended—

(1) in paragraph (2), by striking "$115,000,000" and inserting "$197,000,000"; and

(2) in paragraph (3), by striking "$184,000,000" and inserting "$231,230,000".

(c) Treatment of Authorization of Appropriations for Canceled Project.—Of the amount authorized to be appropriated by section 2405(a) of that Act (113 Stat. 837), and paragraph (1) of that section, $4,700,000 shall be available for purposes relating to construction of the Portsmouth Naval Hospital, Virginia, as authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189). Such amount is the amount authorized to be appropriated by section 2405(a) of the Military Construction Authorization Act for Fiscal Year 2000 for purposes authorized in section 2401(a) of that Act relating to Naval Air Station, Whidbey Island, Washington.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) Modification.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193) is amended—

(1) in the item under the agency heading Chemical Demilitarization relating to Aberdeen Proving Ground, Maryland, by striking "$186,350,000" in the amount column and inserting "$223,950,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$727,616,000".

(b) Conforming Amendment.—Section 2404(b)(3) of that Act (112 Stat. 2196) is amended by striking "$158,000,000" and inserting "$195,600,000".

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), is further amended under the agency heading relating to Chemical Weapons and Munitions Destruction in the item relating to Pine Bluff Arsenal, Arkansas, by striking "$154,400,000" in the amount column and inserting "$177,400,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $162,600,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2001, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $365,240,000; and

(B) for the Army Reserve, $111,404,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $33,641,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $227,232,000; and

(B) for the Air Force Reserve, $53,732,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Delaware	Dover Air Force Base	Replace Family Housing (55 units).	$8,998,000
Florida	Patrick Air Force Base	Replace Family Housing (46 units).	$9,692,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (37 units).	$6,400,000
Ohio	Wright-Patterson Air Force Base	Replace Family Housing (40 units).	$5,600,000

Army National Guard: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Massachusetts	Westfield	Army Aviation Support Facility.	$9,274,000
South Carolina	Spartanburg	Readiness Center	$5,260,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–408)), shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units).	$7,900,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replacement Family Housing Construction (94 units).	$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units).	$28,881,000

Navy: Extension of 1998 Project Authorizations—Continued

State	Installation or location	Project	Amount
Louisiana	Naval Complex, New Orleans	Replacement Family Housing Construction (100 units).	$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units).	$22,250,000

Air Force: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units).	$20,900,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2001; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLDS FOR CERTAIN UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) PROJECTS REQUIRING ADVANCE APPROVAL OF SECRETARY CONCERNED.—Subsection (b)(1) of section 2805 of title 10, United States Code, amended by striking "$500,000" and inserting "$750,000".

(b) PROJECTS USING AMOUNTS FOR OPERATION AND MAINTENANCE.—Subsection (c)(1) of that section is amended—

(1) in subparagraph (A), by striking "$1,000,000" and inserting "$1,500,000"; and

(2) in subparagraph (B), by striking "$500,000" and inserting "$750,000".

SEC. 2802. UNFORESEEN ENVIRONMENTAL HAZARD REMEDIATION AS BASIS FOR AUTHORIZED COST VARIATIONS FOR MILITARY CONSTRUCTION AND FAMILY HOUSING CONSTRUCTION PROJECTS.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

"(d) The limitation on cost increases in subsection (a) does not apply to the following:

"(1) The settlement of a contractor claim under a contract.

"(2) The cost of any environmental hazard remediation required by law, including asbestos removal, radon abatement, and lead-based paint removal or abatement, if such remediation could not have reasonably been anticipated at the time the project was approved originally by Congress.".

SEC. 2803. REPEAL OF REQUIREMENT FOR ANNUAL REPORTS TO CONGRESS ON MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) REPEAL.—Section 2861 of title 10, United States Code is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2861.

SEC. 2804. AUTHORITY AVAILABLE FOR LEASE OF PROPERTY AND FACILITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) LEASE AUTHORITIES AVAILABLE.—Section 2878 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) LEASE AUTHORITIES AVAILABLE.—(1) The Secretary concerned may use any authority or combination of authorities available under section 2667 of this title in leasing property or facilities under this section to the extent such property or facilities, as the case may be, are described by subsection (a)(1) of such section 2667.

"(2) The limitation in subsection (b)(1) of section 2667 of this title shall not apply with respect to a lease of property or facilities under this section.".

(b) CONFORMING AMENDMENT.—Subsection (e) of that section, as redesignated by subsection (a) of this section, is further amended—

(1) by striking paragraph (1); and

(2) by redesignated paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(c) TECHNICAL AMENDMENT.—Paragraph (3) of subsection (e) of that section, as redesignated by this section, is further amended by striking "Stewart B. McKinney Homeless Assistance Act" and inserting "McKinney-Vento Homeless Assistance Act".

SEC. 2805. FUNDS FOR HOUSING ALLOWANCES OF MEMBERS ASSIGNED TO MILITARY FAMILY HOUSING UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2883 the following new section:

"§ 2883a. Funds for housing allowances of members of the armed forces assigned to certain military family housing units

"To the extent provided in advance in appropriations Acts, the Secretary of Defense may, during the fiscal year in which a contract is awarded for the acquisition or construction of military family housing units under this subchapter that are not to be owned by the United States, transfer from appropriations available for support of military housing for the armed force concerned for that fiscal year to appropriations available for pay and allowances of military personnel of that armed force for that fiscal year amounts equal to any additional amounts payable during that fiscal year to members of that armed force assigned to such housing units as basic allowance for housing under section 403 of title 37 that would not otherwise have been payable to such members if not for assignment to such housing units.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by inserting after the item relating to section 2883 the following new item:

"2883a. Funds for housing allowances of members of the armed forces assigned to certain military family housing units.".

SEC. 2806. AMENDMENT OF FEDERAL ACQUISITION REGULATION TO TREAT FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.

(a) DETERMINATION OF ADVISABILITY OF AMENDMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall determine whether or not it is advisable to modify the Federal Acquisition Regulation in order to provide that a contract for utility services from a utility system conveyed under section 2688(a) of title 10, United States Code, may include terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.

(b) REPORT.—If as of the date that is 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council has not modified the Federal Acquisition Regulation to provide that a contract described in subsection (a) may include terms and conditions described in that subsection, or otherwise taken action to provide that a contract referred to in that subsection may include terms and conditions described in that subsection, the Secretary shall submit to Congress on that date a report setting forth a justification for the failure to take such actions.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AVAILABILITY OF PROCEEDS OF SALES OF DEPARTMENT OF DEFENSE PROPERTY FROM CLOSED MILITARY INSTALLATIONS.

Section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) In the case of property located at a military installation that is closed, such amount shall be available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over such property before the closure of the military installation.

"(B) In the case of property located at any other military installation—

"(i) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where such property was located before it was disposed of or transferred; and

"(ii) 50 percent of such amount shall be available for facility maintenance and repair and for environmental restoration by the military department that had jurisdiction over such property before it was disposed of or transferred.".

SEC. 2812. PILOT EFFICIENT FACILITIES INITIATIVE.

(a) Initiative Authorized.—The Secretary of Defense may carry out a pilot program for purposes of determining the potential for increasing the efficiency and effectiveness of the operation of military installations. The pilot program shall be known as the "Pilot Efficient Facilities Initiative" (in this section referred to as the "Initiative").

(b) Designation of Participating Facilities.—(1) The Secretary may designate up to two installations of each military department for participation in the Initiative.

(2) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a written notification of each installation proposed to be included in the Initiative not less than 30 days before taking any action to carry out the Initiative at such installation.

(3) The Secretary shall include in the notification regarding an installation designated for participation in the Initiative a management plan for the Initiative at the installation. Each management plan for an installation shall include the following:

(A) A description of—

(i) each proposed lease of real or personal property located at the installation;

(ii) each proposed disposal of real or personal property located at the installation;

(iii) each proposed leaseback of real or personal property leased or disposed of at the installation;

(iv) each proposed conversion of services at the installation from Federal Government performance to non-Federal Government performance, including performance by contract with a State or local government or private entity or performance as consideration for the lease or disposal of property at the installation; and

(v) each other action proposed to be taken to improve mission effectiveness and reduce the cost of providing quality installation support at the installation.

(B) With respect to each proposed action described under subparagraph (A)—

(i) an estimate of the savings expected to be achieved as a result of the action;

(ii) each regulation not required by statute that is proposed to be waived to implement the action; and

(iii) each statute or regulation required by statute that is proposed to be waived to implement the action, including—

(I) an explanation of the reasons for the proposed waiver; and

(II) a description of the action to be taken to protect the public interests served by the statute or regulation, as the case may be, proposed to be waived in the event of the waiver.

(C) A description of the steps taken by the Secretary to consult with employees at the facility, and communities in the vicinity of the facility, regarding the Initiative at the installation.

(D) Measurable criteria for the evaluation of the effects of the actions to be taken pursuant to the Initiative at the installation.

(c) Waiver of Statutory Requirements.—The Secretary of Defense may waive any statute or regulation required by statute for purposes of carrying out the Initiative only if specific authority for the waiver of such statute or regulation is provided in an Act that is enacted after the date of the enactment of this Act.

(d) Installation Efficiency Project Fund.—(1) There is established on the books of the Treasury a fund to be known as the "Installation Efficiency Project Fund" (in this subsection referred to as the "Fund").

(2) There shall be deposited in the Fund all cash rents, payments, reimbursements, proceeds and other amounts from leases, sales, or other conveyances or transfers, joint activities, and other actions taken under the Initiative.

(3) To the extent provided in advance in authorization Acts and appropriations Acts, amounts in the Fund shall be available to the Secretary concerned for purposes of managing capital assets and providing support services at installations participating in the Initiative. Amounts in the Fund may be used for such purposes in addition to, or in combination with, other amounts authorized to appropriated for such purposes. Amounts in the Fund shall be available for such purposes for five years.

(4) Subject to applicable financial management regulations, the Secretary of Defense shall structure the Fund, and provide administrative policies and procedures, in order provide proper control of deposits in and disbursements from the Fund.

(e) Termination.—The authority of the Secretary to carry out the Initiative shall terminate four years after the date of the enactment of this Act.

(f) Report.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the committees of Congress referred to in subsection (b)(2) a report on the Initiative. The report shall contain a description of the actions taken under the Initiative and include such other information, including recommendations, as the Secretary considers appropriate in light of the Initiative.

SEC. 2813. DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS.

(a) Authority To Carry Out Program.—Subject to the provisions of this section, the Secretary of the Army may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts for military construction projects. The purpose of the demonstration program is to determine whether or not such requirements facilitate reductions in the long-term facility maintenance costs of the military departments.

(b) Contracts.—(1) The demonstration program shall cover contracts entered into on or after the date of the enactment of this Act.

(2) Not more than three contracts entered into in any year may contain requirements referred to in subsection (a) for the purpose of the demonstration program.

(c) Effective Period of Requirements.—The effective period of a requirement referred to in subsection (a) that is included in a contract for the purpose of the demonstration program shall be any period elected by the Secretary not in excess of five years.

(d) Reports.—(1) Not later than January 31, 2003, and annually thereafter until the year following the cessation of effectiveness of any requirements referred to in subsection (a) in contracts under the demonstration program, the Secretary shall submit to the congressional defense committees a report on the demonstration program.

(2) Each report under paragraph (1) shall include, for the year covered by such report, the following:

(A) A description of the contracts entered into during the year that contain requirements referred to in subsection (a) for the purpose of the demonstration program.

(B) The experience of the Secretary during the year with respect to any contracts containing requirements referred to in subsection (a) for the purpose of the demonstration program that were in force during the year.

(3) The final report under this subsection shall include, in addition to the matters required under paragraph (2), an evaluation of the demonstration program and any recommendations, including recommendations for the termination, continuation, or expansion of the demonstration program, that the Secretary considers appropriate.

(e) Expiration.—The authority under subsection (a) to include requirements referred to in that subsection in contracts under the demonstration program shall expire on September 30, 2006.

(f) Funding.—Amounts authorized to be appropriated for the Army for a fiscal year for military construction shall be available for the demonstration program under this section in such fiscal year.

Subtitle C—Land Conveyances

SEC. 2821. LAND CONVEYANCE, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the Commonwealth of Virginia (in this section referred to as the "Commonwealth") all right, title, and interest of United States in and to two parcels of real property, including any improvements thereon, located at the Engineer Proving Ground, Fort Belvoir, Virginia, as follows:

(1) The parcel, consisting of approximately 170 acres, that is to be used for a portion of the Fairfax County Parkway, including for construction of that portion of the parkway.

(2) The parcel, consisting of approximately 11.45 acres, that is subject to an easement previously granted to the Commonwealth as Army easement DACA 31–3–96–440 for the construction of a portion of Interstate Highway 95.

(b) Consideration.—As consideration for the conveyance under subsection (a), the Commonwealth shall—

(1) design and construct, at its expense and for public benefit, the portion of the Fairfax County Parkway through the Engineer Proving Ground;

(2) provide a conceptual design for eventual incorporation and construction by others of access into the Engineer Proving Ground at the Rolling Road Interchange from Fairfax County Parkway as specified in Virginia Department of Transportation Project #R000–029–249, C514;

(3) provide such easements or rights of way for utilities under or across the Fairfax County Parkway as the Secretary considers appropriate for the optimum development of the Engineer Proving Ground; and

(4) pay the United States an amount, jointly determined by the Secretary and the Commonwealth, appropriate to cover the costs of constructing a replacement building for building 5089 located on the Engineer Proving Ground.

(c) Responsibility for Environmental Cleanup.—The Secretary shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the property conveyed under subsection (a) as of the date of the conveyance under that subsection.

(d) Acceptance and Disposition of Funds.—(1) The Secretary of the Army may accept the funds paid by the Commonwealth as consideration under subsection (b)(4) and shall credit the accepted funds to the appropriation or appropriations that are appropriate for paying the costs of the replacement of Building 5089, located on the Engineer Proving Ground, Fort Belvoir, Virginia, consistent with paragraphs (2) and (3) of this subsection.

(2) Funds accepted under paragraph (1) shall be available, until expended, for the replacement of Building 5089.

(3) Funds appropriated pursuant to the authorization of appropriations in section 301(1), and funds appropriated pursuant to the authorization of appropriations in section 2104(a)(4), shall be available in accordance with section 2805 of title 10, United States Code, for the excess, if any, of the cost of the replacement of Building 5089 over the amount available for such project under paragraph (2).

(e) DESCRIPTION OF PROPERTY.—(1) The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commonwealth.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (a)(2) are as set forth in Army easement DACA 31–3–96–440.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. MODIFICATION OF AUTHORITY FOR CONVEYANCE OF NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.

Section 2853(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–430) is amended by inserting "any or" before "all right".

SEC. 2823. LAND TRANSFER AND CONVEYANCE, NAVAL SECURITY GROUP ACTIVITY, WINTER HARBOR, MAINE.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—(1) The Secretary of the Navy may transfer to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted as Tract 15–116 on the map entitled "Acadia National Park Schoodic Point Area", numbered 123/80,418 and dated May 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 71 acres, as depicted as Tract 15–115 on the map referred to in paragraph (1), from the Secretary of the Navy to the Secretary of the Interior as authorized by Public Law 80–260 (61 Stat. 519) and to be executed on or about June 30, 2002.

(b) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, less the real property described in subsection (a)(1), for the purpose of economic redevelopment.

(c) TRANSFER OF PERSONAL PROPERTY.—The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior in the case of the real property transferred under subsection (a), or to any recipient of such real property in the case of real property conveyed under subsection (b), any or all personal property associated with such real property so transferred or conveyed, including any personal property required to continue the maintenance of the infrastructure of such real property (including the generators for an uninterrupted power supply in building 154 at the Corea site).

(d) MAINTENANCE OF PROPERTY PENDING CONVEYANCE.—(1) The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) in accordance with the protection and maintenance standards specified in section 101–47.4913 of title 41, Code of Federal Regulations, until the earlier of—

(A) the date of the conveyance of such real property under subsection (b); or

(B) September 30, 2003.

(2) The requirement in paragraph (1) shall not be construed as authority to improve the real property, improvements, and infrastructure referred to in that paragraph so as to bring such real property, improvements, or infrastructure into compliance with any zoning or property maintenance codes or to repair any damage to such improvements and infrastructure through an Act of God.

(e) INTERIM LEASE.—(1) Until such time as any parcel of real property to be conveyed under subsection (b) is conveyed by deed under that subsection, the Secretary of the Navy may lease such parcel to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be the amount determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(3) Notwithstanding any other provision of law, the Secretary shall credit any amount received for a lease of real property under paragraph (1) to the appropriation or account providing funds for the operation and maintenance of such property or for the procurement of utility services for such property. Amounts so credited shall be merged with funds in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

(f) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary of the Navy may require each recipient of real property conveyed under subsection (b) to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis carried out by the Secretary with respect to such property before completing the conveyance under that subsection.

(2) The amount of any reimbursement required under paragraph (1) shall be determined by the Secretary, but may not exceed the cost of the assessment, study, or analysis for which reimbursement is required.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property transferred under subsection (a), and each parcel of real property conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of any survey under the preceding sentence for real property conveyed under subsection (b) shall be borne by the recipient of the real property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. CONVEYANCE OF SEGMENT OF LORING PETROLEUM PIPELINE, MAINE, AND RELATED EASEMENTS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Loring Development Authority, Maine (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to the segment of the Loring Petroleum (POL) Pipeline, Maine, consisting of approximately 27 miles in length and running between the Searsport terminal and Bangor Air National Guard Base.

(b) RELATED EASEMENTS.—As part of the conveyance authorized by subsection (a), the Secretary may convey to the Authority, without consideration, all right, title, and interest of the United States in and to any easements or rights-of-way necessary for the operation or maintenance of the segment of pipeline conveyed under that subsection.

(c) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Authority shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for a conveyance authorized by this section.

(2) The amount of the reimbursement under paragraph (1) for an activity shall be determined by the Secretary, but may not exceed the cost of the activity.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the segment of pipeline conveyed under subsection (a), and of any easements or rights-of-way conveyed under subsection (b), shall be determined by surveys and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the preceding sentence shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND CONVEYANCE, PETROLEUM TERMINAL SERVING FORMER LORING AIR FORCE BASE AND BANGOR AIR NATIONAL GUARD BASE, MAINE.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey to the Maine Port Authority of the State of Maine (in this section referred to as the "Authority") all right, title, and interest of the United States in and to the Petroleum Terminal (POL) at Mack Point, Searsport, Maine, which served former Loring Air Force Base and Bangor Air National Guard Base, Maine.

(2) The conveyance under paragraph (1) may include the following:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 20 acres and comprising a portion of the Petroleum Terminal.

(B) Any additional fuel tanks, other improvements, and equipment located on the 43-acre parcel of property adjacent to the property described in subparagraph (A), and currently leased by the Secretary, which constitutes the remaining portion of the Petroleum Terminal.

(b) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance under subsection (a) unless the Authority agrees to utilize the property to be conveyed under that subsection solely for economic development purposes.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the Authority shall lease to the Air Force approximately one acre of the real property conveyed under that subsection, together with any improvements thereon, that constitutes the Aerospace Fuels Laboratory (also known as Building 14).

(2) The real property leased under this subsection shall include the parking lot, outbuildings, and other improvements associated with the Aerospace Fuels Laboratory and such easements of ingress and egress to the real property, including easements for utilities, as are required for the operations of the Aerospace Fuels Laboratory.

(3) As part of the lease of real property under this subsection, the Authority shall maintain around the real property for the term of the lease a zone, not less than 75 feet in depth, free of improvements or encumbrances.

(4) The lease under this subsection shall be without cost to the United States.

(5) The term of the lease under this subsection may not exceed 25 years. If operations at the Aerospace Fuels Laboratory cease before the expiration of the term of the lease otherwise provided for under this subsection, the lease shall be deemed to have expired upon the cessation of such operations.

(d) CONVEYANCE CONTINGENT ON EXPIRATION OF LEASE OF FUEL TANKS.—The Secretary may not make the conveyance under subsection (a) until the expiration of the lease referred to in paragraph (2)(B) of that subsection.

(e) ENVIRONMENTAL REMEDIATION.—The Secretary may not make the conveyance under subsection (a) until the completion of any environmental remediation required by law with respect to the property to be conveyed under that subsection.

(f) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Authority shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for the conveyance authorized by subsection (a).

(2) The amount of the reimbursement under paragraph (1) for an activity shall be determined by the Secretary, but may not exceed the cost of the activity.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease under subsection (c), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, TOLEDO, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the Toledo-Lucas County Port Authority, Ohio (in this section referred to as the "Port Authority"), any or all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 29 acres and comprising the Naval Weapons Industrial Reserve Plant, Toledo, Ohio.

(2) The Secretary may include in the conveyance under paragraph (1) such facilities, equipment, fixtures, and other personal property located or based on the parcel conveyed under that paragraph, or used in connection with the parcel, as the Secretary determines to be excess to the Navy.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease such real property, and any personal property described in subsection (a)(2), to the Port Authority in exchange for such security, fire protection, and maintenance services as the Secretary considers appropriate.

(c) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a), and any lease under subsection (b), shall be subject to the conditions that the Port Authority—

(1) accept the real and personal property concerned in their condition at the time of the conveyance or lease, as the case may be; and

(2) except as provided in subsection (d), use the real and personal property concerned, whether directly or through an agreement with a public or private entity, for economic development or such other public purposes as the Port Authority considers appropriate.

(d) SUBSEQUENT USE.—(1) The Port Authority may, following entry into a lease under subsection (b) for real property, personal property, or both, sublease such property for a purpose set forth in subsection (c)(2) if the Secretary approves the sublease of such property for that purpose.

(2) The Port Authority may, following the conveyance of real property under subsection (a), lease or reconvey such real property, and any personal property conveyed with such real property under that subsection, for a purpose set forth in subsection (c)(2).

(e) REIMBURSEMENT FOR COSTS OF CONVEYANCE AND LEASE.—(1) The Port Authority shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for the conveyance authorized by subsection (a) or any lease authorized by subsection (b).

(2) The amount of the reimbursement under paragraph (1) for an activity shall be determined by the Secretary, but may not exceed the cost of the activity.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal of the real property to be conveyed under subsection (a)(1), and an appropriate inventory or other description of the personal property to be conveyed under subsection (a)(2), shall be determined by a survey and other means satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1), and any lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. MODIFICATION OF LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) MODIFICATION.—Section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398); 114 Stat. 436) is amended—

(1) in subsection (a), by striking "22 acres" and inserting "20.9 acres";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) TRANSFER OF JURISDICTION.—(1) At the same time the Secretary of the Air Force makes the conveyance authorized by subsection (a), the Secretary shall transfer to the Secretary of Commerce administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Mukilteo Tank Farm and including the National Marine Fisheries Service Mukilteo Research Center facility.

"(2) The Secretary of Commerce may, with the consent of the Port, exchange with the Port all or any portion of the property received under paragraph (1) for a parcel of real property of equal area at the Mukilteo Tank Farm that is owned by the Port.

"(3) The Secretary of Commerce shall administer the property under the jurisdiction of the Secretary under this subsection through the Administrator of the National Oceanic and Atmospheric Administration as part of the Administration.

"(4) The Administrator shall use the property under the jurisdiction of the Secretary of Commerce under this subsection as the location of a research facility, and may construct a new facility on the property for such research purposes as the Administrator considers appropriate.

"(5)(A) If after the 12-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator is not using any portion of the real property under the jurisdiction of the Secretary of Commerce under this subsection, the Administrator shall convey, without consideration, to the Port all right, title, and interest in and to such portion of the real property, including improvements thereon.

"(B) The Port shall use any real property conveyed to the Port under this paragraph for the purpose specified in subsection (a).".

(b) CONFORMING AMENDMENT.—The section heading for that section is amended to read as follows:

"SEC. 2866. LAND CONVEYANCE AND TRANSFER, MUKILTEO TANK FARM, EVERETT, WASHINGTON.".

SEC. 2828. LAND CONVEYANCES, CHARLESTON AIR FORCE BASE, SOUTH CAROLINA.

(a) CONVEYANCE TO STATE OF SOUTH CAROLINA AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of South Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, consisting of approximately 24 acres at Charleston Air Force Base, South Carolina, and comprising the Air Force Family Housing Annex. The purpose of the conveyance is to facilitate the Remount Road Project.

(b) CONVEYANCE TO CITY OF NORTH CHARLESTON AUTHORIZED.—The Secretary may convey, without consideration, to the

City of North Charleston, South Carolina (in this section referred to as the "City"), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, referred to in subsection (a). The purpose of the conveyance is to permit the use of the property by the City for municipal purposes.

(c) Determination of Portions of Property To Be Conveyed.—(1) Subject to paragraph (2), the Secretary, the State, and the City shall jointly determine the portion of the property referred to in subsection (a) that is to be conveyed to the State under subsection (a) and the portion of the property that is to be conveyed to the City under subsection (b).

(2) In determining under paragraph (1) the portions of property to be conveyed under this section, the portion to be conveyed to the State shall be the minimum portion of the property required by the State for the purpose specified in subsection (a), and the portion to be conveyed to the City shall be the balance of the property.

(d) Limitation on Conveyances.—The Secretary may not carry out the conveyance of property authorized by subsection (a) or subsection (b) until the completion of an assessment of environmental contamination of the property authorized to be conveyed by such subsection for purposes of determining responsibility for environmental remediation of such property.

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for the property to be conveyed under subsection (a) shall be borne by the State, and the cost of the survey for the property to be conveyed under subsection (b) shall be borne by the City.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2829. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to Fort Des Moines Memorial Park, Inc., a nonprofit organization (in this section referred to as the "Memorial Park"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.6 acres located at Fort Des Moines United States Army Reserve Center, Des Moines, Iowa, for the purpose of the establishment of the Fort Des Moines Memorial Park and Education Center.

(b) Condition of Conveyance.—The conveyance under subsection (a) shall be subject to the condition that the Memorial Park use the property for museum and park purposes.

(c) Reversion.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for museum and park purposes, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) Reimbursement for Costs of Conveyance.—(1) The Memorial Park shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary, for the conveyance authorized in (a).

(2) The amount of the reimbursement under paragraph (1) for any activity shall be determined by the Secretary, but may not exceed the cost of such activity.

(3) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary. The cost of the survey shall be borne by the Memorial Park.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2830. LAND CONVEYANCES, CERTAIN FORMER MINUTEMAN III ICBM FACILITIES IN NORTH DAKOTA.

(a) Conveyances Required.—(1) The Secretary of the Air Force may convey, without consideration, to the State Historical Society of North Dakota (in this section referred to as the "Historical Society") all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, of the Minuteman III ICBM facilities of the former 321st Missile Group at Grand Forks Air Force Base, North Dakota, as follows:

(A) The parcel consisting of the launch facility designated "November-33".

(B) The parcel consisting of the missile alert facility and launch control center designated "Oscar-O".

(2) The purpose of the conveyance of the facilities is to provide for the establishment of an historical site allowing for the preservation, protection, and interpretation of the facilities.

(b) Consultation.—The Secretary shall consult with the Secretary of State and the Secretary of Defense in order to ensure that the conveyances required by subsection (a) are carried out in accordance with applicable treaties.

(c) Historic Site.—The Secretary may, in cooperation with the Historical Society, enter into one or more cooperative agreements with appropriate public or private entities or individuals in order to provide for the establishment and maintenance of the historic site referred to in subsection (a)(2).

SEC. 2831. LAND ACQUISITION, PERQUIMANS COUNTY, NORTH CAROLINA.

The Secretary of the Navy may, using funds previously appropriated for such purpose, acquire any and all right, title, and interest in and to a parcel of real property, including improvements thereon, consisting of approximately 240 acres, or any portion thereof, in Perquimans County, North Carolina, for purposes of including such parcel in the Harvey Point Defense Testing Activity, Hertford, North Carolina.

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) Conveyance Required.—The Administrator of General Services may convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) Reversionary Interest.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) Additional Terms and Conditions.—(1) The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. 2833. TREATMENT OF AMOUNTS RECEIVED.

Any net proceeds received by the United States as payment under subsection (c) of section 2832 shall be deposited into the Land and Water Conservation Fund.

Subtitle D—Other Matters

SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.

(a) Authority To Enter Into Agreement.—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) Design and Construction.—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) Acceptance of Facility.—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) Use of Certain Gifts.—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

SEC. 2842. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806) is repealed.

SEC. 2843. NAMING OF PATRICIA C. LAMAR ARMY NATIONAL GUARD READINESS CENTER, OXFORD, MISSISSIPPI.

(a) DESIGNATION.—The Oxford Army National Guard Readiness Center, Oxford, Mississippi, shall be known and designated as the "Patricia C. Lamar Army National Guard Readiness Center".

(b) REFERENCE TO READINESS CENTER.—Any reference to the Oxford Army National Guard Readiness Center, Oxford, Mississippi, in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Patricia C. Lamar Army National Guard Readiness Center.

SEC. 2844. CONSTRUCTION OF PARKING GARAGE AT FORT DERUSSY, HAWAII.

(a) AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION.—The Secretary of the Army may authorize the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentality of the Department of Defense (in this section referred to as the "Fund"), to enter into an agreement with a governmental, quasi-governmental, or commercial entity for the construction of a parking garage at Fort DeRussy, Hawaii.

(b) FORM OF AGREEMENT.—The agreement under subsection (a) may take the form of a non-appropriated fund contract, conditional gift, or other agreement determined by the Fund to be appropriate for purposes of construction of the parking garage.

(c) USE OF PARKING GARAGE BY PUBLIC.—The agreement under subsection (a) may permit the use by the general public of the parking garage constructed under the agreement if the Fund determines that use of the parking garage by the general public will be advantageous to the Fund.

(d) TREATMENT OF REVENUES OF FUND PARKING GARAGES AT FORT DERUSSY.—Notwithstanding any other provision of law, amounts received by the Fund by reason of operation of parking garages at Fort DeRussy, including the parking garage constructed under the agreement under subsection (a), shall be treated as non-appropriated funds, and shall accrue to the benefit of the Fund or its component funds, including the Armed Forces Recreation Center–Hawaii (Hale Koa Hotel).

SEC. 2845. ACCEPTANCE OF CONTRIBUTIONS TO REPAIR OR ESTABLISHMENT MEMORIAL AT PENTAGON RESERVATION.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions made for the purpose of establishing a memorial or assisting in the repair of the damage caused to the Pentagon Reservation by the terrorist attack that occurred on September 11, 2001.

(b) DEPOSIT OF CONTRIBUTIONS.—The Secretary shall deposit contributions accepted under subsection (a) in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United States Code.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Subtitle A—Modifications of 1990 Base Closure Law

SEC. 2901. AUTHORITY TO CARRY OUT BASE CLOSURE ROUND IN 2003.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iv) by no later than January 24, 2003, in the case of members of the Commission whose terms will expire at the end of the first session of the 108th Congress."; and

(B) in subparagraph (C), by striking "or for 1995 in clause (iii) of such subparagraph" and inserting ", for 1995 in clause (iii) of that subparagraph, or for 2003 in clause (iv) of that subparagraph".

(2) MEETINGS.—Section 2902(e) of that Act is amended by striking "and 1995" and inserting "1995, and 2003".

(3) FUNDING.—Section 2902(k) of that Act is amended by adding at the end the following new paragraph (4):

"(4) If no funds are appropriated to the Commission by the end of the second session of the 107th Congress for the activities of the Commission in 2003, the Secretary may transfer to the Commission for purposes of its activities under this part in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.".

(4) TERMINATION.—Section 2902(l) of that Act is amended by striking "December 31, 1995" and inserting "December 31, 2003".

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Section 2903(a) of that Act is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2003, the Secretary shall include a force-structure plan for the Armed Forces based on the assessment of the Secretary in the quadrennial defense review under section 118 of title 10, United States Code, in 2001 of the probable threats to the national security during the twenty-year period beginning with fiscal year 2003.

"(B) The Secretary may revise the force-structure plan submitted under subparagraph (A). If the Secretary revises the force-structure plan, the Secretary shall submit the revised force-structure plan to Congress as part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2004."; and

(C) in paragraph (3), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding subparagraph (A), by striking "Such plan" and inserting "Each force-structure plan under this subsection"; and

(ii) in subparagraph (A), by striking "referred to in paragraph (1)" and inserting "on which such force-structure plan is based".

(2) SELECTION CRITERIA.—Section 2903(b) of that Act is amended—

(A) in paragraph (1), by inserting "and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003," after "December 31, 1990,"; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting "and by no later than February 15, 2002, for purposes of activities of the Commission under this part in 2003," after "February 15, 1991,"; and

(ii) in the second sentence, by inserting ", or enacted on or before March 31, 2002, in the case of criteria published and transmitted under the preceding sentence in 2001" after "March 15, 1991".

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Section 2903(c)(1) of that Act is amended by striking "and March 1, 1995" and inserting "March 1, 1995, and March 14, 2003".

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Section 2903(d) of that Act is amended—

(A) in paragraph (2)(A), by inserting "or by no later than July 7 in the case of recommendations in 2003," after "pursuant to subsection (c),";

(B) in paragraph (4), by inserting "or after July 7 in the case of recommendations in 2003," after "under this subsection,"; and

(C) in paragraph (5)(B), by inserting "or by no later than May 1 in the case of such recommendations in 2003," after "such recommendations,".

(5) REVIEW BY PRESIDENT.—Section 2903(e) of that Act is amended—

(A) in paragraph (1), by inserting "or by no later than July 22 in the case of recommendations in 2003," after "under subsection (d),";

(B) in the second sentence of paragraph (3), by inserting "or by no later than August 18 in the case of 2003," after "the year concerned,"; and

(C) in paragraph (5), by inserting "or by September 3 in the case of recommendations in 2003," after "under this part,".

(c) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking "December 31, 1995," and inserting "December 31, 2003,".

SEC. 2902. BASE CLOSURE ACCOUNT 2003.

(a) ESTABLISHMENT.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after section 2906 the following new section:

"SEC. 2906A. BASE CLOSURE ACCOUNT 2003.

"(a) IN GENERAL.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Department of Defense Base Closure Account 2003' (in this section referred to as the 'Account'). The Account shall be administered by the Secretary as a single account.

"(2) There shall be deposited into the Account—

"(A) funds authorized for and appropriated to the Account;

"(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

"(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this part pursuant to a closure or realignment the date of approval of which is after September 30, 2003.

"(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).

"(b) Use of Funds.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is after September 30, 2003.

"(2) When a decision is made to use funds in the Account to carry out a construction project under section 2905(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

"(c) Reports.—(1)(A) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

"(B) The report for a fiscal year shall include the following:

"(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.

"(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

"(I) any failure to carry out military construction projects that were so proposed; and

"(II) any expenditures for military construction projects that were not so proposed.

"(2) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is after September 30, 2003, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

"(A) all the funds deposited into and expended from the Account or otherwise expended under this part with respect to such installations; and

"(B) any amount remaining in the Account.

"(d) Disposal or Transfer of Commissary Stores and Property Purchased With Nonappropriated Funds.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part the date of approval of closure or realignment of which is after September 30, 2003, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

"(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(4) In this subsection, the terms 'commissary store funds', 'nonappropriated funds', and 'nonappropriated fund instrumentality' shall have the meaning given those terms in section 2906(d)(4).

"(e) Account Exclusive Source of Funds for Environmental Restoration Projects.—Except as provided in section 2906(e) with respect to funds in the Department of Defense Base Closure Account 1990 under section 2906 and except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).".

(b) Conforming Amendments.—Section 2906 of that Act is amended—

(1) in subsection (a)(2)(C), by inserting "the date of approval of closure or realignment of which is before September 30, 2003" after "under this part";

(2) in subsection (b)(1), by inserting "with respect to military installations the date of approval of closure or realignment of which is before September 30, 2003," after "section 2905";

(3) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A), by inserting "with respect to military installations the date of approval of closure or realignment of which is before September 30, 2003," after "under this part"; and

(B) in subparagraph (A), by inserting "with respect to such installations" after "under this part";

(4) in subsection (d)(1), by inserting "the date of approval of closure or realignment of which is before September 30, 2003" after "under this part"; and

(5) in subsection (e), by striking "Except for" and inserting "Except as provided in section 2906A(e) with respect to funds in the Department of Defense Base Closure Account 2001 under section 2906A and except for".

(c) Clerical Amendment.—The section heading of section 2906 of that Act is amended to read as follows:

"SEC. 2906. BASE CLOSURE ACCOUNT 1990.".

SEC. 2903. ADDITIONAL MODIFICATIONS OF BASE CLOSURE AUTHORITIES.

(a) Increase in Members of Commission.—Section 2902(c)(1)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2867 note) is amended by striking "eight members" and inserting "nine members".

(b) Selection Criteria.—Section 2903(b) of that Act is amended by adding at the end the following new paragraphs:

"(3) The selection criteria shall ensure that military value is the primary consideration in the making of recommendations for the closure or realignment of military installations under this part.

"(4) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall take into account the effect of the proposed closure or realignment on the costs of any other Federal agency that may be required to assume responsibility for activities at the military installation.".

(c) Department of Defense Recommendations to Commission.—Section 2903(c) of that Act is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (4), (6), (7), and (8), respectively;

(2) by inserting before paragraph (2), as so redesignated, by the following new paragraph (1):

"(1) The Secretary shall carry out a comprehensive review of the military installations of the Department of Defense inside the United States based on the force-structure plan submitted under subsection (a)(2), and the final criteria transmitted under subsection (b)(2), in 2002. The review shall cover every type of facility or other infrastructure operated by the Department of Defense.";

(3) in paragraph (4), as so redesignated—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) In considering military installations for closure or realignment under this part in any year after 2001, the Secretary shall consider the anticipated continuing need for and availability of military installations worldwide. In evaluating the need for military installations inside the United States, the Secretary shall take into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations."; and

(C) in subparagraph (D), as so redesignated, by striking "subparagraph (B)" and inserting "subparagraph (C)";

(4) by inserting after paragraph (4), as so redesignated, the following new paragraph (5):

"(5)(A) In making recommendations to the Commission under this subsection in any year after 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

"(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

"(C) The recommendations made by the Secretary under this subsection in any year after 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result."; and

(5) in paragraph (8), as so redesignated—

(A) in the first sentence, by striking "paragraph (5)(B)" and inserting "paragraph (7)(B)"; and

(B) in the second sentence, by striking "24 hours" and inserting "48 hours".

(d) Commission Changes in Recommendations of Secretary.—Section 2903(d)(2) of that Act is amended—

(1) in subparagraph (B), by striking "if" and inserting "only if";

(2) in subparagraph (C)—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(v) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.";

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) In the case of a change not described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission—

"(i) makes the determination required by subparagraph (B);

"(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1); and

"(iii) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.".

(e) Privatization in Place.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 2001 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined by the Commission to be the most-cost effective method of implementation of the recommendation;".

(f) Implementation.—

(1) Payment for certain services for property leased back by the United States.—Section 2905(b)(4)(E) of that Act is amended—

(1) in clause (iii), by striking "A lease" and inserting "Except as provided in clause (v), a lease"; and

(2) by adding at the end the following new clause (v):

"(v)(I) Notwithstanding clause (iii), a lease under clause (i) may require the United States to pay the redevelopment authority concerned, or the assignee of the redevelopment authority, for facility services and common area maintenance provided for the leased property by the redevelopment authority or assignee, as the case may be.

"(II) The rate charged the United States for services and maintenance provided by a redevelopment authority or assignee under subclause (I) may not exceed the rate charged non-Federal tenants leasing property at the installation for such services and maintenance.

"(III) For purposes of this clause, facility services and common area maintenance shall not include municipal services that the State or local government concerned is required by law to provide without direct charge to landowners, or firefighting or security-guard functions.".

(2) Transfers in connection with payment of environmental remediation.—Section 2905(e) of that Act is amended—

(A) in paragraph (1)(B), by adding at the end the following new sentence: "The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this part after 2001 that are available for purposes other than to assist the homeless.";

(B) in paragraph (2)(A), by striking "to be paid by the recipient of the property or facilities" and inserting "otherwise to be paid by the Secretary with respect to the property or facilities";

(C) by striking paragraph (6);

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), (6), respectively; and

(E) by inserting after paragraph (2) the following new paragraph (3):

"(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

"(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

"(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.".

(3) Scope of indemnification of transferees in connection with payment of environmental remediation.—Paragraph (6) of section 2905(e) of that Act, as redesignated by paragraph (1) of this subsection, is further amended by inserting before the period the following: ", except in the case of releases or threatened releases not disclosed pursuant to paragraph (4)".

SEC. 2904. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Commencement of Period for Notice of Interest in Property for Homeless.—Section 2905(b)(7)(D)(ii)(I) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2867 note) is amended by striking "that date" and inserting "the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)".

(b) Other Clarifying Amendments.—(1) That Act is further amended by inserting "or realignment" after "closure" each place it appears in the following provisions:

(A) Section 2905(b)(3).
(B) Section 2905(b)(5).
(C) Section 2905(b)(7)(B)(iv).
(D) Section 2905(b)(7)(N).
(E) Section 2910(10)(B).

(2) That Act is further amended by inserting "or realigned" after "closed" each place it appears in the following provisions:

(A) Section 2905(b)(3)(C)(ii).
(B) Section 2905(b)(3)(D).
(C) Section 2905(b)(3)(E).
(D) Section 2905(b)(4)(A).
(E) Section 2905(b)(5)(A).
(F) Section 2910(9).
(G) Section 2910(10).

(3) Section 2905(e)(1)(B) of that Act is amended by inserting ", or realigned or to be realigned," after "closed or to be closed".

Subtitle B—Modification of 1988 Base Closure Law

SEC. 2911. PAYMENT FOR CERTAIN SERVICES PROVIDED BY REDEVELOPMENT AUTHORITIES FOR PROPERTY LEASED BACK BY THE UNITED STATES.

Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act of (Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph (J):

"(J)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

"(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

"(iii) Except as provided in clause (v), a lease under clause (i) may not require rental payments by the United States.

"(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

"(v)(I) Notwithstanding clause (iii), a lease under clause (i) may require the United States to pay the redevelopment authority concerned, or the assignee of the redevelopment authority, for facility services and common area maintenance provided for the leased property by the redevelopment authority or assignee, as the case may be.

"(II) The rate charged the United States for services and maintenance provided by a redevelopment authority or assignee under subclause (I) may not exceed the rate charged non-Federal tenants leasing property at the installation for such services and maintenance.

"(III) For purposes of this clause, facility services and common area maintenance shall not include municipal services that the State or local government concerned is required by law to provide without direct charge to landowners, or firefighting or security-guard functions.".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) In General.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $7,351,721,000, to be allocated as follows:

(1) Weapons activities.—For weapons activities, $5,481,795,000, to be allocated as follows:

(A) For stewardship operation and maintenance, $4,687,443,000, to be allocated as follows:

(i) For directed stockpile work, $1,016,922,000.

(ii) For campaigns, $2,137,300,000, to be allocated as follows:

(I) For operation and maintenance, $1,767,328,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $369,972,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Livermore, California, $5,400,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $22,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,070,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $5,377,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $81,125,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $245,000,000.

(iii) For readiness in technical base and facilities, $1,533,221,000, to be allocated as follows:

(I) For operation and maintenance, $1,356,107,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $177,114,000, to be allocated as follows:

Project 02–D–101, microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico, $39,000,000.

Project 02–D–103, project engineering and design (PE&D), various locations, $31,130,000.

Project 02–D–107, electrical power systems safety communications and bus upgrades, Nevada Test Site, Nevada, $3,507,000.

Project 01–D–103, preliminary project design and engineering, various locations, $16,379,000.

Project 01–D–124, highly enriched uranium (HEU) materials storage facility, Y–12 Plant, Oak Ridge, Tennessee, $0.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $7,700,000.

Project 01–D–800, sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $12,993,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $4,400,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $4,955,000.

Project 99–D–108, renovation of existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $300,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $22,200,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $13,700,000.

Project 98–D–124, stockpile management restructuring fnitiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $6,850,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,900,000.

(B) For secure transportation asset, $77,571,000, to be allocated for operation and maintenance.

(C) For safeguards and security, $448,881,000, to be allocated as follows:

(i) For operation and maintenance, $439,281,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $9,600,000, to be allocated as follows:

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrade project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,600,000.

(D) For facilities and infrastructure, $267,900,000.

(2) Defense nuclear nonproliferation.—For other nuclear security activities, $872,500,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $258,161,000, to be allocated as follows:

(i) For operation and maintenance, $222,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $35,806,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, $35,806,000.

(B) For arms control, $138,000,000.

(C) For international materials protection, control, and accounting, $143,800,000.

(D) For highly enriched uranium transparency implementation, $13,950,000.

(E) For international nuclear safety, $19,500,000.

(F) For fissile materials control and disposition, $299,089,000, to be allocated as follows:

(i) For United States surplus fissile materials disposition, $233,089,000, to be allocated as follows:

(I) For operation and maintenance, $130,089,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years; and land acquisition related thereto), $103,000,000, to be allocated as follows:

Project 01–D–142, immobilization and associated processing facility, (Title I and II design), Savannah River Site, Aiken, South Carolina, $0.

Project 01–D–407, highly enriched uranium blend-down, Savannah River Site, Aiken, South Carolina, $24,000,000.

Project 99–D–141, pit disassembly and conversion facility (Title I and II design), Savannah River Site, Aiken, South Carolina, $16,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility (Title I and II design), Savannah River Site, Aiken, South Carolina, $63,000,000.

(ii) For Russian fissile materials disposition, $66,000,000.

(3) Naval reactors.—For naval reactors, $688,045,000, to be allocated as follows:

(A) For naval reactors development, $665,445,000, to be allocated as follows:

(i) For operation and maintenance, $652,245,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $13,200,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, $9,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $4,200,000.

(B) For program direction, $22,600,000.

(4) Office of administrator for nuclear security.—For the Office of the Administrator for Nuclear Security, and for program direction for the National Nuclear Security Administration (other than for naval reactors), $380,366,000.

(b) Adjustments.—The amount authorized to be appropriated by subsection (a) is hereby reduced by $70,985,000, as follows:

(1) The amount authorized to be appropriated by paragraph (1) of that subsection is hereby reduced by $28,985,000, which is to be derived from offsets and use of prior year balances.

(2) The amount authorized to be appropriated by paragraph (2) of that subsection is hereby reduced by $42,000,000, which is to be derived from use of prior year balances.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) In General.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of $6,047,617,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7277n), $1,080,538,000.

(2) SITE/PROJECT COMPLETION.—For site completion and project completion in carrying out environmental management activities necessary for national security programs, $943,196,000, to be allocated as follows:

(A) For operation and maintenance, $919,030,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,166,000, to be allocated as follows:

Project 02–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $3,256,000.

Project 01–D–414, preliminary project engineering and design (PE&D), various locations, $6,254,000.

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $5,040,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratories, Idaho Falls, Idaho, $2,700,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,910,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $4,244,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $0.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $762,000.

(3) POST-2006 COMPLETION.—For post-2006 completion in carrying out environmental restoration and waste management activities necessary for national security programs, $3,245,201,000, to be allocated as follows:

(A) For operation and maintenance, $1,955,979,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,754,000, to be allocated as follows:

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $6,754,000.

(C) For the Office of River Protection in carrying out environmental restoration and waste management activities necessary for national security programs, $862,468,000, to be allocated as follows:

(i) For operation and maintenance, $322,151,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $540,317,000, to be allocated as follows:

Project 01–D–416, waste treatment and immobilization plant, Richland, Washington, $500,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $33,473,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $6,844,000.

(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, $216,000,000.

(5) EXCESS FACILITIES.—For excess facilities in carrying out environmental restoration and waste management activities necessary for national security programs, $1,300,000.

(6) SAFEGUARDS AND SECURITY.—For safeguards and security in carrying out environmental restoration and waste management activities necessary for national security programs, $205,621,000.

(7) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, $355,761,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated by subsection (a) is the sum of the amounts authorized to be appropriated by paragraphs (2) through (7) of that subsection, reduced by $42,161,000, to be derived from offsets and use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for other defense activities in carrying out programs necessary for national security in the amount of $512,195,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, $40,844,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, $46,389,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $247,565,000, to be allocated as follows:

(A) For nuclear safeguards and security, $121,188,000.

(B) For security investigations, $44,927,000.

(C) For program direction, $81,450,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,904,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $114,600,000, to be allocated as follows:

(A) For environment, safety, and health (defense), $91,307,000.

(B) For program direction, $23,293,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $20,000,000, to be allocated as follows:

(A) For worker and community transition, $18,000,000.

(B) For program direction, $2,000,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,893,000.

(8) NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.—For national security programs administrative support, $25,000,000.

(b) ADJUSTMENTS.—

(1) SECURITY AND EMERGENCY OPERATIONS, FOR PROGRAM DIRECTION.—The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by $712,000 to reflect an offset provided by user organizations for security investigations.

(2) OTHER.—The total amount authorized to be appropriated pursuant to paragraphs (1), (2), (4), (5), (6), (7), and (8) of subsection (a) is hereby reduced by $10,000,000 to reflect use of prior year balances.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $157,537,000, to be allocated as follows:

Project 02–PVT–1, Paducah disposal facility, Paducah, Kentucky, $13,329,000.

Project 02–PVT–2, Portsmouth disposal facility, Portsmouth, Ohio, $2,000,000.

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $49,332,000.

Project 98–PVT–5, environmental management/waste management disposal, Oak Ridge, Tennessee, $26,065,000.

Project 97–PVT–2, advanced mixed waste treatment project, Idaho Falls, Idaho, $56,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $10,826,000.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for payment to the Nuclear Waste Fund established in section 302(C) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $250,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $2,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON MINOR CONSTRUCTION PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any minor construction project using operation and maintenance funds, or facilities and infrastructure funds, authorized by this title.

(b) ANNUAL REPORT.—The Secretary shall submit to the congressional defense committees on an annual basis a report on each exercise of the authority in subsection (a) during the preceding year. Each report shall give a brief description of each minor construction project covered by such report.

(c) Minor Construction Project Defined.—In this section, the term "minor construction project" means any plant project not specifically authorized by law if the approved total estimated cost of the plant project does not exceed $5,000,000.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) In General.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there is excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) Exception.—Subsection (a) does not apply to a construction project with a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) Transfer to Other Federal Agencies.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) Transfer Within Department of Energy.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) Limitations.—The authority provided by this subsection to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) Notice to Congress.—The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) Requirement of Conceptual Design.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a minor construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) Authority for Construction Design.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for that design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) Authority.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated for advance planning, engineering, and construction design, and for plant projects, under sections 3101, 3102, 3103, and 3104 to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) Limitation.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) Specific Authority.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) In General.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) Exception for Program Direction Funds.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2004.

SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) Transfer Authority for Defense Environmental Management Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) Limitations.—(1) Not more than three transfers may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under in any one transfer under subsection (a) may not exceed $5,000,000.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) Exemption From Reprogramming Requirements.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) Notification.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) Definitions.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102(a).

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) Duration of Authority.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2001, and ending on September 30, 2002.

SEC. 3130. TRANSFER OF WEAPONS ACTIVITIES FUNDS.

(a) Transfer Authority for Weapons Activities Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Not more than three transfers may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed $5,000,000.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of weapons activities funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in 3101(1).

(B) A program or project not described in subparagraph (A) that is for weapons activities necessary for national security programs of the Department, that is being carried out by the office, and for which weapons activities funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "weapons activities funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out weapons activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2001, and ending on September 30, 2002.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. LIMITATION ON AVAILABILITY OF FUNDS FOR WEAPONS ACTIVITIES FOR FACILITIES AND INFRASTRUCTURE.

Not more than 50 percent of the funds authorized to be appropriated by section 3101(a)(1)(D) for the National Nuclear Security Administration for weapons activities for facilities and infrastructure may be obligated or expended until the Administrator for Nuclear Security submits to the congressional defense committees a report setting forth the following:

(1) Criteria for the selection of projects to be carried out using such funds.

(2) Criteria for establishing priorities among projects so selected.

(3) A list of the projects so selected, including the priority assigned to each such project.

SEC. 3132. LIMITATION ON AVAILABILITY OF FUNDS FOR OTHER DEFENSE ACTIVITIES FOR NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.

Not more than $5,000,000 of the funds authorized to be appropriated by section 3103(a)(8) for other defense activities for national security programs administrative support may be obligated or expended until the later of the following:

(1) The date on which the Secretary of Energy submits to Congress a report setting forth the purposes for which such funds will be obligated and expended.

(2) The date on which the Administrator for Nuclear Security submits to Congress the future-years nuclear security program for fiscal year 2002 required by section 3253 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–35; 50 U.S.C. 2453).

SEC. 3133. NUCLEAR CITIES INITIATIVE.

(a) LIMITATIONS ON USE OF FUNDS.—No funds authorized to be appropriated for the Nuclear Cities Initiative after fiscal year 2001 may be obligated or expended with respect to more than three nuclear cities, or more than two serial production facilities in Russia, until 30 days after the Administrator for Nuclear Security submits to the appropriate congressional committees an agreement signed by the Russian Federation on access under the Nuclear Cities Initiative to the ten closed nuclear cities and four serial production facilities of the Nuclear Cities Initiative.

(b) ANNUAL REPORT.—(1) Not later than the first Monday in February each year, the Administrator shall submit to the appropriate congressional committees a report on financial and programmatic activities with respect to the Nuclear Cities Initiative during the preceding fiscal year.

(2) Each report shall include, for the fiscal year covered by such report, the following:

(A) A list of each project that is or was completed, ongoing, or planned under the Nuclear Cities Initiative during such fiscal year.

(B) For each project listed under subparagraph (A), information, current as of the end of such fiscal year, on the following:

(i) The purpose of such project.

(ii) The budget for such project.

(iii) The life-cycle costs of such project.

(iv) Participants in such project.

(v) The commercial viability of such project.

(vi) The number of jobs in Russia created or to be created by or through such project.

(vii) Of the total amount of funds spent on such project, the percentage of such amount spent in the United States and the percentage of such amount spent overseas.

(C) A certification by the Administrator that each project listed under subparagraph (A) did contribute, is contributing, or will contribute, as the case may be, to the downsizing of the nuclear weapons complex in Russia, together with a description of the evidence utilized to make such certification.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees means" the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(2) NUCLEAR CITIES INITIATIVE.—The term "Nuclear Cities Initiative" means the initiative arising pursuant to the March 1998 discussion between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

(3) NUCLEAR CITY.—The term "nuclear city" means any of the nuclear cities within the complex of the Russia Ministry of Atomic Energy (MINATOM) as follows:

(A) Sarov (Arzamas–16 and Avangard).

(B) Zarechnyy (Penza–19).

(C) Novoural'sk (Sverdlovsk–44).

(D) Lesnoy (Sverdlovsk–45).

(E) Ozersk (Chelyabinsk–65).

(F) Snezhinsk (Chelyabinsk–70).

(G) Trechgornyy (Zlatoust–36).

(H) Seversk (Tomsk–7).

(I) Zhelenznogorsk (Krasnoyarsk–26).

(J) Zelenogorsk (Krasnoyarsk–45).

SEC. 3134. CONSTRUCTION OF DEPARTMENT OF ENERGY OPERATIONS OFFICE COMPLEX.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—Subject to subsection (b), the Secretary of Energy may provide for the design and construction of a new operations office complex for the Department of Energy in accordance with the feasibility study regarding such operations office complex conducted under the National Defense Authorization Act for Fiscal Year 2000.

(b) LIMITATION.—The Secretary may not exercise the authority in subsection (a) until the date on which the Secretary certifies to Congress that the feasibility study referred to in subsection (a) is consistent with the plan submitted under section 3153(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–465).

(c) BASIS OF AUTHORITY.—The design and construction of the operations office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts (ESPC) entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(d) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the operations office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy operations office complex (as identified in the feasibility study referred to in subsection (a)) with the operations office complex authorized by subsection (a).

Subtitle D—Matters Relating to Management of National Nuclear Security Administration

SEC. 3141. ESTABLISHMENT OF POSITION OF DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) ESTABLISHMENT OF POSITION.—Subtitle A of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2401 et seq.) is amended—

(1) by redesignating section 3213 as section 3219 and transferring such section, as so redesignated, to the end of the subtitle; and

(2) by inserting after section 3212 the following new section 3213:

"SEC. 3213. DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

"(a) IN GENERAL.—There is in the Administration a Deputy Administrator for Nuclear Security, who is appointed by the President, by and with the advice and consent of the Senate.

"(b) DUTIES.—(1) The Deputy Administrator shall be the principal assistant to the Administrator in carrying out the responsibilities of the Director under this title, and shall act for, and exercise the powers and duties of, the Administrator when the Administrator is disabled or there is no Administrator for Nuclear Security.

"(2) Subject to the authority, direction, and control of the Administrator, the Deputy Administrator shall perform such duties, and exercise such powers, relating to the functions of the Administration as the Administrator may prescribe.".

(b) Pay Level.—Section 5314 of title 5, United States Code, is amended in the item relating to the Deputy Administrators of the National Nuclear Security Administration—

(1) by striking "(3)" and inserting "(4)"; and

(2) by striking "(2)" and inserting "(3)".

SEC. 3142. RESPONSIBILITY FOR NATIONAL SECURITY LABORATORIES AND WEAPONS PRODUCTION FACILITIES OF DEPUTY ADMINISTRATOR OF NATIONAL NUCLEAR SECURITY ADMINISTRATION FOR DEFENSE PROGRAMS.

Section 3214 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 959; 50 U.S.C. 2404) is amended by striking subsection (c).

SEC. 3143. CLARIFICATION OF STATUS WITHIN THE DEPARTMENT OF ENERGY OF ADMINISTRATION AND CONTRACTOR PERSONNEL OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3219 of the National Nuclear Security Administration Act, as redesignated and transferred by section 3141(a)(1) of this Act, is further amended—

(1) in subsection (a), by striking "Administration—" and inserting "Administration, in carrying out any function of the Administration—"; and

(2) in subsection (b), by striking "shall" and inserting ", in carrying out any function of the Administration, shall".

SEC. 3144. MODIFICATION OF AUTHORITY OF ADMINISTRATOR FOR NUCLEAR SECURITY TO ESTABLISH SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.

(a) Increase in Authorized Number of Positions.—Section 3241 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 964; 50 U.S.C. 2441) is amended—

(1) by inserting "(a) In General.—" before "The Administrator"; and

(2) in subsection (a), as so designated, by striking "300" and inserting "500".

(b) Designation of Existing Provisions on Treatment of Authority.—That section is further amended—

(1) by designating the second sentence as subsection (b);

(2) aligning the margin of that subsection, as so designated, so as to indent the text two ems; and

(3) in that subsection, as so designated, by striking "Subject to the limitations in the preceding sentence," and inserting "(b) Treatment of Authority.—Subject to the limitations in subsection (a),".

(c) Treatment of Positions.—That section is further amended by adding at the end the following new subsection:

"(c) Treatment of Positions.—A position established under subsection (a) may not be considered a Senior Executive Service position (as that term is defined in section 3132(a)(2) of title 5, United States Code), and shall not be subject to the provisions of subchapter II of chapter 31 of that title, relating to the Senior Executive Service.".

Subtitle E—Other Matters

SEC. 3151. IMPROVEMENTS TO ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) Certain Leukemia as Specified Cancer.—Section 3621(17) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–502), as amended by section 2403 of the Supplemental Appropriations Act, 2001 (Public Law 107–20), is further amended by adding at the end the following new subparagraph:

"(D) Leukemia (other than chronic lymphocytic leukemia), if initial occupation exposure occurred before 21 years of age and onset occurred more than two years after initial occupational exposure.".

(b) Additional Members of Special Exposure Cohort.—Section 3626(b) of that Act (114 Stat. 1654A–505) is amended in the matter preceding paragraph (1) by inserting after "Department of Energy facility" the following: ", or at an atomic weapons employer facility,".

(c) Establishment of Chronic Silicosis.—Section 3627(e)(2)(A) of that Act (114 Stat. 1654A–506) is amended by striking "category 1/1" and inserting "category 1/0".

(d) Survivors.—

(1) In general.—Subsection (e) of section 3628 of that Act (114 Stat. 1654A–506) is amended to read as follows:

"(e) Survivors.—(1) If a covered employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered employee's occupational illness, the survivors of the covered employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered employee as follows:

"(A) If such living survivors of the covered employee include a spouse and one or more children—

"(i) the spouse shall receive one-half of the amount of compensation provided for the covered employee under this section; and

"(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered employee under this section.

"(B) If such living survivors of the covered employee include a spouse or one or more children, but not both a spouse and one or more children—

"(i) the spouse shall receive the amount of compensation provided for the covered employee under this section; or

"(ii) each child shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

"(C) If such living survivors of the covered employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

"(2) For purposes of this subsection, the term 'child', in the case of a covered employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.".

(2) Uranium employees.—Subsection (e) of section 3630 of that Act (114 Stat. 1654A–507) is amended to read as follows:

"(e) Survivors.—(1) If a covered uranium employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered uranium employee's occupational illness, the survivors of the covered uranium employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered uranium employee as follows:

"(A) If such living survivors of the covered uranium employee include a spouse and one or more children—

"(i) the spouse shall receive one-half of the amount of compensation provided for the covered uranium employee under this section; and

"(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered uranium employee under this section.

"(B) If such living survivors of the covered uranium employee include a spouse or one or more children, but not both a spouse and one or more children—

"(i) the spouse shall receive the amount of compensation provided for the covered uranium employee under this section; or

"(ii) each child shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

"(C) If such living survivors of the covered uranium employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

"(2) For purposes of this subsection, the term 'child', in the case of a covered uranium employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.".

(3) Repeal of superseded provision.—Paragraph (18) of section 3621 of that Act (114 Stat. 1654A–502) is repealed.

(4) Effective date.—The amendments made by this subsection shall take effect on July 1, 2001.

(e) Dismissal of Pending Suits.—Section 3645(d) of that Act (114 Stat. 1654A–510) is amended by striking "the plaintiff shall not" and all that follows through the end and inserting "and was not dismissed as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, the plaintiff shall be eligible for compensation or benefits under subtitle B only if the plaintiff dismisses such case not later than December 31, 2003.".

(f) Attorney Fees.—Section 3648 of that Act (114 Stat. 1654A–511) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph (3):

"(3) 10 percent of any compensation paid under the claim for assisting with or representing a claimant seeking such compensation by the provision of services other than, or in addition to, services in connection with the filing of an initial claim covered by paragraph (1).";

(2) by redesignating subsection (c) and subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) Inapplicability to Services Provided After Award of Compensation.—This section shall not apply with respect to any representation or assistance provided to an individual awarded compensation under subtitle B after the award of compensation.".

(g) Study of Residual Contamination of Facilities.—(1) The National Institute for Occupational Safety and Health shall, with the cooperation of the Department of Energy and the Department of Labor, conduct a study on the following:

(A) Whether or not significant contamination remained in any atomic weapons employer facility or facility of a beryllium vendor after such facility discontinued activities relating to the production of nuclear weapons.

(B) If so, whether or not such contamination could have caused or substantially contributed to the cancer of a covered employee with cancer or a covered beryllium illness, as the case may be.

(2)(A) Not later than 180 days after the date of the enactment of this Act, the National Institute for Occupational Safety and Health shall submit to the congressional defense committees a report on the progress made as of the date of the report on the study under paragraph (1).

(B) Not later than one year after the date of the enactment of this Act, the National Institute shall submit to the congressional defense committees a final report on the study under paragraph (1).

(3) Amounts for the study under paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (114 Stat. 1654A-498).

(4) In this subsection:

(A) The terms "atomic weapons employer facility", "beryllium vendor", "covered employee with cancer", and "covered beryllium illness" have the meanings given those terms in section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (114 Stat. 1654A-498).

(B) The term "contamination" means the presence of any material exposure to which could cause or substantially contribute to the cancer of a covered employee with cancer or a covered beryllium illness, as the case may be.

SEC. 3152. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) Interim Counterintelligence Polygraph Program.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a plan for conducting, as part of the Department of Energy personnel assurance programs, an interim counterintelligence polygraph program consisting of polygraph examinations of Department of Energy employees, or contractor employees, at Department facilities. The purpose of examinations under the interim program is to minimize the potential for release or disclosure of classified data, materials, or information until the program required under subsection (b) is in effect.

(2) The Secretary may exclude from examinations under the interim program any position or class of positions (as determined by the Secretary) for which the individual or individuals in such position or class of positions—

(A) either—

(i) operate in a controlled environment that does not afford an opportunity, through action solely by the individual or individuals, to inflict damage on or impose risks to national security; and

(ii) have duties, functions, or responsibilities which are compartmentalized or supervised such that the individual or individuals do not impose risks to national security; or

(B) do not have routine access to top secret Restricted Data.

(3) The plan shall ensure that individuals who undergo examinations under the interim program receive protections as provided under part 40 of title 49, Code of Federal Regulations.

(4) To ensure that administration of the interim program does not disrupt safe operations of a facility, the plan shall insure notification of the management of the facility at least 14 days in advance of any examination scheduled under the interim program for any employees of the facility.

(5) The plan shall include procedures under the interim program for—

(A) identifying and addressing so-called "false positive" results of polygraph examinations; and

(B) ensuring that adverse personnel actions not be taken against an individual solely by reason of the individual's physiological reaction to a question in a polygraph examination, unless reasonable efforts are first made to independently determine through alternative means the veracity of the individual's response to the question.

(b) New Counterintelligence Polygraph Program.—(1) Not later than six months after obtaining the results of the Polygraph Review, the Secretary shall prescribe a proposed rule containing requirements for a counterintelligence polygraph program for the Department of Energy. The purpose of the program is to minimize the potential for release or disclosure of classified data, materials, or information.

(2) The Secretary shall prescribe the proposed rule under this subsection in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(3) In prescribing the proposed rule under this subsection, the Secretary may include in requirements under the proposed rule any requirement or exclusion provided for in paragraphs (2) through (5) of subsection (a).

(4) In prescribing the proposed rule under this subsection, the Secretary shall take into account the results of the Polygraph Review.

(c) Repeal of Existing Polygraph Program.—Section 3154 of the Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999 (subtitle D of title XXXI of Public Law 106–65; 42 U.S.C. 7383h) is repealed.

(d) Report on Further Enhancement of Personnel Security Program.—(1) Not later than December 31, 2002, the Administrator for Nuclear Security shall submit to Congress a report setting forth the recommendations of the Administrator for any legislative action that the Administrator considers appropriate in order to enhance the personnel security program of the Department of Energy.

(2) Any recommendations under paragraph (1) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

(e) Definitions.—In this section:

(1) The term "Polygraph Review" means the review of the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

(2) The term "Restricted Data" has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

SEC. 3153. ONE-YEAR EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

Section 3161(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 942; 5 U.S.C. 5597 note) is amended by striking "January 1, 2003" and inserting "January 1, 2004".

SEC. 3154. ADDITIONAL OBJECTIVE FOR DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY WORK FORCE RESTRUCTURING PLAN.

Section 3161(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h(c)) is amended by adding at the end the following new paragraph:

"(7) The Department of Energy should provide assistance to promote the diversification of the economies of communities in the vicinity of any Department of Energy defense nuclear facility that may, as determined by the Secretary, be affected by a future restructuring of its work force under the plan.".

SEC. 3155. MODIFICATION OF DATE OF REPORT OF PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.

Section 3159(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 42 U.S.C. 2121 note) is amended by striking "of each year, beginning with 1999," and inserting "of 1999 and 2000, and not later than February 1, 2002,".

SEC. 3156. REPORTS ON ACHIEVEMENT OF MILESTONES FOR NATIONAL IGNITION FACILITY.

(a) Notification of Achievement.—The Administrator for Nuclear Security shall notify the congressional defense committees when the National Ignition Facility (NIF), Lawrence Livermore National Laboratory, California, achieves each Level one milestone and Level two milestone for the National Ignition Facility.

(b) Report on Failure of Timely Achievement.—Not later than 10 days after the date on which the National Ignition Facility fails to achieve a Level one milestone or Level two milestone for the National Ignition Facility in a timely manner, the Administrator shall submit to the congressional defense committees a report on the failure. The report on a failure shall include—

(1) a statement of the failure of the National Ignition Facility to achieve the milestone concerned in a timely manner;

(2) an explanation for the failure; and

(3) either—

(A) an estimate when the milestone will be achieved; or

(B) if the milestone will not be achieved—

(i) a statement that the milestone will not be achieved;

(ii) an explanation why the milestone will not be achieved; and

(iii) the implications for the overall scope, schedule, and budget of the National Ignition Facility project of not achieving the milestone.

(c) Milestones.—For purposes of this section, the Level one milestones and Level two milestones for the National Ignition Facility are as established in the August 2000 revised National Ignition Facility baseline document.

SEC. 3157. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) Support in Fiscal Year 2002.—From amounts authorized to be appropriated or otherwise made available to the Secretary of Energy by this title—

(1) $6,900,000 shall be available for payment by the Secretary for fiscal year 2002 to the Los Alamos National Laboratory Foundation, a not-for-profit educational foundation chartered in accordance with section 3167(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2052); and

(2) $8,000,000 shall be available for extension of the contract between the Department of Energy and the Los Alamos Public Schools through fiscal year 2002.

(b) Support through Fiscal Year 2004.—Subject to the availability of appropriations for such purposes, the Secretary may—

(1) make a payment for each of fiscal years 2003 and 2004 similar in amount to the payment referred to in subsection (a)(1) for fiscal year 2002; and

(2) provide for a contract extension through fiscal year 2004 similar to the contract extension referred to in subsection (a)(2), including the use of an amount for that purpose in each of fiscal years 2003 and 2004 similar to the amount available for that purpose in fiscal year 2002 under that subsection.

(c) Use of Funds.—The Los Alamos National Laboratory Foundation shall—

(1) use funds provided the Foundation under this section as a contribution to the endowment fund of the Foundation; and

(2) use the income generated from investments in the endowment fund that are attributable to payments made under this section to fund programs to support the educational needs of children in public schools in the vicinity of Los Alamos National Laboratory.

(d) Report.—Not later than March 1, 2003, the Administrator for Nuclear Security shall submit to the congressional defense committees a report setting for the following:

(1) An evaluation of the requirements for continued payments after fiscal year 2004 into the endowment fund of the Los Alamos Laboratory Foundation to enable the Foundation to meet the goals of the Department of Energy to support the recruitment and retention of staff at the Los Alamos National Laboratory.

(2) Recommendations regarding the advisability of any further direct support after fiscal year 2004 for the Los Alamos Public Schools.

SEC. 3158. IMPROVEMENTS TO CORRAL HOLLOW ROAD, LIVERMORE, CALIFORNIA.

Of the amounts authorized to be appropriated by section 3101, not more than $325,000 shall be available to the Secretary of Energy for safety improvements to Corral Hollow Road adjacent to Site 300 of Lawrence Livermore National Laboratory, California.

SEC. 3159. ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF DEPARTMENT OF ENERGY FACILITIES TO TERRORIST ATTACK.

(a) In General.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

"ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK

"Sec. 663. (a) The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department facilities to terrorist attack.

"(b) Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include the results of the assessment covered by such report, together with such findings and recommendations as the Secretary considers appropriate.".

(b) Clerical Amendment.—The table of sections at the beginning of that Act is amended by inserting after the item relating to section 662 the following new item:

"Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.".

Subtitle F—Rocky Flats National Wildlife Refuge

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the "Rocky Flats National Wildlife Refuge Act of 2001".

SEC. 3172. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) Purposes.—The purposes of this subtitle are—

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure of the site;

(2) to create a process for public input on refuge management before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

SEC. 3173. DEFINITIONS.

In this subtitle:

(1) Cleanup and closure.—The term "cleanup and closure" means the response actions and decommissioning activities being carried out at Rocky Flats by the Department of Energy under the 1996 Rocky Flats Cleanup Agreement, the closure plans and baselines, and any other relevant documents or requirements.

(2) Coalition.—The term "Coalition" means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

(A) the city of Arvada, Colorado;

(B) the city of Boulder, Colorado;

(C) the city of Broomfield, Colorado;

(D) the city of Westminster, Colorado;

(E) the town of Superior, Colorado;

(F) Boulder County, Colorado; and

(G) Jefferson County, Colorado.

(3) Hazardous substance.—The term "hazardous substance" means—

(A) any hazardous substance, pollutant, or contaminant regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any—

(i) petroleum (including any petroleum product or derivative);

(ii) unexploded ordnance;

(iii) military munition or weapon; or

(iv) nuclear or radioactive material;

not otherwise regulated as a hazardous substance under any law in effect on the date of enactment of this Act.

(4) Pollutant or contaminant.—The term "pollutant or contaminant" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(5) Refuge.—The term "refuge" means the Rocky Flats National Wildlife Refuge established under section 3177.

(6) Response action.—The term "response action" has the meaning given the term "response" in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) or any similar requirement under State law.

(7) RFCA.—The term "RFCA" means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(A) the Department of Energy;

(B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) Rocky flats.—

(A) In general.—The term "Rocky Flats" means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map entitled "Rocky Flats Environmental Technology Site", dated July 15, 1998, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) Exclusions.—The term "Rocky Flats" does not include—

(i) land and facilities of the Department of Energy's National Wind Technology Center; or

(ii) any land and facilities not within the boundaries depicted on the map identified in subparagraph (A).

(9) Rocky flats trustees.—The term "Rocky Flats Trustees" means the Federal and State of Colorado entities that have been identified as trustees for Rocky Flats under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(10) Secretary.—The term "Secretary" means the Secretary of Energy.

SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.

(a) FEDERAL OWNERSHIP.—Except as expressly provided in this subtitle or any Act enacted after the date of enactment of this Act, all right, title, and interest of the United States, held on or acquired after the date of enactment of this Act, to land or interest therein, including minerals, within the boundaries of Rocky Flats shall be retained by the United States.

(b) LINDSAY RANCH.—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3173(8), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) PROHIBITION ON ANNEXATION.—Neither the Secretary nor the Secretary of the Interior shall allow the annexation of land within the refuge by any unit of local government.

(d) PROHIBITION ON THROUGH ROADS.—Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) TRANSPORTATION RIGHT-OF-WAY.—

(1) IN GENERAL.—

(A) AVAILABILITY OF LAND.—On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) BOUNDARIES.—Land made available under this paragraph may not extend more than 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of enactment of this Act.

(C) EASEMENT OR SALE.—Land may be made available under this paragraph by easement or sale to 1 or more appropriate entities.

(D) COMPLIANCE WITH APPLICABLE LAW.—Any action under this paragraph shall be taken in compliance with applicable law.

(2) CONDITIONS.—An application for land under this subsection may be submitted by any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—

(A) the transportation project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge; and

(B) the transportation project is included in the regional transportation plan of the metropolitan planning organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.

(a) IN GENERAL.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft memorandum of understanding under which—

(i) the Secretary shall provide for the subsequent transfer of administrative jurisdiction over Rocky Flats to the Secretary of the Interior; and

(ii) the Secretary of the Interior shall manage natural resources at Rocky Flats until the date on which the transfer becomes effective.

(B) REQUIRED ELEMENTS.—

(i) IN GENERAL.—Subject to clause (ii), the memorandum of understanding shall—

(I) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out the proposed transfer of land;

(II) for the period ending on the date of the transfer—

(aa) provide for the division of responsibilities between the Secretary and the Secretary of the Interior; and

(bb) provide for the management of the land proposed to be transferred by the Secretary of the Interior as a national wildlife refuge, for the purposes provided under section 3177(d)(2);

(III) provide for the annual transfer of funds from the Secretary to the Secretary of the Interior for the management of the land proposed to be transferred; and

(IV) subject to subsection (b)(1), identify the land proposed to be transferred to the Secretary of the Interior.

(ii) NO REDUCTION IN FUNDS.—The memorandum of understanding and the subsequent transfer shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

(C) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(2) EXCLUSIONS.—The transfer under paragraph (1) shall not include the transfer of any property or facility over which the Secretary retains jurisdiction, authority, and control under subsection (b)(1).

(3) CONDITION.—The transfer under paragraph (1) shall occur—

(A) not earlier than the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Secretary of the Interior that the cleanup and closure and all response actions at Rocky Flats have been completed, except for the operation and maintenance associated with those actions; but

(B) not later than 30 business days after that date.

(4) COST; IMPROVEMENTS.—The transfer—

(A) shall be completed without cost to the Secretary of the Interior; and

(B) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for refuge management purposes.

(b) PROPERTY AND FACILITIES EXCLUDED FROM TRANSFERS.—

(1) IN GENERAL.—The Secretary shall retain jurisdiction, authority, and control over all real property and facilities at Rocky Flats that are to be used for—

(A) any necessary and appropriate long-term operation and maintenance facility to intercept, treat, or control a radionuclide or any other hazardous substance, pollutant, or contaminant; and

(B) any other purpose relating to a response action or any other action that is required to be carried out at Rocky Flats.

(2) CONSULTATION.—

(A) IDENTIFICATION OF PROPERTY.—

(i) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the State of Colorado on the identification of all property to be retained under this subsection to ensure the continuing effectiveness of response actions.

(ii) AMENDMENT TO MEMORANDUM OF UNDERSTANDING.—

(I) IN GENERAL.—After the consultation, the Secretary and the Secretary of the Interior shall by mutual consent amend the memorandum of understanding required under subsection (a) to specifically identify the land for transfer and provide for determination of the exact acreage and legal description of the property to be transferred by a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(II) COUNCIL ON ENVIRONMENTAL QUALITY.—In the event the Secretary and the Secretary of the Interior cannot agree on the land to be retained or transferred, the Secretary or the Secretary of the Interior may refer the issue to the Council on Environmental Quality, which shall decide the issue within 45 days of such referral, and the Secretary and the Secretary of the Interior shall then amend the memorandum of understanding required under subsection (a) in conformity with the decision of the Council on Environmental Quality.

(B) MANAGEMENT OF PROPERTY.—

(i) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior on the management of the retained property to minimize any conflict between the management of property transferred to the Secretary of the Interior and property retained by the Secretary for response actions.

(ii) CONFLICT.—In the case of any such conflict, implementation and maintenance of the response action shall take priority.

(3) ACCESS.—As a condition of the transfer under subsection (a), the Secretary shall be provided such easements and access as are reasonably required to carry out any obligation or address any liability.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this subtitle subject to—

(A) any response action or institutional control at Rocky Flats carried out by or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.

(2) CONFLICT.—In the case of any conflict between the management of Rocky Flats by the Secretary of the Interior and the conduct of any response action or other action described in subparagraph (A) or (B) of paragraph (1), the response action or other action shall take priority.

(3) CONTINUING ACTIONS.—Except as provided in paragraph (1), nothing in this subsection affects any response action or other action initiated at Rocky Flats on or before the date of the transfer under subsection (a).

(d) LIABILITY.—

(1) IN GENERAL.—The Secretary shall retain any obligation or other liability for land transferred under subsection (a) under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) any other applicable law.

(2) RESPONSE ACTIONS.—

(A) IN GENERAL.—The Secretary shall be liable for the cost of any necessary response actions, including any costs or claims asserted against the Secretary, for any release, or substantial threat of release, of a hazardous substance, if the release, or substantial threat of release, is—

(i) located on or emanating from land—

(I) identified for transfer by this section; or

(II) subsequently transferred under this section;

(ii)(I) known at the time of transfer; or

(II) subsequently discovered; and

(iii) attributable to—

(I) management of the land by the Secretary; or

(II) the use, management, storage, release, treatment, or disposal of a hazardous substance on the land by the Secretary.

(B) Recovery from third party.—Nothing in this paragraph precludes the Secretary, on behalf of the United States, from bringing a cost recovery, contribution, or other action against a third party that the Secretary reasonably believes may have contributed to the release, or substantial threat of release, of a hazardous substance.

SEC. 3176. CONTINUATION OF ENVIRONMENTAL CLEANUP AND CLOSURE.

(a) Ongoing Cleanup and Closure.—

(1) In general.—The Secretary shall—

(A) carry out to completion cleanup and closure at Rocky Flats; and

(B) conduct any necessary operation and maintenance of response actions.

(2) No restriction on use of new technologies.—Nothing in this subtitle, and no action taken under this subtitle, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

(b) Rules of Construction.—

(1) No relief from obligations under other law.—

(A) In general.—Nothing in this subtitle, and no action taken under this subtitle, relieves the Secretary, the Administrator of the Environmental Protection Agency, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any applicable Federal or State law.

(B) No effect on RFCA.—Nothing in this subtitle impairs or alters any provision of the RFCA.

(2) Required cleanup levels.—

(A) In general.—Except as provided in subparagraph (B), nothing in this subtitle affects the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(B) No effect from establishment as national wildlife refuge.—

(i) In general.—The requirements of this subtitle for establishment and management of Rocky Flats as a national wildlife refuge shall not reduce the level of cleanup and closure.

(ii) Cleanup levels.—The Secretary shall conduct cleanup and closure of Rocky Flats to the levels established for soil, water, and other media, following a thorough review, by the parties to the RFCA and the public (including the United States Fish and Wildlife Service and other interested government agencies), of the appropriateness of the interim levels in the RFCA.

(3) No effect on obligations for measures to control contamination.—Nothing in this subtitle, and no action taken under this subtitle, affects any long-term obligation of the United States, acting through the Secretary, relating to funding, construction, monitoring, or operation and maintenance of—

(A) any necessary intercept or treatment facility; or

(B) any other measure to control contamination.

(c) Payment of Response Action Costs.—Nothing in this subtitle affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(d) Consultation.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior to ensure that the response action is carried out in a manner that—

(1) does not impair the attainment of the goals of the response action; but

(2) minimizes, to the maximum extent practicable, adverse effects of the response action on the refuge.

SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(a) Establishment.—Not later than 30 days after the transfer of jurisdiction under section 3175(a), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the "Rocky Flats National Wildlife Refuge".

(b) Composition.—The refuge shall consist of the real property subject to the transfer of administrative jurisdiction under section 3175(a)(1).

(c) Notice.—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

(d) Administration and Purposes.—

(1) In general.—The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) Refuge purposes.—At the conclusion of the transfer under section 3175(a)(3), the refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)); and

(D) providing opportunities for compatible, wildlife-dependent environmental scientific research.

(3) Management.—In managing the refuge, the Secretary shall ensure that wildlife-dependent recreation and environmental education and interpretation are the priority public uses of the refuge.

SEC. 3178. COMPREHENSIVE CONSERVATION PLAN.

(a) In General.—Not later than 180 days after the date of enactment of this Act, in developing a comprehensive conservation plan in accordance with section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior, in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Rocky Flats Trustees, shall establish a comprehensive planning process that involves the public and local communities.

(b) Other Participants.—In addition to the entities specified in subsection (a), the comprehensive planning process shall include the opportunity for direct involvement of entities not members of the Coalition as of the date of enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) Dissolution of Coalition.—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive planning process under this section—

(1) the comprehensive planning process under this section shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in the comprehensive planning process.

(d) Contents.—In addition to the requirements under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive conservation plan required by this section shall address and make recommendations on the following:

(1) The identification of any land described in section 3174(e) that could be made available for transportation purposes.

(2) The potential for leasing any land in Rocky Flats for the National Renewable Energy Laboratory to carry out projects relating to the National Wind Technology Center.

(3) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure, refuge, or other purposes.

(4) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(5) Any other issues relating to Rocky Flats.

(e) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Armed Services of the Senate and the Committee on Resources of the House of Representatives—

(1) the comprehensive conservation plan prepared under this section; and

(2) a report that—

(A) outlines the public involvement in the comprehensive planning process; and

(B) to the extent that any input or recommendation from the comprehensive planning process is not accepted, clearly states the reasons why the input or recommendation is not accepted.

SEC. 3179. PROPERTY RIGHTS.

(a) In General.—Except as provided in subsection (c), nothing in this subtitle limits any valid, existing property right at Rocky Flats that is owned by any person or entity, including, but not limited to—

(1) any mineral right;

(2) any water right or related easement; and

(3) any facility or right-of-way for a utility.

(b) Access.—Except as provided in subsection (c), nothing in this subtitle affects any right of an owner of a property right described in subsection (a) to access the owner's property.

(c) Reasonable Conditions.—

(1) In general.—The Secretary or the Secretary of the Interior may impose such reasonable conditions on access to property rights described in subsection (a) as are appropriate for the cleanup and closure of Rocky Flats and for the management of the refuge.

(2) No effect on applicable law.—Nothing in this subtitle affects any other applicable Federal, State, or local law (including any regulation) relating to the use, development, and management of property rights described in subsection (a).

(3) No effect on access rights.—Nothing in this subsection precludes the exercise of any access right, in existence on the date of enactment of this Act, that is necessary to perfect or maintain a water right in existence on that date.

(d) Purchase of Mineral Rights.—

(1) In general.—The Secretary shall seek to acquire any and all mineral rights at

Rocky Flats through donation or through purchase or exchange from willing sellers for fair market value.

(2) Funding.—The Secretary and the Secretary of the Interior—

(A) may use for the purchase of mineral rights under paragraph (1) funds specifically provided by Congress; but

(B) shall not use for such purchase funds appropriated by Congress for the cleanup and closure of Rocky Flats.

(e) Utility Extension.—

(1) In general.—The Secretary or the Secretary of the Interior may allow not more than one extension from an existing utility right-of-way on Rocky Flats, if necessary.

(2) Conditions.—An extension under paragraph (1) shall be subject to the conditions specified in subsection (c).

(f) Easement Surveys.—

(1) In general.—Subject to paragraph (2), until the date that is 180 days after the date of enactment of this Act, an entity that possesses a decreed water right or prescriptive easement relating to land at Rocky Flats may carry out such surveys at Rocky Flats as the entity determines are necessary to perfect the right or easement.

(2) Limitation on conditions.—An activity carried out under paragraph (1) shall be subject only to such conditions as are imposed—

(A) by the Secretary of Energy, before the date on which the transfer of management responsibilities under section 3175(a)(3) is completed, to minimize interference with the cleanup and closure of Rocky Flats; and

(B) by the Secretary of the Interior, on or after the date on which the transfer of management responsibilities under section 3175(a)(3) is completed, to minimize adverse effects on the management of the refuge.

SEC. 3180. ROCKY FLATS MUSEUM.

(a) Museum.—In order to commemorate the contribution that Rocky Flats and its worker force provided to the winning of the Cold War and the impact that the contribution has had on the nearby communities and the State of Colorado, the Secretary may establish a Rocky Flats Museum.

(b) Location.—The Rocky Flats Museum shall be located in the city of Arvada, Colorado, unless, after consultation under subsection (c), the Secretary determines otherwise.

(c) Consultation.—The Secretary shall consult with the city of Arvada, other local communities, and the Colorado State Historical Society on—

(1) the development of the museum;

(2) the siting of the museum; and

(3) any other issues relating to the development and construction of the museum.

(d) Report.—Not later than three years after the date of enactment of this Act, the Secretary, in coordination with the city of Arvada, shall submit to the Committee on Armed Services of the Senate and the appropriate committee of the House of Representatives a report on the costs associated with the construction of the museum and any other issues relating to the development and construction of the museum.

SEC. 3181. REPORT ON FUNDING.

At the time of submission of the first budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, after the date of enactment of this Act, and annually thereafter, the Secretary and the Secretary of the Interior shall report to the Committee on Armed Services and the Committee on Appropriations of the Senate and the appropriate committees of the House of Representatives on—

(1) the costs incurred in implementing this subtitle during the preceding fiscal year; and

(2) the funds required to implement this subtitle during the current and subsequent fiscal years.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2002, $18,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

(a) Disposal Required.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c). The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Bauxite	40,000 short tons
Chromium Metal	3,512 short tons
Iridium	25,140 troy ounces
Jewel Bearings	30,273,221 pieces
Manganese Ferro HC	209,074 short tons
Palladium	11 troy ounces
Quartz Crystal	216,648 pounds
Tantalum Metal Ingot	120,228 pounds contained
Tantalum Metal Powder	36,020 pounds contained
Thorium Nitrate	600,000 pounds.

(b) Minimization of Disruption and Loss.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(c) Relationship to Other Disposal Authority.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

SEC. 3302. REVISION OF LIMITATIONS ON REQUIRED DISPOSALS OF COBALT IN THE NATIONAL DEFENSE STOCKPILE.

(a) Public Law 105–261.—Section 3303 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (112 Stat. 2263; 50 U.S.C. 98d note) is amended—

(1) in subsection (a), by striking "the amount of—" and inserting "total amounts not less than—"; and

(2) in subsection (b)(2), by striking "receipts in the amounts specified in subsection (a)" and inserting "receipts in the total amount specified in such subsection (a)(4)".

(b) Public Law 105–85.—Section 3305 of the National Defense Authorization Act for Fiscal Year 1998 (111 Stat. 2057; 50 U.S.C. 98d note) is amended—

(1) in subsection (a), by striking "amounts equal to—" and inserting "total amounts not less than—"; and

(2) in subsection (b)(2)—

(A) by striking "may not dispose of cobalt under this section" and inserting "may not, under this section, dispose of cobalt in the fiscal year referred to in subsection (a)(5)"; and

(B) by striking "receipts in the amounts specified in subsection (a)" and inserting "receipts during that fiscal year in the total amount specified in such subsection (a)(5)".

(c) Public Law 104–201.—Section 3303 of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2855; 50 U.S.C. 98d note) is amended—

(1) in subsection (a), by striking "amounts equal to—" and inserting "total amounts not less than—"; and

(2) in subsection (b)(2)—

(A) by striking "may not dispose of materials under this section" and inserting "may not, under this section, dispose of materials during the 10-fiscal year period referred to in subsection (a)(2)"; and

(B) by striking "receipts in the amounts specified in subsection (a)" and inserting "receipts during that period in the total amount specified in such subsection (a)(2)".

SEC. 3303. ACCELERATION OF REQUIRED DISPOSAL OF COBALT IN THE NATIONAL DEFENSE STOCKPILE.

Section 3305(a) of the National Defense Authorization Act for Fiscal Year 1998 (111 Stat. 2057; 50 U.S.C. 98d note) is amended—

(1) in paragraph (1), by striking "2003" and inserting "2002";

(2) in paragraph (1), by striking "2004" and inserting "2003";

(3) in paragraph (1), by striking "2005" and inserting "2004";

(4) in paragraph (1), by striking "2006" and inserting "2005"; and

(5) in paragraph (1), by striking "2007" and inserting "2006".

SEC. 3304. REVISION OF RESTRICTION ON DISPOSAL OF MANGANESE FERRO.

Section 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) is amended—

(1) in subsection (a)—

(A) by striking "(a) Disposal of Lower Grade Material First.—The President" and inserting "During fiscal year 2002, the President"; and

(B) in the first sentence, by striking ", until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification"; and

(2) by striking subsections (b) and (c).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—There is hereby authorized to be appropriated to the Secretary of Energy $17,371,000 for fiscal year 2002 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title).

(b) Availability.—The amount authorized to be appropriated by subsection (a) shall remain available until expended.

MOTION OFFERED BY MR. STUMP

Mr. STUMP. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Stump moves to strike all after the enacting clause of the bill, S. 1438 and to insert in lieu thereof the provisions of H.R. 2586 as passed by the House.

The text of H.R. 2586 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2002".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical demilitarization program.
Sec. 107. Defense health programs.
Sec. 108. Additional amount for shipbuilding and conversion, Navy.

Subtitle B—Army Programs

Sec. 111. Extension of multiyear contract for Family of Medium Tactical Vehicles.
Sec. 112. Repeal of limitations on bunker defeat munitions program.

Subtitle C—Air Force Programs

Sec. 121. Responsibility of Air Force for contracts for all defense space launches.
Sec. 122. Multi-year procurement of C–17 aircraft.

Subtitle D—Chemical Munitions Destruction

Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Cooperative Department of Defense-Department of Veterans Affairs medical research program.
Sec. 212. Advanced Land Attack Missile program.
Sec. 213. Collaborative program for development of advanced radar systems for naval applications.
Sec. 214. Cost limitation applicable to F–22 aircraft program engineering and manufacturing development.
Sec. 215. C–5 aircraft modernization.

Subtitle C—Ballistic Missile Defense

Sec. 231. Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments.
Sec. 232. Repeal of program element requirements for ballistic missile defense programs.
Sec. 233. Support of ballistic missile defense activities of the Department of Defense by the national defense laboratories of the Department of Energy.
Sec. 234. Missile defense testing initiative.
Sec. 235. Missile Defense System Test Bed Facilities.

Subtitle D—Other Matters

Sec. 241. Establishment of unmanned aerial vehicle joint operational test bed system.
Sec. 242. Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet.
Sec. 243. Management responsibility for Navy mine countermeasures programs.
Sec. 244. Program to accelerate the introduction of innovative technology in defense acquisition programs.

Subtitle E—Air Force Science and Technology for the 21st Century

Sec. 251. Short title.
Sec. 252. Science and technology investment and development planning.
Sec. 253. Study and report on effectiveness of Air Force science and technology program changes.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

Subtitle B—Environmental Provisions

Sec. 311. Inventory of explosive risk sites at former military ranges.
Sec. 312. National security impact statements.
Sec. 313. Reimbursement for certain costs in connection with Hooper Sands site, South Berwick, Maine.
Sec. 314. River mitigation studies.
Sec. 315. Elimination of annual report on contractor reimbursement for costs of environmental response actions.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Reserve component commissary benefits.
Sec. 322. Reimbursement for noncommissary use of commissary facilities.
Sec. 323. Civil recovery for nonappropriated fund instrumentality costs related to shoplifting.

Subtitle D—Workforce and Depot Issues

Sec. 331. Workforce review limitations.
Sec. 332. Applicability of core logistics capability requirements to nuclear aircraft carriers.
Sec. 333. Continuation of contractor manpower reporting system in Department of the Army.
Sec. 334. Limitation on expansion of Wholesale Logistics Modernization Program.
Sec. 335. Pilot project for exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
Sec. 336. Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Availability of auxiliary services of defense dependents' education system for dependents who are home school students.
Sec. 343. Report regarding compensation for teachers employed in teaching positions in overseas schools operated by the Department of Defense.

Subtitle F—Other Matters

Sec. 351. Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans.
Sec. 352. Continuation of limitations on implementation of Navy-Marine Corps Intranet contract.
Sec. 353. Completion and evaluation of current demonstration programs to improve quality of personal property shipments of members.
Sec. 354. Expansion of entities eligible for loan, gift, and exchange of documents; historical artifacts, and obsolete combat materiel.
Sec. 355. Sense of Congress regarding security to be provided at the 2002 Winter Olympic Games.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2002 limitation on nondual status technicians.
Sec. 415. Limitations on numbers of Reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of Reserve components.

Subtitle C—Other Matters Relating to Personnel Strengths

Sec. 421. Increase in percentage by which active component end strengths for any fiscal year may be increased.
Sec. 422. Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions.
Sec. 423. Increase in authorized strengths for Air Force officers on active duty in the grade of major.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

Sec. 501. Enhanced flexibility for management of senior general and flag officer positions.
Sec. 502. Original appointments in regular grades for Academy graduates and certain other new officers.
Sec. 503. Temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).
Sec. 504. Increase in senior enlisted active duty grade limit for Navy, Marine Corps, and Air Force.
Sec. 505. Authority for limited extension of medical deferment of mandatory retirement or separation.
Sec. 506. Authority for limited extension on active duty of members subject to mandatory retirement or separation.
Sec. 507. Clarification of disability severance pay computation.
Sec. 508. Officer in charge of United States Navy Band.
Sec. 509. One-year extension of expiration date for certain force management authorities.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Placement on active-duty list of certain reserve officers on active duty for a period of three years or less.
Sec. 512. Expanded application of Reserve special selection boards.
Sec. 513. Exception to baccalaureate degree requirement for appointment of reserve officers to grades above first lieutenant.
Sec. 514. Improved disability benefits for certain reserve component members.
Sec. 515. Time-in-grade requirement for reserve component officers with a nonservice connected disability.
Sec. 516. Reserve members considered to be deployed for purposes of personnel tempo management.
Sec. 517. Funeral honors duty performed by Reserve and Guard members to be treated as inactive-duty training for certain purposes.
Sec. 518. Members of the National Guard performing funeral honors duty while in non-Federal status.
Sec. 519. Use of military leave for funeral honors duty by Reserve members and National Guardsmen.
Sec. 520. Preparation for, participation in, and conduct of athletic competitions by the National Guard and members of the National Guard.

Subtitle C—Joint Specialty Officers and Joint Professional Military Education

Sec. 521. Nominations for joint specialty.
Sec. 522. Joint duty credit.
Sec. 523. Retroactive joint service credit for duty in certain joint task forces.
Sec. 524. Revision to annual report on joint officer management.
Sec. 525. Requirement for selection for joint specialty before promotion to general or flag officer grade.
Sec. 526. Independent study of joint officer management and joint professional military education reforms.
Sec. 527. Professional development education.
Sec. 528. Authority for National Defense University to enroll certain private sector civilians.
Sec. 529. Continuation of reserve component professional military education test.

Subtitle D—Military Education and Training

Sec. 531. Defense Language Institute Foreign Language Center.
Sec. 532. Authority for the Marine Corps University to award degree of master of strategic studies.
Sec. 533. Increase in number of foreign students authorized to be admitted to the service academies.
Sec. 534. Increase in maximum age for appointment as a cadet or midshipman in Senior Reserve Officer Training Corps scholarship programs.
Sec. 535. Active duty participation as a cadet or midshipman in Senior ROTC advanced training.
Sec. 536. Authority to modify the service obligation of certain ROTC cadets in military junior colleges receiving financial assistance.
Sec. 537. Modification of nurse officer candidate accession program restriction on students attending educational institutions with Senior Reserve Officers' Training programs.
Sec. 538. Repeal of limitation on number of Junior Reserve Officers' Training Corps (JROTC) units.
Sec. 539. Reserve health professionals stipend program expansion.
Sec. 540. Housing allowance for the Chaplain for the Corps of Cadets, United States Military Academy.

Subtitle E—Decorations, Awards, and Commendations

Sec. 541. Authority for award of the medal of honor to Humbert R. Versace for valor during the Vietnam War.
Sec. 542. Review regarding award of medal of honor to certain Jewish American and Hispanic American war veterans.
Sec. 543. Authority to issue duplicate medal of honor.
Sec. 544. Authority to replace stolen military decorations.
Sec. 545. Waiver of time limitations for award of Navy Distinguished Flying Cross to certain persons.
Sec. 546. Korea Defense Service medal.
Sec. 547. Cold War Service medal.
Sec. 548. Option to convert award of Armed Forces Expeditionary Medal awarded for Operation Frequent Wind to Vietnam Service Medal.
Sec. 549. Sense of Congress on new medal to recognize civilian employees of the Department of Defense killed or wounded as a result of hostile action.

Subtitle F—Matters Relating to Voting

Sec. 551. Voting assessments and assistance for members of the uniformed services.
Sec. 552. Electronic voting demonstration project.

Subtitle G—Matters Relating to Military Spouses and Family Members

Sec. 561. Improved financial and other assistance to military spouses for job training and education.
Sec. 562. Authority to conduct surveys of dependents and survivors of military retirees.
Sec. 563. Clarification of treatment of classified information concerning persons in a missing status.
Sec. 564. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.
Sec. 565. Amendments to charter of Defense Task Force on Domestic Violence.

Subtitle H—Military Justice and Legal Matters

Sec. 571. Requirement that courts-martial consist of not less than 12 members in capital cases.
Sec. 572. Right of convicted accused to request sentencing by military judge.
Sec. 573. Codification of requirement for regulations for delivery of military personnel to civil authorities when charged with certain offenses
Sec. 574. Authority to accept voluntary legal services for members of the Armed Forces.

Subtitle I—Other Matters

Sec. 581. Shipment of privately owned vehicles when making permanent change of station moves within United States.
Sec. 582. Payment of vehicle storage costs in advance.
Sec. 583. Permanent authority for use of military recruiting funds for certain expenses at Department of Defense recruiting functions.
Sec. 584. Clarification of military recruiter access to secondary school directory information about students.
Sec. 585. Repeal of requirement for final Comptroller General report relating to Army end strength allocations.
Sec. 586. Posthumous Army commission in the grade of captain in the Chaplains Corps to Ella E. Gibson for service as chaplain of the First Wisconsin Heavy Artillery regiment during the Civil War.
Sec. 587. National Guard Challenge Program.
Sec. 588. Payment of FEHBP premiums for certain Reservists called to active duty in support of contingency operations.
Sec. 589. 18-month enlistment pilot program.
Sec. 590. Per diem allowance for lengthy or numerous deployments.
Sec. 591. Congressional review period for change in ground combat exclusion policy.
Sec. 592. Report on health and disability benefits for pre-accession training and education programs.
Sec. 593. Requirement to provide appropriate articles of clothing as a civilian uniform for civilians participating in funeral honor details for veterans upon showing of financial need.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2002.

Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
Sec. 603. Subsistence allowances.
Sec. 604. Eligibility for basic allowance for housing while between permanent duty stations.
Sec. 605. Uniform allowance for officers.
Sec. 606. Family separation allowance for certain members electing to serve unaccompanied tour of duty.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. One-year extension of other bonus and special pay authorities.
Sec. 614. Conforming accession bonus for dental officers authority with authorities for other special pay and bonuses.
Sec. 615. Additional type of duty resulting in eligibility for hazardous duty incentive pay.
Sec. 616. Equal treatment of reservists performing inactive-duty training for receipt of aviation career incentive pay.
Sec. 617. Secretarial discretion in prescribing submarine duty incentive pay rates.
Sec. 618. Imposition of critical wartime skill requirement for eligibility for Individual Ready Reserve bonus.
Sec. 619. Installment payment authority for 15-year career status bonus.
Sec. 620. Accession bonus for new officers.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Minimum per diem rate for travel and transportation allowance for travel performed upon a change of permanent station and certain other travel.
Sec. 632. Payment or reimbursement of temporary subsistence expenses.
Sec. 633. Increased weight allowance for transportation of baggage and household effects for junior enlisted members.
Sec. 634. Reimbursement of members for mandatory pet quarantine fees for household pets.
Sec. 635. Availability of dislocation allowance for married member, whose spouse is a member, assigned to military family housing.
Sec. 636. Elimination of prohibition on receipt of dislocation allowance by members ordered to first duty station.
Sec. 637. Partial dislocation allowance authorized for housing moves ordered for Government convenience.
Sec. 638. Allowances for travel performed in connection with members taking authorized leave between consecutive overseas tours.
Sec. 639. Funded student travel as part of school-sponsored exchange programs.

Subtitle D—Retirement and Survivor Benefit Matters

Sec. 641. Contingent authority for concurrent receipt of military retired pay and veterans' disability compensation.

Subtitle E—Other Matters

Sec. 651. Funeral honors duty allowance for retired members.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

Sec. 701. Implementing cost-effective payment rates under the TRICARE program.
Sec. 702. Waiver of nonavailability statement or preauthorization requirement.
Sec. 703. Improvements in administration of the TRICARE program.
Sec. 704. Sub-acute and long-term care program reform.
Sec. 705. Reimbursement of travel expenses of a parent, guardian, or responsible family member of a minor covered beneficiary.

Subtitle B—Other Matters

Sec. 711. Prohibition against requiring military retirees to receive health care solely through the Department of Defense.
Sec. 712. Trauma and medical care pilot program.
Sec. 713. Enhancement of medical product development.
Sec. 714. Repeal of obsolete report requirement.
Sec. 715. Clarifications and improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Acquisition milestones.
Sec. 802. Acquisition workforce qualifications.
Sec. 803. Two-year extension of program applying simplified procedures to certain commercial items.
Sec. 804. Contracts for services to be performed outside the United States.
Sec. 805. Codification and modification of "Berry Amendment" requirements.
Sec. 806. Increase of assistance limitation regarding procurement technical assistance programs.
Sec. 807. Study of contract consolidations.

Subtitle B—Erroneous Payments Recovery

Sec. 811. Short title.
Sec. 812. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.
Sec. 813. Disposition of recovered funds.
Sec. 814. Sources of recovery services.
Sec. 815. Management improvement programs.
Sec. 816. Reports.
Sec. 817. Relationship to authority of inspectors general.
Sec. 818. Privacy protections.
Sec. 819. Definition.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Further reductions in defense acquisition and support workforce.
Sec. 902. Sense of Congress on establishment of an Office of Transformation in the Department of Defense.
Sec. 903. Revised joint report on establishment of national collaborative information analysis capability.
Sec. 904. Elimination of triennial report by Chairman of the Joint Chiefs of Staff on roles and missions of the Armed Forces.
Sec. 905. Repeal of requirement for semiannual reports through March 2003 on activities of Joint Requirements Oversight Council.
Sec. 906. Correction of references to Air Mobility Command.
Sec. 907. Organizational alignment change for Director for Expeditionary Warfare.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2002.
Sec. 1004. Increase in limitations on administrative authority of the Navy to settle admiralty claims.

Subtitle B—Naval Vessels

Sec. 1011. Revision in types of excess naval vessels for which approval by law is required for disposal to foreign nations.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Authority to transfer Tracker aircraft currently used by Armed Forces for counter-drug purposes.
Sec. 1023. Authority to transfer Tethered Aerostat Radar System currently used by Armed Forces for counter-drug purposes.
Sec. 1024. Assignment of members to assist Immigration and Naturalization Service and Customs Service.

Subtitle D—Reports

Sec. 1031. Requirement that Department of Defense reports to Congress be accompanied by electronic version.
Sec. 1032. Report on Department of Defense role in homeland security matters.
Sec. 1033. Revision of annual report to Congress on National Guard and reserve component equipment.

Subtitle E—Other Matters

Sec. 1041. Department of Defense gift authorities.
Sec. 1042. Termination of referendum requirement regarding continuation of military training on island of Vieques, Puerto Rico, and imposition of additional conditions on closure of live-fire training range.
Sec. 1043. Repeal of limitation on reductions in Peacekeeper ICBM missiles.
Sec. 1044. Transfer of Vietnam Era F-4 aircraft to nonprofit museum.
Sec. 1045. Bomber force structure.
Sec. 1046. Technical and clerical amendments.
Sec. 1047. Leasing of Navy ships for University National Oceanographic Laboratory System.

Sec. 1048. Sense of Congress regarding continued United States commitment to restoring Lafayette Escadrille Memorial, Marnes La-Coguette, France.
Sec. 1049. Designation of firefighter assistance program in honor of Floyd D. Spence, a former Member of the House of Representatives, and sense of Congress on need to continue the program.
Sec. 1050. Sense of Congress on implementation of fuel efficiency reforms in Department of Defense.
Sec. 1051. Plan for securing Russia's nuclear weapons, material, and expertise.
Sec. 1052. Two-year extension of advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.
Sec. 1053. Action to promote national defense features program.
Sec. 1054. Amendments relating to Commission on the Future of the United States Aerospace Industry.
Sec. 1055. Authority to accept monetary contributions for repair and reconstruction of pentagon reservation.

TITLE XI—CIVILIAN PERSONNEL

Sec. 1101. Undergraduate training program for employees of the National Imagery and Mapping Agency.
Sec. 1102. Pilot program for payment of retraining expenses.
Sec. 1103. Payment of expenses to obtain professional credentials.
Sec. 1104. Retirement portability elections for certain Department of Defense and Coast Guard employees.
Sec. 1105. Removal of requirement that granting civil service compensatory time be based on amount of irregular or occasional overtime work.
Sec. 1106. Applicability of certain laws to certain individuals assigned to work in the Federal Government.
Sec. 1107. Limitation on premium pay.
Sec. 1108. Use of common occupational and health standards as a basis for differential payments made as a consequence of exposure to asbestos.
Sec. 1109. Authority for designated civilian employees abroad to act as a notary.
Sec. 1110. "Monroney amendment" restored to its prior form.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Sec. 1201. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.
Sec. 1202. Acquisition of logistical support for security forces.
Sec. 1203. Report on the sale and transfer of military hardware, expertise, and technology from States of the former Soviet Union to the People's Republic of China.
Sec. 1204. Limitation on funding for Joint Data Exchange Center.
Sec. 1205. Extension of authority to provide assistance under Weapons of Mass Destruction Act for support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
Sec. 1206. Repeal of requirement for reporting to Congress on military deployments to Haiti.
Sec. 1207. Report by Comptroller General on provision of defense articles, services, and military education and training to foreign countries and international organizations.
Sec. 1208. Limitation on number of military personnel in Colombia.
Sec. 1209. Authority for employees of Federal Government contractors to accompany chemical weapons inspection teams at Government-owned facilities.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition against use of funds until submission of reports.
Sec. 1304. Report on use of revenue generated by activities carried out under Cooperative Threat Reduction programs.
Sec. 1305. Prohibition against use of funds for second wing of fissile material storage facility.
Sec. 1306. Prohibition against use of funds for construction or refurbishment of certain fossil fuel energy plants.
Sec. 1307. Reports on activities and assistance under Cooperative Threat Reduction programs.
Sec. 1308. Report on responsibility for carrying out Cooperative Threat Reduction programs.
Sec. 1309. Chemical weapons destruction.

TITLE XIV—DEFENSE SPACE REORGANIZATION

Sec. 1401. Short title.
Sec. 1402. Authority to establish position of Under Secretary of Defense for Space, Intelligence, and Information.
Sec. 1403. Authority to designate Under Secretary of the Air Force as acquisition executive for space of the Department of Defense.
Sec. 1404. Major force program category for space programs.
Sec. 1405. Comptroller General assessment of implementation of recommendations of Space Commission.
Sec. 1406. Commander of Air Force Space Command.
Sec. 1407. Authority to establish separate career field in the Air Force for space.
Sec. 1408. Relationship to authorities and responsibilities of Director of Central Intelligence.

TITLE XV—ACTIVITIES TO COMBAT TERRORISM

Subtitle A—Increased Funding to Combat Terrorism

Sec. 1501. Increased funding.
Sec. 1502. Treatment of transferred amounts.

Subtitle B—Policy Matters Relating to Combating Terrorism

Sec. 1511. Assessment of Department of Defense ability to respond to terrorist attacks.
Sec. 1512. Report on Department of Defense ability to protect the United States from airborne threats.
Sec. 1513. Establishment of combating terrorism as a national security mission.
Sec. 1514. Department of Defense coordination with FEMA and FBI.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title; definition.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2001 projects.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of Appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2000 project.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authority to carry out certain fiscal year 2001 project.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized defense agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, defense agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2001 project.
Sec. 2405. Modification of authority to carry out certain fiscal year 2000 projects.
Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.
Sec. 2407. Modification of authority to carry out certain fiscal year 1995 project.
Sec. 2408. Prohibition on expenditures to develop forward operating location on Aruba for United States Southern Command counter-drug detection and monitoring flights.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FACILITIES
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TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS
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Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1998 projects.
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Sec. 2865. Establishment of World War II memorial at additional location on Guam.
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Sec. 2867. Conveyance of avigation easements, former Norton Air Force Base, California.
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Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Disposal of obsolete and excess materials contained in national defense stockpile.
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TITLE XXXIV—NAVAL PETROLEUM RESERVES
Sec. 3401. Authorization of appropriations.
TITLE XXXV—MARITIME ADMINISTRATION
Sec. 3501. Authorization of appropriations for fiscal year 2002.
Sec. 3502. Define "war risks" to vessels to include confiscation, expropriation, nationalization, and deprivation of the vessels.
Sec. 3503. Holding obligor's cash as collateral under title XI of Merchant Marine Act, 1936.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Army as follows:

(1) For aircraft, $1,987,491,000.

(2) For missiles, $1,097,286,000.

(3) For weapons and tracked combat vehicles, $2,367,046,000.

(4) For ammunition, $1,208,565,000.

(5) For other procurement, $4,143,986,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Navy as follows:

(1) For aircraft, $8,337,243,000.

(2) For weapons, including missiles and torpedoes, $1,476,692,000.

(3) For shipbuilding and conversion, $9,321,121,000.

(4) For other procurement, $4,157,313,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Marine Corps in the amount of $1,025,624,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement of ammunition for the Navy and the Marine Corps in the amount of $463,507,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Air Force as follows:

(1) For aircraft, $10,705,687,000.

(2) For missiles, $3,226,336,000.

(3) For ammunition, $871,344,000.

(4) For other procurement, $8,250,821,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2002 for Defense-wide procurement in the amount of $2,267,346,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Inspector General of the Department of Defense in the amount of $1,800,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2002 the amount of $1,078,557,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $267,915,000.

SEC. 108. ADDITIONAL AMOUNT FOR SHIPBUILDING AND CONVERSION, NAVY.

(a) INCREASE IN SCN AMOUNT.—The amount provided in section 102(a)(3) for shipbuilding and conversion for the Navy is hereby increased by $57,100,000, to be available for the U.S.S. Eisenhower (CVN–69) Refueling Complex Overhaul program.

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by $57,100,000, to be derived from amounts for consulting services.

Subtitle B—Army Programs

SEC. 111. EXTENSION OF MULTIYEAR CONTRACT FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

In order to ensure that an adequate number of vehicles of the "A1" variant of the Family of Medium Tactical Vehicles program continue to be fielded to the Army, the Secretary of the Army may extend for one additional year the existing multiyear procurement contract, authorized by section 112(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) and awarded on October 14, 1998, for procurement of vehicles under that program (notwithstanding the maximum period for such contracts otherwise applicable under section 2306b(k) of title 10, United States Code) if the Secretary determines that it is necessary to do so in order to prevent a break in production of those vehicles.

SEC. 112. REPEAL OF LIMITATIONS ON BUNKER DEFEAT MUNITIONS PROGRAM.

Section 116 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is repealed.

Subtitle C—Air Force Programs

SEC. 121. MULTI-YEAR PROCUREMENT OF C–17 AIRCRAFT.

If the Secretary of Defense certifies to the congressional defense committees before the enactment of this Act that it is in the interest of the Department of Defense to proceed with a follow-on multi-year procurement of additional C–17 aircraft, then the Secretary may, in accordance with section 2306b of title 10, United States Code, enter into a new multi-year procurement contract or extend the current multi-year procurement contract beginning in fiscal year 2002 to procure up to 60 additional C–17 aircraft in order to meet the Department's airlift requirements.

Subtitle D—Chemical Munitions Destruction

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

Section 152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 50 U.S.C. 1521 note) is amended—

(1) in subsection (b)—

(A) by inserting "for that site" after "in place"; and

(B) by adding at the end the following new paragraphs:

"(4) Emergency preparedness and response capabilities have been established at the site and in the surrounding communities to respond to emergencies involving risks to public health or safety that are identified by the Secretary of Defense as being risks resulting from the storage or destruction of lethal chemical agents and munitions at the site.

"(5) The Under Secretary of Defense for Acquisition, Technology, and Logistics recommends initiation of destruction at the site after considering the recommendation by the board established by subsection (g)."; and

(2) by adding at the end the following new subsection:

"(g) OVERSIGHT BOARDS.—(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall convene, for each site at which the chemical munitions stockpile is stored, an independent oversight board composed of—

"(A) the Secretary of the Army;

"(B) the Director of the Federal Emergency Management Agency;

"(C) the Administrator of the Environmental Protection Agency;

"(D) the President of the National Academy of Sciences;

"(E) the Governor of the State in which the site is located; and

"(F) one individual designated by the Under Secretary from a list of three local representatives of the area in which the site is located, prepared jointly by the Member of the House of Representatives who represents the Congressional District in which the site is located and the Senators representing the State in which the site is located.

"(2) Not later than six months after each such board is convened, the board shall make a recommendation to the Under Secretary whether the destruction of the chemical munitions stockpile should be initiated at the site.

"(3) The Under Secretary may not recommend initiation of destruction of the chemical munitions stockpile at a site after considering a negative recommendation of the board until 90 days after the Under Secretary provides notice to Congress of the intent to recommend initiation of destruction.".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $6,749,025,000.

(2) For the Navy, $10,863,274,000.

(3) For the Air Force, $14,455,653,000.

(4) For Defense-wide activities, $15,591,978,000, of which $217,355,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2002.—Of the amounts authorized to be appropriated by section 201, $4,973,843,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COOPERATIVE DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL RESEARCH PROGRAM.

Of the funds authorized to be appropriated by section 201(4), $5,000,000 shall be available for the cooperative Department of Defense/Department of Veterans Affairs medical research program. The Secretary of Defense shall transfer such amount to the Secretary of Veterans Affairs for such purpose not later than 30 days after the date of the enactment of this Act.

SEC. 212. ADVANCED LAND ATTACK MISSILE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a competitive program for the development of an advanced land attack missile for the DD–21 land attack destroyer and other naval combatants.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, with the submission of the budget request for the Department of Defense for fiscal year 2003, a report providing the program plan for the Advanced Land Attack Missile program, the schedule for that program, and funding required for that program.

(c) FUNDING.—Of the amount authorized to be appropriated under section 201(2) for research, development, test, and evaluation for the Navy, $20,000,000 shall be available in PE 0603795N for the Advanced Land Attack Missile program.

SEC. 213. COLLABORATIVE PROGRAM FOR DEVELOPMENT OF ADVANCED RADAR SYSTEMS FOR NAVAL APPLICATIONS.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to develop and demonstrate advanced technologies and concepts leading to advanced radar systems for naval and other applications.

(b) DESCRIPTION OF PROGRAM.—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into by the Director of Defense Research and Engineering, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

(1) Activities needed to develop and deploy advanced electronics materials, including specifically wide band gap electronics components needed to extend the range and sensitivity of naval radars.

(2) Identification of acquisition systems for use of the new technology.

(c) REPORT.—Not later than January 31, 2002, the Director of Defense Research and Engineering, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following:

(1) A description of the memorandum of agreement referred to in subsection (b).

(2) A schedule for the program.

(3) Identification of the funding required for fiscal year 2003 and for the future-years defense program to carry out the program.

(4) A list of program capability goals and objectives.

(d) FUNDING.—(1) Of the amount authorized to be appropriated for Defense-wide activities by section 201(4) for the Defense Advanced Research Projects Agency, $41,000,000 shall be available for applied research and maturation of high frequency and high power wide band gap semiconductor electronics technology to carry out the program under subsection (a).

(2) Of the amount authorized to be appropriated by section 201(2) for the Department of the Navy, $15,500,000 shall be available to carry out the program under subsection (a).

SEC. 214. COST LIMITATION APPLICABLE TO F-22 AIRCRAFT PROGRAM ENGINEERING AND MANUFACTURING DEVELOPMENT.

Section 217(c)(3) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660) is amended by inserting "plus $250,000,000" after "and (2)".

SEC. 215. C-5 AIRCRAFT MODERNIZATION.

(a) INCREASE IN AIR FORCE RDTE AMOUNT.—The amount provided in section 201(3) for Research, Development, Test, and Evaluation for the Air Force is hereby increased by $30,000,000, to be available for Reengining and Avionics Modernization for the C-5 aircraft.

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by $30,000,000, to be derived from amounts for consulting services.

Subtitle C—Ballistic Missile Defense

SEC. 231. TRANSFER OF RESPONSIBILITY FOR PROCUREMENT FOR MISSILE DEFENSE PROGRAMS FROM BALLISTIC MISSILE DEFENSE ORGANIZATION TO MILITARY DEPARTMENTS.

(a) BUDGETING OF MISSILE DEFENSE PROCUREMENT AUTHORITY.—(1) Subsection (a) of section 224 of title 10, United States Code is amended by striking "procurement" both places it appears and inserting "research, development, test, and evaluation".

(2) Such section is further amended by striking subsections (b) and (c) and inserting the following:

"(b) COVERED PROGRAMS.—Subsection (a) applies to any ballistic missile defense program for which research, development, test, and evaluation is carried out by the Ballistic Missile Defense Organization.".

(3)(A) The heading of that section is amended to read as follows:

"§ 224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation".

(B) The item relating to section 224 in the table of sections at the beginning of chapter 9 of such title is amended to read as follows:

"224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.".

(b) TRANSFER CRITERIA.—The Secretary of Defense shall establish, and submit to the congressional defense committees, criteria for the transfer of ballistic missile defense programs from the Ballistic Missile Defense Organization to the military departments. Those criteria shall, at a minimum, address technical maturity of the program, availability of facilities for production, and service commitment to procurement funding.

(c) NOTIFICATION OF TRANSFER.—Before responsibility for a ballistic missile defense program is transferred from the Ballistic Missile Defense Organization to the Secretary of a military department, the Secretary of Defense shall submit to the congressional defense committees notice in writing of the Secretary's intent to make that transfer. The Secretary shall include with such notice a certification that the program has met the criteria established under subsection (b) for such a transfer. The transfer may then be carried out after the end of the 60-day period beginning on the date of such notice.

SEC. 232. REPEAL OF PROGRAM ELEMENT REQUIREMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) REPEAL.—Section 223 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 223.

SEC. 233. SUPPORT OF BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE BY THE NATIONAL DEFENSE LABORATORIES OF THE DEPARTMENT OF ENERGY.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts authorized to be appropriated to the Department of Defense pursuant to section 201(4), $25,000,000 shall be available, subject to subsection (b) and at the discretion of the Director of the Ballistic Missile Defense Organization, for research, development, and demonstration activities at the national laboratories of the Department of Energy in support of the missions of the Ballistic Missile Defense Organization, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to enhance performance, reduce risk, and improve reliability in hit-to-kill interceptors for ballistic missile defense.

(2) Support for science and engineering teams to assess critical technical problems and prudent alternative approaches as agreed upon by the Director of the Ballistic Missile Defense Organization and the Administrator for Nuclear Security.

(b) REQUIREMENT FOR MATCHING FUNDS FROM NNSA.—Funds shall be available as provided in subsection (a) only if the Administrator for Nuclear Security makes available matching funds for the activities referred to in subsection (a).

(c) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034) and modified pursuant to section 3132 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–455) to provide for jointly funded projects.

SEC. 234. MISSILE DEFENSE TESTING INITIATIVE.

(a) TESTING INFRASTRUCTURE.—(1) The Secretary of Defense shall ensure that each annual budget request of the Department of Defense—

(A) is designed to provide for comprehensive testing of ballistic missile defense programs during early stages of development; and

(B) includes necessary funding to support and improve test infrastructure and provide adequate test assets for the testing of such programs.

(2) The Secretary shall ensure that ballistic missile defense programs incorporate, to the greatest possible extent, operationally realistic test configurations (referred to as "test bed" configurations) to demonstrate system performance across a broad range of capability and, during final stages of operational testing, to demonstrate reliable performance.

(3) The Secretary shall ensure that the test infrastructure for ballistic missile defense programs is capable of supporting continued testing of ballistic missile defense systems after deployment.

(b) REQUIREMENTS FOR EARLY STAGES OF SYSTEM DEVELOPMENT.—In order to demonstrate acceptable risk and developmental stability, the Secretary of Defense shall ensure that any ballistic missile defense program incorporates, to the maximum extent practicable, the following elements during the early stages of system development:

(1) Pursuit of parallel conceptual approaches and technological paths for all critical problematic components until effective and reliable solutions can be demonstrated.

(2) Comprehensive ground testing in conjunction with flight-testing for key elements of the proposed system that are considered to present high risk, with such ground testing to make use of existing facilities and combinations of facilities that support testing at the highest possible levels of integration.

(3) Where appropriate, expenditures to enhance the capabilities of existing test facilities, or to construct new test facilities, to support alternative complementary test methodologies.

(4) Sufficient funding of test instrumentation to ensure accurate measurement of all critical test events and, where possible, incorporation of mobile assets to enhance flexibility in test configurations.

(5) Incorporation into the program of sufficient schedule flexibility and expendable test assets, including missile interceptors and targets, to ensure that failed or aborted tests can be repeated in a prudent, but expeditious manner.

(6) Incorporation into flight-test planning for the program, where possible, of—

(A) methods referred to as "campaign testing" and "test through failure" and other appropriate test methods in order to reduce costs per test event;

(B) events to demonstrate engagement of multiple targets, "shoot-look-shoot", and other planned operational concepts; and

(C) exploitation of opportunities to facilitate early development and demonstration of "family of systems" concepts.

(c) SPECIFIC REQUIREMENTS FOR GROUND-BASED MID-COURSE INTERCEPTOR SYSTEMS.—For ground-based mid-course interceptor systems, the Secretary of Defense shall initiate steps during fiscal year 2002 to establish a flight-test capability of launching not less than three missile defense interceptors and not less than two ballistic missile targets to provide a realistic test infrastructure.

SEC. 235. MISSILE DEFENSE SYSTEM TEST BED FACILITIES.

(a) AUTHORITY TO ACQUIRE OR CONSTRUCT FACILITIES.—(1) The Secretary of Defense, using funds appropriated to the Department of Defense for research, development, test, and evaluation for fiscal years after fiscal year 2001 that are available for programs of the Ballistic Missile Defense Organization, may carry out construction projects, or portions of construction projects, including projects for the acquisition, improvement, or construction of facilities of general utility, to establish and operate the Missile Defense System Test Bed Facilities.

(2) The authority provided in paragraph (1) may be used to acquire, improve, or construct facilities at a total cost not to exceed $500,000,000.

(b) AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL COMMUNITIES.—(1) Subject to paragraph (2), the Secretary of Defense, using funds appropriated to the Department of Defense for research, development, test, and evaluation for fiscal years after fiscal year 2001 that are available for programs of the Ballistic Missile Defense Organization, may provide assistance, by grant or otherwise, to local communities to meet the need for increased municipal or community services or facilities resulting from the construction, installation, or operation of the Missile Defense System Test Bed Facilities.

(2) Assistance may be provided to a community under paragraph (1) only if the Secretary of Defense determines that there is an immediate and substantial increase in the need for municipal or community services or facilities as a direct result of the construction, installation, or operation of the Missile Defense System Test Bed Facilities.

Subtitle D—Other Matters

SEC. 241. ESTABLISHMENT OF UNMANNED AERIAL VEHICLE JOINT OPERATIONAL TEST BED SYSTEM.

(a) ESTABLISHMENT OF TEST BED SYSTEM.—The commander of the United States Joint Forces Command shall establish a capability (referred to as a "test bed") within the facilities and resources of that command to evaluate and ensure joint interoperability of unmanned aerial vehicle systems. That capability shall be independent of the military departments and shall be managed directly by the Joint Forces Command.

(b) REQUIRED TRANSFER OF PREDATOR UAV ASSETS.—The Secretary of the Navy shall transfer to the commander of the Joint Forces Command the two Predator unmanned aerial vehicles currently undergoing operational testing by the Navy, together with associated payloads and antennas and the associated tactical control system (TCS) ground station.

(c) USE BY JOINT FORCES COMMAND.—The items transferred pursuant to subsection (a) may be used by the commander of the United States Joint Forces Command only through the independent joint operational test bed system established pursuant to subsection (a) for testing of those items, including further development of the associated tactical control system (TCS) ground station, other aspects of unmanned aerial vehicle interoperability, and participation in such experiments and exercises as the commander considers appropriate to the mission of that command.

(d) DEADLINE FOR TRANSFERS.—The transfers required by subsection (b) shall be completed not later than 90 days after the date of the enactment of this Act.

(e) TRANSFER WHEN NO LONGER REQUIRED BY JOINT FORCES COMMAND.—Upon a determination by the commander of the United States Joint Forces Command that any of the items transferred pursuant to subsection (a) are no longer needed by that command for use as provided in subsection (c), those items shall be transferred to the Secretary of the Air Force.

SEC. 242. DEMONSTRATION PROJECT TO INCREASE SMALL BUSINESS AND UNIVERSITY PARTICIPATION IN OFFICE OF NAVAL RESEARCH EFFORTS TO EXTEND BENEFITS OF SCIENCE AND TECHNOLOGY RESEARCH TO FLEET.

(a) PROJECT REQUIRED.—The Secretary of the Navy, acting through the Chief of Naval Research, shall carry out a demonstration project to increase access to Navy facilities of small businesses and universities that are engaged in science and technology research beneficial to the fleet.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate a Navy Technology Extension Center at a location to be selected by the Secretary;

(2) permit participants in the Small Business Innovation Research Program (SBIR) and Small Business Technology Transfer Program (STTR) that are awarded contracts by Office of Naval Research to acccess and use Navy facilities without charge for purposes of carrying out such contracts; and

(3) permit universities, institutions of higher learning, and Federally Funded Research and Development Centers (FFRDC) collaborating with SBIR and STTR participants to use Navy facilities.

(c) REPORT.—Not later than February 1, 2004, the Secretary shall submit to Congress a report on the demonstration project. The report shall include a description of the activities carried out under the demonstration project and any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

SEC. 243. MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAMS.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317), as most recently amended by section 211 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1946), is amended by striking "through 2003" and inserting "through 2008".

SEC. 244. PROGRAM TO ACCELERATE THE INTRODUCTION OF INNOVATIVE TECHNOLOGY IN DEFENSE ACQUISITION PROGRAMS.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to provide opportunities for the increased introduction of innovative and cost-saving technology in acquisition programs of the Department of Defense. The program, to be known as the Challenge Program, shall provide an individual or activity within or outside the Department of Defense with the opportunity to propose alternatives, to be known as challenge proposals, at the component, subsystem, or system level of an existing Department of Defense acquisition program that would result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of that acquisition program.

(b) PANEL.—(1) In carrying out the Challenge Program, the Secretary of Defense shall establish a panel of highly qualified scientists and engineers (hereinafter in this section referred to as the "Panel") under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The duty of the Panel shall be to carry out review and evaluation of challenge proposals under subsection (c).

(2) A member of the Panel may not participate in any review and evaluation of a challenge proposal under subsection (c) if at any time within the previous five years that member has, in any capacity, participated in or been affiliated with the Department of Defense program for which the challenge proposal is proposed.

(c) REVIEW AND EVALUATION OF CHALLENGE PROPOSALS.—(1) Under procedures prescribed by the Secretary, an individual or activity within or outside the Department of Defense may submit challenge proposals to the Panel.

(2) The Panel shall carry out an expedited evaluation of each challenge proposal submitted under paragraph (1) to determine whether a prima facie case has been made that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program. If the Panel determines that such a case has not been made, the Panel may turn down the challenge proposal. In any other case, the Panel shall provide for a full review of the challenge proposal under paragraph (3).

(3) In carrying out a full review of a challenge proposal, the Panel shall ensure the following:

(A) Any incumbent that would be displaced by the implementation of the challenge proposal is provided notice of the challenge proposal and a full opportunity to demonstrate why the challenge proposal should not be implemented.

(B) Notice of the full review of the challenge proposal is published in one or more appropriate commercial publications of national circulation.

(C) If one or more other challenge proposals are submitted on matters relating to the challenge proposal being reviewed, the Panel shall, to the maximum extent practicable, carry out a full review of those other challenge proposals together with the full review of the original challenge proposal.

(4) The Secretary of Defense shall ensure that the Panel, in carrying out review and evaluation of challenge proposals under this subsection, has the authority to call upon the technical resources of the laboratories, research, development, and engineering centers, test and evaluation activities, and other elements of the Department.

(d) FINDINGS OF SUBSTANTIAL SUPERIORITY.—If, after the full review of a challenge proposal is completed, the Panel finds that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program that are substantially superior to that of the incumbent, the Panel shall submit that finding to the Under Secretary.

(e) Action Upon Findings.—Upon receiving a finding under subsection (d), the Under Secretary shall carry out a plan to acquire and implement the challenge proposal with respect to which the finding was made. The Secretary shall carry out such plan—

(1) after canceling the contract of any incumbent that would be displaced by the implementation of the challenge proposal; or

(2) after an appropriate program milestone (such as the expiration of such a contract) has been reached.

(f) Elimination of Conflicts of Interest.—In carrying out each review and evaluation under subsection (c), the Secretary shall ensure the elimination of conflicts of interest.

(g) Funding.—Of the funds authorized to be appropriated by section 201(4) for Defense-wide research, development, test, and evaluation for fiscal year 2002, $40,000,000 shall be available in PE 63826D8Z for the Challenge Program required by this section.

(h) Report.—The Secretary shall submit to Congress, with the submission of the budget request for the Department of Defense for each fiscal year beginning with fiscal year 2003, a report on the implementation of this section. The report shall include the number and scope of challenge proposals submitted, reviewed and evaluated, found to be substantially superior, and implemented.

Subtitle E—Air Force Science and Technology for the 21st Century

SEC. 251. SHORT TITLE.

This subtitle may be cited as the "Air Force Science and Technology for the 21st Century Act".

SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND DEVELOPMENT PLANNING.

(a) Sense of Congress.—It is the sense of Congress that the Secretary of the Air Force should carry out each of the following:

(1) Continue and improve efforts to ensure that—

(A) the Air Force science and technology community is represented, and the recommendations of that community are considered, at all levels of program planning and budgetary decisionmaking within the Air Force;

(B) advocacy for science and technology development is institutionalized across all levels of Air Force management in a manner that is not dependent on individuals; and

(C) the value of Air Force science and technology development is made increasingly apparent to the warfighters, by linking the needs of those warfighters with decisions on science and technology development.

(2) Complete and adopt a policy directive that provides for changes in how the Air Force makes budgetary and nonbudgetary decisions with respect to its science and technology development programs and how it carries out those programs.

(3) At least once every five years, conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs that is consistent with the review specified in section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–46).

(4) Ensure that development and science and technology planning and investment activities are carried out for future space warfighting systems and for future nonspace warfighting systems in an integrated manner.

(5) Elevate the position within the Office of the Secretary of the Air Force that has primary responsibility for budget and policy decisions for science and technology programs.

(b) Reinstatement of Development Planning.—(1) The Secretary of the Air Force shall reinstate and implement a revised development planning process that provides for each of the following:

(A) Coordinating the needs of Air Force warfighters with decisions on science and technology development.

(B) Giving input into the establishment of priorities among science and technology programs.

(C) Analyzing Air Force capability options for the allocation of Air Force resources.

(D) Developing concepts for technology, warfighting, systems, and operations with which the Air Force can achieve its critical future goals.

(E) Evaluating concepts for systems and operations that leverage technology across Air Force organizational boundaries.

(F) Ensuring that a "system-of-systems" approach is used in carrying out the various Air Force capability planning exercises.

(G) Utilizing existing analysis capabilities within the Air Force product centers in a collaborative and integrated manner.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the implementation of the planning process required by paragraph (1). The report shall include the annual amount that the Secretary considers necessary to carry out paragraph (1).

SEC. 253. STUDY AND REPORT ON EFFECTIVENESS OF AIR FORCE SCIENCE AND TECHNOLOGY PROGRAM CHANGES.

(a) Requirement.—The Secretary of the Air Force, in cooperation with the National Research Council of the National Academy of Sciences, shall carry out a study to determine how the changes to the Air Force science and technology program implemented during the past two years affect the future capabilities of the Air Force.

(b) Matters Studied.—(1) The study shall independently review and assess whether such changes as a whole are sufficient to ensure the following:

(A) That the concerns about the management of the science and technology program that have been raised by the Congress, the Defense Science Board, the Air Force Science Advisory Board, and the Air Force Association have been adequately addressed.

(B) That appropriate and sufficient technology is available to ensure the military superiority of the United States and counter future high-risk threats.

(C) That the science and technology investments are balanced to meet the near-, mid-, and long-term needs of the Air Force.

(D) That technologies are made available that can be used to respond flexibly and quickly to a wide range of future threats.

(E) That the Air Force organizational structure provides for a sufficiently senior level advocate of science and technology to ensure an ongoing, effective presence of the science and technology community during the budget and planning process.

(2) In addition, the study shall independently assess the specific changes to the Air Force science and technology program as follows:

(A) Whether the biannual science and technology summits provide sufficient visibility into, and understanding and appreciation of, the value of the science and technology program to the senior level of Air Force budget and policy decisionmakers.

(B) Whether the applied technology councils are effective in contributing the input of all levels beneath the senior leadership into the coordination, focus, and content of the science and technology program.

(C) Whether the designation of the commander of the Air Force Materiel Command as the science and technology budget advocate is effective to assure that an adequate budget top line is set.

(D) Whether the revised development planning process is effective to aid in the coordination of the needs of the Air Force warfighters with decisions on science and technology investments and the establishment of priorities among different science and technology programs.

(E) Whether the implementation of section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–46) is effective to identify the basis for the appropriate science and technology program top line and investment portfolio.

(c) Report.—Not later than 60 days after the date on which the study required by subsection (a) is completed, the Secretary of the Air Force shall submit to Congress the results of the study.

(d) Funding.—Of the amount made available pursuant to section 201(3) for research, development, test, and evaluation for the Air Force, $950,000 shall be available only to carry out this section.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $21,015,280,000.

(2) For the Navy, $26,587,962,000.

(3) For the Marine Corps, $2,898,114,000.

(4) For the Air Force, $25,811,462,000.

(5) For Defense-wide activities, $11,922,131,000.

(6) For the Army Reserve, $1,814,246,000.

(7) For the Naval Reserve, $1,003,690,000.

(8) For the Marine Corps Reserve, $144,023,000.

(9) For the Air Force Reserve, $2,017,866,000.

(10) For the Army National Guard, $3,705,359,000.

(11) For the Air National Guard, $3,967,361,000.

(12) For the Defense Inspector General, $152,021,000.

(13) For the United States Court of Appeals for the Armed Forces, $9,096,000.

(14) For Environmental Restoration, Army, $389,800,000.

(15) For Environmental Restoration, Navy, $257,517,000.

(16) For Environmental Restoration, Air Force, $385,437,000.

(17) For Environmental Restoration, Defense-wide, $23,492,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $190,255,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $49,700,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $820,381,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $25,000,000.

(22) For Defense Health Program, $17,570,750,000.

(23) For Cooperative Threat Reduction programs, $403,000,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,844,226,000.

(25) Support for International Sporting Competitions, Defense, $15,800,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,951,986,000.

(2) For the National Defense Sealift Fund, $407,708,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of $71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) Transfer Authority.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2002 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) Treatment of Transfers.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) Relationship to Other Transfer Authority.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

Subtitle B—Environmental Provisions

SEC. 311. INVENTORY OF EXPLOSIVE RISK SITES AT FORMER MILITARY RANGES.

(a) Inventory Required.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

"§2710. Former military ranges: inventory of explosive risk sites; use of inventory; public safety issues

"(a) Definitions.—In this section:

"(1) The term 'former military range' means a military range presently located in the United States that—

"(A) is or was owned by, leased to, or otherwise possessed or used by the Federal Government;

"(B) is designated as a closed, transferred, or transferring military range (rather than as an active or inactive range); or

"(C) is or was used as a site for the disposal of military munitions or for the use of military munitions in training or research, development, testing, and evaluation.

"(2) The term 'abandoned military munitions' means unexploded ordnance and other abandoned military munitions, including components thereof and chemical weapons materiel, that pose a threat to human health or safety.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions.

"(4) The term 'United States', in a geographic sense, includes the Commonwealth of Puerto Rico and the territories and possessions.

"(b) Inventory Required.—(1) The Secretary of Defense shall develop and maintain an inventory of former military ranges that are known or suspected to contain abandoned military munitions.

"(2) The information for each former military range in the inventory shall include, at a minimum, the following:

"(A) A unique identifier for the range and its current designation as either a closed, transferred, or transferring range.

"(B) An appropriate record showing the location, boundaries, and extent of the range, including identification of the State and political subdivisions of the State in which the range is located and any Tribal lands encompassed by the range.

"(C) Known persons and entities, other than a military department, with any current ownership interest or control of lands encompassed by the range.

"(D) Any restrictions or other land use controls currently in place that might affect the potential for public and environmental exposure to abandoned military munitions.

"(c) Site Prioritization.—(1) With respect to each former military range included on the inventory, the Secretary of Defense shall assign the range a relative priority for response activities based on the overall conditions at the range. The level of response priority assigned the range shall be included with the information required by subsection (b)(2) to be maintained for the range.

"(2) In assigning the response priority for a former military range, the Secretary of Defense shall primarily consider factors relating to safety and environmental hazard potential, such as the following:

"(A) Whether there are known, versus suspected, abandoned military munitions on all or any portion of the range and the types of munitions present or suspected to be present.

"(B) Whether public access to the range is controlled, and the effectiveness of these controls.

"(C) The potential for direct human contact with abandoned military munitions at the range and evidence of people entering the range.

"(D) Whether a response action has been or is being undertaken at the range under the Formerly Used Defense Sites program or other programs.

"(E) The planned or mandated dates for transfer of the range from military control.

"(F) The extent of any documented incidents involving abandoned military munitions at or from the range. In this subparagraph, the term 'incidents' means any or all of the following: explosions, discoveries, injuries, reports, and investigations.

"(G) The potential for drinking water contamination or the release of weapon components into the air.

"(H) The potential for destruction of sensitive ecosystems and damage to natural resources.

"(d) Updates and Availability.—(1) The Secretary of Defense shall annually update the inventory and site prioritization list to reflect new information that becomes available. The inventory shall be available in published and electronic form.

"(2) The Secretary of Defense shall work with adjacent communities to provide information concerning conditions at the former military range and response activities, and shall respond to inquiries. At a minimum, the Secretary shall notify immediately affected individuals, appropriate State, local, tribal, and Federal officials, and, when appropriate, civil defense or emergency management agencies.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2710. Former military ranges: inventory of explosive risk sites; use of inventory; public safety issues.".

(b) Initial Inventory.—The inventory required by section 2710 of title 10, United States Code, as added by subsection (a), shall be completed and made available not later than one year after the date of the enactment of this Act.

SEC. 312. NATIONAL SECURITY IMPACT STATEMENTS.

(a) Evaluation of National Security Impacts Required.—(1) Chapter 160 of title 10, United States Code, is amended by inserting after section 2710, as added by section 311, the following new section:

"§2711. Environmental impact statements and environmental assessments: evaluation of national security impacts of proposed action and alternatives

"(a) Agency Action.—Whenever an environmental impact statement or environmental assessment is required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) to be prepared in connection with a proposed Department of Defense action, the Secretary of Defense shall include as a part of the environmental impact statement or environmental assessment a detailed evaluation of the impact of the proposed action, and each alternative to the proposed action considered in the statement or assessment, on national security, including the readiness, training, testing, and operations of the armed forces.

"(b) Agency Input.—The Secretary of Defense shall also include the evaluation required by subsection (a) in any input provided by the Department of Defense as a cooperating agency to a lead agency preparing an environmental impact statement or environmental assessment.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2711. Environmental impact statements and environmental assessments: evaluation of national security impacts of proposed action and alternatives.".

(b) Effective Date.—Section 2711 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and apply with respect to any environmental impact statement or environmental assessment prepared by the Secretary of Defense that has not been released in final form as of that date.

SEC. 313. REIMBURSEMENT FOR CERTAIN COSTS IN CONNECTION WITH HOOPER SANDS SITE, SOUTH BERWICK, MAINE.

Using amounts authorized to be appropriated by section 301(15) for environmental restoration for the Navy, the Secretary of the Navy may pay $1,005,478 to the Hooper Sands Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency in full for certain response costs incurred by the Environmental Protection Agency for actions taken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Hooper Sands site in South Berwick, Maine, pursuant to an interagency agreement entered into by the Department of the Navy and the Environmental Protection Agency in January 2001.

SEC. 314. RIVER MITIGATION STUDIES.

(a) PORT OF ORANGE, SABINE RIVER.—The Secretary of Defense may conduct a study regarding mitigation needs in connection with protruding structures and submerged objects remaining from the World War II Navy ship building industry located at the former Navy installation in Orange, Texas, which create navigational hazards along the Sabine River and surrounding the Port of Orange.

(b) PHILADELPHIA NAVAL SHIPYARD, DELAWARE RIVER.—The Secretary of Defense may conduct a study regarding mitigation needs in connection with floating and partially submerged debris possibly relating to the Philadelphia Naval Shipyard in that portion of the Delaware River from Philadelphia to the mouth of the river which create navigational hazards along the river.

(c) USE OF EXISTING INFORMATION.—In conducting the studies authorized by this section, the Secretary shall take into account any information available from other studies conducted in connection with the same navigation channels.

(d) CONSULTATION.—The Secretary shall conduct the studies authorized by this section in consultation with appropriate State and local government entities and Federal agencies.

(e) REPORT ON STUDY RESULTS.—Not later than April 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that summarizes the results of the studies conducted under this section.

(f) COST SHARING.—Nothing in this section is intended to require non-Federal cost sharing of the costs incurred by the Secretary of Defense to conduct the studies authorized by this section.

(g) REMOVAL AUTHORITY.—Consistent with existing laws, using funds authorized to be appropriated for these purposes, and after providing notice to Congress, the Secretary of Defense may work with the other Federal, State, local, and private entities—

(1) to remove the protruding structures and submerged objects along the Sabine River and surrounding the Port of Orange that resulted from the abandonment of the ship building industry and Navy installation in Orange, Texas; and

(2) to remove floating and partially submerged debris in the portion of the Delaware River subject to the study under subsection (b).

(h) RELATION TO OTHER LAWS AND AGREEMENTS.—This section is not intended to modify any authorities provided to the Secretary of the Army by the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.), nor is it intended to modify any non-Federal cost-sharing responsibilities outlined in any local cooperation agreements.

SEC. 315. ELIMINATION OF ANNUAL REPORT ON CONTRACTOR REIMBURSEMENT FOR COSTS OF ENVIRONMENTAL RESPONSE ACTIONS.

Section 2706 of title 10, United States Code, is amended by striking subsection (c).

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 321. RESERVE COMPONENT COMMISSARY BENEFITS.

(a) ELIGIBILITY FOR COMMISSARY BENEFITS.—Section 1063 of title 10, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(3) by inserting after the section heading the following new subsections:

"(a) ELIGIBILITY.—Subject to subsection (c), the Secretary concerned shall authorize members of the Ready Reserve described in subsection (b) to have 24 days of eligibility to use commissary stores of the Department of Defense for any calendar year.

"(b) COVERED MEMBERS.—Subsection (a) applies with respect to the following members of the Ready Reserve:

"(1) A member of the Selected Reserve who is satisfactorily participating in required training as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32 in that calendar year.

"(2) A member of the Ready Reserve (other than a member described in paragraph (1)) who satisfactorily completes 50 or more points credible under section 12732(a)(2) of this title in that calendar year.

"(c) REDUCED NUMBER OF COMMISSARY VISITS FOR NEW MEMBERS.—The number of commissary visits authorized for a member of the Selected Reserve described in subsection (b)(1) who enters the Selected Reserve after the beginning of the calendar year shall be equal to twice the number of full months remaining in the calendar year.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1063. Use of commissary stores: members of Ready Reserve".

(2) The table of sections at the beginning of chapter 54 of such title is amended by striking the item relating to section 1063 and inserting the following new item:

"1063. Use of commissary stores: members of Ready Reserve.".

SEC. 322. REIMBURSEMENT FOR NONCOMMISSARY USE OF COMMISSARY FACILITIES.

Section 2685 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) REIMBURSEMENT FOR NONCOMMISSARY USE OF COMMISSARY FACILITIES.—(1) If the Secretary concerned uses for noncommissary purposes a commissary facility whose construction was financed (in whole or in part) using the proceeds of adjustments or surcharges authorized by subsection (a) or revenues referred to in subsection (e), the Secretary concerned shall reimburse the commissary surcharge account for the depreciated value of the investment made with such proceeds and revenues.

"(2) In paragraph (1), the term 'construction' has the meaning given such term in subsection (d)(2).".

SEC. 323. CIVIL RECOVERY FOR NONAPPROPRIATED FUND INSTRUMENTALITY COSTS RELATED TO SHOPLIFTING.

Section 3701(b)(1)(B) of title 31, United States Code, is amended by inserting before the comma at the end the following: ", including actual and administrative costs related to shoplifting, theft detection, and theft prevention".

Subtitle D—Workforce and Depot Issues

SEC. 331. WORKFORCE REVIEW LIMITATIONS.

(a) LIMITATION PENDING GAO REPORT.—No more than 50 percent of the workforce reviews planned during fiscal year 2002 may be initiated before the date that is the earlier of (1) May 1, 2002, or (2) the date on which the Comptroller General submits to Congress the report required by section 832 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–221), regarding policies and procedures governing the transfer of commercial activities from Government personnel to Federal contractors.

(b) REQUIRED COST SAVINGS LEVEL FOR CHANGE.—(1) A commercial or industrial type function of the Department of Defense may not be changed to performance by the private sector as a result of a workforce review unless, as a result of the cost comparison examination required as part of the review that employed the most efficient organization process described in Office of Management and Budget Circular A–76 or any successor administrative regulation or policy, at least a 10-percent cost savings would be achieved by performance of the function by the private sector over the term of the contract.

(2) The cost savings requirement specified in paragraph (1) does not apply to any contracts for special studies and analyses, construction services, architectural services, engineering services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

(3) The Secretary of Defense may waive the cost savings requirement if—

(A) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison examination.

(C) The Secretary of Defense shall publish a copy of the waiver in the Federal Register.

(c) WORKFORCE REVIEW DEFINED.—In this section, the term "workforce review" with respect to a function of the Department of Defense performed by Department of Defense civilian employees, means a review conducted under Office of Management and Budget Circular A–76 (or any successor administrative regulation or policy).

SEC. 332. APPLICABILITY OF CORE LOGISTICS CAPABILITY REQUIREMENTS TO NUCLEAR AIRCRAFT CARRIERS.

Section 2464(a)(3) of title 10, United States Code, is amended by striking "nuclear aircraft carriers" and inserting "nuclear refueling of aircraft carriers".

SEC. 333. CONTINUATION OF CONTRACTOR MANPOWER REPORTING SYSTEM IN DEPARTMENT OF THE ARMY.

Section 343 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 569) is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) REPORTING REQUIREMENT FOR DEPARTMENT OF THE ARMY.—(1) Not later than March 1 of each fiscal year, the Secretary of the Army shall submit to Congress a report describing the use during the previous fiscal year of non-Federal entities to provide services to the Department of the Army.

"(2) The data collection required to prepare the report is deemed to be in compliance with the requirements of chapter 35 of title 44, United States Code, commonly known as the Paperwork Reduction Act.

"(3) The report required by this section is needed to comply with sections 115a and 129a of title 10, United States Code, and is not a procurement action.";

(2) by striking "Department of Defense" each place it appears and inserting "Department of the Army"; and

(3) by adding at the end the following new subsection:

"(d) GAO EVALUATION.—Not later than 60 days after the Secretary submits to Congress the report required under subsection (a) for a fiscal year, the Comptroller General shall submit to Congress an evaluation of the report.".

SEC. 334. LIMITATION ON EXPANSION OF WHOLESALE LOGISTICS MODERNIZATION PROGRAM.

(a) LIMITATION.—The Secretary of the Army may not authorize the expansion of the Wholesale Logistics Modernization Program beyond the original legacy systems included in the scope of the contract awarded in December 1999 until the Secretary certifies to Congress that the original legacy systems have been successfully replaced.

(b) GAO EVALUATION.—Not later than 60 days after the Secretary of the Army submits to Congress the certification required under subsection (a), the Comptroller General shall submit to Congress an evaluation of the certification.

SEC. 335. PILOT PROJECT FOR EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) PILOT PROJECT FOR THE EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.—

"(1) AMOUNTS EXCLUDED.—Amounts expended out of funds described in paragraph (2) for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence named in paragraph (4) shall not be counted for the purposes of section 2466(a) of this title if the personnel are provided by private industry pursuant to a public-private partnership undertaken by the Center under subsection (b).

"(2) FUNDS FOR FISCAL YEARS 2002 THROUGH 2006.—The funds referred to in paragraph (1) are funds available to the Air Force for depot-level maintenance and repair workloads for fiscal year 2002, 2003, 2004, 2005, or 2006, and shall not exceed 10 percent of the total funds available in any single year.

"(3) REPORTING REQUIREMENTS.—All funds covered by paragraph (1) shall be included as a separate item in the reports required under paragraphs (1), (2), and (3) of section 2466(e) of this title.

"(4) COVERED CENTERS.—(A) The Centers of Industrial and Technical Excellence referred to in paragraph (1) are the following:

"(i) Oklahoma City Air Logistics Center, Oklahoma.

"(ii) Ogden Air Logistics Center, Utah.

"(iii) Warner-Robins Air Logistics Center, Georgia.

"(B) The Secretary of the Air Force shall designate as a Center of Industrial and Technical Excellence under this section any of the air logistics centers named in subparagraph (A) that have not previously been so designated and shall specify the core competencies for which the designation is made.".

SEC. 336. PROTECTIONS FOR PURCHASERS OF ARTICLES AND SERVICES MANUFACTURED OR PERFORMED BY WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE DEPARTMENT OF DEFENSE..

(a) GENERAL RULE.—Section 2563(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking "in any case of willful misconduct or gross negligence" and inserting "as provided in paragraph (3)"; and

(2) by adding at the end the following new paragraph:

"(3) Paragraph (1)(B) does not apply in any case of willful misconduct or gross negligence or in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the Government to comply with quality, schedule, or cost performance requirements in the contract to provide the articles or services.".

(b) CONFORMING AMENDMENT.—Section 2474(e)(2)(B)(i) of such title is amended by striking "in a case of willful conduct or gross negligence" and inserting "under the circumstances described in section 2563(c)(3) of this title".

Subtitle E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies; and

(2) $1,000,000 shall be available only for the purpose of making payments to local educational agencies to assist such agencies in adjusting to reductions in the number of military dependent students as a result of the closure or realignment of military installations, as provided in section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for assistance or a payment under subsection (a) for fiscal year 2002 of—

(1) that agency's eligibility for the assistance or payment; and

(2) the amount of the assistance or payment for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 342. AVAILABILITY OF AUXILIARY SERVICES OF DEFENSE DEPENDENTS' EDUCATION SYSTEM FOR DEPENDENTS WHO ARE HOME SCHOOL STUDENTS.

Section 1407 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) AUXILIARY SERVICES AVAILABLE TO HOME SCHOOL STUDENTS.—(1) A dependent who is educated in a home school setting, but who is eligible to enroll in a school of the defense dependents' education system, shall be permitted to use or receive auxiliary services of that school without being required to either enroll in that school or register for a minimum number of courses offered by that school. The dependent may be required to satisfy other eligibility requirements applicable to students actually enrolled in that school who use or receive the same auxiliary services.

"(2) For purposes of paragraph (1), the term 'auxiliary services' includes registration in individual courses, use of academic resources, access to the library of the school, after hours use of school facilities, and participation in music, sports, and other extracurricular and interscholastic activities.".

SEC. 343. REPORT REGARDING COMPENSATION FOR TEACHERS EMPLOYED IN TEACHING POSITIONS IN OVERSEAS SCHOOLS OPERATED BY THE DEPARTMENT OF DEFENSE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the method currently used by the Secretary to fix the basic compensation for teachers and teaching positions in the Department of Defense under the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.). The report shall include the recommendations of the Secretary regarding a proposal to increase such compensation to reflect the average of the range of rates of basic compensation for similar teaching positions of a comparable level of duties and responsibilities for teachers employed in public schools in the District of Columbia metropolitan area, which includes the District of Columbia Public Schools, Arlington Public Schools, Alexandria City Public Schools, Fairfax County Public Schools, Montgomery County Public Schools, and Prince George's County Public Schools.

Subtitle F—Other Matters

SEC. 351. AVAILABILITY OF EXCESS DEFENSE PERSONAL PROPERTY TO SUPPORT DEPARTMENT OF VETERANS AFFAIRS INITIATIVE TO ASSIST HOMELESS VETERANS.

(a) TRANSFER AUTHORITY.—Section 2557(a) of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may make excess clothing, shoes, sleeping bags, and related nonlethal excess supplies available to the Secretary of Veterans Affairs for distribution to homeless veterans and programs assisting homeless veterans. The transfer of nonlethal excess supplies to the Secretary of Veterans Affairs under this paragraph shall be without reimbursement.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2557. Excess nonlethal supplies: availability for homeless veteran initiatives and humanitarian relief".

(2) The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2557 and inserting the following new item:

"2557. Excess nonlethal supplies: availability for homeless veteran initiatives and humanitarian relief.".

SEC. 352. CONTINUATION OF LIMITATIONS ON IMPLEMENTATION OF NAVY-MARINE CORPS INTRANET CONTRACT.

(a) EXCLUSION OF MARINE CORPS.—Subsection (c) of section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–215) is amended—

(1) by striking "PROHIBITION ON INCREASE OF RATES CHARGED.—" and inserting "PROHIBITIONS.—(1)";

(2) by striking "fiscal year 2001" and inserting "fiscal year 2002"; and

(3) by adding at the end the following new paragraph:

"(2) The Navy Intranet contract may not include any activities of the Marine Corps.".

(b) LIMITATION ON PHASED IMPLEMENTATION.—Subsection (b)(4) of such section is amended—

(1) by striking "fiscal year 2001" both places it appears and inserting "fiscal year 2002"; and

(2) by striking "Marine Corps, the naval shipyards, or" both places it appears and inserting "naval shipyards or".

SEC. 353. COMPLETION AND EVALUATION OF CURRENT DEMONSTRATION PROGRAMS TO IMPROVE QUALITY OF PERSONAL PROPERTY SHIPMENTS OF MEMBERS.

(a) COMPLETION.—The Secretary of Defense shall conduct to completion all demonstration programs in the Department of Defense that were designed to improve the movement of household goods of members of the Armed Forces and were being conducted or authorized as of October 1, 2000.

(b) EVALUATION.—Not later than August 31, 2002, the Secretary of Defense shall submit to Congress a report evaluating whether the demonstration programs referred to in subsection (a), as implemented, satisfy the goals (as contained in the General Accounting Report NSIAD 97-49) for such demonstration programs previously agreed upon between the Department of Defense and representatives of private sector entities involved in the transportation of household goods for members of the Armed Forces.

(c) INTERIM REPORTS.—Not later than January 15, 2002, and April 15, 2002, the Secretary shall submit to Congress interim reports regarding the progress of the demonstration programs referred to in subsection (a).

SEC. 354. EXPANSION OF ENTITIES ELIGIBLE FOR LOAN, GIFT, AND EXCHANGE OF DOCUMENTS, HISTORICAL ARTIFACTS, AND OBSOLETE COMBAT MATERIEL.

Section 2572(a)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: ", county, or other political subdivision of a State".

SEC. 355. SENSE OF CONGRESS REGARDING SECURITY TO BE PROVIDED AT THE 2002 WINTER OLYMPIC GAMES.

It is the sense of Congress that the Secretary of Defense should provide essential and appropriate public safety and security support for the 2002 Winter Olympic Games in Salt Lake City, Utah.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2002, as follows:

(1) The Army, 480,000.

(2) The Navy, 376,000.

(3) The Marine Corps, 172,600.

(4) The Air Force, 358,800.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "372,000" and inserting "376,000"; and

(2) in paragraph (4), by striking "357,000" and inserting "358,800".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2002, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 87,000.

(4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 108,400.

(6) The Air Force Reserve, 74,700.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2002, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,974.

(2) The Army Reserve, 13,108.

(3) The Naval Reserve, 14,811.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,591.

(6) The Air Force Reserve, 1,437.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2002 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 23,128.

(2) For the Army Reserve, 5,999.

(3) For the Air National Guard of the United States, 22,422.

(4) For the Air Force Reserve, 9,818.

SEC. 414. FISCAL YEAR 2002 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATION.—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2002, may not exceed the following:

(1) For the Army Reserve, 1,095.

(2) For the Army National Guard of the United States, 1,600.

(3) For the Air Force Reserve, 90.

(4) For the Air National Guard of the United States, 350.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES FOR ADMINISTRATION OF RESERVE COMPONENTS.

(a) OFFICERS.—The text of section 12011 of title 10, United States Code, is amended to read as follows:

"(a) LIMITATIONS.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

"Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army Reserve:			
10,000	1,390	740	230
11,000	1,529	803	242
12,000	1,668	864	252
13,000	1,804	924	262
14,000	1,940	984	272
15,000	2,075	1,044	282
16,000	2,210	1,104	291
17,000	2,345	1,164	300
18,000	2,479	1,223	309
19,000	2,613	1,282	318
20,000	2,747	1,341	327

"Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
21,000	2,877	1,400	336
Army National Guard:			
20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	370
26,000	1,930	1,085	385
28,000	2,070	1,160	400
30,000	2,200	1,235	405
32,000	2,330	1,305	408
34,000	2,450	1,375	411
36,000	2,570	1,445	411
38,000	2,670	1,515	411
40,000	2,770	1,580	411
42,000	2,837	1,644	411
Marine Corps Reserve:			
1,100	106	56	20
1,200	110	60	21
1,300	114	63	22
1,400	118	66	23
1,500	121	69	24
1,600	124	72	25
1,700	127	75	26
1,800	130	78	27
1,900	133	81	28
2,000	136	84	29
2,100	139	87	30
2,200	141	90	31
2,300	143	92	32
2,400	145	94	33
2,500	147	96	34
2,600	149	98	35
Air Force Reserve:			
500	83	85	50
1,000	155	165	95
1,500	220	240	135
2,000	285	310	170
2,500	350	369	203
3,000	413	420	220
3,500	473	464	230
4,000	530	500	240
4,500	585	529	247
5,000	638	550	254
5,500	688	565	261
6,000	735	575	268
7,000	770	595	280
8,000	805	615	290
10,000	835	635	300
Air National Guard:			
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	630	296
11,000	740	688	305
12,000	807	742	314
13,000	873	795	323
14,000	939	848	332
15,000	1,005	898	341
16,000	1,067	948	350
17,000	1,126	998	359
18,000	1,185	1,048	368
19,000	1,235	1,098	377
20,000	1,283	1,148	380.

"(2) Of the total number of members of the Naval Reserve who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of lieutenant commander, commander, and captain may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

"Total number of members of Naval Reserve serving on full-time reserve component duty	Number of officers who may be serving in the grade of:		
	Lieutenant commander	Commander	Captain
10,000	807	447	141
11,000	867	467	153
12,000	924	485	163
13,000	980	503	173
14,000	1,035	521	183
15,000	1,088	538	193
16,000	1,142	555	203
17,000	1,195	565	213
18,000	1,246	575	223
19,000	1,291	585	233
20,000	1,334	595	242
21,000	1,364	603	250

“Total number of members of Naval Reserve serving on full-time reserve component duty	Number of officers who may be serving in the grade of:		
	Lieutenant commander	Commander	Captain
22,000	1,384	610	258
23,000	1,400	615	265
24,000	1,410	620	270.

“(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table at the same proportion as is reflected in the nearest limit shown in the table.

“(c) REALLOCATIONS TO LOWER GRADES.—Whenever the number of officers serving in any grade for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

“(d) SECRETARIAL WAIVER.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve officers that may be on full-time reserve component duty for a reserve component in a grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for the grade in that table.

“(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustment made.

“(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term ‘full-time reserve component duty’ means the following duty:

“(1) Active duty described in sections 10211, 10302, 10303, 10304, 10305, 12310, or 12402 of this title.

“(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32.

“(3) Active duty described in section 708 of title 32.”.

(b) SENIOR ENLISTED MEMBERS.—The text of section 12012 of title 10, United States Code, is amended to read as follows:

“(a) LIMITATIONS.—Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members in each of pay grades of E–8 and E–9 who may be serving on active duty under section 10211 or 12310, or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of: E–8	E–9
Army Reserve:		
10,000	1,052	154
11,000	1,126	168
12,000	1,195	180
13,000	1,261	191
14,000	1,327	202
15,000	1,391	213
16,000	1,455	224
17,000	1,519	235
18,000	1,583	246
19,000	1,647	257
20,000	1,711	268
21,000	1,775	278
Army National Guard:		
20,000	1,650	550
22,000	1,775	615
24,000	1,900	645
26,000	1,945	675
28,000	1,945	705
30,000	1,945	725
32,000	1,945	730
34,000	1,945	735
36,000	1,945	738
38,000	1,945	741
40,000	1,945	743
42,000	1,945	743
Naval Reserve:		
10,000	340	143
11,000	364	156
12,000	386	169
13,000	407	182
14,000	423	195
15,000	435	208
16,000	447	221
17,000	459	234
18,000	471	247
19,000	483	260
20,000	495	273
21,000	507	286
22,000	519	299
23,000	531	312
24,000	540	325
Marine Corps Reserve:		
1,100	50	11
1,200	55	12
1,300	60	13

"Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E–8	E–9
1,400	65	14
1,500	70	15
1,600	75	16
1,700	80	17
1,800	85	18
1,900	89	19
2,000	93	20
2,100	96	21
2,200	99	22
2,300	101	23
2,400	103	24
2,500	105	25
2,600	107	26
Air Force Reserve:		
500	75	40
1,000	145	75
1,500	208	105
2,000	270	130
2,500	325	150
3,000	375	170
3,500	420	190
4,000	460	210
4,500	495	230
5,000	530	250
5,500	565	270
6,000	600	290
7,000	670	330
8,000	740	370
10,000	800	400
Air National Guard:		
5,000	1,020	405
6,000	1,070	435
7,000	1,120	465
8,000	1,170	490
9,000	1,220	510
10,000	1,270	530
11,000	1,320	550
12,000	1,370	570
13,000	1,420	589
14,000	1,470	608
15,000	1,520	626
16,000	1,570	644
17,000	1,620	661
18,000	1,670	678
19,000	1,720	695
20,000	1,770	712.

"(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the table in subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the table in subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in the table at the same proportion as is reflected in the nearest limit shown in the table.

"(c) REALLOCATIONS TO LOWER GRADE.—Whenever the number of officers serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for pay grade E–8.

"(d) SECRETARIAL WAIVER.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve enlisted members that may be on active duty or full-time National Guard duty as described in subsection (a) for a reserve component in a pay grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for that grade and reserve component in the table.

"(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustment made.

"(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term 'full-time reserve component duty' has the meaning given the term in section 12011(e) of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. INCREASE IN PERCENTAGE BY WHICH ACTIVE COMPONENT END STRENGTHS FOR ANY FISCAL YEAR MAY BE INCREASED.

(a) INCREASE.—Section 115(c)(1) of title 10, United States Code, is amended by striking "1 percent" and inserting "2 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 422. ACTIVE DUTY END STRENGTH EXEMPTION FOR NATIONAL GUARD AND RESERVE PERSONNEL PERFORMING FUNERAL HONORS FUNCTIONS.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(10) Members of reserve components on active duty to prepare for and to perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.

"(11) Members on full-time National Guard duty to prepare for and perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.".

SEC. 423. INCREASE IN AUTHORIZED STRENGTHS FOR AIR FORCE OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking the figures under the heading "Major" in the portion of the table relating to the Air Force and inserting the following:

"9,861
10,727
11,593
12,460
13,326
14,192
15,058
15,925
16,792
17,657
18,524
19,389
20,256
21,123
21,989
22,855
23,721
24,588
25,454".

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 a total of $82,279,101,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2002.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

SEC. 501. ENHANCED FLEXIBILITY FOR MANAGEMENT OF SENIOR GENERAL AND FLAG OFFICER POSITIONS.

(a) REPEAL OF LIMIT ON NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADES OF GENERAL AND ADMIRAL.—Section 528 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

SEC. 502. ORIGINAL APPOINTMENTS IN REGULAR GRADES FOR ACADEMY GRADUATES AND CERTAIN OTHER NEW OFFICERS.

(a) REPEAL OF REQUIREMENT FOR ONE YEAR OF ACTIVE DUTY IN A RESERVE GRADE.—Section 532(e) of title 10, United States Code, is repealed.

(b) MILITARY ACADEMY GRADUATES.—Section 4353(b) of such title is amended to read as follows:

"(b) A cadet who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the Army as may be prescribed by the Secretary of the Army shall, upon graduation, be appointed a second lieutenant in the Regular Army under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title.".

(c) NAVAL ACADEMY GRADUATES.—Section 6967 of such title is amended—

(1) by inserting "(a)" before "Under regulations"; and

(2) by adding at the end the following:

"(b) A midshipman who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the naval service as may be prescribed by the Secretary of the Navy shall, upon graduation, be appointed an ensign in the Regular Navy or a second lieutenant in the Regular Marine Corps under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title.".

(d) AIR FORCE ACADEMY GRADUATES.—Section 9353(b) of such title is amended to read as follows:

"(b) A cadet who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the Air Force as may be prescribed by the Secretary of the Air Force shall, upon graduation, be appointed a second lieutenant in the Regular Air Force under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title.".

(e) ROTC DISTINGUISHED GRADUATES.—Section 2106(a) of such title is amended by adding at the end the following new sentence: "However, a member of the program selected for an appointment under this section who, under regulations prescribed by the Secretary of the military department concerned, is designated or selected as a Distinguished Graduate (or the equivalent) shall be appointed as a regular officer.".

(f) OTHER COMMISSIONING PROGRAMS.—(1) Chapter 33 of such title is amended by adding at the end the following new section:

"§ 542. Distinguished Graduates of officer commissioning programs other than service academies and ROTC

"A person who is selected for an original appointment as a commissioned officer in the Army, Navy, Air Force, or Marine Corps as a result of satisfactory completion of an officer commissioning program other than the course of instruction at one of the service academies named in section 541 of this title or the Senior Reserve Officers' Training Corps program and who, under regulations prescribed by the Secretary of the military department concerned, is designated or selected as a Distinguished Graduate of that program (or the equivalent) shall be appointed as a regular officer.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"542. Distinguished Graduates of officer commissioning programs other than service academies and ROTC.".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 2002.

SEC. 503. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND LIEUTENANT (JUNIOR GRADE).

(a) AUTHORITY.—Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: ", or such shorter period as may be in effect under paragraph (6)"; and

(2) by adding at the end the following new paragraph:

"(6)(A) When the needs of the service require, the Secretary of the military department concerned may reduce to eighteen months the period of service in grade applicable for purposes of paragraph (1)(B) in the case of officers who are serving in a position that is authorized for officers in the grade of captain or, in the case of the Navy, lieutenant.

"(B) If the Secretary of the military department concerned uses the authority provided in subparagraph (A), the number of captains or, in the case of the Navy, lieutenants on the active-duty list may not exceed the number of positions for which officers in that grade are authorized by more than one percent.

"(C) The authority under subparagraph (A) and the limitation under subparagraph (B) expire on September 30, 2005.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended as follows:

(1) Subsection (a) is amended by striking "(a)(1)" and inserting "(a) TIME-IN-GRADE REQUIREMENTS.—(1)".

(2) Subsection (b) is amended by striking "(b)(1)" and inserting "(b) CONTINUED ELIGIBILITY FOR CONSIDERATION FOR PROMOTION OF OFFICERS WHO HAVE PREVIOUSLY FAILED OF SELECTION.—(1)".

(3) Subsection (c) is amended by striking "(c)(1)" and inserting "(c) OFFICERS TO BE CONSIDERED BY PROMOTION BOARDS.—(1)".

(4) Subsection (d) is amended by inserting "CERTAIN OFFICERS NOT TO BE CONSIDERED.—" after "(d)".

(c) TECHNICAL AMENDMENT.—Subsection (a)(4) of such section is amended by striking "clause (A)" and inserting "subparagraph (A)".

SEC. 504. INCREASE IN SENIOR ENLISTED ACTIVE DUTY GRADE LIMIT FOR NAVY, MARINE CORPS, AND AIR FORCE.

(a) MEMBERS IN PAY GRADE E-8.—Section 517(a) of title 10, United States Code, is amended by striking "2 percent (or, in the case of the Army, 2.5 percent)" and inserting "2.5 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 505. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL DEFERMENT OF MANDATORY RETIREMENT OR SEPARATION.

The text of section 640 of title 10, United States Code, is amended to read as follows:

"(a) If the Secretary of the military department concerned determines that the evaluation of the physical condition of an officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the member's well being before the date on which the officer would otherwise be required to retire or be separated under this title, the Secretary may defer the retirement or separation of the officer under this title.

"(b) A deferral of retirement or separation under subsection (a) may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.".

SEC. 506. AUTHORITY FOR LIMITED EXTENSION ON ACTIVE DUTY OF MEMBERS SUBJECT TO MANDATORY RETIREMENT OR SEPARATION.

(a) SECTION 12305 STOP-LOSS AUTHORITY.—Section 12305 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Upon the termination of a suspension made under the authority of subsection (a) of a provision of law otherwise requiring the separation or retirement of officers on active duty because of age, length of service or length of service in grade, or failure of selection for promotion, the Secretary concerned shall extend by up to 90 days the otherwise required separation or retirement date of any officer covered by the suspended provision whose separation or retirement date, but for the suspension, would have been before the date of the termination of the suspension or within 90 days of the date of such termination.".

(b) Section 123 Stop-Loss Authority.—Section 123 of such title is amended by adding at the end the following new subsection:

"(d) Upon the termination of a suspension made under the authority of subsection (a) of a provision of law otherwise requiring the separation or retirement of officers on active duty because of age, length of service or length of service in grade, or failure of selection for promotion, the Secretary concerned shall extend by up to 90 days the otherwise required separation or retirement date of any officer covered by the suspended provision whose separation or retirement date, but for the suspension, would have been before the date of the termination of the suspension or within 90 days of the date of such termination.".

SEC. 507. CLARIFICATION OF DISABILITY SEVERANCE PAY COMPUTATION.

(a) Clarification.—Section 1212(a)(2) of title 10, United States Code, is amended by striking "for promotion" in subparagraph (C) and the first place it appears in subparagraph (D).

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to members separated under section 1203 or 1206 of title 10, United States Code, on or after date of the enactment of this Act.

SEC. 508. OFFICER IN CHARGE OF UNITED STATES NAVY BAND.

(a) Detail and Grade.—Section 6221 of title 10, United States Code, is amended to read as follows:

§6221. United States Navy Band; officer in charge

"(a) There is a Navy band known as the United States Navy Band.

"(b) An officer of the Navy designated for limited duty under section 5589 or 5596 of this title who is serving in a grade not below lieutenant commander may be detailed by the Secretary of the Navy as Officer in Charge of the United States Navy Band. While so serving, an officer so detailed shall hold the grade of captain if recommended by the Secretary of the Navy for appointment to that grade and appointed to that grade by the President, by and with the advice and consent of the Senate. Such an appointment may be made notwithstanding section 5596(d) of this title.".

(b) Clerical Amendment.—The item relating to section 6221 in the table of sections at the beginning of chapter 565 of such title is amended to read as follows:

"6221. United States Navy Band; officer in charge.".

SEC. 509. ONE-YEAR EXTENSION OF EXPIRATION DATE FOR CERTAIN FORCE MANAGEMENT AUTHORITIES.

(a) Early Retirement Authority for Active Force Members.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) SSB and VSI.—Sections 1174a(h)(1) and 1175(d)(3) of title 10, United States Code, are amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) Selective Early Retirement Boards.—Section 638a(a) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(d) Time-in-Grade Requirement for Retention of Grade Upon Voluntary Retirement.—Section 1370 of such title is amended by striking "December 31, 2001" in subsections (a)(2)(A) and (d)(5) and inserting "December 31, 2002".

(e) Minimum Commissioned Service for Voluntary Retirement as an Officer.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking "December 31, 2001" and inserting "December 31, 2002".

(f) Travel, Transportation, and Storage Benefits.—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c)(1) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are amended by striking "December 31, 2001" and inserting "December 31, 2002".

(g) Educational Leave for Public and Community Service.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(h) Transitional Health Benefits.—Subsections (a)(1), (c)(1), and (e) of section 1145 of title 10, United States Code, are amended by striking "December 31, 2001" and inserting "December 31, 2002".

(i) Transitional Commissary and Exchange Benefits.—Section 1146 of such title is amended by striking "December 31, 2001" both places it appears and inserting "December 31, 2002".

(j) Transitional Use of Military Housing.—Paragraphs (1) and (2) of section 1147(a) of such title are amended by striking "December 31, 2001" and inserting "December 31, 2002".

(k) Continued Enrollment of Dependents in Defense Dependents' Education System.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(l) Force Reduction Transition Period Defined for Certain Guard and Reserve Benefits.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(m) Retired Pay for Non-Regular Service.—Sections 12731(f) and 12731a(b) of title 10, United States Code, are amended by striking "December 31, 2001" and inserting "December 31, 2002".

(n) Affiliation With Guard and Reserve Units; Waiver of Certain Limitations.—Section 1150(a) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(o) Reserve Montgomery GI Bill.—Section 16133(b)(1)(B) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

Subtitle B—Reserve Component Personnel Policy

SEC. 511. PLACEMENT ON ACTIVE-DUTY LIST OF CERTAIN RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

(a) Clarification of Exemption.—Section 641(1)(D) of title 10, United States Code, is amended to read as follows:

"(D) on active duty under section 12301(d) of this title, other than as provided under subparagraph (C), if the call or order to active duty, under regulations prescribed by the Secretary concerned, specifies a period of three years or less and continued placement on the reserve active-status list;".

(b) Retroactive Application.—(1) The Secretary of the military department concerned may provide that an officer who was excluded from the active-duty list under section 641(1)(D) of title 10, United States Code, as amended by section 521 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–108), shall be considered to have been on the active-duty list during the period beginning on the date on which the officer was so excluded and ending on the date of the enactment of this Act.

(2) The Secretary of the military department concerned may provide that a Reserve officer who was placed on the active-duty list on or after October 30, 1997, shall be placed on the reserve active-status list if the officer otherwise meets the conditions specified in section 641(1)(D) of title 10, United States Code, as amended by subsection (a).

SEC. 512. EXPANDED APPLICATION OF RESERVE SPECIAL SELECTION BOARDS.

(a) Special Selection Board for Below-the-Zone Consideration.—Section 14502 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "from in or above the promotion zone";

(2) in subsection (a)(3), by inserting "for selection for promotion from in or above the promotion zone" after "for consideration"; and

(3) in subsection (b)(1), by striking "from in or above the promotion zone".

(b) Technical Amendment.—Subsection (b)(1) of such section is amended by striking "under this chapter by a selection board" and inserting "by a promotion board convened under section 14101(a) of this title".

(c) Effective Date.—The amendments made by subsection (a) shall apply to any Reserve officer who was not considered for promotion because of administrative error, or was considered for promotion but not selected because of material error, under part III of subtitle E of title 10, United States Code, on or after October 1, 1996.

SEC. 513. EXCEPTION TO BACCALAUREATE DEGREE REQUIREMENT FOR APPOINTMENT OF RESERVE OFFICERS TO GRADES ABOVE FIRST LIEUTENANT.

Section 12205(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) The appointment to a grade in the Army Reserve of a person whose original appointment as an officer in the Army Reserve was through the Officer Candidate School program and who immediately before that original appointment was an enlisted member on active duty.".

SEC. 514. IMPROVED DISABILITY BENEFITS FOR CERTAIN RESERVE COMPONENT MEMBERS.

(a) Medical and Dental Care.—Sections 1074a(a)(3) and 1076(a)(2)(C) of title 10, United States Code, are each amended by striking ", if the" and all that follows through "member's residence".

(b) Eligibility for Disability Retirement or Separation.—Sections 1204(2)(B)(iii) and 1206(2)(B)(iii) of title 10, United States Code, are each amended by striking ", if the" and all that follows through "member's residence".

(c) Recovery, Care, and Disposition of Remains.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by striking ", if the site is outside reasonable commuting distance from the member's residence".

(d) Pay.—Sections 204(g)(1)(D), 204(h)(1)(D), and 206(a)(3)(C) of title 37, United States

Code, are each amended by striking ", if the site is outside reasonable commuting distance from the member's residence".

SEC. 515. TIME-IN-GRADE REQUIREMENT FOR RESERVE COMPONENT OFFICERS WITH A NONSERVICE CONNECTED DISABILITY.

Section 1370(d)(3)(B) of title 10, United States Code, is amended to read as follows:

"(B) A person covered by subparagraph (A) who has completed at least six months of satisfactory service in grade may be credited with satisfactory service in the grade in which serving at the time of transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade, if that person—

"(i) is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service; or

"(ii) is retired under chapter 1223 of this title because the person no longer meets the qualification for membership in the Ready Reserve solely because of a physical disability, as determined, at a minimum, by a medical evaluation board.".

SEC. 516. RESERVE MEMBERS CONSIDERED TO BE DEPLOYED FOR PURPOSES OF PERSONNEL TEMPO MANAGEMENT.

Section 991(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "active" before "service"; and

(B) by adding at the end the following: "For the purpose of applying the preceding sentence to a member of a reserve component performing active service, the housing in which the member resides when on garrison duty at the member's permanent duty station or homeport, as the case may be, shall be considered to be either the housing the member normally occupies when on garrison duty or the member's permanent civilian residence.";

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(4) in paragraph (3) (as so redesignated), by striking "in paragraphs (1) and (2)" and inserting "in paragraph (1)".

SEC. 517. FUNERAL HONORS DUTY PERFORMED BY RESERVE AND GUARD MEMBERS TO BE TREATED AS INACTIVE-DUTY TRAINING FOR CERTAIN PURPOSES.

(a) Reserve Members.—Section 12503(a) of title 10, United States Code, is amended by adding at the end the following new sentence: "Performance of funeral honors duty by a Reserve not on active duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.".

(b) National Guard Members.—Section 115(a) of title 32, United States Code, is amended by adding at the end the following new sentence: "Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.".

(c) Effective Date.—The amendments made by this section shall apply to funeral honors duty performed on or after October 30, 2000.

SEC. 518. MEMBERS OF THE NATIONAL GUARD PERFORMING FUNERAL HONORS DUTY WHILE IN NON-FEDERAL STATUS.

Section 1491(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) A member of the Army National Guard of the United States or the Air National Guard of the United States who serves as a member of a funeral honors detail while in a duty status authorized under State law shall be considered to be a member of the armed forces for the purposes of the first sentence of paragraph (2).".

SEC. 519. USE OF MILITARY LEAVE FOR FUNERAL HONORS DUTY BY RESERVE MEMBERS AND NATIONAL GUARDSMEN.

Section 6323(a)(1) of title 5, United States Code, is amended by inserting "funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32)," after "(as defined in section 101 of title 37),".

SEC. 520. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) Athletic and Small Arms Competitions.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(c) Conduct of and Participation in Certain Competitions.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

"(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

"(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

"(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

"(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).".

(b) Other Matters.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

"(d) Availability of Funds.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

"(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

"(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

"(2) Not more than $2,500,000 may be obligated or expended in any fiscal year under subsection (c).

"(e) Qualifying Athletic Competition Defined.—In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.".

(c) Stylistic Amendments.—Such section is further amended—

(1) in subsection (a), by inserting "Authorized Activities.—" after "(a)"; and

(2) in subsection (b), by inserting "Authorized Locations.—" after "(b)".

(d) Conforming and Clerical Amendments.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting "and" after the semicolon;

(B) in paragraph (2), by striking "; or" and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

"§ 504. National Guard schools; small arms competitions; athletic competitions".

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 10, United States Code, is amended to read as follows:

"504. National Guard schools; small arms competitions; athletic competitions.".

Subtitle C—Joint Specialty Officers and Joint Professional Military Education

SEC. 521. NOMINATIONS FOR JOINT SPECIALTY.

Paragraph (2) of section 661(b) of title 10, United States Code, is amended by striking "The Secretaries" and all that follows through "officers—" and inserting "Each officer on the active-duty list on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002 who has not before that date been nominated for the joint specialty by the Secretary of a military department, and each officer who is placed on the active-duty list after such date, who meets the requirements of subsection (c) shall automatically be considered to have been nominated for the joint specialty. From among those officers considered to be nominated for the joint specialty, the Secretary may select for the joint specialty only officers—".

SEC. 522. JOINT DUTY CREDIT.

Paragraph (4) of section 664(i) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking "The" and inserting "Except as provided in subparagraph (F), the"; and

(2) by adding at the end the following new subparagraph:

"(F) Service in a temporary joint task force assignment not involved in combat or combat-related operations may not be credited for the purposes of joint duty, unless, and only if—

"(i) the service of the officer and the nature of the joint task force not only meet all criteria of this section, except subparagraph (E), but also any additional criteria the Secretary may establish;

"(ii) the Secretary has specifically approved the operation conducted by the joint task force as one that qualifies for joint service credit, and notifies Congress upon each approval, providing the criteria that led to that approval; and

"(iii) the operation is conducted by the joint task force in an environment where an extremely fragile state of peace and high potential for hostilities coexist.".

SEC. 523. RETROACTIVE JOINT SERVICE CREDIT FOR DUTY IN CERTAIN JOINT TASK FORCES.

(a) Authority.—In accordance with section 664(i) of title 10, United States Code, as amended by section 522, the Secretary of Defense may award joint service credit to any officer who served on the staff of a United States joint task force headquarters in an operation and during the period set forth in subsection (b) and who meets the criteria specified in such section. To determine which officers qualify for such retroactive credit, the Secretary shall undertake a case-by-case review of the records of officers.

(b) Eligible Operations.—Service in the following operations, during the specified periods, may be counted for credit under subsection (a):

(1) Operation Northern Watch, during the period beginning on August 1, 1992, and ending on a date to be determined.

(2) Operation Southern Watch, during the period beginning on August 27, 1992, and ending on a date to be determined.

(3) Operation Able Sentry, during the period beginning on June 26, 1993, and ending on February 28, 1999.

(4) Operation Joint Endeavor, during the period beginning on December 25, 1995, and ending on December 19, 1996.

(5) Operation Joint Guard, during the period beginning on December 20, 1996, and ending on June 20, 1998.

(6) Operation Desert Thunder, beginning on January 24, 1998, and ending on December 15, 1998.

(7) Operation Joint Forge, beginning on June 20, 1998, and ending on June 10, 1999.

(8) Operation Noble Anvil, beginning on March 24, 1999, and ending on July 20, 1999.

(9) Operation Joint Guardian, beginning on June 11, 1999, and ending on a date to be determined.

(c) Report.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report of the numbers, by service, grade, and operation, of the officers given joint service credit in accordance with this section.

SEC. 524. REVISION TO ANNUAL REPORT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)"; and

(B) by adding at the end the following new subparagraph:

"(B) The number of officers who meet the criteria for selection for the joint specialty but were not selected, together with the reasons why.";

(2) by amending paragraph (2) to read as follows:

"(2) The number of officers with the joint specialty, shown by grade and branch or specialty and by education.";

(3) in paragraph (3)—

(A) in subparagraph (A) and (B), by striking "nominated" and inserting "selected";

(B) by inserting "and" at the end of subparagraph (D);

(C) by striking subparagraph (E); and

(D) by redesignating subparagraph (F) as subparagraph (E);

(4) in paragraph (4)(A), by striking "nominated" and inserting "selected";

(5) in paragraph (14)—

(A) by inserting "(A)" after "(14)"; and

(B) by adding at the end the following new subparagraph:

"(B) An assessment of the extent to which the Secretary of each military department is assigning personnel to joint duty assignments in accordance with this chapter and the policies, procedures, and practices established by the Secretary of Defense under section 661(a) of this title."; and

(6) in paragraph (16), by striking "section 664(i)" in the matter preceding subparagraph (A) and in subparagraph (B) and inserting "subparagraphs (E) and (F) of section 664(i)(4)".

SEC. 525. REQUIREMENT FOR SELECTION FOR JOINT SPECIALTY BEFORE PROMOTION TO GENERAL OR FLAG OFFICER GRADE.

(a) Requirement.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking "unless" and all that follows and inserting "unless—

"(1) the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title); and

"(2) for appointments after September 30, 2007, the officer has been selected for the joint specialty in accordance with section 661 of this title.".

(b) Waiver Authority.—Subsection (b) of that section is amended by striking "may waive subsection (a) in the following circumstances:" and inserting "may waive paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a), in the following circumstances (except that paragraph (2) of subsection (a) may not be waived by reason of paragraph (4)):".

(c) Proposed Legislative Changes.—Not later than December 1, 2002, the Secretary of Defense shall submit to Congress a draft proposal for such legislative changes as the Secretary considers needed to implement the amendment made by subsections (a) and (b).

SEC. 526. INDEPENDENT STUDY OF JOINT OFFICER MANAGEMENT AND JOINT PROFESSIONAL MILITARY EDUCATION REFORMS.

(a) Study.—The Secretary of Defense shall provide for an independent study of the joint officer management system and the joint professional military education system. The Secretary shall ensure that the entity conducting the study is provided such information and support as required. The Secretary shall include in the contract for the study a requirement that the entity conducting the study submit a report to Congress on the study not later than June 30, 2002.

(b) Matters To Be Included With Respect to Joint Officer Management.—With respect to the joint officer management system, the entity conducting the independent study shall provide for the following:

(1) Assessment of implications for joint officer education, development, and management that would result from proposed joint organizational operational concepts (such as standing joint task forces) and from emerging officer management and personnel reforms (such as longer careers and more stabilization), that are under consideration by the Secretary of Defense.

(2) Assessment of the effectiveness of the current joint officer management system to develop and use joint specialty qualified officers in meeting both current and future requirements for joint specialty officers.

(3) Recommendations, based on empirical and other data, to improve the effectiveness of the joint officer management system, especially with regard to the following:

(A) The proper mix and sequencing of education assignments and experience assignments (to include, with respect to both types of assignments, consideration of the type and quality, and the length, of such assignments) to qualify an officer as a joint specialty officer, as well as the implications of adopting a variable joint duty tour length and the advisability and implications of a system of qualifying officers as joint specialty officers that uses multiple shorter qualification tracks to selection as a joint specialty officer than are now codified.

(B) The system of using joint specialty officers, including the continued utility of such measures as—

(i) the required fill of positions on the joint duty assignment list, as specified in paragraphs (1) and (4) of section 661(d) of title 10, United States Code;

(ii) the fill by such officers of a required number of critical billets, as prescribed by section 661(d)(2) of such title;

(iii) the mandated fill by general and flag officers of a minimum number of critical billets, as prescribed by section 661(d)(3) of such title; and

(iv) current promotion policy objectives for officers with the joint specialty, officers serving on the Joint Staff, and officers serving in joint duty assignment list positions, as prescribed by section 662 of such title.

(C) Changes in policy and law required to provide officers the required joint specialty qualification before promotion to general or flag officer grade.

(D) A determination of the number of reserve component officers who would be qualified for designation as a joint specialty officer by reason of experience or education if the standards of existing law, including waiver authorities, were applied to them, and recommendations for a process for qualifying and employing future reserve component officers as joint specialty officers.

(c) Matters To Be Included With Respect to Joint Professional Military Education.—With respect to the joint professional military education system, the entity conducting the independent study shall provide for the following:

(1) The number of officers who under the current system (A) qualified as joint specialty officers by attending joint professional military education programs before their first joint duty assignment, (B) qualified as joint specialty officers after arriving at their first joint duty assignment but before completing that assignment, and (C) qualified as joint specialty officers without any joint professional military education.

(2) Recommended initiatives (include changes in officer personnel management law, if necessary) to provide incentives and otherwise facilitate attendance at joint professional military education programs before an officer's first joint duty assignment.

(3) Recommended goals for attendance at the Joint Forces Staff College en route to a first joint duty assignment.

(4) An assessment of the continuing utility of statutory requirements for use of officers following joint professional military education, as prescribed by section 662(d) of title 10, United States Code.

(5) Determination of whether joint professional military education programs should remain principally an in-resident, multiservice experience and what role non-resident or distributive learning can or should play in future joint professional military education programs.

(6) Examination of options for the length of and increased capacity at Joint Forces Staff College, and whether other in-resident joint professional military education sources should be opened, and if opened, how they might be properly accredited and overseen to provide instruction at the level of the program designated as "joint professional military education".

(d) Chairman of Joint Chiefs of Staff.—With respect to the roles of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, the entity conducting the independent study shall—

(1) provide for an evaluation of the current roles of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and joint staff in law, policy, and implementation with regard to establishing and maintaining oversight of joint officer management, career guidelines, and joint professional military education; and

(2) make recommendations to improve and strengthen those roles.

(e) REQUIREMENTS FOR STUDY ENTITY.—In providing for the independent study required by subsection (a), the Secretary of Defense shall ensure that the entity conducting the study—

(1) is not a Department of Defense organization; and

(2) shall, at a minimum, involve in the study, in an integral way, the following persons:

(A) The Chairman of the Joint Chiefs of Staff and available former Chairmen of the Joint Chiefs of Staff.

(B) Members and former members of the Joint Staff, the Armed Forces, the Congress, and congressional staff who are or who have been significantly involved in the development, implementation, or modification of joint officer management and joint professional military education.

(C) Experts in joint officer management and education from civilian academic and research centers.

SEC. 527. PROFESSIONAL DEVELOPMENT EDUCATION.

(a) EXECUTIVE AGENT FOR FUNDING.—(1) Effective beginning with fiscal year 2003, the Secretary of Defense shall be the executive agent for funding professional development education operations of all components of the National Defense University, including the Joint Forces Staff College. The Secretary may not delegate the Secretary's functions and responsibilities under the preceding sentence to the Secretary of a military department.

(2) Nothing in this subsection affects policies in effect on the date of the enactment of this Act with respect to—

(A) the reporting of the President of the National Defense University to the Chairman of the Joint Chiefs of Staff; or

(B) provision of logistical and base operations support for components of the National Defense University by the military departments.

(b) PREPARATION OF BUDGET REQUESTS.—Section 2162(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) As executive agent for funding professional development education at the National Defense University, including the Joint Forces Staff College, the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall prepare the annual budget for professional development education operations at the National Defense University and set forth that request as a separate budget request in the materials submitted to Congress in support of the budget request for the Department of Defense. Nothing in the preceding sentence affects policies in effect on the date of the enactment of this paragraph with respect to budgeting for the funding of logistical and base operations support for components of the National Defense University through the military departments.".

(c) FUNDING SOURCE.—(1) Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) SOURCE OF FUNDS FOR PROFESSIONAL DEVELOPMENT EDUCATION OPERATIONS.—Funding for the professional development education operations of the National Defense University shall be provided from funds made available to the Secretary of Defense from the annual appropriation 'Operation and Maintenance, Defense-wide'.".

(2) Subsection (d) of section 2165 of title 10, United States Code, as added by paragraph (1), shall become effective beginning with fiscal year 2003.

SEC. 528. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY TO ENROLL CERTAIN PRIVATE SECTOR CIVILIANS.

(a) IN GENERAL.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2167. National Defense University: admission of private sector civilians to professional military education program

"(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Defense University in accordance with this section. No more than 10 full-time equivalent private sector employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate diploma or degree under section 2165 of this title.

"(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services or whose work product is relevant to national security policy or strategy. A private sector employee admitted for instruction at the National Defense University remains eligible for such instruction only so long as that person remains employed by the same firm.

"(c) ANNUAL CERTIFICATION BY SECRETARY OF DEFENSE.—Private sector employees may receive instruction at the National Defense University during any academic year only if, before the start of that academic year, the Secretary of Defense determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to private sector employees under this section during that year will further national security interests of the United States.

"(d) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

"(1) the curriculum for the professional military education program in which private sector employees may be enrolled under this section is not readily available through other schools and concentrates on national security relevant issues; and

"(2) the course offerings at the National Defense University continue to be determined solely by the needs of the Department of Defense.

"(e) TUITION.—The President of the National Defense University shall charge students enrolled under this section a rate—

"(1) that is at least the rate charged for employees of the United States outside the Department of Defense, less infrastructure costs, and

"(2) that considers the value to the school and course of the private sector student.

"(f) STANDARDS OF CONDUCT.—While receiving instruction at the National Defense University, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the university.

"(g) USE OF FUNDS.—Amounts received by the National Defense University for instruction of students enrolled under this section shall be retained by the university to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the university.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2167. National Defense University: admission of private sector civilians to professional military education program.".

(b) EFFECTIVE DATE.—Section 2167 of title 10, United States Code, as added by subsection (a), shall take effect on January 1, 2002.

SEC. 529. CONTINUATION OF RESERVE COMPONENT PROFESSIONAL MILITARY EDUCATION TEST.

(a) CONTINUATION OF CONCEPT VALIDATION TEST.—During fiscal year 2002, the Secretary of Defense shall continue the concept validation test of Reserve component joint professional military education that was begun in fiscal year 2001 at the National Defense University.

(b) PILOT PROGRAM.—If the Secretary of Defense determines that the results of the concept validation test referred to in subsection (a) warrant conducting a pilot program of the concept that was the subject of the test, the Secretary shall conduct such a pilot program during fiscal year 2003.

(c) FUNDING.—The Secretary shall provide funds for the concept validation test under subsection (a) and for any pilot program under subsection (b) from funds appropriated to the Secretary of Defense in addition those appropriated for operations of the National Defense University.

Subtitle D—Military Education and Training

SEC. 531. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) AUTHORITY TO CONFER ASSOCIATE OF ARTS DEGREE.—Chapter 108 of title 10, United States Code, is amended by adding after section 2167, as added by section 528(a)(1), the following new section:

"§ 2168. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language

"(a) Subject to subsection (b), the Commandant of the Defense Language Institute may confer an Associate of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree.

"(b) A degree may be conferred upon a student under this section only if the Provost of the Center certifies to the Commandant that the student has satisfied all the requirements prescribed for the degree.

"(c) The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2167, as added by section 528(a)(2), the following new item:

"2168. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language.".

SEC. 532. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) MARINE CORPS WAR COLLEGE DEGREE.—Section 7102 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) MARINE CORPS WAR COLLEGE.—Upon the recommendation of the Director and faculty of the Marine Corps War College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of strategic studies upon graduates of the Marine Corps War College who fulfill the requirements for that degree.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended by striking "upon graduates" and all that follows and inserting "upon graduates of the Command and Staff College who fulfill the requirements for that degree.".

(2) Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by striking "subsection (a)" and inserting "subsections (a) and (b)".

(3)(A) The heading of such section is amended to read as follows:

"§ 7102. Marine Corps University: masters degrees; board of advisors".

(B) The item relating to such section in the table of sections at the beginning of chapter 609 of such title is amended to read as follows:

"7102. Marine Corps University: masters degrees; board of advisors.".

(c) CODIFICATION OF REQUIREMENT FOR BOARD OF ADVISORS.—(1) Section 7102 of title 10, United States Code, as amended by subsections (a) and (b), is further amended by adding at the end the following new subsection:

"(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.".

(2) Section 912 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 7102 note) is repealed.

(d) EFFECTIVE DATE.—The authority to confer the degree of master of strategic studies under section 7102(b) of title 10, United States Code (as added by subsection (a)) may not be exercised until the Secretary of Education determines, and certifies to the President of the Marine Corps University, that the requirements established by the Marine Corps War College of the Marine Corps University for that degree are in accordance with generally applicable requirements for a degree of master of arts. Upon receipt of such a certification, the President of the University shall promptly transmit a copy of the certification to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives.

SEC. 533. INCREASE IN NUMBER OF FOREIGN STUDENTS AUTHORIZED TO BE ADMITTED TO THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Subsection (a)(1) of section 4344 of title 10, United States Code, is amended by striking "40 persons" and inserting "60 persons".

(2) Subsection (b) of such section is amended—

(A) by inserting "some or all" in paragraph (2) after "unless a written waiver of"; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Military Academy to receive instruction under section 4344 of title 10, United States Code, before the date of the enactment of this Act.

(b) UNITED STATES NAVAL ACADEMY.—(1) Subsection (a)(1) of section 6957 of title 10, United States Code, is amended by striking "40 persons" and inserting "60 persons".

(2) Subsection (b) of such section is amended—

(A) by inserting "some or all" in paragraph (2) after "unless a written waiver of"; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Naval Academy to receive instruction under section 6957 of title 10, United States Code, before the date of the enactment of this Act.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Subsection (a)(1) of section 9344 of title 10, United States Code, is amended by striking "40 persons" and inserting "60 persons".

(2) Subsection (b) of such section is amended—

(A) by inserting "some or all" in paragraph (2) after "unless a written waiver of"; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Air Force Academy to receive instruction under section 9344 of title 10, United States Code, before the date of the enactment of this Act.

SEC. 534. INCREASE IN MAXIMUM AGE FOR APPOINTMENT AS A CADET OR MIDSHIPMAN IN SENIOR RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAMS.

(a) GENERAL ROTC SCHOLARSHIP PROGRAM.—Section 2107(a) of title 10, United States Code, is amended—

(1) by striking "27 years of age on June 30" and inserting "35 years of age on December 31"; and

(2) by striking ", except that" and all that follows through "on such date" the second place it appears.

(b) ARMY RESERVE AND ARMY NATIONAL GUARD ROTC SCHOLARSHIP PROGRAM.—Section 2107a(a) of such title is amended—

(1) by striking "27 years of age on June 30" and inserting "35 years of age on December 31"; and

(2) by striking ", except that" and all that follows through "on such date" the second place it appears.

SEC. 535. ACTIVE DUTY PARTICIPATION AS A CADET OR MIDSHIPMAN IN SENIOR ROTC ADVANCED TRAINING.

(a) SENIOR RESERVE OFFICER TRAINING CORPS.—Section 2104(b)(3) of title 10, United States Code, is amended by striking "a reserve component of" ".

(b) BASIC PAY.—Section 209(c) of title 37, United States Code, is amended by inserting "unless the cadet or midshipman is serving on active duty" before the period at the end.

SEC. 536. AUTHORITY TO MODIFY THE SERVICE OBLIGATION OF CERTAIN ROTC CADETS IN MILITARY JUNIOR COLLEGES RECEIVING FINANCIAL ASSISTANCE.

(a) AUTHORITY TO MODIFY AGREEMENTS.—Subsection (b) of section 2107a of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively;

(3) by designating the sentence following subparagraph (F), as so redesignated, as paragraph (2); and

(4) by adding at the end the following new paragraph:

"(3) In the case of a cadet under this section at a military junior college, the Secretary may, at any time and with the consent of the cadet concerned, modify an agreement described in paragraph (1)(F) submitted by the cadet to reduce or eliminate the troop program unit service obligation specified in the agreement and to establish, in lieu of that obligation, an active duty service obligation. Such a modification may be made only if the Secretary determines that it is in the best interests of the United States to do so.".

(b) RETROACTIVE APPLICATION.—The authority of the Secretary of Defense under section 2107a(b)(3) of title 10, United States Code, as added by subsection (a), may be exercised with regard to any agreement described in subsection (b)(1)(F) (including agreements related to participation in the Advanced Course of the Army Reserve Officers' Training Corps at a military college or civilian institution) entered into during the period beginning on January 1, 1991 and ending on July 12, 2000.

(c) TECHNICAL AMENDMENT.—Subsection (h) of such section is amended by striking "military college" in the second sentence and inserting "military junior college".

SEC. 537. MODIFICATION OF NURSE OFFICER CANDIDATE ACCESSION PROGRAM RESTRICTION ON STUDENTS ATTENDING EDUCATIONAL INSTITUTIONS WITH SENIOR RESERVE OFFICERS' TRAINING PROGRAMS.

Section 2130a of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking "that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title"; and

(2) in subsection (b)(1), by inserting before the semicolon at the end "or that has a Senior Reserve Officers' Training Program for which the student is ineligible".

SEC. 538. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC) UNITS.

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

SEC. 539. RESERVE HEALTH PROFESSIONALS STIPEND PROGRAM EXPANSION.

(a) PURPOSE OF PROGRAM.—Subsection (a) of section 16201 of title 10, United States Code, is amended—

(1) by striking "specialties critically needed in wartime";

(2) by striking "training in such specialties" and inserting "training that leads to a degree in medicine or dentistry or training in a health professions specialty that is critically needed in wartime"; and

(3) by striking "training in certain health care specialties" and inserting "health care education and training".

(b) MEDICAL AND DENTAL STUDENT STIPEND.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) MEDICAL AND DENTAL SCHOOL STUDENTS.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

"(A) is eligible to be appointed as an officer in a reserve component;

"(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in medicine or dentistry;

"(C) signs an agreement that, unless sooner separated, the person will—

"(i) complete the educational phase of the program;

"(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

"(iii) participate in a residency program; and

"(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a health profession skill which has been designated by the Secretary of Defense as a critically needed wartime skill.

"(2) Under the agreement—

"(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (f), for the period or the remainder of the period the student is satisfactorily progressing toward a degree in medicine or dentistry while enrolled in an accredited medical or dental school;

"(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

"(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

"(D) the participant shall agree to serve, upon successful completion of the program, one year in the Selected Reserve for each six months, or part thereof, for which the stipend is provided. In the case of a participant who enters into a subsequent agreement under subsection (c) and successfully completes residency training in a specialty designated by the Secretary of Defense as a specialty critically needed by the military department in wartime, the requirement to serve in the Selected Reserve may be reduced to one year for each year, or part thereof, for which the stipend was provided while enrolled in medical or dental school.".

(c) Wartime Critical Skills.—Subsection (c) of such section (as redesignated by subsection (b)(1)) is amended—

(1) by inserting "Wartime" after "Critical" in the heading; and

(2) by inserting "or has been appointed as a medical or dental officer in the Reserve of the armed force concerned" in paragraph (1)(B) before the semicolon at the end.

(d) Service Obligation Requirement.—Paragraph (2)(D) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(D) of subsection (d) of such section (as so redesignated) are amended by striking "two years in the Ready Reserve for each year," and inserting "one year in the Ready Reserve for each six months,".

(e) Cross-Reference.—Paragraph (2)(A) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(A) of subsection (d) of such section (as so redesignated) are amended by striking "subsection (e)" and inserting "subsection (f)".

SEC. 540. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR THE CORPS OF CADETS, UNITED STATES MILITARY ACADEMY.

(a) Authority.—The second sentence of section 4337 of title 10, United States Code, is amended to read as follows: "Notwithstanding any other provision of law, the chaplain is entitled to the same basic allowance for housing allowed to a lieutenant colonel, and to fuel and light for quarters in kind.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

Subtitle E—Decorations, Awards, and Commendations

SEC. 541. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO HUMBERT R. VERSACE FOR VALOR DURING THE VIETNAM WAR.

(a) Waiver of Time Limitation.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to Humbert R. Versace for the acts of valor referred to in subsection (b).

(b) Action Described.—The acts of valor referred to in subsection (a) are the actions of Humbert R. Versace between October 29, 1963, and September 26, 1965, while interned as a prisoner-of-war by the Vietnamese Communist National Liberation Front (Viet Cong) in the Republic of Vietnam.

SEC. 542. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AMERICAN AND HISPANIC AMERICAN WAR VETERANS.

(a) Review Required.—The Secretary of each military department shall review the service records of each Jewish American war veteran or Hispanic American war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) Covered Jewish American War Veterans and Hispanic American War Veterans.—The Jewish American war veterans and Hispanic American war veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American war veteran or Hispanic American war veteran who was awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross before the date of the enactment of this Act.

(2) Any other Jewish American war veteran or Hispanic American war veteran whose name is submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

(c) Consultations.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) Recommendation Based on Review.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American war veteran or Hispanic American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) Authority To Award Medal of Honor.—A Medal of Honor may be awarded to a Jewish American war veteran or Hispanic American war veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) Waiver of Time Limitations.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

(g) Definition.—For purposes of this section, the term "Jewish American war veteran" means any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.

SEC. 543. AUTHORITY TO ISSUE DUPLICATE MEDAL OF HONOR.

(a) Army.—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3754. Medal of honor: duplicate medal

"A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Army may determine, as a duplicate or for display purposes only.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3754. Medal of honor: duplicate medal.".

(b) Navy.—(1) Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6256. Medal of honor: duplicate medal

"A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Navy may determine, as a duplicate or for display purposes only.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6256. Medal of honor: duplicate medal.".

(c) Air Force.—(1) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8754. Medal of honor: duplicate medal

"A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Air Force may determine, as a duplicate or for display purposes only.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8754. Medal of honor: duplicate medal.".

(d) Coast Guard.—(1) Chapter 13 of title 14, United States Code, is amended by inserting after section 503 the following new section:

"§ 504. Medal of honor: duplicate medal

"A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary may determine, as a duplicate or for display purposes only.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 503 the following new item:

"504. Medal of honor: duplicate medal.".

(e) DEFINITION OF MEDAL OF HONOR FOR PURPOSES OF FEDERAL UNAUTHORIZED-USE CRIME.—Section 704(b)(2)(B) of title 18, United States Code, is amended to read as follows:

"(B) As used in this subsection, 'Congressional Medal of Honor' means—

"(i) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

"(ii) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

"(iii) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.".

SEC. 544. AUTHORITY TO REPLACE STOLEN MILITARY DECORATIONS.

(a) ARMY, NAVY, AND AIR FORCE.—Sections 3747, 6253, and 8747 of title 10, United States Code, are each amended by striking "lost or destroyed" and inserting "stolen, lost, or destroyed".

(b) COAST GUARD.—Section 501 of title 14, United States Code, is amended by inserting "stolen," before "lost,".

SEC. 545. WAIVER OF TIME LIMITATIONS FOR AWARD OF NAVY DISTINGUISHED FLYING CROSS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 31, 2000, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 546. KOREA DEFENSE SERVICE MEDAL.

(a) ARMY.—(1) Chapter 357 of title 10, United States Code, as amended by section 543(a)(1), is further amended by adding at the end the following new section:

"§ 3755. Korea Defense Service Medal

"(a) The Secretary of the Army shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Army served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

"(b) In this section, the term 'KDSM eligibility period' means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

"(c) The Secretary of the Army shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.".

(2) The table of sections at the beginning of such chapter, as amended by section 543(a)(2), is further amended by adding at the end the following new item:

"3755. Korea Defense Service Medal.".

(b) NAVY AND MARINE CORPS.—(1) Chapter 567 of title 10, United States Code, as amended by section 543(b)(1), is further amended by adding at the end the following new section:

"§ 6257. Korea Defense Service Medal

"(a) The Secretary of the Navy shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Navy or Marine Corps served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

"(b) In this section, the term 'KDSM eligibility period' means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

"(c) The Secretary of the Navy shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.".

(2) The table of sections at the beginning of such chapter, as amended by section 543(b)(2), is further amended by adding at the end the following new item:

"6257. Korea Defense Service Medal.".

(c) AIR FORCE.—(1) Chapter 857 of title 10, United States Code, as amended by section 543(c)(1), is further amended by adding at the end the following new section:

"§ 8755. Korea Defense Service Medal

"(a) The Secretary of the Air Force shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Air Force served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

"(b) In this section, the term 'KDSM eligibility period' means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

"(c) The Secretary of the Air Force shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.".

(2) The table of sections at the beginning of such chapter, as amended by section 543(c)(2), is further amended by adding at the end the following new item:

"8755. Korea Defense Service Medal.".

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—The Secretary of the military department concerned shall take appropriate steps to provide in a timely manner for the issuance of the Korea Defense Service Medal, upon application therefor, to persons whose eligibility for that medal is by reason of service in the Republic of Korea or the waters adjacent thereto before the date of the enactment of this Act.

SEC. 547. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1134. Cold War service medal

"(a) MEDAL AUTHORIZED.—The Secretary concerned shall, upon application, issue the Cold War service medal to a person eligible to receive that medal. The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) ELIGIBILITY.—(1) A person is eligible to receive the Cold War service medal if the person—

"(A) served on active duty during the Cold War;

"(B) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge less favorable than an honorable discharge; and

"(C) except as provided under paragraph (3), meets the service requirements of paragraph (2).

"(2) The service requirements of this paragraph are—

"(A) in the case of a person who served on active duty during the Cold War as an enlisted member, that the person have completed that person's initial term of enlistment and after the end of that initial term of enlistment have reenlisted for an additional term of enlistment or have been appointed as an officer; and

"(B) in the case of a person who served on active duty during the Cold War as an officer, that the person have completed that person's initial service obligation as an officer and have served in the armed forces after completing that initial service obligation.

"(3) The Secretary concerned, under regulations prescribed under this section, may waive the service requirements of paragraph (2)—

"(A) in the case of any person discharged or released from active duty for a disability incurred or aggravated in line of duty;

"(B) in the case of any person discharged for hardship under section 1173 of this title; and

"(C) under any other circumstance for which the Secretary determines that such a waiver is warranted.

"(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

"(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person who is eligible for the Cold War service medal dies before being issued that medal, the medal may, upon application, be issued to the person's representative, as designated by the Secretary concerned.

"(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(g) COLD WAR DEFINED.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1134. Cold War service medal.".

SEC. 548. OPTION TO CONVERT AWARD OF ARMED FORCES EXPEDITIONARY MEDAL AWARDED FOR OPERATION FREQUENT WIND TO VIETNAM SERVICE MEDAL.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible Vietnam evacuation veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of the Armed Forces Expeditionary Medal awarded the individual for participation in Operation Frequent Wind.

(b) ELIGIBLE VIETNAM EVACUATION VETERAN.—For purposes of this section, the term "eligible Vietnam evacuation veteran" means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations designated as Operation Frequent Wind arising from the evacuation of Vietnam on April 29 and 30, 1975.

SEC. 549. SENSE OF CONGRESS ON NEW MEDAL TO RECOGNIZE CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE KILLED OR WOUNDED AS A RESULT OF HOSTILE ACTION.

(a) FINDINGS.—Congress makes the following findings:

(1) The role and importance of civilian nationals of the United States as Federal employees and contractors in support of operations of the Armed Forces worldwide has continued to expand.

(2) The expanded role performed by those civilians, both in the United States and overseas, has greatly increased the risk to those civilians of injury and death from hostile actions taken against United States Armed Forces, as demonstrated by the terrorist attack on the Pentagon on September 11, 2001, in which scores of Department of Defense civilian and contractor personnel were killed or wounded.

(3) No decoration exists for the recognition of civilian nationals of the United States who, while serving under competent authority in any capacity with the Armed Forces, are killed or wounded in the line of duty under circumstances which, if they were members of the Armed Forces, would qualify them for the award of the Purple Heart.

(4) Both the Congress and the Secretary of Defense have previously agreed to the need for such a decoration.

(5) On September 20, 2001, the Deputy Secretary of Defense approved the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action and at the same time directed that a comprehensive review be conducted to develop a more uniform approach to the award of decorations to military and civilian personnel of the Department of Defense.

(b) COMMENDATION OF CREATION OF NEW AWARD.—Congress commends the decision announced by the Deputy Secretary of Defense on September 20, 2001, to approve the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense—

(1) should move expeditiously to produce and award the new medal referred to in subsection (b); and

(2) should develop a more comprehensive, uniform policy for the award of decorations to military and civilian personnel of the Department of Defense.

Subtitle F—Matters Relating to Voting

SEC. 551. VOTING ASSESSMENTS AND ASSISTANCE FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1566. Voting assistance: compliance assessments and assistance

"(a) INSPECTOR GENERAL ASSESSMENTS.—(1) The Department of Defense Inspector General shall each calendar year conduct a random and unannounced assessment at a minimum of 15 Department of Defense installations of the compliance at those installations with—

"(A) the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

"(B) Department of Defense regulations regarding that Act and the Federal Voting Assistance Program carried out under that Act; and

"(C) other requirements of law regarding voting by members of the armed forces.

"(2) Each assessment under paragraph (1) shall include a review of such compliance—

"(A) within units to which are assigned, in the aggregate, not less than 20 percent of the personnel assigned to duty at that installation;

"(B) within a representative survey of members of the armed forces assigned to that installation and their dependents; and

"(C) within unit voting assistance officers to measure program effectiveness.

"(b) REGULAR MILITARY DEPARTMENT ASSESSMENTS.—The Secretary of each military department shall include in the set of issues and programs to be reviewed during any management effectiveness review or inspection an assessment of compliance with the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and with Department of Defense regulations regarding the Federal Voting Assistance Program.

"(c) VOTING ASSISTANCE OFFICERS.—Voting assistance officers appointed or assigned under Department of Defense regulations regarding the Federal Voting Assistance Program shall be appointed or assigned with the expectation of serving in that capacity for a minimum of 30 months. A member of the armed forces assigned to such a position may not be assigned other duties that would not be considered part of the member's primary military duties, except when a unit commander determines that insufficient personnel are available to fulfill all additional duty requirements. Performance evaluation reports pertaining to a member who has been assigned to serve as a voting assistance officer shall comment on the performance of the member as a voting assistance officer.

"(d) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.—(1) During the four months preceding a general Federal election month, the Secretary of Defense shall periodically conduct surveys of all overseas locations and vessels at sea with military units responsible for collecting mail for return shipment to the United States and all port facilities in the United States and overseas where military-related mail is collected for shipment to overseas locations or to the United States. The purpose of each survey shall be to determine if voting materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location. During the fourth and third months before a general Federal election month, such surveys shall be conducted biweekly. During the second and first months before a general Federal election month, such surveys shall be conducted weekly.

"(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times.

"(3) In this section, the term 'general Federal election month' means November in an even-numbered year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1566. Voting assistance: compliance assessments and assistance.".

SEC. 552. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall carry out a demonstration project to examine voting in Federal elections by absent uniformed services voters through a long-distance electronic voting system. The demonstration project shall be carried out for voting in the regularly scheduled general election for Federal office in November 2002. Under the demonstration project, absent uniformed services voters participating in the project shall be provided a means, with the cooperation and assistance of State election officials of States that agree to participate in the project, to cast their ballots in that election through a long-distance electronic voting method.

(b) SCOPE OF PROJECT.—The Secretary shall determine the scope of the demonstration project under this section, including the absent uniformed services voters authorized to participate in the project. The project shall be carried out with participation of sufficient numbers of absent uniformed services voters so that the results are statistically relevant.

(c) COORDINATION WITH STATE ELECTION OFFICIALS.—The Secretary shall carry out the demonstration project under this section through cooperative agreements with State election officials of States that agree to participate in the project.

(d) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary shall submit to Congress a report analyzing the demonstration project conducted under this section. The Secretary shall include in the report any recommendations the Secretary considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

(e) ABSENT UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "absent uniformed services voter" has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

(f) STATE DEFINED.—In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

Subtitle G—Matters Relating to Military Spouses and Family Members

SEC. 561. IMPROVED FINANCIAL AND OTHER ASSISTANCE TO MILITARY SPOUSES FOR JOB TRAINING AND EDUCATION.

(a) EXAMINATION OF EXISTING EMPLOYMENT ASSISTANCE PROGRAMS.—(1) The Secretary of Defense shall examine existing Department of Defense and other Federal, State, and nongovernmental programs with the objective of improving retention of military personnel by increasing the employability of military spouses and assisting those spouses in gaining access to financial and other assistance for job training and education.

(2) In conducting the examination, the Secretary shall give priority to facilitating and increasing access of military spouses to existing Department of Defense, Federal, State, and nongovernmental sources for the types of financial assistance set forth in paragraph (3), but shall also specifically assess whether the Department of Defense should begin a program for direct financial assistance to military spouses for some or all of those types of assistance and whether such a program of direct financial assistance would enhance retention.

(3) In conducting the examination pursuant to paragraph (1), the Secretary should focus on financial assistance for military spouses for one or more of the following purposes:

(A) Career-related education.

(B) Certification and license fees for employment-related purposes.

(C) Apprenticeships and internships.

(D) Technical training.

(E) Training to improve job skills.

(F) Career counseling.

(G) Skills assessment.

(H) Job-search skills.

(I) Job-related transportation.

(J) Child care.

(K) Any additional employment-related purpose specified by the Secretary for the purposes of the examination under paragraph (1).

(4) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the examination under paragraph (1).

(b) REVIEW OF DEPARTMENT OF DEFENSE POLICIES.—(1) The Secretary of Defense shall review Department of Defense policies that affect employment and education opportunities for military spouses in the Department of Defense in order to further expand those opportunities. The review shall include the consideration of providing, to the extent authorized by law, separate spouse preferences for employment by appropriated and nonappropriated fund operations.

(2) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under paragraph (1).

(c) SPOUSE EMPLOYMENT ASSISTANCE.—Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(d) SPACE-AVAILABLE USE OF FACILITIES FOR SPOUSE TRAINING PURPOSES.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may make available to a non-Department of Defense entity space in non-excess facilities controlled by that Secretary for the purpose of the non-Department of Defense entity providing employment-related training for military spouses.

"(e) EMPLOYMENT BY OTHER FEDERAL AGENCIES.—The Secretary of Defense shall work with the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of military spouse employment.

"(f) PRIVATE-SECTOR EMPLOYMENT.—The Secretary of Defense—

"(1) shall seek to develop partnerships with firms in the private sector to enhance employment opportunities for spouses of members of the armed forces and to provide for improved job portability for such spouses, especially in the case of the spouse of a member of the armed forces accompanying the member to a new geographical area because of a change of permanent duty station of the member; and

"(2) shall work with the United States Chamber of Commerce and other appropriate private-sector entities to facilitate the formation of such partnerships.

"(g) EMPLOYMENT WITH DOD CONTRACTORS.—The Secretary of Defense shall examine and seek ways for incorporating hiring preferences for qualified spouses of members of the armed forces into contracts between the Department of Defense and private-sector entities.".

SEC. 562. AUTHORITY TO CONDUCT SURVEYS OF DEPENDENTS AND SURVIVORS OF MILITARY RETIREES.

(a) EXTENSION OF SURVEY AUTHORITY.—Subsection (a) of section 1782 of title 10, United States Code, is amended to read as follows:

"(a) AUTHORITY.—The Secretary of Defense, in order to determine the effectiveness of Federal programs relating to military families and the need for new programs, may conduct surveys of—

"(1) members of the armed forces who are on active duty, in an active status, or retired;

"(2) family members of such members; and

"(3) survivors of retired members.".

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking "family members" and all that follows through "armed forces" the second place it appears and inserting "persons covered by subsection (a)".

SEC. 563. CLARIFICATION OF TREATMENT OF CLASSIFIED INFORMATION CONCERNING PERSONS IN A MISSING STATUS.

Section 1506(b)(2) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking the period at the end and inserting "of all missing persons from the conflict or period of war to which the classified information pertains."; and

(3) by adding at the end the following new subparagraph:

"(B) For purposes of subparagraph (A), information shall be considered to be made reasonably available if placed in a separate and distinct file that is available for review by persons specified in subparagraph (A) upon the request of any such person either to review the separate file or to review the personnel file of the missing person concerned.".

SEC. 564. TRANSPORTATION TO ANNUAL MEETING OF NEXT-OF-KIN OF PERSONS UNACCOUNTED FOR FROM CONFLICTS AFTER WORLD WAR II.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II

"The Secretary of Defense may provide transportation for the next-of-kin of persons who are unaccounted for from the Korean conflict, the Cold War, Vietnam War era, or the Persian Gulf War to and from an annual meeting in the United States. Such transportation shall be provided under such regulations as the Secretary of Defense may prescribe.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.".

(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 565. AMENDMENTS TO CHARTER OF DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

(a) MEMBERS APPOINTED FROM PRIVATE SECTOR.—Subsection (h)(1) of section 591 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 639; 10 U.S.C. 1562 note) is amended—

(1) by inserting "who is a member of the Armed Forces or civilian officer or employee of the United States" after "Each member of the task force";

(2) by striking ", but shall" and all that follows and inserting a period; and

(3) by adding at the end the following new sentence: "Other members of the task force shall be appointed in accordance with, and subject to, section 3161 of title 5, United States Code.".

(b) EXTENSION OF TERMINATION DATE.—Subsection (j) of such section is amended by striking "three years after the date of the enactment of this Act" and inserting "on April 24, 2003".

Subtitle H—Military Justice and Legal Matters

SEC. 571. REQUIREMENT THAT COURTS-MARTIAL CONSIST OF NOT LESS THAN 12 MEMBERS IN CAPITAL CASES.

(a) CLASSIFICATION OF GENERAL COURT-MARTIAL IN CAPITAL CASES.—Section 816(1)(A) of title 10, United States Code (article 16(1)(A) of the Uniform Code of Military Justice) is amended by inserting after "five members" the following: "or, in a case in which the accused may be sentenced to a penalty of death, the number of members determined under section 825a of this title (article 25a)".

(b) NUMBER OF MEMBERS REQUIRED.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 825 (article 25) the following new section:

"§ 825a. Art. 25a. Number of members in capital cases

"In a case in which the accused may be sentenced to a penalty of death, the number of members shall be not less than 12, unless 12 members are not reasonably available because of physical conditions or military exigencies, in which case the convening authority shall specify a lesser number of members not less than five, and the court may be assembled and the trial held with not less than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.".

(2) The table of sections at the beginning of subchapter V of such chapter is amended by inserting after the item relating to section 825 (article 25) the following new item:

"825a. 25a. Number of members in capital cases.".

(c) Absent and Additional Members.—Section 829(b) of such title (article 29 of the Uniform Code of Military Justice) is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking "five members" both places it appears and inserting "the applicable minimum number of members"; and

(3) by adding at the end the following new paragraph:

"(2) In this section, the term 'applicable minimum number of members' means five members or, in a case in which the death penalty may be adjudged, the number of members determined under section 825a of this title (article 25a).".

(d) Applicability.—The amendments made by this section shall apply with respect to offenses committed after the date of the enactment of this Act.

SEC. 572. RIGHT OF CONVICTED ACCUSED TO REQUEST SENTENCING BY MILITARY JUDGE.

(a) Sentencing by Judge.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 852 (article 52) the following new section:

"§ 852a. Art. 52a. Right of accused to request sentencing by military judge rather than by members

"(a) In the case of an accused convicted of an offense by a court-martial composed of a military judge and members, the sentence shall be tried before and adjudged by the military judge rather than the members if, after the findings are announced and before evidence in the sentencing proceeding is introduced, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing that the sentence be tried before and adjudged by the military judge rather than the members.

"(b) This section shall not apply with respect to an offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case.".

(2) The table of sections at the beginning of subchapter VII of such chapter is amended by inserting after the item relating to section 852 (article 52) the following new item:

"852a. 52a. Right of accused to request sentencing by military judge rather than by members.".

(b) Effective Date.—Section 852a of title 10, United States Code (article 52a of the Uniform Code of Military Justice), as added by subsection (a), shall apply with respect to offenses committed after the date of the enactment of this Act.

SEC. 573. CODIFICATION OF REQUIREMENT FOR REGULATIONS FOR DELIVERY OF MILITARY PERSONNEL TO CIVIL AUTHORITIES WHEN CHARGED WITH CERTAIN OFFENSES

(a) Codification of Existing Provisions.—Section 814 of title 10, United States Code (article 14 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(c) The Secretary of Defense shall ensure that the Secretaries of the military departments prescribe regulations under subsection (a) and that those regulations are uniform throughout the armed forces under the jurisdiction of the Secretary of Defense. Those regulations shall—

"(1) specifically provide for the delivery to the appropriate civil authority for trial, in any appropriate case, of a member accused by civil authority of parental kidnapping or a similar offense, including criminal contempt arising from any such offense or from child custody matters; and

"(2) specifically address the special needs for the exercise of the authority contained in this section (article) in a case in which a member of the armed forces assigned overseas is accused of an offense by civil authority.".

(b) Repeal of Codified Provisions.—Section 721 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 10 U.S.C. 814 note), is repealed.

SEC. 574. AUTHORITY TO ACCEPT VOLUNTARY LEGAL SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) Authority.—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) Voluntary legal assistance services under section 1044 of this title.".

(b) Applicable Federal Laws.—Subsection (d)(1) of such section is amended by adding at the end the following new subparagraph:

"(E) Section 1054 of this title (relating to defense of certain suits arising out of legal malpractice), in the case of persons providing voluntary legal assistance services under subsection (a)(5).".

Subtitle I—Other Matters

SEC. 581. SHIPMENT OF PRIVATELY OWNED VEHICLES WHEN MAKING PERMANENT CHANGE OF STATION MOVES WITHIN UNITED STATES.

Section 2634(h)(1) of title 10, United States Code, is amended by inserting "or when the Secretary concerned determines that the transport of a vehicle upon such a transfer is advantageous and cost-effective to the United States" before the period at the end.

SEC. 582. PAYMENT OF VEHICLE STORAGE COSTS IN ADVANCE.

Section 2634(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Storage costs payable under this subsection may be paid in advance.".

SEC. 583. PERMANENT AUTHORITY FOR USE OF MILITARY RECRUITING FUNDS FOR CERTAIN EXPENSES AT DEPARTMENT OF DEFENSE RECRUITING FUNCTIONS.

(a) Repeal of Termination Provision.—Section 520c of title 10, United States Code, is amended by striking subsection (c).

(b) Technical Amendments.—Subsection (a) of such section is amended—

(1) in paragraph (4), by striking "recruiting events" and inserting "recruiting functions"; and

(2) in paragraph (5), by striking "recruiting efforts" the first place it appears and inserting "recruiting functions".

SEC. 584. CLARIFICATION OF MILITARY RECRUITER ACCESS TO SECONDARY SCHOOL DIRECTORY INFORMATION ABOUT STUDENTS.

(a) Access to Directory Information.—Section 503(c)(1) of title 10, United States Code, is amended by striking "purposes," and all that follows and inserting the following: "purposes—

"(A) the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students; and

"(B) the same access to directory information concerning those students as is provided to a post-secondary educational institution upon an indication by a secondary school student that the student seeks to enroll or intends to enroll at that institution.".

(b) Enhanced Recruiter Access.—Section 503(c)(5) of such title is amended by striking "do not apply to—" and all that follows through "(B)" and inserting "do not apply to".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2002, immediately after the amendment to section 503(c) of title 10, United States Code, made, effective that date, by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-131).

SEC. 585. REPEAL OF REQUIREMENT FOR FINAL COMPTROLLER GENERAL REPORT RELATING TO ARMY END STRENGTH ALLOCATIONS.

Section 552 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 319; 10 U.S.C. 115 note) is repealed.

SEC. 586. POSTHUMOUS ARMY COMMISSION IN THE GRADE OF CAPTAIN IN THE CHAPLAINS CORPS TO ELLA E. GIBSON FOR SERVICE AS CHAPLAIN OF THE FIRST WISCONSIN HEAVY ARTILLERY REGIMENT DURING THE CIVIL WAR.

The President is authorized and requested to posthumously appoint Ella E. Gibson to the grade of captain in the Chaplains Corps of the Army, the commission to issue as of the date of her appointment as chaplain to the First Wisconsin Heavy Artillery regiment during the Civil War and to be considered to have been in effect during the time during which she faithfully performed the services of a chaplain to that regiment and for which Congress by law (Private Resolution 31 of the 40th Congress, approved March 3, 1869) previously provided for her to be paid the full pay and emoluments of a chaplain in the United States Army as if she had been regularly commissioned and mustered into service.

SEC. 587. NATIONAL GUARD CHALLENGE PROGRAM.

(a) Termination of Limitation on Federal Expenditures.—Subsection (b)(2)(A) of section 509 of title 32, United States Code, is amended by striking "in a fiscal year" and inserting "in fiscal year 2001 or 2002".

(b) Matching Funds Requirements.—Subsection (d) of such section is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) for fiscal years 2001 and 2002, 60 percent of the costs of operating the State program during that fiscal year; and

"(2) for fiscal year 2003 and each subsequent fiscal year, 75 percent of the costs of operating the State program during that fiscal year.".

(c) Repeal of Contingent Funding for JROTC.—(1) Section 2033 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 102 of such title is amended by striking the item relating to section 2033.

(3) The amendments made by this subsection shall take effect on October 1, 2002.

SEC. 588. PAYMENT OF FEHBP PREMIUMS FOR CERTAIN RESERVISTS CALLED TO ACTIVE DUTY IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) In General.—Subsection (e) of section 8906 of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) An employing agency may pay both the employee and Government contributions, and any additional administrative expenses otherwise chargeable to the employee, with respect to health care coverage for an employee described in subparagraph (B) and the family of such employee.

"(B) An employee referred to in subparagraph (A) is an employee who—

"(i) is enrolled in a health benefits plan under this chapter;

"(ii) is a member of a reserve component of the armed forces;

"(iii) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

"(iv) is placed on leave without pay or separated from service to perform active duty; and

"(v) serves on active duty for a period of more than 30 consecutive days.

"(C) Notwithstanding the one-year limitation on coverage described in paragraph (1)(A), payment may be made under this paragraph for a period not to exceed 18 months.".

(b) CONFORMING AMENDMENT.—The matter preceding paragraph (1) in subsection (f) of such section is amended to read as follows:

"(f) The Government contribution, and any additional payments under subsection (e)(3)(A), for health benefits for an employee shall be paid—".

(c) APPLICABILITY.—The amendments made by this section apply with respect to employees called to active duty on or after December 8, 1995, and an agency may make retroactive payments to such employees for premiums paid on or after such date.

SEC. 589. 18-MONTH ENLISTMENT PILOT PROGRAM.

(a) IN GENERAL.—(1) Chapter 333 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3264. 18-month enlistment pilot program

"(a) During the pilot program period, the Secretary of the Army shall carry out a pilot program with the objective of increasing participation of prior service persons in the Selected Reserve and providing assistance in building the pool of participants in the Individual Ready Reserve.

"(b) Under the program, the Secretary may, notwithstanding section 505(c) of this title, accept persons for original enlistment in the Army for a term of enlistment consisting of 18 months service on active duty, to be followed by three years of service in the Selected Reserve and then service in the Individual Ready Reserve to complete the military service obligation.

"(c) No more than 10,000 persons may be accepted for enlistment in the Army through the program under this section.

"(d) A person enlisting in the Army through the program under this section is eligible for an enlistment bonus under section 309 of title 37, notwithstanding the enlistment time period specified in subsection (a) of that section.

"(e) For purposes of the program under this section, the pilot program period is the period beginning on October 1, 2003, and ending on December 31, 2007.

"(f) Not later than December 31, 2007, and December 31, 2012, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the program under this section. In each such report, the Secretary shall set forth the views of the Secretary on the success of the program in meeting the objectives stated in subsection (a) and whether the program should be continued and, if so, whether it should be modified or expanded.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3264. 18-month enlistment pilot program.".

(b) IMPLEMENTATION REPORT.—The Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Secretary's plan for implementation of section 3264 of title 10, United States Code, as added by subsection (a). Such report shall be submitted not later than March 1, 2002.

SEC. 590. PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) FUNDING SOURCE FOR ALLOWANCE.—Section 436(a) of title 37, United States Code, is amended by adding at the end the following new sentence: "The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves.".

(b) EXPANDED REPORT REGARDING MANAGEMENT OF INDIVIDUAL MEMBER DEPLOYMENTS.—Section 574(d) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–138) is amended in the second sentence by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces and the payment of the per diem allowance for lengthy or numerous deployments in accordance with section 436 of title 37, United States Code;

"(2) specific comments regarding the effect of section 991 of title 10, United States Code, and section 436 of title 37, United States Code, on the readiness of the Navy and Marine Corps given the deployment intensive mission of these services; and

"(3) any recommendations for revision of section 991 of title 10, United States Code, or section 436 of title 37, United States Code, that the Secretary considers appropriate.".

SEC. 591. CONGRESSIONAL REVIEW PERIOD FOR CHANGE IN GROUND COMBAT EXCLUSION POLICY.

Section 542(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1)—

(A) by striking "not less than 90 days"; and

(B) by adding at the end the following new sentence: "Such a change may then be implemented only after the end of a period of 60 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received."; and

(2) by adding at the end the following new paragraph:

"(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.".

SEC. 592. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the number of total cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

SEC. 593. REQUIREMENT TO PROVIDE APPROPRIATE ARTICLES OF CLOTHING AS A CIVILIAN UNIFORM FOR CIVILIANS PARTICIPATING IN FUNERAL HONOR DETAILS FOR VETERANS UPON SHOWING OF FINANCIAL NEED.

Section 1491(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "To provide";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2)(A) Upon a showing of financial need and subject to subparagraph (B), the Secretary of a military department shall provide articles of clothing described in subparagraph (C) to an organization referred to in subsection (b)(2) or to members of such an organization who participate in funeral honors details. Any such showing of financial need shall be made in such manner as the Secretary may require.

"(B) The Secretary concerned may provide articles of clothing to an organization (or members of an organization) under this paragraph only if the Secretary determines that participation of that organization or its members in the funeral honors mission is advantageous to the performance of that mission and meets the performance standards set by the Secretary for that mission.

"(C) Articles of clothing covered by subparagraph (A) are articles of clothing determined by the Secretary concerned to be appropriate as a civilian uniform for persons participating in a funeral honors detail who are not authorized to wear the uniform of any of the armed forces.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2002.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2002 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2002, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	7,180.20	7,415.40	7,571.10	7,614.90	7,809.30
0–7	5,966.40	6,371.70	6,371.70	6,418.20	6,657.90
0–6	4,422.00	4,857.90	5,176.80	5,176.80	5,196.60
0–5	3,537.00	4,152.60	4,440.30	4,494.30	4,673.10
0–4	3,023.70	3,681.90	3,927.60	3,982.50	4,210.50
0–3[3]	2,796.60	3,170.40	3,421.80	3,698.70	3,875.70
0–2[3]	2,416.20	2,751.90	3,169.50	3,276.30	3,344.10
0–1[3]	2,097.60	2,183.10	2,638.50	2,638.50	2,638.50

	Over 8	Over 10	Over 12	Over 14	Over 16
0–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	8,135.10	8,210.70	8,519.70	8,608.50	8,874.30
0–7	6,840.30	7,051.20	7,261.80	7,472.70	8,135.10
0–6	5,418.90	5,448.60	5,448.60	5,628.60	6,305.70
0–5	4,673.10	4,813.50	5,073.30	5,413.50	5,755.80
0–4	4,395.90	4,696.20	4,930.20	5,092.50	5,255.70
0–3[3]	4,070.10	4,232.40	4,441.20	4,549.50	4,549.50
0–2[3]	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
0–1[3]	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50

	Over 18	Over 20	Over 22	Over 24	Over 26
0–10[2]	$0.00	$11,601.90	$11,659.20	$11,901.30	$12,324.00
0–9	0.00	10,147.50	10,293.60	10,504.80	10,873.80
0–8	9,259.50	9,614.70	9,852.00	9,852.00	9,852.00
0–7	8,694.90	8,694.90	8,694.90	8,694.90	8,738.70
0–6	6,627.00	6,948.30	7,131.00	7,316.10	7,675.20
0–5	5,919.00	6,079.80	6,262.80	6,262.80	6,262.80
0–4	5,310.60	5,310.60	5,310.60	5,310.60	5,310.60
0–3[3]	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50
0–2[3]	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
0–1[3]	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0–7 through 0–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is $13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in pay grade 0–1, 0–2, or 0–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0–3E	$0.00	$0.00	$0.00	$3,698.70	$3,875.70
0–2E	0.00	0.00	0.00	3,276.30	3,344.10
0–1E	0.00	0.00	0.00	2,638.50	2,818.20

	Over 8	Over 10	Over 12	Over 14	Over 16
0–3E	$4,070.10	$4,232.40	$4,441.20	$4,617.00	$4,717.50
0–2E	3,450.30	3,630.00	3,768.90	3,872.40	3,872.40
0–1E	2,922.30	3,028.50	3,133.20	3,276.30	3,276.30

	Over 18	Over 20	Over 22	Over 24	Over 26
0–3E	$4,855.20	$4,855.20	$4,855.20	$4,855.20	$4,855.20
0–2E	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40
0–1E	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30

WARRANT OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	2,889.60	3,108.60	3,198.00	3,285.90	3,437.10
W–3	2,638.80	2,862.00	2,862.00	2,898.90	3,017.40
W–2	2,321.40	2,454.00	2,569.80	2,654.10	2,726.40
W–1	2,049.90	2,217.60	2,330.10	2,402.70	2,511.90

	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,586.50	3,737.70	3,885.30	4,038.00	4,184.40
W–3	3,152.40	3,330.90	3,439.50	3,558.30	3,693.90
W–2	2,875.20	2,984.40	3,093.90	3,200.40	3,318.00
W–1	2,624.70	2,737.80	2,850.00	2,963.70	3,077.10

	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$4,965.60	$5,136.00	$5,307.00	$5,478.60
W–4	4,334.40	4,480.80	4,632.60	4,782.00	4,935.30

WARRANT OFFICERS [1]—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-3	3,828.60	3,963.60	4,098.30	4,233.30	4,368.90
W-2	3,438.90	3,559.80	3,680.10	3,801.30	3,801.30
W-1	3,189.90	3,275.10	3,275.10	3,275.10	3,275.10

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	1,986.90	2,169.00	2,251.50	2,332.50	2,417.40
E-6	1,701.00	1,870.80	1,953.60	2,033.70	2,117.40
E-5	1,561.50	1,665.30	1,745.70	1,828.50	1,912.80
E-4	1,443.60	1,517.70	1,599.60	1,680.30	1,752.30
E-3	1,303.50	1,385.40	1,468.50	1,468.50	1,468.50
E-2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1	[3] 1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 [2]	$0.00	$3,423.90	$3,501.30	$3,599.40	$3,714.60
E-8	2,858.10	2,940.60	3,017.70	3,110.10	3,210.30
E-7	2,562.90	2,645.10	2,726.40	2,808.00	2,892.60
E-6	2,254.50	2,337.30	2,417.40	2,499.30	2,558.10
E-5	2,030.10	2,110.20	2,193.30	2,193.30	2,193.30
E-4	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 [2]	$3,830.40	$3,944.10	$4,098.30	$4,251.30	$4,467.00
E-8	3,314.70	3,420.30	3,573.00	3,724.80	3,937.80
E-7	2,975.10	3,057.30	3,200.40	3,292.80	3,526.80
E-6	2,602.80	2,602.80	2,602.80	2,602.80	2,602.80
E-5	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30
E-4	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is $1,022.70.

SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COMMISSIONED OFFICERS WITH PRIOR SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER.

Section 203(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(d)";

(2) by striking "who is credited" and all that follows through "and enlisted member" and inserting "is described in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) Paragraph (1) applies with respect to a commissioned officer in pay grade O–1, O–2, or O–3 who—

"(A) is credited with a total of over four years' active service as warrant officer or as a warrant officer and enlisted member; or

"(B) earned a total of more than 1,460 points credited under section 12732(a)(2) of title 10 while serving as a warrant officer or enlisted member.".

SEC. 603. SUBSISTENCE ALLOWANCES.

(a) BASIC ALLOWANCE FOR SUBSISTENCE.—Section 402 of title 37, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(4) For purposes of implementing paragraph (2), the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for calendar year 2001 shall be deemed to be $233."; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d) SPECIAL RULE FOR ENLISTED MEMBERS WHO MESS SEPARATELY.—The Secretary of Defense may prescribe a basic allowance for subsistence for enlisted members at a rate higher than the rate provided for in subsection (b) when messing facilities of the United States are not available for the members.".

(b) TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Effective as of October 1, 2001, section 603(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–145) is amended by striking "October 1, 2001" and inserting "January 1, 2002".

(c) FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE FOR LOW-INCOME MEMBERS OF THE ARMED FORCES.—Section 402a(b)(1) of title 37, United States Code, is amended by inserting "with dependents" after "a member of the armed forces".

SEC. 604. ELIGIBILITY FOR BASIC ALLOWANCE FOR HOUSING WHILE BETWEEN PERMANENT DUTY STATIONS.

(a) REPEAL OF PAY GRADE LIMITATION.—Section 403(l) of title 37, United States Code, is amended by striking "who is in a pay grade E–4 (4 or more years of service) or above".

(b) EFFECTIVE DATE; APPLICATION.—The amendment made by this section shall take effect on January 1, 2003, and apply to members of the uniformed services in a travel or leave status between permanent duty stations on or after that date.

SEC. 605. UNIFORM ALLOWANCE FOR OFFICERS.

(a) RELATION TO INITIAL UNIFORM ALLOWANCE.—Section 416(b)(1) of title 37, United States Code, is amended by striking "$200" and inserting "$400".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as of October 1, 2000.

SEC. 606. FAMILY SEPARATION ALLOWANCE FOR CERTAIN MEMBERS ELECTING TO SERVE UNACCOMPANIED TOUR OF DUTY.

(a) AVAILABILITY OF ALLOWANCE.—Section 427(c) of title 37, United States Code, is amended—

(1) by striking "A member" in the first sentence and inserting "(1) Except as provided in paragraph (2) or (3), a member";

(2) by redesignating the second sentence as paragraph (3); and

(3) by inserting after the first sentence the following new paragraph:

"(2) A member who elects to serve an unaccompanied tour of duty because the movement of a dependent of the member to the permanent station is denied for certified medical reasons is entitled to an allowance under subsection (a)(1)(A).".

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2002. Paragraph (2) of section 427(c) of title 37, United States Code, as added by subsection (a), shall apply with respect to pay periods beginning on or after that date for a member of the uniformed services covered by such paragraph regardless of the date on which the member first made the election to serve an unaccompanied tour of duty.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2002" and inserting "January 1, 2003".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

SEC. 613. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(g) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

SEC. 614. CONFORMING ACCESSION BONUS FOR DENTAL OFFICERS AUTHORITY WITH AUTHORITIES FOR OTHER SPECIAL PAY AND BONUSES.

Section 302h(a)(1) of title 37, United States Code, is amended by striking "the date of the enactment of this section, and ending on September 30, 2002" and inserting "September 23, 1996, and ending on December 31, 2002".

SEC. 615. ADDITIONAL TYPE OF DUTY RESULTING IN ELIGIBILITY FOR HAZARDOUS DUTY INCENTIVE PAY.

(a) PERFORMANCE OF MARITIME BOARD AND SEARCH OPERATIONS.—Section 301(a) of title 37, United States Code, is amended—

(1) in paragraph (10), by striking "or" at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph:

"(11) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations; or".

(b) MONTHLY AMOUNT.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking "(10)" and inserting "(11)"; and

(2) in paragraph (2)(A), by striking "(11)" and inserting "(12)".

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2002, and apply to duty described in the amendment made by subsection (a)(2) on or after that date.

SEC. 616. EQUAL TREATMENT OF RESERVISTS PERFORMING INACTIVE-DUTY TRAINING FOR RECEIPT OF AVIATION CAREER INCENTIVE PAY.

(a) INCENTIVE PAY EQUITY FOR RESERVISTS.—Subsection (d) of section 301a of title 37, United States Code, is amended to read as follows:

"(d) MEMBERS PERFORMING INACTIVE-DUTY TRAINING.—Under regulations prescribed by the President and to the extent provided for by appropriations, in the case of a member of a reserve component of a uniformed service, or of the National Guard, who is entitled to compensation under section 206 of this title, and who performs, under orders, duty described in subsection (a), the member is also entitled to monthly incentive pay under subsection (b) for the performance of that duty in the same manner as a member with corresponding years of aviation service who is entitled to basic pay. Such member is entitled to the incentive pay for as long as the member remains qualified for it, as provided in subsection (a). This subsection does not apply to a member who is entitled to basic pay under section 204 of this title.".

(b) EFFECTIVE DATE; APPLICATION.—The amendment made by this section shall take effect on January 1, 2002, and apply to duty described in the amendment made by subsection (a)(2) on or after that date.

SEC. 617. SECRETARIAL DISCRETION IN PRESCRIBING SUBMARINE DUTY INCENTIVE PAY RATES.

(a) AUTHORITY OF SECRETARY OF THE NAVY; MAXIMUM RATE.—Section 301c of title 37, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

"(b) MONTHLY RATES.—(1) Subject to paragraph (2), a member who meets the requirements prescribed in subsection (a) is entitled to monthly submarine duty incentive pay in an amount prescribed by the Secretary of the Navy.

"(2) The monthly amount of submarine duty incentive pay may not exceed $1,000.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking "set forth in" each place it appears and inserting "prescribed pursuant to"; and

(2) in subsection (d), by striking "authorized by" and inserting "prescribed pursuant to".

(c) EFFECTIVE DATE; TRANSITION.—The amendments made by this section shall take effect on January 1, 2002. The tables set forth in subsection (b) of section 301c of title 37, United States Code, as in effect on December 31, 2001, shall continue to apply until the Secretary of the Navy prescribes new submarine duty incentive pay rates as authorized by the amendment made by subsection (a).

SEC. 618. IMPOSITION OF CRITICAL WARTIME SKILL REQUIREMENT FOR ELIGIBILITY FOR INDIVIDUAL READY RESERVE BONUS.

Section 308h(a)(1) of title 37, United States Code, is amended—

(1) by striking "and who" and inserting ", who is qualified in a skill or speciality designated by the Secretary concerned as critically short to meet wartime requirements, and who"; and

(2) by striking "a combat or combat support skill of".

SEC. 619. INSTALLMENT PAYMENT AUTHORITY FOR 15-YEAR CAREER STATUS BONUS.

(a) MEMBER ELECTION.—Section 322(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking "paid in a single lump sum of" and inserting "equal to";

(2) by redesignating paragraph (2) as paragraph (4), and in such paragraph, by striking "The bonus" and inserting "The lump sum payment of the bonus, and the first installment payment in the case of members who elect to receive the bonus in installments,"; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) A member electing to receive the bonus under this section shall elect one of the following payment options:

"(A) A single lump sum of $30,000.

"(B) Two installments of $15,000 each.

"(C) Three installments of $10,000 each.

"(D) Four installments of $7,500 each.

"(E) Five installments of $6,000 each.

"(3) If a member elects installment payments under paragraph (2), the second installment (and subsequent installments, as applicable) shall be paid on the earlier of the following dates:

"(A) The annual anniversary date of the payment of the first installment.

"(B) January 15 of each succeeding calendar year.".

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act. The Secretary concerned (as defined in section 101(5) of title 37, United States Code) shall extend to each member of the uniformed services who has executed the written agreement required by subsection (a)(2) of section 322 of such title before that date, but who has not received the lump sum payment by that date, an opportunity to make the election authorized by subsection (d) of such section, as amended by subsection (a) of this section.

SEC. 620. ACCESSION BONUS FOR NEW OFFICERS.

(a) Bonus Authorized.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 324. Special pay: accession bonus for new officers

"(a) Accession Bonus Authorized.—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement to accept a commission as an officer of the armed forces and serve on active duty for the period specified in the agreement may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

"(b) Limitation on Amount of Bonus.—The amount of an accession bonus under subsection (a) may not exceed $100,000.

"(c) Payment Method.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid by the Secretary in a lump sum or installments.

"(d) Relation to Other Accession Bonus Authority.—An individual may not receive a accession bonus under this section and section 302d, 302h, 302j, or 312b of this title for the same period of service.

"(e) Repayment.—(1) If an individual who has entered into an agreement under subsection (a) and has received all or part of the accession bonus under the agreement fails to accept a commission as an officer or to commence or complete the total period of active duty service specified in the agreement, the Secretary concerned may require the individual to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, any or all of the amount paid to the individual under the agreement.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"324. Special pay: accession bonus for new officers.".

Subtitle C—Travel and Transportation Allowances

SEC. 631. MINIMUM PER DIEM RATE FOR TRAVEL AND TRANSPORTATION ALLOWANCE FOR TRAVEL PERFORMED UPON A CHANGE OF PERMANENT STATION AND CERTAIN OTHER TRAVEL.

(a) Establishment of Rate.—Section 404(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(5) The per diem rates established under paragraph (2)(A) for travel performed in connection with a change of permanent station or for travel described in paragraph (2) or (3) of subsection (a) shall be equal to the standard per diem rates established in the Federal travel regulation for travel within the continental United States of civilian employees and their dependents, unless the Secretaries concerned determines that a higher rate for members is more appropriate.".

(b) Effective Date; Application.—The amendment made by this section shall take effect on January 1, 2003, and apply to travel covered by such amendment that is performed on or after that date by members of the uniformed services and their dependents.

SEC. 632. PAYMENT OR REIMBURSEMENT OF TEMPORARY SUBSISTENCE EXPENSES.

(a) Inclusion of Officers.—Subsection (a)(2)(C) of section 404a of title 37, United States Code, is amended by striking "an enlisted member" and inserting "a member".

(b) Increase in Maximum Daily Authorized Rate.—Subsection (e) of such section is amended by striking "$110" and inserting "$180".

(c) Effective Date; Application.—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order in connection with a change of permanent station issued on or after that date.

SEC. 633. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR JUNIOR ENLISTED MEMBERS.

(a) Increased Weight Allowances.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended—

(1) by striking the two footnotes; and

(2) by striking the items relating to pay grade E–1 through E–4 and inserting the following new items:

"E–4	7,000	8,000
"E–3	5,000	8,000
"E–2	5,000	8,000
"E–1	5,000	8,000".

(b) Effective Date; Application.—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

SEC. 634. REIMBURSEMENT OF MEMBERS FOR MANDATORY PET QUARANTINE FEES FOR HOUSEHOLD PETS.

Section 406(a)(1) of title 37, United States Code, is amended in the last sentence by striking "$275" and inserting "$675".

SEC. 635. AVAILABILITY OF DISLOCATION ALLOWANCE FOR MARRIED MEMBER, WHOSE SPOUSE IS A MEMBER, ASSIGNED TO MILITARY FAMILY HOUSING.

(a) Allowance Available.—Section 407(a)(2) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(F) A member married to another member, both of whom are without other dependents, who actually moves to a new permanent duty station where the member is assigned to family housing provided by the United States, except that only one dislocation allowance may be paid to the married couple with respect to the move.".

(b) Effective Date; Application.—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

SEC. 636. ELIMINATION OF PROHIBITION ON RECEIPT OF DISLOCATION ALLOWANCE BY MEMBERS ORDERED TO FIRST DUTY STATION.

(a) Allowance Available.—Section 407(e) of title 37, United States Code, is amended—

(1) by striking "First or Last Duty" and inserting "Effect of Order From Last Duty Station"; and

(2) by striking "from the member's home to the member's first duty station or".

(b) Effective Date; Application.—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

SEC. 637. PARTIAL DISLOCATION ALLOWANCE AUTHORIZED FOR HOUSING MOVES ORDERED FOR GOVERNMENT CONVENIENCE.

(a) Authorization of Partial Dislocation Allowance.—Section 407 of title 37, United States Code is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) Partial Dislocation Allowance.—(1) Under regulations prescribed by the Secretary concerned, a member ordered to occupy or vacate family housing provided by the United States to permit the privatization or renovation of housing or for any other reason (other than pursuant to a permanent change of station) may be paid a partial dislocation allowance of $500.

"(2) Effective on the same date that the monthly rates of basic pay for all members are increased under section 1009 of this title or another provision of law, the Secretary of Defense shall adjust the rate of the partial dislocation allowance authorized by this subsection by the percentage equal to the average percentage increase in the rates of basic pay.

"(3) Subsections (c) and (d) do not apply to the partial dislocation allowance authorized by this subsection.".

(b) Effective Date; Application.—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

SEC. 638. ALLOWANCES FOR TRAVEL PERFORMED IN CONNECTION WITH MEMBERS TAKING AUTHORIZED LEAVE BETWEEN CONSECUTIVE OVERSEAS TOURS.

Section 411b(a)(1) of title 37, United States Code, is amended by striking ", or his designee, or to a place no farther distant than his home of record".

SEC. 639. FUNDED STUDENT TRAVEL AS PART OF SCHOOL-SPONSORED EXCHANGE PROGRAMS.

(a) Recognition of Temporary Exchange Programs.—Section 430 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by inserting before the comma at the end the following: "or is attending a school outside the continental United States, if the dependent is attending the school outside the continental United States for less than one year under a program approved by the school in the continental United States at which the dependent is enrolled"; and

(2) in subsection (b)(1), by striking "in the continental United States for the purpose of obtaining a formal education" in the first sentence and inserting "described in subsection (a)(3)".

(b) Limitation on Amount of Allowance.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(3) The transportation allowance under paragraph (1) for a dependent child who is attending a school outside the continental United States for less than one year under a program approved by the school in the continental United States at which the dependent is enrolled shall not exceed the allowance the member would be paid for a trip between the school in the continental United States and the member's duty station outside the continental United States and return.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2002.

Subtitle D—Retirement and Survivor Benefit Matters

SEC. 641. CONTINGENT AUTHORITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) Restoration of Retired Pay Benefits.—Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation; contingent authority

"(a) Payment of Both Retired Pay and Compensation.—Subject to subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38, subject to the enactment of qualifying offsetting legislation as specified in subsection (f).

"(b) Special Rule for Chapter 61 Career Retirees.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) Exception.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) Definitions.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(12) of title 38.

"(e) Effective Date.—If qualifying offsetting legislation (as defined in subsection (f)) is enacted, the provisions of subsection (a) shall take effect on—

"(1) the first day of the first month beginning after the date of the enactment of such qualifying offsetting legislation; or

"(2) the first day of the fiscal year that begins in the calendar year in which such legislation is enacted, if that date is later than the date specified in paragraph (1).

"(f) Effectiveness Contingent on Enactment of Offsetting Legislation.—(1) The provisions of subsection (a) shall be effective only if—

"(A) the President, in the budget for any fiscal year, proposes the enactment of legislation that, if enacted, would be qualifying offsetting legislation; and

"(B) after that budget is submitted to Congress, there is enacted qualifying offsetting legislation.

"(2) For purposes of this subsection:

"(A) The term 'qualifying offsetting legislation' means legislation (other than an appropriations Act) that includes provisions that—

"(i) offset fully the increased outlays to be made by reason of the provisions of subsection (a) for each of the first 10 fiscal years beginning after the date of the enactment of such legislation;

"(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

"(iii) are included in full on the PayGo scorecard.

"(B) The term 'PayGo scorecard' means the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the ten fiscal years following the date of the enactment of the legislation that is qualifying offsetting legislation for purposes of this section.".

(b) Conforming Termination of Special Compensation Program.—Section 1413(a) of such title is amended by adding at the end the following new sentence: "If the provisions of subsection (a) of section 1414 of this title become effective in accordance with subsection (f) of that section, payments under this section shall be terminated effective as of the month beginning on the effective date specified in subsection (e) of that section.".

(c) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation; contingent authority.".

(d) Prohibition of Retroactive Benefits.—If the provisions of subsection (a) of section 1414 of title 10, United States Code, becomes effective in accordance with subsection (f) of that section, no benefit may be paid to any person by reason of those provisions for any period before the effective date specified in subsection (e) of that section.

Subtitle E—Other Matters

SEC. 651. FUNERAL HONORS DUTY ALLOWANCE FOR RETIRED MEMBERS.

(a) Allowance Authorized.—Subsection (a) of section 435 of title 37, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary concerned may also authorize payment of an allowance under this section to a retired member of the armed forces who performs at least two hours of duty preparing for or performing honors at the funeral of a veteran.".

(b) Relation to Other Compensation.—Such section is further amended by adding at the end the following new subsection:

"(c) Concurrent Payment.—Notwithstanding any other provision of law, the allowance paid to a retired member of the armed forces under this section shall be in addition to any other compensation to which the retired member may be entitled under this title or titles 10 or 38.".

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. IMPLEMENTING COST-EFFECTIVE PAYMENT RATES UNDER THE TRICARE PROGRAM.

Not later than January 1, 2002, the Secretary of Defense shall, with respect to categories of health care providers or services for which the Secretary has not already done so and to the extent that the Secretary determines is practicable—

(1) implement the payment rates used under medicare, or similar rates based on medicare payment methods, to pay for health care services provided by institutional and noninstitutional providers under the TRICARE program; and

(2) as a condition of participation in the TRICARE program, prohibit balance billing of covered beneficiaries by institutional providers and limit balance billing by noninstitutional providers (subject to any exceptions the Secretary determines appropriate) consistent with the limiting charge percentage under medicare.

SEC. 702. WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION REQUIREMENT.

(a) In General.—Section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-184) is amended—

(1) in the matter preceding paragraph (1) in subsection (a), by striking "new";

(2) by striking subsection (c) and inserting the following:

"(c) Exceptions.—(1) Subject to paragraph (2), the Secretary may provide that subsection (a) shall not apply for a period of up to one year if—

"(A) the Secretary—

"(i) demonstrates significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

"(ii) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

"(iii) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

"(B) the Secretary provides notification of the Secretary's intent to make an exception under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to make an exception under this subsection;

"(C) the Secretary provides notification to the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to make an exception under this subsection, the reason for making an exception, and the date that a nonavailability statement will be required; and

"(D) 60 days have elapsed since the date of the notification described in subparagraph (C).

"(2)(A) Except as provided in subparagraph (B), the Secretary may make an exception under this subsection with respect to—

"(i) one or more services performed at a military medical treatment facility or facilities; or

"(ii) one or more services performed in a TRICARE region.

"(B) With respect to maternity care, the Secretary may make an exception under this subsection with respect to a military medical treatment facility.

"(3) In the case of health care provided in conjunction with a graduate medical education program, the period of nonapplicability described in paragraph (1) shall be, instead of one year, the period for which a residency review committee has approved the program."; and

(3) in subsection (d), by striking "October 1, 2001" and inserting "two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002".

(b) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing such section.

SEC. 703. IMPROVEMENTS IN ADMINISTRATION OF THE TRICARE PROGRAM.

(a) EXPANSION OF TRICARE PROGRAM.—Section 1072(7) of title 10, United States Code, is amended by striking "the competitive selection of contractors to financially underwrite".

(b) REDUCTION OF CONTRACT START-UP TIME.—Section 1095c(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking "The" and inserting "Except as provided in paragraph (3), the"; and

(B) by striking "contract." and all that follows through "as soon as practicable after the award of the"; and

(2) by adding at the end the following new paragraph:

"(3) The Secretary may reduce the nine-month start-up period required under paragraph (1) if—

"(A) the Secretary—

"(i) determines that a shorter period is sufficient to ensure effective implementation of all contract requirements; and

"(ii) submits notification to the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to reduce the nine-month start-up period; and

"(B) 60 days have elapsed since the date of such notification.".

SEC. 704. SUB-ACUTE AND LONG-TERM CARE PROGRAM REFORM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

"§ 1074j. Sub-acute care program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish an effective, efficient, and integrated sub-acute care benefits program under this chapter (hereinafter referred to in this section as the 'program'). Except as otherwise provided in this section, the types of health care authorized under the program shall be the same as those provided under section 1079 of this title. The Secretary, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this section.

"(b) BENEFITS.—(1) The program shall include a uniform skilled nursing facility benefit that shall be provided in the manner and under the conditions described in section 1861(h) and (i) of the Social Security Act (42 U.S.C. 1395x(h) and (i)), except that the limitation on the number of days of coverage under section 1812(a) and (b) of such Act (42 U.S.C. 1395d(a) and (b)) shall not be applicable under the program. Skilled nursing facility care for each spell of illness shall continue to be provided for as long as medically necessary and appropriate.

"(2) In this subsection:

"(A) The term 'skilled nursing facility' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)).

"(B) The term 'spell of illness' has the meaning given such term in section 1861(a) of such Act (42 U.S.C. 1395x(a)).

"(3) The program shall include a comprehensive, intermittent home health care benefit that shall be provided in the manner and under the conditions described in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

"1074j. Sub-acute care program.".

(b) EXTENDED BENEFITS FOR CERTAIN DEPENDENTS.—Section 1079 of such title is amended by striking subsections (d), (e), and (f) and inserting the following new subsections:

"(d)(1) The Secretary of Defense shall establish a program to provide extended benefits for eligible dependents, which may include the provision of comprehensive health care services, including case management services, to assist in the reduction of the disabling effects of a qualifying condition of an eligible dependent. Registration shall be required to receive the extended benefits.

"(2) The Secretary of Defense, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this subsection.

"(3) In this subsection:

"(A) The term 'eligible dependent' means a dependent of a member of the uniformed services on active duty for a period of more than 30 days, as described in subparagraph (A), (D), or (I) of section 1072(2) of this title, who has a qualifying condition.

"(B) The term 'qualifying condition' means the condition of a dependent who is moderately or severely mentally retarded, has a serious physical disability, or has an extraordinary physical or psychological condition.

"(e) Extended benefits for eligible dependents under subsection (d) may include comprehensive health care services with respect to the qualifying condition of such a dependent, and include, to the extent such benefits are not provided under provisions of this chapter other than under this section, the following:

"(1) Diagnosis.

"(2) Inpatient, outpatient, and comprehensive home health care supplies and services.

"(3) Training, rehabilitation, and special education.

"(4) Institutional care in private nonprofit, public, and State institutions and facilities and, if appropriate, transportation to and from such institutions and facilities.

"(5) Custodial care, notwithstanding the prohibition in section 1077(b)(1) of this title.

"(6) Respite care for the primary caregiver of the eligible dependent.

"(7) Such other services and supplies as determined appropriate by the Secretary, notwithstanding the limitations in subsection (a)(13).

"(f) Members shall be required to share in the cost of any benefits provided to their dependents under subsection (d) as follows:

"(1) Members in the lowest enlisted pay grade shall be required to pay the first $25 incurred each month, and members in the highest commissioned pay grade shall be required to pay the first $250 incurred each month. The amounts to be paid by members in all other pay grades shall be determined under regulations to be prescribed by the Secretary of Defense in consultation with the administering Secretaries.

"(2) A member who has more than one dependent incurring expenses in a given month under a plan covered by subsection (d) shall not be required to pay an amount greater than would be required if the member had only one such dependent.".

(c) DEFINITIONS OF CUSTODIAL CARE AND DOMICILIARY CARE.—Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(8) The term 'custodial care' means treatment or services, regardless of who recommends such treatment or services or where such treatment or services are provided, that—

"(A) can be rendered safely and reasonably by a person who is not medically skilled; or

"(B) is or are designed mainly to help the patient with the activities of daily living.

"(9) The term 'domiciliary care' means care provided to a patient in an institution or homelike environment because—

"(A) providing support for the activities of daily living in the home is not available or is unsuitable; or

"(B) members of the patient's family are unwilling to provide the care.".

(d) CONFORMING AMENDMENT.—Section 1079 of title 10, United States Code, is amended in subsection (a) by striking paragraph (17).

(e) CONTINUATION OF INDIVIDUAL CASE MANAGEMENT SERVICES FOR CERTAIN ELIGIBLE BENEFICIARIES.—(1) Notwithstanding the termination of the Individual Case Management Program by subsection (d), the Secretary of Defense shall, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment as if such program were in effect for home health care or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing chapter 55 of title 10, United States Code.

(2) The determination referred to in paragraph (1) is a determination that discontinuation of payment for services not otherwise provided under such chapter would result in the provision of services inadequate to meet the needs of the eligible beneficiary and would be unjust to such beneficiary.

(3) For purposes of this subsection, "eligible beneficiary" means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of this section, was provided custodial care services under the Individual Case Management Program for which the Secretary provided payment.

(f) REPORT ON INITIATIVES REGARDING LONG-TERM CARE.—The Secretary of Defense shall, not later than April 1, 2002, submit to Congress a report on the feasibility and desirability of establishing new initiatives, taking into account chapter 90 of title 5, United States Code, to improve the availability of long-term care for members and retired members of the uniformed services and their families.

(g) REFERENCE IN TITLE 10 TO LONG-TERM CARE PROGRAM IN TITLE 5.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074j (as added by subsection (a)) the following new section:

"§ 1074k. Long-term care insurance

"Provisions regarding long-term care insurance for members and certain former members of the uniformed services and their families are set forth in chapter 90 of title 5.".

(2) The table of sections at the beginning of such chapter is amended by inserting after

the item relating to section 1074j (as added by subsection (a)) the following new item:

"1074k. Long-term care insurance.".

(h) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on October 1, 2001.

SEC. 705. REIMBURSEMENT OF TRAVEL EXPENSES OF A PARENT, GUARDIAN, OR RESPONSIBLE FAMILY MEMBER OF A MINOR COVERED BENEFICIARY.

Section 1074i of title 10, United States Code, is amended by adding at the end the following new sentence: "In any case in which reimbursement of travel expenses of a covered beneficiary who is a minor and dependent is required under this section, the Secretary also shall provide reimbursement for reasonable travel expenses of the parent or guardian of, or the family member responsible for, such covered beneficiary.".

Subtitle B—Other Matters

SEC. 711. PROHIBITION AGAINST REQUIRING MILITARY RETIREES TO RECEIVE HEALTH CARE SOLELY THROUGH THE DEPARTMENT OF DEFENSE.

No provision of law (whether enacted before or after this Act) may be construed as authorizing the Secretary of Defense to take any action that would require, or have the effect of requiring, a member or former member of the Armed Forces who is entitled to retired or retainer pay to enroll to receive health care from the Federal Government only through the Department of Defense. This section may not be superseded by a subsequent Act unless that Act—

(1) specifically refers to this section; and

(2) specifically states that such provision of law supersedes the provisions of this section.

SEC. 712. TRAUMA AND MEDICAL CARE PILOT PROGRAM.

(a) REQUIREMENT TO CONDUCT PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program under which the Brooke Army Medical Center and the Wilford Hall Air Force Medical Center in San Antonio, Texas, may charge civilians who are not covered beneficiaries under chapter 55 of title 10, United States Code, fees representing the actual costs of trauma and other medical care provided to such civilians using private sector itemized rates.

(b) USE OF FEES COLLECTED.—(1) The Brooke Army Medical Center and the Wilford Hall Air Force Medical Center may use the amounts collected under the pilot program for—

(A) trauma consortium activities;

(B) administrative, operating, and equipment costs; and

(C) readiness training.

(2) The operating budgets of those medical centers shall not be reduced as a result of fees collected under the pilot program.

(c) EFFICIENT PRACTICES.—Under the pilot program, the commander of the Brooke Army Medical Center or Wilford Hall Air Force Medical Center may authorize the use of funds appropriated to the Department of Defense for medical care for trauma and other medical care provided at such center to civilians described in subsection (a).

(d) LENGTH OF PILOT PROGRAM.—The pilot program under this section shall commence on October 1, 2001, and be conducted for a period of three years.

(e) REPORTS.—The Secretary of Defense shall submit to Congress not later than October 1st of each of 2002 through 2004 a report describing the progress and effectiveness of the pilot program carried out under this section.

SEC. 713. ENHANCEMENT OF MEDICAL PRODUCT DEVELOPMENT.

Section 980 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Funds"; and

(2) by adding at the end the following new subsection:

"(b) The Secretary of Defense may waive the prohibition in this section with respect to a specific research project to advance the development of a medical product necessary to the armed forces if the research project is carried out in accordance with all other applicable laws.".

SEC. 714. REPEAL OF OBSOLETE REPORT REQUIREMENT.

Section 701 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1074g note) is amended by striking subsection (d).

SEC. 715. CLARIFICATIONS AND IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) CLARIFICATION REGARDING COVERAGE.—Subsection (b) of section 1111 of title 10, United States Code, is amended to read as follows:

"(b) In this chapter:

"(1) The term 'Department of Defense retiree health care programs' means the provisions of this title or any other provision of law creating an entitlement to or eligibility for health care under a Department of Defense or uniformed service program for a member or former member of a participating uniformed service who is entitled to retired or retainer pay, and an eligible dependent under such program.

"(2) The term 'eligible dependent' means a dependent (as such term is defined in section 1072(2) of this title) described in section 1076(a)(2) (other than a dependent of a member on active duty), 1076(b), 1086(c)(2), or 1086(c)(3).

"(3) The term 'medicare-eligible', with respect to any person, means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

"(4) The term 'participating uniformed service' means the Army, Navy, Air Force, and Marine Corps, and any other uniformed service that is covered by an agreement entered into under subsection (c).".

(b) PARTICIPATION OF OTHER UNIFORMED SERVICES.—(1) Section 1111 of such title is further amended by adding at the end the following new subsection:

"(c) The Secretary of Defense may enter into an agreement with any other administering Secretary (as defined in section 1072(3)) for participation in the Fund by a uniformed service under the jurisdiction of that Secretary. Any such agreement shall require that Secretary to make contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of that Secretary comparable to the contributions to the Fund made by the Secretary of Defense under section 1116, and such administering Secretary may make such contributions.".

(2) Section 1112 of such title is amended by adding at the end the following new paragraph:

"(4) Amounts paid into the Fund pursuant to section 1111(c).".

(3) Section 1115 of such title is amended—

(A) in subsection (a), by inserting "participating" before "uniformed services";

(B) in subparagraphs (A)(ii) and (B)(ii) of subsection (b)(1), by inserting "under the jurisdiction of the Secretary of Defense" after "uniformed services";

(C) in subsection (b)(2), by inserting "(or to the other executive department having jurisdiction over the participating uniformed service)" after "Department of Defense"; and

(D) in subparagraphs (A) and (B) of subsection (c)(1), by inserting "participating" before "uniformed services".

(4) Section 1116(a) of such title is amended in paragraphs (1)(B) and (2)(B) by inserting "under the jurisdiction of the Secretary of Defense" after "uniformed services".

(c) CLARIFICATION OF PAYMENTS FROM THE FUND.—(1) Subsection (a) of section 1113 of such title is amended to read as follows:

"(a) There shall be paid from the Fund amounts payable for the costs of all Department of Defense retiree health care programs for the benefit of members or former members of a participating uniformed service who are entitled to retired or retainer pay and are medicare eligible, and eligible dependents described in section 1111(b)(3) who are medicare eligible.".

(2) Such section is further amended by adding at the end the following new subsections:

"(c)(1) In carrying out subsection (a), the Secretary of Defense may transfer periodically from the Fund to applicable appropriations of the Department of Defense, or to applicable appropriations of other departments or agencies, such amounts as the Secretary determines necessary to cover the costs chargeable to those appropriations for Department of Defense retiree health care programs for beneficiaries under those programs who are medicare-eligible. Such transfers may include amounts necessary for the administration of such programs. Amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred. Upon a determination that all or part of the funds transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund. This transfer authority is in addition to any other transfer authority that may be available to the Secretary.

"(2) A transfer from the Fund under paragraph (1) may not be made to an appropriation after the end of the second fiscal year after the fiscal year that the appropriation is available for obligation. A transfer back to the Fund under paragraph (1) may not be made after the end of the second fiscal year after the fiscal year that the appropriation to which the funds were originally transferred is available for obligation.

"(d) The Secretary of Defense shall by regulation establish the method or methods for calculating amounts to be transferred under subsection (c). Such method or methods may be based (in whole or in part) on a proportionate share of the volume (measured as the Secretary determines appropriate) of health care services provided or paid for under Department of Defense retiree health care programs for beneficiaries under those programs who are medicare-eligible in relation to the total volume of health care services provided or paid for under Department of Defense health care programs.

"(e) The regulations issued by the Secretary under subsection (d) shall be provided to the Comptroller General not less than 60 days before such regulations become effective. The Comptroller General shall, not later than 30 days after receiving such regulations, report to the Secretary of Defense and Congress on the adequacy and appropriateness of the regulations.

"(f) If the Secretary of Defense enters into an agreement with another administering Secretary pursuant to section 1111(c), the Secretary of Defense may take actions comparable to those described in subsections (c), (d), and (e) to effect comparable activities in relation to the beneficiaries and programs of the other participating uniformed service.".

(d) Source of Funds for Monthly Accrual Payments Into the Fund.—Section 1116 of such title is further amended—

(1) in subsection (a)(2)(B) (as amended by subsection (b)(7)), by striking the sentence beginning "Amounts paid into"; and

(2) by adding at the end the following new subsection:

"(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the health care programs of the participating uniformed services under the jurisdiction of the respective administering Secretaries.".

(e) Limitation on Total Amount Contributed During a Fiscal Year.—Section 1116 of such title is further amended by adding at the end the following new subsection:

"(d) In no case may the total amount of monthly contributions to the Fund during a fiscal year under subsection (a) exceed the amount paid from the Fund during such fiscal year under section 1113.".

(f) Technical Amendments.—(1) The heading for section 1111 of such title is amended to read as follows:

"§ 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements".

(2) The item relating to section 1111 in the table of sections at the beginning of chapter 56 of such title is amended to read as follows:

"1111. Establishment and purpose of Fund; definitions; authority to enter into agreements.".

(3) Section 1115(c)(1)(B) of such title is amended by inserting an open parenthesis before "other than for training)"..

(g) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of chapter 56 of title 10, United States Code, by section 713(a)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–179).

(h) First Year Contributions.—With respect to contributions under section 1116(a) of title 10, United States Code, for the first year that the Department of Defense Medicare-Eligible Retiree Health Care Fund is established under chapter 56 of such title, if the Board of Actuaries is unable to execute its responsibilities with respect to such section, the Secretary of Defense may make contributions under such section using methods and assumptions developed by the Secretary.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. ACQUISITION MILESTONES.

(a) Title 10, U.S.C.—Title 10, United States Code, is amended—

(1) in section 2366(c), subsections (b)(3)(A), (c)(3)(A), and (h)(1) of section 2432, and section 2434(a), by striking "engineering and manufacturing development" each place such words appear and inserting "system development and demonstration";

(2) in section 2400—

(A) in subsection (a)(2), by striking "engineering and manufacturing development" and inserting "system development and demonstration"; and

(B) in subsections (a)(1)(A), (a)(2), (a)(4) and (a)(5), by striking "milestone II" each place such term appears and inserting "milestone B"; and

(3) in section 2435—

(A) in subsection (b), by striking "engineering and manufacturing development" and inserting "system development and demonstration";

(B) in subsection (c)(1), by striking "demonstration and validation" and inserting "system development and demonstration";

(C) in subsection (c)(2), by striking "engineering and manufacturing development" and inserting "production and deployment"; and

(D) in subsection (c)(3), by striking "production and deployment" and inserting "full rate production".

(b) Other Laws.—(1) Section 811(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–211) is amended—

(A) by striking "Milestone I" and inserting "Milestone B";

(B) by striking "Milestone II" and inserting "Milestone C"; and

(C) by striking "Milestone III" and inserting "full rate production".

(2) Section 8102(b) of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696) is amended—

(A) by striking "Milestone I" and inserting "Milestone B";

(B) by striking "Milestone II" and inserting "Milestone C"; and

(C) by striking "Milestone III" and inserting "full rate production".

SEC. 802. ACQUISITION WORKFORCE QUALIFICATIONS.

(a) Qualifications.—Section 1724 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) Contracting Officers.—The Secretary of Defense shall require that, in order to qualify to serve in an acquisition position as a contracting officer with authority to award or administer contracts for amounts above the simplified acquisition threshold referred to in section 2304(g) of this title, an employee of the Department of Defense or member of the armed forces (other than the Coast Guard) must, except as provided in subsections (c) and (d)—";

(B) in paragraph (1)—

(i) by striking "mandatory"; and

(ii) by striking "at the grade level" and all that follows and inserting "(A) in the case of an employee, serving in the position within the grade of the General Schedule in which the employee is serving, and (B) in the case of a member of the armed forces, in the member's grade;"; and

(C) in paragraph (3)(A), by inserting a comma after "business";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) GS–1102 Series Positions and Similar Military Positions.—(1) The Secretary of Defense shall require that in order to qualify to serve in a position in the Department of Defense that is in the GS–1102 occupational series an employee or potential employee of the Department of Defense meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to serve in such a position an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection.

"(2) The Secretary of Defense shall require that in order for a member of the armed forces to be selected for an occupational specialty within the armed forces that (as determined by the Secretary) is similar to the GS–1102 occupational series a member of the armed forces meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to be selected for such an occupational specialty a member meet any of the requirements of paragraphs (1) and (2) of that subsection."; and

(3) by striking subsections (c) and (d) inserting the following new subsections:

"(c) Exceptions.—The qualification requirements imposed by the Secretary of Defense pursuant to subsections (a) and (b) shall not apply to an employee of the Department of Defense or member of the armed forces who—

"(1) served as a contracting officer with authority to award or administer contracts in excess of the simplified acquisition threshold on or before September 30, 2000;

"(2) served, on or before September 30, 2000, in a position either as an employee in the GS–1102 series or as a member of the armed forces in similar occupational specialty;

"(3) is in the contingency contracting force; or

"(4) is described in subsection (e)(1)(B).

"(d) Waiver.—The acquisition career program board concerned may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the board certifies that the individual possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the board shall set forth in a written document the rationale for its decision to waive such requirements. Such document shall be submitted to and retained by the Director of Acquisition Education, Training, and Career Development.

"(e) Developmental Opportunities.—(1) The Secretary of Defense may—

"(A) establish or continue one or more programs for the purpose of recruiting, selecting, appointing, educating, qualifying, and developing the careers of individuals to meet the requirements in subparagraphs (A) and (B) of subsection (a)(3);

"(B) appoint individuals to developmental positions in those programs; and

"(C) separate from the civil service after a three-year probationary period any individual appointed under this subsection who, as determined by the Secretary, fails to complete satisfactorily any program described in subparagraph (A).

"(2) To qualify for any developmental program described in paragraph (1)(A), an individual shall have—

"(A) been awarded a baccalaureate degree from an accredited institution of higher education authorized to grant baccalaureate degrees; or

"(B) completed at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management.

"(f) Contingency Contracting Force.—The Secretary shall establish qualification requirements for the contingency contracting force consisting of members of the armed forces whose mission is to deploy in support of contingency operations and other operations of the Department of Defense, including—

"(1) completion of at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education or similar educational institution in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management; or

"(2) passage of an examination that demonstrates skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours or the equivalent of study in any of the disciplines described in paragraph (1).".

(b) CLERICAL AMENDMENT.—Section 1732(c)(2) of such title is amended by inserting a comma after "business".

SEC. 803. TWO-YEAR EXTENSION OF PROGRAM APPLYING SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS.

Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking "January 1, 2002" and inserting "January 1, 2004".

SEC. 804. CONTRACTS FOR SERVICES TO BE PERFORMED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2381 the following new section:

"§ 2382. Contracts for services to be performed outside the United States

"The Secretary of Defense may enter into contracts to employ individuals or organizations to perform services in countries other than the United States without regard to laws regarding the negotiation, making, and performance of contracts and performance of work in the United States. Individuals employed by contract to perform such services shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management, but the Secretary may determine the applicability to such individuals of any other law administered by the Secretary concerning the employment of such individuals in countries other than the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2381 the following new item:

"2382. Contracts for services to be performed outside the United States.".

SEC. 805. CODIFICATION AND MODIFICATION OF "BERRY AMENDMENT" REQUIREMENTS.

(a) BERRY AMENDMENT REQUIREMENTS.—(1) Chapter 148 of title 10, United States Code, is amended by inserting after section 2533 the following new section:

"§ 2533a. Requirement to buy certain articles from American sources; exceptions

"(a) REQUIREMENT.—Except as provided in subsections (c) through (g), funds appropriated or otherwise available to the Department of Defense may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

"(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following:

"(1) An article or item of—

"(A) food;

"(B) clothing;

"(C) tents, tarpaulins, parachutes, or covers;

"(D) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

"(E) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

"(2) Specialty metals, including stainless steel flatware.

"(3) Hand or measuring tools.

"(c) EXCEPTION.—The Secretary of Defense or the Secretary of the military department concerned may waive the requirement in subsection (a) if—

"(1) such Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) or specialty metals (including stainless steel flatware) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices:

"(2) such Secretary has provided notice to the public regarding the waiver;

"(3) such Secretary has notified the Committees on Appropriations, Armed Services, and Small Business of the House of Representatives and the Senate regarding the waiver and provided a justification to such committees for the waiver; and

"(4) 30 days have elapsed since the date of the notification of such committees.

"(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

"(1) Procurements outside the United States in support of combat operations.

"(2) Procurements by vessels in foreign waters.

"(3) Emergency procurements or procurements of perishable foods by an establishment located outside the United States for the personnel attached to such establishment.

"(e) EXCEPTION FOR SPECIALTY METALS AND CHEMICAL WARFARE PROTECTIVE CLOTHING.—Subsection (a) does not preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States if—

"(1) such procurement is necessary—

"(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

"(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

"(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of this title.

"(f) EXCEPTION FOR CERTAIN FOODS.—Subsection (a) does not preclude the procurement of foods manufactured or processed in the United States.

"(g) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of this title.

"(h) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

"(i) GEOGRAPHIC COVERAGE.—In this section, the term 'United States' includes the commonwealths, territories, and possessions of the United States.

"(j) EXCEPTION FOR COMMISSARIES, EXCHANGES, AND OTHER NONAPPROPRIATED FUND INSTRUMENTALITIES.—Subsection (a) does not apply to items purchased for resale purposes in commissaries, military exchanges, or nonappropriated fund instrumentalities operated by the military departments or the Department of Defense.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2533 the following new item:

"2533a. Requirement to buy certain articles from American sources; exceptions.".

(b) REPEAL OF SOURCE PROVISIONS.—The following provisions of law are repealed:

(1) Section 9005 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 10 U.S.C. 2241 note).

(2) Section 8109 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 2241 note).

SEC. 806. INCREASE OF ASSISTANCE LIMITATION REGARDING PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414(a)(1) of title 10, United States Code, is amended by striking "$300,000" and inserting "$600,000".

SEC. 807. STUDY OF CONTRACT CONSOLIDATIONS.

The Secretary of Defense, in consultation with the Comptroller General of the United States, shall develop a database to track contract consolidations which consolidate 2 or more contracts previously awarded by the Department of Defense to small business concerns. The database shall contain, at a minimum, the names and addresses of the businesses to which the contracts that were consolidated were previously awarded, the rationale for consolidating the contracts, and the monetary benefit projected to be realized by the contract consolidation. Not later than December 1st of each year, the Secretary of Defense shall submit a report regarding the information contained in such database to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate.

Subtitle B—Erroneous Payments Recovery

SEC. 811. SHORT TITLE.

This subtitle may be cited as the "Erroneous Payments Recovery Act of 2001".

SEC. 812. IDENTIFICATION OF ERRORS MADE BY EXECUTIVE AGENCIES IN PAYMENTS TO CONTRACTORS AND RECOVERY OF AMOUNTS ERRONEOUSLY PAID.

(a) PROGRAM REQUIRED.—The head of each executive agency that enters into contracts with a total value in excess of $500,000,000 in a fiscal year shall carry out a cost-effective program for identifying any errors made in paying the contractors and for recovering any amounts erroneously paid to the contractors.

(b) RECOVERY AUDITS AND ACTIVITIES.—A program of an executive agency under subsection (a) shall include recovery audits and recovery activities. The head of the executive agency shall determine, in accordance with guidance provided under subsection (c), the classes of contracts to which recovery audits and recovery activities are appropriately applied.

(c) OMB GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance for the conduct of programs under subsection (a). The guidance shall include the following:

(1) Definitions of the terms "recovery audit" and "recovery activity" for the purposes of the programs.

(2) The classes of contracts to which recovery audits and recovery activities are appropriately applied under the programs.

(3) Protections for the confidentiality of—

(A) sensitive financial information that has not been released for use by the general public; and

(B) information that could be used to identify a person.

(4) Policies and procedures for ensuring that the implementation of the programs does not result in duplicative audits of contractor records.

(5) Policies regarding the types of contracts executive agencies may use for the procurement of recovery services, including guidance for use, in appropriate circumstances, of a contingency contract pursuant to which the head of an executive agency may pay a contractor an amount equal to a percentage of the total amount collected for the United States pursuant to that contract.

(6) Protections for a contractor's records and facilities through restrictions on the authority of a contractor under a contract for the procurement of recovery services for an executive agency—

(A) to require the production of any record or information by any person other than an officer, employee, or agent of the executive agency;

(B) to establish, or otherwise have, a physical presence on the property or premises of any private sector entity for the purposes of performing the contract; or

(C) to act as agents for the Government in the recovery of funds erroneously paid to contractors.

(7) Policies for the appropriate types of management improvement programs authorized by section 815 that executive agencies may carry out to address overpayment problems and the recovery of overpayments.

SEC. 813. DISPOSITION OF RECOVERED FUNDS.

(a) AVAILABILITY OF FUNDS FOR RECOVERY AUDITS AND ACTIVITIES PROGRAM.—Funds collected under a program carried out by an executive agency under section 812 shall be available to the executive agency, in such amounts as are provided in advance in appropriations Acts, for the following purposes:

(1) To reimburse the actual expenses incurred by the executive agency in the administration of the program.

(2) To pay contractors for services under the program in accordance with the guidance issued under section 812(c)(5).

(b) FUNDS NOT USED FOR PROGRAM.—Any amounts erroneously paid by an executive agency that are recovered under such a program of an executive agency and are not used to reimburse expenses or pay contractors under subsection (a)—

(1) shall be credited to the appropriations from which the erroneous payments were made that remain available for obligation as of the time such amounts were collected, shall be merged with other amounts in those appropriations, and shall be available for the purposes and period for which such appropriations are available; or

(2) if no such appropriation remains available for obligation at that time, shall be disposed of as provided in subsection (c).

(c) OTHER DISPOSITIONS.—Of the total amount collected under such a program of an executive agency that is to be disposed of under this subsection—

(1) up to 25 percent of such amount may be expended by the head of the executive agency for carrying out any management improvement program of the executive agency under section 815; and

(2) the remainder of that total amount, including any amount not expended under paragraph (1), shall be deposited in the Treasury as miscellaneous receipts.

(d) PRIORITY OF OTHER AUTHORIZED DISPOSITIONS.—Notwithstanding subsections (b) and (c), the authority under such subsections may not be exercised to use, credit, or deposit funds collected under such a program as provided in those subsections to the extent that any other provision of law requires or authorizes the crediting of such funds to a nonappropriated fund instrumentality, revolving fund, working-capital fund, trust fund, or other fund or account.

SEC. 814. SOURCES OF RECOVERY SERVICES.

(a) CONSIDERATION OF AVAILABLE RECOVERY RESOURCES.—(1) In carrying out a program under section 812, the head of an executive agency shall consider all resources available to that official to carry out the program.

(2) The resources considered by the head of an executive agency for carrying out the program shall include the resources available to the executive agency for such purpose from the following sources:

(A) The executive agency.

(B) Other departments and agencies of the United States.

(C) Private sector sources.

(b) COMPLIANCE WITH APPLICABLE LAW AND REGULATIONS.—Before entering into a contract with a private sector source for the performance of services under a program of the executive agency carried out under section 812, the head of an executive agency shall comply with—

(1) any otherwise applicable provisions of Office of Management and Budget Circular A-76; and

(2) any other applicable provision of law or regulation with respect to the selection between employees of the United States and private sector sources for the performance of services.

SEC. 815. MANAGEMENT IMPROVEMENT PROGRAMS.

In accordance with guidance provided by the Director of the Office of Management and Budget under section 812, the head of an executive agency required to carry out a program under section 812 may carry out a program for improving management processes within the executive agency—

(1) to address problems that contribute directly to the occurrence of errors in the paying of contractors of the executive agency; or

(2) to improve the recovery of overpayments due to the agency.

SEC. 816. REPORTS.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 months after the date of the enactment of this Act, and annually for each of the first two years following the year of the first report, the Director of the Office of Management and Budget shall submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, a report on the implementation of this subtitle.

(b) CONTENT.—Each report shall include—

(1) a general description and evaluation of the steps taken by the heads of executive agencies to carry out the programs under this subtitle, including any management improvement programs carried out under section 815;

(2) the costs incurred by executive agencies to carry out the programs under this subtitle; and

(3) the amounts recovered under the programs under this subtitle.

SEC. 817. RELATIONSHIP TO AUTHORITY OF INSPECTORS GENERAL.

Nothing in this subtitle shall be construed as impairing the authority of an Inspector General under the Inspector General Act of 1978 or any other provision of law.

SEC. 818. PRIVACY PROTECTIONS.

(a) PROHIBITION.—Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subtitle, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity and governmental oversight of such activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

(b) LIABILITY.—Any person that violates subsection (a) shall be liable for any damages (including nonpecuniary damages), costs, and attorneys fees incurred by the individual as a result of the violation.

SEC. 819. DEFINITION.

In this subtitle, the term "executive agency" has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE

(a) REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2002 so that the total number of such personnel as of October 1, 2002, is less than the total number of such personnel as of October 1, 2001, by at least 13,000.

(b) DEFENSE ACQUISITION WORKFORCE DEFINED.—For purposes of this section, the term "defense acquisition and support personnel" has the meaning given that term in section 931(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2106).

SEC. 902. SENSE OF CONGRESS ON ESTABLISHMENT OF AN OFFICE OF TRANSFORMATION IN THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The Armed Forces should give careful consideration to implementating transformation to meet operational challenges and exploit opportunities resulting from changes in the threat environment and the emergence of new technologies.

(2) A 1999 Defense Science Board report on transformation concluded that there was no overall Department of Defense vision for transformation, no road map, no metrics to measure progress, and little sense of urgency.

(3) Historic case studies have shown that within the military, as well as commercial enterprises, successful transformation must be directed from the highest levels of an organization.

(b) SENSE OF CONGRESS ON ESTABLISHMENT OF OFFICE OF TRANSFORMATION.—It is the sense of Congress that the Secretary of Defense should consider the establishment of an Office of Transformation within the Office of the Secretary of Defense to advise the Secretary on—

(1) development of force transformation strategies to ensure that the military of the future is prepared to dissuade potential military competitors and, if that fails, to fight and win decisively across the spectrum of future conflict;

(2) ensuring a continuous and broadly focused transformation process;

(3) service and joint acquisition and experimentation efforts, funding for experimentation efforts, promising operational concepts and technologies, and other transformation activities, as appropriate; and

(4) development of service and joint operational concepts, transformation implementation strategies, and risk management strategies.

(c) Sense of Congress on Funding.—It is the sense of Congress that the Secretary of Defense should consider providing funding adequate for sponsoring selective prototyping efforts, wargames, and studies and analyses and for appropriate staffing, as recommended by the director of an Office of Transformation as described in subsection (b).

SEC. 903. REVISED JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(a) Revised Report.—At the same time as the submission of the budget for fiscal year 2003 under section 1105 of title 31, United States Code, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a revised report assessing alternatives for the establishment of a national collaborative information analysis capability.

(b) Matters Included.—The revised report shall cover the same matters required to be included in the DOD/CIA report, except that the alternative architectures assessed in the revised report shall be limited to architectures that include the participation of all Federal agencies involved in the collection of intelligence. The revised report shall also include a draft of legislation sufficient to carry out the preferred architecture identified in the revised report.

(c) Officials To Be Consulted.—The revised report shall be prepared after consultation with all appropriate Federal officials, including the following:

(1) The Secretary of the Treasury.

(2) The Secretary of Commerce.

(3) The Secretary of State.

(4) The Attorney General.

(5) The Director of the Federal Bureau of Investigation.

(6) The Administrator of the Drug Enforcement Administration.

(7) The Director of the Defense Threat Reduction Agency.

(8) The Director of the Defense Information Systems Agency.

(d) DOD/CIA Report Defined.—In this section, the term "DOD/CIA report" means the joint report required by section 933 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–237).

SEC. 904. ELIMINATION OF TRIENNIAL REPORT BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) Repeal of Requirement for Separate Report by Chairman of the Joint Chiefs of Staff.—Section 153 of title 10, United States Code, is amended by striking subsection (b).

(b) Roles and Missions Considered as Part of Defense Quadrennial Review.—Subsection 118(e) of such title is amended—

(1) by inserting "(1)" before "Upon the completion";

(2) by designating the second and third sentences as paragraph (3); and

(3) by inserting after paragraph (1), as designated by paragraph (1) of this subsection, the following new paragraph:

"(2) As part of his assessment under paragraph (1), the Chairman shall provide his assessment of the assignment of functions (or roles and missions) to the armed forces and such recommendations for changes thereto as the Chairman considers necessary to achieve maximum efficiency of the armed forces. In preparing such assessment, the Chairman shall consider (among other matters) the following:

"(A) Unnecessary duplication of effort among the armed forces.

"(B) Changes in technology that can be applied effectively to warfare.".

SEC. 905. REPEAL OF REQUIREMENT FOR SEMIANNUAL REPORTS THROUGH MARCH 2003 ON ACTIVITIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 916 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–231) is repealed.

SEC. 906. CORRECTION OF REFERENCES TO AIR MOBILITY COMMAND.

(a) References in Title 10, United States Code.—Sections 2554(d) and 2555(a) of title 10, United States Code, are each amended by striking "Military Airlift Command" and inserting "Air Mobility Command".

(b) Repeal of Obsolete Provision.—Section 8074 of such title is amended by striking subsection (c).

(c) References in Title 37, United States Code.—Sections 430(c) and 432(b) of title 37, United States Code, are each amended by striking "Military Airlift Command" and inserting "Air Mobility Command".

SEC. 907. ORGANIZATIONAL ALIGNMENT CHANGE FOR DIRECTOR FOR EXPEDITIONARY WARFARE.

Section 5038(a) of title 10, United States Code, is amended by striking "Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments" and inserting "office of the Deputy Chief of Naval Operations with responsibility for warfare requirements and programs".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2002 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) Status of Classified Annex.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 2586 of the One Hundred Seventh Congress and transmitted to the President is hereby incorporated into this Act.

(b) Construction With Other Provisions of Act.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) Limitation on Use of Funds.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) Distribution of Classified Annex.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2002.

(a) Limitation.—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund—

(1) no more than $1,315,600,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and

(2) no more than $1,528,600,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(b) Presidential Waiver.—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:

(1) The President's written certification that the waiver is necessary in the national security interests of the United States.

(2) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

(A) The reasons that the waiver is necessary in the national security interests of the United States.

(B) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2002.

(C) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be.

(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2002 costs associated with United States military forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations.

(c) PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section:

(1) The term "Bosnia peacekeeping operations" has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

(2) The term "Kosovo peacekeeping operations"—

(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and

(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.

SEC. 1004. INCREASE IN LIMITATIONS ON ADMINISTRATIVE AUTHORITY OF THE NAVY TO SETTLE ADMIRALTY CLAIMS.

(a) ADMIRALTY CLAIMS AGAINST THE UNITED STATES.—Section 7622 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking "$1,000,000" and inserting "$15,000,000"; and

(2) in subsection (c), by striking "$100,000" and inserting "$1,000,000".

(b) ADMIRALTY CLAIMS BY THE UNITED STATES.—Section 7623 of such title is amended—

(1) in subsection (a)(2), by striking "$1,000,000" and inserting "$15,000,000"; and

(2) in subsection (c), by striking "$100,000" and inserting "$1,000,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any claim accruing on or after February 1, 2001.

Subtitle B—Naval Vessels

SEC. 1011. REVISION IN TYPES OF EXCESS NAVAL VESSELS FOR WHICH APPROVAL BY LAW IS REQUIRED FOR DISPOSAL TO FOREIGN NATIONS.

(a) REVISION IN VESSEL THRESHOLD.—Section 7307 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "A naval vessel" and inserting "Except as provided in subsection (b), a combatant naval vessel";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

"(b) TREATMENT OF VESSELS HELD BY FOREIGN NATIONS BY LOAN OR LEASE.—Subsection (a) shall not apply to the disposal to another nation of a vessel described in that subsection that, at the time of the disposal, is held by the nation to which the disposal is to be made pursuant to a loan or lease arrangement made under section 61 of the Arms Export Control Act (22 U.S.C. 2796) or any other provision of law."; and

(4) by adding after subsection (c), as redesignated by paragraph (2), the following new subsection:

"(d) INAPPLICABILITY OF VESSEL DISPOSALS TO AGGREGATE ANNUAL VALUE LIMITATIONS.—The value of a vessel transferred to another country under an applicable provision of law as described in subsection (c) shall not be counted for the purposes of any aggregate limit on the value of articles transferred to other countries under that provision of law during any year (or other applicable period of time).".

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended—

(1) by striking "LARGER OR NEWER" in the subsection heading and inserting "CERTAIN COMBATANT; and

(2) by striking "approved by law enacted after August 5, 1974" and inserting "specifically approved by law".

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–255) is amended—

(1) by inserting "and April 15, 2002," after "January 1, 2001,"; and

(2) by striking "fiscal year 2000" and inserting "the preceding fiscal year".

SEC. 1022. AUTHORITY TO TRANSFER TRACKER AIRCRAFT CURRENTLY USED BY ARMED FORCES FOR COUNTER-DRUG PURPOSES.

(a) TRANSFER AUTHORITY.—The Secretary of Defense may transfer to the administrative jurisdiction and operational control of another Federal agency all Tracker aircraft in the inventory of the Department of Defense.

(b) EFFECT OF FAILURE TO TRANSFER.—If the transfer authority provided by subsection (a) is not exercised by the Secretary of Defense by September 30, 2002, any Tracker aircraft remaining in the inventory of the Department of Defense may not be used by the Armed Forces for counter-drug purposes after that date.

SEC. 1023. AUTHORITY TO TRANSFER TETHERED AEROSTAT RADAR SYSTEM CURRENTLY USED BY ARMED FORCES FOR COUNTER-DRUG PURPOSES.

(a) TRANSFER AUTHORITY.—The Secretary of Defense may transfer to the administrative jurisdiction and operational control of another Federal agency the Tethered Aerostat Radar System currently used by the Armed Forces in maritime, air, and land counter-drug detection and monitoring.

(b) EFFECT OF FAILURE TO TRANSFER.—If the transfer authority provided by subsection (a) is not exercised by the Secretary of Defense by September 30, 2002, the Tethered Aerostat Radar System may not be used by the Armed Forces for counter-drug purposes after that date.

SEC. 1024. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

"(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

"(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

"(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

"(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

"(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

"(2) Nothing in this section shall be construed to—

"(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

"(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Attorney General or the Secretary of the Treasury may establish ongoing joint task forces when accompanied by a certification by the President that the assignment of members pursuant to the request to establish a joint task force is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(2) When established, any joint task force shall fully comply with the standards as set forth in this section.

"(f) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

"(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

"(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2004.".

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of members to assist border patrol and control.".

Subtitle D—Reports

SEC. 1031. REQUIREMENT THAT DEPARTMENT OF DEFENSE REPORTS TO CONGRESS BE ACCOMPANIED BY ELECTRONIC VERSION.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

"§ 480. Department of Defense reports: submission in electronic form

"(a) REQUIREMENT.—Whenever the Secretary of Defense or any other official of the Department of Defense is required by law to submit a report to Congress (or any committee of either House of Congress), the Secretary or other official shall provide to Congress (or each such committee) a copy of the report in an electronic medium.

"(b) EXCEPTION.—Subsection (a) does not apply to a report submitted in classified form.

"(c) DEFINITION.—In this section, the term 'report' includes any certification, notification, or other communication in writing.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 481 the following new item:

"480. Department of Defense reports: submission in electronic form.".

SEC. 1032. REPORT ON DEPARTMENT OF DEFENSE ROLE IN HOMELAND SECURITY MATTERS.

The Secretary of Defense shall conduct a study on the appropriate role for the Department of Defense in homeland security matters. The Secretary shall submit to the Congress a report on the results of that study at the same time that the budget of the President for fiscal year 2003 is submitted to Congress.

SEC. 1033. REVISION OF ANNUAL REPORT TO CONGRESS ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.

The text of section 10541 of title 10, United States Code, is amended to read as follows:

"(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress each year, not later than March 1, a written report concerning the equipment of the National Guard and the reserve components of the armed forces. Each such report shall cover the current fiscal year and the three succeeding years.

"(b) MATTERS TO BE INCLUDED IN REPORT.—Each report under this section shall include the following (shown in the aggregate and separately for each reserve component):

"(1) A list of major items of equipment required and on-hand in the inventories of the reserve components.

"(2) A list of major items of equipment that are expected to be procured from commercial sources or transferred from the active component to the reserve components.

"(3) A statement of major items of equipment in the inventories of the reserve components that are substitutes for a required major item of equipment.

"(4) A narrative explanation of the plan of the Secretary concerned to equip each reserve component, including an explanation of the plan to equip units of the reserve components that are short major items of equipment at the outset of war or a contingency operation.

"(5) A narrative discussing the current status of the compatibility and interoperability of equipment between the reserve components and the active forces and the effect of that level of compatibility or interoperability on combat effectiveness, together with a plan to achieve full equipment compatibility and interoperability.

"(6) A narrative discussing modernization shortfalls and maintenance backlogs within the reserve components and the effect of those shortfalls on combat effectiveness.

"(7) A narrative discussing the overall age and condition of equipment currently in the inventory of the reserve components.

"(c) MAJOR ITEMS OF EQUIPMENT.—In this section, the term 'major items of equipment' includes ships, aircraft, combat vehicles, and key combat support equipment.

"(d) FORMAT AND LEVEL OF DETAIL.—Each report under this section shall be expressed in the same format and with the same level of detail as the information presented in the Future-Years Defense Program Procurement Annex prepared by the Department of Defense.".

Subtitle E—Other Matters

SEC. 1041. DEPARTMENT OF DEFENSE GIFT AUTHORITIES.

(a) ADDITIONAL ITEMS AUTHORIZED TO BE DONATED BY SECRETARY OF THE NAVY.—Section 7545 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Subject to" and all that follows through "by him," and inserting "AUTHORITY TO MAKE LOANS AND GIFTS.—The Secretary of the Navy";

(B) by striking "captured, condemned," and all that follows through "to—" and inserting "items described in subsection (b) that are not needed by the Department of the Navy to any of the following:"

(C) by capitalizing the first letter after the paragraph designation in each of paragraphs (1) through (12);

(D) by striking the semicolon at the end of paragraphs (1) through (10) and inserting a period;

(E) by striking "; or" at the end of paragraph (11) and inserting a period;

(F) in paragraph (5), by striking "World War I or World War II" and inserting "a foreign war";

(G) in paragraph (6), by striking "soldiers' monument" and inserting "servicemen's monument"; and

(H) in paragraph (8), by inserting "or memorial" after "a museum";

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by inserting after subsection (a) the following new subsections:

"(b) ITEMS ELIGIBLE FOR DISPOSAL.—This section applies to the following types of property held by the Department of the Navy:

"(1) Captured, condemned, or obsolete ordnance material.

"(2) Captured, condemned, or obsolete combat or shipboard material.

"(c) REGULATIONS.—A loan or gift made under this section shall be subject to regulations prescribed by the Secretary of the Navy and to regulations under section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486).";

(4) in subsection (d) (as redesignated by paragraph (2)), by inserting "MAINTENANCE OF THE RECORDS OF THE GOVERNMENT.—" after the subsection designation;

(5) in subsection (e) (as redesignated by paragraph (2)), by inserting "ALTERNATIVE AUTHORITIES TO MAKE GIFTS OR LOANS.—" after the subsection designation; and

(6) by adding at the end the following new subsection:

"(f) AUTHORITY TO TRANSFER A PORTION OF A VESSEL.—The Secretary may lend, give, or otherwise transfer any portion of the hull or superstructure of a vessel stricken from the Naval Vessel Register and designated for scrapping to a qualified organization specified in subsection (a). The terms and conditions of an agreement for the transfer of a portion of a vessel under this section shall include a requirement that the transferee will maintain the material conveyed in a condition that will not diminish the historical value of the material or bring discredit upon the Navy.".

(b) CONFORMING AMENDMENTS.—Section 2572(a) of such title is amended—

(1) in paragraph (2), by striking "soldiers' monument" and inserting "servicemen's monument"; and

(2) in paragraph (4), by inserting "or memorial" after "An incorporated museum".

SEC. 1042. TERMINATION OF REFERENDUM REQUIREMENT REGARDING CONTINUATION OF MILITARY TRAINING ON ISLAND OF VIEQUES, PUERTO RICO, AND IMPOSITION OF ADDITIONAL CONDITIONS ON CLOSURE OF LIVE-FIRE TRAINING RANGE.

(a) IN GENERAL.—Title XV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–348) is amended by striking sections 1503, 1504, and 1505 and inserting the following new sections:

"SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

"(a) REQUIRED CERTIFICATION.—The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if—

"(1) the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that there is an alternative training facility that provides an equivalent or superior level of training for units of the Navy and the Marine Corps stationed or deployed in the eastern United States; and

"(2) the new facility is available and fully capable of supporting such training immediately upon cessation of live-fire training on Vieques.

"(b) EQUIVALENT OR SUPERIOR LEVEL OF TRAINING DEFINED.—In this section, the term 'equal or superior level of training' refers to an ability by the Armed Forces to conduct at a single location coordinated live-fire training, including simultaneous large-scale tactical air strikes, naval surface fire support and artillery, and amphibious landing operations, as was conducted at Vieques Naval Training Range before April 19, 1999.

"SEC. 1504. NAVY RETENTION OF CLOSED VIEQUES NAVAL TRAINING RANGE.

"(a) RETENTION.—If the conditions specified in section 1503(a) are satisfied and the Secretary of the Navy terminates all Navy and Marine Corps training operations on the island of Vieques, the Secretary of the Navy shall retain administrative jurisdiction over the Live Impact Area and all other Department of Defense real properties on the eastern side of the island for possible reactivation for training use, including live-fire training, in the event a national emergency.

"(b) ADMINISTRATION.—The Secretary of the Navy may enter into a cooperative agreement with the Secretary of the Interior to provide for management of the property described in subsection (a), pending reactivation for training use, by appropriate agencies of the Department of the Interior as follows:

"(1) Management of the Live Impact Area as a wilderness area under the Wilderness Act (16 U.S.C. 1131 et seq.), including a prohibition on public access to the area.

"(2) Management of the remaining property as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

"(c) LIVE IMPACT AREA DEFINED.—In this section, the term 'Live Impact Area' means the parcel of real property, consisting of approximately 900 acres (more or less), on the island of Vieques that is designated by the Secretary of the Navy for targeting by live ordnance in the training of forces of the Navy and Marine Corps.".

(b) CONFORMING AMENDMENT.—Section 1507(c) of such Act is amended by striking "the issuance of a proclamation described in section 1504(a) or".

SEC. 1043. REPEAL OF LIMITATION ON REDUCTIONS IN PEACEKEEPER ICBM MISSILES.

Subsection (a)(1) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended by striking subparagraph (D).

SEC. 1044. TRANSFER OF VIETNAM ERA F–4 AIRCRAFT TO NONPROFIT MUSEUM.

(a) AUTHORITY TO CONVEY.—The Secretary of the Air Force may convey, without consideration, to the nonprofit National Aviation Museum and Foundation of Oklahoma (in this section referred to as the "museum"), all right, title, and interest of the United States in and to one surplus F–4 aircraft that is flyable or that can be readily restored to flyable condition. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—(1) The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the museum has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have.

(2) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary;

(2) a condition that the museum operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary determines at any time that the museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the museum.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1045. BOMBER FORCE STRUCTURE.

(a) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2002 may be obligated or expended for retiring or dismantling any of the 93 B–1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit or the facility to which assigned as of that date, until each of the following has occurred:

(1) The President transmits to Congress a national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 4040) as required by subsection (a)(3) of that section.

(2) The Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, that under that section is required to be submitted not later than September 30, 2001.

(3) The Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that provides—

(A) the changes in national security considerations from those applicable to the air force bomber studies conducted during 1992 and 1995 that warrant changes in the current configuration of the bomber fleet; and

(B) the plans of the Department of Defense for assigning new missions to the National Guard units that currently fly B–1 aircraft and for the transition of those units and their facilities from the current B–1 mission to their future missions.

(4) The Secretary of Defense submits to Congress the annual report of the Secretary for 2001 required by section 113(c) of title 10, United States Code.

(5) The Secretary of Defense submits to Congress a report on the results of the Revised Nuclear Posture Review conducted under section 1042 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–262), as required by subsection (c) of that section.

(6) The Secretary of Defense conducts, and submits to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the results of, a comprehensive study to determine—

(A) the role of manned bomber aircraft appropriate to meet the requirements derived from the National Security Strategy report referred to in paragraph (1);

(B) the amount and type of bomber force structure in the United States Air Force appropriate to meet the requirements derived from the National Security Strategy report referred to in paragraph (1); and

(C) the most cost effective allocation of bomber force structure, factoring in use of the reserve components of the Air Force consistent with the requirements of the National Security Strategy report referred to in paragraph (1).

(b) GAO STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study on the same matters as specified in subparagraphs (A), (B), and (C) of subsection (a)(6). The Comptroller General shall submit to Congress a report containing the results of that study not later than 180 days after the date of the submission of the report referred to in subsection (a)(6)

(c) DEFINITIONS.—For purposes of this section:

(1) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE.—The term "amount and type of bomber force structure" means the required numbers of B–2 aircraft, B–52 aircraft, and B–1 aircraft consistent with the requirements of the National Security Strategy referred to in subsection (a)(1).

(2) COST EFFECTIVE ALLOCATION OF BOMBER FORCE STRUCTURE.—The term "cost effective allocation of bomber force structure" means the lowest cost for stationing, maintaining, and operating the bomber fleet fully consistent with the requirements of the National Security Strategy referred to in subsection (a)(1).

SEC. 1046. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are each amended by striking the period after "1111" in the item relating to chapter 56.

(2) Section 119(g)(2) is amended by striking "National Security Subcommittee" and inserting "Subcommittee on Defense".

(3) Section 130c(b)(3)(C) is amended by striking "subsection (f)" and inserting "subsection (g)".

(4) Section 176(a)(3) is amended by striking "Chief Medical Director" and inserting "Under Secretary for Health".

(5)(A) Section 503(c) is amended in paragraph (6)(A)(i) by striking "14101(18)" and "8801(18)" and inserting "14101" and "8801", respectively.

(B) The amendment made by subparagraph (A) shall take effect on July 1, 2002, immediately after the amendment to such section effective that date by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 131).

(6) Section 663(e) is amended—

(A) by striking "Armed Forces Staff College" in paragraph (1) and inserting "Joint Forces Staff College"; and

(B) by striking "ARMED FORCES STAFF COLLEGE" and inserting "JOINT FORCES STAFF COLLEGE".

(7) Section 667(17) is amended by striking "Armed Forces Staff College" both places it appears and inserting "Joint Forces Staff College".

(8) Section 874(a) is amended by inserting after "a sentence of confinement for life without eligibility for parole" the following: "that is adjudged for an offense committed after October 29, 2000".

(9) Section 1056(c)(2) is amended by striking ", not later than September 30, 1991,".

(10) The table of sections at the beginning of chapter 55 is amended by transferring the item relating to section 1074i, as inserted by section 758(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–200), so as to appear after the item relating to section 1074h.

(11) Section 1097a(e) is amended by striking "section 1072" and inserting "section 1072(2)".

(12) Sections 1111(a) and 1114(a)(1) are each amended by striking "hereafter" and inserting "hereinafter".

(13) Section 1116 is amended—

(A) in subsection (a)(2)(B), by inserting an open parenthesis before "other than for training"; and

(B) in subsection (b)(2)(D), by striking "section 111(c)(4)" and inserting "section 1115(c)(4)".

(14) The heading for subchapter II of chapter 75 is transferred within that chapter so as to appear before the table of sections at the beginning of that subchapter (as if the amendment made by section 721(c)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 694) had inserted that heading following section 1471 instead of before section 1475).

(15) Section 1611(d) is amended by striking "with".

(16) Section 2166(e)(9) is amended by striking "App. 2" and inserting "App.".

(17) Section 2323(a)(1)(C) is amended—

(A) by striking "section 1046(3)" and inserting "section 365(3)";

(B) by striking "20 U.S.C. 1135d–5(3)" and inserting "20 U.S.C. 1067k"; and

(C) by striking ", which, for the purposes of this section" and all that follows through the period at the end and inserting a period.

(18) Section 2375(b) is amended by inserting "(41 U.S.C. 430)" after "section 34 of the Office of Federal Procurement Policy Act".

(19) Section 2376(1) is amended by inserting "(41 U.S.C. 403)" after "section 4 of the Office of Federal Procurement Policy Act".

(20) Section 2410f(a) is amended by inserting after "inscription" the following: ", or another inscription with the same meaning,".

(21) Section 2461a(a)(2) is amended by striking "effeciency" and inserting "efficiency".

(22) Section 2467 is amended—

(A) in subsection (a)(2)—

(i) by striking ", United States Code" in subparagraph (A); and

(ii) by striking "such" in subparagraphs (B) and (C); and

(B) in subsection (b)(2)(A), by striking "United States Code,".

(23) Section 2535 is amended—

(A) in subsection (a)—

(i) by striking "intent of Congress" and inserting "intent of Congress—";

(ii) by realigning clauses (1), (2), (3), and (4) so that each such clause appears as a separate paragraph indented two ems from the left margin; and

(iii) in paragraph (1), as so realigned, by striking "Armed Forces" and inserting "armed forces";

(B) in subsection (b)(1)—

(i) by striking "in this section, the Secretary is authorized and directed to—" and inserting "in subsection (a), the Secretary of Defense shall—"; and

(ii) by striking "defense industrial reserve" in subparagraph (A) and inserting "Defense Industrial Reserve"; and

(C) in subsection (c)—

(i) by striking paragraph (1);

(ii) by redesignating paragraph (2) as paragraph (1) and in that paragraph—

(I) by striking "means" and inserting "means—";

(II) by realigning clauses (A), (B), and (C) so that each such clause appears as a separate subparagraph indented four ems from the left margin; and

(III) by inserting "and" at the end of subparagraph (B), as so realigned; and

(iii) by redesignating paragraph (3) as paragraph (2).

(24) Section 2541c is amended by striking "subtitle" both places it appears in the matter preceding paragraph (1) and inserting "subchapter".

(25) The second section 2555, added by section 1203(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–324), is redesignated as section 2565, and the item relating to that section in the table of sections at the beginning of chapter 152 is revised to conform to such redesignation.

(26) The second section 2582, added by section 1(a) of Public Law 106–446 (114 Stat. 1932), is redesignated as section 2583, and the item relating to that section in the table of sections at the beginning of chapter 153 is revised to conform to such redesignation.

(27)(A) Section 2693(a) is amended—

(i) in the matter preceding paragraph (1), by inserting "of Defense" after "Secretary"; and

(ii) in paragraph (3)—

(I) by inserting "to the Secretary of Defense" after "certifies";

(II) by inserting "(42 U.S.C. 3762a)" after "of 1968"; and

(III) by striking "to the public agencies referred to in section 515(a)(1) or 515(a)(3) of title I of such Act" and inserting "to a public agency referred to in paragraph (1) or (3) of subsection (a) of such section".

(B)(i) The heading of such section is amended to read as follows:

"§ 2693. Conveyance of certain property: Department of Justice correctional options program".

(ii) The item relating to such section in the table of sections at the beginning of chapter 159 is amended to read as follows:

"2693. Conveyance of certain property: Department of Justice correctional options program.".

(28) Section 3014(f)(3) is amended by striking "the number equal to" and all that follows and inserting "67.".

(29) Section 5014(f)(3) is amended by striking "the number equal to" and all that follows and inserting "74.".

(30) Section 8014(f)(3) is amended by striking "the number equal to" and all that follows and inserting "60.".

(31) Section 9783(e)(1) is amended by striking "40101(a)(2)" and inserting "40102(a)(2)".

(32) Section 12741(a)(2) is amended by striking "received" and inserting "receive".

(b) Amendments Relating to Change in Title of Under Secretary of Defense for Acquisition, Technology, and Logistics.—Title 10, United States Code, is further amended as follows:

(1) Section 133a(b) is amended by striking "shall assist the Under Secretary of Defense for Acquisition and Technology" and inserting "shall assist the Under Secretary of Defense for Acquisition, Technology, and Logistics".

(2) The following provisions are each amended by striking "Under Secretary of Defense for Acquisition and Technology" and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics": sections 139(c), 139(f), 171(a)(3), 179(a)(1), 1702, 1703, 1707(a), 1722(a), 1722(b)(2)(B), 1735(c)(1), 1737(c)(1), 1737(c)(2)(B), 1741(b), 1746(a), 1761(b)(4), 1763, 2302c(a)(2), 2304(f)(1)(B)(iii), 2304(f)(6)(B), 2311(c)(1), 2311(c)(2)(B), 2350a(b)(2), 2350a(e)(1)(A), 2350a(e)(2)(B), 2350a(f)(1), 2399(b)(3), 2435(b), 2435(d)(2), 2521(a), and 2534(i)(3).

(3)(A) The heading for section 1702 is amended to read as follows:

"§ 1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities".

(B) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 is amended to read as follows:

"1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities.".

(4) Section 2503(b) is amended by striking "Under Secretary of Defense for Acquisition" and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics".

(c) Amendments To Substitute Calendar Dates for Date-of-Enactment References.—Title 10, United States Code, is further amended as follows:

(1) Section 130c(d)(1) is amended by striking "the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001" and inserting "October 30, 2000,".

(2) Section 184(a) is amended by striking "the date of the enactment of this section," and inserting "October 30, 2000,".

(3) Section 986(a) is amended by striking "the date of the enactment of this section," and inserting "October 30, 2000,".

(4) Section 1074g(a)(8) is amended by striking "the date of the enactment of this section" and inserting "October 5, 1999,".

(5) Section 1079(h)(2) is amended by striking "the date of the enactment of this paragraph" and inserting "February 10, 1996,".

(6) Section 1206(5) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000," and inserting "October 5, 1999,".

(7) Section 1405(c)(1) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995," and inserting "October 5, 1994,".

(8) Section 1407(f)(2) is amended by striking "the date of the enactment of this subsection—" and inserting "October 30, 2000—".

(9) Section 1408(d)(6) is amended by striking "the date of the enactment of this paragraph" and inserting "August 22, 1996,".

(10) Section 1511(b) is amended by striking "the date of the enactment of this chapter." and inserting "February 10, 1996.".

(11) Section 2461a(b)(1) is amended by striking "the date of the enactment of this section," and inserting "October 30, 2000,".

(12) Section 4021(c)(1) is amended by striking "the date of the enactment of this section." and inserting "November 29, 1989.".

(13) Section 6328(a) is amended by striking "the date of the enactment of this section" and inserting "February 10, 1996,".

(14) Section 7439 is amended—

(A) in subsection (a)(2), by striking "one year after the date of the enactment of this section," and inserting "November 18, 1998,";

(B) in subsection (b)(1), by striking "the date of the enactment of this section," and inserting "November 18, 1997,";

(C) in subsection (b)(2), by striking "the end of the one-year period beginning on the date of the enactment of this section." and inserting "November 18, 1998."; and

(D) in subsection (f)(2), by striking "the date of the enactment of this section" and inserting "November 18, 1997,".

(15) Section 12533 is amended—

(A) in each of subsections (b) and (c)(1), by striking "the date of the enactment of this section." and inserting "November 18, 1997."; and

(B) in each of subsections (c)(2) and (d), by striking "the date of the enactment of this section" and inserting "November 18, 1997,".

(16) Section 12733(3) is amended—

(A) in subparagraph (B), by striking "the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001;" and inserting "October 30, 2000;"; and

(B) in subparagraph (C), by striking "the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001" and inserting "October 30, 2000,".

(d) AMENDMENTS RELATING TO CHANGE IN TITLE OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—The following provisions are each amended by striking "Stewart B. McKinney Homeless Assistance Act" and inserting "McKinney-Vento Homeless Assistance Act":

(1) Sections 2814(j)(2), 2854a(d)(2), and 2878(d)(4) of title 10, United States Code.

(2) Sections 2905(b)(6)(A) and 2910(11) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(3) Section 204(b)(6)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(4) Section 2915(c)(10) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2687 note).

(5) Section 2(e)(4)(A) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103-421; 10 U.S.C. 2687 note).

(6) Section 1053(a) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2650).

(e) AMENDMENTS TO REPEAL OBSOLETE PROVISIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 1144 is amended—

(A) in subsection (a)(3), by striking the second sentence; and

(B) by striking subsection (e).

(2) Section 1581(b) is amended—

(A) by striking "(1)" and all that follows through "The Secretary of Defense shall deposit" and inserting "The Secretary of Defense shall deposit"; and

(B) by striking "on or after December 5, 1991,".

(3) Subsection (e) of section 1722 is repealed.

(4) Subsection 1732(a) is amended by striking the second sentence.

(5) Section 1734 is amended—

(A) in subsection (b)(1)(B), by striking "on and after October 1, 1991,"; and

(B) in subsection (e)(2), by striking the last sentence.

(6)(A) Section 1736 is repealed.

(B) The table of sections at the beginning of subchapter III of chapter 87 is amended by striking the item relating to section 1736.

(7)(A) Sections 1762 and 1764 are repealed.

(B) The table of sections at the beginning of subchapter V of chapter 87 is amended by striking the items relating to sections 1762 and 1764.

(8) Section 2112(a) is amended by striking ", with the first class graduating not later than September 21, 1982".

(9) Section 2218(d)(1) is amended by striking "for fiscal years after fiscal year 1993".

(10)(A) Section 2468 is repealed.

(B) The table of sections at the beginning of chapter 146 is amended by striking the item relating to section 2468.

(11) Section 2832 is amended—

(A) by striking "(a)" before "The Secretary of Defense"; and

(B) by striking subsection (b).

(12) Section 7430(b)(2) is amended—

(A) by striking "at a price less than" and all that follows through "the current sales price" and inserting "at a price less than the current sales price";

(B) by striking "; or" and inserting a period; and

(C) by striking subparagraph (B).

(f) PUBLIC LAW 106-398.—Effective as of October 30, 2000, and as if included therein as enacted, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) is amended as follows:

(1) Section 525(b)(1) (114 Stat. 1654A-109) is amended by striking "subsection (c)" and inserting "subsections (a) and (b)".

(2) Section 1152(c)(2) (114 Stat. 1654A-323) is amended by inserting "inserting" after "and".

(g) PUBLIC LAW 106-65.—Effective as of October 5, 1999, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) is amended as follows:

(1) Section 531(b)(2)(A) (113 Stat. 602) is amended by inserting "in subsection (a)," after "(A)".

(2) Section 549(a)(2) (113 Stat. 611) is amended by striking "such chapter" and inserting "chapter 49 of title 10, United States Code,".

(3) Section 576(a)(3) (10 U.S.C. 1501 note; 113 Stat. 625) is amended by adding a period at the end.

(4) Section 577(a)(2) (113 Stat. 625) is amended by striking "bad conduct" in the first quoted matter and inserting "bad-conduct".

(5) Section 811(d)(3)(B)(v) (10 U.S.C. 2302 note; 113 Stat. 709) is amended by striking "Mentor-Protegee" and inserting "Mentor-Protege".

(6) Section 1052(b)(1) (113 Stat. 764) is amended by striking "'The Department" and inserting "the 'Department".

(7) Section 1053(a)(5) (10 U.S.C. 113 note; 113 Stat. 764) is amended by inserting "and" before "Marines".

(8) Section 1402(f)(2)(A) (22 U.S.C. 2778 note; 113 Stat. 799) is amended by striking "3201 note" and inserting "6305(4)".

(9) Section 2902(d) (10 U.S.C. 111 note; 113 Stat. 882) is amended by striking "section 2871(b)" and inserting "section 2881(b)".

(h) PUBLIC LAW 102-484.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended as follows:

(1) Section 3161(c)(6)(C) (42 U.S.C. 7274h(c)(6)(C)) is amended by striking "title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.)" and inserting "title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.)".

(2) Section 4416(b)(1) (10 U.S.C. 12681 note) is amended by striking "force reduction period" and inserting "force reduction transition period".

(3) Section 4461(5) (10 U.S.C. 1143 note) is amended by adding a period at the end.

(i) OTHER LAWS.—

(1) Section 1083(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 113 note) is amended by striking "NAMES" and inserting "NAME".

(2) Section 845(d)(1)(B)(ii) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2371 note) is amended by inserting a closed parenthesis after "41 U.S.C. 414(3))".

(3) Section 1123(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1556) is amended by striking "Armed Forces Staff College" each place it appears and inserting "Joint Forces Staff College".

(4) Section 1412(g)(2)(C)(vii) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)(2)(C)(vii)) is amended by striking "(c)(3)" and inserting "(c)(4)".

(5) Section 8336 of title 5, United States Code, is amended—

(A) in subsection (d)(2), by striking "subsection (o)" and inserting "subsection (p)"; and

(B) by redesignating the second subsection (o), added by section 1152(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-320), as subsection (p).

(6) Section 9001(3) of title 5, United States Code, is amended by striking "and" at the end of subparagraph (A) and inserting "or".

(7) Section 318(h)(3) of title 37, United States Code, is amended by striking "subsection (a)" and inserting "subsection (b)".

(8) Section 3695(a)(5) of title 38, United States Code, is amended by striking "1610" and inserting "1611".

(9) Section 13(b) of the Peace Corps Act (22 U.S.C. 2512(b)) is amended by striking ", subject to section 5532 of title 5, United States Code".

(10) Section 127(g)(6) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note), as amended by section 311(b) of the Legislative Branch Appropriations Act, 2000 (Public Law 106-57; 113 Stat. 428), is amended—

(A) by striking "AUTHORITIES.—" and all that follows through "An individual" and inserting "AUTHORITIES.—An individual"; and

(B) by striking subparagraph (B).

(11) Section 28 of the Atomic Energy Act of 1954 (42 U.S.C. 2038) is amended in the last sentence by striking ", subject to" and all that follows through the period at the end and inserting a period.

(12) Section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402) is amended by redesignating the second subsection (e), added by section 3159(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-469), as subsection (f).

SEC. 1047. LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (g) of section 2667 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Paragraph (1) does not apply to a renewal or extension of a lease by the Secretary of the Navy with a selected institution for operation of a ship within the University National Oceanographic Laboratory System if, under the lease, each of the following applies:

"(A) Use of the ship is restricted to federally supported research programs and to non-Federal uses under specific conditions with approval by the Secretary of the Navy.

"(B) Because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewal or extension.

"(C) The lessee is required to maintain the ship in a good state of repair, readiness, and efficient operating condition, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.".

SEC. 1048. SENSE OF CONGRESS REGARDING CONTINUED UNITED STATES COMMITMENT TO RESTORING LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a $1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The Lafayette Escadrille Memorial should be restored to its original beauty to honor all the United States aviators who flew for France during World War I and to demonstrate the respect of the United States for the sacrifices made by all Americans who have served our Nation and our allies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to honor its commitment to the United States aviators who lost their lives flying for France during World War I by appropriating sufficient funds to restore the Lafayette Escadrille Memorial in Marnes La-Coguette, France.

SEC. 1049. DESIGNATION OF FIREFIGHTER ASSISTANCE PROGRAM IN HONOR OF FLOYD D. SPENCE, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, AND SENSE OF CONGRESS ON NEED TO CONTINUE THE PROGRAM.

(a) DESIGNATION.—Section 33(b)(2)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(2)(A)) is amended—

(1) by inserting "AND DESIGNATION" after "ESTABLISHMENT"; and

(2) by adding at the end the following new sentence: "The program of firefighter assistance administered by the Office shall be known as the 'Floyd D. Spence Memorial Domestic Defenders Initiative'.".

(b) SENSE OF CONGRESS.—The firefighters assistance grant program authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is recognized as having served as an effective device in Congress' ongoing effort to address the needs of America's fire service, and it is the sense of Congress that the program should be reauthorized for fiscal year 2003 and subsequent fiscal years at a higher level of funding.

SEC. 1050. SENSE OF CONGRESS ON IMPLEMENTATION OF FUEL EFFICIENCY REFORMS IN DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government is the largest single energy user in the United States, and the Department of Defense is the largest energy user among all Federal agencies.

(2) The Department of Defense consumed 595,000,000,000,000 BTUs of petroleum in fiscal year 1999, while all other Federal agencies combined consumed 56,000,000,000,000 BTUs of petroleum.

(3) The total cost of petroleum to the Department of Defense amounted to $3,600,000,000 in fiscal year 2000.

(4) Increased fuel efficiency would reduce the cost of delivering fuel to military units during operations and training and allow a corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.

(5) Increased fuel efficiency would decrease the time needed to assemble military units, would increase unit flexibility, and would allow units to remain in the field for a longer period of time.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms, as recommended by the Defense Science Board report, which allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through science and technology investment, and include fuel efficiency in requirements and acquisition processes.

SEC. 1051. PLAN FOR SECURING RUSSIA'S NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE.

(a) PLAN FOR NONPROLIFERATION PROGRAMS WITH RUSSIA.—Not later than June 15, 2002, the President shall submit to Congress a plan—

(1) for cooperation with Russia on disposition as soon as practicable of nuclear weapons and weapons-usable nuclear material in Russia that Russia does not retain in its nuclear arsenal; and

(2) to prevent the outflow from Russia of scientific expertise that could be used for developing nuclear weapons or other weapons of mass destruction, including delivery systems.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall include the following:

(1) Specific goals and measurable objectives for the programs that are designed to carry out the objectives specified in paragraphs (1) and (2) of subsection (a).

(2) Criteria for success for those programs and a strategy for eventual termination of United States contributions to those programs and assumption of the ongoing support of those programs by Russia.

(3) A description of any administrative and organizational changes necessary to improve the coordination and effectiveness of the programs to be implemented under the plan.

(4) An estimate of the cost of carrying out those programs.

(c) CONSULTATION WITH RUSSIA.—In developing the plan required by subsection (a), the President shall consult with Russia regarding the practicality of various options.

(d) CONSULTATION WITH CONGRESS.—In developing the plan required by subsection (a), the President shall consult with the majority and minority leadership of the appropriate committees of Congress.

SEC. 1052. TWO-YEAR EXTENSION OF ADVISORY PANEL TO ASSESS DOMESTIC RESPONSE CAPABILITIES FOR TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION.

Section 1405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 2301 note) is amended—

(1) in subsection (h)(2), by striking "2001" and inserting "2003"; and

(2) in subsection (l), by striking "three years" and inserting "five years".

SEC. 1053. ACTION TO PROMOTE NATIONAL DEFENSE FEATURES PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The National Defense Features program, which is funded from the National Defense Sealift Fund established by section 2218 of title 10, United States Code, is a constituent element of the defense policy of the United States intended to provide essential sealift capacity in emergencies, strengthen the national shipbuilding base, and maintain a resource of highly trained merchant seamen.

(2) Implementation of the National Defense Features program would provide significant benefits both for the United States and for allied nations during military contingencies.

(3) For the United States and nations allied with the United States to realize these benefits, it is essential that vessels built under that program enjoy commercial opportunities in peacetime on trade routes between the United States and allied nations and that those vessels not be excluded from such opportunities through restrictive trade practices.

(4) The failure of vessels built, or to be built, under the National Defense Features program to obtain employment as common carriers or contract carriers in the particular sector of any trade route in the foreign commerce of the United States for which they are designed to operate, together with long-term domination of that sector of the trade route by citizens of an allied nation, evidences the existence of restrictive trade practices.

(b) ACTION TO PROMOTE PROGRAM.—In any case in which the Secretary of Defense finds the existence of the conditions determined by subsection (a)(4) to prove the existence of restrictive trade practices, the Secretary shall certify the csae to the Federal Maritime Commission, which thereupon, in consultation with the Secretary, shall take action to counteract such practices, utilizing all remedies available under section 10002(e)(1) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a).

SEC. 1054. AMENDMENTS RELATING TO COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.

(a) DEADLINE FOR REPORT.—Subsection (d)(1) of section 1092 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-302) is amended by striking "March 1, 2002" and inserting "one year after the date of the first official meeting of the Commission".

(b) TERMINATION OF COMMISSION.—Subsection (g) of such section is amended by striking "30 days" and inserting "60 days".

SEC. 1055. AUTHORITY TO ACCEPT MONETARY CONTRIBUTIONS FOR REPAIR AND RECONSTRUCTION OF PENTAGON RESERVATION.

Section 2674(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

"(2) The Secretary of Defense may accept monetary contributions made for the purpose of assisting to finance the repair and reconstruction of the Pentagon Reservation following the terrorist attack that occurred on September 11, 2001. The Secretary shall deposit such contributions in the Fund."; and

(3) in paragraph (3), as redesignated, by inserting at the end the following new sentence: "However, contributions accepted under paragraph (2) shall be available for expenditure only for the purpose specified in such paragraph.".

TITLE XI—CIVILIAN PERSONNEL

SEC. 1101. UNDERGRADUATE TRAINING PROGRAM FOR EMPLOYEES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) AUTHORITY TO CARRY OUT TRAINING PROGRAM.—Subchapter III of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 462. Undergraduate training program

"(a) AUTHORITY TO CARRY OUT PROGRAM.—The Secretary of Defense may authorize the Director of the National Imagery and Mapping Agency to establish an undergraduate training program under which civilian employees of the National Imagery and Mapping Agency may be assigned as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of the National Imagery and Mapping Agency. Such training may lead to the award of a baccalaureate degree.

"(b) PURPOSE.—The purpose of the program authorized by subsection (a) is to facilitate the recruitment of individuals, particularly minority high school students, with a demonstrated capability to develop skills critical to the mission of the National Imagery and Mapping Agency, including skills in mathematics, computer science, engineering, and foreign languages.

"(c) REQUIREMENTS.—(1) To be eligible for assignment under subsection (a), an employee of the National Imagery and Mapping Agency must agree in writing—

"(A) to continue in the service of the National Imagery and Mapping Agency for the period of the assignment and to complete the educational course of training for which the employee is assigned;

"(B) to continue in the service of the National Imagery and Mapping Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

"(C) to reimburse the United States for the total cost of education (excluding the employee's pay and allowances) provided under this section to the employee if, before the employee's completing the educational course of training for which the employee is assigned, the assignment or the employee's employment with the National Imagery and Mapping Agency is terminated either by the National Imagery and Mapping Agency due to misconduct by the employee or by the employee voluntarily; and

"(D) to reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee's employment with the National Imagery and Mapping Agency is terminated either by the National Imagery and Mapping Agency due to misconduct by the employee or by the employee voluntarily, before the employee's completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee's pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

"(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

"(3)(A) A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

"(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in his discretion, the Secretary determines that equity or the interests of the United States so require.

"(C) The Secretary of Defense shall permit an employee assigned under this section who, before commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee's employment with the National Imagery and Mapping Agency, to satisfy his obligation under an agreement described in paragraph (1) by reimbursing the United States according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

"(d) DISCLOSURE REQUIRED.—(1) When an employee is assigned under this section to an institution, the Secretary shall disclose to the institution to which the employee is assigned that the National Imagery and Mapping Agency employs the employee and that the National Imagery and Mapping Agency funds the employee's education.

"(2) Efforts by the Secretary to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

"(e) APPROPRIATION OF FUNDS REQUIRED.—The Secretary may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (a), in any fiscal year only to the extent that appropriated funds are available for such purpose.

"(f) INAPPLICABILITY OF CERTAIN LAWS.—Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31 shall not apply with respect to this section.

"(g) REGULATIONS.—The Secretary of Defense may prescribe such regulations as may be necessary to implement this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"462. Undergraduate training program.".

SEC. 1102. PILOT PROGRAM FOR PAYMENT OF RETRAINING EXPENSES.

(a) AUTHORITY TO CARRY OUT PILOT PROGRAM.—(1) The Secretary of Defense may establish a pilot program to facilitate the reemployment of eligible employees of the Department of Defense who are involuntarily separated due to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station. Under the pilot program, the Secretary may pay retraining incentives to encourage non-Federal employers to hire and retain such eligible employees.

(2) Under the pilot program, the Secretary may enter into an agreement with a non-Federal employer under which the employer agrees—

(A) to employ an eligible employee for at least 12 months at a salary that is mutually agreeable to the employer and the eligible employee; and

(B) to certify to the Secretary the amount of costs incurred by the employer for any necessary training (as defined by the Secretary) provided to such eligible employee in connection with the employment.

(3) The Secretary may pay a retraining incentive to the non-Federal employer upon the employee's completion of 12 months of continuous employment with that employer. The Secretary shall determine the amount of the incentive, except that in no event may such amount exceed the amount certified with respect to such eligible employee under paragraph (2)(A), or $10,000, whichever is greater.

(4) In a case in which an eligible employee does not remain employed by the non-Federal employer for at least 12 months, the Secretary may pay to the employer a prorated amount of what would have been the full retraining incentive if the eligible employee had remained employed for such 12-month period.

(b) ELIGIBLE EMPLOYEES.—For purposes of this section, an eligible employee is an employee of the Department of Defense, serving under an appointment without time limitation, who has been employed by the Department for a continuous period of at least 12 months and who has been given notice of separation pursuant to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station, except that such term does not include—

(1) a reemployed annuitant under the retirement systems described in subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, or another retirement system for employees of the Federal Government;

(2) an employee who, upon separation from Federal service, is eligible for an immediate annuity under subchapter III of chapter 83 of such title, or subchapter II of chapter 84 of such title; or

(3) an employee who is eligible for disability retirement under any of the retirement systems referred to in paragraph (1).

(c) DURATION.—No incentive may be paid under the pilot program for training commenced after September 30, 2005.

(d) DEFINITIONS.—In this section:

(1) The term "non-Federal employer" means an employer that is not an Executive agency, as defined in section 105 of title 5, United States Code, or an entity in the legislative or judicial branch of the Federal Government.

(2) The term "reduction in force" has the meaning of that term as used in chapter 35 of such title 5.

(3) The term "realignment" has the meaning given that term in section 2910 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 1103. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5757. Payment of expenses to obtain professional credentials

"(a) An agency may use appropriated funds or funds otherwise available to the agency to pay for—

"(1) expenses for employees to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

"(2) examinations to obtain such credentials.

"(b) The authority under subsection (a) may not be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position that is excepted from the competitive service because of the confidential, policy-determining, policy-making, or policy-advocating character of the position.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"5757. Payment of expenses to obtain professional credentials.".

SEC. 1104. RETIREMENT PORTABILITY ELECTIONS FOR CERTAIN DEPARTMENT OF DEFENSE AND COAST GUARD EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(1) in paragraph (1)(B), by striking "has 5 or more years of civilian service creditable under" and inserting "is employed subject to"; and

(2) in paragraph (2)(B)—

(A) by striking "vested"; and

(B) by striking ", as the term 'vested participant' is defined by such system".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of such title is amended—

(1) in paragraph (1)(B), by striking "has 5 or more years of civilian service creditable under" and inserting "is employed subject to"; and

(2) in paragraph (2)(B)—

(A) by striking "vested"; and

(B) by striking ", as the term 'vested participant' is defined by such system".

SEC. 1105. REMOVAL OF REQUIREMENT THAT GRANTING CIVIL SERVICE COMPENSATORY TIME BE BASED ON AMOUNT OF IRREGULAR OR OCCASIONAL OVERTIME WORK.

Section 5543 of title 5, United States Code, is amended by striking "irregular or occasional" in each place such words appear.

SEC. 1106. APPLICABILITY OF CERTAIN LAWS TO CERTAIN INDIVIDUALS ASSIGNED TO WORK IN THE FEDERAL GOVERNMENT.

Section 3374(c)(2) of title 5, United States Code, is amended by inserting "the Ethics in Government Act of 1978, section 1043 of the Internal Revenue Code of 1986, section 27 of the Office of Federal Procurement Policy Act," after "chapter 73 of this title,".

SEC. 1107. LIMITATION ON PREMIUM PAY.

Section 5547 of title 5, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) An employee may be paid premium pay under sections 5542, 5545 (a), (b), and (c), 5545a, and 5546 (a) and (b) of this title only to the extent that the aggregate of such employee's basic pay and premium pay under those provisions would, in any calendar year, exceed the maximum rate payable for GS–15 in effect at the end of such calendar year.

"(b) Subsection (a) shall not apply to any employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under section 5546a of this title."; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "Subsections (a) and (b)" and inserting "Subsection (a)"; and

(B) in paragraph (2), by striking "pay period" and inserting "calendar year".

SEC. 1108. USE OF COMMON OCCUPATIONAL AND HEALTH STANDARDS AS A BASIS FOR DIFFERENTIAL PAYMENTS MADE AS A CONSEQUENCE OF EXPOSURE TO ASBESTOS.

(a) PREVAILING RATE SYSTEMS.—Section 5343(c)(4) of title 5, United States Code, is amended by inserting before the semicolon the following: "(and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970)".

(b) GENERAL SCHEDULE PAY RATES.—The first sentence of section 5545(d) of such title is amended by inserting before the period the following: "(and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970)".

(c) APPLICABILITY.—Any administrative or judicial determination made after the date of the enactment of this Act concerning differential back payments related to asbestos under section 5343(c)(4) or 5545(d) of such title shall be based on the occupational safety and health standards described in such section, respectively.

SEC. 1109. AUTHORITY FOR DESIGNATED CIVILIAN EMPLOYEES ABROAD TO ACT AS A NOTARY.

(a) IN GENERAL.—Paragraph (4) of section 1044a(b) of title 10, United States Code, is amended—

(1) by inserting "and, when outside the United States, all civilian employees of the Department of Defense," after "duty status,"; and

(2) by inserting "or the Department of Defense" before "or by statute".

(b) CLARIFICATION OF STATUS OF CIVILIAN ATTORNEYS ACTING AS A NOTARY.—Paragraph (2) of such section is amended by striking "legal assistance officers" and inserting "legal assistance attorneys".

SEC. 1110. "MONRONEY AMENDMENT" RESTORED TO ITS PRIOR FORM.

Paragraph (2) of section 5343(d) of title 5, United States Code, is amended to read as such paragraph last read before the enactment of section 1242 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 735).

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

SEC. 1201. CLARIFICATION OF AUTHORITY TO FURNISH NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

Section 2565 of title 10, United States Code, as redesignated by section 1047(a)(25), is amended—

(1) in subsection (a)—

(A) by striking "CONVEY OR" in the subsection heading and inserting "TRANSFER TITLE TO OR OTHERWISE";

(B) in paragraph (1)—

(i) by striking "convey" and inserting "transfer title"; and

(ii) by striking "and" after "equipment;";

(C) by striking the period at the end of paragraph (2) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(3) inspect, test, maintain, repair, or replace any such equipment."; and

(2) in subsection (b)—

(A) by striking "conveyed or otherwise provided" and inserting "provided to a foreign government";

(B) by inserting "and" at the end of paragraph (1);

(C) by striking "; and" at the end of paragraph (2) and inserting a period; and

(D) by striking paragraph (3).

SEC. 1202. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

"(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit comprised of members of the United States Armed Forces.

"(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement, whenever the President determines that such action enhances or supports the national security interests of the United States.".

SEC. 1203. REPORT ON THE SALE AND TRANSFER OF MILITARY HARDWARE, EXPERTISE, AND TECHNOLOGY FROM STATES OF THE FORMER SOVIET UNION TO THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended by adding at the end the following new subsection:

"(d) REPORT ON SALES AND TRANSFERS FROM STATES OF THE FORMER SOVIET UNION TO CHINA.—(1) The report to be submitted under this section not later than March 1, 2002, shall include in a separate section a report describing the sales and transfer of military hardware, expertise, and technology from states of the former Soviet Union to the People's Republic of China. The report shall set forth the history of such sales and transfers since 1990, forecast possible future sales and transfers, and address the implications of those sales and transfers for the security of the United States and its friends and allies in Asia.

"(2) The report shall include analysis and forecasts of the following matters related to military cooperation between states of the former Soviet Union and the People's Republic of China:

"(A) The policy of each of those states with respect to arms sales to, and military cooperation with, the People's Republic of China.

"(B) Any laws or regulations of those states that could prohibit or limit such sales or cooperation.

"(C) The extent in each of those states of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People's Republic of China.

"(D) An itemization of sales or transfers of military hardware, expertise, or technology from any of those states to the People's Republic of China that have taken place since 1990, with a particular focus on command, control, communications, and intelligence systems.

"(E) A description of any sale or transfer of military hardware, expertise, or technology from any of those states to the People's Republic of China that is currently under negotiation or contemplation through the end of 2005.

"(F) Identification of Chinese defense industries in which technicians from states of the former Soviet Union are working and of defense industries of those states in which Chinese technicians are working and a description in each case of the extent and the nature of the work performed by such technicians.

"(G) The extent of assistance by any of those states to key research and development programs of China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons.

"(H) The extent of assistance by any of those states to information warfare or electronic warfare programs of China.

"(I) The extent of assistance by any of those states to manned and unmanned space operations of China.

"(J) The extent to which arms sales by any of those states to the People's Republic of China are a source of funds for military research and development or procurement programs in the selling state.

"(3) The report under paragraph (1) shall include, with respect to each area of analysis and forecasts specified in paragraph (2)—

"(A) an assessment of the military effects of such sales or transfers to entities in the People's Republic of China;

"(B) an assessment of the ability of the People's Liberation Army to assimilate such sales or transfers, mass produce new equipment, or develop doctrine for use; and

"(C) the potential threat of developments related to such effects on the security interests of the United States and its friends and allies in Asia.".

SEC. 1204. LIMITATION ON FUNDING FOR JOINT DATA EXCHANGE CENTER,

(a) Limitation.—Funds made available to the Department of Defense for fiscal year 2002 may not be obligated or expended for any activity associated with the Joint Data Exchange Center in Moscow, Russia, until—

(1) the United States and the Russian Federation enter into a cost-sharing agreement as described in subsection (d) of section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654A-329);

(2) the United States and the Russian Federation enter into an agreement or agreements exempting the United States and any United States person from Russian taxes, and from liability under Russian laws, with respect to activities associated with the Joint Data Exchange Center;

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of each agreement referred to in paragraphs (1) and (2); and

(4) a period of 30 days has expired after the date of the final submission under paragraph (3).

(b) Joint Data Exchange Center.—For purposes of this section, the term "Joint Data Exchange Center" means the United States-Russian Federation joint center for the exchange of data to provide early warning of launches of ballistic missiles and for notification of such launches that is provided for in a joint United States-Russian Federation memorandum of agreement signed in Moscow in June 2000.

SEC. 1205. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE UNDER WEAPONS OF MASS DESTRUCTION ACT FOR SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) Limitation on Amount of Assistance in Fiscal Year 2002.—The total amount of the assistance for fiscal year 2002 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000. Such assistance may be provided for fiscal year 2002 only to support activities of an organization established for the purpose of (or otherwise given the mission of providing) a comprehensive accounting for all items, facilities, and capabilities in Iraq related to weapons of mass destruction.

(b) Extension of Authority To Provide Assistance.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking "2001" and inserting "2002".

(c) Change of Quarterly Report Requirement to Annual Report.—(1) Subsection (e)(1) of such section is amended—

(A) by striking "quarter of a" in the first sentence; and

(B) by striking "(for the preceding quarter and cumulatively)" and inserting "for the preceding fiscal year".

(2) The amendments made by subsection (a) shall take effect on November 1, 2001, or the date of the enactment of this Act, whichever is later.

SEC. 1206. REPEAL OF REQUIREMENT FOR REPORTING TO CONGRESS ON MILITARY DEPLOYMENTS TO HAITI.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 788) is repealed.

SEC. 1207. REPORT BY COMPTROLLER GENERAL ON PROVISION OF DEFENSE ARTICLES, SERVICES, AND MILITARY EDUCATION AND TRAINING TO FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

(a) Study.—The Comptroller General shall conduct a study of the following:

(1) The benefits derived by each foreign country or international organization from the receipt of defense articles, defense services, or military education and training provided after December 31, 1989, pursuant to the drawdown of such articles, services, or education and training from the stocks of the Department of Defense under section 506, 516, or 552 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j, or 2348a) or any other provision of law.

(2) Any benefits derived by the United States from the provision of defense articles, defense services, and military education and training described in paragraph (1).

(3) The affect on the readiness of the Armed Forces as a result of the provision by the United States of defense articles, defense services, and military education and training described in paragraph (1).

(4) The cost to the Department of Defense with respect to the provision of defense articles, defense services, and military education and training described in paragraph (1).

(b) Reports.—(1) Not later than April 15, 2002, the Comptroller General shall submit to Congress an interim report containing the results to that date of the study conducted under subsection (a).

(2) Not later than August 1, 2002, the Comptroller General shall submit to Congress a final report containing the results of the study conducted under subsection (a).

SEC. 1208. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.

(a) Limitation.—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) Exceptions.—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

SEC. 1209. AUTHORITY FOR EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS TO ACCOMPANY CHEMICAL WEAPONS INSPECTION TEAMS AT GOVERNMENT-OWNED FACILITIES.

(a) Authority To Conduct Inspections.—Section 303 of the Chemical Weapons Convention Implementation Act of 1998 (as contained in Public Law 105–277; 112 Stat. 2681–873; 22 U.S.C. 6723) is amended in subsection (b)(2) by inserting "(and in the case of inspection of Federal Government-owned facilities, such designation may include employees of a contractor with the Federal Government)" after "Federal Government".

(b) Procedures For Inspections.—Section 304 of such Act (22 U.S.C. 6724) is amended in subsection (c) by inserting "or contractor with the Federal Government" after "Federal Government".

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) Specification of CTR Programs.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) Fiscal Year 2002 Cooperative Threat Reduction Funds Defined.—As used in this title, the term "fiscal year 2002 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) Availability of Funds.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the $403,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2002 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $133,400,000.

(2) For strategic nuclear arms elimination in Ukraine, $51,500,000.

(3) For nuclear weapons transportation security in Russia, $9,500,000.

(4) For nuclear weapons storage security in Russia, $56,000,000.

(5) For biological weapons proliferation prevention activities in the former Soviet Union, $17,000,000.

(6) For activities designated as Other Assessments/Administrative Support, $13,200,000.

(7) For defense and military contacts, $18,700,000.

(8) For activities related to the construction of a chemical weapons destruction facility in Russia, $35,000,000.

(9) For elimination of chemical weapons production facilities in Russia, $15,000,000.

(10) For weapons of mass destruction infrastructure elimination activities in Kazakhstan, $6,000,000.

(11) For weapons of mass destruction infrastructure elimination activities in Ukraine, $6,000,000.

(12) For activities to assist Russia in the elimination of plutonium production reactors, $41,700,000.

(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (12) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2002 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) Limited Authority To Vary Individual Amounts.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2002 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in subsection (a)(3) or any of paragraphs (5) through (12) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION AGAINST USE OF FUNDS UNTIL SUBMISSION OF REPORTS.

No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended until 30 days after the date of the submission of—

(1) the report required to be submitted in fiscal year 2001 under section 1308(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–341); and

(2) the multiyear plan required to be submitted for fiscal year 2001 under section 1308(h) of such Act.

SEC. 1304. REPORT ON USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing how the Secretary plans to monitor the use of revenue generated by activities carried out under Cooperative Threat Reduction programs in Russia and Ukraine.

SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY.

(a) Prohibition.—No funds authorized to be appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the design, planning, or construction of a second wing for a storage facility for Russian fissile material.

(b) Conforming Amendment.—Section 1304 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–341) is amended to read as follows:

"SEC. 1304. LIMITATION ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

"Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than $412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).".

SEC. 1306. PROHIBITION AGAINST USE OF FUNDS FOR CONSTRUCTION OR REFURBISHMENT OF CERTAIN FOSSIL FUEL ENERGY PLANTS.

Section 1307 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–341) is amended—

(1) by striking the heading and inserting the following new heading:

"SEC. 1307. PROHIBITION AGAINST USE OF FUNDS FOR CONSTRUCTION OR REFURBISHMENT OF FOSSIL FUEL ENERGY PLANTS; REPORT.";

and

(2) by striking subsection (a) and inserting the following new subsection:

"(a) Prohibition.—No funds appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the construction or refurbishment of a fossil fuel energy plant intended to provide power to local communities that receive power from nuclear energy plants that produce plutonium.".

SEC. 1307. REPORTS ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c)(4) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–342) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "audits" and all that follows through "conducted" and inserting "means (including program management, audits, examinations, and other means) used"; and

(B) by striking "and that such assistance is being used for its intended purpose" and inserting ", that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively";

(2) in subparagraph (C), by inserting "and an assessment of whether the assistance being provided is being used effectively and efficiently" before the semicolon; and

(3) in subparagraph (D), by striking "audits, examinations, and other".

SEC. 1308. REPORT ON RESPONSIBILITY FOR CARRYING OUT COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than March 15, 2002, the Secretary of Defense shall submit to Congress a report describing—

(1) the rationale for executing Cooperative Threat Reduction programs under the auspices of the Department of Defense and the justification for maintaining responsibility for any particular project carried out through Cooperative Threat Reduction programs with the Department of Defense;

(2) options for transferring responsibility for carrying out Cooperative Threat Reduction programs to an executive agency (or agencies) other than the Department of Defense, if appropriate; and

(3) how such a transfer might be carried out.

SEC. 1309. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 794) is amended by inserting before the period at the end the following: "until the Secretary of Defense submits to Congress a certification that there has been—

"(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

"(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

"(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

"(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site; and

"(5) an agreement by Russia to destroy its chemical weapons production facilities at Volgograd and Novocheboksark".

TITLE XIV—DEFENSE SPACE REORGANIZATION

SEC. 1401. SHORT TITLE.

This title may be cited as the "Defense Space Reorganization Act of 2001".

SEC. 1402. AUTHORITY TO ESTABLISH POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.

(a) Authority To Establish Position.—The President may establish in the Department of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If that position is so established, the Under Secretary of Defense for

Space, Intelligence, and Information shall perform duties and exercise powers as set forth in section 137 of title 10, United States Code, as added by subsection (e).

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The authority provided in subsection (a) may not be exercised after December 31, 2003.

(c) NOTICE OF EXERCISE OF AUTHORITY.—(1) If the authority provided in subsection (a) is exercised, the President shall immediately submit to Congress notification in writing of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date as of which the position is established. If the President declines to exercise the authority provided in subsection (a), the President shall, before the date specified in subsection (b), submit to Congress a report on how the President has implemented the recommendations of the report of the Space Commission with respect to the Department of Defense.

(2) For purposes of paragraph (1), the term "report of the Space Commission" means the report of the Commission To Assess United States National Security Space Management and Organization, dated January 11, 2001, and submitted to Congress under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(d) CONTINGENT ENACTMENT OF U.S. CODE AMENDMENTS.—If the position of Under Secretary of Defense for Space, Intelligence, and Information is established under the authority provided in subsection (a), then the amendments set forth in subsections (e) and (f) shall be executed, effective as of the date specified in the notice submitted under the first sentence of subsection (c)(1). Otherwise, those amendments shall not be executed.

(e) APPOINTMENT, DUTIES, ETC., OF UNDER SECRETARY.—(1) Subject to subsection (d), chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137 as section 139a and transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(B) by inserting after section 136 the following new section 137:

"§ 137. Under Secretary of Defense for Space, Intelligence, and Information

"(a) There is an Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe.

"(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(2)(B) of title 44.

"(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.".

(2) Subject to subsection (d), section 131(b) of that title is amended—

(A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the following new paragraph (6):

"(6) The Under Secretary of Defense for Space, Intelligence, and Information.".

(3) Subject to subsection (d), the table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 137 and inserting the following new item:

"137. Under Secretary of Defense for Space, Intelligence, and Information.";

and

(B) by inserting after the item relating to section 139 the following new item:

"139a. Director of Defense Research and Engineering.".

(f) ASSISTANT SECRETARIES OF DEFENSE.—Subject to subsection (d), section 138 of such title is amended—

(1) in subsection (a), by striking "nine" and inserting "eleven"; and

(2) in subsection (b), by inserting after paragraph (2) the following new paragraph:

"(3) Not more than three of the Assistant Secretaries may be assigned duties under the authority of the Under Secretary of Defense for Space, Intelligence, and Information and shall report to that Under Secretary.".

(g) REPORT.—Not later than 30 days before exercising the authority provided in subsection (a), the President shall submit to Congress a report on the proposed organization of the office of the Under Secretary of Defense for Space, Intelligence, and Information. If such a report has not been submitted as of April 15, 2002, the President shall submit to Congress a report, not later than that date, setting forth the President's view as of that date of the desirability of establishing the position of Under Secretary of Defense for Space, Intelligence, and Information in the Department of Defense.

SEC. 1403. AUTHORITY TO DESIGNATE UNDER SECRETARY OF THE AIR FORCE AS ACQUISITION EXECUTIVE FOR SPACE OF THE DEPARTMENT OF DEFENSE.

(a) EXECUTIVE AGENT.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

"CHAPTER 135—SPACE PROGRAMS

"Sec.
"2271. Executive agent.

"§ 2271. Executive agent

"(a) SECRETARY OF THE AIR FORCE.—The Secretary of the Air Force may be designated as the executive agent of the Department of Defense—

"(1) for the planning of the acquisition programs, projects, and activities of the Department that relate to space; and

"(2) for the execution of those programs, projects, and activities.

"(b) ACQUISITION EXECUTIVE.—The Secretary may designate the Under Secretary of the Air Force as the acquisition executive of the Air Force for the programs, projects, and activities referred to in subsection (a).".

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such subtitle and the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

"135. Space Programs .... 2271".

SEC. 1404. MAJOR FORCE PROGRAM CATEGORY FOR SPACE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense may create a major force program category for space programs for purposes of the future-years defense program under section 221 of title 10, United States Code.

(b) COMMENCEMENT.—If the category under subsection (a) is created, such category shall be included in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

SEC. 1405. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF SPACE COMMISSION.

(a) ASSESSMENT.—(1) The Comptroller General shall carry out an assessment through February 15, 2003, of the actions taken by the Secretary of Defense in implementing the recommendations in the report of the Space Commission that are applicable to the Department of Defense.

(2) For purposes of paragraph (1), the term "report of the Space Commission" means the report of the Commission To Assess United States National Security Space Management and Organization, dated January 11, 2001, and submitted to Congress under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

SEC. 1406. COMMANDER OF AIR FORCE SPACE COMMAND.

(a) IN GENERAL.—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8584. Commander of Air Force Space Command

"The Secretary of Defense may require that the officer serving as commander of the Air Force Space Command not serve simultaneously as commander of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the United States element of the North American Air Defense Command.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8584. Commander of Air Force Space Command.".

SEC. 1407. AUTHORITY TO ESTABLISH SEPARATE CAREER FIELD IN THE AIR FORCE FOR SPACE.

The Secretary of the Air Force, acting through the Under Secretary of the Air Force, may establish and implement policies and procedures to develop a cadre of technically competent officers with the capability to develop space doctrine, concepts of space operations, and management of space systems for the Air Force.

SEC. 1408. RELATIONSHIP TO AUTHORITIES AND RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.

Nothing in this title or the amendments made by this title shall modify, alter, or supersede the authorities and responsibilities of the Director of Central Intelligence.

TITLE XV—ACTIVITIES TO COMBAT TERRORISM

Subtitle A—Increased Funding to Combat Terrorism

SEC. 1501. INCREASED FUNDING.

(a) IN GENERAL.—The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby increased by $400,000,000, to be available as follows:

(1) INTELLIGENCE PROGRAMS.—For increased situational awareness and upgrades to intelligence programs to enhance United States security posture, $100,000,000.

(2) ANTI-TERRORISM INITIATIVES.—For enhanced anti-terrorism and force protection initiatives to reduce vulnerabilities at United States military installations and facilities in the United States and worldwide, $150,000,000.

(3) COUNTER-TERRORISM INITIATIVES.—For offensive counter-terrorism initiatives, $100,000,000.

(4) CONSEQUENCE MANAGEMENT ACTIVITIES.—For consequence management activities, $50,000,000.

(b) TRANSFER AUTHORITY.—The amounts specified in subsection (a) are available for transfer to other current accounts of the Department of Defense, as determined by the Secretary of Defense.

(c) OFFSETTING REDUCTIONS.—

(1) The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-Wide is hereby reduced by $265,000,000, to be derived from amounts for the Ballistic Missile Defense Organization, of which—

(A) $145,000,000 shall be derived from the Mid-Course Defense Segment program element (PE603882C); and

(B) $120,000,000 shall be derived from the Boost Phase Defense Segment program element (PE603883C) for space-based activities.

(2) The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby reduced by $135,000,000, to be derived from amounts for consulting services.

SEC. 1502. TREATMENT OF TRANSFERRED AMOUNTS.

Funds transferred under authority of section 1501(a) shall be merged with, and shall be available for the same time period as, the appropriations to which transferred. The transfer authority under that section is in addition to the transfer authority provided by section 1001.

Subtitle B—Policy Matters Relating to Combating Terrorism

SEC. 1511. ASSESSMENT OF DEPARTMENT OF DEFENSE ABILITY TO RESPOND TO TERRORIST ATTACKS.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the ability of the Department of Defense to provide support for the consequence management activities of other Federal, State, and local agencies, directly taking into account the terrorist attacks on the United States on September 11, 2001, and the changed situation regarding terrorism.

(b) RECOMMENDATIONS.—The Secretary of Defense shall submit to the President and Congress a report providing recommendations for ways to enhance the ability of the Department of Defense to provide support described in subsection (a). The report shall address the recommendations made by the Vice President in his report to the President on the development of a coordinated national effort to improve national preparedness, including efforts to combat terrorism, as directed by the President in May 2001. The report shall be submitted not later than 60 days after the date on which the Vice President submits to the President the report under the preceding sentence.

SEC. 1512. REPORT ON DEPARTMENT OF DEFENSE ABILITY TO PROTECT THE UNITED STATES FROM AIRBORNE THREATS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the ability of the Department of Defense to protect the United States from airborne threats, including threats originating from within the borders of the United States. The report shall identify improvements that can be made to enhance the security of the American people against these threats and shall recommend actions, including legislative proposals, designed to address and overcome existing vulnerabilities.

SEC. 1513. ESTABLISHMENT OF COMBATING TERRORISM AS A NATIONAL SECURITY MISSION.

Section 108(b)(2) of the National Security Act of 1947 (50 U.S.C. 404a(b)(2)) is amended by inserting ", including acts of terrorism," after "aggression".

SEC. 1514. DEPARTMENT OF DEFENSE COORDINATION WITH FEMA AND FBI.

The Secretary of Defense shall seek an agreement with the Director of the Federal Bureau of Investigation and the Director of Federal Emergency Management Agency that clarifies the roles of Department of Defense Weapons of Mass Destruction Civil Support Teams in relation to both agencies with respect to coordination of the roles and missions of those teams in support of crisis management and consequence management efforts.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE; DEFINITION.

(a) SHORT TITLE.—This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2002".

(b) DEFINITION OF FISCAL YEAR 2001 DEFENSE AUTHORIZATION ACT.—In this division, the term "Spence Act" means the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1654).

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$5,150,000
	Fort Rucker	$11,400,000
	Redstone Arsenal	$7,200,000
Alaska	Fort Richardson	$97,000,000
	Fort Wainwright	$27,200,000
Arizona	Fort Huachuca	$6,100,000
	Yuma Proving Ground	$3,100,000
California	Defense Language Institute	$5,900,000
	Fort Irwin	$23,000,000
Colorado	Fort Carson	$66,000,000
District of Columbia	Fort McNair	$11,600,000
Georgia	Fort Benning	$23,900,000
	Fort Gillem	$43,600,000
	Fort Gordon	$34,000,000
	Fort Stewart/Hunter Army Air Field	$39,800,000
Hawaii	Navy Public Works Center, Pearl Harbor	$11,800,000
	Pohakuloa Training Facility	$5,100,000
	Wheeler Army Air Field	$50,000,000
Kansas	Fort Riley	$10,900,000
Kentucky	Fort Campbell	$88,900,000
Louisiana	Fort Polk	$21,200,000
Maryland	Aberdeen Proving Ground	$58,300,000
	Fort Meade	$5,800,000
	Fort Leonard Wood	$12,250,000
New Jersey	Fort Monmouth	$20,000,000
	Picatinny Arsenal	$10,200,000
New Mexico	White Sands Missile Range	$7,600,000
New York	Fort Drum	$59,350,000
North Carolina	Fort Bragg	$21,300,000
	Sunny Point Military Ocean Terminal	$11,400,000
Oklahoma	Fort Sill	$5,100,000
South Carolina	Fort Jackson	$3,650,000
Texas	Corpus Christi Army Depot	$10,400,000
	Fort Sam Houston	$9,650,000
	Fort Bliss	$5,000,000
	Fort Hood	$104,200,000
Virginia	Fort Belvoir	$35,950,000
	Fort Eustis	$24,750,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Washington	Fort Lee	$23,900,000
	Fort Lewis	$238,200,000
	Total:	$1,300,710,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bamberg	$36,000,000
	Area Support Group, Darmstadt	$13,500,000
	Baumholder	$9,000,000
	Hanau	$7,200,000
	Heidelberg	$15,300,000
	Mannheim	$16,000,000
	Wiesbaden Air Base	$26,300,000
Korea	Camp Carroll	$16,593,000
	Camp Casey	$8,500,000
	Camp Hovey	$35,750,000
	Camp Humphreys	$14,500,000
	Camp Jackson	$6,100,000
	Camp Stanley	$28,000,000
Kwajalein	Kwajalein Atoll	$11,000,000
	Total:	$243,743,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$4,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts, set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	32 Units	$12,000,000
Arizona	Fort Huachuca	72 Units	$10,800,000
Georgia	Fort Stewart	160 Units	$2,500,000
Kansas	Fort Leavenworth	40 Units	$10,000,000
Texas	Fort Bliss	76 Units	$13,600,000
Korea	Camp Humphreys	54 Units	$12,800,000
		Total:	$61,700,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,592,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $220,750,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,018,077,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,089,416,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $243,743,000.

(3) For a military construction project at an unspecified worldwide location authorized by section 2101(c), $4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $18,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $163,676,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $294,576,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,102,732,000.

(7) For the construction of a cadet development center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261, 112 Stat. 2182), $37,900,000.

(8) For the construction of phase 2C of a barracks complex, Tagaytay Street, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), $17,500,000.

(9) For the construction of phase 1C of a barracks complex, Wilson Street, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65, 113 Stat. 825), $23,000,000.

(10) For construction of phase 2 of a basic combat training complex at Fort Leonard Wood, Missouri, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, $27,000,000.

(11) For the construction of phase 2 of a battle simulation center at Fort Drum, New

York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, $9,000,000.

(12) For the construction of phase 1 of a barracks complex, Butner Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), $49,000,000.

(13) For the construction of phase 1 of a barracks complex, Longstreet Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), $27,000,000.

(14) For the construction of a multipurpose digital training range at Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, $13,000,000.

(15) For the homeowners assistance program, as authorized by section 2832(a) of title 10, United States Code, $10,119,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) The total amount authorized to be appropriated under paragraphs (1), (2), (3) of subsection (a);

(2) $52,000,000 (the balance of the amount authorized under section 2201 (a) for construction of a barracks complex, D Street, at Fort Richardson, Alaska);

(3) $41,000,000 (the balance of the amount authorized under section 2201 (a) for construction of phase 1 of a barracks complex, Nelson Blvd, at Fort Carson, Colorado);

(4) $36,000,000 (the balance of the amount authorized under section 2201 (a) for construction of phase 1 of a basic combat training complex at Fort Jackson, South Carolina); and

(5) $102,000,000 (the balance of the amount authorized under section 2201 (a) for construction of a barracks complex, 17th & B Streets, at Fort Lewis, Washington).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (15) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $36,168,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $75,417,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389) is amended—

(1) in the item relating to Fort Leonard Wood, Missouri, by striking "$65,400,000" in the amount column and inserting "$69,400,000";

(2) in the item relating to Fort Drum, New York, by striking "$18,000,000" in the amount column and inserting "$21,000,000";

(3) in the item relating to Fort Hood, Texas, by striking "$36,492,000" in the amount column and inserting "$39,492,000"; and

(4) by striking the amount identified as the total in the amount column and inserting "$623,074,000".

(b) CONFORMING AMENDMENTS.—Section 2104 of that Act (114 Stat. 1654A–391) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "$1,925,344,000" and inserting "$1,935,744,000";

(2) in subsection (b)(2), by striking "$22,600,000" and inserting "$27,000,000";

(3) in subsection (b)(3), by striking "$10,000,000" and inserting "$13,000,000"; and

(4) in subsection (b)(6), by striking "$6,000,000" and inserting "$9,000,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$22,570,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	$75,125,000
	Marine Corps Air Station, Camp Pendleton	$4,470,000
	Marine Corps Air Station, Miramar	$3,680,000
	Marine Corps Base, Camp Pendleton	$96,490,000
	Naval Air Facility, El Centro	$23,520,000
	Naval Air Station, Lemoore	$10,010,000
	Naval Air Warfare Center, China Lake	$30,200,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	$13,730,000
	Naval Amphibious Base, Coronado	$8,610,000
	Naval Construction Battalion Center, Port Hueneme	$12,400,000
	Naval Construction Training Center, Port Hueneme	$3,780,000
	Naval Station, San Diego	$47,240,000
District of Columbia	Naval Air Facility, Washington	$9,810,000
Florida	Naval Air Station, Key West	$11,400,000
	Naval Air Station, Whiting Field, Milton	$2,140,000
	Naval Station, Mayport	$16,420,000
	Naval Station, Pensacola	$3,700,000
Hawaii	Marine Corps Base, Kaneohe	$24,920,000
	Naval Magazine Lualualei	$6,000,000
	Naval Shipyard, Pearl Harbor	$20,000,000
	Naval Station, Pearl Harbor	$40,600,000
	Navy Public Works Center, Pearl Harbor	$16,900,000
Illinois	Naval Training Center, Great Lakes	$82,260,000
Indiana	Naval Surface Warfare Center, Crane	$14,930,000
Maine	Naval Air Station, Brunswick	$67,395,000
Maryland	Naval Air Warfare Center, Patuxent River	$2,260,000
	Naval Air Warfare Center, St. Inigoes	$5,100,000
	Naval Explosive Ordinance Disposal Technology Center, Indian Head	$1,250,000
Mississippi	Naval Construction Battalion Center, Gulfport	$21,660,000
	Naval Air Station, Meridian	$3,400,000
Missouri	Marine Corps Support Activity, Kansas City	$9,010,000
North Carolina	Marine Corps Air Station, New River	$4,050,000
	Marine Corps Base, Camp Lejeune	$67,070,000
Pennsylvania	Naval Foundry and Propeller Center, Philadelphia	$14,800,000
Rhode Island	Naval Station, Newport	$15,290,000
South Carolina	Marine Corps Air Station, Beaufort	$8,020,000
	Marine Corps Recruit Depot, Parris Island	$5,430,000
	Naval Hospital, Beaufort	$7,600,000
Tennessee	Naval Support Activity, Millington	$3,900,000
Texas	Naval Air Station, Joint Reserve Base, Ft. Worth	$9,060,000
Virginia	Marine Corps Air Facility, Quantico	$3,790,000
	Marine Corps Combat Dev Com	$9,390,000
	Naval Amphibious Base, Little Creek	$9,090,000
	Naval Station, Norfolk	$139,270,000
Washington	Naval Air Station, Whidbey Island	$3,470,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Shipyard, Bremerton	$14,000,000
	Naval Station, Everett	$6,820,000
	Strategic Weapons Facility, Bangor	$3,900,000
	Total:	$1,038,920,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity Joint Headquarters Command, Larissa	$12,240,000
	Naval Support Activity, Souda Bay	$3,210,000
Guam	Naval Station, Guam	$9,300,000
	Navy Public Works Center, Guam	$14,800,000
Iceland	Naval Air Station, Keflavik	$2,820,000
Italy	Naval Air Station, Sigonella	$3,060,000
Spain	Naval Station, Rota	$2,240,000
	Total:	$47,670,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	51 Units	$9,017,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	74 Units	$16,250,000
Hawaii	Marine Corps Base, Kaneohe	172 Units	$46,996,000
	Naval Station, Pearl Harbor	70 Units	$16,827,000
Mississippi	Naval Construction Battalion Center, Gulfport	160 Units	$23,354,000
Virginia	Marine Corps Combat Development Command, Quantico	81 Units	$10,000,000
Italy	Naval Air Station, Sigonella	10 Units	$2,403,000
		Total:	$124,847,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,499,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $201,834,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,389,605,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $980,018,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $47,670,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $10,546,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,392,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $332,352,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $913,823,000.

(6) For construction of phase 6 of a large anachoic chamber facility at the Patuxent River Naval Air Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $10,770,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828), as amended by section 2205, $37,580,000.

(8) For repair of a pier at Naval Station, San Diego, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–396), $17,500,000.

(9) For replacement of a pier at Naval Shipyard, Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–396), $24,460,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $33,240,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier, increment I, at Naval Station, Norfolk, Virginia; and

(3) $20,100,000 (the balance of the amount authorized under section 2201(a) for a combined propulsion and explosives lab at Naval Air Warfare Center, China Lake, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (9) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $6,854,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $13,652,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828) is amended—

(1) in the item relating to Camp H.M. Smith, Hawaii, by striking "$86,050,000" in the amount column and inserting "$89,050,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$820,230,000".

(b) CONFORMING AMENDMENTS.—Section 2204 of that Act (113 Stat. 830) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "$2,108,087,000" and inserting "$2,111,087,000"; and

(2) in subsection (b)(3), by striking "$70,180,000" and inserting "$73,180,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$34,400,000
Alaska	Eareckson Air Force Base	$4,600,000
	Elmendorf Air Force Base	$32,200,000
Arizona	Davis-Monthan Air Force Base	$23,500,000
	Luke Air Force Base	$4,500,000
Arkansas	Little Rock Air Force Base	$10,600,000
California	Beale Air Force Base	$7,900,000
	Edwards Air Force Base	$21,300,000
	Los Angeles Air Force Base	$23,000,000
	Travis Air Force Base	$10,100,000
	Vandenberg Air Force Base	$11,800,000
Colorado	Buckley Air Force Base	$23,200,000
	Schriever Air Force Base	$30,400,000
	United States Air Force Academy	$25,500,000
District of Columbia	Bolling Air Force Base	$2,900,000
Florida	Cape Canaveral Air Force Station	$7,800,000
	Eglin Air Force Base	$11,400,000
	Hurlburt Field	$10,400,000
	MacDill Air Force Base	$10,000,000
	Tyndall Air Force Base	$20,350,000
Georgia	Moody Air Force Base	$4,900,000
	Robins Air Force Base	$14,650,000
Hawaii	Hickman Air Force Base	$6,300,000
Idaho	Mountain Home Air Force Base	$14,600,000
Kansas	McConnell Air Force Base	$5,100,000
Maryland	Andrews Air Force Base	$19,420,000
Massachusetts	Hanscom Air Force Base	$9,400,000
Mississippi	Keesler Air Force Base	$28,600,000
Nevada	Nellis Air Force Base	$12,600,000
New Jersey	McGuire Air Force Base	$36,550,000
New Mexico	Cannon Air Force Base	$9,400,000
	Kirtland Air Force Base	$19,800,000
North Carolina	Pope Air Force Base	$17,800,000
North Dakota	Grand Forks Air Force Base	$7,800,000
Ohio	Wright-Patterson Air Force Base	$5,800,000
Oklahoma	Altus Air Force Base	$20,200,000
	Tinker Air Force Base	$17,700,000
South Carolina	Shaw Air Force Base	$24,400,000
Tennessee	Arnold Air Force Base	$24,400,000
Texas	Lackland Air Force Base	$12,800,000
	Laughlin Air Force Base	$15,600,000
	Sheppard Air Force Base	$45,200,000
Utah	Hill Air Force Base	$44,000,000
Virginia	Langley Air Force Base	$47,300,000
Washington	Fairchild Air Force Base	$2,800,000
	McChord Air Force Base	$20,700,000
Wyoming	F E Warren Air Force Base	$10,200,000
	Total:	$822,320,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	$42,900,000
	Spangdahlem Air Base	$8,700,000
Greenland	Thule	$19,000,000
Guam	Andersen Air Force Base	$10,150,000
Italy	Aviano Air Base	$11,800,000
Korea	Kunsan Air Base	$12,000,000
	Osan Air Base	$101,142,000
Turkey	Eskisehir	$4,000,000
United Kingdom	Royal Air Force, Lakenheath	$11,300,000
	Royal Air Force, Mildenhall	$22,400,000
Wake Island	Wake Island	$25,000,000
	Total:	$268,392,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location and in the amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$4,458,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts, set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Luke Air Force Base	120 Units	$15,712,000
California	Travis Air Force Base	118 Units	$18,150,000
Colorado	Buckley Air Force Base	55 Units	$11,400,000
Delaware	Dover Air Force Base	120 Units	$18,145,000
District of Columbia	Bolling Air Force Base	136 Units	$16,926,000
Hawaii	Hickam Air Force Base	102 Units	$25,037,000
Louisiana	Barksdale Air Force Base	56 Units	$7,300,000
South Dakota	Ellsworth Air Force Base	78 Units	$13,700,000
Virginia	Langley Air Force Base	4 Units	$1,200,000
Portugal	Lajes Field, Azores	64 Units	$13,230,000
		Total:	$140,800,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,558,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $370,879,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,526,034,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $806,020,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $268,392,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $4,458,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,250,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $84,630,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $536,237,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $866,171,000.

(7) $12,600,000 for construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–399), as amended by section 2305.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a); and

(2) $12,000,000 (the balance of the amount authorized under section 2301(a) for a maintenance depot hanger at Hill Air Force Base, Utah).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $15,846,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $47,878,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

(a) MODIFICATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–399) is amended—

(1) in the item relating to McGuire Air Force Base, New Jersey, by striking "$29,772,000" in the amount column and inserting "$32,972,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$748,955,000".

(b) CONFORMING AMENDMENTS.—Section 2304(b)(2) of that Act (114 Stat. 1654A–402) is amended by striking "$9,400,000" and inserting "$12,600,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Blue Grass Army Depot, Kentucky	$47,220,000
Defense Education Activity	Laurel Bay, South Carolina	$12,850,000
	Marine Corps Base, Camp LeJeune, North Carolina	$8,857,000
Defense Logistics Agency	Defense Distribution Depot Tracy, California	$30,000,000
	Defense Distribution New Cumberland, Pennsylvania	$19,900,000
	Eielson Air Force Base, Alaska	$8,800,000
	Fort Belvoir, Virginia	$900,000
	Grand Forks Air Force Base, North Dakota	$9,110,000
	Hickam Air Force Base, Hawaii	$29,200,000
	McGuire Air Force Base, New Jersey	$4,400,000
	Minot Air Force Base, North Dakota	$14,000,000
	Philadelphia, Pennsylvania	$2,429,000
	Pope Air Force Base, North Carolina	$3,400,000
Special Operations Command	Aberdeen Proving Ground, Maryland	$3,200,000
	Fort Benning, Georgia	$5,100,000
	Fort Bragg, North Carolina	$35,962,000
	Fort Lewis, Washington	$6,900,000
	Hurlburt Field, Florida	$13,400,000
	MacDill Air Force Base, Florida	$12,000,000
	Naval Station, San Diego, California	$13,650,000
TRICARE Management Activity	Andrews Air Force Base, Maryland	$10,250,000
	Dyess Air Force Base, Texas	$3,300,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	F. E. Warren Air Force Base, Wyoming	$2,700,000
	Fort Hood, Texas	$12,200,000
	Fort Stewart/Hunter Army Air Field, Georgia	$11,000,000
	Holloman Air Force Base, New Mexico	$5,700,000
	Hurlburt Field, Florida	$8,800,000
	Marine Corps Base, Camp Pendleton, California	$1,150,000
	Marine Corps Logistics Base, Albany, Georgia	$5,800,000
	Naval Air Station, Whidbey Island, Washington	$1,900,000
	Naval Hospital, Twentynine Palms, California	$1,600,000
	Naval Station, Mayport, Florida	$24,000,000
	Naval Station, Norfolk, Virginia	$21,000,000
	Schriever Air Force Base, Colorado	$4,000,000
Washington Headquarters Services	Pentagon Reservation, Virginia	$25,000,000
	Total:	$325,228,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Aviano Air Base, Italy	$3,647,000
	Geilenkirchen AB, Germany	$1,733,000
	Heidelberg, Germany	$3,312,000
	Kaiserslautern, Germany	$1,439,000
	Kitzingen, Germany	$1,394,000
	Landstuhl, Germany	$1,444,000
	Ramstein Air Force Base, Germany	$2,814,000
	Royal Air Force, Feltwell, United Kingdom	$22,132,000
	Vogelweh Annex, Germany	$1,558,000
	Wiesbaden Air Base, Germany	$1,378,000
	Wuerzburg, Germany	$2,684,000
Defense Logistics Agency	Anderson Air Force Base, Guam	$20,000,000
	Camp Casey, Korea	$5,500,000
	Naval Station, Rota, Spain	$3,000,000
	Yokota Air Base, Japan	$13,000,000
Office Secretary of Defense	Comalapa Air Base, El Salvador	$12,577,000
TRICARE Management Activity	Heidelberg, Germany	$28,000,000
	Lajes Field, Azores, Portugal	$3,750,000
	Thule, Greenland	$10,800,000
	Total:	$140,162,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $35,600,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,421,319,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $370,164,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $140,162,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $24,492,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,496,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $35,600,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $532,200,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $250,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $43,762,000, of which not more than $37,298,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,000,000.

(9) For the construction of phase 6 of an ammunition demilitarization facility at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), and section 2407 of this Act, $26,000,000.

(10) For the construction of phase 3 of an ammunition demilitarization facility at Pueblo Army Depot, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), $11,000,000.

(11) For construction of phase 4 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $66,000,000.

(12) For construction of phase 4 of an ammunition demilitarization facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of this Act, $66,500,000.

(13) For construction of a hospital at Fort Wainwright, Alaska, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), $18,500,000.

(14) For construction of an aircrew water survival training facility at Naval Air Station, Whidbey Island, Washington, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), as amended by section 2405 of this Act, $6,600,000.

(15) For the construction of phase 2 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65, 113 Stat. 836), as amended by section 2405, $3,000,000.

(16) For construction of FHOTC Support Facilities at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat.1654A–402), as amended by section 2404 of this Act, $3,150,000.

(17) For replacement of a Medical/Dental Clinic, Las Flores, at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat.1654A–402), as amended by section 2404 of this Act, $3,800,000.

(18) For replacement of a Medical/Dental Clinic, Las Pulgas, at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat.1654A–402), as amended by section 2404 of this Act, $4,050,000.

(19) For replacement of a Medical/Dental Clinic, Horno, at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat.1654A–402), as amended by section 2404 of this Act, $4,300,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (19) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $17,857,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $10,250,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–402) is amended—

(1) under the agency heading relating to TRICARE Management Activity, in the item relating to Marine Corps Base, Camp Pendleton, California, by striking "$14,150,000" and inserting "$15,300,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$258,056,000".

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836) is amended—

(1) under the agency heading relating to TRICARE Management Activity, in the item relating to Naval Air Station, Whidbey Island, Washington, by striking "$4,700,000" inserting "$6,600,000";

(2) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking "$206,800,000" in the amount column and inserting "$254,030,000"; and

(3) by striking the amount identified as the total in the amount column and inserting "$636,550,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (113 Stat. 839) is amended by striking "$184,000,000" and inserting "$231,230,000".

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193) is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Aberdeen Proving Ground, Maryland, by striking "$186,350,000" in the amount column and inserting "$223,950,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$727,616,000".

(b) CONFORMING AMENDMENTS.—Section 2404(b)(3) of that Act (112 Stat. 2196) is amended by striking "$158,000,000" and inserting "$195,600,000".

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), is amended under the agency heading relating to Chemical Agents and Munitions Destruction, in the item relating to Pine Bluff Arsenal, Arkansas, by striking "$154,400,000" in the amount column and inserting "$177,400,000".

SEC. 2408. PROHIBITION ON EXPENDITURES TO DEVELOP FORWARD OPERATING LOCATION ON ARUBA FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.

None of the funds appropriated under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" in chapter 3 of title III of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 579), may be used by the Secretary of Defense to develop any forward operating location on the island of Aruba to serve as a location from which the United States Southern Command could conduct counter-drug detection and monitoring flights.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $162,600,000.

TITLE XXVI—GUARD AND RESERVE FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 2001, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $304,915,000; and

(B) for the Army Reserve, $173,017,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $53,291,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $197,472,000; and

(B) for the Air Force Reserve, $79,132,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXCEPTION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Delaware	Dover Air Force Base	Family Housing Replacement (55 Units)	$8,998,000
Florida	Patrick Air Force Base	Family Housing Replacement (46 Units)	$9,692,000
New Mexico	Kirtland Air Force Base	Family Housing Replacement (37 Units)	$6,400,000
Ohio	Wright-Patterson Air Force Base	Family Housing Replacement (40 Units)	$5,600,000

Army National Guard: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Massachusetts	Westfield	Army Aviation Support Facility	$9,274,000
South Carolina	Spartanburg	Readiness Center	$5,260,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-408), shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	$7,900,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Family Housing Replacement (94 units)	$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units)	$28,881,000
Louisiana	Naval Complex, New Orleans	Family Housing Replacement (100 units)	$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units)	$22,250,000

Air Force: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
New Mexico	Kirtland Air Force Base	Family Housing Replacement (180 units)	$20,900,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2001; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CERTAIN UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECT THRESHOLDS.

Section 2805 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking "$500,000" and inserting "$750,000";

(2) in subsection (c)(1)(A), by striking "$1,000,000" and inserting "$1,500,000"; and

(3) in subsection (c)(1)(B), by striking "$500,000" and inserting "$750,000".

SEC. 2802. EXCLUSION OF UNFORESEEN ENVIRONMENTAL HAZARD REMEDIATION FROM LIMITATION ON AUTHORIZED COST VARIATIONS.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

"(d) The limitation on cost increases in subsection (a) does not apply—

"(1) to the settlement of a contractor claim under a contract; or

"(2) to the costs associated with the required remediation of an environmental hazard in connection with a military construction project or military family housing project, such as asbestos removal, radon abatement, lead-based paint removal or abatement, or any other legally required environmental hazard remediation, if the required remediation could not have reasonably been anticipated at the time the project was approved originally by Congress.".

SEC. 2803. REPEAL OF ANNUAL REPORTING REQUIREMENT ON MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) REPEAL.—Section 2861 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2861.

SEC. 2804. PERMANENT AUTHORIZATION FOR ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) REPEAL OF TERMINATION PROVISION.—Section 2885 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2885.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. USE OF MILITARY INSTALLATIONS FOR CERTAIN RECREATIONAL ACTIVITIES.

Section 2671 of title 10, United States Code, is amended—

(1) by transferring subsection (b) to the end of the section and redesignating such subsection, as so transferred, as subsection (e); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Subsection (a) shall not apply with respect to all or certain specified hunting, fishing, or trapping at a military installation or facility if the Secretary of Defense determines that the application of the State or Territory fish and game laws to such hunting, fishing, or trapping without modification could result in undesirable consequences for public safety or adverse effects on morale, welfare, or recreation activities at the installation or facility. The Secretary may not waive or modify the requirements under subsection (a)(2) regarding a license for such hunting, fishing, or trapping or any fee imposed by a State or Territory to obtain such a license.".

SEC. 2812. BASE EFFICIENCY PROJECT AT BROOKS AIR FORCE BASE, TEXAS.

(a) Indemnification of Transferees.—Section 136 of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246; 114 Stat. 520), is amended—

(1) by striking subsection (n);

(2) by redesignating subsection (m) as subsection (n); and

(3) by inserting after subsection (l) the following new subsection:

"(m) Indemnification of Transferees.—(1) With respect to the disposal of real property under subsection (e) at the Base as part of the Project, the Secretary shall hold harmless, defend, and indemnify in full the Community and other persons and entities described in paragraph (2) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative as a result of Department of Defense activities at the Base.

"(2) The persons and entities referred to in paragraph (1) are the following:

"(A) The Community (including any officer, agent, or employee of the Community) that acquires ownership or control of any real property at the Base as described in paragraph (1).

"(B) The State of Texas or any political subdivision of the State (including any officer, agent, or employee of the State or political subdivision) that acquires such ownership or control.

"(C) Any other person or entity that acquires such ownership or control.

"(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

"(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

"(4) No indemnification may be afforded under this subsection unless the person or entity making a claim for indemnification—

"(A) notifies the Department of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department of Defense;

"(B) furnishes to the Department of Defense copies of pertinent papers the entity receives;

"(C) furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and

"(D) provides, upon request by the Department of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

"(5) In any case in which the Secretary determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage. If the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

"(6) For purposes of paragraph (4)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative as a result of Department of Defense activities at the Base.

"(7) Nothing in this subsection shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

"(8) In this subsection, the terms 'facility', 'hazardous substance', 'release', and 'pollutant or contaminant' have the meanings given such terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, respectively (42 U.S.C. 9601).".

(b) Definitions.—Paragraph (9) of subsection (n) of such section, as redesignated by subsection (a)(2), is amended by striking ", who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate".

SEC. 2813. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) Use of Military Installations Authorized.—Section 2670 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(b) Use as Polling Places.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local election for public office.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this subsection, the term 'military installation' has the meaning given the term in section 2687(e) of this title.".

(b) Use of Reserve Component Facilities.—(1) Section 18235 of such title is amended by adding at the end the following new subsection:

"(c) Pursuant to a lease or other agreement under subsection (a)(2),, the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.".

(2) Section 18236 of such title is amended by adding at the end the following new subsection:

"(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).".

(c) Conforming and Clerical Amendments.—(1) section 2670 of such title is further amended—

(A) by striking "Under" and inserting "(a) Use by Red Cross.—Under"; and

(B) by striking "this section" and inserting "this subsection".

(2) The heading of such section is amended to read as follows:

"§ 2670. Buildings on military installations: use by American National Red Cross and as polling places".

(3) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2670. Buildings on military installations: use by American National Red Cross and as polling places.".

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. LEASE BACK OF BASE CLOSURE PROPERTY.

(a) 1988 Law.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (E), (F), (G), (H), and (I) as subparagraphs (F), (G), (H), (I), and (J), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

"(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

"(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

"(iii) A lease under clause (i) may not require rental payments by the United States.

"(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

"(v) Notwithstanding clause (iii) or chapter 137 of title 10, United States Code, if a lease under clause (i) involves a substantial portion of the installation, the department or agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

"(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

"(II) firefighting or security-guard functions.".

(b) 1990 Law.—Section 2905(b)(4)(E) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new clause:

"(v) Notwithstanding clause (iii) or chapter 137 of title 10, United States Code, if a lease under clause (i) involves a substantial portion of the installation, the department or agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

"(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

"(II) firefighting or security-guard functions.".

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. MODIFICATION OF LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.

(a) Additional Conveyance Authorized.—Subsection (a) of section 2832 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 857) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary may convey to the City all right, title, and interest of the United States in and to an additional parcel of real property, including improvements thereon, at the Rock Island Arsenal consisting of approximately .513 acres.".

(b) Consideration.—Subsection (b) of such section is amended—

(1) by inserting "(1)" before "As consideration";

(2) by striking "subsection (a)" both places it appears and inserting "subsection (a)(1)"; and

(3) by adding at the end the following new paragraph:

"(2) As consideration for the conveyance under subsection (a)(2), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .063 acres and construct on the parcel, at the City's expense, a new access ramp to the Rock Island Arsenal.".

SEC. 2832. MODIFICATION OF LAND CONVEYANCES, FORT DIX, NEW JERSEY.

Section 2835(c) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2004) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding paragraphs (1) or (2), the Borough and Board may exchange between each other, without the consent of the Secretary, all or any portion of the property conveyed under subsection (a) so long as the property continues to be used by the grantees for economic development or educational purposes.".

SEC. 2833. LEASE AUTHORITY, FORT DERUSSY, HAWAII.

Notwithstanding section 809 of the Military Construction Authorization Act, 1968 (Public Law 90-110; 81 Stat. 309) and section 2814(b) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2117), the Secretary of the Army may enter into a lease with the City of Honolulu, Hawaii, for the purpose of making available to the City a parcel of real property at Fort DeRussy, Hawaii, for the construction of a parking facility.

SEC. 2834. LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

(a) Exchange Authorized.—(1) The Secretary of the Army may convey to the Nisqually Tribe, a federally recognized Indian tribe whose tribal lands are located within the State of Washington, all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, consisting of approximately 138 acres at Fort Lewis, Washington, in exchange for the real property described in subsection (b).

(2) The property authorized for conveyance under paragraph (1) does not include Bonneville Power Administration transmission facilities or the right of way described in subsection (c).

(b) Consideration.—As consideration for the conveyance under subsection (a), the Nisqually Tribe shall—

(1) acquire from Thurston Country, Washington, several parcels of real property consisting of approximately 416 acres that are owned by the county, are within the boundaries of Fort Lewis, and are currently leased by the Army, and

(2) convey fee title over the acquired property to the Secretary.

(c) Right-of-Way for Bonneville Power Administration.—The Secretary may use the authority provided in section 2668 of title 10, United States Code, to convey to the Bonneville Power Administration a right-of-way that authorizes the Bonneville Power Administration to use real property at Fort Lewis as a route for the Grand Coulee-Olympia and Olympia-White River electric transmission lines and appurtenances to facilitate the removal of such transmission lines from tribal lands of the Nisqually Tribe.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary and the Nisqually Tribe. The cost of the survey shall be borne by the recipient of the property.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, WHITTIER-ANCHORAGE PIPELINE TANK FARM, ANCHORAGE, ALASKA.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Port of Anchorage, an entity of the Municipality of Anchorage, Alaska, all right, title, and interest of the United States in and to two adjoining parcels of real property, including any improvements thereon, consisting of approximately 48 acres in Anchorage, Alaska, which are known as of the Whittier-Anchorage Pipeline Tank Farm, for the purpose of permitting the Port of Anchorage to use the parcels for economic development.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section (a) as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2841. TRANSFER OF JURISDICTION, CENTERVILLE BEACH NAVAL STATION, HUMBOLDT COUNTY, CALIFORNIA.

(a) Transfer Authorized.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior the real property, including any improvements thereon, consisting of the closed Centerville Beach Naval Station in Humboldt County, California, for the purpose of permitting the Secretary of the Interior to manage the real property as open space or for other public purposes.

(b) Legal Description.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(c) Additional Terms and Conditions.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, TOLEDO, OHIO.

(a) Conveyance Authorized.—(1) The Secretary of the Navy may convey, without consideration, to the Toledo-Lucas County Port Authority, Ohio (in this section referred to as the "Port Authority"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 29 acres, including any improvements thereon, and comprising the Naval Weapons Industrial Reserve Plant, Toledo, Ohio.

(2) The Secretary may include in the conveyance under paragraph (1) such facilities, equipment, fixtures, and other personal property located or based on the parcel conveyed under that paragraph, or used in connection with the parcel, as the Secretary determines to be not required by the Navy for other purposes.

(b) Lease Authority.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease the real property, together with any improvements, facilities, equipment, fixtures, and other personal property thereon, to the Port Authority in exchange for security services, fire protection services, and maintenance services provided by the Port Authority for the real property.

(c) Conditions of Conveyance.—(1) The conveyance under subsection (a), and any lease under subsection (b), shall be subject to the conditions that the Port Authority—

(A) accept the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, in their condition at the time of the conveyance or lease, as the case may be; and

(B) except as provided in paragraph (2), use the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, whether directly or through an agreement with a public or private entity, for economic development, redevelopment, or retention purposes, including the creation or preservation of jobs and employment opportunities, or such other public purposes as the Port Authority determines appropriate.

(2) The Port Authority may at any time convey, lease, or sublease, as the case may be, the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, to a public or private entity for purposes described in paragraph (1)(B).

(d) INSPECTION.—The Secretary may permit the Port Authority to review and inspect the improvements, facilities, equipment, fixtures, and other personal property located on the parcel described in subsection (a)(1) for purposes of the conveyance authorized by that subsection and the lease authorized by subsection (b).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1), and of any facilities, equipment fixtures, or other personal property to be conveyed under subsection (a)(2), shall be determined by a survey and other means satisfactory to the Secretary. The cost of any activities under the preceding sentence shall be borne by the Port Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1), and any lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. MODIFICATION OF AUTHORITY FOR CONVEYANCE OF NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.

Section 2853(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–430) is amended by inserting "any or" before "all right".

SEC. 2844. MODIFICATION OF LAND CONVEYANCE, FORMER UNITED STATES MARINE CORPS AIR STATION, EAGLE MOUNTAIN LAKE, TEXAS.

Section 5 of Public Law 85–258 (71 Stat. 583) is amended by inserting before the period at the end the following: "or for the protection, maintenance, and operation of other Texas National Guard facilities".

SEC. 2845. LAND TRANSFER AND CONVEYANCE, NAVAL SECURITY GROUP ACTIVITY, WINTER HARBOR, MAINE.

(a) TRANSFER OF JURISDICTION OF SCHOODIC POINT PROPERTY AUTHORIZED.—(1) The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted as Tract 15–116 on the map entitled "Acadia National Park Schoodic Point Area", numbered 123/80,418 and dated May 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 71 acres, as depicted as Tract 15–115 on the map referred to in paragraph (1), from the Secretary of the Navy to the Secretary of the Interior as authorized by Public Law 80–260 (61 Stat. 519) and to be executed on or about June 30, 2002.

(b) CONVEYANCE OF COREA AND WINTER HARBOR PROPERTIES AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, except for the real property described in subsection (a)(1).

(c) TRANSFER OF PERSONAL PROPERTY.—The Secretary of the Navy shall transfer, without consideration, to the Secretary of the Interior in the case of the real property transferred under subsection (a), or to any recipient of such real property in the case of real property conveyed under subsection (b), any or all personal property associated with such real property so transferred or conveyed, including—

(1) the ambulances and any fire trucks or other firefighting equipment; and

(2) any personal property required to continue the maintenance of the infrastructure of such real property, including the generators and an uninterrupted power supply in building 154 at the Corea site.

(d) MAINTENANCE OF PROPERTY PENDING CONVEYANCE.—The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) until the earlier of—

(1) the date of the conveyance of such real property under subsection (b); or

(2) September 30, 2003.

(e) INTERIM LEASE.—(1) Until such time as any parcel of real property to be conveyed under subsection (b) is conveyed by deed under that subsection, the Secretary of the Navy may lease such parcel to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be the amount determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(f) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary of the Navy may require each recipient of real property conveyed under subsection (b) to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis carried out by the Secretary with respect to such property before completing the conveyance under that subsection.

(2) The amount of any reimbursement required under paragraph (1) shall be determined by the Secretary, but may not exceed the cost of the assessment, study, or analysis for which reimbursement is required.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property transferred under subsection (a), and each parcel of real property conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of any survey under the preceding sentence for real property conveyed under subsection (b) shall be borne by the recipient of the real property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2851. WATER RIGHTS CONVEYANCE, ANDERSEN AIR FORCE BASE, GUAM.

(a) AUTHORITY TO CONVEY.—In conjunction with the conveyance of the water supply system for Anderson Air Force Base, Guam, under the authority of section 2688 of title 10, United States Code, and in accordance with all the requirements of that section, the Secretary of the Air Force may convey all right, title, and interest of the United States, or such lesser estate as the Secretary considers appropriate to serve the interests of the United States, in the water rights related to the following Air Force properties located on Guam:

(1) Andy South, also known as the Andersen Administrative Annex.

(2) Marianas Bonins Base Command.

(3) Andersen Water Supply Annex, also known as the Tumon Water Well or the Tumon Maui Well.

(b) ADDITIONAL REQUIREMENTS.—The Secretary may exercise the authority contained in subsection (a) only if—

(1) the Secretary determines that adequate supplies of potable groundwater exist under the main base and northwest field portions of Andersen Air Force Base to meet the current and long-term requirements of the installation for water;

(2) the Secretary determines that such supplies of groundwater are economically obtainable; and

(3) the Secretary requires the conveyee of the water rights under subsection (a) to provide a water system capable of meeting the water supply needs of the main base and northwest field portions of Anderson Air Force Base, as determined by the Secretary.

(c) INTERIM WATER SUPPLIES.—If the Secretary determines that it is in the best interests of the United States to transfer title to the water rights and utility systems at Andy South and Andersen Water Supply Annex before placing into service a replacement water system and well field on Andersen Air Force Base, the Secretary may require that the United States have the primary right to all water produced from Andy South and Andersen Water Supply Annex until the replacement water system and well field is placed into service and operates to the satisfaction of the Secretary. In exercising the authority provided by this subsection, the Secretary may retain a reversionary interest in the water rights and utility systems at Andy South and Andersen Water Supply Annex until such time as the new replacement water system and well field is placed into service and operates to the satisfaction of the Secretary.

(d) SALE OF EXCESS WATER AUTHORIZED.—(1) As part of the conveyance of water rights under subsection (a), the Secretary may authorize the conveyee of the water system to sell to public or private entities such water from Andersen Air Force Base as the Secretary determines to be excess to the needs of the United States. In the event the Secretary authorizes the conveyee to resell water, the Secretary shall negotiate a reasonable return to the United States of the value of such excess water sold by the conveyee, which return the Secretary may receive in the form of reduced charges for utility services provided by the conveyee.

(2) If the Secretary cannot meet the requirements of subsection (b), and the Secretary determines to proceed with a water utility system conveyance under section 2688

of title 10, United States Code, without the conveyance of water rights, the Secretary may provide in any such conveyance that the conveyee of the water system may sell to public or private entities such water from Andy South and Andersen Water Supply Annex as the Secretary determines to be excess to the needs of the United States. The Secretary shall negotiate a reasonable return to the United States of the value of such excess water sold by the conveyee, which return the Secretary may receive in the form of reduced charges for utility services provided by the conveyee.

(e) TREATMENT OF WATER RIGHTS.—For purposes of section 2688 of title 10, United States Code, the water rights referred to in subsection (a) shall be considered as part of a utility system (as that term is defined in subsection (h)(2) of such section).

SEC. 2852. REEXAMINATION OF LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.

The Secretary of the Air Force shall reevaluate the terms and conditions of the pending negotiated sale agreement with the Lowry Redevelopment Authority for certain real property at Lowry Air Force Base, Colorado, in light of changed circumstances regarding the property, including changes in the flood plain designations affecting some of the property, to determine whether the changed circumstances warrant a reduction in the amount of consideration otherwise required under the agreement or other modifications to the agreement.

SEC. 2853. LAND CONVEYANCE, DEFENSE FUEL SUPPORT POINT, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Florida State University, all right, title and interest of the United States in and to a parcel of real property known as "Defense Fuel Support Point", including any improvements thereon, located in Lynn Haven, Florida, and consisting of approximately 200 acres for the purpose of establishing a National Coastal Research Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2861. TRANSFER OF JURISDICTION FOR DEVELOPMENT OF ARMED FORCES RECREATION FACILITY, PARK CITY, UTAH.

(a) TRANSFER REQUIRED.—(1) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force a parcel of real property in Park City, Utah, including any improvements thereon, that consists of approximately 35 acres, is located in township 2 south, range 4 east, Salt Lake meridian, and is designated as parcel 3 by the Bureau of Land Management.

(2) The transfer shall be subject to existing rights, except that the Secretary of the Interior shall terminate any lease with respect to the parcel issued under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 689 et seq.), and still in effect as of the date of the enactment of this Act.

(3) The transfer required by this subsection shall be completed not later than one year after the date of the enactment of this Act.

(b) USE OF TRANSFERRED LAND.—(1) The Secretary of the Air Force may use the real property transferred under subsection (a) as the location for an armed forces recreation facility to be developed using non-appropriated funds.

(2) The Secretary of the Air Force may return the transferred property (or property acquired in exchange for the transferred property under subsection (c)) to the administrative jurisdiction of the Secretary of the Interior at any time upon certifying that development of the armed forces recreation facility would not be in the best interests of the Government.

(c) SUBSEQUENT CONVEYANCE AUTHORITY.—(1) In lieu of developing the armed forces recreation facility on the real property transferred under subsection (a), the Secretary of the Air Force may convey or lease the property to the State of Utah, a local government, or a private entity in exchange for other property to be used as the site of the facility.

(2) The values of the properties exchanged by the Secretary under this subsection either shall be equal, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The conveyance or lease shall be on such other terms as the Secretary of the Air Force considers to be advantageous to the development of the facility.

(d) ALTERNATIVE DEVELOPMENT AUTHORITY.—The Secretary of the Air Force may lease the real property transferred under subsection (a), or any property acquired pursuant to subsection (c), to another party and may enter into a contract with the party for the design, construction, and operation of the armed forces recreation facility. The Secretary of the Air Force may authorize the contractor to operate the facility as both a military and a commercial operation if the Secretary determines that such an authorization is a necessary incentive for the contractor to agree to design, construct, and operate the facility.

(e) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey. The cost of the survey shall be borne by the Secretary of the Air Force.

SEC. 2862. SELECTION OF SITE FOR UNITED STATES AIR FORCE MEMORIAL AND RELATED LAND TRANSFERS FOR THE IMPROVEMENT OF ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) The term "Arlington Naval Annex" means the parcel of Federal land located in Arlington County, Virginia, that is subject to transfer to the administrative jurisdiction of the Secretary of the Army under section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879).

(2) The term "Foundation" means the Air Force Memorial Foundation, which was authorized in Public Law 103–163 (107 Stat. 1973; 40 U.S.C. 1003 note) to establish a memorial in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

(3) The term "Air Force Memorial" means the United States Air Force Memorial to be established by the Foundation.

(4) The term "Arlington Ridge tract" means the parcel of Federal land in Arlington County, Virginia, known as the Nevius Tract and transferred to the Department of the Interior in 1953, that is bounded generally by—

(A) Arlington Boulevard (United States Route 50) to the north;

(B) Jefferson Davis Highway (Virginia Route 110) to the east;

(C) Marshall Drive to the south; and

(D) North Meade Street to the west.

(5) The term "Section 29" means a parcel of Federal land in Arlington County, Virginia, that is currently administered by the Secretary of the Interior within the boundaries of Arlington National Cemetery and is identified as "Section 29".

(b) OFFER OF PORTION OF ARLINGTON NAVAL ANNEX AS SITE FOR AIR FORCE MEMORIAL.—Within 60 days after the date of the enactment of this Act, the Secretary of Defense shall offer to the Foundation an option to use, without reimbursement, up to three acres of the Arlington Naval Annex as the site within which the Foundation will construct the Air Force Memorial. The offered acreage shall include the promontory adjacent to, and the land underlying, Wing 8 of Federal Office Building #2 in the northeast quadrant of the Arlington Naval Annex.

(c) ACCEPTANCE OR REJECTION OF OFFER.—

(1) DEADLINE.—Within 90 days after the date on which the Secretary of Defense makes the offer required by subsection (b), the Foundation shall provide written notice to the Secretary of the decision of the Foundation to accept or decline the offer.

(2) EFFECT OF ACCEPTANCE.—Subject to subsection (d), if the Foundation accepts the offer of the Secretary of Defense, the Foundation shall relinquish all claims to the previously approved location for the Air Force Memorial. No other commemorative work may thereafter be established on the Arlington Naval Annex property.

(3) EFFECT OF REJECTION.—If the Foundation declines the offer of the Secretary of Defense, the Foundation may resume its efforts to construct the Air Force Memorial on the Arlington Ridge tract from the farthest point of progress. Any administrative record compiled during previous proceedings related to the siting of the memorial on the Arlington Ridge tract pursuant to Public Law 103–163 (40 U.S.C. 1003 note), shall be preserved, and all deadlines tolled, while the Foundation is considering the offer of a site for the memorial within the Arlington Naval Annex.

(d) PREPARATION FOR AND CONSTRUCTION OF AIR FORCE MEMORIAL.—

(1) PREPARATION FOR CONSTRUCTION.—Not later than two years after the date on which the Foundation accepts the offer made under subsection (b) and has available sufficient funds to construct the Air Force Memorial, the Secretary of Defense, in coordination with the Foundation, shall remove all structures and prepare the Arlington Naval Annex site for use as may be necessary to permit construction of the memorial and appropriate access.

(2) CONSTRUCTION OF MEMORIAL.—Upon the removal of structures and preparation of the property for use as required by paragraph (1), the Secretary of Defense shall permit the Foundation to commence construction of the Air Force Memorial on the Arlington Naval Annex site.

(3) RELATION TO OTHER TRANSFER AUTHORITY.—Nothing in this section alters the deadline for transfer of the Arlington Naval Annex to the Secretary of the Army and remediation of the transferred land for use as

part of Arlington National Cemetery, as required by section 2881 of the Military Construction Authorization Act for Fiscal Year 2000.

(4) OVERSIGHT.—The Secretary of Defense shall have exclusive authority in all matters relating to approval of the siting and design of the Air Force Memorial on the Arlington Naval Annex site, and the siting, design, and construction of the memorial on such site shall not be subject to the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(e) ACCESS AND MANAGEMENT OF RESULTING AIR FORCE MEMORIAL.—The Secretary of the Army may enter into a cooperative agreement with the Foundation to provide for management of the Air Force Memorial constructed on the Arlington Naval Annex site and to guarantee public access to the memorial.

(f) LAND TRANSFER, ARLINGTON RIDGE TRACT.—

(1) TRANSFER REQUIRED.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over the Arlington Ridge tract.

(2) USE OF LAND.—The Secretary of the Army shall incorporate the Arlington Ridge tract into Arlington National Cemetery and may designate and use up to 15 acres of that portion of the tract east of the Netherlands Carillon and Marine Corps Memorial as new in-ground burial sites, for both full casket and cremated remains, for the burial of eligible individuals in Arlington National Cemetery. Burial sites shall not be developed within 50 feet of the pathway, in existence as of the date of the enactment of this Act, that connects the Netherlands Carillon and the Marine Corps Memorial or the existing roadway that circles the Marine Corps Memorial. No other structures shall be permitted on the Arlington Ridge tract.

(3) ACCESS AND MANAGEMENT OF EXISTING MEMORIALS.—The Secretary of the Army and the Secretary of the Interior shall enter into a cooperative agreement to continue National Park Service management of the Netherlands Carillon and the Marine Corps Memorial and to guarantee public access to these locations.

(g) LAND TRANSFER, SECTION 29.—

(1) TRANSFER REQUIRED.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over that portion of Section 29 located more than 50 feet from Sherman Drive and located between Ord and Weitzel Drive and the southern boundary of Section 29.

(2) USE OF LAND.—The Secretary of the Army shall use the transferred property only for the development of in-ground burial sites and columbarium which are designed to meet the contours of Section 29. The Secretary of the Army shall preserve the natural setting of the parcel and the mature trees on the parcel to the greatest extent practicable while providing for its efficent use as burial space.

(3) MANAGEMENT OF REMAINDER.—The Secretary of the Army and the Secretary of the Interior shall enter into a cooperative agreement to continue National Park Service management of that portion of Section 29 that is not transferred under this subsection to provide a natural setting and visual buffer for Arlington House, the Robert E. Lee Memorial.

(h) REMOVAL OF ARLINGTON NAVAL ANNEX AS POSSIBLE NATIONAL MILITARY MUSEUM SITE.—

(1) EXISTING NAVY ANNEX TRANSFER.—Section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879) is amended—

(A) in subsection (b)—

(i) by striking "(1) Subject to paragraph (2), the" and inserting "The"; and

(ii) by striking paragraph (2);

(B) by striking subsections (d), (e), and (f); and

(C) by redesignating subsections (g) and (h) as subsections (d) and (e), respectively.

(2) COMMISSION ON NATIONAL MILITARY MUSEUM.—Section 2902 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 881; 10 U.S.C. 111 note) is amended by striking subsection (d) and inserting the following new subsection:

"(d) PROHIBITION ON CONSIDERATION OF ARLINGTON NAVAL ANNEX.—The Commission may not consider any portion of the Navy Annex property described in section 2881 as a possible site for a national military museum.".

SEC. 2863. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.

(a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.—Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

"SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.

"(a) AVAILABILITY OF HOUSING UNITS FOR LONG-TERM ARMY LEASE.—Subject to subsection (c), the Trust shall make available for lease, to those persons designated by the Secretary of the Army and for such length of time as requested by the Secretary of the Army, 22 housing units located within the Presidio that are under the administrative jurisdiction of the Trust and specified in the agreement between the Trust and the Secretary of the Army in existence as of the date of the enactment of this section.

"(b) LEASE AMOUNT.—The monthly amount charged by the Trust for the lease of a housing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code.

"(c) CONDITION ON CONTINUED AVAILABILITY OF HOUSING UNITS.—Effective after the end of the four-year period beginning on the date of the enactment of this section, the Trust shall have no obligation to make housing units available under subsection (a) unless, during that four-year period, the Secretary of the Treasury purchases new obligations of at least $80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional two years.".

(b) INCREASED BORROWING AUTHORITY AND TECHNICAL CORRECTIONS.—Paragraphs (2) and (3) of section 104(d) of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996, as amended by section 334 of appendix C of Public Law 106–113 (113 Stat. 1501A–199) and amended and redesignated by section 101(13) of Public Law 106–176 (114 Stat. 25), are amended—

(1) in paragraph (2), by striking "including a review of the creditworthiness of the loan and establishment of a repayment schedule," the second place it appears; and

(2) in paragraph (3)—

(A) by striking "$50,000,000" and inserting "$150,000,000"; and

(B) by striking "paragraph (3) of".

SEC. 2864. EFFECT OF LIMITATION ON CONSTRUCTION OF ROADS OR HIGHWAYS, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219), as amended by section 2881 of the Spence Act (114 Stat. 1654A–438), is amended by adding at the end the following new subsection:

"(g) LIMITATION ON CONSTRUCTION OF ROADS OR HIGHWAYS.—If a State law enacted after January 1, 2001, directly or indirectly prohibits or restricts the construction or approval of a road or highway within the easement granted under this section, the State law shall not be effective with respect to such construction or approval.".

SEC. 2865. ESTABLISHMENT OF WORLD WAR II MEMORIAL AT ADDITIONAL LOCATION ON GUAM.

Section 2886 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–441) is amended—

(1) in subsection (a), by inserting ", and on Federal lands near Yigo," after "Fena Caves";

(2) in the heading of subsection (b), by striking "MEMORIAL" and inserting "MEMORIALS"; and

(3) in subsections (b) and (c), by striking "memorial" each place it appears and inserting "memorials".

SEC. 2866. ADDITIONAL EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is amended by inserting before the period at the end the following: ", with regard to firefighting and police services, and September 30, 2003, with regard to other services described in under subsection (a)".

SEC. 2867. CONVEYANCE OF AVIGATION EASEMENTS, FORMER NORTON AIR FORCE BASE, CALIFORNIA.

The Administrator of General Services shall convey, without consideration, to the Inland Valley Development Agency (the redevelopment authority for former Norton Air Force Base, California) two avigation easements (identified as APN 289–231–08 and APN 289–232–08) held by the United States.

SEC. 2868. REPORT ON OPTIONS TO PROMOTE ECONOMIC DEVELOPMENT IN COMMUNITY ADJACENT TO UNITED STATES MILITARY ACADEMY, NEW YORK.

(a) REPORT REQUIRED.—Not later than February 1, 2002, the Secretary of the Army shall submit to Congress a report evaluating various options by which the Secretary may promote economic development in the Village of Highland Falls, New York, which is located adjacent to the United States Military Academy.

(b) SPECIFIC CONSIDERATION OF CERTAIN OPTIONS.—Among the options evaluated under subsection (a), the Secretary shall specifically address the following:

(1) The fee simple conveyance of real property under the jurisdiction of the Secretary

in the Town of Highlands, New York, to the Village, without consideration, for the purpose of permitting the Village to use the property to promote economic development.

(2) Use by the Secretary of the authority under section 2667 of title 10, United States Code, to make non-excess real property under the jurisdiction of the Secretary available to the Village for such purpose.

TITLE XXIX—FORT IRWIN MILITARY LAND WITHDRAWAL

SEC. 2901. SHORT TITLE.

This title may be cited as the "Fort Irwin Military Land Withdrawal Act of 2001".

SEC. 2902. WITHDRAWAL AND RESERVATION OF LANDS FOR NATIONAL TRAINING CENTER.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, all public lands and interests in lands described in subsection (c) are hereby withdrawn from all forms of appropriation under the general land laws, including the mining laws and mineral and geothermal leasing laws, and jurisdiction over such lands and interests in lands withdrawn and reserved by this title is hereby transferred to the Secretary of the Army.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army for the following purposes:

(1) The conduct of combined arms military training at the National Training Center.

(2) The development and testing of military equipment at the National Training Center.

(3) Other defense-related purposes consistent with the purposes specified in paragraphs (1) and (2).

(4) Conservation and related research purposes.

(c) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this section comprise approximately 110,000 acres in San Bernardino County, California, as generally depicted as "Proposed Withdrawal Land" on the map entitled "National Training Center—Proposed Withdrawal of Public Lands for Training Purposes," dated September 21, 2000, and filed in accordance with section 2903.

(d) CHANGES IN USE.—The Secretary of the Army shall consult with the Secretary of the Interior before using the lands withdrawn and reserved by this section for any purpose other than those purposes identified in subsection (b).

(e) INDIAN TRIBES.—Nothing in this title shall be construed as altering any rights reserved for tribal use by treaty or Federal law. The Secretary of the Army shall consult with federally recognized Indian tribes in the vicinity of the lands withdrawn under subsection (a) before taking action affecting rights or cultural resources protected by treaty or Federal law.

SEC. 2903. MAP AND LEGAL DESCRIPTION.

(a) PREPARATION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map and legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT.—The map and legal description shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(c) AVAILABILITY.—Copies of the map and the legal description shall be available for public inspection in the following offices:

(1) The offices of the California State Director, California Desert District Office, and Riverside and Barstow Field Offices of the Bureau of Land Management.

(2) The Office of the Commander, National Training Center and Fort Irwin.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in implementing this section.

SEC. 2904. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) GENERAL MANAGEMENT AUTHORITY.—During the period of the withdrawal and reservation made by this title, the Secretary of the Army shall manage the lands withdrawn and reserved by this title for the purposes specified in section 2902.

(b) TEMPORARY PROHIBITION ON CERTAIN USE.—Military use of the lands withdrawn and reserved by this title that result in ground disturbance, as determined by the Secretary of the Army and the Secretary of the Interior, are prohibited until the Secretary of the Army and the Secretary of the Interior certify to Congress that there has been full compliance with respect to such lands with the appropriate provisions of this title, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable laws.

(c) ACCESS RESTRICTIONS.—

(1) IN GENERAL.—If the Secretary of the Army determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the lands withdrawn and reserved by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) LIMITATION.—Any closure under paragraph (1) shall be limited to the minimum areas and periods that the Secretary of the Army determines are required for the purposes specified in such paragraph.

(3) NOTICE.—Immediately preceding and during any closure under paragraph (1), the Secretary of the Army shall post appropriate warning notices and take other steps, as necessary, to notify the public of the closure.

(d) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—The Secretary of the Army shall prepare and implement, in accordance with title I of the Sikes Act (16 U.S.C. 670 et seq.), an integrated natural resources management plan for the lands withdrawn and reserved by this title. In addition to the elements required under the Sikes Act, the integrated natural resources management plan shall include the following:

(1) A requirement that any hunting, fishing, and trapping on the lands withdrawn and reserved by this title be conducted in accordance with section 2671 of title 10, United States Code.

(2) A requirement that the Secretary of the Army take necessary actions to prevent, suppress, and manage brush and range fires occurring within the boundaries of Fort Irwin and brush and range fires occurring outside the boundaries of Fort Irwin that result from military activities at Fort Irwin.

(e) FIREFIGHTING.—Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Army may obligate funds appropriated or otherwise available to the Secretary of the Army to enter into a memorandum of understanding, cooperative agreement, or contract for fire fighting services to carry out the requirements of subsection (d)(2). The Secretary of the Army shall reimburse the Secretary of the Interior for costs incurred by the Secretary of the Interior to assist in carrying out the requirements of such subsection.

(f) CONSULTATION WITH NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—In preparing and implementing any plan, report, assessment, survey, opinion, or impact statement regarding the lands withdrawn and reserved by this title, the Secretary of the Army shall consult with the Administrator of the National Aeronautics and Space Administration whenever proposed Army actions have the potential to affect the operations or the environmental management of the Goldstone Deep Space Communications Complex. The requirement for consultation shall apply, at a minimum, to the following:

(1) Plans for military training, military equipment testing, or related activities that have the potential of impacting communications between Goldstone Deep Space Communications Complex and space flight missions or other transmission or receipt of signals from outer space by the Goldstone Deep Space Communications Complex.

(2) The integrated natural resources management plan required by subsection (d).

(3) The West Mojave Coordinated Management Plan referred to in section 2907.

(4) Any document prepared in compliance with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other laws applicable to the lands withdrawn and reserved by this title.

(g) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the Materials Act of 1947, 30 U.S.C. 601 et seq.), the Secretary of the Army may use sand, gravel, or similar mineral material resources of the type subject to disposition under such Act from the lands withdrawn and reserved by this title if the use of such resources is required for construction needs of the National Training Center.

SEC. 2905. WATER RIGHTS.

(a) NO RESERVED WATER RIGHT ESTABLISHED.—Nothing in this title shall be construed—

(1) to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title; or

(2) to authorize the appropriation of water on such lands by the United States after the date of the enactment of this Act, except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—This section shall not be construed to affect any water rights acquired or reserved by the United States before the date of the enactment of this Act, and the Secretary of the Army may exercise any such previously acquired or reserved water rights.

SEC. 2906. ENVIRONMENTAL COMPLIANCE AND ENVIRONMENTAL RESPONSE REQUIREMENTS.

(a) AGREEMENT CONCERNING ENVIRONMENT AND PUBLIC HEALTH.—The Secretary of the Army and the Secretary of the Interior may enter into such agreements concerning the environment and public health as are necessary, appropriate, and in the public interest to carry out the purposes of this title.

(b) RELATION TO OTHER ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to alter the rights, responsibilities, and obligations of the Secretary of the Army or the Secretary of the Interior under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other environmental laws applicable to the lands withdrawn and reserved by this title.

SEC. 2907. WEST MOJAVE COORDINATED MANAGEMENT PLAN.

(a) COMPLETION.—The Secretary of the Interior shall make every effort to complete the West Mojave Coordinated Management Plan not later than two years after the date of the enactment of this Act.

(b) CONSIDERATION OF WITHDRAWAL AND RESERVATION IMPACTS.—The Secretary of the Interior shall ensure that the West Mojave Coordinated Management Plan considers the impacts of the availability or nonavailability of the lands withdrawn and reserved by this title on the plan as a whole.

(c) CONSULTATION.—The Secretary of the Interior shall consult with the Secretary of the Army and the Administrator of the National Aeronautics and Space Administration in the development of the West Mojave Coordinated Management Plan.

SEC. 2908. RELEASE OF WILDERNESS STUDY AREAS.

Congress hereby finds and directs that lands withdrawn and reserved by this title have been adequately studied for wilderness designation pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), and are no longer subject to the requirement of such section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

SEC. 2909. TRAINING ACTIVITY SEPARATION FROM UTILITY CORRIDORS.

(a) REQUIRED SEPARATION.—All military ground activity training on the lands withdrawn and reserved by this title shall remain at least 500 meters from any utility system, in existence as of the date of the enactment of this Act, in Utility Planning Corridor D, as described in the California Desert Conservation Area Plan, dated 1980 and subsequently amended.

(b) EXCEPTION.—Subsection (a) does not modify the use of any lands used, as of the date of the enactment of this Act, by the National Training Center for training or alter any right of access granted by interagency agreement.

SEC. 2910. DURATION OF WITHDRAWAL AND RESERVATION.

(a) TERMINATION DATE.—Unless extended pursuant to section 2911, unless relinquishment is postponed by the Secretary of the Interior pursuant to section 2912(b), and except as provided in section 2912(d), the withdrawal and reservation made by this title shall terminate 25 years after the date of the enactment of this Act.

(b) LIMITATION ON SUBSEQUENT AVAILABILITY FOR APPROPRIATION.—At the time of termination of the withdrawal and reservation made by this title, the previously withdrawn lands shall not be open to any forms of appropriation under the general land laws, including the mining laws and the mineral and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order that shall state the date upon which such lands shall be restored to the public domain and opened.

SEC. 2911. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.

(a) NOTIFICATION REQUIREMENT.—Not later than three years before the termination date specified in section 2910(a), the Secretary of the Army shall notify Congress and the Secretary of the Interior concerning whether the Army will have a continuing military need, beyond the termination date, for all or any portion of the lands withdrawn and reserved by this title.

(b) PROCESS FOR EXTENSION OF WITHDRAWAL AND RESERVATION.—

(1) CONSULTATION AND APPLICATION.—If the Secretary of the Army determines that there will be a continuing military need after the termination date for any of the lands withdrawn and reserved by this title, the Secretary of the Army shall—

(A) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such needed lands; and

(B) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such needed lands.

(2) APPLICATION REQUIREMENTS.—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension of the land withdrawal and reservation made by this title shall be considered to be complete if the application includes the information required by section 3 of Public Law 85–337 (commonly known as the Engle Act; 43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and only to the extent, the Secretary of the Army proposes to use or develop such resources during the period of extension.

(c) SUBMISSION OF PROPOSED EXTENSION TO CONGRESS.—The Secretary of the Interior and the Secretary of the Army may submit to Congress a legislative proposal for the extension of the withdrawal and reservation made by this title. The legislative proposal shall be accompanied by an appropriate analysis of environmental impacts associated with the proposal, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SEC. 2912. TERMINATION AND RELINQUISHMENT.

(a) NOTICE OF TERMINATION.—During the first 22 years of the withdrawal and reservation made by this title, if the Secretary of the Army determines that there is no continuing military need for the lands withdrawn and reserved by this title, or any portion of such lands, the Secretary of the Army shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands. The notice shall specify the proposed date of relinquishment.

(b) ACCEPTANCE OF JURISDICTION.—The Secretary of the Interior may accept jurisdiction over any lands covered by a notice under subsection (a) if the Secretary of the Interior determines that the Secretary of the Army has taken or will take all environmental response and restoration activities required under applicable laws and regulations.

(c) NOTICE OF ACCEPTANCE.—If the Secretary of the Interior decides to accept jurisdiction over lands covered by a notice under subsection (a) before the termination date of the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order that shall—

(1) terminate the withdrawal and reservation of such lands under this title;

(2) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(d) RETAINED ARMY JURISDICTION.—Notwithstanding the termination date specified in section 2910, unless and until the Secretary of the Interior accepts jurisdiction of land proposed for relinquishment pursuant to this section, such land shall remain withdrawn and reserved for the Secretary of the Army for the limited purposes of environmental response and restoration actions under section 2906 and continued land management responsibilities pursuant to the integrated natural resources management plan required under section 2904, until such environmental response and restoration activities on those lands are completed.

(e) SEVERABILITY OF FUNCTIONS.—All functions described under this section, including transfers, relinquishments, extensions, and other determinations, may be made on a parcel-by-parcel basis.

SEC. 2913. DELEGATION OF AUTHORITY.

(a) SECRETARY OF THE ARMY.—The Secretary of the Army may delegate to officials in the Department of the Army such functions as the Secretary of the Army may determine appropriate to carry out this title.

(b) SECRETARY OF THE INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that the order described in section 2912(c) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $6,859,895,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, $5,369,488,000, to be allocated as follows:

(A) For stewardship operation and maintenance, $4,527,192,000, to be allocated as follows:

(i) For directed stockpile work, $1,043,791,000.

(ii) For campaigns, $2,036,413,000, to be allocated as follows:

(I) For operation and maintenance, $1,653,441,000.

(II) For construction, $382,972,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Livermore, California, $5,400,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $20,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,070,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $5,377,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $81,125,000.

Project 98–D–126, accelerator production of tritium (APT), various locations, $15,000,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $245,000,000.

(iii) For readiness in technical base and facilities, $1,446,988,000, to be allocated as follows:

(I) For operation and maintenance, $1,292,324,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $154,664,000, to be allocated as follows:

Project 02–D–101, microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico, $2,000,000.

Project 02–D–103, project engineering and design (PED), various locations, $9,180,000.

Project 02–D–107, electrical power systems safety communications and bus upgrades, Nevada Test Site, Nevada, $3,507,000.

Project 01–D–103, preliminary project design and engineering, various locations, $45,379,000.

Project 01–D–124, highly enriched uranium (HEU) materials storage facility, Y–12 Plant, Oak Ridge, Tennessee, $9,500,000.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $7,700,000.

Project 01–D–800, sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $12,993,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $4,400,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $4,955,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $300,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City plant, Kansas City, Missouri, $22,200,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $13,700,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 consolidation, Oak Ridge, Tennessee, $6,850,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,900,000.

(B) For facilities and infrastructure, $50,600,000.

(C) For secure transportation asset, $121,800,000, to be allocated as follows:

(i) For operation and maintenance, $77,571,000.

(ii) For program direction, $44,229,000.

(D) For safeguards and security, $448,881,000, to be allocated as follows:

(i) For operations and maintenance, $439,281,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $9,600,000, to be allocated as follows:

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,600,000.

(E) For program direction, $250,000,000.

(F) The total amount authorized by this paragraph is the sum of the amounts authorized to be appropriated by subparagraphs (A) through (E), reduced by $28,985,000, to be derived from a security charge for reimbursable work.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, $773,700,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $206,102,000, to be allocated as follows:

(i) For operation and maintenance, $170,296,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $35,806,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, $35,806,000.

(B) For arms control, $101,500,000.

(C) For international materials protection, control, and accounting, $138,800,000.

(D) For highly enriched uranium transparency implementation, $13,950,000.

(E) For international nuclear safety, $10,800,000.

(F) For fissile materials control and disposition, $293,089,000, to be allocated as follows:

(i) For United States surplus fissile materials disposition, $236,089,000, to be allocated as follows:

(I) For operation and maintenance, $130,089,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $106,000,000, to be allocated as follows:

Project 01–D–407, highly enriched uranium blend-down, Savannah River Site, Aiken, South Carolina, $24,000,000.

Project 99–D–141, pit disassembly and conversion facility, Savannah River Site, Aiken, South Carolina, $16,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility, Savannah River Site, Aiken, South Carolina, $63,000,000.

Project 99–D–142, immobilization and associated processing facility, Savannah River Site, Aiken, South Carolina, $3,000,000.

(ii) For Russian surplus fissile materials disposition, $57,000,000, to be allocated as follows:

(I) For Russian plutonium disposition, and support and oversight in the United States, $56,000,000.

(II) For advanced reactor technology, $1,000,000.

(G) For program direction, $51,459,000.

(H) The total amount authorized by this paragraph is the sum of the amounts authorized to be appropriated by subparagraphs (A) through (G), reduced by $42,000,000, to be derived from offsets and use of prior year balances.

(3) NAVAL REACTORS.—For naval reactors, $688,045,000, to be allocated as follows:

(A) For naval reactors development, $665,445,000, to be allocated as follows:

(i) For operation and maintenance, $652,245,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $13,200,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, $9,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $4,200,000.

(B) For program direction, $22,600,000.

(4) DEFENSE NUCLEAR COUNTERINTELLIGENCE.—For defense nuclear counterintelligence, $13,662,000.

(5) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, for program direction, $15,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of $4,646,427,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7277n), $1,050,538,000.

(2) SITE/PROJECT COMPLETION.—For site completion and project completion in carrying out environmental management activities necessary for national security programs, $920,196,000, to be allocated as follows:

(A) For operation and maintenance, $872,030,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $48,166,000, to be allocated as follows:

Project 02–D–420, FB line plutonium stabilization and packaging, Savannah River Site, Aiken, South Carolina, $20,000,000.

Project 01–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $3,256,000.

Project 01–D–414, preliminary project, engineering and design (PE&D), various locations, $10,254,000.

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $5,040,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $2,700,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,910,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $4,244,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $762,000.

(3) POST-2006 COMPLETION.—For post-2006 completion in carrying out environmental restoration and waste management activities necessary for national security programs, $3,021,201,000, to be allocated as follows:

(A) For operation and maintenance, $1,761,979,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,754,000, to be allocated as follows:

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $6,754,000.

(C) For the Office of River Protection in carrying out environmental restoration and waste management activities necessary for national security programs, $832,468,000, to be allocated as follows:

(i) For operation and maintenance, $272,151,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $560,317,000, to be allocated as follows:

Project 01–D–416, waste treatment and immobilization plant, Richland, Washington, $520,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $33,473,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $6,844,000.

(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, $196,000,000.

(5) EXCESS FACILITIES.—For excess facilities in carrying out environmental restoration and waste management activities necessary for national security programs, $1,300,000.

(6) SAFEGUARDS AND SECURITY.—For safeguards and security in carrying out environmental restoration and waste management activities necessary for national security programs, $205,621,000.

(7) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, $355,761,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated by subsection (a) is the sum of the amounts authorized to be appropriated by paragraphs (1) through (7) of that subsection, reduced by $53,652,000, to be derived from offsets and use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for other defense activities in carrying out programs necessary for national security in the amount of $502,099,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, $40,844,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, $32,727,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $269,250,000, to be allocated as follows:

(A) For nuclear safeguards and security, $121,188,000.

(B) For security investigations, $44,927,000.

(C) For corporate management information programs, $20,000,000.

(D) For program direction, $83,135,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,904,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $105,293,000, to be allocated as follows:

(A) For environment, safety, and health (defense), $84,500,000.

(B) For program direction, $20,793,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $21,900,000, to be allocated as follows:

(A) For worker and community transition, $19,000,000.

(B) For program direction, $2,900,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,893,000.

(8) NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.—For national security programs administrative support, $25,000,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a) is the total of the amounts authorized to be appropriated by paragraphs (1) through (8) of that subsection, reduced by $10,712,000, of which $10,000,000 is to reflect an offset provided by use of prior year balances and $712,000 is to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $126,208,000, to be allocated as follows:

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $49,332,000.

Project 97–PVT–2, advanced mixed waste treatment project Idaho Falls, Idaho, $40,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $10,826,000.

Project 98–PVT–5, environmental management/waste management disposal, Oak Ridge, Tennessee, $26,050,000.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $310,000,000.

SEC. 3106. INCREASED AMOUNT FOR NONPROLIFERATION AND VERIFICATION.

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION.—The amounts provided in section 3101 for activities of the National Nuclear Security Administration, and in paragraph (2) of that section for defense nuclear nonproliferation, are each hereby increased by $10,000,000, for operation and maintenance for nonproliferation and verification research and development (and the amounts provided in subparagraph (A) of such paragraph (2) and in clause (i) of such subparagraph are each hereby increased by such amount).

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by $10,000,000, to be derived from amounts for consulting services.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year, the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) does not apply to a construction project with a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for that design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2003.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS AT FIELD OFFICES OF THE DEPARTMENT OF ENERGY.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during fiscal year 2002.

SEC. 3130. TRANSFERS OF WEAPONS ACTIVITIES FUNDS AT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.

(a) TRANSFER AUTHORITY.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall provide the head of each national security laboratory and nuclear weapons production facility with the authority to transfer weapons activities funds from a program under the jurisdiction of such laboratory or facility to another such program.

(b) LIMITATIONS.—(1) The amount transferred under subsection (a) by a laboratory or facility in a fiscal year may not exceed the lesser of—

(A) $5,000,000; and

(B) 10 percent of the total weapons activities funds available to that laboratory or facility in that fiscal year for programs under the jurisdiction of such laboratory or facility.

(2) A transfer may not be carried out under subsection (a) unless the head of the laboratory or facility determines that the transfer will result in cost savings and efficiencies.

(3) A transfer may not be carried out under subsection (a) to cover a cost overrun or scheduling delay for any program.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied, limited, or increased funds or for a new program that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term "program" means, with respect to a national security laboratory or nuclear weapons production facility, any of the following:

(A) A program referred to or listed in paragraph (1) of section 3101.

(B) A program not described in subparagraph (A) that is for weapons production or weapons component production of the National Nuclear Security Administration that is being carried out by the laboratory or facility, and for which weapons activities funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "weapons activities funds" means funds appropriated to the Department of Energy pursuant to an authorization for weapons activities of the National Nuclear Security Administration in carrying out programs necessary for national security.

(3) The terms "national security laboratory" and "nuclear weapons production facility" have the meanings given such terms in section 3281 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C. 2471).

(f) DURATION OF AUTHORITY.—The heads of the national security laboratories and nuclear weapons production facilities may exercise the authority provided under subsection (a) during fiscal year 2002.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. TERMINATION DATE OF OFFICE OF RIVER PROTECTION, RICHLAND, WASHINGTON.

Subsection (f) of section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2250), as amended by section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–462), is amended to read as follows:

"(f) TERMINATION.—(1) The Office shall terminate on the later to occur of the following dates:

"(A) September 30, 2010.

"(B) The date on which the Assistant Secretary of Energy for Environmental Management determines, in consultation with the head of the Office, that continuation of the Office is no longer necessary to carry out the responsibilities of the Department of Energy under the Tri-Party Agreement.

"(2) The Assistant Secretary shall notify, in writing, the committees referred to in subsection (d) of a determination under paragraph (1).

"(3) In this subsection, the term 'Tri-Party Agreement' means the Hanford Federal Facility Agreement and Consent Order entered into among the Department of Energy, the Environmental Protection Agency, and the State of Washington Department of Ecology.".

SEC. 3132. ORGANIZATIONAL MODIFICATIONS FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ESTABLISHMENT OF PRINCIPAL DEPUTY ADMINISTRATOR.—(1) Subtitle A of the National Nuclear Security Administration Act is amended by inserting after section 3213 (50 U.S.C. 2403) the following new section:

"SEC. 3213A. PRINCIPAL DEPUTY ADMINISTRATOR.

"(a) IN GENERAL.—(1) There is in the Administration a Principal Deputy Administrator, who is appointed by the President, by and with the advice and consent of the Senate.

"(2) The Principal Deputy Administrator shall be appointed from among persons who—

"(A) have extensive background in national security, organizational management, and appropriate technical fields; and

"(B) are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the Administration in a manner that advances and protects the national security of the United States.

"(b) DUTIES.—Subject to the authority, direction, and control of the Administrator, the Principal Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe, including the coordination of activities among the elements of the Administration. The Principal Deputy Administrator shall act for, and exercise the powers of, the Administrator when the Administrator is disabled or the position of Administrator is vacant.".

(2) The table of contents preceding section 3201 of such Act is amended by inserting after the item relating to section 3213 the following new item:

"Sec. 3213A. Principal Deputy Administrator.".

(3) Section 5315 of title 5, United States Code, is amended—

(A) by inserting before the item relating to Deputy Administrators of the National Nuclear Security Administration the following new item:

"Principal Deputy Administrator, National Nuclear Security Administration."; and

(B) by inserting "Additional" before "Deputy Administrators of the National Nuclear Security Administration".

(b) ELIMINATION OF REQUIREMENT THAT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES REPORT TO DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.—Section 3214 of the National Nuclear Security Administration Act (50 U.S.C. 2404) is amended by striking subsection (c).

(c) REPEAL OF DUPLICATIVE PROVISION.—Section 3245 of the National Nuclear Security Administration Act (50 U.S.C. 2443) is repealed.

SEC. 3133. CONSOLIDATION OF NUCLEAR CITIES INITIATIVE PROGRAM WITH INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

The Administrator for Nuclear Security shall consolidate the Nuclear Cities Initiative program with the Initiatives for Proliferation Prevention program under a single management line. The consolidation shall be completely accomplished not later than July 1, 2002.

SEC. 3134. DISPOSITION OF SURPLUS DEFENSE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.

(a) CONSULTATION REQUIRED.—The Secretary of Energy shall consult with the Governor of the State of South Carolina regarding any decisions or plans of the Secretary related to the disposition of surplus defense plutonium located at the Savannah River Site, Aiken, South Carolina, including the plan required by subsection (b).

(b) PLAN FOR DISPOSITION.—Not later than February 1, 2002, the Secretary shall submit to Congress a plan for disposal of the surplus defense plutonium currently located at the Savannah River Site and for disposal of defense plutonium and defense plutonium materials to be shipped to the Savannah River Site in the future. The plan shall review each option considered for such disposal, identify the preferred option, and state the cost of construction and operation of the facilities required by the Department of Energy's Record of Decision for the Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic Environmental Impact Statement dated January 14, 1997. The plan shall also specify a schedule for the expeditious construction of such facilities, including milestones, and a firm schedule for funding the cost of such facilities. The plan shall specify, in addition, the means by which all such plutonium will be removed in a timely manner from the Savannah River Site for storage or disposal elsewhere.

(c) REQUIREMENT FOR ALTERNATIVE DISPOSITION.—If the Secretary determines that proceeding with construction of the Plutonium Immobilization Plant at the Savannah River Site is not feasible, the Department shall modify the design of the Mixed Oxide Fuel Fabrication facility at the Savannah River Site so that it includes an immobilization capability. If the Secretary determines that proceeding with the Mixed Oxide Fuel Fabrication facility is not feasible, the Department shall proceed with construction of the Plutonium Immobilization Plant.

(d) LIMITATION ON PLUTONIUM SHIPMENTS.—If the plan required in subsection (b) is not submitted to Congress by February 1, 2002, the Secretary shall be prohibited from shipping defense plutonium or defense plutonium materials to the Savannah River Site during the period beginning on February 1, 2002, and ending on the date on which such plan is submitted to Congress.

SEC. 3135. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) SUPPORT FOR FISCAL 2002.—From amounts appropriated or otherwise made available to the Secretary of Energy by this title—

(1) $5,000,000 shall be available for payment by the Secretary for fiscal year 2002 to the not-for-profit Los Alamos National Laboratory Foundation, as chartered in accordance with section 3167(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2052); and

(2) $8,000,000 shall be available for extension of the contract between the Department of Energy and the Los Alamos Public Schools through fiscal year 2002.

(b) SUPPORT FOR FISCAL 2003.—Subject to the availability of appropriations, the Secretary is authorized to—

(1) make payment for fiscal year 2003 similar to the payment referred to in subsection (a)(1); and

(2) provide for a contract extension through fiscal 2003 similar to the contract extension referred to in subsection (a)(2).

(c) USE OF FUNDS.—The foundation referred to in subsection (a)(1) shall—

(1) utilize funds provided under this section as a contribution to the endowment fund for the foundation; and

(2) use the income generated from investments in the endowment fund that are attributable to payments made under this section to fund programs to support the educational needs of children in public schools in the vicinity of Los Alamos National Laboratory.

(d) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) An evaluation of the requirements for continued payments beyond fiscal year 2003 into the endowment fund of the foundation referred to in subsection (a) to enable the foundation to meet the goals of the Department to support the recruitment and retention of staff at the Los Alamos National Laboratory.

(2) The Secretary's recommendations for any further support beyond fiscal year 2003 directly to the Los Alamos Public Schools.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2002, $18,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

(3) The term "Market Impact Committee" means the Market Impact Committee appointed under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(c)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) Obligation of Stockpile Funds.—During fiscal year 2002, the National Defense Stockpile Manager may obligate up to $65,200,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) Additional Obligations.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) Limitations.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN NATIONAL DEFENSE STOCKPILE.

(a) Disposal Authorized.—Subject to subsection (b), the President may dispose of certain materials contained in the National Defense Stockpile that are obsolete or excess to stockpile requirements, in the quantities specified in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Bauxite, Refractory	40,000 short tons
Chromium Metal	3,512 short tons
Iridium	25,140 troy ounces
Jewel Bearings	30,273,221 pieces
Manganese, Ferro HC	209,074 short tons
Palladium	11 troy ounces
Quartz Crystal	216,648 pounds
Tantalum Metal Ingot	120,228 pounds of contained Tantalum
Tantalum Metal Powder	36,020 pounds of contained Tantalum
Thorium Nitrate	600,000 pounds

(b) Consultation With Market Impact Committee.—In disposing of materials under subsection (a), the President shall consult with the Market Impact Committee to ensure that the disposal of the materials does not disrupt the usual markets of producers, processors, and consumers of the materials.

(c) Relationship to Other Disposal Authority.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in the table in such subsection.

SEC. 3304. EXPEDITED IMPLEMENTATION OF AUTHORITY TO DISPOSE OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

(a) Disposal Authorized During Fiscal Year 2002.—Subsection (a)(1) of section 3305 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note) is amended by striking "fiscal year 2003" and inserting "the two-fiscal year period ending September 30, 2003".

(b) Limitations on Disposal Authority.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: "The total quantity of cobalt disposed of under such subsection during fiscal year 2002 may not exceed 700,000 pounds.".

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) Amount.—There are hereby authorized to be appropriated to the Secretary of Energy $17,371,000 for fiscal year 2002 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) Period of Availability.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002.

Funds are hereby authorized to be appropriated for fiscal year 2002, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $89,054,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $103,978,000, of which—

(A) $100,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,978,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $10,000,000.

SEC. 3502. DEFINE "WAR RISKS" TO VESSELS TO INCLUDE CONFISCATION, EXPROPRIATION, NATIONALIZATION, AND DEPRIVATION OF THE VESSELS.

Section 1201(c) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1281(c)) is amended to read as follows:

"(c) The term 'war risks' includes to such extent as the Secretary may determine—

"(1) all or any part of any loss that is excluded from marine insurance coverage under a 'free of capture or seizure' clause, or under analogous clauses; and

"(2) other losses from hostile acts, including confiscation, expropriation, nationalization, or deprivation.".

SEC. 3503. HOLDING OBLIGOR'S CASH AS COLLATERAL UNDER TITLE XI OF MERCHANT MARINE ACT, 1936.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended by inserting after section 1108 the following:

"SEC. 1109. DEPOSIT FUND.

"(a) Establishment of Deposit Fund.—There is established in the Treasury a deposit fund for purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor to serve as collateral for a guarantee under this title made with respect to the obligor.

"(b) Agreement.—

"(1) In general.—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, use, and reinvestment of cash of the obligor held in the deposit fund established by subsection (a).

"(2) Terms.—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

"(3) Security interest of United States.—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

"(c) Investment.—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b). Cash balances of the deposit fund in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

"(d) Withdrawals.—

"(1) In general.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

"(2) Use of income.—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

"(3) Retention against default.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary's recovery against the obligor in case of a default by the obligor on an obligation.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON S. 1438

Mr. STUMP. Mr. Speaker, by direction of the Committee on Armed Services and pursuant to clause 1 of rule XXII, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the privileged motion.

The Clerk read as follows:

Mr. Stump moves that the House take from the Speaker's table the bill S. 1438, with the House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP).

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. SKELTON moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1438 be instructed to agree to the provisions contained in section 652 of the Senate bill, relating to Survivor Benefit Plan eligibility of survivors of retirement-ineligible members of the uniformed services who die on active duty.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. SKELTON) will be recognized for 30 minutes, and the gentleman from Arizona (Mr. STUMP) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct the conferees which instructs the conferees on the National Defense Authorization Act of fiscal year 2002 to recede and accept section 652 of the Senate-passed bill. This section would authorize survivors of nonretirement-eligible service members who die while on active duty to participate in this Survivor Benefit Plan.

The tragic attack on the Pentagon on September 11 has brought to light inequitable treatment between Survivor Benefit Plan participants who die while on active duty and those who retire or are retirement eligible. Under the current Survivor Benefit Plan, known as SPB, only retired or retirement-eligible service members are entitled to participate in this program.

Upon retirement, including medical retirement, a service member pays monthly premiums which entitle his or her survivors to an annuity upon the service member's death. However, if a service member is not retirement eligible, his or her dependents are not entitled to receive SPB if this service member dies.

For example, let us say there are three active duty service members on a helicopter, Alpha, Bravo and Charlie, on deployment somewhere in the Middle East. Alpha has served for over 20 years. Bravo and Charlie have served for 19½ years. The helicopter crashes. Alpha, who is retirement eligible and participates in SPB, perishes in the crash. Since he is retirement eligible, his dependents are eligible to receive an annuity.

Bravo, who has served 19½ years, survives the crash and is medically retired, but passes away. Because he is medically retired, his survivors also are entitled to an SPB annuity.

Charlie, on the other hand, also has served 19½ years, and he perishes in the crash. Because he is not retirement eligible, his survivors are not entitled to any SPB annuity.

The difference in benefit eligibility is determined by whether or not the service member is retired or retirement eligible at the time of death.

Mr. Speaker, the situation I just described played out in real life, sadly, on September 11, when that airplane crashed into the Pentagon. SPB participants were treated differently depending on whether they were retired, retirement eligible or not. That is simply not fair. We owe it to those who gave their lives on that fateful day to fix this inequity.

Section 652 of the Senate-passed Defense Authorization Act would correct this injustice. My motion instructs the conferees to agree to this provision.

We have a moral obligation to ensure that those who volunteer to defend this Nation in uniform are treated fairly and equitably. I strongly urge my colleagues to support this motion to instruct conferees to accept section 652. It is not only the honorable thing to do; it is the right thing to do.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the motion of the gentleman in that it endorses the provision of the Senate bill that would broaden the Survivors Benefit Plan to include members of the armed services who die while on active duty. Providing this coverage is fair and the right thing to do. It ensures that an annuity will be paid to the surviving family of service members who die while on active duty.

I commend the gentleman from Missouri for offering this motion and urge my colleagues to support it.

Mr. REYES. Mr. Speaker, I rise today to offer a motion to instruct the House conferees to the National Defense Authorization Act of 2002 to accept Section 652, Title VI, Subtitle D of the Senate Bill, passed in the Senate on October 2, 2001. This section would correct the inequity in survivor benefits offered to survivors of retirement ineligible members of the uniformed services who die while on active duty.

The Survivor Benefit Plan provides an annuity to dependents of military retirees or retirement eligible service members. When a retirement ineligible service member dies while on active duty, family members receive Dependency and Indemnity Compensation, while offers a lesser benefit than that offered to families of retired or retirement eligible service members.

In cases where an active duty service member suffers from a prolonged illness, the military has ample time to medically retire this person, regardless of whether or not that person is retirement eligible. But, in cases where service members are fatally injured while on active duty, prior to becoming retirement eligible, medical personnel have been forced to go to extreme lengths to keep these members, who are clinically dead, alive while personnel specialists scramble to process retirement paperwork before the service member is pronounced dead. In the case of the attack on the Pentagon on September 11, many service members were killed instantly and so there was no opportunity to medically retire these people. Therefore, retirement ineligible victim's families will receive the Dependency and Indemnity Compensation, a lesser benefit.

The most striking example of this inequity would be if, for example, a plane crash occurred. Some of the victims were killed immediately, while others were kept alive long enough to be medically retired. The families of those victims who were kept alive long enough for medical retirement would receive a much better benefit package, the Survivor Benefit Plan, than those who were killed instantly, who would receive Dependency and Indemnity Compensation, even though all were involved in the same accident!

In Vietnam in April of 2001, while surveying potential sites for excavation to recover remains of Americans who were missing in action from the Vietnam War, a helicopter crashed, killing sixteen. Benefit packages for families of two of those victims were calculated, based on what their families would receive if their deaths were on "active duty" compared to what would be received if their deaths occurred after being "medically retired." In the case of Lieutenant Colonel Cory, if he had been medically retired, his family would have received Survivor Benefits, which amounts to $750 more a month than the active duty Dependency and Indemnity Compensation, which they now receive. In the case of Sergeant First Class Murphy, another victim of the crash, his wife and two children are receiving $313 less a month than what they would have been entitled if he had been medically retired. Both of these soldiers were retirement eligible, but because they were killed instantly, there was no time to process paperwork, their families now suffer financial loss on top of losing a loved one.

Unless this provision is accepted and included in the Fiscal Year 2002 Defense Authorization Act, the families of victims of tragedy who were retirement ineligible will receive fewer benefits than if there had been the opportunity to complete medical retirement paperwork. All of these families have suffered enough. There a disparity in the current law, and this provision aims to correct that disparity.

Many leaders has stepped forward in support of this provision. General Hugh Shelton, former Chairman of the Joint Chiefs of Staff stated during his tenure that "in the absence of legislative relief, medical retirement requirements place an undue burden on both commanders in the field and fleet and, more tragically, on families that are denied important and deserving benefits."

I urge my colleagues to support the motion to instruct the conferees to accept the Senate provision and provide survivor benefits to family members of those who die while on active duty.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Missouri (Mr. Skelton).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees; and, without objection, the list will be printed at this point in the Record.

There was no objection.

From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. Stump, Hunter, Hansen, Weldon of Pennsylvania, Hefley, Saxton, McHugh, Everett, Bartlett of Maryland, McKeon, Watts of Oklahoma, Thornberry, Hostettler, Chambliss, Skelton, Spratt, Ortiz, Evans, Taylor of Mississippi, Abercrombie, Meehan, Underwood, Allen, and Snyder.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. Goss, Bereuter, and Ms. Pelosi.

From the Committee on Education and the Workforce, for consideration of secs. 304, 305, 1123, 3151, and 3157 of the Senate bill, and secs. 341, 342, 509, and 584 of the House amendment, and modifications committed to conference: Messrs. Castle, Isakson, and George Miller of California.

From the Committee on Energy and Commerce, for consideration of secs. 314, 316, 601, 663, 3134, 3141, 3143, 3152, 3153, 3159, 3171–3181, and 3201 of the Senate bill, and secs. 601, 3131, 3132, and 3201 of the House amendment, and modifications committed to conference: Messrs. Tauzin, Barton, and Dingell.

From the Committee on Government Reform, for consideration of secs. 564, 622, 803, 813, 901, 1044, 1047, 1051, 1065, 1075, 1102, 1111–1113, 1124–1126, 2832, 3141, 3144, and 3153 of the Senate bill, and secs. 333, 519, 588, 802, 803, 811–819, 1101, 1103–1108, 1110, and 3132 of the House amendment, and modifications committed to conference: Messrs. Burton, Weldon of Florida, and Waxman.

Provided that Mr. Davis of Virginia is appointed in lieu of Mr. Weldon (FL) for consideration of secs. 803 and 2832 of the Senate bill, and secs. 333 and 803 of the House amendment, and modifications committed to conference.

Provided that Mr. Horn is appointed in lieu of Mr. Weldon (FL) for consideration of secs. 811–819 of the House amendment, and modifications committed to conference.

From the Committee on House Administration, for consideration of secs. 572, 574–577, and 579 of the Senate bill, and sec. 552 of the House amendment, and modifications committed to conference: Messrs. Ney, Mica, and Hoyer.

From the Committee on International Relations, for consideration of secs. 331, 333, 1201–1205, 1211–1218 of the Senate bill, and secs. 1011, 1201, 1202, 1205, 1209, Title XIII, and sec. 3133 of the House amendment, and modifications committed to conference: Messrs. Hyde, Gilman, and Lantos.

From the Committee on Judiciary, for consideration of secs. 821, 1066, 3151 of the senate bill, and secs. 323 and 818 of the House amendment, and modifications committed to conference: Messrs. Sensenbrenner, Smith of Texas, and Conyers.

From the Committee on Resources, for consideration of secs. 601, 663, 2823, and 3171–3181 of the Senate bill, and secs. 601, 1042, 2841, 2845, 2861–2863, 2865, and Title XXIX of the House amendment, and modifications committed to conference: Messrs. Gibbons, Radanovich, and Rahall.

Provided that Mr. Udall of Colorado is appointed in lieu of Mr. Rahall for consideration of secs. 3171–3181 of the Senate bill, and modifications committed to conference.

From the Committee on Science for consideration of secs. 1071 and 1124 of the Senate bill, and modifications committed to conference: Messrs. Boehlert, Smith of Michigan, and Hall of Texas.

Provided that Mr. Ehlers is appointed in lieu of Mr. Smith (MI) for consideration of sec. 1124 of the Senate bill, and modifications committed to conference.

From the Committee on Small Business, for consideration of secs. 822–824 and 1068 of the Senate bill, and modifications committed to conference: Messrs. Manzullo, Combest, and Ms. Velázquez.

From the Committee on Transportation and Infrastructure, for consideration of secs. 563, 601, and 1076 of the Senate bill, and secs. 543, 544, 601, 1049, and 1053 of the House amendment, and modifications committed to conference: Messrs. Young of Alaska, LoBiondo, and Brown of Florida.

Provided that Mr. Pascrell is appointed in lieu of Mr. Brown (FL) for consideration of sec. 1049 of the House amendment, and modifications committed to conference.

From the Committee on Veterans Affairs, for consideration of secs. 538, 539, 573, 651, 717, and 1064 of the Senate bill, and sec. 641 of the House amendment, and modifications committed to conference: Messrs. Smith of New Jersey, Bilirakis, and Filner.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON S. 1438, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. STUMP. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference committee between the House and Senate on S. 1438 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Does the gentleman seek time to debate the motion?

Mr. STUMP. No, sir.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. Stump).

Under the rule, the vote must be taken by the yeas and nays.

This will be a 15-minute vote, followed by a 5-minute vote on approval of the Journal.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 10, as follows:

[Roll No. 391]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)

Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Burton
Conyers
Cubin
Frelinghuysen
LaTourette
Miller (FL)
Price (NC)
Reyes
Roukema
Sweeney

□ 1205

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. THUNE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 365, noes 34, not voting 31, as follows:

[Roll No. 392]

AYES—365

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Forbes
Fossella
Frank
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—34

Aderholt
Borski
Brady (PA)
Costello
Crane
DeFazio
English
Etheridge
Fattah
Filner
Ford
Hastings (FL)
Hilliard
Jones (OH)
Latham
McDermott
Miller, George
Oberstar
Olver
Peterson (MN)
Phelps
Ramstad
Schaffer
Scott
Stark
Strickland
Taylor (MS)
Thompson (CA)
Thompson (MS)
Visclosky
Waters
Weller
Wicker
Wu

NOT VOTING—31

Boehner
Bonior
Burton
Chambliss
Combest
Conyers
Cubin
Dicks
Foley
Frelinghuysen
Frost
Hoekstra
Jones (NC)
Kelly
Kennedy (RI)
Kirk
LaTourette
Lucas (KY)
Markey
Miller (FL)
Oxley
Pelosi
Pickering
Price (NC)
Reyes
Reynolds
Roukema
Sabo
Sweeney
Tancredo
Tierney

□ 1215

So the Journal was approved.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2217, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

CONFERENCE REPORT ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. SKEEN. Mr. Speaker, I call up the conference report to accompany the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and ask unanimous consent for its immediate consideration without intervention of any point of order.

The Clerk read the title of the bill.

(For conference report and statement see proceedings of the House of Thursday, October 11, 2001, at page H6507.)

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from New Mexico?

Mr. OBEY. Mr. Speaker, reserving the right to object, I intend not to object. I simply make this observation in order to afford the gentleman an opportunity to explain what it is we are doing here and to respond to several other questions that I think are in Members' minds with respect to the bill, and I yield to the distinguished gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, as the manager of this conference agreement, I do not intend to use any of the hour on general debate.

Mr. Speaker, we bring before the House the conference agreement on H.R. 2217—the Interior and Related Agencies Appropriations Act for fiscal year 2002.

Let me take a moment to thank the members of the Interior subcommittee for their support and guidance this year. I want to extend a special, personal thanks to the ranking minority member, NORM DICKS, for his extraordinary assistance in helping to shape this bill.

This is a good agreement. It provides $19.1 billion for our public lands, for Indian programs, for critical science and energy research programs, and for cultural institutions like the Smithsonian. Within that total there is $1.32 billion for the conservation spending initiative, which is the full amount available under the law for the Interior bill.

Let me cover just a couple of the highlights. The conference agreement includes $210 million for Payments in Lieu of Taxes, $600 million for maintenance on our public lands and $144 million for State land and water conservation grants, an increase of $54 million above the enacted level. There is $275 million for low income weatherization assistance and State energy grants, an increase of $84 million above the enacted level. There is $150 million for a new clean coal power initiative, a key component of the Administration's National Energy Policy. All of these areas are Presidential priorities.

The agreement also extends the recreation fee demonstration program for two years. Under this program, the National parks, forests, wildlife refugees, and other public lands retain fees they collect and use them to make repairs and other improvements that enhance the visitor experience. I am pleased to report that nearly $1 billion has been collected since the program was begun by this subcommittee in fiscal year 1997.

The conference agreement also provides $120 million to continue the Everglades restoration program and over $200 million for building schools and hospitals for American Indians and Alaska Natives.

The agreements has $2 billion to continue the National fire plan in fiscal year 2002. This includes funds for firefighting, restoration, hazardous fuel reduction, and community assistance.

The National Endowment for the Arts is funded at $98 million and there is $17 million for the Challenge America Arts Fund. These are the same amounts as in the House-passed bill.

I want to thank the staff in both the House and the Senate and on both sides of the aisle for their hardwork and long hours in getting the agreement in shape and making sure the numbers all worked within our allocation.

This is a good conference report; it conforms to our allocation; it balances the many competing needs of the programs under the jurisdiction of the Interior and Related Agencies Subcommittee; and I urge Members to support it.

Mr. Speaker, I ask that a table on the various accounts in the bill agreed to by the Conferees be included at this point.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	733,116	734,312	739,711	746,962	746,632	+13,516
Emergency appropriations	17,134					-17,134
Conservation		26,000	29,000	29,000	29,000	+29,000
Supplemental appropriations (P.L. 107-20)	3,000					-3,000
Total, Management of lands and resources	753,250	760,312	768,711	775,962	775,632	+22,382
Wildland fire management:						
Preparedness	314,712	280,807	280,807	281,807	280,807	-33,905
Fire suppression operations	109,865	161,424	161,424	111,614	127,424	+17,559
Other operations	9,978	216,190	258,575	196,000	216,190	+206,212
Contingent emergency appropriations	542,544					-542,544
Contingent emergency appropriations (Suppression)				50,000	34,000	+34,000
Contingent emergency appropriations (Other operations)				20,000	20,000	+20,000
Total, Wildland fire management	977,099	658,421	700,806	659,421	678,421	-298,678
Central hazardous materials fund	9,978	9,978	9,978	9,978	9,978	
Construction	16,823	10,976	11,076	12,976	13,076	-3,747
Payments in lieu of taxes	199,560	150,000	150,000	170,000	160,000	-39,560
Conservation			50,000	50,000	50,000	+50,000
Total, Payments in lieu of taxes	199,560	150,000	200,000	220,000	210,000	+10,440
Land acquisition	56,545					-56,545
Conservation		47,686	47,686	45,686	49,920	+49,920
Oregon and California grant lands	104,038	105,165	105,165	106,061	105,165	+1,127
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000	
Service charges, deposits, & forfeitures (indefinite)	7,484	8,000	8,000	8,000	8,000	+516
Miscellaneous trust funds (indefinite)	12,405	11,000	11,000	11,000	11,000	-1,405
Total, Bureau of Land Management	2,147,182	1,771,538	1,872,422	1,859,084	1,871,192	-275,990
Appropriations	(1,587,504)	(1,697,852)	(1,745,736)	(1,664,398)	(1,688,272)	(+100,768)
Conservation		(73,686)	(126,686)	(124,686)	(128,920)	(+128,920)
Emergency appropriations	(17,134)					(-17,134)
Contingent emergency appropriations	(542,544)			(70,000)	(54,000)	(-488,544)
United States Fish and Wildlife Service						
Resource management	800,330	779,752	809,852	812,814	819,597	+19,267
Emergency appropriations	6,486					-6,486
Conservation		27,000	30,000	33,000	31,000	+31,000
Total, Resource management	806,816	806,752	839,852	845,814	850,597	+43,781
Construction	62,877	35,849	48,849	55,526	55,543	-7,334
Emergency appropriations	8,481					-8,481
Supplemental appropriations (P.L. 107-20)	17,700					-17,700
Total, Construction	89,058	35,849	48,849	55,526	55,543	-33,515
Land acquisition	121,188					-121,188
Conservation		164,401	104,401	108,401	99,135	+99,135
Landowner incentive program (conservation)			50,000	50,000	40,000	+40,000
Private stewardship grants program (conservation)			10,000	10,000	10,000	+10,000
Cooperative endangered species conservation fund	104,694					-104,694
Conservation		54,694	107,000	91,000	96,235	+96,235
National wildlife refuge fund	11,414	11,414	11,414	14,414	14,414	+3,000
Conservation			5,000			
Total, National wildlife refuge fund	11,414	11,414	16,414	14,414	14,414	+3,000
North American wetlands conservation fund	39,912					-39,912
Conservation		14,912	45,000	42,000	43,500	+43,500
Neotropical migratory birds conservation fund					3,000	+3,000
Conservation			5,000			
Wildlife conservation and appreciation fund	795					-795
Multinational species conservation fund	3,243	3,243	4,000	4,000	4,000	+757
State wildlife grants fund	49,890					-49,890
Conservation			100,000	100,000	85,000	+85,000
Rescission				-49,890	-25,000	-25,000
Total, State wildlife grants fund	49,890		100,000	50,110	60,000	+10,110
Tribal wildlife grants (conservation)			5,000			
Total, United States Fish and Wildlife Service	1,227,910	1,091,265	1,335,516	1,271,265	1,276,424	+49,414
Appropriations	(1,212,043)	(830,258)	(874,115)	(886,754)	(896,554)	(-315,489)
Rescission				(-49,890)	(-25,000)	(-25,000)
Conservation		(261,007)	(461,401)	(434,401)	(404,870)	(+404,870)
Emergency appropriations	(14,967)					(-14,967)

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
National Park Service						
Operation of the national park system	1,386,190	1,468,499	1,478,336	1,471,128	1,474,977	+88,787
Conservation		2,000	2,000	2,000	2,000	+2,000
Total, Operation of the national park system	1,386,190	1,470,499	1,480,336	1,473,128	1,476,977	+90,787
United States Park Police	77,876	65,260	65,260	66,106	65,260	-12,616
Supplemental appropriations (P.L. 107-20)	1,700					-1,700
Total, United States Park Police	79,576	65,260	65,260	66,106	65,260	-14,316
National recreation and preservation	59,827	48,039	51,804	66,287	66,159	+6,332
Urban park and recreation fund	29,934					-29,934
Conservation			30,000	20,000	30,000	+30,000
Historic preservation fund	94,239					-94,239
Conservation		67,055	77,000	74,000	74,500	+74,500
Construction	295,024	289,802	299,249	278,585	299,193	+4,169
Emergency appropriations	5,288					-5,288
Conservation		50,000	50,000	60,000	66,851	+66,851
Total, Construction	300,312	339,802	349,249	338,585	366,044	+65,732
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000	
Land acquisition and state assistance	215,141					-215,141
Conservation		557,036	261,036	287,036	274,117	+274,117
Total, National Park Service (net)	2,135,219	2,517,691	2,284,685	2,295,142	2,323,057	+187,838
Appropriations	(2,159,931)	(1,871,600)	(1,894,649)	(1,882,106)	(1,905,589)	(-254,342)
Rescission	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	
Conservation		(676,091)	(420,036)	(443,036)	(447,468)	(+447,468)
Emergency appropriations	(5,288)					(-5,288)
United States Geological Survey						
Surveys, investigations, and research	880,106	813,376	875,489	867,474	889,002	+8,896
Emergency appropriations	2,694					-2,694
Conservation			25,000	25,000	25,000	+25,000
Total, United States Geological Survey	882,800	813,376	900,489	892,474	914,002	+31,202
Minerals Management Service						
Royalty and offshore minerals management	240,526	252,098	252,597	254,663	253,397	+12,871
Use of receipts	-107,410	-102,730	-102,730	-102,730	-102,730	+4,680
Oil spill research	6,105	6,105	6,105	6,118	6,105	
Total, Minerals Management Service	139,221	155,473	155,972	158,051	156,772	+17,551
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	100,580	101,900	102,900	102,144	102,800	+2,220
Receipts from performance bond forfeitures (indefinite)	274	275	275	275	275	+1
Subtotal	100,854	102,175	103,175	102,419	103,075	+2,221
Abandoned mine reclamation fund (definite, trust fund)	201,992	166,783	203,554	203,171	203,455	+1,463
Total, Office of Surface Mining Reclamation and Enforcement	302,846	268,958	306,729	305,590	306,530	+3,684
Bureau of Indian Affairs						
Operation of Indian programs	1,737,378	1,780,486	1,790,781	1,804,322	1,799,809	+62,431
Emergency appropriations	1,197					-1,197
Supplemental appropriations (P.L. 107-20)	50,000					-50,000
Total, Operation of Indian programs	1,788,575	1,780,486	1,790,781	1,804,322	1,799,809	+11,234
Construction	356,618	357,132	357,132	360,132	357,132	+514
Indian land and water claim settlements and miscellaneous payments to Indians	37,443	60,949	60,949	60,949	60,949	+23,506
Indian guaranteed loan program account	4,977	4,986	4,986	4,986	4,986	+9
(Limitation on guaranteed loans)	(59,551)	(75,000)		(75,000)	(75,000)	(+15,449)
Total, Bureau of Indian Affairs	2,187,613	2,203,553	2,213,848	2,230,389	2,222,876	+35,263
Departmental Offices						
Insular Affairs:						
Assistance to Territories	47,646	41,730	44,569	48,730	51,230	+3,584
Northern Marianas	27,720	27,720	27,720	27,720	27,720	
Subtotal, Assistance to Territories	75,366	69,450	72,289	76,450	78,950	+3,584

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Compact of Free Association	8,726	8,745	8,745	8,745	8,745	+19
Mandatory payments	12,000	14,500	14,500	14,500	14,500	+2,500
Subtotal, Compact of Free Association	20,726	23,245	23,245	23,245	23,245	+2,519
Total, Insular Affairs	96,092	92,695	95,534	99,695	102,195	+6,103
Departmental management	64,178	64,177	55,177	67,541	67,741	+3,563
Office of the Solicitor	40,108	42,207	45,000	44,074	45,000	+4,892
Office of Inspector General	27,785	30,490	30,490	34,302	34,302	+6,517
Office of the Special Trustee for American Indians	82,446	99,224	99,224	99,224	99,224	+16,778
Emergency appropriations	27,539	....	....	....	....	-27,539
Indian land consolidation pilot	8,980	10,980	10,980	10,980	10,980	+2,000
Natural resource damage assessment fund	5,391	5,497	5,497	5,872	5,497	+106
Total, Departmental Offices	352,519	345,270	341,902	361,688	364,939	+12,420
General Provisions, Department of the Interior						
Abandoned mine/acid mine drainage (PA)	12,572	....	....	....	....	-12,572
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	9,386,982	9,167,124	9,411,563	9,373,683	9,435,792	+48,810
Appropriations	(8,805,619)	(8,186,340)	(8,408,440)	(8,356,450)	(8,430,534)	(-375,085)
Conservation	....	(1,010,784)	(1,033,123)	(1,027,123)	(1,006,258)	(+1,006,258)
Rescissions	(-30,000)	(-30,000)	(-30,000)	(-79,890)	(-55,000)	(-25,000)
Emergency appropriations	(68,819)	....	....	....	....	(-68,819)
Contingent emergency appropriations	(542,544)	....	....	(70,000)	(54,000)	(-488,544)
(Limitation on guaranteed loans)	(59,551)	(75,000)	....	(75,000)	(75,000)	(+15,449)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	229,111	234,979	236,979	242,822	241,304	+12,193
Supplemental appropriations (P.L. 107-20)	1,400	....	....	....	....	-1,400
Total, Forest and rangeland research	230,511	234,979	236,979	242,822	241,304	+10,793
State and private forestry	271,854	176,244	173,771	186,331	190,221	-81,633
Conservation	....	61,585	104,000	101,000	101,000	+101,000
Contingent emergency appropriations	12,473	....	....	....	....	-12,473
Emergency appropriations	11,269	....	....	....	....	-11,269
Supplemental appropriations (P.L. 107-20)	24,500	....	....	....	....	-24,500
Total, State and private forestry	320,096	237,829	277,771	287,331	291,221	-28,875
National forest system	1,297,832	1,314,191	1,320,445	1,324,491	1,331,439	+33,607
Emergency appropriations	7,233	....	....	....	....	-7,233
Supplemental appropriations (P.L. 107-20)	12,000	....	....	....	....	-12,000
Total, National forest system	1,317,065	1,314,191	1,320,445	1,324,491	1,331,439	+14,374
Wildland fire management:						
Preparedness	611,143	622,618	616,618	622,618	622,618	+11,475
Fire suppression operations	226,140	321,321	321,321	221,321	255,321	+29,181
Other operations	....	336,410	464,366	271,655	336,410	+336,410
Contingent emergency appropriations	1,042,975	....	....	....	....	-1,042,975
Contingent emergency appropriations (Suppression)	....	....	....	100,000	266,000	+266,000
Contingent emergency appropriations (Other operations)	....	....	....	65,000	80,000	+80,000
Total, Wildland fire management	1,880,258	1,280,349	1,402,305	1,280,594	1,560,349	-319,909
Capital improvement and maintenance	517,427	473,230	485,513	480,286	485,188	-32,239
Conservation	....	50,497	50,000	61,000	61,000	+61,000
Supplemental appropriations (P.L. 107-20)	4,000	....	....	....	....	-4,000
Total, Capital improvement and maintenance	521,427	523,727	535,513	541,286	546,188	+24,761
Land acquisition	150,872	....	....	....	....	-150,872
Conservation	....	130,877	130,877	128,877	149,742	+149,742
Acquisition of lands for national forests, special acts	1,067	1,069	1,069	1,069	1,069	+2
Acquisition of lands to complete land exchanges (indefinite)	233	234	234	234	234	+1
Range betterment fund (indefinite)	3,293	3,290	3,290	3,290	3,290	-3
Gifts, donations and bequests for forest and rangeland research	92	92	92	92	92	....
Management of national forest lands for subsistence uses	5,488	5,488	5,488	5,488	5,488	....
Southeast Alaska economic disaster fund	4,989	....	....	....	....	-4,989

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Reduction for non-conservation funding	....	-2,000	-2,000	-2,000	-2,000	-2,000
Conservation (Youth Conservation Corps)	....	2,000	2,000	2,000	2,000	+2,000
Total, Forest Service	4,435,391	3,732,125	3,914,063	3,815,574	4,130,416	-304,975
Appropriations	(3,361,441)	(3,487,166)	(3,627,186)	(3,357,697)	(3,470,674)	(+109,233)
Conservation	....	(244,959)	(286,877)	(292,877)	(313,742)	(+313,742)
Emergency appropriations	(18,502)	....	....	....	....	(-18,502)
Contingent emergency appropriations	(1,055,448)	....	....	(165,000)	(346,000)	(-709,448)
DEPARTMENT OF ENERGY						
Clean coal technology:						
Deferral	-67,000	....	....	....	-40,000	+27,000
Fossil energy research and development	432,464	449,000	579,000	570,390	582,790	+150,326
Strategic petroleum account (by transfer)	(12,000)	....	....	....	....	(-12,000)
Clean coal technology (by transfer)	(95,000)	....	....	(33,700)	(33,700)	(-61,300)
Alternative fuels production (rescission)	-1,000	-2,000	....	-2,000	-2,000	-1,000
Naval petroleum and oil shale reserves	1,596	17,371	17,371	17,371	17,371	+15,775
Elk Hills School lands fund	....	36,000	....	....	....	....
Advance appropriations, FY 2002	36,000	....	....	....	....	-36,000
Advance appropriations, FY 2003	....	....	....	36,000	36,000	+36,000
(By transfer)	....	....	(36,000)	....	....	....
Energy conservation	813,442	755,805	940,805	870,805	912,805	+99,363
Biomass energy development (by transfer)	(2,000)	....	....	....	....	(-2,000)
Economic regulation	1,996	1,996	1,996	1,996	1,996	....
Strategic petroleum reserve	160,637	169,009	179,009	169,009	179,009	+18,372
(By transfer)	(4,000)	....	....	....	....	(-4,000)
Energy Information Administration	75,509	75,499	78,499	75,499	78,499	+2,990
Total, Department of Energy:						
New budget (obligational) authority (net)	1,453,644	1,502,680	1,796,680	1,739,070	1,766,470	+312,826
Appropriations	(1,485,644)	(1,504,680)	(1,796,680)	(1,705,070)	(1,772,470)	(+286,826)
Advance appropriations	(36,000)	....	....	(36,000)	(36,000)	....
Rescissions	(-1,000)	(-2,000)	....	(-2,000)	(-2,000)	(-1,000)
Deferral	(-67,000)	....	....	....	(-40,000)	(+27,000)
(By transfer)	(113,000)	....	(36,000)	(33,700)	(33,700)	(-79,300)
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	2,265,663	2,387,014	2,390,014	2,388,614	2,389,614	+123,951
Indian health facilities	363,103	319,795	369,795	362,854	369,487	+6,384
Total, Indian Health Service	2,628,766	2,706,809	2,759,809	2,751,468	2,759,101	+130,335
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	14,967	15,148	15,148	15,148	15,148	+181
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	4,116	4,490	4,490	4,490	4,490	+374
Smithsonian Institution						
Salaries and expenses	386,902	396,200	396,200	401,192	399,253	+12,351
Repair, restoration and alteration of facilities	57,473	67,900	67,900	67,900	67,900	+10,427
Construction	9,479	30,000	30,000	25,000	30,000	+20,521
Total, Smithsonian Institution	453,854	494,100	494,100	494,092	497,153	+43,299
National Gallery of Art						
Salaries and expenses	64,638	66,229	68,967	68,967	68,967	+4,329
Repair, restoration and renovation of buildings	10,847	14,220	14,220	14,220	14,220	+3,373
Total, National Gallery of Art	75,485	80,449	83,187	83,187	83,187	+7,702
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	13,969	15,000	15,000	15,000	15,000	+1,031
Construction	19,956	19,000	19,000	19,000	19,000	-956
Total, John F. Kennedy Center for the Performing Arts	33,925	34,000	34,000	34,000	34,000	+75
Woodrow Wilson International Center for Scholars						
Salaries and expenses	12,283	7,796	7,796	7,796	7,796	-4,487

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	97,765	98,234	98,234	98,234	98,234	+449
National Endowment for the Humanities						
Grants and administration	104,373	104,882	107,882	109,882	108,382	+4,009
Matching grants	15,621	15,622	15,622	15,622	16,122	+501
Total, National Endowment for the Humanities	119,994	120,504	123,504	125,504	124,504	+4,510
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration	24,852	24,899	26,899	26,899	26,899	+2,047
Challenge America Arts Fund						
Challenge America grants	6,985	6,985	17,000	17,000	17,000	+10,015
Total, National Foundation on the Arts and the Humanities	249,616	250,622	265,637	267,637	266,637	+17,021
Commission of Fine Arts						
Salaries and expenses	1,076	1,274	1,274	1,174	1,224	+148
National Capital Arts and Cultural Affairs						
Grants	6,985	7,000	7,000	7,000	7,000	+15
Advisory Council on Historic Preservation						
Salaries and expenses	3,182	3,310	3,400	3,310	3,400	+218
National Capital Planning Commission						
Salaries and expenses	6,486	7,253	7,253	7,253	7,253	+767
United States Holocaust Memorial Council						
Holocaust Memorial Museum	34,363	36,028	36,028	36,028	36,028	+1,665
Presidio Trust						
Presidio trust fund	33,327	22,427	22,427	23,125	23,125	-10,202
Total, title II, related agencies:						
New budget (obligational) authority (net)	9,447,466	8,905,511	9,452,292	9,290,352	9,642,428	+194,962
Appropriations	(8,405,516)	(8,662,552)	(9,165,415)	(8,798,475)	(8,988,686)	(+583,170)
Conservation		(244,959)	(286,877)	(292,877)	(313,742)	(+313,742)
Advance appropriations	(36,000)			(38,000)	(36,000)	
Emergency appropriations	(18,502)					(-18,502)
Contingent emergency appropriations	(1,055,448)			(165,000)	(346,000)	(-709,448)
Rescissions	(-1,000)	(-2,000)		(-2,000)	(-2,000)	(-1,000)
Deferral	(-67,000)				(-40,000)	(+27,000)
(By transfer)	(113,000)		(36,000)	(33,700)	(33,700)	(-79,300)
TITLE VII						
United Mine Workers of America combined benefits fund	57,872					-57,872
Grand total:						
New budget (obligational) authority (net)	18,892,320	18,072,635	18,863,855	18,664,035	19,078,220	+185,900
Appropriations	(17,269,007)	(16,848,892)	(17,573,855)	(17,154,925)	(17,419,220)	(+150,213)
Conservation		(1,255,743)	(1,320,000)	(1,320,000)	(1,320,000)	(+1,320,000)
Advance appropriations	(36,000)			(36,000)	(36,000)	
Emergency appropriations	(87,321)					(-87,321)
Contingent emergency appropriations	(1,597,992)			(235,000)	(400,000)	(-1,197,992)
Rescissions	(-31,000)	(-32,000)	(-30,000)	(-81,890)	(-57,000)	(-26,000)
Deferral	(-67,000)				(-40,000)	(+27,000)
(By transfer)	(113,000)		(36,000)	(33,700)	(33,700)	(-79,300)
(Limitation on guaranteed loans)	(59,551)	(75,000)		(75,000)	(75,000)	(+15,449)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	2,147,182	1,771,538	1,872,422	1,859,084	1,871,192	-275,990
United States Fish and Wildlife Service	1,227,010	1,091,265	1,335,516	1,271,265	1,276,424	+49,414
National Park Service	2,135,219	2,517,691	2,284,685	2,295,142	2,323,057	+187,838
United States Geological Survey	882,800	813,376	900,489	892,474	914,002	+31,202
Minerals Management Service	139,221	155,473	155,972	158,051	156,772	+17,551
Office of Surface Mining Reclamation and Enforcement	302,846	268,958	306,729	305,590	306,530	+3,684
Bureau of Indian Affairs	2,187,613	2,203,553	2,213,848	2,230,389	2,222,876	+35,263
Departmental Offices	352,519	345,270	341,902	361,688	364,939	+12,420
General Provisions	12,572					-12,572
Total, Title I - Department of the Interior	9,386,982	9,167,124	9,411,563	9,373,683	9,435,792	+48,810

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE II - RELATED AGENCIES						
Forest Service	4,435,391	3,732,125	3,914,063	3,815,574	4,130,416	-304,975
Department of Energy	1,453,644	1,502,680	1,796,680	1,739,070	1,766,470	+312,826
Indian Health Service	2,628,766	2,706,809	2,759,809	2,751,468	2,759,101	+130,335
Office of Navajo and Hopi Indian Relocation	14,967	15,148	15,148	15,148	15,148	+181
Institute of American Indian and Alaska Native Culture and Arts Development	4,116	4,490	4,490	4,490	4,490	+374
Smithsonian Institution	453,854	494,100	494,100	494,092	497,153	+43,299
National Gallery of Art	75,485	80,449	83,187	83,187	83,187	+7,702
John F. Kennedy Center for the Performing Arts	33,925	34,000	34,000	34,000	34,000	+75
Woodrow Wilson International Center for Scholars	12,283	7,796	7,796	7,796	7,796	-4,487
National Endowment for the Arts	97,785	98,234	98,234	98,234	98,234	+449
National Endowment for the Humanities	119,994	120,504	123,504	125,504	124,504	+4,510
Institute of Museum and Library Services	24,852	24,899	26,899	26,899	26,899	+2,047
Challenge America Arts Fund	6,985	6,985	17,000	17,000	17,000	+10,015
Commission of Fine Arts	1,076	1,274	1,274	1,174	1,224	+148
National Capital Arts and Cultural Affairs	6,985	7,000	7,000	7,000	7,000	+15
Advisory Council on Historic Preservation	3,182	3,310	3,400	3,310	3,400	+218
National Capital Planning Commission	6,486	7,253	7,253	7,253	7,253	+767
Holocaust Memorial Council	34,363	36,028	36,028	36,028	36,028	+1,665
Presidio Trust	33,327	22,427	22,427	23,125	23,125	-10,202
Total, Title II - Related Agencies	9,447,466	8,905,511	9,452,292	9,290,352	9,642,428	+194,962
TITLE VII						
United Mine Workers of America combined benefits fund	57,872					-57,872
Grand total	18,892,320	18,072,635	18,863,855	18,664,035	19,078,220	+185,900

Mr. OBEY. Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER) under my reservation.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for reserving his reservation and also for yielding the time. I just want to comment on one aspect of the conference committee report, and I want to thank the conference committee for its attention.

I appreciate the opportunity to comment on a provision affecting the tribal interests in my district, the Lytton Rancheria in California and in the City of San Pablo. Last year the appropriate authorizing committees in both the House and the Senate developed authorizing language to address a land into trust provision unique to the Lytton Rancheria.

This conference committee revisited this issue in the Subcommittee on Interior of the Committee on Appropriations due to the exceptionally unique circumstances which necessitated the enactment of Section 819 of Public Law 106–568, taking lands into trust for the purposes of gaming.

I want to clarify that our action here did not diminish requirements that the tribe fully comply with provisions of Public Law 100–497 and in particular, with respect to Class III gaming, the compact provision of Section 2710(d) or any relevant Class III gaming procedures.

I want to thank the conferees for their attention to this issue and the determination that the tribe must proceed according to current law.

Mr. Speaker, I appreciate the opportunity to comment on a provision affecting tribal interests in my district—the Lytton Rancheria of California and the City of San Pablo. Last year the appropriate authorizing committees in both the House and the Senate developed authorizing language to address a land into trust provision unique to the Lytton Rancheria. This conference committee revisited this issue in the Interior Appropriations bill due to the exceptional and unique circumstances which necessitated the enactment of Section 819 of P.L. 106–568, taking lands into trust for the purposes of gaming. I want to clarify that our action here did not diminish the requirement that the tribe fully comply with the provisions of P.L. 100–497 and in particular, with respect to Class III gaming, the compact provision of Section 2710(d) or any relevant Class III gaming procedures.

I want to thank the conferees for their attention to this issue and determination that the tribe proceed according to current law.

Mr. OBEY. Mr. Speaker, I thank the gentleman.

Continuing under my reservation, I am happy to yield to the distinguished chairman of the committee, the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding, and I would like to say to the Members of the House, Mr. Speaker, that this conference went very smooth because of the good work being done by the gentleman from New Mexico (Mr. SKEEN), the chairman, and the gentleman from Washington (Mr. DICKS), the ranking member.

The gentleman from Wisconsin (Mr. OBEY) and I had an opportunity to participate in this conference agreement. Our colleagues in the Senate did as well. Most of the controversies were almost all eliminated. We have a good bill here today, and I appreciate the gentleman reserving the right to object so that we can have this brief dialogue on this bill, and I would hope that we would receive the support of the membership.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG), and continuing under my reservation, Mr. Speaker, since the gentleman from Washington (Mr. DICKS) is not here, I just would like to make one comment.

I think this bill is a perfectly reasonable bill and I intend to support it. I am especially pleased with the fact that the new conservation initiative known in some corners as the Lands Legacy Variation, I am very pleased with the funding level provided in this bill for that item.

As the gentleman from New Mexico (Mr. SKEEN) knows, last year we had a huge argument about whether or not land purchasing programs ought to be consolidated into a giant entitlement program. It was the feeling of the committee that we could make land acquisition a high priority without turning it into an entitlement. The subcommittee was then chaired by the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS), and the gentleman from Ohio (Mr. REGULA) and myself and several others worked out the agreement at that time to maintain that as an expanded discretionary program. We indicated at the time that we intended to keep stepping that program up, to keep pace with the needs.

The gentleman from New Mexico (Mr. SKEEN) has seen to it that this has happened along with other conferees, and certainly the gentleman from Washington (Mr. DICKS). I am very pleased by that. I think this has been a very large step forward in the conservation area, and I think the entire Congress can be proud of it.

I want to thank also the staff on the committee for the excellent work that they have done.

Mr. MCCRERY. Mr. Speaker, I would like to take this opportunity to thank the Chairman, Mr. SKEEN and the ranking member, Mr. DICKS, on their hard work on this important appropriations legislation before the House today. This bill provides funding for many important programs in the U.S. Fish and Wildlife Service, the National Park Service, the Land and Water Conservation Fund, and the Bureau of Indian Affairs, just to name a few. So thank you both for making sure these vital programs received appropriate funding.

Recently, I and several of my distinguished colleagues from Louisiana, sent a letter requesting that the Interior Conference Committee consider the inclusion of language in this bill that is very important to some of our constituents, the Coushatta Tribe of Louisiana. We sent the letter to bring to the attention of the Interior Conferees a situation that has unfortunately developed in Louisiana.

The Coushatta Tribe of Louisiana currently services over 450 tribal members through Indian Health Services or IHS funds, and expects this number to rise due to its ever-increasing population. Unfortunately, access to IHS or tribally operated facilities and hospital access for certain medical needs, such as dialysis machines and specialized medical treatments, is limited. This is particularly problematic, given that diabetes is the Tribe's most critical health care problem. Consequently, because this type of care is not provided on-reservation, the Coushatta's health care costs have increased dramatically because tribal members must obtain services from local and community health centers.

The Tribe does receive funding from IHS for health services performed off reservation but current levels fall significantly short of budget. Like most of Indian Country, the Coushatta Tribe needs more money for preventive care. They need to purchase necessary medical equipment, increase the clinic's hours of operation and hire a full-time physician to staff the clinic. The Tribe is fully committed to providing quality health care to its trial members and in fact currently dedicates many of its own resources to this cause. Additional IHS funding would go a long way in helping the Coushatta Tribe meet the health care needs of its members.

Additional funds are key here and on that point, I'd like to commend the Conferees for including much needed additional funds for the Bureau of Indian Affairs. More specifically, I was pleased to see the Contract Health Services account increased. These funds will go a long way to address the health needs of the Native American tribes across the United States. I also want to specifically thank Mr. DICKS and all of the Conferees for their commitment to work with the Louisiana delegation to ensure that the Coushatta Tribe of Louisiana is the recipient of some of these funds so they can address their critical health care needs.

Mr. UNDERWOOD. Mr. Speaker, as the House considers passage of the conference report on the Interior Appropriations bill for FY 2002, I wanted to speak about the issue of Compact Impact Aid funding for Guam.

While I am pleased that the conference report includes $6.38 million for Guam, $4 million for Hawaii, and $2 million for the Commonwealth of the Northern Mariana Islands, I remain concerned about the failure of the federal government to identify a better funding solution for areas impacted by the migrations of citizens from the Freely Associated States. Guam received $7.58 million and $9.58 million for FY 2000 and FY 2001, respectively. Because of the failure of the federal government to identify other sources of funding, Guam, the CNMI, and Hawaii are forced to secure funding from the same source, out of the Interior Department's Office of Insular Affairs's budget.

This should not be the case as funding for overall territorial funding has decreased over the last decade. Other federal agencies like the Department of Health and Human Services, the Department of Education, the Department of Housing and Urban Development, and the Department of labor should also be viewed as potential sources of long term funding.

Guam is impacted more than any other territory or state by the unmonitored migration to Guam by citizens of the Freely Associated States in Micronesia that continues to have significant financial and social impacts on our island. Since the Compact of Free Association was established in 1986, Guam only started to receive Compact Impact Aid in FY 1996. During the FY 1996–FY1999 period, Guam received $4.58 million annually from the Department of Interior's Office of Insular Affairs budget. However, the Government of Guam expends between $15–$25 million annually to provide educational and social services for migrants from the Freely Associated States under the Compact agreements.

Although there continues to be differences between the Government of Guam and the Department of Interior on the actual impact costs, the Department of Interior has acknowledged "best estimates" of $12.8 million for compact costs to Guam annually. The Government of Guam estimates that it has spent $180 million between 1986–2000 for Compact Impact costs, while federal reimbursement has been $41 million through FY 2001. Most recently, the General Accounting Office released on October 5, 2001, report entitled, "Migration from Micronesian Nations Has Had Significant Impact on Guam, Hawaii, and the Commonwealth of the Northern Mariana Islands." The report concluded that Freely Associated States migration has clearly had a significant impact on Guam, Hawaii, and the CNMI, and noted that it particularly affected the budgetary resources of Guam and the CNMI, "locations that have relatively small populations and budgets, and economies that have recently suffered economic setbacks." As the U.S. government continues to negotiate expiring provisions of the Compact agreements with the Federated States of Micronesia and the Republic of the Marshall Islands, I hope that policymakers will take a careful look at some of the findings in this GAO report.

This is a difficult time for all Americans and all jurisdictions need assistance. Guam is facing a particularly difficult time. The terrorist attacks have caused a downturn in tourism and serious economic difficulties for Guam. Even prior to the attacks, Guam had a 15% unemployment rate due to Asian economic problems. Guam was not in a position to deal with these costs in the past few years. Given the current situation, Guam is in an even more precarious situation.

Rest assured that I will make sure that Congress has a strong say on the inadequate funding levels and funding sources for Compact Impact aid, as well as migration provisions, on any proposed agreements.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of the Interior Appropriations Conference Report for FY 2002 and I want to express by sincerest thanks to Chairman SKEEN and Ranking Member DICKS for their support of the provisions in the bill to aid the Virgin Islands in overcoming its fiscal crisis.

I want to also commend the Chairman and Ranking Member for the skillful way in which they guided the Interior bill through the legislative process this year. I cannot remember a time, during my tenure in Congress, that the Interior Appropriations bill has been one of the first to clear both houses of Congress with near unanimous support.

Mr. Speaker, the Conference Agreement is $186 million over FY 2001, $214 million over the House bill and $414 million over the Senate bill. It fully funds the new Conservation Trust Fund and provides and increase of about 50% for our nation's weatherization programs for low-income families. The National Endowment for the Arts is funded at a $10 million increase over last year and it provides no funding for drilling in the Artic National Wildlife Reserve (ANWAR) while funding certain Department of Energy programs at a $313 million increase over last year.

This is a good bill; a fair bill and I urge my colleagues to support its passage.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 2217, the fiscal year 2002 Interior appropriations conference report. This Member also commends the distinguished gentleman from New Mexico (Mr. SKEEN), Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Minority Member of the Subcommittee for their hard work on this important bill.

This Member is appreciative of the $15 million appropriation for continued construction for the replacement Indian Health Service Hospital located in Winnebago, Nebraska. Of course, it is unfortunate that the appropriation is less than the Administration's request and the House-passed allocation which would have completed the appropriations for the hospital project; however, at least construction can continue under this reduced funding level. Furthermore, this Member would like to thank the Members of the Subcommittee and the Subcommittee staff for the invaluable assistance they have provided over the years in obtaining funding for this new hospital, which is much needed and will greatly benefit Native Americans in Nebraska.

In closing, Mr. Speaker, this Member urges his colleagues to support H.R. 2217.

Mr. SHAYS. Mr. Speaker, I rise to express my disappointment that this conference report does not contain the important mining protections of the Inslee-Horn Amendment which the House strongly endorsed when we first considered this bill in June.

There was bipartisan support for this amendment, which would have kept in place badly needed protections for the environment, taxpayers and the health of western communities against the most irresponsible mining practices.

Such protections are needed because independent reports estimate the old mining laws have left taxpayers with a potential cleanup liability in excess of $1 billion.

The old regulations and the 1872 mining law simply did not account for destructive new practices like open pit mining with chemicals such as cyanide and sulfuric acid. These new 3809 regulations are the first attempt to address environmental and taxpayer problems arising from modern mines.

These protections were the work of four years of public input and continue to enjoy strong public support. During a 45-day public comment period on the proposed weakening of the mining rules, 47,000 citizens (out of 49,000 comments received) opposed weakening the rule.

Even though the Inslee-Horn Amendment was not included in this report, we must continue to urge the Interior Department to leave the current rules in place. In particular we must retain: strong water resource protections and cleanup standards; strong bonding requirements; and the ability for federal land managers to deny the most irresponsible mines.

Taxpayer protections without adequate environmental standards on destructive

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this Interior Conference Report. This bill includes important funding for conservation programs and includes monies for the maintenance of wildlife habitat protection in national parks, forests and refuge areas. I am especially happy to see that 65 million dollars was included for the Forest Legacy Program which provides assistance in the private and voluntary conservation of our forest lands, including $2 million dollars to protect the Adirondack Lakes in beautiful upstate New York. Since 1990 the Forest Legacy Program has protected nearly 100,000 acres of forest lands in eight states, ensuring that these lands will never be developed but will be managed sustainably and continue to provide much needed raw materials for today's marketplace. In addition, given the recent attacks on New York City and the threat of bioterrorism we have been very concerned about the quality of our water supply.

The $500,000 dollars designated in the Forest Legacy Program for the New York City watershed project is an important and vital step in protecting New York City's drinking water. The critical funding of the Forest Legacy Program will ensure that these areas continue to provide recreational opportunities, filter our water, clean our air, and protect tourism and forest product jobs in the area. I am also pleased that this legislation includes $98 million for the National Endowment for the Arts and $125 million for the National Endowment of the Humanities, amounts which exceed the current funding levels for these valuable agencies. We cannot ignore the rich cultural benefits that the arts provide to our nation. Additionally, the arts generate approximately $3.6 billion each year for local economies across the country.

I am disappointed that an oil royalties amendment of mine—which was included in the House-passed version of the bill—was removed in conference. The amendment would have ensured that the Royalty in Kind program would not continue to lose money for America's tax payers. I offered the amendment to guarantee that oil industry fees, collected through the so-called "Royalty in Kind" program, earn at least fair market value or more. I will continue to work on this issue; we must stop what I consider to be a Corporate Welfare Scheme.

Mr. Speaker, I support the conference report and I want to thank the Conferees for working together to bring to the floor an Appropriations bill that both sides of the aisle can and should support.

I urge a "yes" vote.

Mr. DICKS. Mr. Speaker, this is a good bill, representing a fair compromise between the versions that were passed in each House. While I certainly would have preferred a higher level of funding in some of the key programs of this bill, I am encouraged by many elements of the compromise. The conference report represents a fair effort to provide the necessary funds to maintain the National Park System and our federal land management agencies, to address tribal needs through the Bureau of Indian Affairs, to increase wildfire readiness, to encourage important energy research and conservation programs, and to offer the small—but important—cultural funding through the National Endowment for the Arts and the National Endowment for the Humanities.

One of the most important aspects of this bill and of the conference report, I believe, was the decision to honor the commitment we made last year when we enacted the Conservation Spending Trust Fund. I am extremely pleased that both the House and Senate bills contained full funding of $1.32 billion for these conservation programs—a dramatic increase over the $1.2 billion that was provided in the current year and $637 million in Fiscal Year 2000. This six-year effort represents the most significant increase ever approved for conservation spending across federal environmental accounts that will boost land acquisition, maintenance and wildlife habitat protection in national parks, forests and refuge areas. This was an important step taken last year in the House, and I am proud that we have brought the final version of the Fiscal Year 2002 bill to the floor in a form that included all of the funding anticipated in the second year of this conservation spending agreement.

Despite an allocation in conference that was lower than many of us would have preferred, I am very pleased that this conference agreement funds several specific programs at adequate levels, including:

$85 million for State Wildlife Grants;

$140 million for stateside Land and Water Conservation Fund Grants;

$50 million for the new Land Owner Incentive Program;

$115 million for the National Endowment for the Arts;

A 50 percent increase for the Weatherization program over last year's level;

$2.2 billion for National Fire Plan activities, $300 million over the President's budget request.

As the Ranking Democratic Member of the Interior Subcommittee, I want to thank all of my colleagues in the House for the substantial input and advice you have given to me and to our staff, and I assure you that I have made a diligent effort to attempt to address as many of those concerns as possible within the limitations of our allocation. I also want to thank the professional staff of the Interior Subcommittee for the long hours and meticulous attention to detail that has characterized their work on this legislation. Every member of the Subcommittee—Democrats as well as Republicans—appreciates their hard work under tight deadlines.

So I urge my colleagues to approve this bill. I am convinced that it responds to the most urgent environmental needs of our nation at this time, and that it addresses the major priorities of the Interior Department and the related programs with the Departments of Agriculture and Energy.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER pro tempore. Both sides have yielded back all time for debate on the conference report.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on adoption of the conference report are postponed.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2904, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. HOBSON. Mr. Speaker, I call up the conference report to accompany the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, and ask unanimous consent for its immediate consideration in the House without intervention of any point of order.

The Clerk read the title of the bill.

(For conference report and statement see proceedings of the House of Tuesday, October 6, 2001, at page H6831).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OLVER. Mr. Speaker, reserving the right to object, and I do not intend to object, but I have only reserved the right to object here in order to give the gentleman from Ohio an opportunity to explain what we are doing here.

Mr. HOBSON. Mr. Speaker, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Speaker, as the manager of this conference agreement, I do not intend to use any of the hour on general debate; however, I would like to have the gentleman from Georgia (Mr. KINGSTON) recognized.

Mr. OLVER. Mr. Speaker, continuing my reservation, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I too wanted to object with the reservation on this for the purpose of asking the chairman and the ranking member a few questions about the bill. But I also do not intend to object to the bill but I want to reserve the right to do that. So if it is appropriate on the gentleman's time frame, I would like to ask a couple of questions if the gentleman will continue to yield.

Mr. OLVER. Mr. Speaker, I continue to yield to the gentleman on my reservation.

Mr. KINGSTON. I thank both of the gentlemen and I want to say that my office and the gentleman's committee have worked very diligently for over a year now on a housing issue for Fort Stewart, Georgia and the City of Hinesville, Georgia, that I will not go into the details of. It is a project, as we know, that the staff on the committee is somewhat familiar with.

We have worked hard on this and have also had the honor of having the chairman of the committee come to our area and meet with several of the elected officials from Hinesville and Liberty County, Georgia, and I have been assured that we had this project under control and moving in the right direction.

Yesterday upon my return to Washington I was extremely shocked and extremely disappointed to find out that a problem had developed on this project, and even though it did pass the House, when this bill left the House it unfortunately disappeared in the conference committee. Maybe there was some lukewarm support or lukewarm objections from the Senate, but I also understand that there was a glitch with the authorizing committee, which I did not know about. So I wanted to express these concerns to the chairman and the ranking member and kind of flush it out for maybe next year if that is our only fallback position at this time.

Again, this was a very vital and important project for the folks in Hinesville, Georgia and Liberty County and Fort Stewart as well.

Mr. HOBSON. If I may respond, if the gentleman will continue to yield, first of all, I want my colleagues to know that I feel very badly about this because I have been to Hinesville and I have been involved in this project. I want to see this project succeed. This is a new type of situation that we really have not done before in the military, and that is one of the reasons I wanted to do it.

This helps the community, it helps the Army, and I think it helps the mortgage holder of these properties to get out of the property at a better way than they could have before. This is also new for the community to do a project in this way. We thought we had it done. And I want to be very frank, I thought it was done. We put it into our bill. We got into conference where these things are checked again, and we found there were a couple of procedural problems which the gentleman alluded to or mentioned there that were raised.

It became a situation where we cannot overcome that in this conference at this time and get the authorization and the other things necessary to get it done. But I want to make a commitment that I am going to do everything I can to make sure that this project gets done because I think this is a good model. If we can get this done, this is not just good for Hinesville, but this is a good model that we can use elsewhere in the country. So it is very important that we do it correctly.

I want to assure the gentleman's constituents that the gentleman was very diligent on this. My colleague's staff was very diligent on this. This is just something that came up at the last moment.

Mr. KINGSTON. Will the gentleman from Massachusetts continue to yield?

Mr. OLVER. Under my reservation, I continue to yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman for yielding.

I want to say I truly appreciate the personal attention that the gentleman has shown on this and I appreciate those words and I appreciate his recommitment for the year ahead.

Mr. HOBSON. I want to go down there and cut the ribbon on this one, I can assure the gentleman of that.

Mr. KINGSTON. I also wanted to say should there be a supplemental bill, there may be an opportunity.

Mr. HOBSON. If we can get the things done that are necessary to make it so, we can put it in a supplemental. We will certainly attempt to do that. I am sure the gentleman from Massachusetts (Mr. OLVER) will also be interested in doing that. But we have to get the things technically worked out to get it done because this is a good model, I think, for elsewhere in the country and it is important that we do it correctly and I think we want to do it correctly.

Mr. KINGSTON. I appreciate the gentleman and I will not ask him to speculate the likelihood of its passage next year. I certainly hope that it would be favorable, as I felt like we were so close this year.

Mr. HOBSON. I can make the gentleman from Georgia this assurance. I will make sure all the T's are crossed and the I's are dotted because I think this is a good model.

Mr. KINGSTON. Having said that, I certainly will not object to the bill and the gentleman from Massachusetts (Mr. OLVER) has already held a reservation. I thank him for yielding to me, and I thank the gentleman as the ranking member for his support for this and thank the gentleman from Ohio (Mr. HOBSON).

Mr. OLVER. I have certainly carefully listened to the exchange between the gentleman from Georgia and the chairman of the subcommittee and we will work together on the points that have been raised.

Mr. KINGSTON. I thank the gentleman very much.

Mr. HOBSON. If the gentleman would yield further, I would like to make two other comments.

Mr. OLVER. I continue to yield under my reservation.

Mr. HOBSON. First of all, I would like to thank our staffs for working on the bill. I think they both did a great job, all the staff.

□ 1230

I particularly want to thank Tom McNamara, who is the detailee from the Air Force. He has been particularly good and helped with the subcommittee staff, and we are going to miss him. I do not know if we can get him back next year, but we are sure going to try because he did a good job in facilitating this bill.

I think it is a good bill. I have a good partner in my ranking member. With that, I thank the gentleman for yielding to me.

Mr. OLVER. Mr. Speaker, continuing under my reservation, I want to commend the chairman, the gentleman from Ohio (Mr. HOBSON), for his leadership in reaching this agreement. The two bills did contain substantial differences, and I believe that they have been resolved very fairly.

I also wish to thank the staffs, particularly Valerie Baldwin, Brian Potts, Tom McNamara, and Tom Forhan of the committee staff and Suzy Dumont from my own staff.

I think also the bill is a good bill. I hope we will have a resounding "yes" vote on the legislation.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of the Conference Report on H.R. 2904, the Military Construction Appropriations Act for FY 02. I am particularly pleased that the conference agreement includes $7.748 million for the continued construction of the Guam Army National Guard Readiness Center. Located in Barrigada, Guam this Readiness Center will serve to enhance the administrative functioning and training capabilities of the Guam Army National Guard. This is a critical and desperately needed project whose construction is timely considering the renewed emphasis and recently placed demands on our Guard units. for several weeks, Guam's Guardsmen and women having been working around the clock to provide for a secure and safe environment at the Antonio Won Pat International Airport on Guam. Adequate space to assemble and train with modern equipment and facilities will strengthen their ability to respond when called to duty. This legislation provides Guam's National Guard with the infrastructure needed to meet future missions and increased demands with exceptional capability.I thank Chairman HOBSON and Ranking Member OLVER for their leadership in crafting this legislation and for their support of the Guam Army National Guard Readiness Center. I urge my colleagues to support the Conference Report as it is good for our nation's military infrastructure and supportive of our men and women in uniform.

Mr. OLVER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Both sides have yielded back all time for debate on the conference report.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 69, making further continuing appropriations for the fiscal year 2002, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, and I do not intend to object, but I simply take this reservation in order to afford the gentleman the opportunity to explain to the House what it is we are doing.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding and for reserving the right to object so we can have this brief discussion.

Mr. Speaker, the legislation before the House, H.J. Res. 69, will extend the current continuing resolution for an additional week, allowing the Government to continue to operate through October 31.

As my colleagues are well aware, we have lost several days because of evacuations of the Capitol and for other reasons. We intend to complete the appropriations business expeditiously, but we do need to extend the CR through the 31st. The terms and conditions of the previous CRs remain in effect. All ongoing activities will be continued at current rates under the same terms and conditions as fiscal year 2001.

Mr. Speaker, I want to thank the gentleman for the time, and I want to thank the gentleman for his cooperation in making sure that the business of the House is expedited.

Mr. OBEY. Mr. Speaker, continuing under my reservation, let me simply say I support this resolution, and I think the entire House will as well.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 69

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–44 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof "October 31, 2001".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order: conference report on H.R. 2217 and conference report on H.R. 2904.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in the series.

CONFERENCE REPORT ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2217, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 28, not voting 22, as follows:

[Roll No. 393]

YEAS—380

Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—28

Barr
Berry
Crane
Duncan
Emerson
Flake
Goode
Goodlatte
Green (WI)
Hall (TX)
Hefley
Hostettler
Johnson, Sam
Jones (NC)
Kerns
Moran (KS)
Paul
Petri
Rohrabacher
Royce
Ryun (KS)
Schaffer
Sensenbrenner
Stearns
Tancredo
Tiberi
Toomey
Wu

NOT VOTING—22

Abercrombie
Allen
Bass
Blagojevich
Burton
Buyer
Carson (OK)
Conyers
Costello
Cubin
Hill
Hunter
John
LaTourette
McCarthy (NY)
Miller (FL)
Peterson (MN)
Phelps
Price (NC)
Reyes
Roukema
Shows

☐ 1331

Messrs. TANCREDO, SCHAFFER, HEFLEY, GOODE, BARR of Georgia, PETRI, HALL of Texas, and SAM JOHNSON of Texas, and Mrs. EMERSON changed their vote from "yea" to "nay."

Messrs. ROEMER, GREEN of Texas, and HOLT changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BASS. Mr. Speaker, I was unavoidably detained and missed rollcall vote 393. I would like the RECORD to show that had I been present I would have voted "yea."

Mrs. McCARTHY of New York. Mr. Speaker, on roll call vote 393, I was told we would have a 5-minute warning bell before the last vote, which we did not have. I was at a Members-only briefing.

I missed vote 393. Had I been present, I would have voted yea.

Mr. BLAGOJEVICH. Mr. Speaker, on rollcall No. 393, I was told that we would have a 5-minute warning, but there was no bell. I was at a Members-only briefing and I missed vote 393.

Had I been here, I would have been an enthusiastic yea vote.

CONFERENCE REPORT ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore (Mr. QUINN). The pending business is the question of agreeing to the conference report on the bill, H.R. 2904.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 20, as follows:

[Roll No. 394]

YEAS—409

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—20

Abercrombie
Bilirakis
Burton
Callahan
Conyers
Cubin
Everett
Kleczka
LaFalce
LaTourette
McNulty
Menendez
Miller (FL)
Peterson (MN)
Price (NC)
Regula
Reyes
Rogers (KY)
Roukema
Shows

☐ 1345

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SHOWS. Mr. Speaker, I was away from the House floor on official business on Wednesday, October 17, 2001, and was unable to cast recorded votes on rollcalls 393 and 394.

On rollcall 393 I would have voted "yea."

On rollcall 394 I would have voted "yea."

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to unforeseen circumstances, I was unable to be available on the House floor during the following rollcall votes. Had I been here I would have voted "yea" on rollcall votes numbered 390–394.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, OCTOBER 17, 2001, TO TUESDAY, OCTOBER 23, 2001, AND FOR CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM WEDNESDAY, OCTOBER 17, 2001, OR THURSDAY, OCTOBER 18, 2001, TO TUESDAY, OCTOBER 23, 2001

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 251) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 251

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, October 17, 2001, it stand adjourned until 12:30 p.m. on Tuesday, October 23, 2001, for morning hour debate, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, October 17, 2001, or Thursday, October 18, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 10 a.m. on Tuesday, October 23, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 24, 2001.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Texas?

There was no objection.

FREEDOM TO MANAGE ACT OF 2001—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and the Committee on Rules:

To the Congress of the United States:

I am pleased to transmit for immediate consideration and prompt enactment the "Freedom to Manage Act of 2001." This legislative proposal would establish a procedure under which the Congress can act quickly and decisively to remove those structural barriers to efficient management imposed by law and identified by my Administration.

This proposal is part of the "Freedom to Manage" initiative outlined in the "President's Management Agenda" issued in late August. The initiative includes additional legislative proposals, to be transmitted separately, that would give Federal agencies and managers the tools to more efficiently and effectively manage the Federal Government's programs by: (1) providing Federal managers with increased flexibility to manage personnel; (2) giving agencies the responsibility to fund the full Government share of the accruing cost of all retirement and retiree health care benefits for Federal employees; and (3) giving agencies greater flexibility in managing and disposing of property assets.

In transmitting the Freedom to Manage Act, I am asking the Congress to join with my Administration in making a commitment to reform the Federal Government by eliminating obstacles to its efficient operations. Specifically, the Freedom to Manage Act would establish a process for expedited congressional consideration of Presidential proposals to eliminate or reduce barriers to efficient Government operations through the repeal or amendment of laws that create obstacles to efficient management or the provision of new authority to agencies.

The Freedom to Manage Act would provide that if the President transmits to the Congress legislative proposals relating to the elimination or reduction of barriers to efficient Government operations, either through repeal or amendment of current law or the provision of new authority, special expedited congressional procedures would be used to consider these proposals. If a joint resolution is introduced in either House within 10 legislative days of the transmittal containing the President's legislative proposals, it would be held in committee for no more than 30 legislative days. It would then be brought to the floor of that House very quickly after committee action is completed for a vote under special procedures allowing for limited debate and not amendments. Finally, a bill passed in one House could then be brought directly to the floor of the other House for a vote on final passage.

As barriers to more efficient management are removed, the Nation will rightly expect a higher level of performance from its Federal Government. Giving our Federal managers "freedom to manage" will enable the Federal Government to improve its performance and accountability and better serve the public. I urge the Congress to give the Freedom to Manage Act 2001 prompt and favorable consideration so we can work together in the coming months to implement needed and overdue reforms.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 17, 2001.*

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–133)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 2001.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressures on significant narcotics traffickers centered in Colombia by blocking their property or interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the United States market and financial system.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 16, 2001.*

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–134)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 16, 2001.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA'S FOREIGN POLICY WITH REGARD TO AFGHANISTAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, first and foremost, I would like to thank the gentleman from Maryland (Mr. BARTLETT) for exchanging his time with me. He will be speaking right after I am done, but I have a pressing appointment dealing with the very issue on which I am speaking, which really made it imperative that I speak at this time. I thank the gentleman from Maryland for the consideration that he has given me on this one.

Mr. Speaker, it has been 1 month and 1 week since 6,000 Americans were slaughtered in New York and the Pentagon. Needless to say, our lives will never be the same. So much has happened, and at this moment so much is happening, that at times it is as confusing as it is awesome.

But amid this chaos and runaway emotions, our President, George W. Bush, has proven a steady hand, and has refused to go off half-cocked. He has been courageous and decisive. He has acted with deliberation, and has been methodical in his approach.

I was so proud that our President decided that a major humanitarian commitment be made as part of our battle plan in Afghanistan and against the terrorists in Afghanistan. With thousands of our own people being slaughtered, we could have just struck out blindly, but we are not doing that.

A tremendous effort has been made in this volatile environment to protect the rights and safety of our own Muslim Americans, and we are reaching out to Muslim countries and their people.

In Afghanistan itself, we are in fact limiting our retaliation to bin Laden's terrorists and to the Taliban regime that gave him safe haven. Underscoring the noble motives that still direct our actions, President Bush recently drew our attention to the larger percentage of Afghan children who are orphans, and asked that the children of America make it a personal project to help these Afghan youngsters who have suffered so much. What other country would be so gracious?

President George W. Bush is not only our leader in this crisis, not only our Commander in Chief, but also a wonderful inspiration for us to live up to our ideals. America has not always been right, and certainly we have many black marks in our history, but we can be proud of our record because we have often tried to do our best; more often than not, tried to do what was right; and looked out, more than any other country that one can record, to do the right thing and to respect the human rights of people everywhere, even those of our enemy.

We rebuilt the economies of our former enemies during World War II, and sent some of our young people, many of our young people, in fact, in the last century, to defeat the forces of tyranny wherever they were.

Let us remind the Muslim world, for example, that the last two places that America sent her young people to intervene, our young soldiers, were in Bosnia and Kosovo. In both cases we sent our Armed Forces around the world to a place that had nothing to do with our own security in order to save Muslim people who were being murdered by armed thugs; and those thugs, of course, claimed to be Christians.

We understand, of course, that Christians would not participate in the murderous and heinous crimes that were being committed against the Muslims in the Balkans.

Similarly, we would hope that the Muslims of the world will make it clear, as many have, that the ghoulish slaughter of innocent Americans was totally inconsistent with their religious convictions, with the teachings of Islam.

In terms of our country today, even though we have tried our best to help those around the world who are suffering, we have been the target of unprecedented hatred. Our open and free society is maligned and vilified with a staggering level of venom and vitriol.

□ 1400

Perhaps to understand this, we need to go back a few decades to a far different time, during the Cold War. I worked in the White House during the years when Ronald Reagan brought the Cold War to an end, culminating with the dismantling of the Communist dictatorship that controlled Russia and its puppet States. Essential to a great victory was President Reagan's support for various people who were fighting to free themselves from Communist tyranny.

The bravest and most fierce of these anti-Soviet insurgents were in Afghanistan. There are a lot of Monday morning quarterbacks these days who would suggest now long after that war has been over and the Cold War has come to a successful conclusion that we should not have supported those freedom fighters whether in Afghanistan or elsewhere because freedom fighters, of course, these insurgents, were not perfect people and, in fact, did commit some crimes, and there is no doubt about it.

Those folks who are now complaining about that strategy which ended up saving the world from a nuclear holocaust and from a Cold War that went on and on, those folks who are complaining about it do not even have good 20/20 hindsight.

Clearly and unequivocally the American people can be proud that we provided the Afghan people the weapons they needed to win their own freedom and independence from the Soviet Union, which was occupying their country. That Cold War battle was a major factor in breaking the will of the Communist bosses in Moscow, thus ending the Cold War. This, however, is where we must begin if we are to understand the grotesque crime committed against the American people on September 11.

One of the common errors found in news reporting as of late has been the suggestion that those holding power in Afghanistan today are the same people who we supported in the war against Soviet occupation of Afghanistan in the 1980s. The liberal press likes to suggest that we, meaning the American people, armed and trained those who have now come back to murder us on September 11. This by and large is wrong. It is factually in error.

Yes, there are some of those currently in power in Kabul who also fought the Russians, but by and large we are talking about two different groups of people. Those who fought the Soviet occupation were called the Mujahedin, and during my time at the White House, I had the opportunity to meet most, if not all, of the leaders of the Mujahedin who fought against Soviet occupation of Afghanistan.

There was seven major factions, and it is significant that the current Taliban leadership does not include any of these wartime leaders against the Soviet occupation, not one. After I left the White House and was elected to Congress, I had been working with these Mujahedin leaders, and I felt very strongly about their cause. So when I was elected to Congress, but before I got sworn into Congress, I had 2 months on my own between November and January. So I took that opportunity and I hiked into Afghanistan as part of a small Mujahedin unit and engaged in battle against Russian and Communist forces near and around the City of Jalalabad.

The muja I marched with were incredibly brave, but they were not senseless killers. They had religious faith, and certainly they were devout, but they were not fanatics. In fact, they prayed daily but I did not see them chastising the many Afghans who were with us who were not joining them in prayer. They faced death but their dreams were of life.

In fact, a boy, probably 16, 17 years old, an AK-47 strapped over his shoulder, ran up to me as we marched through the Afghan countryside. It was at night and the cannons were going off in the distance. I could see them light up the sky. I could hear the thunder of the cannons roaring. This young man came up to me, and in almost perfect English said, "They tell me you're in politics in the United States." I said, "Yes, I am." He said, "Tell me, are you a donkey or are you an elephant?" I said, "I am an elephant." He said, "I thought you were."

I asked this young man, "What do you want to do with your life?" He said, "I want to become an architect because I want to rebuild my country when this is over." I do not know if he survived that war. I do not know if he survived the Battle of Jalalabad, but I do know there are young people like that whose lives have been wasted and talents wasted in war and conflict in all these years.

The Russians retreated from Afghanistan about a year after that conversation, after that Battle of Jalalabad, and when the Russians left, the United States, which had been providing the resistance, a billion dollars a year to finance that war, we simply walked away from those people. We walked away and left Afghanistan to its own fate, this after years of death and destruction. We left them with no guidance, with no resources to rebuild or even the resources they needed to clear the land mines which we had given to them to plant in order to help them defeat the Russians. We did not even help them clear the land mines that we gave them. We left them to sleep in the rubble, and most importantly, we left them with no leadership except that of Pakistan and Saudi Arabia, two countries which have played a shameful role in Afghanistan over these last 10 years.

After the collapse of the Communist regime in Afghanistan, the Mujahedin factions, with no direction from the United States, began bickering and fighting among themselves. This went on for several years and then in late 1996 a new force appeared, seemingly out of nowhere, the Taliban. These were fresh, well-equipped forces who had by and large sat out the war. They had been in Pakistan in what were called schools. Taliban of course means student, even though of course many of these so-called students are actually illiterate.

All of the money that America provided the Mujahedin during the war it seems, which was billions of dollars, had gone through the Pakistani equivalent of their CIA, which is called the ISI, and apparently enough money had been siphoned off of that to create a third force which is what the Pakistanis did, the Taliban, and when the war was over and other factions were bled white, they moved forward to dominate Afghanistan.

Also behind the Taliban not only are the Pakistanis but Saudi Arabia. During the war against the Russians, the Saudis provided the Afghan resistance with hundreds of millions of dollars. Unfortunately, that money mainly went to anti-Western, as well as anti-Communist Muslims. One of those was bin Laden.

I remember as I was hiking through in that patrol that I took up to that battle, we hiked past a camp that had these beautiful white tents and suburbans and everything like that out there, generators. While most of the Mujahedin were sleeping in the gully eating cold food, there were these Wahabis, these Arab Mujahedin, who were living like kings. Guess what? They hated Americans so much that my Afghan friends told me, "Do not speak any English, these people hate Americans as much as they hate Russians. Even though you are here to save us, they will come and attack and kill all of us if they know an American is with us," and by the way, they are being led by some crazy man named bin Laden. That was back in 1988.

Years later, after the Soviet troops left and the muja factions were bickering, I knew something had to be done, so I met with the head of Saudi intelligence, a General Turki, and I suggested to him that we bring back the exiled king of Afghanistan. He was King Zahir Shah, who was overthrown in 1972, and that in his overthrow started a bloody cycle of events that led to the Soviet invasion in 1979 and then the subsequent war against occupation, the chaos and confusion and millions of deaths and maimings.

But General Turki wanted nothing to do with bringing back a moderate, good-hearted exiled king. Instead, the Saudis and their Pakistani allies were in the process of creating this third force. And he told me there is going to be another force that will emerge called the Taliban. What he did not tell me is that the Taliban were designed just to do the bidding of Saudi Arabia and Pakistan.

Why Saudi Arabia and Pakistan? Why are they so concerned with Afghanistan? Well, there are three explanations. The first explanation is that they both share a common fanatic religion. Many of the people in Pakistan and many of the people in Saudi Arabia share the same fanatic crazy form of Islam which is totally out of sync with 90 percent of the rest of Islam.

There are two other explanations, one for the Pakistanis, and that is when the Taliban took over they took over the poppy field. What does Afghanistan produce? What did it produce for all these years under the Taliban? Sixty percent of the world's heroin. And the Pakistan's ISI, their equivalent of the CIA, were up to their eyeballs in the drug trade and everybody knew it, and they did not want the Taliban overthrown for obvious reasons. They were business partners.

And then of course the Saudis. The Saudis, who are now trying to make up for this past sin of putting the Taliban in power. They did not want the Taliban out because with the chaos and confusion of the Taliban, there would never be a pipeline built through Afghanistan so that the oil glut that we find in Central Asia, massive amounts of oil would never be able to make it to market because the pipeline had to go through Afghanistan to get that oil out to market. Guess what? That would have decreased the price of oil in the world by $3 to $4 to $5 a barrel.

So it was oil and drugs and religious fanaticism. That is what kept the Taliban in power. That is what put the Taliban in power.

As General Turki suggested when the Taliban first arrived, he suggested they would be viewed as liberators, as people who were going to bring stability, and that is what they were. By and large I will have to say that when the Taliban first arrived in late 1996, the people of Afghanistan were so hungry for stability and they were told that these were nice religious people, they accepted the Taliban and they wanted to believe that they would bring stability and peace to Afghanistan, and many people gave them the benefit of the doubt.

Unfortunately, that was not what the reality was, which the people of Afghanistan were soon to find out. As the Taliban expanded towards the north, they were stopped by the people of the northern provinces who refused to let these unfamiliar troops just come into their territory and take over their provinces. That is when real battles begin to break out. Then the rest of the people who are under Taliban control and the rest of Afghanistan, as well as the rest of the world, were soon to discover that the Pakistanis and the Saudis had created a monster. The Taliban were and are medieval in their world and religious views. They are violent and intolerant fanatics, and they are totally out of sync with Muslims throughout the world, especially Muslims living in Western democracies.

The Taliban are best known for their horrific treatment of women, but they are also broadbased violators of all human rights, human rights across the board. They have jailed and threatened to execute Christian workers who just dared to espouse a belief in Jesus Christ, and they ended all personal freedoms and freedom of speech and the press was not even under consideration. They ruled by fear and violence.

That explains why they have been willing to give safe haven to the likes of bin Laden, the Saudi terrorist who has been in Afghanistan for years training terrorists and planning attacks on the West. Yes, bin Laden has an army of several thousand gunmen who have been marauding around Afghanistan like a pack of mad dogs, killing and brutalizing the population in order to keep the Taliban in power.

These foreign religious fanatics have killed thousands of Afghans. In fact, the Taliban and bin Laden they are so despised by the Afghanistan people, and here is how we can understand that, these people have killed more Afghans than they have killed Americans. We grieve the loss of 6,000 Americans and we come from such a large country. These murderous Taliban and bin Laden's foreign troops have killed more Afghans than they have killed Americans, and there is only 13 million people in Afghanistan.

For these last 2 years the Taliban, with the support of Saudi Arabia and Pakistan have captured control of all but a small portion of that country. Only the northeastern Panjshir Valley, which is in northeastern Afghanistan, and in the Shamali Plain north of Kabul were free from the Taliban because they were under the command and under the protection of the legendary and dashing leader, Commander Masood and that area was the only area free from Taliban control up until this time.

The day before the attack on the United States, however, there was an attempt to kill Commander Masood although he was reported dead immediately, he struggled on for life for another 5 days. That attack on Commander Masood told me that something horrible was about to happen. Something horrible was going to happen to the United States because Masood was someone that bin Laden's enemies would obviously turn to in an attack or a retaliation against the Taliban.

I was so concerned and dismayed that I made an appointment to see the top levels of our National Security Council at the White House. My appointment was set for 2:30 September 11. At 8:45 that morning the first plane slammed into the World Trade Center. But the Taliban domination of Afghanistan need not have happened and it certainly need not have been able to keep its grip on power.

As a Member of the Committee on International Relations for years, I pleaded with the Clinton administration to provide some kind of help for the Northern Alliance and to those others who were opposing the Taliban rule.

□ 1415

President Clinton would have none of it. In fact, his administration was, in many ways, responsible for keeping the Taliban in power.

Now, every time I suggest this, people go ballistic. They believe I am being partisan at a moment when, of course, national unity is the order of the day. And I beg people just to hear me out. I would never do this. It would be sinful to be partisan at a time like this. But it is an important truth, the things I believe to be true, and I am trying to express them, and this is not based on any type of partisan consideration.

I take no joy in reporting that I, who have been more involved in Afghanistan than any other Member of Congress, have every reason to believe that the last administration had a covert policy of supporting the Taliban regime. As a senior member of the Committee on International Relations, after I came to this conclusion, I officially requested the State Department documents, the cables, the memos, the briefing papers that would prove or disprove my suspicion. The gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, joined me in that request.

Secretary of State Madeleine Albright, on two occasions, officially promised me those documents and said that they would be made available to me. After all, I was a senior member of the committee with oversight responsibility of the State Department and American foreign policy. What happened was as alarming as it is appalling. I was stonewalled for several years. My request for those documents pertaining to the development of America's and our government's policy toward the Taliban was ignored. I was given meaningless documents, many times newspaper clippings by the State Department, in order for them to claim that they were trying to fulfill our request.

The State Department made a joke out of Congress' right to oversee American foreigh policy concerning the Taliban in Afghanistan. That is what we have been going through for 3 years. When I repeatedly complained that this could not be allowed to happen, that it was undermining Congress' right to oversee a very important policy, I was belittled and my requests were treated as if they were irrational.

Well, I believe the reason those documents were kept from me is that they would have proven that the Clinton administration approved, all the way up to the President himself, in keeping the Taliban in power. This is even after it was clear that the Taliban were monstrous violators of human rights, especially women's rights, and it was becoming a safe haven for terrorists and drug dealers. Bin Laden was there and 60 percent of the world's heroin was originating there.

By the way, in Afghanistan, let me note, and all of this is shocking to Americans and I was shocked by it all, but in Afghanistan it is commonly believed that the United States put the Taliban in power and that until recent hostilities, it has commonly been believed that we supported the regime. And there are many reasons for people to believe this. All U.S. foreign aid to Afghanistan in these last 5 years have been channeled through the Taliban, even though there were large areas at times where the Taliban did not control and were controlled by people who opposed the Taliban.

More than that, when some others, like myself and others, would get together to try to put together humanitarian efforts that would go to the areas in Afghanistan controlled by anti-Taliban forces, we were blocked by the State Department. Not only did our government's aid not go to anyone outside the Taliban-controlled areas, the State Department blocked our efforts to get private aid to those people.

Then there has been Voice of America. It has been so one-sided in its coverage that it is known in Afghanistan as the voice of the Taliban. So the Voice of America, all these years, has been so lopsided in favor of the Taliban it has been known as the Voice of the Taliban. And thank goodness just recently a new director of the Voice of America, Bob Reilly, has committed to undo this terrible deed.

But there are some other actions that have taken place during the Clinton administration that go right to the heart of the charge I am making; and people should listen very carefully to an example that led me, which after this happened I just knew this was the Clinton administration and I could not deal with them, they were obviously not going to help us because they were undermining the efforts of the anti-Taliban forces, but in 1997, for example, the Taliban overextended their forces. Thousands of their best fighters were captured in northern Afghanistan. The Taliban regime was vulnerable as never before and never since. It was a tremendous opportunity. The opposition could have easily dealt a knockout punch to the Taliban.

At that time I was personally in contact with the leaders of what is called the Northern Alliance, and I recommended a quick attack and bringing back old King Zahir Shah to head a transition government. Well, this was a turning point, because the Taliban were vulnerable then. They could have been taken out easily. Their best fighters and tanks and aircraft had been taken, and the old moderate king, he was ready to do his duty. Who at this moment of vulnerability saved the Taliban? Well, President Bill Clinton, that is who.

Again, please, I beg of you do not dismiss what I say. Do not say he is just being partisan, because I am not. Again, that would be a horrible thing. This is the truth, so help me God; and I am trying not to be partisan in fact. What happened was, at this moment when the Taliban could have been eliminated, President Clinton dispatched Assistant Secretary of State Rick Inderfurth and Bill Richardson, our United Nations Ambassador, up to the northern part of Afghanistan to convince the leaders of the Northern Alliance not to go on the offensive but, instead, to accept an arms embargo against all parties and a cease-fire.

Well, these people up in northern Afghanistan had been fighting the Taliban. This is very impressive to have someone at that level, Assistant Secretary of State and our United Nations Ambassador bringing words of the President of the United States. This was so impressive that they accepted the deal. These two high-level American officials sent by President Clinton convinced the Northern Alliance to accept a cease-fire and a supposed arms embargo against all sides. Of course, the minute the cease-fire went into effect, the Saudis and the Pakistanis began to massively rearm and resupply the Taliban and rebuild their forces.

Our intelligence knew about this massive resupply effort. They conveniently kept Congress from knowing it, and they conveniently kept the Northern Alliance in the dark. The arms embargo against the Taliban meant nothing, but the arms embargo against the Taliban's enemies in the Northern Alliance was enforced and was expected to be followed and was still in place. So the Taliban rearmed; and as soon as they did, they drove the Northern Alliance nearly out of the country. They had been weakened, of course, by a one-sided arms embargo.

And who put it in place? This was not an accident. This was a conscious policy. For years, before that and since that time, I begged the Clinton administration, our government, to do something about the Taliban. The only response I got was the stonewalling of my requests to find out exactly what the Government's real policy was towards Afghanistan. All the while, bin Laden, who had already killed American military personnel and had declared war on the United States of America, was running around Afghanistan using it as a base of operations and a safe haven for terrorist attacks.

Let us not forget he was involved with trying to kill the Pope in the Philippines, and he was involved with terrorist activities elsewhere. Yet we let him stay there and let the Taliban regime stay in place and did nothing. We were, in fact, doing more than nothing; we were supporting the Taliban. Our aid went through there. They undermined any effort to send aid coming through the non-Taliban areas.

Voice of America was making sure that anything that was anti-Taliban was balanced off by a Taliban spokesman. But if you had a Taliban spokesman, it did not have to be balanced off with someone else. So it was two-to-one coverage in favor of the Taliban on the Voice of America.

Now, why is this? Why did we convince the Northern Alliance to go into a cease-fire and a one-sided arms embargo? I believe that it was part of a yet-undisclosed understanding with Saudi Arabia and Pakistan to let them dominate Afghanistan. This understanding was obviously turning into a nightmare. Now, by the way, that understanding might have happened during the Bush administration. George W. Bush's father may have had an understanding with the Saudis and the Pakistanis that they would let those people dominate Afghanistan.

But once that understanding was turning into a nightmare and the full truth of what the Taliban were all about, we should have immediately ceased that agreement. And yet our leaders, with all of the evidence to show that the Taliban were a horrible blight on the decent people of the world and a threat to the world, our leaders lacked the will to change the situation and to say to the Saudis and the Pakistanis, No more of this. These people are human rights abusers. Look at the way they treat women. They have terrorists operating out of there. They are growing heroin. They are done. No, we could not get ourselves to say that.

Over and over again, when I warned on the record and off the record, in dozens of places and during dozens of hearings that we could not turn our back on this Taliban threat or it would come back to hurt our country, nobody paid attention.

Mr. Speaker, I insert for the RECORD some of the many statements that I made during that time to my colleagues warning them about the Taliban and what it might do.

September 15, 1999—International Relations Committee Hearing "I would again alert my fellow members of this committee that what is going on in Afghanistan is as important to America's national security as what is going on in Iran, because we have a terrorist base camp."

August 11, 1998—Letter to Nawaz Sharif, Prime Minister Pakistan, "International Terrorists like Osama bin Laden will become the deans of terrorism schools in Afghanistan. For example, the recent bombings of US embassies in Africa are tied to Osama bin Laden and his thugs."

May 21, 1998--Letter to Newt Gingrich, Speaker of the House—"As you may know, Afghanistan has become the world's largest source of heroin. It is also one of the key terrorist training and staging areas in the world. Further, instability in Afghanistan limits the economic and democratic development of Central Asian states and negatively impacts US policy toward Iran. In short events in Afghanistan affect the lives of more than 200 million people in the Central and South Asian region."

August 10, 1998—Letter to Karl Indefurth (Asst. Sec. State) "I have been preparing serious alternatives for Afghan policy for the past six years. I have found no willingness on the part of this administration to even try the alternatives that I have suggested. I have come to the conclusion that our goals are different. But for the time being I will give you the benefit of the doubt. The stakes go far beyond Afghanistan. There will be no peace in central Asia, or on the subcontinent between India and Pakistan until the U.S. decides that there will be no peace in this region or elsewhere with a policy that is not based on the fundamental principles of representative government and opposition to tyranny."

June 29, 2001 International Relations Committee Hearing "This regime has permitted terrorists to use Afghanistan as a base of operations from which their country has been used as a springboard for operations that have cost the lives of people throughout the Middle East, as well as targeted Americans. That alone should give us a message about the regime and our commitment and what ultimately should have been done."

July 19, 1999—Floor Debate on the American Embassy Security Act of 1999 "As the gentleman from New York (Mr. Gilman) has stated, among the greatest threats to the security of American diplomatic missions and personnel is by Osama bin Laden and his legion of terrorists who train and operate out of Afghanistan. The primary benefactors of bin Laden's terrorists are elements in Pakistan and the extremist Taliban militia, who not only host and protect bin Laden but have imposed a reign of terror on the people of Afghanistan and especially on the women of Afghanistan."

October 30, 2000—Floor Debate on State Department authorization "This member and anyone who is in the Committee on International Relations will testify, for years I have been warning what the results of this administration's policy towards Afghanistan would be. For years, I predicted over and over again that, unless we did something in Afghanistan to change the situation, that we would end up with Afghanistan as a center of terrorism, a base for terrorism not only in Central Asia but for the world."

November 9, 1997 House Floor Debate on Afghanistan—"A chaotic Afghanistan will eventually wreak havoc in the United States. It has already caused the lives of American lives and servicemen to be lost. A terrorist trained in Afghanistan helped blow up a building which housed our military people in Saudi Arabia. There was an assassination attempt on the Pope. They found out that the terrorist who was going to assassinate the Pope was trained in Afghanistan. We cannot let this go on, because not only is it immoral to let this go on, but practically speaking, if we do, it will come back and hurt us."

April 12, 2000—International Relations Committee Hearing "They (the Clinton Administration) have kept those documents (relating to U.S. policy towards Afghanistan) . . . away from my office, and prevented us from doing the oversight we feel is necessary. And with a regime in Afghanistan like the Taliban, anti-western, making hundreds of millions of dollars off the drug trade, involving the training and base areas for terrorists, that is a destabilizing force for the whole region and this Administration, I think bears full responsibility for whatever deals it has cut with whichever powers, whether they be Pakistan or Saudi Arabia or whoever this deal was cut for this Taliban policy. The historians will note that it is this Administration's fault for cutting such a corrupt deal."

March 17, 1999—International Relations Committee Hearing "In Afghanistan in the last few years, what we have seen is the emergence of a regime that is immersed in extremism and terrorism, and a regime that is certainly up to their necks in the drug trade. Doesn't what is going on in Afghanistan pose a threat to any of these future plans for growth, stability and democratic development in Central Asia?"

September 23, 1997—House Floor Debate "The extremist Taliban Movement is not only responsible for the ongoing suffering of the Afghan people, they pose a grave threat of fundamentalist violence in neighboring countries, especially Pakistan, and their extremism permits Iran to have a greater political role in the region. The Taliban currently provides a haven for terrorists such as bin Laden of Saudi Arabia and the training for terrorist organizations now operating in Egypt, the Balkans, and the Phillippines."

October 28, 1999—International Relations Committee Hearing "Well, as I reminded the full Committee at a hearing last week, what is happening in Pakistan has been predicted for a number of years. I personally predicted it time and again saying that if we do not do something about Afghanistan that it would bring democracy down in Pakistan. I do not know how many times I have expressed that and the chickens are coming home to roost in terms of the policy by the United States government that led to this very situation."

August 10, 1998—Letter to Karl Indefurth (Asst. Sec. State) "In short, unless this administration, including your office, begins taking a more responsible approach, you will continue to fail miserably, with all the serious national security implications that apply to the United States."

Well, I knew at that time that this would come back to hurt us; and I am sorry, and it makes us all heartsick to figure that this could have been averted. The heinous crimes committed against us in New York and at the Pentagon was a result, and let us make this clear, was a result not only of bad intelligence but bad policy. That bad policy started when George Senior walked away from the Afghan people. George Bush Senior was President of the United States and walked away.

That policy was made worse when President Bill Clinton, who, for whatever reason, decided that he was going to go on quietly backing the Taliban. And again, that might have been an unspoken agreement that came from the Bush administration with the Saudis and the Pakistanis, but there was no excuse for any President to keep that agreement going when it was so clear that it was working against the people of the world and the security of the United States.

So, in a way, we cannot fault bin Laden for being what he is. We cannot fault him for being a nut case that hates America. The same is true of Mullah Omar and the rest of his Taliban minions. They are mentally unstable and live in their own world. Putting this into perspective, Reverend Jim Jones, who spouted out Christian verses and coupled them with Karl Marx as part of his own dogma, he gave hundreds of his followers Kool-Aid, remember that, that killed them after leading them into a jungle fortress in South America.

Yes, human beings can do crazy things and can be totally irrational. It is our government's job, however, to protect us against this type of dangerous insanity. That is why we spend billions of dollars on defense and intelligence.

So that leaves us with the question of accountability. Yes, bin Laden and the Taliban, even though they are as crazy as they are, they must pay the price. The Taliban will be driven from power. They must be driven from power. And bin Laden and his gang of murderous thugs must be tracked down and executed by our forces or by the Afghan people, who they have tortured and murdered. Whoever, as long as these perverts and killers are eliminated.

□ 1430

But that is not enough. We must also hold accountable those in our government who are supposed to protect us, but let us down; 6,000 of our fellow citizens were slaughtered by anti-American terrorists. Why were we not warned of the horrific attack about to be launched against us?

This was the worst failure of American intelligence in our history, and those who failed must be relieved of their responsibilities if a repeat of this horror story is to be prevented. There was a headline in the Washington Post on September 14 suggesting that American intelligence services had been conducting a secret war against bin Laden for several years. If that is true, then even more we need to fire the incompetent leaders of that covert war. They were responsible for protecting us from this specific terrorist gang. The heads of our intelligence agencies were focused on bin Laden, and they totally missed a terrorist operation of this magnitude run by their number one targeted terrorist leader?

I cannot help but remember a few years ago I was called by a friend who had worked in Afghanistan during the war against the Russians. He indicated that he could pinpoint bin Laden's location. This man is an incredible source. He has credibility. He worked in Afghanistan. I passed on his phone number to the CIA. After a week when they had yet to contact him, I called the CIA again. After another week, there was no response. Our CIA supposedly focused on bin Laden, a man who was a very credible source who knew Afghanistan had pinpointed bin Laden, they did not even call him off.

I contacted the gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence, and he ushered me in the next day to meet with a bin Laden task force, the CIA, the NSA, the FBI. Then I found out hundreds of people full time on our employment rolls being paid good salaries with all of the backup focused on bin Laden. I gave them my informant's number; and after a week they, too, had not called him.

Finally, when I talked to the gentleman from Florida (Mr. GOSS) and told him that even that group had not called my friend, he must have shamed them because eventually they called my friend. But when my friend got the telephone call, they acted like they were not interested and they were just going through something they had to do. Anyway, a month had already passed since he moved forward to try to tip us off on how to capture bin Laden.

This is but one of many stories, many examples. I know this one is true. I have to believe some of the others are true as well. But it suggests that there has been less than an energetic commitment by the last administration to get bin Laden, and this was after he had bombed a military barracks on Saudi Arabia.

After that attack on America, bin Laden was banished from Saudi Arabia, and he moved then to Sudan. This is where he set up al-Qaeda, and that is the organization which probably was behind the September 11 attack on New York and the Pentagon. It is significant then that after bin Laden left the Sudan and set up operations in Afghanistan, that the Government of Sudan offered the United States a file on bin Laden's terrorist network. They had all of his communications monitored. They apparently had all of his operatives around the world catalogued, as well as all of his secret bank accounts.

This was information then from a credible source, a country who wanted to curry favor with us. Even if it proved inaccurate, we had nothing to lose by taking a look at that information. Our CIA refused to even look at it, much less take possession of it and copy it. The decision to reject this offer from Sudan, it is reported that this offer was rejected by Madeleine Albright herself, who insisted that the file not even be accepted, much less perused.

Mr. Speaker, I submit for the RECORD an article detailing this incident.

[From The Observer, Sept. 30, 2001]

RESENTFUL WEST SPURNED SUDAN'S KEY TERROR FILES

(By David Rose)

Security chiefs on both sides of the Atlantic repeatedly turned down the chance to acquire a vast intelligence database on Osama bin Laden and more than 200 leading members of his al-Qaeda terrorist network in the years leading up to the 11 September attacks, an Observer investigation has revealed.

They were offered thick files, with photographs and detailed biographies of many of his principal cadres, and vital information about al-Qaeda's financial interests in many parts of the globe.

On two separate occasions, they were given an opportunity to extradite or interview key bin Laden operatives who had been arrested in Africa because they appeared to be planning terrorist atrocities.

None of the offers, made regularly from the start of 1995; was taken up. One senior CIA source admitted last night: "This represents the worst single intelligence failure in this whole terrible business. It is the key to the whole thing right now. It is reasonable to say that had we had this data we may have had a better chance of preventing the attacks."

He said the blame for the failure lay in the "irrational hatred" the Clinton administration felt for the source of the proffered intelligence—Sudan, where bin Laden and his leading followers were based from 1992–96. He added that after a slow thaw in relations which began last year, it was only now that the Sudanese information was being properly examined for the first time.

Last weekend, a key meeting took place in London between Walter Kansteiner, the US Assistant Secretary of State for Africa, FBI and CIA representatives, and Yahia Hussien Baviker, the Sudanese intelligence deputy chief. However, although the intelligence channel between Sundan and the United States is now open, and the last UN sanctions against the African state have been removed, The Observer has evidence that a separate offer made by Sudanese agents in Britain to share intelligence with M16 has been rejected. This follows four years of similar rebuffs.

"If someone from M16 comes to us and declares himself, the next day he can be in Khartoum," said a Sudanese government source. "We have been saying this for years."

Bin Laden and his cadres came to Sudan in 1992 because at that time it was one of the few Islamic countries where they did not need visas. He used his time there to build a lucrative web of legitimate businesses, and to seed a far-flung financial network—much of which was monitored by the Sudanese.

They also kept his followers under close surveillance. One US source who has seen the files on bin Laden's man in Khartoum said some were "an inch and a half thick".

They included photographs and information on their families, backgrounds and contacts. Most were "Afghan Arabs," Saudis, Yemenis and Egyptians who had fought with bin Laden against the Soviets in Afghanistan.

"We know them in detail," said one Sudanese source. "We know their leaders, how they implement their policies, how they plan for the future. We have tried to feed this information to American and British intelligence so they can learn how this thing can be tackled."

In 1996, following intense pressure from Saudi Arabia and the US, Sudan agreed to expel bin Laden and up to 300 of his associates. Sudanese intelligence believed this to be a great mistake.

"There we could keep track of him, read his mail," the source went on. "Once we kicked him out and he went to ground in Afghanistan, he couldn't be tracked anywhere."

The Observer has obtained a copy of a personal memo sent from Sudan to Louis Freeh, former director of the FBI, after the murderous 1998 attacks on American embassies in Kenya and Tanzania. It announces the arrest of two named bin Laden operatives held the day after the bombings after they crossed the Sudanese border from Kenya. They had cited the manager of a Khartoum leather factory owned by bin Laden as a reference for their visas, and were held after they tried to rent a flat overlooking the US embassy in Khartoum, where they were thought to be planning an attack.

US sources have confirmed that the FBI wished to arrange the immediate extradition. However, Clinton's Secretary of State, Madeleine Albright, forbade it. She had classed Sudan as a "terrorist state," and three days later US missiles blasted the al-Shifa medicine factory in Khartoum.

The US wrongly claimed it was owned by bin Laden and making chemical weapons. In fact, it supplied 60 percent of Sudan's medicines, and had contracts to make vaccines with the UN.

Even then, Sudan held the suspects for a further three weeks, hoping the US would both perform their extradition and take up the offer to examine their bin Laden database. Finally, the two men were deported to Pakistan. Their present whereabouts are unknown.

Last year the CIA and FBI, following four years of Sudanese entreaties, sent a joint investigative team to establish whether Sudan was in fact a sponsor of terrorism. Last May, it gave Sudan a clean bill of health. However, even then, it made no effort to examine the voluminous files on bin Laden.

So bin Laden and the Taliban must pay for their crime. There is no doubt about it. And if we are looking for accountability, let us look at George Bush, Sr., who walked away from Afghanistan and left the Pakistanis and the Saudis to do what the United States should have done, which is help them rebuild their country. There is accountability there. And the Clinton administration, as I have said, must bear a heavy responsibility for a policy, a secret policy, that made a bad thing much, much worse.

Our intelligence agencies, they, too, must be held responsible because obviously there has been a great deal of incompetence that has led, and a malfeasance, that led to the death of 6,000 Americans by this terrorist gang who was supposedly the number one target of our intelligence system.

But there are two other institutions that did not do their job and contributed to this tragedy that we face. Number one, let me note and this is going to be short, I think the news media has to bear some responsibility. I made these statements about Afghanistan on numerous occasions. The news media was there. There were lots of reporters listening. Not one reporter said the gentleman from California (Mr. ROHRABACHER) has a right to read these documents. We are going to do a story on one Congressman's battle to do the oversight in his committee that he is supposed to do.

I did not see any of the newspapers, the Washington Post or the New York Times or the L.A. Times doing this. They did not follow-up. The news media were too concerned with what? They were too concerned about President Clinton's sex life and stories about the sex life of one of our fellow Members of Congress and some affair he had with an intern. Let me say certainly I am not saying that they should ignore these sex stories, but the news media did not have to spend all of their resources and all of their efforts and every story dealing with these sex stories when there were monstrously important stories to cover.

Now we know with just a little bit of effort and time and energy and commitment to some research into what was going on in Afghanistan, we could have been warned by our news media and this could have been averted. The news media was so busy trying to sell papers with sex, get listeners in their broadcast area with sex stories, that they let the American people down; and they should take that seriously.

Second, I think Congress bears some responsibility. We have oversight committees. I do not believe we take our oversight as seriously as we should. I say that for myself as well, even though as Members can see by this example today, I tried my best at least in this situation where I felt it was a life-and-death situation to do my job of oversight.

There are far too many people who just accept baloney from government agencies. I have been briefed by the CIA so many times; I have been briefed by the intelligence services. They give us nothing, and we accept it. We in Congress must do this job that we have in protecting our interests. We have to be more serious about it in our oversight responsibility. I think we have to bear some of the responsibility ourselves.

Mr. Speaker, the slaughter of these thousands of Americans must be avenged. We must see to it that this monstrous crime never happens again. To accomplish this, we must correct the flaws in our system, and all of us must do our job better than we are doing it today.

Now when we are moving against the terrorists in this last phase, moving up to today, we must make sure we are united, and we must make sure that we are strong and smart.

The last time America mobilized our forces and sent them to the other side of the world to fight a criminal regime was during the Gulf War; and that war fighting, that was a situation where we fought the war very well. Our troops did very well, but the political and the strategic decision-making during that last conflict 10 years ago was a disaster.

Again, George Bush, Sr., was President, and just like in Afghanistan, he ordered America to walk away before the job was done. In the case of Iraq, two or more days of fighting would have brought Saddam Hussein down. Instead, we left him in power; and today his regime remains a major security threat to the United States and to the Gulf region.

Would anybody be surprised to find out that Saddam Hussein had something to do with the murderous assault on September 11? We should not have left him alive; we should not have left that regime. We should have helped build a democratic alternative to Saddam Hussein's regime. Perhaps out of consideration to the Saudis, again, we did not do that; and we should have. It would have been consistent with our own ideals, and it would have been practical in the long run.

So our policy was decided by George Bush at that time who left Saddam Hussein in power, and President Clinton in terms of his recent decision with the Taliban, we have left people in power; and we have ended up with America in danger, with American lives in danger.

Believe it or not, some of the same old faces from the first Bush administration are popping up, and I am talking about George Bush, Sr., are popping up to fight this war, even though they screwed up in the last one. The advice that they are giving, as one would expect, is dead wrong.

There are those, for example, in the State Department and the CIA who have argued from the onset of the current crisis that we should be satisfied with having bin Laden handed over to us; and the Taliban, they say, should be permitted to remain in power. This is vital for every American to understand. We have powerful forces in Washington working right now to have the Taliban stay in power. What? After we know what happened with Saddam Hussein, we are going to keep these crazy people in power? What is behind this suggestion? The suggestion is because we have to be considerate of Pakistan. Oh, something might happen to Pakistan. They were the ones that created the Taliban in the first place. They were the ones who kept the Taliban in power.

Now, even after 6,000 Americans have lost their lives, senior American officials at the CIA and the State Department want American policy to reflect the wishes of Pakistan. It is absurd. Because of this mind-set we still have forces within the CIA to this day undermining potential alternatives to the Taliban Government and potential alternatives that the Pakistani Government would not like. They are even holding up support and supplies for these brave Afghanis who would fight with us to overthrow the Taliban regime.

In the middle of a conflict in which these rag-tag armies who are opposing the Taliban are our greater allies, the CIA and the State Department have leaked negative stories about the so-called Northern Alliance. If Members have heard something negative about the Northern Alliance, it is because our own State Department and the CIA have been trying to undermine it.

Our own government's foreign policy officials have been sowing this dissension and undercutting the support for these people because they would like to have someone else who is more acceptable to the Pakistanis to be the leaders of Afghanistan.

Mr. Speaker, America should be in favor of the people of Afghanistan running their own government, and we have an alternative. Let us all remember, America's greatest allies in this are the Afghan people themselves. The desire to dominate Afghanistan by Pakistan is what created the evil force, the Taliban, in the first place.

So what is our alternative? We have an alternative, and we should not be undermining it. First of all, we need to support those people who will fight to liberate their country from the Taliban. But there is another alternative in terms of government. It was a golden age which almost all Afghans remember; it was a moment like Camelot when there was peace and prosperity for decades in Afghanistan. That is when the old King, Zahir Shah, ruled Afghan. He ruled for almost 4 decades.

□ 1445

As I say, he was overthrown in 1972 and that is what began that cycle of horror that they have not even finished yet. But millions of Afghans remember the King and they have told their children, that was a good time for our country.

Well, King Zahir Shah still lives. He is 86 years old. He lives in exile in Rome. The old King is the most beloved person in Afghanistan. The people love him there, but our government under Bill Clinton and right now even our government with CIA officials and State Department officials in our government, they have done everything they can to suppress even the consideration of bringing back the King as an alternative. As I say, the people of Afghanistan love the King.

There was a very famous meeting that took place among Taliban leaders and one that they were badmouthing the King, this good-hearted person everyone loves, and one Taliban leader says, "Now, wait a minute, you can say anything you want about the King, but when I was a boy my mother asked me to pick berries along the river and the King was fishing at the river. I had a basketful of berries and when the King's guard tried to take it from me, I wouldn't give him the berries. The King walked over and said, 'What's the confusion?' The guard explained to the King that I refused to give him the berries and I told the King that my mother sent me here to bring these berries back for my family. The King kissed me on my forehead and said, 'Always obey your parents. Your mother is very wise. Bring these berries back for your family.' "

Then the Taliban leader turned to his other Taliban leaders and said, "And there's not one of us in this meeting that wouldn't have taken those berries for ourselves and eaten them." That shows you even how much those people know that the King of Afghanistan is a very good-hearted person. Do not let anybody in our government try to undermine this alternative saying that the leaders of the opposition, the so-called Northern Alliance, which is now an alliance of commanders from all over the country, they call themselves the United Front now, those people have sworn their allegiance to the King because the King has said that he wants to go back to Afghanistan, he will do it for 2 years or 3 years as head of a transition government, and during that time period people with education will come back, they will lay the foundation for a civil government and they will have some sort of democratic process, and then the people of Afghanistan will then proceed to elect their leaders, instead of having our faith in some strong guy to come in and take control of Afghanistan who happens to be a friend of Pakistan.

During the Cold War, we backed many tinhorn dictators, we backed despots and strong guys, and in the Muslim world we had a series of alliances with corrupt and repressive regimes, many of them just based, as I say, on a royal family or some tough guy who was willing to do our bidding. That is not what America is supposed to be about. It would be a better world if we would not be that way and we need not to continue that past mistake.

The exiled King of Afghanistan wants to help in a transition for his country into a more peaceful and democratic nation, like the King of Spain did for his people after his people were plagued by a dictatorship for decades. The United States, in fact, should be working with other monarchies who are willing to do this, too, monarchies to evolve into a democratic process. The royal family in Qatar, for example, is establishing an electoral process in which the rights of women to vote are being respected. In Kuwait they are going somewhat in the same direction. But by and large America's dealings in the Arab world have not furthered the cause of liberty and justice. If we just stick with our ideals, stick with people who want to make a difference in this world, who have good hearts and want and believe in treating people decently and believe in democratic government, we will win. We will affect the entire world. We must make allies with those people in the Islamic world, for example, who want to live in freedom, want to have a democratic government and want to have a more peaceful and prosperous life for their children. Even in Afghanistan, these people would be on our side and they would throw away any relationship with blood-thirsty fanatics.

We do not need to use our troops to invade Afghanistan. Let me make this clear. We are going to hear stories of dissension in the ranks of the anti-Taliban forces. No, there is no dissension. They know that they support the King, but they are going to be told by our own government that there is dissension. These people will do the job. The anti-Taliban coalition is ready to overthrow the rule of the Taliban. They might need some help from Special Forces teams or Rangers who can help them with logistics or with some ammunition, let us say, but the Afghans do not need us to fight. They know how to fight and they are willing to liberate their land from these fanatics and terrorists who have held them hostage. With our help they can free themselves and we can join with them after they free themselves from the Taliban in hunting down and killing every member in bin Laden's terrorist gang and bringing them to ultimate justice. I am saying this not as revenge, because that would be inconsistent with our own values, but killing bin Laden and his gang of fanatics and by joining in an effort to stamp out the scourge of terrorism, we are setting a new moral standard and we are deterring future such terrorism.

The United States has led the world in the defeat of the totalitarianisms of the 20th century. We can now defeat the evil of terrorism by elevating the commitment of civilized nations not to make war on unarmed people. Perhaps it will be called the George W. Doctrine. But what our President is suggesting is that targeting noncombatants anywhere in the world for whatever reason will no longer be tolerated.

This can truly be a step forward for the forces of civilization if this becomes a new standard. We are indeed building a better world on the ashes of the World Trade Center. If it is to be a new standard and not just a justification for our retaliation for the September 11 massacre of our people, if it is to be a new standard, it will help us build a new world. If we are to build on the ashes, we have to start, however, by seeing to it that the bin Ladens of this planet are never again given safe haven. So it not only means hunting down the terrorists but a commitment by all governments of the world not to give safe haven, not to themselves make war on noncombatants but not to give safe haven to terrorists who make war on noncombatants.

On September 11 marks the end of an era. The monstrous crime against our people has set in motion a wave of actions and reactions that will change our lives and change our government and change our world. There must and will be an accounting. At home, those top government executives and the policies that protected the Taliban, they will be held accountable. Those intelligence officers who were so incompetent that this attack came without warning and was so successful, they will have to be held accountable. Especially these people, they are very high-level people I am talking about. I am talking about people who are professional, they are in every department and agency, no matter who is in there, Republicans or Democrats, and they found that these are cushy jobs. They must be cleared out and fired and replaced by people who take their job seriously and have the energy and vision to meet the challenges and threats of today and in the years ahead.

Those countries, Afghanistan, Pakistan and Saudi Arabia, have a price to pay. To be fair, the Pakistanis and the Saudis now understand the horrible things that they have done and are trying to work with us, but they have got to make up for the colossal mistakes they have made and we have got to make sure that we are the ones making the decision, not them making the decisions for us.

Finally, the murderous terrorists themselves, they have the ultimate price to pay. On that, there can be no compromise. We will have a victory over these ghouls who murdered our defenseless fellow Americans and we will win because we are unified as never before and because this generation of Americans has the courage, the tenacity, the ideals and, yes, the leadership that has always been America's greatest source of strength. It is up to us, we will do our duty, and nothing will deter us.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2023

Mr. SHOWS (during the special order of Mr. ROHRABACHER). Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 2023.

The SPEAKER pro tempore (Mr. SIMMONS). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

STATE OF THE ECONOMY

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentlewoman from California (Ms. SÁNCHEZ) is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, I rise today to talk about the state of the economy. The events of September 11 have had a terrible impact on our economy and one of the hardest hit areas has been the tourism industry. Travel and tourism are at the heart of America. They help fuel the engines of growth in both small and large cities throughout our Nation. And few cities in America rely as much as the City of Anaheim, California, which I am proud to represent. Anaheim is home to Disneyland, a tourist attraction like no other. It is the happiest place on Earth. And it is the West Coast's biggest convention area, the Anaheim Convention Center.

Last week, I was shocked to hear that Standard & Poor's had put the City of Anaheim on a credit watch because of concerns of a downturn in tourism. They indicated three areas in the United States where tourism may not come back, and one of them was Anaheim. Anaheim is especially vulnerable because its budget, its city budget, is heavily dependent on tourist spending. Over 54 percent of Anaheim's general fund revenues come from sales and bed taxes. A downgrade in their bond rating would make it more difficult to sell city bonds for projects. It would also lead to higher financing costs. The last time that this city, my hometown, the City of Anaheim, was placed on credit watch was in 1994 during the bankruptcy of the County of Orange.

Thousands of jobs are on the line in my district, jobs at gas stations, at restaurants, at rental car dealerships and at hotels. Taxicab drivers are having a very difficult time trying to make ends meet. Jobs are in jeopardy at many airline subcontractors in my district who make the flight control actuators and the nose wheel steering systems for commercial aircraft. This is only a partial list of the businesses that are beginning to fail in the area of Anaheim and central Orange County. Approximately 15 percent of the private workforce in Anaheim relies on tourism. That is higher than over half of the largest areas where tourism is a dependent industry for cities. Half of the city's top 10 employers are based in the tourism industry.

Last month, Congress helped the airlines with the airline bailout bill. That was for the airlines. However, we left the workers behind. They received nothing, the workers who are or, in so many cases, were the heart and the soul of the airline and tourism industry. That is why I am a proud cosponsor of H.R. 2955, which would provide financial assistance, training and health care coverage to employees of the airline and related industries who lost their jobs as a result of the September 11 tragedies.

What type of economic stimulus package can best help the tourism industry and the people I represent, many of America's workers? As Federal Reserve Chairman Alan Greenspan warned, it is better to be right than to be quick. Yes, we need to get this right, but what we must do is be honest with each other. The American public must acknowledge that any economic stimulus package will likely push the Federal budget into deficit. We spent $40 billion the Friday after September 11. We spent $15 billion the next week on the airlines. Now we are talking about a stimulus package over $100 billion. We need to understand that this money that we are spending, plus the regular spending that we are doing for the coming year, will put us into deficit. We need to work in a bipartisan fashion to develop a responsible stimulus package that boosts the economy in the short term, yet lays the groundwork for long-term prosperity. An effective stimulus package will help the economy get back on its feet by putting money in the hands of those who will spend it.

Last week I was disappointed to hear President Bush describe a stimulus plan that I think is built on ill-advised tax cuts, some of those tax cuts that he did not get done in the first package that he passed through the Congress. The effect of the President's plan would be less to stimulate the economy than to lock in long-term tax cuts. Given that so much of the imaginary surplus that was meant to finance the tax cuts has disappeared, this plan is ill-advised.

All items in an economic stimulus package should be temporary, not permanent. We need to provide immediate stimulus without doing harm to the long-term budget outlook. I support a short-term package that boosts consumer confidence, encourages investment and maintains fiscal discipline which will help keep our long-term interest rates in check. I hope that that is what Congress decides to help the people with.

□ 1500

WHAT MADE AMERICA GREAT

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, today America is the undisputed superpower of the world. How did we do that? We do not have the most oil or the most gold or silver or diamonds. We do not have the best agricultural land. But yet we are the envy of every Nation in the world. How did we get here?

What I want to spend the next few minutes doing is looking at what made America great, and to do that I am going to plagiarize a sermon given by Dr. Richard Fredericks of the Damascus Road Community Church.

In the quotes that I will give, there will be lots of mention of Christianity. I would like to note that in the time in which these quotes were made, Christianity and religion were essentially equivalent terms; so when you hear Christianity, please think God-fearing person, rather than a specific religion or specific sect.

After the terrorist attacks, it is important that we celebrate our Nation's independence and freedom; that we pause to reflect on our national heritage as a defender of freedom and justice, to remember that our Founding Fathers and hundreds of thousands since bought our freedom at a price. Freedom is never free.

Our national freedom was very costly. Five of the 55 signers of the Declaration of Independence were captured and executed by the British, nine of them died on the battlefields of the Revolutionary War, and another dozen lost their homes, possessions and fortunes to British occupation. Our birth as a Nation was not cheap for these men.

What beliefs and convictions motivated them to do what they did? Increasingly, Mr. Speaker, in the United States today we are told that our Founding Fathers intended there to be this solid, necessary and protective wall erected between Church and State, to separate them, to keep each exclusively in its respective sphere of influence.

The key phrase we now use, which first appeared in the judicial vocabulary in the United States in 1947, is the separation of church and state. By and large, Americans have accepted or acquiesced to this new phrase, though it nowhere appears in the United States Constitution or in the first amendment, where the three words "separation, church and state" are not even found at all.

Actually, those three words first appeared together in another constitution. It is the constitution of the United Soviet Socialist Republic. Let me read from article 124.

In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the state and the schools from the church.

The logic behind this phrase is that religion is a private matter that should neither guide nor even be allowed to possibly influence public education, the formation of minds, government legislation, the formation of laws, and judicial rulings on what is legal and just, the maintenance of justice. These are seen as distinctly secular arenas. Religion as a living force must be kept out of any public process that is in any way supported by any level of local, State or federal funds, and this is especially true of Christianity, or it could threaten the rights and liberty or coerce the minds of nonbelievers.

A few historic and generic references to God are still allowed. Our coins still say "in God we trust," a statement put there by the United States Congress to remind Americans of the true source of their security. Our Supreme Court and the Houses of Congress still invoke the name of God. Presidents are still inaugurated with their hand on the Bible when taking the oath of office.

But each of these traditions is already under attack, and in America today to teach that the great laws and principles of the Judeo-Christian heritage and the morality of the Bible were the unique bases of our national government and offer the guiding norm for our Nation is now an illegal act. Violators of this no-faith-in-the-public-arena dictum are attacked by the American Civil Liberties Union and other watchdog organizations of our now secularized government, legal and public educational systems. Every year teachers are fired for the single offense of answering questions on the meaning of life with a reference to their faith in God, while teachers advocating homosexuality or adultery are protected due to personal rights and freedom of speech.

In the grand American experiment, freedom or liberty has always been the key word and the founding principle. Our Liberty Bell quotes from Leviticus 25:10, "proclaim liberty throughout all the land." The Pilgrims came to America not primarily in search of riches. In fact, many of them left riches to come here, but to obtain freedom to worship, as did most who followed them for the next two centuries.

The American revolution from Britain was about the establishment of a just and free citizenry. Even our bloodiest war, the one that claimed more American lives than all other U.S. wars combined, the American Civil War, was at its heart a battle over two definitions of freedom.

In our day, this American concept of freedom is now defined as the freedom to say anything, show anything, believe or promote anything, and act in any way, with no submission to regard or even respect toward any concept of a guiding prescriptive truth or morality.

There is only one kind of freedom of speech the first amendment no longer protects in this new era; that is prayer. Academic freedom has become the freedom of student or teacher to hold or express views against any national organization or patriotic, moral or religious principle without fear of arbitrary interference, except if the student is deemed bigoted, homophobic, chauvinistic, anti-feministic, imperialistic, police-raid patriotic, religious, politically conservative or otherwise politically incorrect. Then he must be shamed.

The only sacred virtue that is still taught in our secular universities, one that must be protected, is absolute tolerance towards all views and lifestyles as equally valid, valuable and honorable, except any faith-based moral view that challenges that assumption. Then absolute intolerance toward that person is a virtue.

Officially, this all began only about 50 years ago when the Supreme Court made a sharp 180 degree turn. With no historical precedent, they began to uphold the idea that untold damage could be done to American liberty unless the States and courts rejected all recourse or reference to the law of God, the principles of the Bible, and especially the morality and world view that flows from the Christian faith.

To allow the Christian faith to shape the public arena is now condemned as unconstitutional, a reference to its United States Constitution and its subsequent amendments. Since then, our children are taught from grade school through college a view of United States history that claims America never really was a Christian nation. The textbooks are bled dry of all Christian references. They are taught that the Founding Fathers were primarily atheists or deists.

Deism is a belief that God created the world and then left it alone. He removed himself from its affairs so that there is no divine intervention or interaction. God does not answer prayers or get involved in any way. Students are taught that primarily the atheistic, humanistic philosophers of the enlightenment shaped the thinking and writings of America's earliest leaders. Little or no mention is allowed in the classroom concerning the central role the Bible played in shaping the principles of government which guide our Nation.

Increasingly, Christians that seek to express their faith as the guiding factor in their decisions and actions in the workplace, the arena of politics, or in tax-funded education of their children are punished or censored legally and ridiculed personally as dangerous right wing religionists.

My goal is twofold: first, I want to set the record straight by exposing the lie that the last 40 years of revisionist history and arbitrary judicial legislation concerning American history, the faith of the Founding Fathers and the intent of the United States Constitution, especially the first amendment, which protects religious freedom; and, second, I hope to instill in our hearts a renewed boldness for believing that only a true Biblical Judeo-Christian world view could and did produce a Nation like ours, and only a distinctive Judeo-Christian world view can sustain it.

Now, let me take you back on a journey. Were the Founding Fathers deists or atheists? Actually, 52 of the 55 signers of the Declaration of Independence were orthodox, deeply-committed Christians. The other three all believed in the Bible as divine truth, the God of scripture, and his personal intervention. This deep personal faith was also true of all of our Presidents until recently.

This explains why when you go to Washington, D.C., everywhere you turn there are scriptures written on every monument and building. This explains why the same Congress that signed the Declaration of Independence also formed the American Bible Society, which the second and sixth U.S. Presidents served as chairman of. This explains why after creating the Declaration of Independence, immediately the Continental Congress voted to purchase and import 20,000 copies of scripture for the people of this new Nation.

They were not deists or atheists, but believed that the foundation of this new Nation must rest on the revealed truth of scripture and morality and the constant sovereignty of God revealed in scripture.

Let us let them speak directly. Patrick Henry is called the firebrand of the American Revolution. His words spoken in St. John's Church Richmond on March 23, 1775, "Give me liberty, or give me death," are still memorized by students. But in current textbooks the contents of these words is deleted. Here is what he said.

"An appeal to arms and the God of hosts is all that is left us. But we shall not fight our battle alone. There is a just God that presides over the destinies of nations. The battle, sir, is not to the strong alone. Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it almighty God. I know not what course others may take, but as for me, give me liberty, or give me death."

These sentences have been erased from our textbooks. Was Patrick Henry a Christian? The following year, 1776, he wrote this: "It cannot be emphasized too strongly or too often that this great Nation was founded not by religionists, but by Christians; not on religious, but on the Gospel of Jesus Christ. For that reason alone, people of other faiths have been afforded freedom of worship here."

Now to the man that historical revisionists most often claim was a deist, thus who believe God was not concerned in the affairs of men, Benjamin Franklin. Was Benjamin Franklin a deist? Let us allow him to speak for himself.

The time was June 28, 1787. Benjamin Franklin was 81 years old, Governor of Pennsylvania and the most honored member of the Constitutional Convention. The convention was deadlocked over several key issues of State and Federal rights when Franklin rose and reminded them of the Continental Congress in 1776 that shaped the Declaration of Independence.

This is what he said: "In the days of our contest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of superintending providence in our favor. To that kind providence we owe this happy opportunity to establish our Nation. And have we now forgotten that powerful friend? Do we imagine that we no longer need his assistance? I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, it is probable that a new Nation cannot rise without his aid. We have been assured, sir, in the sacred writings that except the Lord build the house, they labor in vain that built it. I therefore beg leave to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to any business."

The following year, in a letter to the French Minister of State, Franklin, speaking of our Nation, said, "Whoever shall introduce into public office the principles of Christianity will change the face of the world."

□ 1515

The other deist, it is claimed, probably with most evidence, was Thomas Jefferson. Jefferson was a great student of scripture who honored Christ as his greatest teacher and mentor but doubted his divinity. But was Jefferson a deist ? On the front of his well-worn Bible Jefferson wrote, "I am a real Christian, that is to say, a disciple of the doctrines of Jesus. I have little doubt that our whole country will soon be rallied to the unity of our creator and, I hope, to the pure doctrine of Jesus also."

On slavery, Jefferson wrote, "Almighty God has created men's mind free. Commerce between master and slave is despotism. I tremble for my country when I reflect that God is just; that his justice cannot sleep forever."

For the revisionist, these two men are their best and only shot at deist; and they clearly were not. Yet from them they generalize to all. So let us turn to our other early leaders. George Washington is called the Father of our Nation. Listen to his heart on the Christian faith. In his farewell speech on September 19, 1796, he said, "It is impossible to govern the world without God and the Bible. Of all the dispositions and habits that lead to political prosperity, our religion and morality are the indispensable supporters. Let us with caution indulge the supposition," that is, the idea "that morality can be maintained without religion. Reason and experience both forbid us to expect that our national morality can prevail in exclusion of religious principle."

What did Washington mean by religion? Was he a true Christian? Let me excerpt several lines from his personal prayer book: "Oh, eternal and everlasting God, direct my thoughts, words and work. Wash away my sins in the emaculate blood of the lamb and purge my heart by thy Holy Spirit. Daily, frame me more and more in the likeness of thy son, Jesus Christ, that living in thy fear, and dying in thy favor, I may in thy appointed time obtain the resurrection of the justified unto eternal life. Bless, O Lord, the whole race of mankind and let the world be filled with the knowledge of thee and thy son, Jesus Christ."

At Mount Vernon, Washington, you can still see the benediction he selected. It is John 11:25: "I am the resurrection and the life. He who believes in me shall live even if he dies."

John Adams, our second President, also served as chairman of the American Bible Society. In an address to military leaders he said, "We have no government armed with the power capable of contending with human passions, unbridled by morality and true religion. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

John Jay, our first Supreme Court Justice, stated that when we select our national leaders, if we are to preserve our Nation, we must select Christians. "Providence has given to our people the choice of their rulers, and it is the duty as well as the privilege and interest of our Christian Nation to select and prefer Christians for their rulers."

In fact, 11 of the 13 new State constitutions were also ratified in 1776. All required leaders to take an oath similar to this oath of Delaware: "Everyone appointed to public office must say, 'I do profess faith in God the father and in the Lord Jesus Christ, his only son, and in the holy ghost; and in God who is blessed forevermore I do acknowledge the Holy Scriptures, both Old and New Testaments, which are given by divine inspiration."

At the time of our Nation's bicentennial 1976, political science professors at the University of Houston began to ask some key questions: Why is it that the American Constitution has been able to stand the test of time? Why has it not gone through massive revisions? Why is it looked on as a model by dozens of nations? What wisdom possessed these men to produce such an incredible document? Who did they turn to for inspiration?

They spent 10 years cataloging 15,000 documents of the Founding Fathers. They found that the Founding Fathers most often quoted these three men. The most quoted was Baron Charles Montesquieu, who wrote in his Spirit of the Laws, 1748: "The Christian religion, which orders men to love one another, no doubt creates the best political laws and the best civil laws for each people. The morality of the gospel is the noblest gift ever bestowed by God on man. We shall see that we owe to Christianity benefits which human nature alone can never sufficiently acknowledge. The principles of Christianity, deeply engraved on the heart, would be infinitely more powerful than the false monarchies, the humane virtue of republics, or the servile fear of despotic states."

The second most quoted was Sir William Blackstone, a devout British law professor who believed all laws must be proved from Scripture, and the third was John Locke, whose treatise on civil government quoted the Bible 102 times. Yet, most importantly, they found that the Bible itself was directly quoted four times more than Montesquieu, six times more than Blackstone, and 12 times more than John Locke. In fact, 34 percent of all of the quotes and the writings of the Founding Fathers were direct word-for-word quotes from the Bible. Further, another 60 percent of their quotes were quoting men who were quoting the Bible, so that an incredible 94 percent of all of the quotes in these 15,000 documents were direct quotes from or references to the Bible.

So how did they produce a document that has withstood the test of an evolving government and growing Nation for 225 years? The answer: these men were steeped in the word of God. They understood their need of its constant direction, and they established a Nation based on its undying principles.

Let me illustrate this fact more. When the Founding Fathers were trying to figure out the most effective form of government, they came up with the idea of three distinct branches of the Federal and State government. Do we know how they decided that? They looked to Isaiah 33:22: "For the Lord is our judge, the Lord is our law-giver, the Lord is our king. He will save us."

Further, they decided there must be a clear separation of powers in these three branches of government to protect from the rise of despotism. They based that conviction on a true understanding of the human heart they found in Jeremiah 17:9: "For the heart is more deceitful than all else and desperately wicked. Who can know it?"

When they sought to develop strong churches throughout the land, and they were encouraged, but not supported, by government funds, they set aside government lands to give to churches, and determined all churches were tax-exempt. We still honor that early conviction. That law was based on Ezra 7:24: "You are also to know that you have no authority to impose taxes, tribute, or duty on any of the priests, Levites, singers, temple servants, or other workers in the House of the Lord."

These leaders knew their Bible, and they absolutely trusted its wisdom. So the first great lie in America today is that our Founding Fathers were not Christians seeking to establish a Christian Nation. They most decidedly were.

The second lie emerges from the first. It is that the Founding Fathers established a wall of separation between religion, especially Christianity and government, to ensure that these two would not mix. Do you know that 67 percent of Americans today believe that the phrase "separation of church and state" is part of the Constitution? Remember, the words "separation, church and state" do not ever appear in the first amendment and appear nowhere together anywhere in the Constitution. Here is the truth: our Founding Fathers had every intention of establishing a distinctly Christian Nation. They had every intent of also giving freedom to Islam, Judaism, Buddhism, or Hinduism. Their intent was to establish a distinctly Christian Nation, but one where no one Christian denomination ruled over the other denominations, as had been the case in so much of Europe. They wanted to honor the fact that under God, all men are created equal in value and rights.

John Quincy Adams was the son of John Adams. He was a U.S. Congressman, the U.S. Minister to Russia, France and Great Britain; Secretary of State under James Monroe; and the sixth U.S. President. He was also the chairman of the American Bible Society, which he considered his highest honor and most important role. Celebrating the 4th of July, 1821, President Adams said, "The highest glory of the American Revolution was this: it connected in one indissoluble bond the principles of civil government with the principles of Christianity.

Mr. Speaker, 104 years later, the 30th President of the United States, Calvin Coolidge, reaffirmed this truth on March 4, 1925:

"America seeks no empires built on blood and forces. She cherishes no purpose save to merit the favor of Almighty God." He late wrote: "The foundations of our society and our government rest so much on the teachings of the Bible that it would be difficult to support them if faith in these teachings would cease to be practically universal in our country."

Not only our Presidents, but the Supreme Court, for 160 years consistently and categorically ruled in favor of church and state united hand in hand. The first ruling came in 1796, Runkle v. Winemiller. The Supreme Court ruled: "By our form of government, the Christian religion is the established religion of all sects." They did not consider religions as equal, but only the different variations or denominations of the Christian faith.

The Supreme Court consistently ruled for Christian principle as the foundation of our American laws. In 1811, the Peoples v. Ruggles shows this clearly. Mr. Ruggles' crime was that he publicly slandered the Bible. What would happen today? In 1811, Ruggles was arrested and his case went all the way from New York District Court to the Supreme Court. This was their verdict: "You have attacked the Bible. In attacking the Bible, you have attacked Jesus Christ. And in attacking Jesus Christ, you have attacked the roots of our Nation. Whatever strikes at the root of Christianity manifests itself in the dissolving of our civil government."

The Justices sentenced him to 3 months in prison and a $500 fine, one year's wage. This is a more severe punishment than convicted rapists who end up serving on average 85 days in jail.

In 1844, Vida v. Gerrard, a public school teacher, decided she would teach morality without use of the Bible. The Supreme Court ruled "why not use the Bible, especially the New Testament? It should be read and taught as the divine revelation in the schools. Where can the purist principles of morality be learned so clearly and so perfectly as from the New Testament?"

In a landmark decision rendered February 29, 1892, against the claim of the cult called the Church of the Holy Spirit that Christianity was not the faith of the people, the Supreme Court did two powerful things in its ruling. First, Justice Josiah Brewer stated, "Our laws and our institutions must necessarily be based upon and embody the teachings of the redeemer of mankind. It is impossible that they should be otherwise; and in this sense and to this extent, our civilization and our institutions are emphatically Christian. No purpose of action against our religion can be imputed to any legislation, State or national, because this is a religious people. This is historically true. From the discovery of this continent to this present hour, there is a single voice making this affirmation."

But then the Justices went on, citing 87 different legal precedents to affirm that America was formed as a Christian nation by believing Christians. They even spent for the first 100 years tax dollars for Christian missionaries to do the work of evangelism on the frontiers and granted public lands for churches and church-based schools.

Friends, regardless of how we feel about it today, the historical fact is that there was no separation of church and state, other than a lack of government funding of one denomination for 160 years of American history. They were one and the same. The first amendment did not separate religion from government; it simply ensured that no one denomination was favored over all others, as in England.

Let us move across the street from the Supreme Court to Congress.

□ 1530

One example will suffice. As humanism and Darwinism began to rise in the nineteenth century, some made challenges to the idea that America was a Christian Nation. Both Houses of Congress spent 1 year, from 1853 to 1854, studying the connection of America and the Christian faith.

In March 27, 1854, Senate Committee on the Judiciary chair, Senator Badger, issued its final report. Let me quote from this resolution:

"The first amendment religion clause speaks against an establishment of religion. What is meant by that expression? The Founding Fathers intended by this amendment to prohibit an establishment of religion, such as the Church of England presented, or anything like it. But they had no fear or jealousy of religion itself, nor did they wish to see us an irreligious people. They did not intend to spread all over the public authorities and the whole public action of the Nation the dead and revolting spectacle of atheistic apathy."

What would they say about us today? I continue to quote:

"In this age there can be no substitute for Christianity. By its general principles, the Christian faith is the great conserving element on which we must rely for the purity and permanence of our free institutions. That was the religion of the Founding Fathers of the Republic, and they expected it to remain the religion of their descendents."

Based on this report, in May of 1854, in joint session of Congress, this resolution was passed. This is a resolution passed by the Congress, and I quote:

"The great vital and conserving element in our system of government is the belief of our people in the pure doctrines and divine truths of the Gospel of Jesus Christ."

That was this Congress in May of 1854.

Let us move from Congress to our public schools. For over 140 years, after the first amendment was passed, we spent tax dollars to educate students in public schools that were distinctly Christian.

In 1782, the United States Congress voted this resolution, in 1782 our Congress voted this resolution: "The Congress of the United States recommends and approves the Holy Bible for use in our schools."

In grammar schools from 1690 until after World War II, two books were the dominant teaching schools. The first and oldest was the New England Primer, used for 200 years from 1690 to almost 1900. The basics of alphabet were taught on Biblical verses.

One lesson went this way:

"A, A wise son makes a glad father but a foolish son is heaviness to his mother.

B, Better is little with the fear of the Lord than abundance apart from him;

C, Come unto Christ, all you who are weary and heavily laden;

D, Do not do the abominable thing, which I hate, sayeth the Lord;

E, Except a man be born again he cannot see the Kingdom of God."

The second great teaching tool for 100 years was the McGuffey Reader, which went through three editions and sold over 125 million copies until printing was stopped in 1963.

William Holmes McGuffey was the Professor of Moral Philosophy at Jefferson's University of Virginia, and the first President of Ohio University. President Lincoln called him the "Schoolmaster of the Nation."

In his introduction to teachers at the beginning of his textbook, McGuffey laid out his rationale. Let me quote just two brief paragraphs:

"The Christian religion is the religion of our country. From it are derived our notions on the character of God, on the great moral Governor of the universe. On its doctrines are founded the peculiarities of our free institutions.

"From no source has the author drawn more conspicuously than from the sacred Scriptures. For all these extracts from the Bible I make no apology."

He went on to say his only apology is for not using the Scriptures more.

Mr. Speaker, why was America great? Because every student coming through our school system was memorizing scripture and learning the Biblical basis of right and wrong, good and evil, sin and salvation. That was the express purpose of our Nation and our Founding Fathers. They were not deists nor atheists, nor were they trying to exclude religion from a guiding role in the Federal Government and all of its institutions.

Of the first 108 universities founded in America, 106 were distinctly Christian, including the first, Harvard University, chartered in 1636 and named after beloved New England Pastor John Harvard.

In the original Harvard Student Handbook, rule number 1, now this is in Harvard, think about it today, rule number 1 was that students seeking entrance must know Latin and Greek so that they could study the Scriptures:

"Let every student be plainly instructed and earnestly pressed to consider well, the main end of his life and studies is, to know God and Jesus Christ, which is eternal life, John 17:3; and therefore to lay Jesus Christ as the only foundation of all sound knowledge and learning."

For over 100 years, more than 50 percent of all of Harvard's graduates were pastors.

America's law schools for 160 years used Blackstone's Commentaries to train attorneys. Every time that a model case or law was mentioned in Blackstone's Commentaries, next to the law in the margin he would print all of the texts in the Bible that supported and illuminated that law to prove that it was just. Those commentaries trained our lawyers for 160 years, and led to the conversion of many law students.

Perhaps the most famous example was Charles Finney, great American evangelist. Finney studied law, became a believer through reading Blackstone, and was used by God to convert 500,000 people in the great revivals of the 1830s and 1840s.

Mr. Speaker, this is why America was great. David Moore interviewed Bob Vernon, Assistant Chief of Police in the LAPD, in 1991. Chief Vernon had hosted a visiting delegation of leading police officers from the Soviet Union in 1989 who came to Los Angeles to see the model police force. They talked through interpreters.

After several days together, the chief Russian officer stood indignant, pointed his finger, and began to speak vehemently, with passion and conviction.

Vernon asked, "What did I say? How did I offend him? What did I do wrong?" The interpreter said, "You did not say anything wrong. He is simply frustrated and asking you: 'Why is it that America is going the way of the Soviet Union? Why are you moving in that direction? Can you not see that where we have been, it does not work? Why do you push God aside and seek to build only on yourselves?' ".

That is the question, why? How do we get from where we were for two centuries to where we are in 2001? Let me tell the Members quickly.

First, the great lie. In 1947, the Supreme Court in Everson vs. Board of Education deviated from every precedent for the first time and in a limited way affirmed a wall of separation between church and State in the public classroom.

This was a totally new approach, a radical change in direction for the Supreme Court. It required ignoring every precedent of Supreme Court rulings for the past 160 years.

Then in 1962, less than 40 years ago, in Engle vs. Vitale, the Supreme Court removed prayer from public schools. Since the founding of the Nation, public school classrooms had begun their day with prayer. Now that was declared unconstitutional and an arbitrary use of the word.

The prayer that was banished stated this:

"Almighty God, we acknowledge our dependence on Thee. We beg Thy blessings upon us and our parents and our teachers and our country. Amen."

But the Supreme Court, without any legal precedent, now declared such prayer to be unconstitutional. Really? The Declaration of Independence mentions God four times, twice in sentences that are clearly intended as written prayers. Is our Declaration of Independence unconstitutional?

Then things happened fast. On June 17, 1963, the Supreme Court ruled in Abington vs. Schemp that Bible reading was outlawed as unconstitutional in the public school system. The Court offered this justification: "If portions of the New Testament were read without explanation, they could and have been psychologically harmful to children." Again, no legal or historical precedent was cited to back up this ruling, Bible reading was now unconstitutional, though the Bible was quoted 94 percent of the time by those who wrote our Constitution and shaped our Nation and its system of education and justice and government.

In 1965, the Courts denied as unconstitutional the right of a student in the public school cafeteria to bow his head and pray audibly for his food. That is against the law in America. In 1980, Stone vs. Graham outlined the Ten Commandments in our public school system. The Supreme Court said this:

"If the posted copies of the Ten Commandments were to have any effect at all, it would be to induce schoolchildren to read them. And if they read them, meditated upon them, and perhaps venerated and obeyed them, this is not a permissible objective."

Incredible. It is not a permissible objective to allow our children to follow the moral principles of the Ten Commandments? James Madison, who was the primary author of the Constitution of the United States, said this about the Ten Commandments: "We have staked the whole future of our new nation, not upon the power of government; far from it. We have staked the future of all our political constitutions upon the capacity of each of ourselves to govern ourselves according to the moral principles of the Ten Commandments."

But the Supreme Court, bound to uphold the Constitution of the United States, ignored Madison's interpretation of his own work. How odd, when above the seat of the Chief Justice of the Supreme Court to this very day the Ten Commandments are listed with the American eagle standing symbolically protecting them. Yet those justices said, "Not for our children."

At the close of every Court session since its inception, the Supreme Court crier said, "God save the United States and the Honorable Court." But we cannot say that in our schools.

What has happened in America in these past 40 years? When we were true to our roots, we were the greatest Nation in the world, the dream destination of millions in every country. But starting in 1963, the Bible was banned as psychologically harmful to children. That year, 1963, was the first year an entry about the separation of church and State ever appeared in the World Book Encyclopedia under the United States.

What have we reaped? America 100 years ago had the highest literacy rate of any Nation on Earth. Today we spend more on education than any other Nation in the world, and yet, since 1987, we have graduated more than 1 million high school students who cannot even read their diploma.

We spend more money than any other Nation in the industrialized world to educate our children, and yet, SAT scores fell for 24 straight years before finally levelling off at the bottom in the 1990s.

Has this new protection from religion produced better students? Morally have they changed? Are things better in this new climate of protection from the dangers of religion?

In a 1960 survey, 53 percent of America's teenagers had never kissed, and 57 percent said they had never necked, and that is "made out" in our current lingo, and 92 percent of teenagers in America said they were virgins in 1960. By 1990, just 30 years later, 75 percent of American high school students are sexually active by 18.

In the next 5 years, we spent $4 billion to educate them on how to be immoral through trumpeting the solution of safe sex, and it worked. One in five teenagers in America today lose their virginity before their 13th birthday, and 19 percent of America's teenagers say they have had more than four sexual partners before graduation.

The result? Every day, 2,700 students get pregnant, 1,100 get abortions, and 1,200 give birth. Every day, another 900 contract a sexually-transmitted disease, many incurable. AIDS infection among high school students climbed 700 percent between 1990 and 1995. We have 3.3 million problem drinkers on our high school campuses, over half a million alcoholics, and every given weekend in America, 30 percent of the student population spends some time drunk.

Three thousand children today will watch their parents get divorced, and over 60 percent of the children born this day will spend part or all of their childhood in a single-parent family. There are a quarter of a million reported cases of child abuse every single year, and one in three girls being sexually abused before they are 18, and one in 5 boys. That is America today.

Last year, a young woman in a high school in Oklahoma wrote this poem as a new school prayer. Let me read it for you:

"Now I sit me down in school
Where praying is against the rule!
For this great nation under God—
Finds mention of Him very odd.
If scripture now the class recites
It violates the Bill of Rights.
And any time my head I bow—
Becomes a Federal matter now.
Our hair can be purple, orange, or green.
That's no offense, it's a freedom scene.
The law is specific, the law is precise!
Only prayer spoken out loud are a serious vice.
For praying in a public hall
Might offend someone with no faith at all.
In silence alone we must meditate,
God's name is prohibited by the State.
We are allowed to cuss and dress like freaks,
And pierce our noses, tongues and cheeks.
They've outlawed guns, but FIRST the Bible.
To quote the Good Book makes me liable.
We can elect a pregnant Senior Queen,
and the 'unwed daddy' our Senior King.
It's inappropriate to teach right from wrong,
We're taught that such "judgments" do not belong.
We can get our condoms and birth controls,
Study witchcraft, vampires, and totem poles.
But the Ten Commandments are not allowed—
No word of God must reach this crowd.
It is scary here I must confess,
When chaos reigns the school's a mess.
So Lord, this silent plea I make:
Should I be shot—my soul please take!"

Our Nation, which used to lead the world in every arena, now leads the world in these areas. We are number one in violent crime, we are number one in divorce, we are number one in teenage pregnancies, we are number one in volunteer abortions, we are number one in illegal drug abuse, we are number one in the industrialized world for illiteracy. What happened?

□ 1545

First of all, Christianity went to sleep. Forty years ago the church gave up the public arena to an increasingly secular government and said we would focus on the souls of men. Actually, the first leader to call for that division was not one of our founding fathers. His name was Adolph Hitler, who told the preachers of Germany, "You take care of their souls and I will take care of the rest of their lives." The Bible teaches that peace within a Nation comes as God's people stay active and pray for their leaders.

Scripture challenges us in 1 Timothy 2:1–2: "I urge then, first of all, that requests, prayer, intercession requests for everyone, for kings and all in authority, that we may live peaceful and quiet lives in all goodliness and holiness."

Here is the million dollar question: Are we better off today? Since we banished God from all our public life and systems and allowed a vocal group of humanist activists to tell us our faith is dangerous to the liberties of this Nation, are we better off? Are we satisfied with what is happening in America?

Alexis de Tocqueville was a famous French statesman and scholar. Beginning in 1831 he toured America for years to find the secret of her genius and strength which was marveled at throughout the world. He published a two-part work titled, "Democracy in America," which is still hailed as the most penetrating analysis of the relationship of character to democracy ever written.

Here is how de Tocqueville summed up his experience:

"In the United States the influence of religion is not confined to the manners, but shapes the intelligence of the people. Christianity therefore reigns without obstacle, by universal consequence. The consequence is, as I have before observed, that every principle in a moral world is fixed and in force.

"I sought for the key to the greatness and genius of America in her great harbors; her fertile fields and boundless forests; in her rich mines and vast world commerce; in her universal public school system and institutions of learning. I sought for it in her democratic Congress and in her matchless Constitution.

"But not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power. America is great because America is good; and if America ever ceases to be good, America will cease to be great!"

That is why America was great. That is why America is now a mess.

Let me close by suggesting the answer offered us by President Abraham Lincoln in the address he gave calling for. April 30, 1860, seeking a national day of humiliation, fasting and prayer, and I read from Abraham Lincoln:

"We have been the recipients of the choicest bounties of Heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and powers as no other Nation has ever grown.

"But we have forgotten God. We have forgotten the gracious Hand which preserved us in peace, and multiplied and enriched us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own.

"Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving Grace, too proud to pray to the God that made us! It behooves us then to humble ourselves before the offended Power, to confess our national sins and to pray for clemency and forgiveness."

This was Abraham Lincoln.

Now we have an entire population that has no clue of its true American heritage. They have not forgotten; they have never known or heard the truth of our founding as a Christian Nation.

O Lord, forgive us, heal us and lead us to stand for what our fathers fought to give us, to promote the power of the gospel in shaping this Nation and to have the courage of our convictions as Judeo-Christians. May we not shrink back. Abraham Lincoln said this to our Nation. We need to hear it again.

"It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this Nation, under God, shall have a new birth of freedom."

I thank Dr. Fredericks for permitting me to plagiarize his address.

CONDITIONAL ADJOURNMENT TO FRIDAY, OCTOBER 19, 2001

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of today, it adjourn to meet at 10 a.m. on Friday, October 19, 2001, unless the House sooner receives a message from the Senate transmitting its adoption of House Concurrent Resolution 251, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. SIMMONS). Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLAGOJEVICH) to revise and extend their remarks and include extraneous material:)

Ms. McKINNEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. SÁNCHEZ, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, the House stands adjourned until 12:30 p.m. on Tuesday, October 23, 2001, for morning hour debates, pursuant to House Concurrent Resolution 251, or, under the previous order of the House, until 10 a.m. on Friday, October 19, 2001, if not sooner in receipt of a message from the Senate transmitting its concurrence in House Concurrent Resolution 251.

Thereupon, (at 3 o'clock and 52 minutes p.m.), the House stood adjourned until 12:30 p.m. on Tuesday, October 23, 2001, for morning hour debates, pursuant to House Concurrent Resolution 251, or under the previous order of the House, until 10 a.m. on Friday, October 19, 2001, if not sooner in receipt of a message from the Senate transmitting its concurrence in House Concurrent Resolution 251.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4346. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Designated Contract Markets in Security Futures Products: Notice-Designation Requirements, Continuing Obligations, Applications for Exemptive Orders, and Exempt Provisions (RIN: 3038–AB82) received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4347. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Notice of Statement of Commission Policy Regarding Temporary Relief From Certain Provisions of the Commission's Regulations—received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4348. A communication from the President of the United States, transmitting Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States; (H. Doc. No. 107—135); to the Committee on Appropriations and ordered to be printed.

4349. A letter from the Deputy Legal Counsel, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—— Core and Intermediary Components—received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4350. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Albemarle and Indian Trail, North Carolina) [MM Docket No. 99-240; RM-9503] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4351. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Suspension of TRICARE-Eligible's Enrollment in the Federal Employees Health Benefits (FEHB) Program (RIN: 3206-AJ36) received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4352. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pretax Allotments for Health Insurance Premiums (RIN: 3206-AJ16) received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4353. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018-AH79) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4354. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fishery [I.D. 091201C] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4355. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Fishery Management Plan for Tilefish [Docket No. 010319075-1217-02; I.D. 011101A] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4356. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Area [Docket No. 010112013-1013-01; I.D. 092801A] received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4357. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Longline Fisheries [Docket No. 010710169-1226-02; I.D. 060401B] (RIN: 0648-AP31) received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4358. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 001226367-0367-01; I.D. 092401G] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30268; Amdt. No. 2069] received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30267; Amdt. No. 2068] received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4361. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 P1 and EC135 T1 Helicopters [Docket No. 2001-SW-19-AD; Amendment 39-12439; AD 2001-18-13] (RIN: 2120-AA64) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace, Seneca Falls, NY [Airspace Docket No. 00-AEA-15] received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4363. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. 2001-NM-119-AD; Amendment 39-12430; AD 2001-18-04] (RIN: 2120-AA64) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, -300F and -400ER Series Airplanes [Docket No. 2001-NM-265-AD; Amendment 39-12438; AD 2001-18-12] (RIN: 2120-AA64) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4365. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-301 Series Airplanes [Docket No. 2001-NM-39-AD; Amendment 39-12440; AD 2001-19-01] (RIN: 2120-AA64) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Final Rule [Docket No. 2001-NM-299-AD; Amendment 39-12451; AD 2001-17-09 R1] (RIN: 2120-AA64) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4367. A letter from the General Counsel, Office of Management and Buget, transmitting the Office's "Major" final rule—Regulations For Air Carrier Guarantee Loan Program under Section 101(a)(1) of the Air Transportation Safety and System Stabilization Act—received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4368. A letter from the Acting Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting the Administration's final rule—Microloan Program (RIN: 3245-AE73) received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4369. A letter from the Acting Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting the Administration's final rule—Business Loan Program and Office of Hearings and Appeals (RIN: 3245-AE51) received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4370. A letter from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting the Department's "Major" final rule—Individual Development Accounts (RIN: 0970-AC08) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4371. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Unified Partnership Audit Procedures [TD 8965] (RIN: 1545-AW86) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3004. A bill to combat the financing of terrorism and other financial crimes, and for other purposes; with an amendment (Rept. 107-250, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on the Judiciary and Ways and Means discharged from further consideration. H.R. 3004 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Rules discharged from further consideration. H.R. 3005 referred to the Committee on the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3004. Referral to the Committees on the Judiciary and Ways and Means extended for a period ending not later than October 17, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of October 16, 2001]

By Mr. YOUNG of Alaska:

H.R. 3148. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Resources.

[Submitted October 17, 2001]

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG:

H.R. 3149. A bill to increase compliance with the registration requirement under the Military Selective Service Act by providing a temporary amnesty period during which persons who were required to present themselves for registration under such Act, but failed to do so in accordance with the time periods specified in Presidential Proclamation Number 4771, may present themselves for registration without fear of penalty; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself, Mr. Mica, Mr. Petri, Mr. Coble, Mr. Duncan, Mr. Gilchrest, Mr. Horn, Mr. Ehlers, Mr. Bachus, Mr. LaTourette, Mr. Baker, Mr. Ney, Mr. Cooksey, Mr. Thune, Mr. LoBiondo, Mr. Moran of Kansas, Mr. Pombo, Mr. DeMint, Mr. Isakson, Mr. Hayes, Mr. Simmons, Mr. Brown of South Carolina, Mr. Johnson of Illinois, Mr. Otter, Mr. Culberson, Mr. Shuster, Mr. Rogers of Michigan, Mr. Bereuter, Mr. Rehberg, and Mrs. Capito):

H.R. 3150. A bill to improve aviation security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 3151. A bill to prohibit United States nationals, permanent resident aliens, or United States Government agencies from entering into agreements with foreign persons who prevent or inhibit a United States business from undertaking a commercial activity, or otherwise discriminate against, the business, on the basis of the religious beliefs, practices or associations, sexual orientation, race, or gender of an individual associated with the United States business, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA:

H.R. 3152. A bill to direct the Secretary of the Army to reassess the allocation of Federal and non-Federal costs for construction of the Cerrillos Dam, Puerto Rico; to the Committee on Transportation and Infrastructure.

By Mr. BLAGOJEVICH:

H.R. 3153. A bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks; to the Committee on Energy and Commerce.

By Mr. MALONEY of Connecticut (for himself, Mr. Taylor of Mississippi, Mr. Reyes, Mr. Crowley, Mr. Underwood, Mr. Larson of Connecticut, and Mrs. Christensen):

H.R. 3154. A bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State and at least one such team under the direction of the National Guard Bureau; to the Committee on Armed Services.

By Ms. McKINNEY (for herself, Mr. Acevedo-Vila, Ms. Baldwin, Mr. McDermott, Mr. Kucinich, and Ms. Lee):

H.R. 3155. A bill to require the suspension of the use, sale, development, production, testing, and export of depleted uranium munitions pending the outcome of certain studies of the health effects of such munitions, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS:

H.R. 3156. A bill to permit taxpayers to treat contributions made to retirement plans before 2002 as contributions made to such plans during 2002; to the Committee on Ways and Means.

By Mr. UNDERWOOD (for himself, Mr. Acevedo-Vila, Mrs. Christensen, Mr. Faleomavaega, and Mr. Rodriguez):

H.R. 3157. A bill to authorize the Secretary of Commerce to establish a Travel and Tourism Promotion Bureau; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3158. A bill to amend title 18, United States Code, to ensure that acts of torture, as proscribed by the Torture Convention, are also recognized as criminal if committed in the United States; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 3159. A bill to amend the Internal Revenue Code of 1986 and the Office of Federal Procurement Policy Act to provide economic benefits to small businesses; to the Committee on Ways and Means, and in addition to the Committees on Government Reform, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY:

H. Con. Res. 251. Concurrent resolution providing for a conditional adjournment of the House of Representatives and conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. FOSSELLA:

H. Res. 269. A resolution expressing the sense of the House of Representatives to honor the life and achievements of 19th Century Italian-American inventor Antonio Meucci, and his work in the invention of the telephone; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 808: Mr. Hulshof.

H.R. 877: Mr. Vitter.

H.R. 951: Mr. Norwood and Mr. Maloney of Connecticut.

H.R. 959: Mrs. Capps.

H.R. 1243: Mr. Filner.

H.R. 1509: Mr. Tierney.

H.R. 1556: Mr. Goodlatte, Mr. Boswell, Ms. Hooley of Oregon, and Mr. Weldon of Pennsylvania.

H.R. 1657: Mr. Shows.

H.R. 1718: Mr. Dingell, Mr. Hobson, Mr. Forbes, and Mr. Crane.

H.R. 1754: Mr. Walsh.

H.R. 1795: Mr. Owens and Mr. Forbes.

H.R. 1919: Mrs. Morella, Mr. Gilchrest, and Mr. Lucas of Oklahoma.

H.R. 2117: Mr. Holt, Mr. Kennedy of Rhode Island, and Mr. Brady of Pennsylvania.

H.R. 2118: Mr. Brady of Pennsylvania and Mr. Borski.

H.R. 2145: Mr. McNulty.

H.R. 2157: Mr. Fletcher.

H.R. 2220: Mr. Borski.

H.R. 2316: Mr. Reynolds, Mr. Callahan, Mr. Hayes, Mr. Foley, Mr. Nussle, and Mr. Fletcher.

H.R. 2329: Mr. Snyder.

H.R. 2349: Mr. Olver.

H.R. 2357: Mr. Simpson and Mr. Chambliss.

H.R. 2363: Mr. Mascara.

H.R. 2380: Ms. Lee, Mr. Weller, and Mr. Johnson of Illinois.

H.R. 2417: Mr. Barton of Texas, Mrs. Capps, and Mr. Brown of Ohio.

H.R. 2578: Mrs. Christensen, Ms. Kaptur, Mr. McGovern, Mr. McKeon, Mr. McNulty, Mr. Pombo, Mr. Rohrabacher, and Mr. Wynn.

H.R. 2598: Ms. Slaughter and Mr. Baca.

H.R. 2623: Ms. Solis.

H.R. 2624: Mr. Moore.

H.R. 2740: Mr. Kucinich, Mr. Graham, Mr. Deal of Georgia, Mr. Forbes, Mr. Bonior, and Mr. Stearns.

H.R. 2830: Ms. McCollum.

H.R. 2887: Mr. Dooley of California and Mr. McGovern.

H.R. 2900: Mr. Wu.

H.R. 2955: Ms. Rivers and Mr. Baldacci.

H.R. 2957: Ms. Lofgren and Mr. Boehlert.

H.R. 2998: Mr. Blumenauer.

H.R. 3007: Mrs. Emerson, Mr. Underwood, Mr. Greenwood, and Mr. LoBiondo.

H.R. 3046: Mr. Hilleary, Mrs. Myrick, and Mr. Miller of Florida.

H.R. 3067: Mr. Ross, Mr. Schiff, Mr. Dooley of California, Mr. Abercrombie, Mr. Kucinich, Mr. Stark, and Mr. DeFazio.

H.R. 3115: Mr. McGovern, Mr. Frost, and Mr. King.

H. Con. Res. 211: Mr. Blumenauer.

H. Con. Res. 243: Mr. Castle, Mr. Oxley, Mr. Petri, and Ms. Rivers.

H. Con. Res. 250: Mr. LoBiondo, Ms. Millender-McDonald, Ms. Kaptur, Mr. Waxman, Mr. Shimkus, Ms. McKinney, Mr. Johnson of Illinois, Mr. Wolf, and Mr. Underwood.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2023: Mr. Shows.

SENATE—*Wednesday, October 17, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, whom to know is to love and whom to love is to serve, we ask for a fresh empowering of Your Spirit today. Renew in us the excitement of being partners with You in bringing Your best for America. We are here by Your divine appointment. Therefore, we need not fear: You will supply exactly what we need each hour of this day. Replenish our enthusiasm. May we do old duties with new delight. Revive our expectation. You have plans for us and the power to accomplish them. Regenerate our hope.

Make us hopeful people who expect great strength from You and attempt great strategies for You. Fill this Chamber with Your presence and each Senator and all of us privileged to be a part of the Senate family. Replenish our inner wells with Your peace that passes understanding. We claim Your promise through Isaiah, *Fear not, for I am with you; be not dismayed, for I am your God, I will strengthen you, yes, I will help you, I will uphold you with My righteous right hand.* Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 17, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

TERRORISM IN THE OFFICE OF SENATOR DASCHLE

Mr. REID. Mr. President, I certainly do not have all the details, but we do know that more than 20 people in Senator DASCHLE's office have been infected with anthrax. The tests have come back positive.

Senator DASCHLE had a meeting at the White House early this morning, and he has been meeting with his staff since he came back. I have not had an opportunity to speak with him. My heart goes out to Senator DASCHLE. I have spent a great deal of time with him and know what a caring person he is and how much he cares about his staff. I spend a great deal of time with his staff as a result of working with him on matters relating to the activities of the Senate. He has a wonderful staff. Sometimes I feel they are my staff. I am very close to Senator DASCHLE's staff.

I can imagine the heartbreak he is experiencing as a result of these people going through this personal turmoil as a result of working for him. I know I speak for the entire Senate when I say that our thoughts and our prayers go out to Senator DASCHLE personally, his lovely wife Linda, and his entire staff that this will be of short duration. We have been told the sickness they have will be of short duration. Certainly, the medicine that is available will cure the problems that are present. We are fortunate we do have the medicine available to do this.

My thoughts cannot contemplate the evil nature of such an act on innocent people working in Senator DASCHLE's office opening mail, answering constituent mail, doing those activities that one does working for a public servant. A lot of them are very young.

This is a tremendously evil act. I hope these people will be brought to justice; that the full weight of this Government will be used to search out these people who would perpetrate this evil through this diabolical scheme they engendered. I do not know what satisfaction they get out of doing such acts.

We are the greatest country in the history of the world. We are far from perfect, but certainly we are going to overcome this. It is a very small setback, and we will proceed stronger than ever.

Again, my heart is overwhelmed today with a feeling of anxiety and sadness for the majority leader of the Senate for the burden he has recognizing that because he is who he is, people in his office are sick. I know him and know how much heartache this causes him.

MEASURE PLACED ON CALENDAR—H.R. 2646

Mr. REID. Mr. President, I understand H.R. 2646 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011.

Mr. REID. Mr. President, I object to any further proceedings.

The ACTING PRESIDENT pro tempore. Under the rule, the bill will be placed on the calendar.

Mr. REID. Mr. President, my friend from Wyoming is in the Chamber. If he has some remarks, he can certainly proceed; otherwise, I am going to ask we go into a quorum call at this time. We are going to shortly recess until after the 10:30 a.m. briefing.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Nevada for his remarks this morning. Certainly we all have very strong feelings and sympathy for what is happening. My office happens to be one of the offices that is closed as well. I have a strong feeling about what is happening as well.

Mr. President, we should just go into a quorum call and go to our 10:30 a.m. meeting without further ado.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:10 a.m., recessed subject to the

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call of the Chair and reassembled at 12:12 p.m. when called to order by the Presiding Officer (Mr. TORRICELLI).

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT AGREEMENT—CLOTURE VOTE

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote which was scheduled for 11 o'clock today be set for 10 o'clock next Tuesday morning. This request has been cleared by the minority leader and the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, also, I would like to inform Senators that this afternoon, at around 1 o'clock, 2 o'clock—we don't know the exact time; we are trying to work that out, and we will shortly—we will move on the Interior conference report. We do not know if we will need a vote on a motion to proceed to it. That is a nondebatable motion. So if we do, we will do that and then move right to approving the conference report.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, having said that, and having told Senators what is in store, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 12:13 p.m., recessed subject to the call of the Chair and reassembled at 1:32 p.m., when called to order by the Presiding Officer (Mr. REID).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Thank you, Mr. President.

PROCEEDING UNDER UNUSUAL CIRCUMSTANCES

Mr. DASCHLE. Mr. President, as I did yesterday, I think it might be helpful if I report to our Senate colleagues and to the extended Senate family about circumstances now over the last 24 hours.

Let me say, I have been especially appreciative, again, of the services provided to the Senate, especially by our extraordinary Sergeant at Arms and our Secretary of the Senate, who have just done an outstanding job of responding to the many challenges that we have faced over the last few days, especially.

I thank Secretary Tommy Thompson for his great cooperation, the Department of Health and Human Services, the Capitol Police for their work, and, finally—and certainly it should have been at the top of the list, if I was listing anybody—our distinguished Republican leader. Senator LOTT has been there shoulder to shoulder with me on every one of these occasions and over the course of the last couple of days. Our partnership is strong, but our friendship is even stronger. And that could not be in greater evidence than it has been over the last couple of days.

We will have a vote this afternoon on the Interior appropriations conference report. That conference report will come over to the Senate sometime this afternoon. As my colleagues probably know, the conference report is currently being debated in the House. Obviously, I am quite sure it will be adopted. Once it is, and once it is sent over to us, there will be a rollcall vote on the Interior appropriations conference report this afternoon.

There will also be a vote on the conference report on the military construction appropriations bill tomorrow. We do not know the time yet. We will certainly notify our colleagues. In part, we do not know the time because I am not sure what the House schedule is; that also will be a piece of business that we will take up.

It is my hope that we may be able to take up nominations as well. I will be consulting with the Republican leader and with my chairs in regard to the degree to which Executive Calendar matters could be considered and, hopefully, voted upon either today or tomorrow.

So we have a good deal of business that we will be conducting. Again, one of the reasons why is because of the outstanding job that all of our service personnel have provided in accommodating our schedule, as we have continued to work through the immediate challenge that we have faced with the anthrax experience.

Mr. President, I could not be more proud of my staff for the way they have conducted themselves, for the attitude they have reflected at every step of the way, the professionalism they demonstrated on Monday, and the attitude and the degree to which they have taken each one of these moments in stride.

We have had a good number of discussions and consultations and meetings with members of my staff. It is now at a point where I think we can say that 31 members of my staff, and a certain number of Capitol Police, were found to have tested positive as a result of the nasal swab that was administered to them a couple of days ago.

A positive result on a nasal swab simply means they were exposed to the anthrax bacteria. Not one incident of infection has been recorded or reported. There is a huge difference between exposure—as is revealed by the nasal swab, if it is positive—and the actual infection itself. Antibiotics were administered immediately, even though we did not know the results of the nasal swabs, whether they were going to be positive or negative. And because of the early access to the antibiotics, the overwhelming advice I am now being given by all health care personnel is that each of my staff members will be OK. I am gratified to hear that, I am gratified to repeat that, and I will continue to emphasize that fact as we go forward.

In part because of the limited exposure, in part because of the opportunity to be administered the antibiotic quickly, in part because of the professional response all the way through this process, we are very confident about our ability to provide for the needs of each of my staff, with every expectation—I would say 100-percent expectation—that they will be treated successfully. So we feel very good about the current circumstances involving treatment and involving the response to the antibiotics already shown by members of the staff.

As many of our colleagues know, the exposure was limited, at this point, to two locations: My office in the Hart Building, Room 509; and the mail room in the Dirksen Building. There is no evidence currently that anyone in the mail room has been exposed to the point where they would receive a positive nasal swab, although we will be getting those test results back in the coming days. About 1,400 people were provided with the nasal swab yesterday. The results of those swabs will not be provided for at least 24 hours.

Let me also add that we have been working in close concert with the Centers for Disease Control. Russell 325 will be our information center for the balance of the afternoon.

There is a meeting ongoing in SC–5 for senior members of all Senate staff. Chiefs of staff and office managers are certainly welcome. I am quite sure most people have been made aware. We will provide ongoing information in a myriad of additional ways, both technologically as well as telephonically. We will provide that information as we deem it important to share.

Again, let me emphasize three things: First, I believe very confidently that we have, as a result of the outstanding work done by all of those professionals who have been on the scene, dealt with this incident in as successful a manner as is possible. I repeat that I am very grateful I can say today that the health care professionals have indicated that my staff will be not only OK but perfectly healthy as a result of the actions that have been taken. We will be closing the offices, the Senate offices: Russell, Dirksen, and Hart, for the next couple of days in order to accommodate the environmental research that will be required to ensure that whatever additional material there may be could be found, if there is some.

We have no indication there is any additional information that would lead us to believe it is not confined to the mail room as well as to my office, but we are going to do a sweep of the area. In order to accommodate that sweep successfully, those three buildings will be closed. It is strictly precautionary. I emphasize, there is no evidence to suggest we are doing anything other than what we should to ensure that we can open, with all the confidence that I expect we will have, on Monday morning.

We will use the time we have available to us just to ensure that we have checked the entire complex of office space so we can open on Monday without fear of any further exposure.

Finally, let me emphasize, we will be in constant contact with every office all the way through the course of the next several days. Of course, we will be in session today and tomorrow. That, too, will facilitate our ability to communicate with all Senators.

I thank all colleagues for their great cooperation. We had a good meeting this morning, as we did yesterday, on both sides of the aisle. There were excellent questions. I am proud of our Senators for the leadership they are providing and proud of our Senators for the attitude they take back to their offices and to their States. I am proud of our Senators for the way they have conducted themselves under these unusual circumstances.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Virginia.

Mr. WARNER. Madam President, may I say to our distinguished majority leader that having been a part of that meeting for well over an hour this morning, which you and Senator LOTT and other leaders conducted, we all were given a full opportunity to express our views, but throughout, we recognized the enormous pressure that you, as our leader, have been under because of the hit on your personal office staff.

Throughout that meeting and indeed throughout these days, you have stood with enormous personal courage and have won, if it were possible, even greater admiration than we had, from those of us who serve in this institution.

This is my 23rd year to be privileged to be a Senator. I have served under several majority leaders, assistant majority leaders, Republican leaders and Democratic leaders, all kinds and types, but you will be remembered in the annals of the history of this institution for the courage, personal and professional, that you have exhibited.

I thank you also for working with Senator LOTT and others in striking the proper balance, the obligation we have to our staffs, those who are visiting the Capitol, the infrastructure that serves us, balancing the need to give them adequate protection and at the same time enabling the Senate to continue to function.

As I said this morning, our Nation is at war. We have men and women of the Armed Forces in harm's way at this very moment carrying out the orders of our proud and strong Commander in Chief, the President. It is important, as they read about this chapter in the Congress, that they believe we are showing commensurate courage in facing the unknown. That is important. Indeed, the world will be observing us.

I commend my distinguished leader and the Republican leader and others. In the days to come, we will face the situation, and we are fortunate to have an extra group of experts coming in to advise all of us.

I thank the majority leader very much.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I join my colleague from Virginia in saluting Senator DASCHLE for his leadership at this moment in the history of the Senate. He and Senator LOTT, on a bipartisan basis, called together the Members of the Senate for the second straight day to the Senate dining room to discuss the situation on Capitol Hill. I think the decision that has been made for the Senate is the right decision.

I watched some of the television press reports, and I don't think they quite understand what is happening. So there is clarification, to this point, we have found that some 31 people on Capitol Hill have been exposed to anthrax, though there is no evidence of infection. Many others have been tested on a precautionary basis. I have invited my staff and other Members have as well; if they think this is something they would like to do, they are perfectly welcome to it, if they think they might have come in contact with anthrax that was mailed to Senator DASCHLE's office. Although this is a cause of some concern, it takes literally thousands of these spores to cause the kind of infection that would have to be treated.

The precautions that are being taken are the right precautions. To have the press characterize this, as some television stations have, as an evacuation of Capitol Hill is just plain wrong.

What is going to happen tomorrow in the Senate office buildings, the Hart Building, in which Senator DASCHLE's office is located, and the two other buildings, Russell and Dirksen, is that we will bring in environmental survey crews which will literally test those buildings to find out if there is any evidence of contamination. The equipment that is being used takes up some space and involves some processing. The decision was made—the right decision—to ask the staff tomorrow to vacate those three office buildings. In the meantime, in the Capitol Building, we will be in business in the Senate. We will be debating issues and voting on them, as we should.

Some of the reports in the press really haven't come to grips with the reality of what we face and how we are reacting. Some have asked, are you overreacting? The honest answer is: The leaders are trying to be as careful as possible for the thousands of people who work here, for the visitors, for the college students who come to volunteer. We are being as careful as possible. Secondly, it is our good fortune this is not a regular occurrence so we don't exactly have a protocol to follow. We are going to be developing one by this experience so we will know what should and should not be done and can give advice after this experience to others. That is valuable. It will help in our public health effort to deal with anthrax or any other threats of bioterrorism.

I remind those who are following this occurrence—and it has been said and should be repeated every time we speak—this anthrax, again, even if you were exposed to it, can be successfully treated with antibiotics so that people should have no fear of losing their lives because of this exposure. Basic treatment by antibiotics can make certain that you don't have any serious outcome because of an infection.

This morning the Secretary of Health and Human Services, Tommy Thompson, former Governor of Wisconsin, testified before the Committee on Governmental Affairs. His testimony was excellent. His agency, along with the Food and Drug Administration and the Centers for Disease Control, is trying to envision what needs to be done to protect America. Since September 11, we have a feeling of vulnerability.

Our leaders in Washington, the Senate and the House, and with the President and his administration, are trying to envision those needs to make America's peace of mind return.

I am happy they are ordering the necessary immunizations, the necessary antibiotics, so that if there is a public health need, we will be there.

They are also going to invest in State and local public health sources so we can respond quickly to any questions that are raised. This is a time of testing for America, but it is a time when we will rise to the occasion and pass this test. This country was hit hard on September 11. Because of that, many of us have seen in our churches and synagogues and temples more and more people looking for spiritual guidance. We have seen families come closer together, with a stronger feeling of patriotism. All of this reaches to the spirit of this country, our values and principles.

We will withstand this test and survive. When it is all over, America will have the peace of mind of knowing we have led a global effort to fight terrorism. Whether in the Middle East or homegrown here in the United States, it is all despicable and cowardly. Frankly, we should be the leaders and join our coalition in the successful battle against it. What we are going through on Capitol Hill will be remembered, I am sure, for a long time. I hope what is also remembered is the determination of men and women in the House and Senate, Democrats and Republicans, to stand up proudly and fight for this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, my colleague from Illinois and the majority leader from South Dakota, Senator DASCHLE, have just spoken about the challenges that have been presented to the Senate, our Capitol, and to our Nation, beginning with the heinous acts of mass murder committed by sick, deranged terrorists on the date of September 11 and continuing now to the actions of some demented people who would send letters with spores of anthrax in those letters.

It is important, as Senator DASCHLE indicated a few minutes ago, because we now have a 24-hour news cycle in which things move very rapidly and reporting takes place at a very rapid pace, for us to sort out what is and what is not happening as a result of these terrorist attacks, specifically about what is happening on Capitol Hill with anthrax having been put in a letter addressed to the majority leader.

There is not an evacuation of the U.S. Capitol Building; there is not an evacuation of Senate offices. What is happening is a thoughtful, deliberate approach to respond to this set of challenges. Senator DASCHLE and Senator DURBIN both said—and I think it is important to underscore—that those who have been identified as having been exposed to anthrax by the swab testing that has been done, are not at this point infected by that exposure. They have simply been exposed. It is important to underscore that there are antibiotics available to deal with that exposure if it becomes an infection. That is important for people to understand. And the medical authorities have visited with a joint session of Republicans and Democrats this morning here in the Capitol and have gone over that information in some depth.

It is not the case that spores of anthrax have been found all over this building. That is not the case at all. The reports we have at this point in time are that spores of anthrax were discovered in a limited area, and the law enforcement authorities and leadership of the Senate have taken actions that would attempt to make certain they don't spread beyond that area, and that we take the precautions necessary for human health and also to make sure the environmental situation in buildings is assured.

I want to, as I describe this, say how proud I am of Senator DASCHLE, Senator LOTT, and others, who in most cases have worked nearly around the clock; especially, I am proud of Dr. Eisold and the Sergeant at Arms, the Secretary of the Senate, and so many others, most of whom have had very little sleep because they have been trying to respond to this issue. The Centers for Disease Control team, folks from the NIH and Health and Human Services, are all here.

Also let me say how much I have appreciated for some long while the work of the law enforcement authorities on Capitol Hill. These men and women have been working 12 hours a day and, in most cases, 6 days a week every single day for the last month. They are the first responders; they are the ones who put themselves in harm's way. We all should spend some time thinking about what they do for us and the sacrifice they make for their country.

It is very important, as Senator DASCHLE indicated, for people not to panic. This is not a cause to panic. This is a letter that had some anthrax attached to it. All of the things we know about this anthrax, all that we know about the exposure, and all that we know about the ability to treat that exposure, should it become an illness from that bacteria, would lead us to believe it is not at all cause to panic.

Is this a point of some concern? Is it worrisome that all of this happened? Of course. We would be fools to deny that this is a troublesome incident. Of course it is. It is probably not unexpected that those terrorists who wish to cause chaos in our country and damage and inflict injury on innocent humans would try to do that in our Nation's Capital and in the symbol of our Government here in the Senate or the House. But the response is not to be frightened. The response is to be thoughtful and careful and take the necessary steps to make certain we protect the folks who work here and make certain we not allow this to happen again.

This is quite a remarkable country in which we live. We have faced a lot of challenges in many significant ways. Our country is a country that has split the atom, spliced genes, learned how to clone animals, invented great silicon chips, plastics, and learned how to build airplanes and how to fly them, built rockets, and flew to the Moon. We invented the telephone. We invented the television. We invented computers. We cured polio and smallpox. We survived a civil war. We survived a great depression. We beat back the fascism of Hitler.

Through it all, this is the freest country on the face of the Earth, with the strongest economy, providing the most opportunity for the most citizens anywhere. That is not an accident. It is because through it all, through all of the challenges, all the tough times as well as the good times, the center of the American people—the broad center that thinks through things in a clear way and uses inherent common sense in deciding how to respond and when to respond—has largely governed our behavior as a country. That broad center, I am sure, in this country feels as I do as a result of the September 11 tragedies; it feels the rage and anger that there are sick, twisted people who would do that. They believe as I do, I am sure, when I see the kinds of terrorist activities such as I saw in Florida and New York and now on Capitol Hill, with the use of anthrax as a weapon of terror—I am sure they feel anger and rage.

It is also the case that there are men and women in our Armed Forces who are in harm's way today because we have called on them once again to take action against those who would undermine the basic freedoms in our country.

So what is important today, not just with respect to this incident on Capitol Hill and all the wonderful young men and women—and in some cases older men and women—is that they are here because they are proud to be here; they are proud of their public service. It is important for all of us to understand that this country stands together. This country stands tall in the face of challenges.

I said yesterday it is interesting that changes occurred in this Chamber. In this Chamber of the Senate, for so long we had so much pettiness. There was so much pettiness in our politics. That is now gone—and good riddance, as far as I am concerned. But that pettiness led us to believe on every single issue, at every intersection, there was an "our side" and a "their side." We have, it seems to me, in meeting these challenges, understood now that there is only one side and that is "our side." That is the side that we all stand on together. It is not mine and yours, or us and them; it is just our side together. That is the way we will respond to the incident that has occurred on Capitol Hill. It is the way America will respond to the broader threat of terrorism that exists around the world. It is the way the American people have responded for two centuries—to build a beacon of hope and opportunity for the rest of the world. It shall remain that way as long as we have the kind of leadership and capabilities that exist in this country, to say to the rest of the world it is worth the fight to preserve our freedom; it is worth that fight.

So let me end as I began, by thanking my colleague, Senator DASCHLE, for his leadership. Our thoughts have been with his staff as they have worked through this challenging period, and our thoughts are also with the literally thousands of men and women who come to this Capitol to serve with us in the House and in the Senate who do that because they want to be involved in public service and are proud of it. We say to them, don't be unnerved by this; we are proud you are here and that you have stayed through this period. We thank you for your public service.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I rise, too, to applaud the leadership given to us in the last several days by Senator DASCHLE and Senator LOTT.

Thirty years ago, I did not serve in this body; I served as a naval flight officer on the other side of the world, in a war that was not popular in this country. Those of us who served took our cues from those who served in this body with respect to the strength and support for our efforts from the American people and from our elected officials. The signals we received were not always encouraging ones.

It is important today that those who are serving our country on the other side of the world in this war, flying in F-14s, helicopters, dropping food from C-17s, dropping munitions from B-52s and B-1s, special forces at work, the sailors and airmen and soldiers—it is important that we send to them, not just by our words but by our deeds today, a very clear message: There is a time for fear and there is a time for resolve. This is a time for resolve. Our resolve is being tested, and it is critically important that we meet that test. And we will.

We are endeavoring to strike a balance, whether it is in Senator DASCHLE's office, Senate office buildings, the Capitol, or the House office buildings, to make sure we are being vigilant and careful and that we are mindful of their health and welfare. And we are. At the same time, let's remember we have a lot of work to do—not next year or the year after that; we have a lot of work to do this year. We have appropriations bills to pass to meet the needs of our Nation. We have compromises to hammer out on terrorism legislation, airport security, and rail security. We have legislation that is in conference on education, raising the achievement level of our students, and making sure there is a Patients' Bill of Rights that is fair to everybody in this country. We need to hammer out those compromises.

We need an energy policy. We haven't had one in my adult life and, frankly, we need one now more than ever. We have plenty to do. The idea that some might suggest it is time for us to take leave from this place and go back to our States for a while is just absolutely the wrong approach to take. We need to stay here and stay on the job.

There are some differences between the facts and the fiction being spread about what is happening on Capitol Hill. Others have spoken to it, and I want to mention it as well. Secretary Thompson told me this morning that we received lab test results of the substance opened up in the mail in Senator DASCHLE's office, and we got those results about 3 o'clock this morning. The bad news is that it is anthrax.

The idea that somehow this is weapons grade is not correct. That is just not true. This is a substance that is susceptible to penicillin. This is a substance that is susceptible to Ciprofloxacin, just as other anthrax materials are susceptible. It can be treated.

Let's take a worst case scenario. There have been reports that the ventilation system of the Hart Building is somehow contaminated with anthrax. That is just not so. Let's assume for a moment it is. Let's assume for a moment that everyone who works there, including Senators, has been exposed to anthrax, which is not true either. As it turns out, maybe 20 or 30 people have been exposed—not infected but exposed.

If we had all been exposed and if, indeed, the ventilation system was chock full of anthrax—and it is not—what do we do about it? We simply take the antibiotics that kill the bacteria. That is what we do.

Keep in mind, anthrax is something for which we can be vaccinated. If we come down with an illness, we can take antibiotics that will cure it. If I contract an illness related to anthrax, it does not mean to suggest Senator DORGAN or anybody else is going to become sick. It is not communicable. We not only need to keep this in mind in the Senate and on Capitol Hill, but the American people need to know. This is something we can contain, and this is something we can control. We have to stay calm, we have to stay cool, we have to be collected, and we are going to do that.

The rest of the country is watching us to see how we respond in this time of duress. Certainly our military men and women around the world are watching us to see how we respond in this time of duress, during this threat to our Nation's Capitol. I presume whoever is sending these materials our way is watching us as well. They must be amused by the response they see from some.

The response we need to send to the terrorists, those who would do us harm, as well as to our troops, soldiers, sailors, and airmen around the world, and the rest of the American people is that we will make sure that the people who work here are protected and are safe, but at the same time we are committed to doing and completing our Nation's business.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CARPER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

Mr. BYRD. Madam President, it is a pleasure to join my colleague from Montana, the distinguished Ranking Member of our Interior appropriations subcommittee, in bringing before the Senate the conference report on H.R. 2217, the Fiscal Year 2002 Interior and Related Agencies Appropriations Act.

This is the first of the thirteen annual appropriations bills to have reached this stage of the process. Let me say parenthetically, however, that the Committee on Appropriations reported the bill on July 12—3 months and 5 days ago. So it has been a long time in ripening to this point. This conference report is, in my opinion, a well-crafted bill. It is never an easy task to work out the many disagreements between House and Senate versions of an appropriations bill, and this year was no exception. But each and every one of the 1,330 items before the conferees was worked out in a way that balanced the views of each chamber and the resources available to the conferees.

I will not go into great detail with respect to all the particulars of the conference agreement, but shall point out a few highlights. First, to those who have a special interest in natural resource conservation, this conference report lives up to our previous commitment by fully funding the conservation spending category established in Title VIII of last year's Interior Appropriations bill. Through this spending category, the managers were able to fund key conservation activities including $428 million for Federal land acquisition; $229 million for State programs such as wildlife and wetland conservation programs; and $184 million for Federal infrastructure improvements in our national parks, forests, refuges, and on other public lands. In addition, the conference report devotes $11 million to Civil War battlefields preservation, an important commitment to honoring our national heritage and understanding the history of this great country.

The conference report also restores the $36 million in environmental cleanup work conducted through the Abandoned Mine Reclamation Fund which the administration had unwisely proposed to cut. These funds will be used for high priority abandoned mine clean-up projects which address serious health and safety concerns.

For our colleagues from the West, I am pleased to report that the conference agreement continues the Congressional commitment to protect the public and our natural resources from fire danger by providing $2.2 billion to the Forest Service and the Department of the Interior for wildland firefighting. This is an increase of $300 million above the President's request.

The bill also includes $2.8 billion for critically needed Indian health care and $2.2 billion for Indian education and economic development. Within these amounts, $86 million is targeted specifically for the construction of new hospitals and health clinics, while more than $290 million is to be used for school construction and repair.

The conference report includes over $930 million for cultural institutions and programs funded through the Interior subcommittee, including the Smithsonian Institution, the National Gallery of Art, the Kennedy Center, and the National Endowment for the Arts and Humanities.

The conference committee paid special attention to the needs of the National Park Service, providing an increase of $85 million over the fiscal year 2001 appropriation for basic operations of the national park system. In addition, the conference report contains $366 million for Park Service construction, with the vast majority of these projects representing backlogged maintenance and infrastructure improvements in the National Parks.

Finally, I would like to point out that this conference report contains much needed funding for the important energy research programs overseen by the Department of Energy, specifically in the area of fossil energy research and development. I am very proud of the fact that the conferees provided $150 million for continuation of the Clean Coal Technology program, which I first started in 1985 and which has proven to be one of the most successful public/private partnerships ever undertaken by the Federal Government. I am pleased we were able to restore the nearly $100 million in basic energy research funding that the administration had proposed to cut. I told the Secretary of Energy that I believed those cuts to be unwise—and I earlier urged the President not to make those cuts—and that if I had anything to do with it—and I did, of course—they would not stand. For the good of the Nation and our energy security, I am glad that I was able to keep my word.

Before yielding the floor to my distinguished colleague from Montana for any comments he may wish to make, let me say again publicly what a pleasure it was to have CONRAD BURNS as the Ranking member of the Interior subcommittee and to work with him and his able staff throughout this year. This has been a journey of hope and pleasure for me as we have developed this bill during the several months of working with Senator BURNS. The dedication to duty displayed by Senator BURNS, the willingness to cooperate in a bipartisan fashion, and his always gracious manner have made my work infinitely easier, and I thank him for his support in crafting this bill.

I thank his staff and I thank my own staff, along with Peter Kiefhafer, for their excellent work.

I urge my colleagues to support this conference report.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I join my friend from West Virginia in asking the Senate to support the Interior and related agencies conference report. This has been sort of a labor of love. It has been 3 months of putting this piece of legislation together and many hours of off-the-floor negotiations not only between my chairman and everybody who serves on this subcommittee but also in the conference with the House.

This conference agreement fits within the broader fiscal limitations with which the Congress and the President have agreed. To remain within these limits, we had to reduce many projects and programs below levels provided by the Senate bill. Likewise, many priorities established in the House were reduced so the conference agreement would conform to the subcommittee's conference allocation.

The final product does not contain 100 percent of what everybody wanted; nor does it have 100 percent for one individual. I assure my colleagues Senator BYRD has included me and my staff in all negotiations and that the Senate's interests have been treated fairly.

There are two specific items I will address before proceeding. I am pleased that the conference report provided a $10 million increase in payments in lieu of taxes, PILT. These funds are a vital source of funding for schools and other basic Government services in rural communities that have large public land acreage. While I hoped we would preserve the entire increase provided in the Senate bill, the amount provided in the conference agreement is a significant step forward and moves us closer reaching the authorizing funding level of the PILT program.

With regard to the funds for the wildland firefighting and related programs, the conference agreement contains just over $2.23 billion. The year before last and last year were terrible years for fires, as was this past summer, although it was not as devastating as the year before. Congress has still made a commitment to the national fire plan. We were unable to fully fund all the needs of the national fire plan, but nonetheless the commitment is there. We had to make extremely tough choices, balancing the need for rehabilitation and restoration of lands already burned and the need to prevent and suppress future fires.

We have also taken the opportunity to direct the Department of Agriculture and the Interior to work more closely together in implementing the national fire plan, while giving us a better understanding of the land's long-term funding and what it needs. I believe this will move us much closer toward having a fire plan that can be fully implemented.

Finally, I thank Senator BYRD for his courtesy shown throughout the process. There are 3 C's in committee work: cooperation, courtesy, and consideration. Usually we get our work done pretty expeditiously. It has been a difficult year on many fronts, but from the Senate transition to the events of last month, Senator BYRD and I have worked well together to produce a final bill that deserves the Senate support.

I thank his staff and my own. Ryan Thomas and Bruce Evans have done yeoman's work on this bill as it has moved its way not only through the Senate but also through the conference.

It is strange indeed to have an Interior and related agencies bill to be the first appropriations bill to be sent to the President. I can remember when this bill was unbelievably contentious. It is the off-the-floor agreements and negotiations made that help bring a product to the floor. It just about has the approval of the total Senate. That is a testament to Senator BYRD's leadership as chairman of this subcommittee. Again, I urge my colleagues to support this conference agreement.

Mr. BYRD. We are told in the Scripture: A word fitly spoken is like apples of gold in pictures of silver.

The words by CONRAD BURNS, my distinguished colleague, have been fitly spoken. Again, I thank him.

Mr. REID. Madam President, on behalf of Senator DASCHLE and this Senator from Nevada, I express our appreciation to the chairman of the Appropriations Committee not only for bringing the bill to the floor today but for your persistence, your wisdom, and your legislative abilities. You have worked very hard on all appropriations bills, this one in particular. We extend our appreciation to you for that.

More generally, this is the first appropriations bill. There couldn't be one more timely and one that should be recognized than the one these two Senators put together. Senator BURNS said he can remember when the bill was contentious. It is still contentious. But this is what legislation is all about. I was so happy to go to that conference committee. We spent just a little bit of time there. It was resolved quickly. That is what good legislation is all about.

The example that was set I hope I can follow. Senator DOMENICI and I are working on energy and water and hope to have a conference that is even shorter than the one on the Interior bill. We hope to be able to do that. We were going to do it tomorrow but the House is going out today and we will not be able to do that. Hopefully, it will be Monday or Tuesday.

I have a great feeling for this bill. The Senator from West Virginia will remember when I first came here I had the honor, when you were so heavily involved in your duties being the Democratic leader, of conducting the subcommittee hearings on this bill. I learned a lot about this subcommittee as a result of sitting there for those hours of hearings to arrive at a point where we had a bill that could be brought to the Senate floor. Conducting those hearing was one of the biggest learning processes I ever went through. It was a great honor.

I will not belabor the point other than to say if someone picked up a dictionary and looked at the word "wisdom," Senator BYRD's name would be right there. And of course it would be there with "legislator." But in capital letters, if you flipped open the dictionary and came to the word "Senator," ROBERT BYRD of West Virginia would be right there.

So it is appropriate that the first bill that we have worked so hard to get out of the appropriations process is one that has been engineered by the Senator from West Virginia.

I also extend my appreciation to the Senator from Montana, with whom it has been easy to work. He understands the legislative process and has really been a pleasure to work with.

I ask unanimous consent the Senate now proceed to the conference report accompanying H.R. 2217, the Department of the Interior appropriations bill; that the Senate vote immediately on adoption of the conference report with no intervening action; and that upon adoption of the conference report, the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, I reserve the right to object just for the purpose of responding to the distinguished majority whip and his glowing references to my work.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I say this. Darius the Great was once having lunch. Someone presented Darius the Great with a huge pomegranate at this luncheon. And it was opened. There were quite a number of seeds in it. Darius said, "Had I as many men like Megabazus as there are seeds in this pomegranate, it would please me better than to be lord of Greece."

So let me just say, using those words by Darius, I have been around the Senate here quite a while and I have seen several whips. I have had the pleasure—or perhaps the misfortune, I should say—of being whip myself here for several years beginning in 1971. But I was not as good a whip as Senator REID. I won't say anything about the other whips, but I will just use myself. Senator REID is an excellent assistant majority leader. He is always on the floor. That is how I gained my fame as whip—I stayed on the floor, watched the floor. There is where I learned the rules, where I learned the precedents.

This man is a man who, if I may do a little bragging, was cut in my own image in that he stays on the floor. He works this floor. He is always to be counted upon. He is here to help every Senator. Many are the time agreements that are made possible by his assiduous attention to his duties on the floor.

Majority Leader DASCHLE can be very grateful for the fact that he has been given this very excellent man, HARRY REID of Nevada, to work and to assist him, Mr. DASCHLE, as the whip.

I pay my compliments to Mr. REID. I thank him for his great work.

Let me just now end my remarks by saying we hope that next week we can complete the work on this floor on the energy and water appropriation bill, the legislative branch appropriation bill, the VA-HUD appropriation bill, and the Treasury appropriations bill. We are finally making some headway.

I thank my colleagues, and of course the good Lord most of all, and our staff for the fact that we have been able to begin making some progress on the action and passage of the Appropriations conference reports.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2217), "making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

(The report is printed in the House proceedings of the RECORD of October 11, 2001.)

LYTTON RANCHERIA

Mr. BURNS. Mr. President, would the Chairman agree that the conference sought to address an issue dealing with the exceptional and unique circumstances which led to the enactment of Sec. 819 of P.L. 106-568 with regard to land taken into Federal trust status prior to 1988 for the Lytton Rancheria of California?

Mr. BYRD. Mr. President, the ranking member is correct. In Sec. 128, the Committee recognizes the exceptional and unique circumstances surrounding the enactment of Sec. 819 of P.L. 106-568. The circumstances do not, however, diminish the requirement that the tribe fully comply with the provisions of the Indian Gaming Regulatory Act and in particular, with respect to class III gaming, the compact provisions of Sec. 2710(d) or any relevant Class III gaming procedures. The Committee further recognized that nothing in Sec. 819 of P.L. 106-568 be construed as permitting off-reservation gaming except in strict compliance with the Indian Gaming Regulatory Act.

CLEAN COAL POWER INITIATIVE

Mr. SANTORUM. Mr. President, in the Statement of the Managers accompanying the Interior and Related Agencies Conference Report, there is language on page 117 that sets certain limitations on the types of projects eligible to compete for Clean Coal Power Initiative funds. Specifically, the language states; "Further, all co-production projects must provide at least half of their output in the form of electricity." This language could have the effect of precluding certain innovative co-production projects from competing for the funds appropriated. Can the Chairman explain the intent of this language?

Mr. BYRD. This language was included based on information provided to the Committees that these limitations were consistent with the fiscal year 2001 solicitation. We have since learned that this is not the case. While the draft solicitation contained a minimum threshold for power production, the final solicitation contained no such threshold. We have since consulted with the Department of Energy, and the Department agrees that there should be no minimum threshold for power production in the next solicitation. Because the language in the Statement of Managers was based on inaccurate information, it is my view that this particular language should not apply. Program applicants should keep in mind, however, that improved electric reliability is the focus of the program. Would my colleague, Senator BURNS, concur?

Mr. BURNS. I concur with the statement of Senator BYRD.

Mr. CONRAD. Madam President, I rise to offer the Budget Committee's official scoring for the conference report for H.R. 2217, the Interior and Related Agencies Appropriations Act for Fiscal year 2002.

The conference bill provides $19.12 billion in nonemergency discretionary budget authority, which will result in new outlays in 2002 of $11.908 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $18.017 billion in 2002. Of that total, $1.32 billion in budget authority and $1.029 billion in outlays falls under the new cap for conservation spending. The remaining amount counts against the general purpose cap for discretionary spending. The conference report is within the Appropriations Committee's 302(b) allocations for budget authority and outlays for both general purpose and conservation spending.

In addition, the Senate bill provides new emergency spending authority of $400 million in 2002 for federal firefighting activities, which will result in new outlays of $289 million. Per section 314 of the Congressional Budget Act, as amended, I have adjusted the committee's 302(a) allocation by the amount of this designated emergency funding. The amount of emergency funding included in the report is consistent with the bipartisan agreement reached earlier this month between the President and congressional appropriators.

H.R. 2217 is the first conference report to reach the Senate floor. Twelve more remain after its adoption. It is important that the Senate act quickly and pass this important legislation that will provide vital funding for managing our nation's natural resources, supporting better and more efficient use of our energy supplies, and meeting our commitments to Native American tribes.

I ask for unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2217, INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

[Spending comparisons—Conference Report (in millions of dollars)]

	General purpose	Conservation	Mandatory	Total
Conference report:				
Budget Authority	17,800	1,320	59	19,179
Outlays	16,988	1,029	77	18,094
Senate 302(b) allocation:[1]				
Budget Authority	17,800	1,376	59	19,235
Outlays	16,988	1,030	77	18,095
President's request:				
Budget Authority	16,827	1,256	59	18,142
Outlays	16,425	832	77	17,334
House-passed:				
Budget Authority	17,621	1,320	59	19,000
Outlays	16,789	1,031	77	17,897
Senate-passed:				
Budget Authority	17,386	1,320	59	18,765
Outlays	16,736	1,029	77	17,842
SENATE-REPORTED BILL COMPARED TO—				
Senate 302(b) allocation:[1]				
Budget Authority	....	−56	....	−56
Outlays	....	−1	....	−1
President's request:				
Budget Authority	973	64	....	1,037
Outlays	563	197	....	760
House-passed:				
Budget Authority	179	....	....	179
Outlays	199	−2	....	197
Senate-passed:				
Budget Authority	414	....	....	414
Outlays	252	....	....	252

[1] For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions. The conference report includes $400 million in general purpose emergency funding for federal firefighting activities. Prepared by SBC Majority Staff, 10-17-01.

Mr. MCCAIN. Mr. President, I thank the managers for their work in completing this important appropriations bill which funds the Federal agencies governing land management, energy, forestry and Native American programs. In this time of extraordinary national, and fiscal, urgency to respond to domestic threats, I appreciate that their jobs have not been easy and I am thankful for their work.

This Interior appropriations bill funds many important programs that help to protect the nation's natural resources, national parks, endangered animals and forest lands, as well as health and education programs for Native Americans. A portion of energy conservation funding for the Department of Energy is also included in this bill. I am supportive of these programs and their important part to preserve the character and quality of America's most special places.

What I find disturbing is that many of these programs, such as the National Park Service and the Fish and Wildlife Service, still experience enormous backlogs of maintenance and repair work because these agencies are not able to spend important Federal funding on the Nation's highest priorities. Instead, the appropriators have earmarked this funding for their own priorities, without a fair and merit-based review.

This year's final Interior appropriations bill includes $343 million in earmarks, much of which is either unrequested or unauthorized spending. While this amount is less than the bill passed earlier this year in the Senate, it is still an extraordinarily high amount of Federal spending that should be directed toward the most urgent priorities for the agencies included in this bill. It is a critical time for our nation, and we should expend Federal dollars prudently to allow Federal agencies to carry out their management responsibilities.

I will support the passage of this year's Interior bill, despite my objections to the extraneous porkbarrel spending that is included. I believe, especially in this heightened time of American resolve to protect our homelands, that it is our highest obligation to ensure that we spend taxpayer dollars wisely. Unfortunately, as evidenced by the $343 million in porkbarrel spending in this bill, we are clearly failing In fully upholding our obligations to protect natural resources and meet trust obligations to Native Americans. As we consider the remaining appropriations bills for this fiscal year, I hope that my colleagues will exercise fiscal constraint in porkbarrel spending.

The list of objectionable provisions I identified in H.R. 2217 is available on my Senate web site.

Mrs. FEINSTEIN. Madam President, I would like to speak for a moment about Section 128 of the Interior Appropriations conference report.

In its original form, Section 128 repealed language from last year's Omnibus Indian Advancement Act, language that circumvented the Indian Gaming Regulatory Act's commonsense protections and regulatory safeguards against the inappropriate siting of Class III, Nevada-style casinos.

Late last year, a one-paragraph provision was attached to the Omnibus Indian Advancement Act granting land in trust to a single Indian tribe, the Lytton band, and permitting them to move forward on plans to establish a Nevada-style gaming establishment in San Pablo, CA, on a site that is not part of and is not adjacent to land traditionally held by the Lytton band of Indians. In fact, this site is in a major urban area just outside of San Francisco, neither in nor near the Lytton band's reservation. This was done without regard to Federal laws currently in place to regulate the siting of such a casino. Now, language that would have originally repealed that granting of land in trust merely states that the Lytton band must follow the Code of Federal Regulations for Class III gaming, which they would have had to follow anyway.

I have serious reservations about the expansion of Class III gaming in urban areas, and I am particularly against off-reservation gambling. These off-reservation casinos cause counties additional costs in public and local services, often intrude in residential areas, and are increasingly causing local concerns ranging from traffic congestion to additional crime.

Currently, California has 109 separate and independent tribal governments, of which 46 have operational casinos: Three more casinos are currently under construction. Additionally, 20 tribes have compacts with the state and are proposing casinos, and 10 more are in negotiations with the Governor for a tribal state compact for Class III gaming. Finally, 54 more tribes are petitioning or involved in congressional acts to be federally recognized to promote a casino.

Circumventing the processes for Federal recognition of tribal governments and for granting land into trust presents a variety of serious and critical multi-jurisdictional issues—issues which can negatively affect the lives of ordinary citizens and deprive local government of their political power to protect those whom they govern. The Indian Gaming Regulatory Act has provided this Nation with a fair and balanced approach to Indian casinos by facilitating tribal plans for economic recovery without compromising a multitude of factors that should be taken into account when deciding on the siting of such a large, Nevada-style casino. IGRA works. It is a fair process that should be followed.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Question is on agreeing to the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—95

Akaka
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—3

Bayh
Brownback
Roberts

NOT VOTING—2

Hagel
Lieberman

The conference report was agreed to.

VOTE EXPLANATION

• Mr. LIEBERMAN. Mr. President, at the time of the vote on the Interior appropriations conference report on October 17, 2001, I was unable to vote because I was attending the funeral of Mrs. Margaret Ann Aitcheson, mother of Mrs. Tipper Gore. If I was present, I would have voted in favor of the conference report. I note that because that report passed by a vote of 95-3, my absence had no effect on the outcome of the vote.•

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER (Mr. JOHNSON). Pursuant to the order of October 2, 2001, the Senate, having received a message from the House on S. 1438, disagrees to the House amendment, agrees to a request for a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mrs. CARNAHAN, Mr. DAYTON, Mr. BINGAMAN, Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Ms. COLLINS, and Mr. BUNNING conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. LEAHY. Mr. President, will the Senator from Nevada yield?

Mr. REID. I am happy to yield to my friend, the chairman of the Judiciary Committee.

JUDICIARY COMMITTEE MEETING NOTICE

Mr. LEAHY. Mr. President, for the notice of Members, the Senate Judiciary Committee had originally been scheduled to meet tomorrow for a markup. We have about 14 or 15 nominations on the list, ranging from U.S. attorneys to Federal judges—actually more than that. I forget the exact number. The Dirksen Building in which we were scheduled to meet is going to be closed, as will the Russell and Hart Buildings.

For those Senators who may have an interest, I am arranging for a meeting room off the Senate Chamber, probably in the President's room. We will start the meeting about halfway through the vote, whenever we have the vote, which I understand now is sometime between 12 and 12:30. I have talked to a number of Senators. This seems to be the most convenient way because we don't know where else we will get a meeting room.

Senators on the Judiciary Committee should plan, if they possibly can, to vote here relatively early, when the rollcall starts. Come to the room. We will make sure somebody is here to tell them where it is going to be. Obviously, if somebody wants to debate something, they can. We will try to move those nominations out as quickly as possible.

Having heard the travel plans of some Senators, we may try to get them moved out prior to or within the same amount of time as the rollcall vote. I urge Senators to get over there and make a quorum. As soon as we have a quorum, we will start moving.

For several Senators who have inquired, mostly from the other side of the aisle, who have judges up for nomination hearings tomorrow—I know the Senators from Alabama and Oklahoma and others do—we are going forward with those hearings. Senator SCHUMER, the distinguished senior Senator from New York, will be chairing. Again, I think we may have arranged a room right back here.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. REID. Even though all the office buildings where hearings are normally held will be closed tomorrow, the committee is going to go ahead and find someplace to hold the hearing anyway; is that what the Senator from Vermont is saying?

Mr. LEAHY. Mr. President, I am going to do that. I am trying to do it in a relatively compressed amount of time, while some Senators are still around. There are a lot of judges on that list. Two Senators from each State will want to introduce them, plus those that are on the agenda.

The distinguished majority leader has helped us in finding space in the Capitol to do it. We are also going to try to finish the terrorism bill, if we can. We are trying to juggle all that. I ask Senators to please show up on time when we start because there is going to be only so much of a window. If people don't show up, if we can't get a quorum, we can't go forward. I picked this time when everybody has to show up for a vote anyway, the best time to get a quorum, and we will go on with the others so that my staff and I can get back to finishing up the work of the terrorism bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, for the information of all colleagues, I know there has been some question about when we ought to have the vote tomorrow. To accommodate the most number of Senators, we are going to set the vote for 11 o'clock. That will be the only vote for the day, and it will be on the military construction appropriations conference report. We will accommodate Senators who wish to speak about other matters in morning business both before and after that vote.

The Senate will come in around 10 o'clock, and we will spend at least an hour in discussion on the conference report, or in morning business, and then we will set the vote for 11 o'clock.

The next vote will occur at approximately 10 o'clock on Tuesday. We will not be in session on Friday or Monday. I thank my colleagues.

Mr. REID. Will the leader yield?

Mr. DASCHLE. Yes.

Mr. REID. Mr. President, it is my understanding that on this side of the aisle Senator DORGAN worked very hard on a policy luncheon. The Senator is still going to have that, is that right?

Mr. DORGAN. Mr. President, we are intending to have a Democratic policy luncheon at 12:30 tomorrow. Following the vote and other intervening morning business, Members on our side will be invited to the policy committee luncheon where we will be talking about a range of issues dealing with the Middle East.

Mr. DASCHLE. Mr. President, I also made mention earlier today about making alternative space available for public meetings. I know some Senators and some of our committees had hoped to be able to conduct their business, and because we are not going to be conducting business out of the three Senate buildings, we are acquiring other space for the next 2 days. Senators are encouraged to call the Secretary of the Senate or the Sergeant at Arms for information about that space. There will be rooms available. In fact, I can say we have already allocated a number of rooms, and they will be allocated on a first come, first served basis.

We will be sure that every committee or every Senator who may seek additional space for whatever purpose can be accommodated. That will not be a problem. So I just encourage you to contact the Secretary of the Senate or the Sergeant at Arms and we will address that as well—I should also say the Rules Committee. Senator DODD has already been working on accommodating Senators and would also have space available. Please contact the Rules Committee as well and we will be able to take care of any needs Senators may have.

Mr. LEAHY. If the leader will yield—so I won't leave any question—I had a meeting and markup in the Judiciary at 12. If the vote is going to be at 11, we will start that meeting of the Judiciary Committee—I understand it will be in the President's room. It will probably start about 11:05, 11:10.

Again, I urge Senators to show up and make a quorum because I have talked to enough Republicans and Democrats and it is going to be hard to have a quorum much beyond the end of that vote. So, please, I urge Senators to be there at 11:05, 11:10. Vote in the beginning in the well and then come on in and we can get 12, 14, 15 nominations, ranging from U.S. attorneys to judges, out of there.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I want to tell our colleague, the chairman of the Judiciary Committee, we will make sure he has Members available for a quorum because we want to get many of these nominations reported out of committee. I appreciate his cooperation both in having the executive session to report those nominees and also in having the hearings tomorrow. I hope we will have many more in the remaining weeks. I thank him very much for his accommodation.

Mr. LEAHY. I appreciate that. If the Senator will yield for this comment, I assume the Capitol will stay open. God forbid it would not, because after that we will run out of rooms. But the distinguished majority leader and the Secretary of the Senate have helped us in getting rooms. Senator SCHUMER is delaying his departure to help move some of these. We will do our best.

Again, I urge everybody to be on time because the pressure is going to be on. We want to let a lot of the staff who won't otherwise have to be around have a chance to go home. I think their families need them at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMANITARIAN CRISIS IN AFGHANISTAN

Mr. WELLSTONE. Mr. President, I decided today is the day I want to speak to the Senate. Tomorrow I am going to submit a resolution, and then I want to make this resolution an amendment and have a vote on it at the first opportunity. The focus is on the humanitarian crisis in Afghanistan. It will be a resolution that will be constructive, positive, and outline some of the steps that this administration and we as a nation can take to make sure hundreds of thousands, perhaps millions, of people do not starve to death in Afghanistan.

The problem is twofold. The reports are that there are about 7.5 million people who will starve to death if we do not get food assistance to them. Some of the Afghan people are going to be able to get to refugee camps in Pakistan. The problem there is the conditions in the refugee camps. The conditions are deplorable, and we are going to have to do much more to make sure people are provided food assistance and some health care.

The second problem is the elderly, the infirm, and the poorest people of Afghanistan are not going to be able to leave. This needs to be discussed on the floor of the Senate, and the Senate needs to focus on this issue. I am also trying to get the administration to focus much more on this as well.

The truth of the matter is that the air drops that have been much discussed at best may help 1 percent, probably more like one-half of 1 percent of the people, many of whom are women and children.

We will not be able to get food to people unless we do it through truck convoys and deliver it to them directly. If we do not get the food to the people in Afghanistan—we are talking about the people who are the poorest of the poor of the world who had nothing to do with the terrorist attacks against the people in our country—if we do not get the food to them in the next 4 weeks, then we are going to see in Afghanistan a humanitarian crisis of unthinkable proportions. We are going to see many innocent people starve to death.

There are two problems. The first problem is this is not what we are about as a nation. It is inconsistent with our values to not make every effort possible to get the food to people and, second, it is a matter of our national interest because if, in fact, the people in the Near East and South Asia associate or see a direct linkage between our military action and then large numbers of people starving to death in Afghanistan, it will only create a tremendous amount of bitterness and ill will. There is absolutely no question about it.

I have always said that the use of force is something we have to do. It should be directed at the people who committed this act of mass murder in our country. We should do everything we know how to make sure innocent people do not lose their lives.

The truth is, I worry about that, but there are going to be a lot more innocent people who lose their lives through starvation than probably through this bombing campaign. We could be talking about hundreds of thousands, some say millions, of people.

The resolution contains a number of items, but one I want to focus on—and I think we need to pay very close attention to—is what the NGOs, the nongovernmental organizations, organizations such as Doctors Without Borders, tell us because these are the people who have been in the trenches. They know what it is like to try to deliver food assistance. They are saying we have to figure out a way that the military action, which some have called for an end to—that is not what I am calling for as a Senator. Others have argued what we have to do, at the very least, is coordinate the military action, the bombing, with the truck convoys; otherwise, the truck convoys will not go in because they could mistakenly be bombed.

I am not sure our Government would want them to go in because we do not want them mistakenly bombed. We have to figure out some way to have agreed-upon safe corridors where people who are delivering the food through truck convoys will be able to get the food to many people in Afghanistan who are suffering, the likes of which we would never want anybody we know or love to suffer.

I talk about this today because we have not had that much focus on it. I will have a resolution tomorrow. I will try to write a piece. I will try to talk about this as much as I can to people in the country. It would be a terrible mistake for our Government, for this administration—and I think we need more clarity from the administration about how we are going to get the food to the people in Afghanistan.

The President has talked about how children have committed money and clothes to the children of Afghanistan. That is fine and good, but the truth is that will not address this humanitarian crisis, nor will the air drops.

We have to make sure the people get the food. If we do not do this the right way, if we do not get this job done, if we do not deliver the food to people there, then there is going to be massive starvation. That is unacceptable. That is unacceptable.

I am quite sure there is no support from the Taliban. They are not helpful. It is a complicated problem, but this should be a first priority of our policy right now when it comes to the United States of America and the role we play in Afghanistan, the role we play in the Near East, the role we play in South Asia, the role we play in the world.

We cannot let innocent people starve to death. We must make every effort to make sure that does not happen, and I think to date we have not made that kind of concerted effort.

The only other thing I want to do, because I know we are about to finish, is to thank the majority leader, the minority leader, the Presiding Officer, and Senators for making sure we continue with our work. It goes down on the record so I will just say it one time.

I am no big deal at all, but I am very lucky to be a Senator from Minnesota. I am a first-generation American. My father fled persecution from Ukraine, Russia. I do not think I can ever remember a day or a period of time when I have been more emotional when I look at the Capitol. I think the work of democracy should proceed. We do not always do it as well as we should, but the work of democracy should proceed. I am glad we are in session today. I am glad we are going to be in session tomorrow. I think it is important we do so.

My hopes and prayers go to all who have been exposed to anthrax. I feel within me people will be all right, but my hopes and prayers go to everyone.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXEMPLARY LEADERSHIP

Mr. REID. Mr. President, before we go out, I wanted to take a minute. We started the day in the Senate by my talking about Senator DASCHLE, the majority leader, and the difficult situation in which he found himself when a number of his employees tested positive for anthrax.

As the day draws to a close, I want on behalf of the entire Senate to express our appreciation, the Senate's appreciation, for Senator DASCHLE and how he has handled the day. It has been a remarkable period of leadership.

I have been involved in government most all my adult life, but his performance—and I say that in a most positive way—has been just exemplary today in the briefing we held down on the first floor today, with all the Senators, with Senator DASCHLE leading that discussion, with all of the personnel of the Senate there assembled, and his actions in reminding us we are Senators, that we are leaders, and we should act accordingly. Senator DASCHLE has had a lot of fine moments. But that was one of his finest. I am very proud of him. As I say, I speak for the entire Senate regarding how he has handled himself through this very difficult time. He has a burden when he doesn't have anthrax in his office. But pile that on his shoulders and it is a difficult situation.

Like the TOM DASCHLE we all know, he came through with flying colors. I say to my friend, the Presiding Officer, who is Senator DASCHLE's fellow Senator from the State of South Dakota, I am sure I speak for you and every person in South Dakota, when I say how fortunate they are to have this fine man representing them in the Senate.

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The conference report to H.R. 2217, the Interior and Related Agencies Appropriations Act, provides $400 million in designated emergency funding in 2002 for wildland fire management. That budget authority will result in new outlays in 2002 of $289 million.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts.

Mr. President, I ask unanimous consent to print tables 1 and 2 in the RECORD, which reflect the changes made to the committee's allocation and to the budget aggregates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary	547,091	537,234
Highways		28,489
Mass Transit		5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	907,418	923,067
Adjustments:		
General Purpose Discretionary	400	289
Highways		
Mass Transit		
Conservation		
Mandatory		
Total	400	289
Revised Allocation:		
General Purpose Discretionary	547,491	537,523
Highways		28,489
Mass Transit		5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	907,818	923,356

TABLE 2.—REVISED BUDGET AGGREGATES, 2002

[In millions of dollars]

	Budget authority	Outlays	Surplus
Current allocation: Budget Resolution	1,515,366	1,481,255	187,410
Adjustments: Emergency funds, firefighting	400	289	−289
Revised allocation: Budget Resolution	1,515,766	1,481,544	187,121

Prepared by SBC Majority staff on 10-17-01.

CONFERENCE REPORT FOR H.R. 2904, THE MILITARY CONSTRUCTION APPROPRIATIONS ACT FOR FISCAL YEAR 2002

Mr. CONRAD. Mr. President, I rise to offer the Budget Committee's official scoring for the conference report for H.R. 2904, the Military Construction Appropriations Act for Fiscal Year 2002.

The conference bill provides $10.5 billion in discretionary budget authority, all classified as defense spending, which will result in new outlays in 2002 of $2.678 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $9.19 billion in 2002. The conference report is within the Appropriations Committee's 302(b) allocations for budget authority and outlays. It has met its targets without the use of any emergency designations.

Given the tragic events of last month, it is imperative that the Senate immediately clear this bill, which provides critical resources to our military for new construction and family housing. In addition, I urge my colleagues to act quickly to complete Senate action on the foreign operations, Agriculture, District of Columbia, and Labor and Health and Human Services bills, all of which have been completed by the Senate Appropriations Committee and passed by the House. Mr. President, it is time that the Senate return to the historic bipartisanship that it displayed in the immediate aftermath of the September 11 attacks, stop any further delays, and complete our work on the 13 regular appropriations bills for 2002.

I ask for unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

[Spending comparisons—Conference Report (in millions of dollars)]

	General purpose	Mandatory	Total
Conference report:			
Budget Authority	10,500		10,500
Outlays	9,190		9,190
Senate 302(b) allocation:[1]			
Budget Authority	10,500		10,500
Outlays	9,284		9,284
President's request:			
Budget Authority	9,972		9,972
Outlays	9,165		9,165
House-passed:			
Budget Authority	10,500		10,500
Outlays	9,202		9,202
Senate-passed:			
Budget Authority	10,500		10,500
Outlays	9,253		9,253
SENATE-REPORTED BILL COMPARED TO—			
Senate 302(b) allocation:[1]			
Budget Authority			
Outlays	(94)		−94
President's request:			
Budget Authority	528		528
Outlays	25		25
House-passed:			
Budget Authority			
Outlays	(12)		−12
Senate-passed:			
Budget Authority			
Outlays	(63)		(63)

[1] For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions. Prepared by SBC Majority Staff, 10-17-01.

COMMENDATION OF FAITH BASED ORGANIZATIONS' RESPONSE TO TERRORISM

Mr. SANTORUM. Mr. President, the terrorist attacks of September 11, 2001, forever changed the United States, but caused particular devastation in Washington, D.C., Pennsylvania, and New York City.

Husbands and wives lost their spouses, brothers and sisters lost siblings; parents lost children and children lost parents.

From this unspeakable grief, numerous individuals were motivated by their faith in God to heal and redeem this terrible tragedy.

On this day, October 17, 2001, we and our colleagues in the United States Senate recognize the efforts of the following individuals, and their organizations and congregations, and the ten of thousands of others whose good works are motivated by their faith in God and love for their fellow man:

Rev. A.R. Bernard and the Christian Cultural Center;

Rev. Richard Del Rio and Abounding Grace Ministries;

Mr. Joe Holland and the Christian Renaissance Corporation;

Mr. Tom Jones and World Vision;

Pastor Donna Keyes and the Glad Tidings Tabernacle; and

Rev. Marcos Rivera and the Primitive Christian Church.

SITUATION OF WOMEN AND CHILDREN IN AFGHANISTAN

Mr. DODD. Mr. President, I would like to take a brief moment to draw my colleagues' attention to the horrific situation facing women and children in Afghanistan. As we heard at a Senate Foreign Relations Committee hearing last week on the Humanitarian Crisis in Afghanistan, Afghanistan is a country that has been in crisis for years. Indeed, there was concern even as far back as 1997, when I sponsored a resolution that passed the Senate, but was not acted upon in the House, that condemned the Taliban for its treatment of women and children and urged the President to be vigilant in monitoring this situation.

When a country faces such hardships as severe drought, military action, and opprsive leadership, women and children are always the first to suffer. Save the Children, the international relief organization headquartered in my home State of Connecticut, has been working to improve conditions in Afghanistan for years, and has identified several important ways in which we can help Afghanistan rebuild. I have said before that we need to increase mutual understanding between the Afghan and American people, and a recent Save the Children op-ed seems to agree. Nilgun Ogun, the deputy director of Save the Children Programs in Afghanistan and Pakistan, writes that the education of young girls is key to reducing anti-American sentiment in the region, and I tend to agree. As we struggle to determine the best way to help the Afghan people rebuild, we should be mindful of the important contributions of organizations such as Save the Children, and we should listen to their experienced voices. I urge my colleagues to read the following article, and to begin to think about the important task of rebuilding civil society in war-ravaged Afghanistan. I ask unanimous consent that the Op-ed from Save the Children be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, Oct. 14, 2001]

TO SAVE AFGHANISTAN, EDUCATE THE GIRLS

(By Nilgun Ogun)

I have recently returned from a four-year post as deputy director in Pakistan and Afghanistan for Save the Children, which has been working in the area for almost 20 years. Where some people see devastation and despair, I see hope. I see it in the children who, if given education and health care, may restore economic and social stability to the Afghan people.

It will not be easy. Afghanistan is one of the world's poorest countries, ranking 169th out of 175 countries on a list of socioeconomic indicators reported by the United Nations.

Here are some grim facts: One out of every four children doesn't live past the age 5; more than 40 percent of children die of preventable causes; school enrollment is desperately low; and in addition to being at war for the past two decades, the country is suffering through one of the worst droughts in memory.

The Bush administration is to be commended for allocating emergency funding and humanitarian assistance to the beleaguered citizens of Afghanistan, who are in need of immediate and substantial food aid and medical supplies. However, the real hope for the Afghan people lies with investment in long-term development to help them rebuild their society.

Nowhere is this investment more critical than in education and, in particular, the education of young Afghan girls and women.

Why is educating girls so important? It produces the most consistent and dramatic results. An educated girl is more likely to postpone marriage and childbirth, which in turn leads to improved child survival and well-being. She will provide better health care and nutrition for herself and her family. And she will encourage education for her children. Educated women are also better prepared to help financially support their families.

In 1995, when Save the Children first began its education program at the refugee camps in Balochistan near the Afghan border, the population was approximately 120,000, mostly women and children. Only 5,000 children were enrolled in any kind of schooling and, of these, barely 600 were girls.

Nevertheless, in cooperation with U.N. agencies and other non-governmental organizations, we managed to train a staff of teachers and establish several primary schools. Enrollment is up now by 400 percent, and includes nearly 8,000 girls.

To reach older girls who had not yet received any education and who, by tradition, are not permitted to travel any distance alone, Save the Children initiated home-based schools. There, in the homes of the children's parents or teachers—which are nothing more than mud huts—we teach older girls how to read and do math and how to improve health and nutrition practices.

These children, who barely have a roof over their heads and still wonder daily where their next meal will come from, now have hope for the future. They want to be doctors, teachers and engineers. They have role models of caring community leaders. They have the incentive and the ability to take care of their health needs, which will ensure that their children have a better chance for survival and healthy, productive lives.

Although these days are filled with anxiety, it is important to remain focused on the future and how we can work to make it more peaceful and secure. Now, more than ever, is the time for the government and private citizens to increase their investment in long-term development, including education programs, to help rebuild a stable society in Afghanistan, as well as throughout the developing world.

TRIBUTE TO MASTER SERGEANT EVANDER ANDREWS

Mr. CRAIG. Mr. President, today I wish to pay tribute to a wonderful man, Master Sergeant Evander Andrews, whose life was cut short on October 10, 2001, while in the service of his country. He was on deployment and became the first casualty of Operation Enduring Freedom, paying the ultimate sacrifice in our Nation's war on international terrorism. He was an active duty Air Force member with the 366th Civil Engineering Squadron from Mountain Home Air Force Base. Master Sergeant Andrews loved the Air Force, working on heavy equipment, and riding in the cab of an 18-wheeler. But, his family and faith were his true compass and the most important things in his life. He will forever be remembered in the hearts and minds of a loving family, the Mountain Home Air Force Base community, the 366th Civil Engineering Squadron, and many loyal friends.

Evander, or Andy, as he was affectionately known, was a devoted husband and good father, born to Odber and Mary Andrews. He grew up in Solonn, ME, which was little more than a country store, tack ship, old hotel, gas station and cemetery, but a great place to grow up. Andy's three sisters, Carol, Tara and Dulci, remember that he was especially close to his father, who was a farmer, but also worked as a mechanic. His dad taught him to fix engines and other big equipment and how to ride motorcycles. Andy was a strongly built young man, on the quiet side, and everyone thought he would become a farmer. But, after graduation from Carrabec High School in 1983, he left the family farm to join the Air Force and experience the world. He met his wife, Judy, in 1987, at Fort Leonard Wood, MO, where Andy was an instructor for construction equipment operators, and she was a student at Central Missouri State University. After Judy's graduation from college, they married in 1990 and two years later left Missouri for Mountain Home Air Force Base. Andy and Judy were married for 11 years and have four beautiful children. Their oldest child is Ethan, age 9, followed by Leah age 6, Courtney, age 4, and Mackenzie, age 2. I know they will miss their father very much, and always remember him for the joy and commitment that he had for the church and strong family values that he shared with them all. Everyone will remember his passion for working on vehicles, and his compassion for people. He was the kind of guy that would give you the shirt back off his back, and was always there for you if you needed help, especially if it involved fixing your car. He was truly loved by everyone he touched.

In the Air Force, Master Sergeant Andrews was the Chief of the Pavements Repair Team, operating a multitude of huge vehicles. He felt at home around heavy equipment, knew how to do every job in the shop, and was willing to teach others, just as his father had once taught him. He was always volunteering, especially if a road trip was required. He loved driving those 18-wheelers, but was willing to ride shotgun, in order to show others what he knew best.

Master Sergeant Andrews truly was a great person who was moved to defend a great Nation and bring peace and security to the world. Rest assured, this war on terrorism will be won and the United States will continue to lead the world in protecting freedom. And it will be because of military members like Master Sergeant Andrews who bravely did what they believed in and accomplished what needed to be done. He was a thorough professional who was dedicated to his country and his duties as an Air Force Civil Engineering Non-commissioned Officer.

Master Sergeant Andrews will be buried at Arlington National Cemetery on 22 October 2001. It is about halfway between his and Judy's families, who were the absolute love and joy of his life.

I am very proud to recognize Master Sergeant Andrews and tell him and his family: Thank you from a grateful Nation.

HELPING DOCTORS TALK TO PATIENTS ABOUT GUN VIOLENCE

Mr. LEVIN. Mr. President, public health professionals have an important role to play in the fight against gun violence. We need doctors and nurses to help educate their patients on the dangers associated with owning a firearm. Toward that end, Physicians for Social Responsibility has produced a booklet called "Counseling Patients on Gun Violence Prevention: A Pocket Guide for Physicians and Nurses". The booklet provides advice to medical professionals in talking to patients about risks related to keeping a gun in their homes. The booklet makes an important contribution the effort to reduce gun violence and I urge health professionals to read the booklet, share copies with their colleagues and talk about these issues with their patients. The booklet can be downloaded from the Physicians for Social Responsibility's web site or people can contact Physicians for Social Responsibility to request copies.

ANTI-TERRORISM LEGISLATION

Mr. WYDEN. Mr. President, I wish to explain to my colleagues the reasons for my objection to a unanimous consent request for the Senate to take up the anti-terrorism legislation, the Anti-Terrorism Act of 2001, H.R. 2975, passed by the House of Representatives on October 12, 2001. My public explanation is consistent with the commitment I have made to explain publicly any so-called "holds" that I may place on legislation.

I regret that I must object to any Senate action on the House-passed measure at this point. I do so because the national anti-terrorism legislation is in grave danger of being rendered useless. The Senate-passed anti-terrorism bill included an important, bipartisan provision, the Professional Standards for Government Attorneys Act of 2001, authored by Judiciary Chairman LEAHY, Ranking Member HATCH and myself and supported by the Administration, the FBI and the Department of Justice. This provision corrected an immediate and severe impediment to the undercover investigations that must be employed to shut down terrorism in our Nation. The House failed to include this provision, which is section 501 of the Senate's anti-terrorism bill, that will untie the hands of Federal prosecutors in Oregon, allowing them to supervise undercover and other covert enforcement techniques. For more than a year now, the so-called McDade law has prohibited prosecuting attorneys working at the State and Federal levels in Oregon from advising and conducting law enforcement undercover investigations on narcotics, child sex abuse, prostitution, organized crime, housing discrimination and consumer fraud. Without advice of counsel, law enforcement operatives cannot conduct wiretaps, sting operations or infiltrate dangerous criminal or terrorist operations. If the Senate does not insist on this language, it will be an engraved invitation to terrorists and criminals to set up shop in Oregon with little fear of detection or apprehension through undercover or covert methods. This would endanger not just the people of Oregon, but all Americans.

I do not believe the Senate should allow the security of every American to be jeopardized. As I stated on the floor of the United States Senate yesterday, I do not want to find six months from now that terrorists have made their homes in Oregon because this body failed in its resolve to shut them down in every State in our country. I regret having to take this action but I believe that leaving one State vulnerable makes each State in this country vulnerable.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 15, 2000 in Elmwood Park, NJ. After days of anti-gay taunts and threats, a classmate beat a 16-year-old gay student at Memorial High School in Elmwood Park. The teen's face was bruised and cut from being tackled and repeatedly punched in the face and body.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

REPORT ON A DRAFT OF PROPOSED LEGISLATION ENTITLED "FREEDOM TO MANAGE ACT OF 2001"—MESSAGE FROM THE PRESIDENT—PM 47

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations.

To the Congress of the United States:

I am pleased to transmit for immediate consideration and prompt enactment the "Freedom to Manage Act of 2001." This legislative proposal would establish a procedure under which the Congress can act quickly and decisively to remove those structural barriers to efficient management imposed by law and identified by my Administration.

This proposal is part of the "Freedom to Manage" initiative outlined in the "President's Management Agenda" issued in late August. The initiative includes additional legislative proposals, to be transmitted separately, that would give Federal agencies and managers the tools to more efficiently and effectively manage the Federal Government's programs by: (1) providing Federal managers with increased flexibility to manage personnel; (2) giving agencies the responsibility to fund the full Government share of the accruing cost of all retirement and retiree health care benefits for Federal employees; and (3) giving agencies greater flexibility in managing and disposing of property assets.

In transmitting the Freedom to Manage Act, I am asking the Congress to join with my Administration in making a commitment to reform the Federal Government by eliminating obstacles to its efficient operations. Specifically, the Freedom to Manage Act would establish a process for expedited congressional consideration of Presidential proposals to eliminate or reduce barriers to efficient Government operations through the repeal or amendment of laws that create obstacles to efficient management or the provision of new authority to agencies.

The Freedom to Manage Act would provide that if the President transmits to the Congress legislative proposals relating to the elimination or reduction of barriers to efficient Government operations, either through repeal or amendment of current law or the provision of new authority, special expedited congressional procedures would be used to consider these proposals. If a joint resolution is introduced in either House within 10 legislative days of the transmittal containing the President's legislative proposals, it would be held in committee for no more than 30 legislative days. It would then be brought to the floor of the House very quickly after committee action is completed for a vote under special procedures allowing for limited debate and no amendments. Finally, a bill passed in one House could then be brought directly to the floor of the other House for a vote on final passage.

As barriers to more efficient management are removed, the Nation will rightly expect a higher level of performance from its Federal Government. Giving our Federal managers "freedom to manage" will enable the Federal Government to improve its performance and accountability and better serve the public. I urge the Congress to give the Freedom to Manage Act 2001 prompt and favorable consideration so we can work together in the coming months to implement needed and overdue reforms.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 17, 2001.*

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 2001.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressures on significant narcotics traffickers centered in Colombia by blocking their property or interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the United States market and financial system.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 16, 2001.*

THE PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 16, 2001.*

MESSAGE FROM THE HOUSE

At 2:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 863. An act to provide grants to ensure increased accountability for juvenile offenders.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2261. An act to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office."

H.R. 2272. An act to amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries who take action to protect critical coral reef habitats.

H.R. 2336. An act to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers.

H.R. 2454. An act to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the "Congressman Julian C. Dixon Post Office."

H.R. 2716. An act to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.

H.R. 2876. An act to designate the facility of the United States Postal Service located in Harlem, Montana, as the "Francis Bardanouve United States Post Office Building."

H.R. 3004. An act to combat the financing of terrorism and other financial crimes, and for other purposes.

H.J. Res. 69. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 217. A concurrent resolution recognizing the historic significance of the 50th anniversary of the alliance between Australia and the United States under the ANZUS Treaty, recognizing the strong support provided by Australia to the United States in the aftermath of the terrorist attacks on September 11, 2001, including jointly invoking Article IV of the ANZUS Treaty, which commits both countries to act to meet a common danger, and reaffirming the importance of economic and security cooperation between the United States and Australia.

H. Con. Res. 248. A concurrent resolution expressing the sense of the Congress that public schools may display the words "God Bless America" as an expression of support for the Nation.

H. Con. Res. 251. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message further announced that the House has passed the following bill, without amendment:

S. 1465. An act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the Bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b)), as amended by section 346(e) of Public Law 105–83, the Speaker appoints the following Members of the House of Representatives to the National Council on the Arts: Mr. BALLENGER of North Carolina and Mr. MCKEON of California.

The message further announced that the House insists upon its amendment to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members to be the managers of conference on the part of the House:

From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. STUMP, HUNTER, HANSEN, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, WATTS of Oklahoma, THORNBERRY, HOSTETTLER, CHAMBLISS, SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, UNDERWOOD, ALLEN, and SNYDER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. GROSS, BEREUTER, and Ms. PELOSI.

From the Committee on Education and the Workforce, for consideration of secs. 304, 305, 1123, 3151, and 3157 of the Senate bill, and secs. 341, 342, 509, and 584 of the House amendment, and modifications committed to conference: Messrs. CASTLE, ISAKSON, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of secs. 314, 316, 601, 663, 3134, 3141, 3143, 3152, 3153, 3159, 3171–3181, and 3201 of the Senate bill, and secs. 601, 3131, 3132, and 3201 of the House amendment, and modifications committed to conference: Messrs. Tauzin, Barton, and Dingell.

From the Committee on Government Reform, for consideration of secs. 564, 622, 803, 813, 901, 1044, 1047, 1051, 1065, 1075, 1102, 1111–1113, 1124–1126, 2832, 3141, 3144, and 3153 of the Senate bill, and secs. 333, 519, 588, 802, 803, 811–819, 1101, 1103–1108, 1110, and 3132 of the House amendment, and modifications committed to conference: Messrs. BURTON, WELDON of Florida, and WAXMAN: Provided, That Mr. DAVIS of Virginia is appointed in lieu of Mr. WELDON of Florida for consideration of secs. 803 and 2832 of the Senate bill, and secs. 333 and 803 of the House amendment, and modifications committed to conference: Provided further, That Mr. HORN is appointed in lieu of Mr. WELDON of Florida for consideration of secs. 811–819 of the House amendment, and modifications committed to conference.

From the Committee on House Administration, for consideration of secs. 572, 574–577, and 579 of the Senate bill, and sec. 552 of the House amendment, and modifications committed to conference: Messrs. NEY, MICA, and HOYER.

From the Committee on International Relations, for consideration of secs. 331, 333, 1201–1205, 1211–1218 of the Senate bill, and secs. 1011, 1201, 1202, 1205, 1209, title XIII, and sec. 3133 of the House amendment, and modifications committed to conference: Messrs. HYDE, GILMAN, and LANTOS.

From the Committee on the Judiciary, for consideration of secs. 821, 1066, and 3151 of the Senate bill, and secs. 323 and 818 of the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of secs. 601, 663, 2823, and 3171–3181 of the Senate bill, and secs. 601, 1042, 2841, 2845, 2861–2863, 2865, and title XXIX of the House amendment, and modifications committed to conference: Messrs. GIBBONS, RADANOVICH, and RAHALL: Provided, That Mr. UDALL of Colorado is appointed in lieu of Mr. RAHALL for consideration of secs. 3171–3181 of the Senate bill, and modifications committed to conference.

From the Committee on Science, for consideration of secs. 1071 and 1124 of the Senate bill, and modifications committed to conference: Messrs. BOEHLERT, SMITH of Michigan, and HALL of Texas: Provided, That Mr. EHLERS is appointed in lieu of Mr. SMITH of Michigan for consideration of sec. 1124 of the Senate bill, and modifications committed to conference.

From the Committee on Small Business, for consideration of secs. 822–824 and 1068 of the Senate bill, and modifications committed to conference: Messrs. MANZULLO, COMBEST, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of secs. 563, 601, and 1076 of the Senate bill, and secs. 543, 544, 601, 1049, and 1053 of the House amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO, and Ms. BROWN of Florida: Provided, That Mr. PASCRELL is appointed in lieu of Ms. BROWN of Florida for consideration of sec. 1049 of the House amendment, and modifications committed to conference.

From the Committee on Veterans' Affairs, for consideration of secs. 538, 539, 573, 651, 717, and 1064 of the Senate bill, and sec. 641 of the House amendment, and modifications committed to conference: Messrs. SMITH of New Jersey, BILIRAKIS, and FILNER.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 863. An act to provide grants to ensure increased accountability for juvenile offenders; to the Committee on the Judiciary.

H.R. 2261. An act to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office"; to the Committee on Governmental Affairs.

H.R. 2272. An act to amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries who take action to protect critical coral reef habitats; to the Committee on Foreign Relations.

H.R. 2336. An act to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers; to the Committee on Governmental Affairs.

H.R. 2454. An act to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the "Congressman Julian C. Dixon Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2876. An act to designate the facility of the United States Postal Service located in Harlem, Montana, as the "Francis Bardanouve United States Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3004. An act to combat the financing of terrorism and other financial crimes, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 217. Concurrent resolution recognizing the historic significance of the fiftieth anniversary of the alliance between Australia and the United States under the ANZUS Treaty, paying tribute to the United States-Australia relationship, reaffirming the importance of economic and security cooperation between the United States and Australia, and welcoming the state visit by Australian Prime Minister John Howard; to the Committee on Foreign Relations.

H. Con. Res. 248. Concurrent resolution expressing the sense of the Congress that public schools may display the words "God Bless America" as an expression of support for the Nation; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2646. An act to provide for, the continuation of agricultural programs through fiscal year 2011.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2716. An act to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1550: A bill to provide for rail safety and security assistance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

*Phillip Bond, of Virginia, to be Under Secretary of commerce for Technology.

*John H. Marburger, III, of New York, to be Director of the Office of Science and Technology Policy.

*Coast Guard nominations beginning Rear Adm. (lh) James C. Olson and ending Rear Adm. (lh) Kenneth T. Venuto, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 21, 2001.

*Coast Guard nominations beginning Capt. Dale G. Gabel and ending Capt. David B. Peterman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 9, 2001.

*Coast Guard nomination of Capt. Duncan C. Smith III.

*Coast Guard nomination of Capt. Stephen W. Rochon.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning Bryon Ing and ending Joseph E. Vorbach, which nominations were received by the Senate and appeared in the CONGRESSIOANL RECORD on October 3, 2001.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.

By Mr. KERRY for the committee on Small Business and Entrepreneurship.

*Thomas M. Sullivan, of Massachusetts, to be Chief Counsel for Advocacy, Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 1559. A bill to amend the Ports and Waterways Safety Act to provide that certain information be provided before a vessel arrives in United States waters; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA:

S. 1560. A bill to strengthen United States capabilities in environmental detection and the monitoring of biological agents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. ROCKEFELLER):

S. 1561. A bill to strengthen the preparedness of health care providers within the Department of Veterans Affairs and community hospitals to respond to bioterrorism; to the Committee on Veterans' Affairs.

By Mr. SANTORUM:

S. 1562. A bill to amend title 39, United States Code, with respect to cooperative mailings; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. MILLER, and Mrs. FEINSTEIN):

S. 1563. A bill to establish a coordinated program of science-based countermeasures to address the threats of agricultural bioterrorism; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 26. Providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 28, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 122

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 122, a bill to prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless that State finds clear and convincing evidence of fraud, and for other purposes.

S. 145

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 154

At the request of Mr. BUNNING, his name was added as a cosponsor of S.

154, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure uniform treatment by States of Federal overseas absentee ballots, to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and elections for public office, and for other purposes.

S. 281

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 321

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 470

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 470, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940 to ensure that each vote cast by such voter is duly counted, and for other purposes.

S. 535

At the request of Mr. BINGAMAN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Mississippi (Mr. COCHRAN), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 727

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 727, a bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools.

S. 808

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 885

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 905

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 932

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 932, a bill to amend the Food Security Act of 1985 to establish the conservation security program.

S. 960

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 1300

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1300, a bill to amend the Internal Revenue Code of 1986 to encourage foundational and corporate charitable giving.

S. 1478

At the request of Mr. SANTORUM, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1478, a bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes.

S. 1500

At the request of Mr. KYL, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1500, a bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes.

S. 1541

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1541, a bill to provide for a program of temporary enhanced unemployment benefits.

S. 1546

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1546, a bill to provide additional funding to combat bioterrorism.

S. CON. RES. 66

At the request of Mr. STEVENS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1559. A bill to amend the Ports and Waterways Safety Act to provide that certain information be provided before a vessel arrives in United States waters; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Transparent Sea Act of 2001.

The Coast Guard is a multi-mission agency charged with maintaining our national defense and the safety of our citizens. This is an extraordinary time in our Nation's history and we need to act now and provide the Coast Guard with all of the tools and information necessary to protect our Nation's waterways. This bill allows the Coast Guard to gather vital information about incoming vessels before they reach our ports. This allows them to be pro-active and prevent potential threats from reaching our shores. The sum total of all of our available resources and knowledge must be brought to bear in the defense of our country.

Specifically, my bill would authorize the Coast Guard to obtain the information needed to achieve a greater awareness of possible maritime threats. The bill requires vessels to submit to the Coast Guard prearrival messages not later than 96 hours prior to entering U.S. waters, or such time as deemed necessary by the Secretary of Transportation. This will provide the Coast Guard time to thoroughly examine the information, including the name and flag-country of the vessel, a detailed crew and passenger list, the vessel's cargo, and the port the vessel last departed from. Such a database allows the Coast Guard to track patterns and identify potential problems. The Coast Guard could then deny entry to any vessel that does not meet the notification or listing requirements and intercept any vessels that may pose a threat.

The American people place very high expectations on the Coast Guard. It is incumbent upon us to provide them with the information they need to fulfill those expectations. The Transparent Sea Act of 2001 has the support of the Coast Guard and I look forward to moving the bill to the Senate floor at the earliest opportunity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transparent Sea Act of 2001".

SEC. 2. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.

Section 4(a)(5) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(5)) is amended by striking paragraph (5) and inserting the following:

"(5)(A) may require the receipt of prearrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States, not later than 96 hours before the vessel's arrival or such time as deemed necessary under regulations promulgated by the Secretary to thoroughly examine all information provided, which shall include with respect to the vessel—

"(i) the route and name of each port and each place of destination in the United States;

"(ii) the estimated date and time of arrival at each port or place;

"(iii) the name of the vessel;

"(iv) the country of registry of the vessel;

"(v) the call sign of the vessel;

"(vi) the International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

"(vii) the name of the registered owner of the vessel;

"(viii) the name of the operator of the vessel;

"(ix) the name of the classification society of the vessel;

"(x) a general description of the cargo on board the vessel;

"(xi) in the case of certain dangerous cargo—

"(I) the name and description of the dangerous cargo;

"(II) the amount of the dangerous cargo carried;

"(III) the stowage location of the dangerous cargo; and

"(IV) the operational condition of the equipment under section 164.35 of title 33 of the Code of Federal Regulations;

"(xii) the date of departure and name of the port from which the vessel last departed;

"(xiii) the name and telephone number of a 24-hour point of contact for each port included in the notice of arrival;

"(xiv) the location or position of the vessel at the time of the report;

"(xv) a list of crew members onboard the vessel including with respect to each crew member—

"(I) the full name;

"(II) the date of birth;

"(III) the nationality;

"(IV) the passport number or mariners document number; and

"(V) the position or duties;

"(xvi) a list of persons other than crew members onboard the vessel including with respect to each such person—

"(I) the full name;

"(II) the date of birth;

"(III) the nationality; and

"(IV) the passport number; and

"(xvii) any other information required by the Secretary; and

"(B) any changes to the information required by subparagraph (A), except changes in the arrival or departure time of less than six hours, must be reported as soon as practicable but not less than 24 hours before entering the port of destination.

The Secretary may deny entry of a vessel into the territorial sea of the United States if the Secretary has not received notification for the vessel in accordance with paragraph (5).".

By Mr. AKAKA:

S. 1560. A bill to strengthen United States capabilities in environmental detection and the monitoring of biological agents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. ROCKEFELLER):

S. 1561. A bill to strengthen the preparedness of health care providers within the Department of Veterans Affairs and community hospitals to respond to bioterrorism; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise to introduce two separate but related bills that address the crucial issue of our national preparedness for acts of bioterrorism. I plan to introduce a third bill next week. As we have learned firsthand over the past two weeks, bioterrorism preparedness is a topic where we have a considerable set of available resources combined with an urgent need for additional legislative action. The Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services held hearings in July to learn what the Federal Government is doing to better prepare our communities for acts of bioterrorism.

This morning, the Committee and Subcommittee held a joint hearing. We heard from Health and Human Services Secretary Tommy Thompson on the government's role in lateral coordination of response efforts between federal agencies and vertical coordination of efforts with the local and State agencies that are the first to respond to acts of bioterrorism. All our witnesses provided excellent testimony on the progress in national bioterrorism preparedness since the September 11 terrorist attacks on America.

The bills I introduce today address a set of key issues in our national response to acts of terrorism. First, I am sponsoring legislation to increase funding for research and development of new technologies to detect the use of biological weapons against this nation. Second, I am offering a bill with Senator ROCKEFELLER to strengthen cooperation between the hospital network of the Department of Veterans Affairs and community healthcare workers across the Nation. And, third, I will introduce a measure next week to establish stronger safeguards for our Nation's agricultural system and protection of our crops and livestock from agricultural terrorism.

The first piece of legislation, the Biological Agent Environment Detection Act, authorizes appropriations totaling $40 million to support research and development of technologies to detect organisms in the air, water, and food that cause disease in humans, livestock, and crops. This mirrors the President's request of $40 million to support early detection surveillance to identify potential bioterrorism agents, announced by Secretary Thompson at today's hearing. Funds are necessary to encourage cooperative research agreements between the Federal Government, industry, and academic laboratories. The anthrax events of the past two weeks underscore the need for new detection methods and information-gathering systems. These funds will also support ongoing efforts to develop satellite-based remote sensing technologies to identify weather patterns that contribute to the spread of infectious disease and biological or chemical attacks. Finally, this funding is necessary to support the rigorous testing, verification, and calibration of new biological detection technologies.

The second piece of legislation, sponsored with my friend from West Virginia, Senator ROCKEFELLER, will provide the Department of Veterans Affairs with additional funds to develop training programs with community health care providers. We need to enhance the cooperation between crucial elements of our health care system included in the National Medical Disaster System. These increased funds will support expanded use of existing telecommunications systems to implement a telemedicine training program for VA staff and their community public health counterparts. Remote regions of our Nation need the assurance that local public health responders will have the training and information they need to protect and treat citizens in instances of biological terrorism.

The third bill, the Biosecurity Agriculture Terrorism Act, will enhance Federal efforts to prepare for and respond to acts of agricultural terrorism or naturally-occurring agricultural epidemics by prioritizing efforts, authorizing funding and establishing new policy guidelines. Planning, training, and communication are three cornerstones of the preparedness and mitigation measures that will support the people who initially respond to any agricultural terrorism incident. This bill tasks the Federal Emergency Management Agency to create an emergency response function for agricultural disaster within the Federal Response Plan. This would result in having response and recovery plans in effect in the unfortunate event of an actual agricultural terrorism incident.

Together, these three bills will make significant and necessary contributions to the urgent task of protecting our Nation from all forms of bioterrorism.

We can discourage and detect the manufacture, distribution, and use of biological weapons. We can use the existing emergency communication infrastructure, emergency response training programs, and community partnerships within the 173 VA hospitals across the Nation to train both VA staff and local health care providers for bioterrorism response. And, we can protect our national agriculture industry from attack with biological agents. I strongly encourage my colleagues' support as we move forward with this legislation.

By Mr. SANTORUM:

S. 1562. A bill to amend title 39, United States Code, with respect to cooperative mailings; to the Committee on Governmental Affairs.

Mr. SANTORUM. Mr. President, today I am introducing legislation that will protect the right of charities, faith-based organizations, and other nonprofit groups to use the nonprofit mail rate for their fundraising activities.

The legislation clarifies ambiguities in the Postal Reorganization Act of 1970, PRA, which established a nonprofit mail rate for charities. In recent years, the United States Postal Service, USPS, has increasingly applied PRA regulations that disqualify nonprofits from entering into agreements with commercial printing and mailing businesses to produce and administer mailings. Because of this misapplication, the USPS has been forcing charities to pay the full commercial rate on some fundraising letters merely because they hire third parties to print and prepare them. The result is a 40 percent increase in postal costs for these charities.

My legislation would allow charities and faith-based organizations to share ownership of their mailing with commercial printing and mailing businesses and still qualify for the nonprofit mailing rate. In effect, it would permit charities to mail at nonprofit rates whether they prepare the mailing themselves or hire someone else to do it for them since the purpose of the mailing remains a nonprofit one. Representative DAN BURTON has introduced similar bipartisan legislation in the House of Representatives as H.R. 1169.

It is important to point out that this bill maintains existing federal law that prohibits unauthorized parties from using the nonprofit rate to sell goods or services by mail. Moreover, the legislation does not limit the USPS' authority to enforce any other section of federal postal law. The USPS has been consulted as a part of the development of the legislation.

This legislation will enable charities, churches, synagogues, educational, advocacy, and other nonprofit organizations to negotiate the best agreements they can for their fundraising programs. The net result will be lower fundraising costs and more funds being available for nonprofits to serve others. I urge my colleagues in the Senate to join me in support of this initiative.

By Mrs. HUTCHISON (for herself, Mr. MILLER, and Mrs. FEINSTEIN):

S. 1563. A bill to establish a coordination program of science-based countermeasures to address the threats of agricultural bioterrorism; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my colleagues Senators COCHRAN, MILLER, and FEINSTEIN, the Agricultural Bioterrorism Countermeasures Act of 2001.

Due to the growing concerns about threats aimed at America's food supply and vital agricultural economies, I am introducing this legislation to identify, prepare for, and respond to such bioterrorist threats to our farms, ranches, livestock, poultry, crops, and food processing, packaging, and distribution facilities and systems.

As we continue the fight against terrorism, it is critical that we dedicate sufficient resources to bioterrorism, a growing threat which has the potential of putting the safety of the U.S. food supply at risk. The United States currently boasts the world's safest and most abundant and affordable food supply, which benefits our citizens and helps bolster our economy. Clearly, it would be devastating for the public to lose confidence in the safety of our food. We, as a Nation, must respond by developing the technology and implementing the countermeasures necessary to identify and quickly control these risks.

The potential threat of bioterrorism to the U.S. population and to our food supply has been recognized over the years, from the cold war to the gulf war. During the cold war, it was known that the former Soviet Union had a bio-weapons program that included bioagents aimed at agriculture, while during the gulf war our own soldiers have shown evidence of possible use of biological weapons. Meanwhile, in Japan, terrorists have already tried once to use chemical and bioagents on the subways. In addition, the recent outbreaks of foot, and mouth disease in Europe and "mad-cow disease" have increased public awareness and concern about exotic diseases that may affect the public through agricultural infection.

The Agriculture Bioterrorism Countermeasures Act of 2001 will authorize the U.S. Department of Agriculture, USDA, to strengthen its capacities to identify, prepare for, and respond to a bioterrorist threat including an attack on the United States' food supply and agriculture. This bill will expand the capacity of the USDA to enhance inspection capability, implement new information technology, and develop methods for rapid detection and identification of plant and animal disease.

This legislation will also strengthen America's research and development capacity by promoting collaboration between organizations that are addressing the use of agricultural bioterrorism, such as the federal government, universities, and private sector. The USDA will establish a Consortium for Countermeasures Against Agricultural Bioterrorism to form long-term programs of research and development to enhance the biosecurity of U.S. agriculture. America's institutes of higher education that have a demonstrated expertise in animal and plant disease research, strong linkages with diagnostic laboratories, and strong coordination with state cooperative extension programs will provide the resources and expertise that will prove invaluable in the war on agricultural bioterrorism.

Protecting our agriculture is critical to my home state. Food production and agriculture make up some of Texas' largest and most diverse economies. Countless amounts of food products, grains, livestock, and poultry travel across our 1200 mile border with Mexico and through our ports of the Gulf of Mexico. We—along with other major agriculture states included Mississippi, Georgia and California—are vulnerable to a bioterrorist attack. However, we will also serve as the first lines of defense for our entire country.

To protect our food supply, our citizens, and our economy, I urge my colleagues to support the Agricultural Bioterrorism Countermeasures Act of 2001.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 26. Providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

Mr. COCHRAN. Mr. President, today I am submitting a Senate Joint Resolution appointing a citizen regent to the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, Senators FRIST and LEAHY are cosponsors..

The Smithsonian Institution Board of Regents recently recommended the following distinguished individual for appointment to a six year term effective December 8, 2001: Patricia Q. Stonsifer of Washington.

I ask unanimous consent that a copy of her biography be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PATTY STONESIFER, CO-CHAIR AND PRESIDENT, BILL AND MELINDA GATES FOUNDATION

Patty Stonesifer leads the foundation's mission to improve access to advances in global health and learning for all people as we move into the 21st century.

She serves on the Board of the Vaccine Fund, launched in 1999 to address the need for vaccines among the world's poorest countries, as well as on the Board of the African Comprehensive HIV/AIDS Partnership, a multi-sectoral approach to slowing the spread of AIDS in Botswana. Stonesifer served as an official member of the U.S. delegation to the United Nations General Assembly Special Session on AIDS.

In addition to her responsibilities with the foundation, Stonesifer is an active community volunteer, donating both time and resources to a number of regional nonprofit organizations, and serves on the board of directors of the YWCA of King County and the Seattle Foundation. She is also on the board of directors of Amazon.com and Viacom Inc.

Prior to being asked by Bill and Melinda Gates to launch the work of the Gates Learning Foundation in 1997, Stonesifer held a senior vice president position at Microsoft and ran her own management consulting firm, working with such corporations as Dream Works SKG.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1903. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 1097, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park.

SA 1904. Mr. REID (for Mr. THOMAS) proposed an amendment to the bill S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes.

TEXT OF AMENDMENTS

SA 1903. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill S. 1097, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PERMITS FOR EXISTING NATURAL GAS PIPELINES.

(a) IN GENERAL.—The Secretary of the Interior may issue rights-of-way permits for natural gas pipelines that exist as of September 1, 2001 within the boundary of Great Smoky Mountains Natural Park.

(b) TERMS AND CONDITIONS.—A permit issued under subsection (a) shall be—

(1) issued consistent with laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to any terms and conditions that the Secretary deems necessary.

SEC. 2. PERMITS FOR PROPOSED NATURAL GAS PIPELINES.

(a) IN GENERAL.—The Secretary of the Interior may issue rights-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park that are proposed to be constructed across—

(1) the Foothills Parkway;

(2) the Foothills Parkway Spur between Pigeon forge and Gatlinburg; and

(3) the Gatlinburg Bypass.

(b) TERMS AND CONDITIONS.—A permit issued under subsection (a) shall be—

(1) issued consistent with laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to any terms and conditions that the Secretary deems necessary, including—

(A) provisions for the protection and restoration of park resources that are disturbed by pipeline construction; and

(B) assurances that construction and operation of the pipeline will not adversely affect Great Smoky Mountains National Park.

SA 1904. Mr. REID (for Mr. THOMAS) proposed an amendment to the bill S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Teton National Park Land Exchange Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Federal lands" means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term "Governor" means the Governor of the State of Wyoming.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "State lands" means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled "Private, State & County Inholdings Grand Teton National Park", dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following:

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 25, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the nomination of Michael Smith to be an Assistant Secretary of Energy (Fossil Energy).

Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, Attn: Sam Fowler, United States Senate, Washington, D.C. 20510.

For further information, please call Sam Fowler at 202/224-4103.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources on Thursday, October 18, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C. has been postponed. This hearing has not been rescheduled.

The purpose of the hearing was to receive testimony on the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

For further information, please contact Kira Finkler (202) 224-8164 or Shelley Brown (202) 224-5915 of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the Session of the Senate on October 17, 2001 to conduct a hearing on the nominations of Dr. Susan Schmidt Bies, of Tennessee, to be a member of the Board of Governors of the Federal Reserve System; and Mr. Mark W. Olson, of Minnesota, to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 17, 2001, at 9:30 a.m. on pending committee business, including Rail Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 17, 2001, at 9:30 a.m. to conduct a hearing to consider the following nominations: William W. Baxter to be a member of the Board of Directors of the Tennessee Valley Authority; Kimberly Terese Nelson to be an Assistant Administrator of the Office of Environmental Information, U.S. Environmental Protection Agency; and Steven A. Williams to be Director of the United States Fish and Wildlife Service, U.S. Department of the Interior.

The hearing will be held in room 406 of the Senate Dirksen Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, October 17, 2001, at 9:30 a.m. for a hearing entitled "Federal Efforts to Coordinate and Prepare the United States for Bioterrorism: Are They Adequate?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 17, 2001, at 2:30 p.m. to hold a nomination hearing.

Nominees: Mr. Brian Carlson, of Virginia, to be Ambassador to the Republic of Latvia; Mr. Joseph DeThomas, of Pennsylvania, to be Ambassador to the Republic of Estonia; Ms. Bonnie McElveen-Hunter, of North Carolina, to be Ambassador to the Republic of Finland; Mr. John Ordway, of California, to be Ambassador to the Republic of Armenia; Mr. John Palmer, of Mississippi, to be Ambassador to the Republic of Portugal; and Mr. Clifford Sobel, of New Jersey, to be Ambassador to the Kingdom of the Netherlands.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 17, 2001, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Wednesday, October 17, 2001, at 10:30 a.m. in Dirksen 226 on "Effective Immigration Controls To Deter Terrorism."

Panel I: Mary Ryan, Assistant Secretary of State for Consular Affairs, Department of State, Washington, DC; Mr. Lino Gutierrez, Assistant Secretary of State for Western Hemisphere Affairs, Department of State, Washington, DC; Mr. James Ziglar, Commissioner, Immigration and Naturalization Service, Washington, DC.

Panel II: Ms. Jeanne Butterfield, Executive Director, American Immigration Lawyer's Association, Washington, DC; Dr. Demetrios Papademetriou, Co-Director, Migration Policy Institute, Washington, DC; Mr. Richard Norton, Executive Director, International Biometric Industry Association, Fairfax, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHING A MEMORIAL TO HONOR TOMAS G. MASARYK

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1161 which is being held at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1161) to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1161) was read the third time and passed.

TO AUTHORIZE COMMEMORATIVE WORK TO HONOR PRESIDENT JOHN ADAMS AND FAMILY

Mr. REID. I ask consent that the Senate proceed to the immediate consideration of Calendar No. 179, H.R. 1668.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1668) to authorize the Adams Memorial Foundation to establish commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating thereto appear at the proper place in the RECORD as if given, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1668) was read the third time and passed.

THE CALENDAR

Mr. REID. I ask consent that the Senate proceed en bloc to the consideration of the following calendar numbers: Calendar No. 171, No. 172, No. 173, No. 174, No. 175, No. 176, No. 177, and No. 178.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the following amendments be considered and agreed to en bloc: with respect to Calendar No. 174; S. 1097, the Bingaman amendment, No. 1903; and Calendar No. 175, S. 1105, the Thomas amendment, No. 1904; and the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent any committee amendments, where applicable, be agreed to; the bills, as amended, where applicable, be read three times, passed, and the motions to reconsider be laid on the table en bloc; any statements relating to these matters be printed in the RECORD at the appropriate place as if read; and that the consideration of these items appear separately in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORT CLATSOP NATIONAL MEMORIAL EXPANSION ACT OF 2001

The Senate proceeded to consider the bill (S. 423) to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes," which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Clatsop National Memorial Expansion Act of 2001".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, where they spent 106 days waiting for the end of winter and preparing for their journey home. The Fort Clatsop National Memorial was created by Congress in 1958 for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American continent, and is the only National Park Service site solely dedicated to the Lewis and Clark Expedition.

(2) The 1995 General Management Plan for the Fort Clatsop National Memorial, prepared with input from the local community, calls for the addition of lands to the memorial to include the trail used by expedition members to travel from the fort to the Pacific Ocean and to include the shore and forest lands surrounding the fort and trail to protect their natural settings.

(3) The area near present day McGowan, **[**Washington**]** *Washington, known as "Station Camp"*, where Lewis and Clark and the Corps of Discovery camped after reaching the Pacific Ocean, performed detailed surveying, and conducted the historic "vote" to determine where to spend the winter, is of undisputed national significance.

(4) The National Park Service and State of Washington should identify the best alternative for adequately and cost effectively protecting and interpreting the "Station Camp" site.

(5) Expansion of the Fort Clatsop National Memorial would require Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop for both the trail to the Pacific and, possibly, the Station Camp site would be both timely and appropriate before the start of the national bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

[SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.

[The Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes", approved May 29, 1958 (Chapter 158; 72 Stat. 153), is amended—

[(a) by inserting in section 2 "(a)" before "The Secretary".

[(b) by inserting in section 2 a period, ".", following "coast" and by striking the remainder of the section.

[(c) by inserting in section 2 the following new subsections:

["(b) The Memorial shall also include the lands depicted on the map entitled 'Fort Clatsop Boundary Map' numbered and dated "405-80016-CCO-June-1996". The area designated in the map as a 'buffer zone' shall not be developed but shall be managed as a visual buffer between a commemorative trail that will run through the property, and contiguous private land holdings.

["(c) The total area designated as the Memorial shall contain no more than 1,500 acres.".

[(d) by inserting at the end of section 3 the following:

["(b) Such lands included within the newly expanded boundary may be acquired from willing sellers only, with the exception of corporately owned timberlands.".**]**

SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.

The Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes", approved May 29, 1958 (Public Law 85–435; 72 Stat. 153) is amended—

(1) in section 2, by inserting "(a)" before "The Secretary",

(2) in section 2, by striking "coast" and all that follows through the end of the section and inserting "coast.";

(3) in section 2, by adding the following new subsections:

"(b) The Memorial shall also include the lands depicted as 'Addition Lands' on the map entitled 'Fort Clatsop Boundary Map' numbered and dated '405-80026A-CCO-June 1996'. The area designated in the map as the 'Buffer Zone' shall not be developed, but shall be managed as a visual buffer.

"(c) The total area for the Memorial shall not exceed 1,500 acres.".

(4) in section 3, by inserting "(a)" before "Within".

(5) by inserting at the end of section 3 the following:

"(b) Such lands included within the boundary as depicted on the map referenced in section 2(b) may be acquired only from willing sellers, with the exception of corporately-owned timberlands.".

SEC. 4. AUTHORIZATION OF STUDY OF STATION CAMP.

The Secretary of the Interior shall conduct a study of the area known as "Station Camp" near McGowan, **[**Washington, to determine its**]** *Washington, as well as the Megler Rest Area and Fort Canby State Park, to determine their* suitability, feasibility, and national significance, for inclusion into the National Park System. The study shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

The committee amendments were agreed to.

The bill (S. 423) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Clatsop National Memorial Expansion Act of 2001".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, where they spent 106 days waiting for the end of winter and preparing for their journey home. The Fort Clatsop National Memorial was created by Congress in 1958 for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American continent, and is the only National Park Service site solely dedicated to the Lewis and Clark Expedition.

(2) The 1995 General Management Plan for the Fort Clatsop National Memorial, prepared with input from the local community, calls for the addition of lands to the memorial to include the trail used by expedition members to travel from the fort to the Pacific Ocean and to include the shore and forest lands surrounding the fort and trail to protect their natural settings.

(3) The area near present day McGowan, Washington, known as "Station Camp", where Lewis and Clark and the Corps of Discovery camped after reaching the Pacific Ocean, performed detailed surveying, and conducted the historic "vote" to determine where to spend the winter, is of undisputed national significance.

(4) The National Park Service and State of Washington should identify the best alternative for adequately and cost effectively protecting and interpreting the "Station Camp" site.

(5) Expansion of the Fort Clatsop National Memorial would require Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop for both the trail to the Pacific and, possibly, the Station Camp site would be both timely and appropriate before the start of the national bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.

The Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes", approved May 29, 1958 (Public Law 85–435; 72 Stat. 153) is amended—

(1) in section 2, by inserting "(a)" before "The Secretary";

(2) in section 2, by striking "coast" and all that follows through the end of the section and inserting "coast.";

(3) in section 2, by adding the following new subsections:

"(b) The Memorial shall also include the lands depicted as 'Addition Lands' on the map entitled 'Fort Clatsop Boundary Map' numbered and dated '405-80026A-CCO-June 1996'. The area designated in the map as the 'Buffer Zone' shall not be developed, but shall be managed as a visual buffer.

"(c) The total area for the Memorial shall not exceed 1,500 acres.".

(4) in section 3, by inserting "(a)" before "Within".

(5) by inserting at the end of section 3 the following:

"(b) Such lands included within the boundary as depicted on the map referenced in section 2(b) may be acquired only from willing sellers, with the exception of corporately-owned timberlands.".

SEC. 4. AUTHORIZATION OF STUDY OF STATION CAMP.

The Secretary of the Interior shall conduct a study of the area known as "Station Camp" near McGowan, Washington, as well as the Megler Rest Area and Fort Canby State Park, to determine their suitability, feasibility, and national significance, for inclusion into the National Park System. The study shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATIONAL AREA BOUNDARY ADJUSTMENT ACT OF 2001

The Senate proceeded to consider the bill (S. 941) to revise the boundaries of the Golden Gate National Recreational Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic).

S. 941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act of 2001".

SEC. 2. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking "The recreation area shall comprise" and inserting the following:

"(1) IN GENERAL.—The recreation area shall comprise"; and

(2) by striking "The following additional lands are also" and all that follows through the **[**period at the end**]** *period at the end of the paragraph* and inserting the following:

"(2) ADDITIONAL LAND.—In addition to the land described in paragraph (1), the recreation area shall include—

"(A) the parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10;

"(B) land and water in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG-80,000-A, and dated May 1980;

"(C) land acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299);

"(D) land generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS-80-076, and dated July 2000/PWR-PLRPC; and

"(E) land generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', **[**numbered NPS-80,079, and dated May 2001.**]** *numbered NPS-80,079A and dated July 2001.*

"(3) ACQUISITION AUTHORITY.—The Secretary may acquire land described in **[**paragraph (1) or (2)**]** *paragraph 2(E)* only from a willing seller.".

(b) EXTENSION OF TERM OF ADVISORY COMMISSION.—Section 5(g) of Public Law 92-589 (16 U.S.C. 460bb-4(g)) is amended by striking "thirty years after the enactment of this Act" and inserting "on December 31, **[**2022"**]** *2012*".

The committee amendments were agreed to.

The bill (S. 941) was ordered to be engrossed for a third reading, was read the third time and passed; as follows:

S. 941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act of 2001".

SEC. 2. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking "The recreation area shall comprise" and inserting the following:

"(1) IN GENERAL.—The recreation area shall comprise"; and

(2) by striking "The following additional lands are also" and all that follows through the period at the end of the paragraph and inserting the following:

"(2) ADDITIONAL LAND.—In addition to the land described in paragraph (1), the recreation area shall include—

"(A) the parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10;

"(B) land and water in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG-80,000-A, and dated May 1980;

"(C) land acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299);

"(D) land generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS-80-076, and dated July 2000/PWR-PLRPC; and

"(E) land generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS-80,079A and dated July 2001.

"(3) ACQUISITION AUTHORITY.—The Secretary may acquire land described in paragraph 2(E) only from a willing seller.".

(b) EXTENSION OF TERM OF ADVISORY COMMISSION.—Section 5(g) of Public Law 92-589 (16 U.S.C. 460bb-4(g)) is amended by striking "thirty years after the enactment of this Act" and inserting "on December 31, 2012".

PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK ADDITION ACT OF 2001

The bill (S. 1057) to authorize the addition of lands to Pu'uhonua o Honaunau National Historical Park in the State of Hawaii, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pu'uhonua o Hōnaunau National Historical Park Addition Act of 2001".

SEC. 2. ADDITIONS TO PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.

The first section of the Act of July 26, 1955 (69 Stat. 376, ch. 385; 16 U.S.C. 397), is amended—

(1) by striking "That when" and inserting "SECTION 1. (a) When"; and

(2) by adding at the end thereof the following new subsections:

"(b) The boundaries of Pu'uhonua o Hōnaunau National Historical Park are hereby modifed to include approximately 238 acres of lands and interests therein within the area identified as 'Parcel A' on the map entitled 'Pu'uhonua o Hōnaunau National Historical Park Proposed Boundary Additions, Ki'ilae Village', numbered PUHO-P 415/82,013 and dated May, 2001.

"(c) The Secretary of the Interior is authorized to acquire approximately 159 acres of lands and interests therein within the area identified as 'Parcel B' on the map referenced in subsection (b). Upon the acquisition of such lands or interests therein, the Secretary shall modify the boundaries of Pu'uhonua o Hōnaunau National Historical Park to include such lands or interests therein.".

SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

RIGHT-OF-WAY PERMITS FOR NATURAL GAS PIPELINES WITHIN THE BOUNDARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK

The Senate proceeded to consider the bill (S. 1097) to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park.

The amendment (No. 1903) was agreed to.

(The amendment is printed in today's RECORD under "Amendments Submitted and Proposed.")

The bill (S. 1097), as amended, was ordered to be engrossed for a third reading, was read the third time and passed.

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1105) to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the text printed in italic and delete brackets.

The amendent (No. 1904) was agreed to.

(The amendment is printed in today's RECORD under "Amendments Submitted and Proposed.")

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1105), as amended, was ordered to be engrossed for a third reading, was read the third time and passed.

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Grand Teton National Park Land Exchange Act".

[SEC. 2. DEFINITIONS.

[(a) The term "Governor" means the Governor of the State of Wyoming.

[(b) The term "Secretary" means the Secretary of the Department of the Interior.

[(c) The term "State lands" means the State of Wyoming lands, and interest therein, within the boundaries of Grand Teton National Park as identified on a map titled "Private, State and County Inholdings Grand Teton National Park", dated March 2001, and numbered "GTNP-0001".

[SEC. 3. PURPOSE AND INTENT.

[The purpose of this Act is to authorize the Secretary to acquire approximately 1,406 acres of State lands and interests therein within the exterior boundaries of Grand Teton National Park.

[SEC. 4. VALUATION OF INTEREST.

[(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the State lands to be acquired shall be valued by one of the following methods:

[(1) SELECTION OF APPRAISER.—The Secretary and the Governor shall mutually agree on the selection of a qualified appraiser to conduct an appraisal of the State lands.

[(2) NO AGREEMENT ON APPRAISER.—If no appraiser is mutually agreed to under paragraph (a)(1) of this section, the Secretary and the Governor shall each designate a qualified appraiser, and the two designated appraisers shall select a third qualified appraiser to perform the appraisal with the advice and assistance of the designated appraisers.

[(3) FAILURE OF PROCESS.—If the Secretary and the Governor cannot agree on the evaluation of the appraised State lands by the date that is 180 days after the date of enactment of this section the Governor may petition the United States Court of Federal Claims for a determination of the value of the State lands and interest therein. Subject to the right of appeal, a determination by the Court shall be binding for purposes of this section on all parties.

[SEC. 5. LAND EXCHANGE.

[(a) Duties of the Secretary—

[(1) Within 180 days after the value of the State lands is determined in accordance with the provisions of section 4 of this Act, the Secretary, in consultation with the Governor, shall exchange Federal lands of equal value or other Federal assets of equal value, or a combination of both, for the State lands.

[(2) Upon final exchange of title between the State and the Secretary, the lands conveyed to the United States pursuant to this Act shall become part of Grand Teton National Park. Once conveyed, such lands shall be managed in accordance with the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act"), and in accordance with the other laws, rules and regulations applicable to the National Park System.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Teton National Park Land Exchange Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Governor" means the Governor of the State of Wyoming.

(2) The term "Federal lands" means public lands identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(3) The term "Secretary" means the Secretary of the Department of the Interior.

(4) The term "State lands" means the State of Wyoming lands, and interest therein, within the boundaries of Grand Teton National park as identified on a map titled "Private, State and County Inholdings Grand Teton National Park", dated March 2001, and numbered GTNP-0001.

SEC. 3. PURPOSE AND INTENT.

The purpose of this Act is to authorize the Secretary to acquire approximately 1,406 acres of State lands and interests therein within the exterior boundaries of Grand Teton National Park.

SEC. 4. VALUATION OF INTEREST.

(a) Not later than 90 days after the date of enactment of the Act, the State lands to be acquired shall be valued by one of the following methods:

(1) SELECTION OF APPRAISER.—The Secretary and the Governor shall mutually agree on the selection of a qualified appraiser to conduct an appraisal of the State lands.

(2) NO AGREEMENT ON APPRAISER.—If no appraiser is mutually agreed to under paragraph (1), the Secretary and the Governor shall each designate a qualified appraiser, and the two designated appraisers shall select a third qualified appraiser to perform the appraisal with the advice and assistance of the designated appraisers.

(3) FAILURE OF PROCESS.—If the Secretary and the Governor cannot agree on the evaluation of the appraised State lands by the date that is 180 days after the date of enactment of this section the Governor may petition the United States Court of Federal Claims for a determination by the Court shall be binding for purposes of this section on all parties.

SEC. 5. LAND EXCHANGE.

Within 180 days after the value of the state lands is determined in accordance with the provisions of section 4 of this Act, the Secretary, in consultation with the Governor, shall exchange Federal lands of equal value or other Federal assets of equal value, or a combination of both, for the State lands.

SEC. 6. ADMINISTRATION OF ACQUIRED LANDS.

Upon final exchange of title between the State and the Secretary, the lands conveyed to the United States pursuant to this Act shall become part of Grand Teton National Park. Once conveyed, such lands shall be managed in accordance with the Act of August 25, 1916 (commonly known as the 'National Park Service Organic Act'), and other laws, rules and regulations applicable to units of the National Park System.

GREAT FALLS HISTORIC DISTRICT STUDY ACT OF 2001

The bill (H.R. 146) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EIGHTMILE RIVER WILD AND SCENIC RIVER STUDY ACT OF 2001

The bill (H.R. 182) to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 2001

The bill (H.R. 1000) to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2002

Mr. REID. I ask unanimous consent the Senate now proceed to H.J. Res. 69, a 1-week continuing resolution, just received from the House of Representatives.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. REID. I ask unanimous consent that the joint resolution be considered read three times, passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 69) was read the third time and passed.

ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. REID. I ask unanimous consent the Senate proceed to consideration of H. Con. Res. 251, the adjournment resolution, which is at the desk, that the concurrent resolution be considered, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 251) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The PRESIDING OFFICER. Without objection, the request with regard to the measure is agreed to.

The concurrent resolution (H. Con. Res. 251) was agreed to, as follows:

H. CON. RES. 251

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, October 17, 2001, it stand adjourned until 12:30 p.m. on Tuesday, October 23, 2001, for morning hour debate, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, October 17, 2001, or Thursday, October 18, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 10 a.m. on Tuesday, October 23, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

UNANIMOUS CONSENT AGREEMENT—REPORT ACCOMPANYING H.R. 2904

Mr. REID. Mr. President, I ask unanimous consent that at 10:30 a.m. Thursday, October 18—tomorrow—the Senate proceed to the consideration of the conference report accompanying H.R. 2904, the military construction appropriations bill, that there be up to 30 minutes of debate, with the time equally divided and controlled between Senators FEINSTEIN and HUTCHISON of Texas or their designees; that at 11 a.m. the Senate vote on adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask it be in order to request the yeas and nays on adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDERS FOR THURSDAY, OCTOBER 18, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Thursday, October 18; that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business until 10:30 a.m., with Senators permitted to speak up to 10 minutes each; further, at 10:30 a.m. the Senate begin consideration of the conference report to accompany H.R. 2904, the Military Construction Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I understand that Senator BYRD wishes to speak today, so I ask unanimous consent it now be in order that the Senate stand adjourned following the remarks of the Senator from West Virginia, and that would be under the previous order entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT SECURITY

Mr. BYRD. Mr. President, this morning, October 17, the Washington Post reported that investigators from the Inspector General's Office of the Transportation Department and of the Federal Aviation Administration went to 14 airports over the past few days to test the "improved" safety standards at our nation's airports.

What these Federal investigators found is unacceptable.

At Dulles International Airport—where one of the planes involved in the September 11 terrorist attacks took off—seven baggage screeners failed a surprise written skills test. The screeners are supposed to pass such a test after completing the 12 hours of training that are a condition of employment.

On a check at Dallas-Fort Worth International Airport the same day, seven screeners were arrested by the Immigration and Naturalization Service when they were found to be working illegally in the United States.

The Transportation Department said an unspecified number of screeners at some airports were found to have criminal records that should have disqualified them from their jobs. The Washington Post cited an example of a screener at Seattle-Tacoma International Airport who was removed from his post and lost his security badge after investigators learned that he had been convicted as a felon in possession of a handgun.

During the check at Dulles, Federal investigators arrested a man who they said was able to walk through a security checkpoint with a concealed pocketknife—a felony.

Such a report underscores the need for tighter security at our airports, and the American people are no doubt looking to Congress for the tougher airline security they were promised in the aftermath of the September 11 attacks.

The Senate did its part. Last week, on October 11, we unanimously passed legislation to increase security at our airports. The Senate-passed bill would create a Federal force of 28,000 screeners and armed security guards to check passengers and baggage.

According to media reports, however, that legislation has stalled in the House of Representatives because of a partisan dispute about whether airline screeners should be Federal employees or hired by private contractors.

We have tried that. We tried the hiring of screeners by private contractors. That is what has given the American people the heebie-jeebies. The Nation is jittery after having tried that. So what are we arguing about? What are we waiting on now?

Privatizing the Federal workforce is an issue that often surfaces in Congress. It is part of a 200-year-old debate about the proper size of the Federal Government. But that debate could not be more misplaced in today's post-September 11 environment.

In the aftermath of the terrorist attacks on the World Trade Center and the Pentagon, with air traffic at 40 to 50 percent below last year's level, we should be focusing our energies on ensuring that the American people feel as safe as we can reasonably make them when they fly. I think we can say with some confidence that the public has reason to be less than comfortable with the effectiveness of our airline security system as it currently exists.

It seems petty to derail the whole airline security package over the issue of federalization. This is not a new idea. Federal employees already perform key functions at U.S. airports, such as inspections by the Customs Service, the Agriculture Department, and the Immigration and Naturalization Service. There has been no call to contract these services to the private sector.

All sides on this debate realize that there has to be a larger Federal role in protecting our airlines and airports. And only by federalizing those screeners can the American public be assured that "cost-cutting" will not occur to the detriment of their safety.

There is more at stake here than scoring political points about whether the size of the Federal Government is growing or shrinking. The American people are looking to the Congress to reassure them about the safety of their airlines. Restoring the confidence of the American people in airline travel is essential to getting the U.S. economy back on track.

For all of the big talk and for all of the gas that has been emitted from the larynxes of politicians, the one that would seem to help the economy most is the passage of an airline security bill.

We have done our part.

I hope that the House leadership can settle what is a misplaced, partisan dispute, and address quickly the more pressing needs of the American people whom we serve.

Mr. President, I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 5:19 p.m., adjourned until Thursday, October 18, 2001, at 10 a.m.

EXTENSIONS OF REMARKS

CONTINUING THE PEOPLES' BUSINESS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to join my colleagues in our resolve to complete the people's work in the people's House, the U.S. House of Representatives. The measures regarding the environmental sweep which will be conducted in the U.S. House Office Buildings and U.S. Capitol over the next few days are precautionary in nature. When the House reconvenes next week, we will be well positioned to complete the final review of conference reports for the 13 appropriation bills, as well as to consider other important pieces of legislation, including the economic stimulus package and further consideration on measures related to our ability to combat terrorism in our nation and around the globe. Collectively we are resolved to expeditiously complete all of the remaining spending measures for Fiscal Year 2002 prior to the end of the month when the current Continuing Resolution will expire. The work of our federal government continues each day with services, programs, and essential activities.

In addition to the proposals outlined, I would anticipate the House giving final consideration to the conference report on improving our children's educational system. In the Energy and Commerce Committee on which I serve, I am confident we will resume our discussions and debate regarding a national energy policy which continues to focus on how best to deregulate our nation's electricity supply, as well as issues related to the security of that supply. I would anticipate that our bipartisan efforts will continue, and I encourage my colleagues and members of the House leadership to foster the bipartisan spirit for the betterment of our country.

With our national spirit and resolve we will win the fight against terrorism. In my community of Greater Kansas City, the constituents whom I represent are committed, as are all Americans, to maintaining our freedoms in the democracy we cherish.

Mr. Speaker, we return to our districts today to participate in our respective community activities at neighborhoods, businesses, schools, picnics, and other gatherings. We look forward to returning next Tuesday to complete the peoples's work.

TRIBUTE TO JOE WILLIAMS, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. ROSS. Mr. Speaker, I wish to pay tribute to the life and achievements of a constituent from my congressional district who was not only the father of a close friend, but also a respected citizen of South Arkansas, Joe Williams, Jr., who passed away recently at the age of 66.

Joe Williams, Jr. was born in the southern Arkansas town of Sparkman in 1935. At a young age, he joined the Harmony Baptist Church in the nearby community of Pine Grove. After attending Sparkman Training School, Joe spent time as a young adult living in Kansas City, Missouri, and Dallas, Texas, before returning home to Pine Grove, where he became an invaluable member of the community.

As a young man, he was first employed by the International Paper Company and then by the Taylor Gin Company as a truck driver and a farmer. He later held jobs with Georgia Pacific Corporation as a jitney driver as well as St. Clair Rubber Company as a press operator before retiring to his beloved country farm in Pine Grove.

Joe led an active and productive life, yet he always put his family first. He maintained a strong commitment to the church and took an active role in local politics in Dallas County. When he wasn't working or serving his community, he liked to spend time hunting, fishing, working on and collecting automobiles, gardening, or working with his farm tractor.

Joe Williams, Jr. will long be remembered for his dedication to his family, his work, and his community. His passing is a great loss not only to those who knew him well, but to all of South Arkansas. My thoughts and prayers are with his wife, Elzadie, his sons, Stanley and Stacy, and all his family and friends.

INTRODUCING NEW LEGISLATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. KNOLLENBERG. Mr. Speaker, I rise to offer an important piece of legislation that will help Americans respond to the September 11, 2001, terrorist attacks on our nation. Many citizens are wondering what they can do to help win the war on terrorism. The bill I am introducing would temporarily waive the penalties against those who for whatever reason have neglected to sign up with the Selective Service System if they register within 60 days after this becomes law.

We all know that American males must register for the military draft when they turn 18. As a member of the House VA–HUD Appropriations Subcommittee, which funds the Selective Service System, I have learned that roughly 13 percent of our young men do not perform this basic duty. After seeing the registration rate decline for most of the 1990's, it is now remaining steady for the last two years due to an emphasis on programs and initiatives around the country to increase awareness.

Registering for the military draft has never been easier or more convenient. During the 60-day amnesty period outlined in the bill, young men can register via Internet or telephone. Furthermore, a nationwide high school registration blitz and new state laws have all served to assist the Selective Service in their responsibility. Let me be clear, this legislation neither calls for, or presupposes the reinstatement of the draft. It is simply a matter of preparedness at a time when our Nation must be prepared in every aspect.

Under Federal law, there are serious consequences for failing to register for the draft. Penalties for not registering if convicted are up to 5 years in prison and up to $250,000 in fines, or a combination of both. Although the Department of Justice can prosecute for failure to register, the normal sanctions for not registering are denial of Federal and some State student aid, government job training, State and Federal employment and U.S. citizenship for immigrants seeking naturalization. Under this legislation, these penalties are waived if a young man fulfills his duty within 60 days of enactment of this law.

I would point out that penalties for failing to register with the Selective Service are not limited to federal law. Six states (Oklahoma, Delaware, Utah, Arkansas, Hawaii, and Georgia) currently deny state drivers licenses if one is not registered and other states are contemplating similar laws.

The terrorist attacks on America September 11th and the loss of innocent lives in this tragedy has demonstrated the real and credible danger to the freedom of our country and its citizens. In peacetime and in time of war, the Selective Service System has been a strong backbone for our military and our country. This legislation further strengthens our preparedness while allowing young American men the chance to get right with the law.

Mr. Speaker, I look forward to working with my colleagues to help Americans fulfill their patriotic duty during this difficult time.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. BOYD. Mr. Speaker, on rollcall No. 386, I was unable to cast my vote due to a previous commitment in my district. Had I been present, I would have voted "yea."

HONORING THE LIFE AND ACHIEVEMENTS OF ANTONIO MEUCCI

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. FOSSELLA. Mr. Speaker, Italian-Americans have contributed greatly to the United States; Columbus discovered America, two Italians signed the Declaration of Independence, Enrico Fermi split the atom and Captain Don Gentile, the fighting ace, was described by General Dwight Eisenhower as a "one man air force," to name just a few. I wanted to spend a few minutes today to honor an Italian-American who is often overlooked—Antonio Meucci.

The 19th century was a time of great technological innovation, as its birth heralded the beginning of the Industrial Revolution. However, unlike the century just ended and the new one we are beginning to explore, the rough and tumble of our young nation had yet to develop information exchange to the extent we enjoy today.

The Founding Fathers made America guarantor of unprecedented—and to this day unmatched—liberty. This liberty included an again unprecedented appreciation for intellectual property rights.

Today, with our study of historical records and ability to examine many disparate sources of information, we now know it is likely that the invention of what we know today as the telephone took place in the middle of the 19th century rather than at its end.

Its creator was Antonio Meucci. He worked for years to develop this new system of electronic communication. However, poor and sick, he was unable to keep the patents in force and died before the courts could decide with finality whether he or Alexander Graham Bell was the true inventor of the telephone.

It is known that Meucci demonstrated his device in 1860, that a description appeared in New York's Italian language newspaper and that Western Union received working models from Meucci but reportedly lost them. It is also known that Meucci, due to his limited means, settled for a caveat, a one-year renewable notice of an impending patent, first filed in 1871 but which he was unable to pursue after 1874, while Alexander Graham Bell was not granted a patent until 1876. Finally, it is known that the Supreme Court of the United States agreed to remand the issue for trial, but Meucci died a short time later, rendering the case moot.

With these facts before the House today, I ask for passage of this Resolution to honor the life and achievements of Antonio Meucci.

SUPPRESSION OF WOMEN IN AFGHANISTAN

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Ms. LEE. Mr. Speaker, I rise today to lend my voice to those in Congress, this country, and throughout the world who are concerned about the oppressed women living in Afghanistan under the cruel Taliban regime. Never have the women in that country needed the support of others in the international community more than now.

When the Taliban, the ruling party in Afghanistan, took control in 1996, women were completely stripped of all their fundamental human rights and freedoms. Prior to 1996, women were allowed to work, have careers, and go to school.

Now, women in Afghanistan are not allowed to engage in any of these activities.

They are not allowed to leave their homes unless accompanied by a close male relative, or talk to, or walk with a man to whom they are not related.

The Taliban believes that women appearing in public in any capacity are instruments of moral corruption and agents of sexual anarchy. To avoid this, women must be kept covered, out of sight and off the streets. They must wear the burqa, the clothing garment that covers them from head-to-toe, leaving only a mesh square over their eyes to permit minimal vision.

Schools in Afghanistan have also been drastically impacted by the Taliban regime. Within three months of the capture of Kabul, the Taliban closed 63 schools in the city affecting about 100,000 girls, 150,000 boys and 11,000 teachers, of whom 75 percent were women. The Taliban shut down Kabul University sending home some 10,000 students, of which 4,000 were women.

Many children in Afghanistan are growing up without any education, since women are not allowed to teach young children because it qualifies as work. An entire generation of Afghan children are growing up uneducated.

Women in Afghanistan are beaten and killed when they disobey the Taliban's wishes and rules. Women are oftentimes the victims of deliberate and arbitrary killings and disappearances.

The Taliban turns a blind eye to the abduction of women, forces them into brutal marriages, and condones rapes and sexual assaults of young girls and women. Worse, women who are raped can be put to death for the crime of being a victim of rape. Women are publicly harassed, intimidated and beaten for carrying out activities common in our country, such as wearing make-up, which is deemed to be violating the strict rules of the Taliban.

Women are deprived of basic human rights and must live in constant fear.

The women in Afghanistan do not have a voice in their country, their community, or their home. We, as women in free societies throughout the world, must stand up for women in Afghanistan as their voice and as their sisters.

If we do not want to see repression and terrorism continue, we must directly aid Afghan women's groups and call on the future Afghanistan government to involve women in their quest for freedom.

We must condemn these acts of violence and human rights abuses and help our sisters in Afghanistan. I join my colleagues in condemning the Taliban and its outrageous treatment of women in Afghanistan.

IN RECOGNITION OF THE OFFICIAL OPENING OF CONSULATE OF THE SLOVAK REPUBLIC IN KANSAS CITY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, I rise to recognize the historic October 18 opening of the Consulate of the Slovak Republic in Missouri's Fifth District. Mr. Ross Marine, the Honorary Consul of the Slovak Republic to the States of Missouri, Kansas, Iowa, and Nebraska, will receive the Ambassador of the Slovak Republic, the Honorable H.E. Martin Butora, and his wife Zora Butorova.

The Consulate will serve to promote cultural, economic, and educational partnerships between the United States and the Slovak Republic. The Honorary Consul will encourage our expanding community of Slovaks to celebrate their heritage and culture, thus increasing awareness of the diversity of Kansas City's ethnic communities.

Eduard Kukan, the Slovak Minister of Foreign Affairs, appointed Honorary Consul Marine to the post in September of 2000. The United States Department of State granted Honorary Consul Marine approval to establish the Consulate in Kansas City. Honorary Consul Marine brings an impressive background of civic, community, and health care service to the position.

Kansas City has a history of partnership with Slovakia. Slovaks established their first community in Kansas City around 1900. Many of them fled the then Austro-Hungarian Empire in search of economic security and better lives for their families. Their hard work led to the growth of the city's meat packing industry due to the agricultural background of many of these immigrants. Today, descendents of these Slovak immigrants continue to contribute to the fifth district's economic livelihood and cultural soul. The community keeps their roots alive by participating in the city's ethnic cultural folk festivals performing traditional dances such as the polka, the kola, and the paterka. The premier Slavic Festival in the Midwest, the Sugar Creek Slavic Festival, is an annual June event drawing Slovak musicians and dancers from all over the region. This celebration is always a great success since its inception 16 years ago. Representative of the ethnic community in Sugar Creek, Missouri, Mayor Stan Salva proudly traces his roots back to Slovakia, as do many residents of his city.

From 1996 to 1998 Truman Medical Center Corporation, the Missouri Department of

Health, the Missouri Hospital Association, and Hope House, a women's shelter in Independence, Missouri, joined together to focus on domestic violence and youth drug abuse in Petrzalka, Slovakia, a district of the nation's capital city Bratislava. These Missouri institutions donated nearly $200,000 to study the problems and create solutions including several media campaigns to inform citizens, to establish a domestic violence center, and to hold many anti-drug forums.

Since its independence on January 1, 1993 as a result of the Velvet Revolution, Slovakia has existed under a democratic government. The new Constitution provides for the same liberties we enjoy in America including freedom of speech, freedom of religion, and freedom of assembly. Slovakia has made continued progress in the difficult transition from communism to a market based economy. More than 85 percent of the country's GDP is the result of private enterprise. Slovakia's social reform and economic prosperity will continue to expand in the 21st century.

Mr. Speaker, please join me in welcoming Ambassador Butora and congratulating Honorary Consul Marine as they officially open the Consulate of the Slovak Republic in my district.

TRIBUTE TO JOHN L. ANTHONY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. ROSS. Mr. Speaker, I wish to pay tribute to the life and achievements of a man who was a respected businessman and civic leader in my congressional district, Mr. John Lee Anthony, who recently passed away at the age of 60.

John was an invaluable member of the El Dorado, Arkansas, community. An esteemed and involved business leader, John served as president, chief executive officer and director of Anthony Forest Products Company, one of the region's leading timber producers and manufacturers. While maintaining his many responsibilities with the company, he also took time to serve the people of El Dorado in many capacities. He was a director of Simmons First Bank of El Dorado, a director of the El Dorado Boys and Girls Club, a member of the El Dorado Rotary Club, and a director of Bozeman Park.

In addition to his service to Arkansas, John also represented the timber industry in many positions. He served as a director of the American Forest and Paper Association in Washington, D.C., and was a two-time president of the American Institute of Timber Construction in Denver, Colorado.

John Lee Anthony will long be remembered for his important contributions to the timber industry as well as his community. His passing is a great loss not only to those who knew him well, but to the people of El Dorado and all of South Arkansas. My thoughts and prayers are with his wife, Pat, his son, Dr. John Lee Anthony, Jr., his daughters, Michele and Andrea, and all his family and friends.

PERSONAL EXPLANATION

HON. ROBERT L. EHRLICH

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. EHRLICH. Mr. Speaker, on Tuesday, October 16th, I was unavoidably detained from participating in floor proceedings. Had I been present, I would have voted in the following ways on the legislation the House considered:

H. Con. Res. 248, Expressing the sense of the Congress that public schools may display the words "God Bless America" as an expression of support for the Nation: YEA

H. Con. Res. 217, Recognizing the historic significance of the fiftieth anniversary of the alliance between Australia and the United States under the ANZUS Treaty, paying tribute to the United States-Australia relationship, reaffirming the importance of economic and security cooperation between the United States and Australia, and welcoming the state visit by Australian Prime Minister John Howard: YEA

H.R. 2272, The Coral Reef and Coastal Marine Conservation Act: YEA

A TRIBUTE TO EVANS METROPOLITAN AFRICAN METHODIST EPISCOPAL ZION CHURCH

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. MCINTYRE. Mr. Speaker, today I rise to pay tribute and special recognition to Evans Metropolitan African Methodist Episcopal Zion Church on their 200 years of service to the citizens of Fayetteville and Cumberland County, NC.

Founded in 1801 by Mr. Henry Evans, a free black cobbler and Methodist preacher from Virginia, Evans AME Church has played an important role in the spiritual and cultural life for local citizens. From her missions of teaching, nurturing, caring, and growing in the word of God, Evans AME church stands tall as a beacon of hope for all to see.

In establishing this wonderful church, Pastor Evans faced numerous trials and tribulations. But he always overcame them to keep the Word of the Lord alive and well in Cumberland County, Pastor Evans was driven out of Fayetteville on numerous occasions, imprisoned at least three times, and even swam across the icy Cape Fear River to keep preaching the gospel. Pastor Evans' perseverance finally prevailed In 1802 as town leaders granted him a license to preach.

Mr. Speaker, 200 years later, Pastor Henry Evans' spirit continues to fill and move the congregation and community of Evans AME Church. I ask that all of my colleagues join me in recognizing this church on this historic occasion, knowing that as their motto states, "We are a friendly church at the top of the hill on Cool Spring Street where visitors are always welcome."

CELEBRATING TAIWAN'S NATIONAL DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. SCHAFFER. Mr. Speaker, It is a great honor to rise today to pay tribute to Taiwan on the occasion of its National Day. The people of the United States stand together with the people of Taiwan, who have courageously demonstrated their commitment to democracy. Taiwan is a vibrant, thriving nation and a model for the future—a model characterized by strong economic growth, respect for basic human rights and democratic freedoms.

Taiwan is an important partner of the United States, economically, culturally, strategically, and politically. It is my privilege to congratulate the people of Taiwan as they commemorate their festival of freedom—the National Day of the Republic of China (Taiwan). I am also proud to express the support and best wishes from my colleagues in Congress for Taiwan during this time of celebration.

Taiwan is a true democracy guaranteeing political freedom and civil liberties to its people. I would also like to express my gratitude to President Chen Shui-bien and the people of Taiwan who have joined President Bush and the international community in a counter-terrorism coalition following the September 11, 2001, attack on the United States. President Chen's government has graciously pledged Taiwan's resources in helping the United States fight terrorism. President Chen's pledge of unequivocal support for our nation during these difficult times is a testament to the historically close relationship between the United States and Taiwan.

During this time of rebuilding and remembrance, it is appropriate for us to recognize Taiwan marked its National Day on October 10, 2001. There are many challenges facing Taiwan and America. The United States must continue to encourage productive dialogue between Taiwan and the Chinese mainland to promote peace and security in the region. At the same time, Taiwan must be allowed to participate in international organizations allowing Taiwan's success to be emulated around the world. On Taiwan's National Day, I hope Taiwan and the Chinese mainland will one day be in agreement regarding principles of freedom and democracy, thus leading to lasting stability and prosperity in the Asian Pacific Region.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. BOYD. Mr. Speaker, on rollcall No. 383, I was unable to cast my vote due to a commitment in the district. Had I been present, I would have voted "nay".

RECOGNITION OF ELIZABETH D. FREEMAN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to my constituent and friend, Elizabeth D. Freeman of Fort Lauderdale, Florida.

Elizabeth is the ultimate community volunteer. She has devoted countless hours organizing the private fundraising efforts of the Broward County Library System. As an active member of the Board of Directors of the Broward Public Library Foundation, she has organized their most successful annual event, "The Night of Literary Feasts". This event brings renowned authors to Fort Lauderdale for a series of small dinners in private homes and a day of lectures open to the public. You can't say no to Elizabeth, as David Gerkin found out last year.

That unique talent, the power to persuade has made Elizabeth a most sought after member of organizations and committees in our community. Most recently, she has chaired the Opera Ball, served on the Board of Directors of the Fort Lauderdale Historical Society, Miami Heart, the Fort Lauderdale Philharmonic Society and SPARK, the fundraising arm of the Museum of Discovery and Science. She also found time to be an active member of Beaux Arts, organizing events to support the Fort Lauderdale Museum of Art.

Elizabeth Freeman is an individual who wants to see things accomplished. She usually is the behind-the-scenes worker bee, working for what she believes in, not seeking recognition of her accomplishments. But I think it is time to recognize Elizabeth's forty plus years of community service. Today, we recognize Elizabeth Freeman for all of her good work and as a representative of a very important segment of our society, the volunteers who give untold hours of their time and energy to improve the quality of life of all of us.

COUNCIL OF KHALISTAN HAS VERY SUCCESSFUL CONVENTION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. BURTON of Indiana. Mr. Speaker, last weekend, October 6 and 7, the Council of Khalistan held its annual convention down in Atlanta. It was very successful. The organization laid out strategies for liberating the Sikh homeland, Khalistan, discussed the political situation there, worked on the concerns of Sikhs here in America, and passed several resolutions. I would like to take this opportunity to congratulate the Council of Khalistan on a successful convention.

Mr. Speaker, freeing Khalistan is an important effort to secure freedom for the Sikh people. America was founded on the principles of freedom and self-determination and these things are the birthright of all people. Yet the response of "democratic" India is to use force to suppress the natural yearning for freedom. India is a land of massive human-rights violations. Secretary Powell is there now and we hope that he can maintain good relations with India and that no violence breaks out. But I also hope he will press the Indian government on its abysmal human-rights record and its record, until very recently, of anti-Americanism. It is holding over 52,000 Sikhs as political prisoners without charge or trial, according to a recent report by the Movement Against State Repression. Dr. Aulakh, the President of the Council of Khalistan, recently wrote to Secretary Powell urging him to seek the release of these political prisoners during his visit to India.

We should insist on full and active support for our anti-terrorist efforts. We should also insist that India begin to respect basic human rights. If they do not, we should maintain our sanctions on India and cut off its aid. And we should go on record for an end to the terrorism in South Asia by publicly supporting a free and fair plebiscite with international monitoring on the issue of freedom in Punjab, Khalistan, in Kashmir, in Christian Nagaland, and all the nations that seek their freedom. Only then can real security, freedom, and peace reign in South Asia.

Mr. Speaker, the Council of Khalistan has published a press release on its convention. I would like to place it in the RECORD.

DELEGATES DISCUSS STRATEGIES TO LIBERATE KHALISTAN, PASS RESOLUTIONS FOR KHALISTAN, OTHER SIKH CAUSES

Washington, DC, Oct. 9, 2001.—The Council of Khalistan's annual international convention was held this past weekend in Atlanta, Georgia. It was very successful. A large number of delegates came from around the United States and Canada. The convention honored Khalistan Day, the anniversary of the declaration of independence by the Sikh homeland, Khalistan, which took place on October 7, 1987. The Council of Khalistan was constituted at that time to serve as the government pro tempore of Khalistan and lead its struggle for independence.

The convention mapped out strategy to bring about the liberation of Khalistan. There was much very inspired, energetic, and intelligent discussion of how to move the freedom struggle forward.

Delegates also passed several resolutions, including resolutions demanding a free and fair plebiscite on independence in Khalistan and the other nations India occupies; demanding the release of Sikh and other political prisoners; to form a Khalsa Raj Party to liberate Khalistan; to let human-rights organizations into Punjab; condemning the attacks on Sikhs and other minorities since the September 11 terrorists acts at the World Trade Center and the Pentagon; condemning the attack on the United States; to raise money for the Washington office; to nominate Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for the Nobel Prize; naming Dr. Aulakh Khalistan Man of the Year; condemning Simranjit Singh Mann and Tarlochan Singh for their betrayal of the Sikh Nation and unwarranted attack on Dr. Aulakh; calling on Sikhs, Sikh leaders, and Gurdwaras to support the freedom struggle; and commending convention chairman Dr. Gulbarg Singh Basi and his wife, Rup Kaur Basi, for their hard work to make the convention successful. They decided that next year's convention will be held on Columbus Day weekend 2002 in Philadelphia.

Dr. Aulakh thanked all the delegates who came to the convention. "I am very impressed with the turnout," he said. "We have many people who took time out of their busy schedules to come here. They gave this weekend to the cause of Sikh freedom," he said. "Their efforts are noticed and appreciated."

"These are true Sikhs," Dr. Aulakh added. "The Sikh leadership in Punjab would do well to emulate the people at this convention. Remember 'In grieb Sikhin ko deon Patshahi' and 'Raj Kare Ga Khalsa,'" Dr. Aulakh said. "As Professor Darshan Singh said, 'If a Sikh is not a Khalistani, he is not a Sikh.' We must keep this in mind when we deal with corrupt leaders such as Badal, Tohra, Chohan, and others."

"This convention has been a significant step forward in the effort to reclaim the Sikh Nation's lost sovereignty," said Dr. Aulakh. "Only then will Sikhs live in freedom, dignity, peace, and prosperity," he said. "Everyone who came to this convention should be saluted for making the effort," he said. "I would like to thank the Atlanta Gurdwara for their input and their hospitality. Special thanks go to Dr. and Mrs. Basi for organizing the convention."

TRIBUTE TO DEBBI HUFFMAN GUTHRIE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. CALVERT. Mr. Speaker, I rise today to join with the Mt. Rubidoux District California Inland Empire Council of the Boy Scouts of America in saluting Debbi Huffman Guthrie as their Distinguished Citizen of the Year—2001.

Debbi, a lifelong resident of Riverside, California, is a third generation owner of a roofing company established by her grandfather in 1921. As a native Riversider, Debbi attended Ramona High School and California State University, San Bernardino. Debbi Guthrie and her husband have four daughters and four grandchildren.

Debbi Guthrie has been and continues to be a shining example of a person with passion and principles who has strived to have a positive effect upon her local community. Her approach and policy has been a simple one, that a community's strength comes from just that—the community. We must first start close to home and then radiate out if we hope to have fulfilling lives and impact others.

Debbi Guthrie has unquestionably become a leader of women in her community, whose legacy originates from her company's history of giving back to the community. Her tireless, engaged action can be seen in an incredible array of community life, including: Trustee on the University of California, Riverside Foundation; President of the Riverside Community College/City Task Force; Chair-elect of the United Way of the Inland Valleys; Member of the Executive Committee, Monday Morning Group of Western Riverside County; Chair of the Roofing Apprenticeship Advisory Board; President of the Kiwanis Club of Riverside; and, Trustee on the March Field Museum Foundation.

As a leader among women of the Inland Empire, Debbi has received countless other awards and recognitions, including: 1993 Riverside YWCA's 'Woman of Achievement

ATHENA Award, 1994 Entrepreneur of the Year/Small Business, Ernst & Young, Inc. Magazine and Merrill Lynch; 1997 United States Small Business Administration District Small Business Person of the Year; 1998 Fellow, University of California, Riverside A. Gary Anderson Graduate School of Management; 1999–2000 Volunteer of the Year, Greater Riverside Chamber of Commerce; 2000 Management Leader of the Year, University of California Riverside A. Gary Anderson graduate School of Management; and, 2001 President's Award, Greater Riverside Chamber of Commerce.

Volunteers are critical to fostering a spirit of understanding, good citizenship and good government in the United States and worldwide. Since 1910, the Boy Scouts of America has instilled young men with the drive to "help other people at all times," and to keep themselves "physically strong, mentally awake, and morally straight." Debbi Guthrie exemplifies these attributes and offers herself as a role model to young men and women, thereby assuring that an active interest in the civic, culture, social and moral welfare of our communities is passed on from generation to generation.

Debbi Guthrie has gone above and beyond the Boy Scout protocol. I ask of my colleagues in Congress to please join me in honoring Debbi Guthrie for her courage, innovation, and commitment to the youth of tomorrow as she is recognized on October 20th.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. BOYD. Mr. Speaker, on rollcall no. 385, I was unable to cast my vote due to a previous commitment in my district.

Had I been present, I would have voted "yea."

ON THE INTRODUCTION OF THE TECH TALENT ACT, H.R. 3130

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. LARSON of Connecticut. Mr. Speaker, it is no secret that America has long recognized that its long-term strength and security, and its ability to recover and sustain high levels of economic growth, depends on maintaining its edge in scientific achievement and technological innovation. Biomedical advances have permitted us to live longer, healthier, and more productively. Advances in agricultural technology have permitted us to be able to feed more and healthier people at a cheaper cost, more efficiently. The information revolution can be seen today in the advanced instruments schools are using to instruct our children and in the vast information resources that are opened up as a result of the linkages created by a networked global society. Our children today can grow up to know, see, and read more, be more diverse, and have more options in their lives for learning and growing. Other emerging technologies—such as nanotechnology—have untold potential to make our lives more exciting, secure, prosperous, and challenging.

Many countries also recognize this and they, therefore, focus their industrial, economic, and security policies on the nurturing and diffusion of technological advancement through all levels of society in a deliberate fashion. Countries that follow this path of nurturing innovation focus a lot of their efforts into recruiting and training the very best engineers and scientists, ensuring that a pipeline which pumps talented and imaginative minds and skills is connected to the needs of the country's socio-economic and security enterprise.

Yet here in this country, this pipeline is broken, threatening the competitive edge we enjoy in the business of technological innovation. Fewer and fewer Americans are getting degrees in scientific and technical fields—even as the demand grows. For example, the number of bachelors degrees awarded in math, computer science, and electrical engineering has fallen 35 percent and 39 percent respectively from their peaks in 1987, at a time when total BA degrees have increased. The number of graduate degrees in those fields has either fallen noticeable or stayed flat. And only about half of all engineering doctoral degrees granted in the U.S. are earned by Americans.

The nation has dealt with this crisis in the recent past by expanding the H1B Visa program to let more foreign residents with science and engineering degrees enter the country. But the H1B program was never intended to be more than an interim solution. The long-term solution has to be ensuring that more Americans get into these fields.

Therefore, today, along with House Science Committee Chairman SHERWOOD BOEHLERT, and Representatives MELISSA HART, MARK UDALL, and MIKE HONDA, I have introduced the Tech Talent Act, H.R. 3130, aimed at increasing the number of scientists, engineers, and technologists in the United States. Senators JOSEPH LIEBERMAN (D–CT), CHRISTOPHER BOND (R–MO), BARBARA MIKULSKI (D–MD), BILL FRIST (R–TN), and PETE DOMENICI (R–NM) introduced a companion bill in the Senate.

This legislation addresses the tech worker shortage by establishing a competitive grant program at the National Science Foundation that rewards universities and community colleges that pledge to increase the number of U.S. citizens or permanent residents obtaining degrees in science, math, engineering and technology (SMET) fields. The pilot program, which will award three-year grants, is authorized at $25 million in the next fiscal year, with funding expected to increase if the initial results are encouraging.

It always pays to be mindful of the fact—especially in the wake of the September 11 events—that there is a strong and tight linkage between our national security and the level of science and technology proficiency in America. Our strength and leadership in the world is based on the might of our defense, strength of our economy, and the quality of our education system. Without any one of these three components the global preeminence of the nation suffers.

In the House Science Committee room there is an inscription: Where there is no vision, the people perish. To remain a strong nation, we must ensure that the single most important element that keeps us dynamic, innovative, prosperous, and secure—and therefore mighty—is there for us: our students, teachers, researchers, engineers, scientists, and technologists. In short, we need more people with vision. This bill will keep them coming.

I am honored to be a sponsor of this important legislation in the United States House of Representatives.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. BOYD. Mr. Speaker, on rollcall No. 384, I was unable to cast my vote due to a previous commitment in my district. Had I been present, I would have voted "nay".

WOMEN IN AFGHANISTAN

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the women in Afghanistan. Today in Afghanistan, a woman's basic right to vote, to pursue an education, and to join the job force, is threatened. The Taliban's insistence on secluding women from public life is a political maneuver disguised as "Islamic" law. Before seizing power, the Taliban manipulated and used the rights of women as tools to gain control of the country. To secure financial and political support, the Taliban emulated authoritarian methods typical of many Middle Eastern countries. The Taliban's stand on the seclusion of women is not derived from Islam, but, rather, from a cultural bias found in suppressive movements throughout the region.

Three and a half million Afghan refugees are fighting to survive in bordering countries, and the number has been increasing every day since the U.S. vowed retaliation for the September 11 attacks. Afghan women who fled the ruling Taliban's oppressive regime comprise more than 70 percent of those in refugee camps; many are already starving.

Before 1996, women were 70 percent of the school teachers, 40 percent of the doctors, 50 percent of government workers and 50 percent of the college students in Afghanistan. They were scientists, professors, members of parliament and university professors. Since then, the women and girls of Afghanistan have suffered horribly under the Taliban's rule, forbidden to work or attend school, prohibited from going outside without a close male relative and cut off from health care. Violations of these and other strict rules have resulted in beatings, torture and public executions.

The women and girls who escape these sub-human conditions must not be allowed to starve in refugee camps. Expansion of the U.S. humanitarian aid package and its proper distribution will help ensure that this will not happen.

Today, the treatment of women in Afghanistan is receiving much international attention. The Taliban's discriminatory gender policies have been heavily criticized by outside governments, intergovernmental organizations, and non-governmental organizations. Whilst the Taliban's response has been to vigorously defend their position, the opposition alliance fighting the Taliban in the northeast have sought to portray themselves as defenders of women's rights, although whether this is anything more than an opportunistic attempt to garner international support remains to be seen. They themselves have committed human rights abuses.

This pattern of using the status of women to accrue political advantage must be broken.

If the aims of peace and development are ever to be realized in Afghanistan, then women's fundamental human rights must be respected. It is now recognized the world over that progress, social justice, the eradication of poverty, sustained economic growth, and social development all critically depend on the full participation of women on the basis of equality in all spheres of society. As agreed by the governments participating in the Fourth UN World Conference on Women in Beijing in 1995, local, national, regional and global peace is attainable and is inextricably linked to the advancement of women. In the Platform for Action, world governments pledged to take all necessary measures to prevent and eliminate violence and discrimination against women, which are major obstacles to the advancement and empowerment of women.

I rise today to reiterate my support for the women of Afghanistan. It is obligatory that the unalienable rights of these women be restored; an increase in humanitarian aid must be implemented for Afghan women and children; and Afghan women should play a leadership role in rebuilding the country.

HONORING JOE DESCH AND THE NCR CODE-BREAKING EFFORT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. HALL of Ohio. Mr. Speaker, at a ceremony on October 19, 2001, the Institute of Electrical and Electronic Engineers (IEEE) will designate as a "Milestone in Engineering" the U.S. Naval Computing Machine Laboratory, in Dayton, Ohio, which I represent.

During World War II, the ability to analyze quickly coded enemy messages was one of our most critical military capabilities. To build a machine that could break codes from Nazi submarines, the Navy turned to Dayton's National Cash Register Company (NCR) and Joseph R. Desch, director of its Electrical Research Laboratory.

For three years, Desch and his team of dedicated workers developed a machine which allowed our Nation to crack the secret code used by the Nazi military command to communicate its secret plans to its forces in the field. The device, called a Bombe, was the military's highest priority, second only to the development of the Atom Bomb. Its success gave the Allies a significant advantage, hastening the end of the war and saving the lives of American soldiers.

Desch and his team faced enormous pressure as they labored daily to construct and produce the code-breaking device. They sacrificed their personal health, both emotional and physical. Many of these heroes are no longer living. Desch died on August 3, 1987, at age 80.

The effort has been all but forgotten because of the enormous secrecy surrounding the project. In February and March 2001, the Dayton Daily News ran an extraordinary 8-part series by Jim DeBrosse about Desch. The series brought to light for the first time much information about NCR's code-breaking efforts. The IEEE ceremony later this month will bring additional honor to his memory.

Perhaps the greatest tribute to the memory of Joe Desch and his contribution to the war effort would be the permanent display of an original NCR Bombe in Dayton. Of the more than 120 Bombes that were believed to have been constructed in Dayton, the sole known surviving Bombe is displayed at the National Security Agency's National Cryptologic Museum in Ft. Meade, Maryland. I have been in touch with the National Security Agency requesting assistance in tracking down another example of this extraordinary invention.

As part the IEEE ceremony, the surviving members of this top-secret project will return to the site of the U.S. Naval Computing Machine Laboratory, at NCR. They will be joined by Desch's daughter, Debbie Anderson, whose persistence has helped the story be told.

I offer my congratulations on this award to all the survivors of the project and to Debbie Anderson in honor of her father.

TRIBUTE TO THE NATIONAL AFRICAN-AMERICAN CHRISTIAN SINGLES CONFERENCE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of the 15th Annual National African-American Christian Singles Conference being held October 19–21, 2001, at the J.W. Marriott and Exhibition Center in Houston, Texas. Under the leadership of Pastor Joe Samuel Ratliff, the Singles Ministry of Brentwood Baptist Church of Houston will serve as the official host of the conference.

Dr. Joe Samuel Ratliff has been the pastor of Brentwood Baptist Church since 1980. Under his direction the congregation has grown from 500 members to more than 10,000. He has lead the congregation in developing fourteen mission churches in various parts of the Houston metropolitan.

In 1986, Pastor Ratliff, founded the first National African-American Christian Singles' Conference. The Conference is a non-denominational event designed to address the needs and concerns of single Christian adults. Through the tireless efforts of the congregation, the conference has grown each year since its creation. It now attracts more than 1,000 singles from across the nation, and as far away as England, Germany, and Africa.

The National African-American Christian Singles Conference demonstrates Brentwood Baptist Church's commitment to promoting Christian fellowship and facilitating an environment for spiritual and cultural expression. The focus of this year's conference is, "Growth through Evangelism, Stewardship, Prayer, and Praise." This powerful weekend provides Christian singles an opportunity to become empowered, enriched and encouraged to face the challenges before them. The conference itinerary includes speakers on topics such as faith based initiatives within the community, financial stability, and neighborhood enrichment programs.

Brentwood Baptist Church has developed a Community Foundation which has made tremendous strides in the efforts to improve the quality of life in the Houston area. The Brentwood Community Foundation is a catalytic force, which seeks to empower its neighbors through programs in the arts, education, economic development, health care, and social services. Through its exemplary model of community activism, Brentwood Baptist Church has earned the respect and praise of its neighbors.

Again, I would like to recognize the 15th Annual National African-American Christian Singles Conference and congratulate the congregation on their exceptional service to the greater Houston area.

HONORING CU PROFESSOR TIM SEASTEDT FOR WEED CONTROL RESEARCH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the important work of University of Colorado Professor Tim Seastedt in weed control research. Professor Seastedt's exciting and path-breaking research on using insects and soil chemistry to control the spread of noxious, non-native plants holds promise in addressing a vexing—and spreading—problem, especially on our western lands.

Professor Seastedt's work was recently recognized through a $280,000 grant awarded to him by the U.S. Department of Agriculture to continue his work of examining the soil chemistry of diffused knapweed and devising a way to develop soil nutrients that kill or hamper the growth of this problem weed in Colorado and elsewhere. Through this grant and his existing work on the role of insects in controlling the spread of weeds, Professor Seastedt is demonstrating that we can address our weed problems and do so in an effective and environmentally sensitive manner.

The nature and extent of the weed problem in the west is dramatic and serious. In Colorado alone, there are 85 species of weeds that are taking root in millions of acres of rangeland, have displaced nearly 10 percent of the state's native plant species, have destroyed habitat for bighorn sheep and other wildlife, and caused upwards of $100 million in lost crop productivity annually. Similar impacts exist in many other states.

Weeds get here and take hold for a host of different reasons. In the case of diffused knapweed, it is theorized that this plant came over from Europe from imported alfalfa crops. But no matter how they get here, once these plants take hold they are very hard to eradicate. In North Dakota, for example, where another plant—leafy spurge—is a particularly bad problem, the state has been spending nearly $100 million a year to control it. Such controls involve everything from herbicides, mowing, hand-pulling, and the use of grazing animals such as sheep—all to little or no effect. The plants keep coming back. In addition, some of these methods, such as the spraying of chemical herbicides, are controversial as they may be harmful to the environment.

That's where Professor Seastedt's work comes in. Given the cost, low-effectiveness and environmental concerns of these traditional methods, Professor Seastedt and his researchers began looking for better methods. He latched on to insects. For example, in the case of diffused knapweed, Professor Seastedt found that a number of species of weevil feed upon the roots, stems, seeds and flowers of this plant. So, he released a swarm of them in test plots along Colorado's Front Range, an area especially hard hit by this weed. The result: where there once were 30 stems of diffused knapweed per square meter, there now are hardly any at all. And native grasses and plants, which are not palatable to the weevils, are now making a strong return.

This story is being copied in North Dakota with the leafy spurge. There is a species of insect called flea beetles that seems to thrive on this weed with the result of reducing by half the acreage that has been affected there. This insect is now being used to control the leafy spurge problem at Colorado's Cherry Creek State Park, which has resulted in a 60 percent reduction of the growth of this weed at this popular state park.

Insects are thus proving to be an exciting tool in our arsenal against weeds. The other weapon is the new research on soil chemistry. Professor Seastedt has been studying the soil conditions that are favorable to diffused knapweed. He has found that some nutrients are more favorable to this plant than others. Armed with this knowledge, it may be possible to use natural elements of the soil to enhance the growth of favorable plants and retard the growth of harmful ones like diffused knapweed. The grant from the U.S. Department of Agriculture will help him continue this research.

Professor Seastedt's success in this regard will further help restore the health of our lands, increase agricultural productivity, and enhance the quality of life in the west. I look forward to the continuing work of Professor Seastedt and his researchers on our ongoing struggle to get ahead of and win our war with weeds.

[From Westword, Aug. 9–15, 2001]

WEED WHACKER!

TIM SEASTEDT TAKES NO PRISONERS IN THE WAR AGAINST KNAPWEED

(By Harrison Fletcher)

Tim Seastedt is at war.

His enemy is a drifter, voracious and cruel, striking fast and furiously. By 1997, it had already ravaged more than three million acres of rangeland in the West and fought off assaults by ravenous goats, chemical agents and flamethrowers.

Then Seastedt arrived on the scene, squaring off against the scourge on a 157-acre slice of prairie in Boulder County. His chances didn't look good: What could one lanky ecologist from the University of Colorado do to combat the dreaded Centaura diffusa? Study it to death?

But now, four years later, on a bright summer day, Seastedt strides through the pasture like an actor in an allergy-relief commercial, wearing a T-shirt bearing the words "Ecology With Attitude." Looking beyond the wildflowers, butterflies and meadowlarks, he spots signs of death and destruction. Weeds with stems stripped bare. Weeds with leaves eaten away. Weeds with seedheads decimated. Weeds starved for nutrients. Weeds pushed back by native grasses. Seastedt bends down on one knee and plucks a spindly forb from the damp soil.

"This guy's not going to make it," he says, examining the taproot, which has been split wide open by a burrowing weevil. "This is more than just good news. This is advanced good news!" Seastedt casts aside the carcass and continues his stroll. Out on the prairie, armed with little more than bugs and fertilizer, he is winning the war against diffuse knapweed.

Colorado officials list 85 weeds they'd just as soon see wiped off the face of the earth—plants that have overrun millions of acres of rangeland, displaced 10 percent of the state's native plants, destroyed habitat for bighorn sheep, elk and sage grouse, and caused $100 million in lost crop productivity annually. Diffuse knapweed ranks in the top five on this roster, behind only Canada thistle, field bindweed, Russian knapweed and leafy spurge. At last count, 83,000 acres along the Front Range along were infested with diffuse knapweed, most of them in Boulder and Douglas counties.

Under the 1991 Undesirable Plant Management Act, every county is required to develop a plan to identify and handle noxious weeds. And so county officials wrote rules, formed weed-management boards, coordinated strategies and set about to educate the public. But they've had trouble enforcing the rules, coordinating the strategies and educating the public. So the act was amended in 1996 and the position of state weed manager created.

Today, however, Eric Lane, Colorado's weed manager, grudgingly draws this conclusion: "Uninfested areas are still becoming infested. In that respect, with this one species, we are slowly losing the battle."

Enter Tim Seastedt

A 52-year-old Nebraska native with a suntanned face, bristle-brush mustache and vocabulary loaded with phrases like "biomass" and "stem density," Seastedt started his scientific career as a zoologist in Montana, tagging grizzly bears. But he longed to "solve big-picture questions" about "whole-level landscapes," and after spending two years as a Peace Corps worker in Tonga, "waiting for Nixon to solve Vietnam," he returned to the U.S. and became an ecologist. He studied in Alaska and Georgia and Kansas, where he specialized in grasslands, "trying to understand why dominant species are dominant." He arrived in Colorado in 1990 and became a professor of environmental population and organic biology at the University of Colorado. In 1996, at the height of the battle over herbicides in Boulder County, Citizens for Alternatives to Toxins in Boulder tried to enlist Seastedt's help. He turned them down, but when they asked again a year later, Seastedt offered to review the scientific reports for Boulder County's weed plan.

"But there were no reports," Seastedt recalls. "There was no science justifying their management program. As an ecologist, I was used to doing-science-based, ecosystem land management. The first ground rule is you obtain data. I thought, 'If they're doing these things without data, there might be a problem.'"

Although Seastedt wasn't officially affiliated with the anti-toxics group, he sympathized with them. When fighting weeds, employing herbicides is like using an anvil to hammer a nail. "My advocacy has always been the least toxic approach," he says. "In my mind, using that stuff as a routine tool was just unacceptable."

So he started doing some investigating of his own. And he realized that while the chemicals were killing a lot of weeds, "the weeds are just going to come back. We need something more sustainable."

His first thought was bugs.

In Colorado, insects have been used to fight diffuse knapweed for more than a decade, with decidedly mixed results. But when Seastedt visited places such as Walker Ranch, where bugs have been deployed on and off for years, he found that at least one species, a weevil, had enjoyed some successes before being hindered by herbicide spraying, weed pulling or mowing. So despite the popular consensus that bugs had failed, Seastedt was encouraged. "I saw evidence that biocontrols could work, given enough time," he says.

After getting the green light from Boulder County to conduct this experiment on 157 acres near Superior, he visited state agricultural offices and loaded upon on free bugs. But instead of releasing one or two species, which had been the approach in the past, Seastedt decided to use five bugs to attack different parts of the weed simultaneously. If one bug died or moved along, another would take over.

So in the summer of 1997, Seastedt released fifty root-boring weevils named *Cyphocleonus*, which feed upon infant knapweeds and lay eggs on their roots. Then he released 300 beetles named *Sphenoptera jugoslavica*, which attack the roots, stunt growth, reduce flower production and kill rosettes: Next, he released 200 *Larinus minutus* seedhead weevils, which lay eggs on flowers, eat blossoms and gobble up seeds. Two species, seedhead gall flies called *Urophora affinus* and *U. quadrifasciata*, had already been released; they lay eggs on flowers and sap the weed's energy.

Then he waited.

For two years, nothing seemed to happen. In fact, he remembers, the weeds got bigger and covered more ground. But in the summer of 1999, Seastedt noticed a bug boom, an exponential growth of insects "straight out of an ecology textbook." Then weeds became stunted. Then weeds stopped producing as many seeds. Then they stopped spreading as rapidly.

When he studied the results this summer, even Seastedt was surprised: Rosettes have dropped from 50 per square meter in 1997 to three; seed production has been slashed from 5,000 per square meter to blow 100; adult weeds have fallen from twenty per square meter to less than five. And weeds that appear healthy are little more than insect reservoirs, serving as both a home and a food source. By next summer, he says, those weeds will be producing new bugs instead of new knapweeds. And if that happens, the insect population could soar beyond twenty million—enough to supply knapweek-eating bugs to the entire Front Range.

"Look at this," Seastedt says, yanking a droopy weed from the pasture. "What we're getting are these wimpy little plants. Roots have been hit. Seedheads are empty. They've been defoliated. *Larinum* has done its damage. The gull flies have been doing their thing. There's just nothing here to support the final product. Next year, I'm not sure there will be knapweeds here." With the knapweed in full retreat, native plants will be free to take their place. Some already have.

"When we started, you could hardly find June grass here," Seastedt says. "And when you did, it was just these tiny clumps. Now it's all over. The recovery has just been spectacular. Next year, I predict 90 percent restored prairie. And the 10 percent of knapweed that is here will be grazed to the ground."

Even if the bugs are successful, Seastedt believes that the ultimate way to beat diffuse knapweed is to understand why is has flourished in Colorado—and then reverse the process. His team is trying to do just that on the land outside Superior. Here is Seastedt's theory. Diffuse knapweed has been able to thrive in Colorado because, among other things, changes in the soil over the past 150 years gave the weed a competitive edge. First, the rangeland has been grazed continuously, and plants that might have offered competition have been repeatedly nibbled away. Second, fires have been limited, and fires cleanse the soil of nutrients that weeds love, including nitrogen. In fact, scientists have discovered that one of the fastest ways to turn healthy grasslands into weed fields is to add nitrogen. And nitrogen, as it turns out, is the third factor: Nitrogen levels have been rising steadily in the soil, in part because of increases in atmospheric deposits.

Seastedt wonders: Can scientists reverse the process? Can they tinker with soil chemistry and restore rangeland to its pre-knapweed condition? And if they succeed, will it blunt the weed's competitive edge? Will it bring back healthy native plants and grasses?

To find out, Seastedt and researchers Katie Suding and Kate LeJeune cordoned off certain plots and added nitrogen. The plants—particularly pepper grass, which grew in thick bunches loved it. But diffuse knapweed stayed more or less unchanged.

Interesting, the researchers thought. Perhaps nitrogen wasn't so vital to knapweed after all. Perhaps another nutrient determined whether the weed would live or die. In other parts of the world, like the tropics, phosphorus is a key nutrient; perhaps knapweed needed phosphorus. So they added phosphorus, and while other plants stayed more or less unchanged, diffuse knapweed bulked up like a linebacker on steroids.

Interesting, the researchers thought. Diffuse knapweed liked phosphorus; perhaps phosphorus would prove knapweed's Achilles heel.

So they tinkered some more, adding phosphorus and nitrogen, removing phosphorus and nitrogen, pulling knapweed from some plots and leaving knapweed in others. Although it's too early to tell what the results of this summer's experiments will be, they think they're on the right track. In May, they were awarded a $280,000 federal grant. Now if they can find the right mix of phosphorus, nitrogen or some other nutrient, they might be able to tip the balance away from knapweed and toward native plants and grasses.

"Once native grasses are happy and healthy again, we think they are capable of greatly reducing knapweed," Seastedt says.

No matter how successful his experiments, Seastedt doesn't believe diffuse knapweed will ever be completely eradicated. In fact, he doesn't think weed managers should even try. At best, they can only hope to reduce the weed to a level that allows native plants and grasses to return. "What I'd like to see is a prairie dominated by the vegetation we want to be there: native plants given the maximum potential to express diversity," Seastedt says. "If that means 1 or 2 percent cover by diffuse knapweed, that wouldn't bother me at all. It would be just like the dandelion. And if we can get knapweed to be like a dandelion, then we've done our job."

PATRIOT ACT OF 2001

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mrs. MALONEY of New York. Mr. Speaker, I am happy that last Friday this body voted and passed an Anti-terrorism bill.

However, instead of bringing to the floor the legislation reported out of committee. Legislation that was crafted in a bi-partisan manner and voted on unanimously. Instead of bringing that language to the floor for a vote, we were forced to debate and vote on bill that was taken off the printer that morning!

The process by which this body is supposed to conduct its business was disrupted and I along with some of my colleagues were misinformed about the exact content of the bill that was brought to the floor at 8:00 that morning.

I inadvertently reported that the provision increasing the funding for the fallen public safety officers was not included. This provision was indeed included in the legislation that passed the House.

I am happy that the families of the men and women who lost their lives in the attempt to save others have our support during a time when they need the most help.

However, I have a great concern about the manner in which this body conducted business on Friday.

Preparing for one bill only to be have legislation brought to the floor for debate before anyone can carefully read and analyze its provisions, is irresponsible and dangerous.

I hope that in the future this body will return to conducting its business in a responsible and respectful manner.

HIGH-DEPLOYMENT PER DIEM/OVERTIME

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Ms. McKINNEY. Mr. Speaker, it was expected that later this week we would be taking up an economic stimulus bill. I've heard about all sorts of benefits being included, from loan guarantees and tax cuts, to increasing health insurance and unemployment assistance. However, one un-stimulating provision was imposed by President Bush last week.

As Congress deemed fit last year, each branch of the military was to count the days each service member was deployed, and to pay them a high deployment per diem of $100 per day for each day over 400 days in two years that they are deployed. On October 8, the Pentagon suspended this pay.

As we send our sons and daughters overseas to participate in our war in Afghanistan, why should we cut away their high deployment pay? More than any other period in their service, we are asking more of them—to be in harms way, to be away from their families, to be in the greatest service to our nation. This is when they are truly earning overtime.

Mr. Chairman, our service men and women need to know that we support them and that their service is important to our nation, and we need to support their morale. While we pass tax cuts for corporations and increase benefits for the unemployed, we must assist and applaud our service personnel as well. We must pay our service men and women the overtime they are owed. I don't think anyone disputes that they have earned it.

SIXTH DISTRICT IS HOME TO NEW NAHU PRESIDENT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. COBLE. Mr. Speaker, the Sixth District of North Carolina is proud to report today that one of its own has been elected as the new leader of a national industry association. I rise today to bring to the attention of my colleagues the inauguration of the new president of the National Association of Health Underwriters, Bynum Tuttle, a friend and constituent of mine from Denton, North Carolina.

I was delighted to learn of Bynum's new position not only because it is the capstone of a remarkable career in service to his clients, but also because he is one of the friendliest people I know.

A graduate of North Carolina State University, Bynum began his health insurance career in 1978 with Pilot Life Insurance Company in Greensboro with a large territory including portions of northwest North Carolina, Virginia and West Virginia. A true entrepreneur at heart, he soon decided to open his own brokerage firm in Greensboro.

Bynum's dynamic leadership with the North Carolina Association of Health Underwriters soon became obvious to his peers, and he rapidly rose to the presidency of the state association. From there, he quickly earned the trust of the NAHU leadership and assumed new responsibilities and opportunities to serve across the country. With his experience has come the wisdom to know that to lead, which he says is "influence—nothing more, nothing less," to serve the needs of others.

In these difficult times, Mr. Speaker, we will be called upon, in many small ways, to do great things for our country. Under Bynum's leadership, I believe we can count on the expertise and support of NAHU and its membership. The Sixth District of North Carolina is proud to say that one of its own—Bynum Tuttle—is the new president of the National Association of Health Underwriters.

100TH ANNIVERSARY OF THE CAPUCHINS IN GUAM AND HAWAII

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. UNDERWOOD. Mr. Speaker, I would like to congratulate the Capuchin friars of the Province of Star of the Sea as they celebrate their centennial anniversary of Capuchin presence in the Pacific. For the past 100 years, Capuchin friars have tended the faithful in our area through mission work, construction of churches, administration of parishes, establishment of parochial schools and the promotion of language and culture.

This extraordinary religious community trace their origins from the Order founded in the twelfth century by St. Francis of Assisi. Known as the Franciscans or the Order of Friars Minor, this group of mendicant friars had grown into a large, complex institution by the sixteenth century. Some members came to seek a lifestyle closely resembling the one lived by St. Francis himself and were gradually drawn together to form the distinct branch of the Order we now know as the Capuchins.

Many of the first Capuchins were attracted to contemplative prayer in hermitages, which they soon combined with traveling and preaching. During the sixteenth and seventeenth centuries, Capuchin friars came to be known as some of the most effective preachers and missionaries the world had ever seen. In their preaching, they refrained from artificial oratory and set forth their message with simplicity and directness which came from the heart. In accordance with the example set forth by St. Francis, the friars also became endeared for their all-embracing charity.

At present about 12,000 members of the Capuchin community live and work in every part of the world. One third of the friars tend to the faithful in underdeveloped countries. In the words of Pope John Paul II, the Capuchins live "a truly brotherly life based on simplicity and evangelical charity, open to the meaning of the universal brotherhood of all people and indeed of all creatures."

The arrival of the Capuchins on Guam in 1901 signaled an unprecedented growth and restructuring of the island's church and administration. At the time, Fr. Jose Palomo, the first Chamorro to be ordained to the priesthood, was the sole Catholic cleric on the island due to the eviction of Spanish Augustinian Recollect priests in 1899 following the American takeover of Guam. Fathers Luis de Leon, Vicente de Larrasoana and Brother Samuel de Aparecida, former missionaries to Yap and the Palauan Islands, came to Guam to assist Father Palomo.

The Catholic church administration on Guam further developed and members of the Capuchin community were called to serve in a number of important positions. In 1911, Guam was raised to Apostolic Vicariate under its first resident bishop, Bishop Francisco Villa y Mateu, a Spanish Capuchin. As with Bishop Villa, the succeeding Apostolic Vicars were also to come from the Capuchin community. When Guam was raised to the level of Diocese in 1965, another Capuchin, Bishop Apollinaris Baumgartner, was named the first Bishop of the newly created Diocese of Agana. Earlier in 1945, Bishop Baumgartner became the first American bishop appointed to serve on Guam. Succeeding Archbishop Felixberto Flores, who was the first Chamorro bishop, Father Anthony Apuron, became the first local born Capuchin to be appointed Auxiliary Bishop in 1984. He would be named Archbishop of Agana in 1986.

Since their arrival in 1901, the Capuchins have maintained their presence and consistently served the faithful on Guam. Father Roman Aria de Vera, who arrived on Guam in 1915, published a number of books on the Chamorro language and became the foremost authority on the subject at the time. In 1918, the Capuchin friars were called on to assist the sick and the dying when an influenza epidemic ravaged the island. Guam was briefly left without the guidance of the benevolent friars during the Japanese occupation during World War II when the local Capuchin community was exiled to Japan in 1942. They were returned and welcomed back to the island in 1945 after the U.S. liberation.

The 1950s saw the construction of St. Fidelis Friary, the community's home in Agana Heights, and their assumption of control over Fr. Duenas Memorial School, the Guam's Catholic school for boys. By the 1980s, the Capuchin community on Guam was raised to the rank of Vice Province—the Vice Province of the Star of the Sea. They extended their work to the Diocese of Honolulu in 1984. The current total membership of 26 friars comprising of the archbishop, priests and brothers. Thirteen of the friars—half of the membership—are local born.

On Saturday, October 20, 2001, a Mass will be celebrated at Guam's Dulce Nombre de Maria Cathedral-Basilica to honor the centennial anniversary of Capuchin presence in our area. Representatives from Rome and several provinces of the Capuchin community will be in attendance. Through mission work, the administration of schools, parishes, and the archdiocese itself, Capuchin friars have made tremendous contributions to the physical and spiritual growth of our island. Mr. Speaker, I would like to take this occasion to commend and congratulate the Capuchin community and the Vice Province of the Star of the Sea for their excellent work and wish them the best in the years to come.

FREEDOM TO TRADE ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. GILMAN. Mr. Speaker, today I introduce the Freedom to Trade Act, which promotes tolerance, understanding and respect by prohibiting United States nationals, permanent resident aliens, or United States Government agencies from entering into agreements with foreign persons who prevent or inhibit a United States business from undertaking a commercial activity, or otherwise discriminate against the business, on the basis of the religious beliefs, practices or associations, sexual orientation, race, or gender of an individual associated with the United States business. Furthermore, this legislation also prevents US nationals, permanent resident aliens, or US Government agencies from entering into agreements to provide loans, guarantees, credit or other avenues of financing to such foreign persons that discriminate against US businesses for the above stated reasons, in addition to instructing the Secretary of the Treasury to inform the United States Executive Director of each financial institution to use the voice and vote of the United States to oppose any assistance from that financial institution to any foreign person that engages in the aforementioned discriminatory behavior and practices.

The horrific acts of terrorism perpetrated against the people of the United States on September 11th by evil doers who seek to threaten and damage our way of life and a direct affront and attack on our compassion, tolerance and understanding of the vast cultural, ethnic, religious, racial and other diversities that comprise the great people of our nation! In our time of crisis the people of our United States have taken a heightened interest in the importance of protecting human rights. Safeguarding human rights, for all, deserves all the attention we devote to it.

The question of freedom of religion is a matter of deep, personal concern to me. More than just a personal concern, it is one which most Americans share. Freedom from discrimination as set forth in my legislation includes protections of religious beliefs, practices and association are values that are inherent to free people. Our neighbors living in our global neighborhood must share in these values. As recent events throughout the world reveal, not everybody does. We must make certain that the nations of the world share our respect for human rights. The right to religious freedom and to be free of rampant discrimination is something which should never be taken for granted. It is a fragile and precious provision that must be guarded against impositions at all times. This can be done through participation in the work of international organizations and through continuation of an international dialogue on human rights, through teaching tolerance, mutual understanding and through cooperation. For those who choose to discriminate, the Freedom to Trade Act has the teeth to punish the transgressors.

Discrimination and suppression of religious rights is all too common in totalitarian states and regimes. Nations such as China, Iran, Sudan, Vietnam, as well as the brutal and intolerant Taliban regime in Afghanistan are just a few of the transgressors. In China, Falun Gong has suffered severe repression and persecution. Despite the popular appeal of this movement and despite its peaceful means, the Chinese regime continues to see Falun Gong as a threat, and to treat them as such. At the same time, China has continuously pursued a policy towards Tibet that severely limits the spiritual freedom of the Tibetan people. In the House International Relations Committee, we have repeatedly condemned China's treatment of its minority groups. We will continue to do so.

Not long ago, Congress passed a bill on trade relations and human rights in Vietnam. Despite its advances in freedom and prosperity, Vietnam pursues a brutal and despicable policy of repression towards its religious minorities. The bill serves as an example for any government that tries to suppress religious freedom. It also presents a framework for further advances towards freedom, human rights, and the rule of law.

Together with the Office on International Religious Freedom and through my work on the International Relations Committee we have managed to bring the world's attention to these issues. I have a strong feeling that under the guidance of the International Religious Freedom Act and the universal declaration of human rights the world is becoming a less discriminating place. The Department of State's Bureau of Democracy, Human Rights and Labor's most recent reports on International Religious Freedom and on human rights reveals that allegations and acts of state sponsored discrimination perpetrated against religious minorities are rampant.

The road towards a world free from discrimination and religious persecution in our lifetime is attainable, but the challenges are great and the road a winding and difficult one. Regrettably, it is not just the anti-democracy, totalitarian regimes that engage in state sponsored discriminatory practices. While it is heartening to see the unified support that our European allies are showing for the United States in these trying times and like my colleagues, I am profoundly grateful for their friendship and assistance there is a disturbing pattern of discrimination against minority religions. Recently, France passed a law that severely limits the rights of minority religions. The law is designed to control "sects," and does so in a profoundly intolerant manner. As a colleague of mine stated, "this law—if allowed to stand—could spread an anti-religious contagion throughout Europe." In Austria, in Germany, and in Belgium, the governments use the same discriminatory methods of registration. Their practice of designating minority groups "sects" or "cults" is clearly a violation of universal human rights.

The International Covenant on Civil and Political Rights, recognizes the right of every human being to "have or to adopt a religion of his choice, and either individually or in community with others and in public and private, to manifest his religion or belief in worship, observance, practice and teaching. . . ." The signatories have pledged "not to discriminate on the basis of religion." With 144 signatories to the covenant, it is part of the body of law that we commonly refer to as International Law, and it is incumbent upon the international community to enforce such laws.

The House International Relations Committee has held numerous hearings on religious intolerance throughout the world. The Ambassador for International Religious Freedom has testified before the International Committee a number of times. There's a growing awareness with U.S. officials of the need to add pressure to the governments around the world on this issue. The number of countries that the Secretary of State has deemed "countries of particular concern" under the International Religious Freedom Act is disheartening.

During our hearings, the members of the International Relations Committee stated that they will support legislative restrictions on the entry into the United States of foreign government officials associated with repression of religious rights; this legislation makes our assertions a reality, and further extends protected freedoms from discrimination to other categories.

Mr. Speaker, the question is, what can Americans do to help uphold values of tolerance, human rights and dignity in foreign countries—especially in nations which are our friends and allies. I believe, that the Freedom to Trade Act is a necessary safeguard to protect our people from religious intolerance and other forms of discrimination wherever it rears its ugly head. For these and many other reasons I urge my colleagues to support the Freedom to Trade Act, and together we can take the necessary steps to eradicate the evils that seek to destroy the free world.

8TH DISTRICT OF THE NEW JERSEY STATE FIRST AID COUNCILS CELEBRATES 50TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. FRELINGHUYSEN. Mr. Speaker, I am proud to offer my sincerest congratulations to the 8th District of the New Jersey State First Aid Council on the occasion of its 50th anniversary.

I am sure that you will agree that in light of recent events, the importance of emergency medical services has never been more evident.

What makes this group all that more special is that they volunteer their time to provide this life-saving service to the communities in which they live.

I know personally many Emergency Medical Technician's who, without thought to their personal safety, left their homes and jobs to respond to the call for help in New York City following the attack on the World Trade Center. Many more of these wonderful volunteers were at the ready to respond when called.

The recent attacks on the World Trade Center highlight the work that these people do day in and day out without asking for any recognition. Every community in New Jersey is all that much more safer because of these people.

The New Jersey State First Aid Council is an organization designed to bring its members together for the purpose of discussing methods of improving ambulance services, the reduction of loss of life, the development of better service through educational programs, and to foster a spirit of harmony and friendship among the various non-profit volunteer squads.

Membership in the New Jersey State First Aid Council is open to all organizations that meet the New Jersey State definition of a volunteer first aid squad and are either specialized industrial squads, emergency squads operating ambulances and serving the general community, or are support organizations such as heavy rescue, water rescue, extrication, and search and rescue.

The New Jersey State First Aid Council serves the entire state of New Jersey and is broken down into districts to better serve its member organizations.

The 8th District of the New Jersey State First Aid Council was officially formed on October 16, 1951. The original volunteer emergency squads were from Basking Ridge, Chester, Millington, Peapack-Gladstone, Far Hills-Bedminister, and Bernardsville.

Over the past 50 years the membership has changed but the mission has been the same—to provide the best emergency medical care at no cost and to support the volunteers in providing this service.

Today the following organizations are proud to be part of the 8th District of the New Jersey State First Aid Council: Basking Ridge Fire Co. #1 First Aid & Rescue; Bernardsville Fire Co. #1 First Aid & Rescue; Chatham Emergency Squad; Chester First Aid Squad; Liberty Corner First Aid Squad; Long Valley First Aid Squad; Mendham First Aid & Rescue Squad; Mendham Township First Aid Squad; Morristown Ambulance Squad; New Vernon Volunteer Fire Department First Aid Squad; Peapack-Gladstone First Aid Squad; and Randolph Rescue Squad.

I would also like to acknowledge the officers of the 8th District of the New Jersey First Aid Council for the fine work that they do. In addition to the time they volunteer on their individual squads they serve the Emergency Medical Services Community as a whole as officers of this fine organization. They are: President: Karen Corica; Chairwoman: Jane McArthur; Vice-Chairman: Jim McConnell; Second Vice-Chairman: Fred Miller; Recording Secretary: Bob Molloy; Corresponding Secretary: Bob Molloy; Treasurer: Paula Oswald; and Chaplain: Debbie Smith.

Mr. Speaker, I am sure that you will join me in honoring the 8th District of the New Jersey State First Aid Council on this very special occasion. Events of the past month have shown us all what a valuable service these fine organizations and its members provide to the community. To all, I say congratulations.

ST. MARY OF CZESTOCHOWA CHURCH CELEBRATES 100 YEARS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 100th anniversary of the founding of St. Mary of Czestochowa Roman Catholic Church of Nanticoke, Pennsylvania, which will be celebrated on October 21.

At the turn of the last century, an increase in the Polish Catholic population led to the need for a third church in the Nanticoke area. The original St. Mary's church was a simple wooden structure located at the corner of Hanover and Grove streets. It was home to a congregation of approximately 500 parishoners, although an estimated 2,000 people worshipped there.

Nearly five years to the day of its dedication, the first church was destroyed by fire. Under the leadership of the first resident pastor, Rev. Adolph E. Nowicki, a new church was built at the corner of Hanover and Field streets and was blessed and dedicated soon thereafter.

St. Mary's present pastor, Rev. John S. Krafchak, is the eighth pastor to serve the parish, having served since 1983. He also served as assistant pastor at St. Mary's from 1960 to 1966. During his 18 years as pastor, Father Krafchak has continued to support the efforts of the church's organizations, the spiritual needs of the congregation and the material upkeep of the parish.

Father Krafchak's first major undertaking was the construction of a new rectory, which was completed in 1985. A Holy Hour of Prayers for Priests was begun in 1986 and has been held once a month since its inception. It was also around that time that air conditioning was installed in the church. With the 1988 consolidation of all the parish schools in the Nanticoke area into Pope John Paul II School, St. Mary's school became the home of Head Start, a federal pre-school program offered to Nanticoke-area children ages 3 and 4 from low-income families. St. Mary's has also teamed with St. Stanislaus Church to promote the Renew 2000 program, a parish renewal endeavor to foster spiritual growth among their parishoners. The parishes have also held consolidated Confraternity of Christian Doctrine classes since 1996.

In preparation for this year's 100th anniversary, the interior of the church was painted and refurbished with carpeting and most significantly, an imported replica of the famous Our Lady of Czestochowa image, measuring more than 7 feet in height, was placed on the wall above the main altar. The church organ was also reconditioned to return it to most of its original musical capabilities.

One of the portions of St. Mary's history of which the parishoners can be most proud is that the parish has been the mother of 39 vocations, 18 to the priesthood, 20 to the sisterhood and one to the deaconate. The parish also acknowledges the dedication of another parishoner, Henry Gonshor, who aspired to the priesthood but was called to his eternal rest before finishing his preparatory studies.

Over the past 100 years, St. Mary's has seen the formation of the following organizations, most of which are still flourishing today: St. Cecilia's Choir, Blessed Virgin Mary Sodality, the Holy Name Society, the Sacred Heart Society, Third Order of St. Francis, Purgatorial Society, the Catholic Council of Women and the Usher's Club. These organizations have helped unite many parishoners throughout the years toward a common cause of service to God and the Church.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the 100 years of dedication, faith and good works of the people of St. Mary's Church, and I wish them all the best.

SUPPRESSION OF WOMEN IN AFGHANISTAN

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mrs. DAVIS of California. Mr. Speaker, prior to the Soviet occupation in 1979 Afghanistan was a country on the path to modernization. Afghan women were doctors, lawyers, judges, civil servants, in short, they were a vital aspect of Afghan society.

Women were active members of society. They attended universities. They had the right to vote. They participated in many sectors of the work force. However, decades of war, drought, famine, and oppression have taken a hefty toll on the entire population, and women in particular.

In a country where women were once equal and respected members of society, they are now shrouded into silence. Life for women in Afghanistan no longer exists. They live in seclusion, unable to interact with others.

In 1996, a now notorious regime known as the Taliban moved into the capital city of Kabul and began imposing their strict moral code. The Afghan people awoke one morning to find that their lives had been changed overnight. The Taliban announced the imposition of their new rules over Afghanistan's national radio.

Women were no longer allowed to work or attend school. Women were no longer permitted to leave their homes without a male relative. If they were caught outside without the accompaniment they were lashed with whips. Women were no longer allowed to wear nail polish. If they did, their fingernails would be pulled out. Making excessive noise when walking was also grounds for punishment.

Afghan women have lived under this magnitude of oppression for five years now, and it has taken its' toll. Depression and suicide rates in Afghanistan have dramatically increased. Previously, suicide was virtually unheard of, now many women see it as the only means to end their suffering. Some women are choosing to end their lives by drinking a caustic soda, a solution that causes severe pain and takes three days to take effect.

I know of one Afghan woman named "Rozia" who managed to escape Kabul and find refuge in America. She left Afghanistan after her husband was taken away and subsequently killed by the Taliban. His only crime was that he did not subscribe to the Taliban mentality. She was forced to flee her homeland with her four young children, eventually making her way to San Diego.

She is one of the lucky few that has managed to escape. However, even in America she is frightened to speak out against the Taliban in fear that they will punish her remaining family members in Kabul.

The plight of the Afghan women under the oppressive hand of the Taliban has been going on for over five years. These egregious violations of human rights must end. In addition, the women of Afghanistan—freed from this oppression—must have an opportunity to play a role in the rebuilding of a more open society. Only then will Afghan children grow up believing life holds something besides being a freedom fighter or a terrorist.

TRIBUTE TO RUSH LIMBAUGH

SPEECH OF

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2001

Mrs. MYRICK. Mr. Speaker, Rush Limbaugh is an inspiration to all of us. Although he is facing a personal challenge, it is not stopping him from continuing to be a champion for our cherished way of life. Rush has been a strong voice for freedom, free enterprise and our military during this difficult time in history. I salute you, Mr. Limbaugh. You're a great American.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 18, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 19

10 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the public health response to the recent anthrax exposures.

SD–124

OCTOBER 22

10:30 a.m.
Environment and Public Works
Transportation, Infrastructure, and Nuclear Safety Subcommittee
To hold hearings on proposed legislation authorizing funding for the Price-Anderson Act.
SD–406

OCTOBER 23

2:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the risks and benefits of the drug OxyContin.
SD–430

9:30 a.m.
Armed Services
To hold hearings on the nomination of Joseph E. Schmitz, of Maryland, to be Inspector General, Department of Defense; and the nomination of Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Army for Financial Management and Comptroller.
SR–222

10 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold oversight hearings to examine law enforcement's response to biological threats.
SD–226

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine the development of new medical counter measures to bioterrorism.
SD–430

2:30 p.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nomination of James Gilleran, of California, to be Director of the Office of Thrift Supervision, Department of the Treasury.
SD–538

4 p.m.
Conferees
Meeting of conferees on H.R.1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.
Room to be announced

OCTOBER 24

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Banking, Housing, and Urban Affairs
To hold hearings to examine on the Department of the Treasury's report on international economic and exchange rate policy.
SD–538

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold oversight hearings to examine the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.
SD–366

OCTOBER 25

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine promoting broadband, focusing on securing content and accelerating transition to digital television.
SR–253

Energy and Natural Resources
To hold hearings on the nomination of Michael Smith, of Oklahoma, to be Assistant Secretary of Energy for Fossil Energy.
SD–366

2 p.m.
Foreign Relations
To hold hearings to examine the recent international campaign against terrorism.
SD–419

SENATE—*Thursday, October 18, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable EVAN BAYH, a Senator from the State of Indiana.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

He who dwells in the secret place of the Most High shall abide under the shadow of the Almighty. I will say of the Lord, "He is my refuge and my fortress; my God, in Him I will trust."—Psalm 91:1–2.

Let us pray: Almighty God, we praise You for the wonderful way You have answered our prayers for this great Senate family. Today we end this workweek with heads held high with confidence, faces radiant with resoluteness, hearts filled with courage, and wills fired with galvanized determination. With Your help we will calmly finish our work today and, as usual, look forward to the rest and rejuvenation of the weekend. You have cared for this Senate through dynamic leaders. Thank You for TOM DASCHLE and his strong inspiration for his own staff and the Senate as a whole. We began this week praying for his staff; we end the week with admiration for their patriotism under frightening circumstances. We praise You for the friendship and mutual esteem of TOM DASCHLE and TRENT LOTT as they affirm our oneness and work for unity. And under the immense pressure of the nights and days of this week, we have witnessed the relentless commitment of people like Senate Officers Jeri Thomson and Al Lenhardt, Capitol Physician John Eisold and his team, and our friend and counselor, Senator/Doctor BILL FRIST.

Lord, those who tried to create panic with anthrax letters and threatening phone calls have failed. We are stronger than ever and more determined to press on in the battle against terrorism here and throughout the world. Thank You in advance for victory. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable EVAN BAYH led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 18, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EVAN BAYH, a Senator from the State of Indiana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BAYH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, as has been ordered, this morning the Senate will be in a period of morning business until 10:30 a.m. At 10:30, the Senate will begin consideration of the conference report to accompany the Military Construction Appropriations Act. There will be 30 minutes of debate equally divided between Senators HUTCHISON of Texas and Senator FEINSTEIN. The vote on adoption of the conference report will occur at 11 a.m.

I have been asked by the majority leader to announce this will be the last rollcall vote of the day.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I wonder if the Senator will yield for a question.

Mr. REID. I would be happy to yield.

Mr. THOMAS. I am sorry, I did not understand. What is the proposal in terms of being in session, despite the fact there is just one vote?

Mr. REID. There is a lot of activity expected. There are a number of pieces of legislation that need to be introduced. I have several. I have spoken to people on the Republican side throughout the week, and I know they have wanted time to introduce legislation. So I expect there will be activity in this Senate Chamber throughout the afternoon.

Mr. THOMAS. I thank the Senator very much.

Mr. REID. I say to the Senator from Wyoming, the Democrats have an important meeting we are going to have from 12:30 until 2 o'clock. So during part or all of that time, we will ask to be in recess.

Mr. THOMAS. Until 2 o'clock?

Mr. REID. From 12:30 to 2 o'clock.

Mr. THOMAS. Then at 2 o'clock we would go into morning business for as long as people want to speak?

Mr. REID. Yes.

Mr. THOMAS. I thank the Senator.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Minnesota.

(The remarks of Mr. WELLSTONE pertaining to the submission of S. Res. 172 are printed in today's RECORD under "Statements on Submitted Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, what is the allocation of time between now and 10:30?

The ACTING PRESIDENT pro tempore. Senators may speak for up to 10 minutes each.

Mr. THOMAS. It is not allocated between the two sides?

The ACTING PRESIDENT pro tempore. No.

Mr. THOMAS. I yield 10 minutes to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

ENERGY

Mr. CRAIG. Mr. President, I again rise to focus the Senate on an issue that is without question a high priority one for the Congress and for the American people and one I hope we can deal with before we recess or adjourn this first session of the 107th Congress. I am talking about the critical need for a national energy policy.

For over a decade, we have wandered in the energy world without a policy that truly directed our resources and our public policy toward assuring that our Nation was self-reliant on its primary energy sources. Over that time, we have grown increasingly dependent upon foreign sources for those primary resources.

As a result, if what is now going on in the Middle East were to erupt in a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

broader shooting war, it is possible we could see a curtailment of supplies out of those oil-rich countries that could not only create a critical crisis here but would drive up fuel prices at the pump dramatically. It is not happening right now. It is not happening largely because of a flat economy, less use, and because the OPEC nations recognize that the world economy is soft at this moment and have chosen not to turn the spigots on their oil wells down; therefore, driving up the price.

It is temporary, and we all know that it is temporary. Over a year and a half ago, they made it very public that it was their intent to drive the world price of crude oil up to $28 to $30 a barrel and to try to sustain that price. It is now below that.

It is obvious to me and to all of us who watch this issue that they are intentionally holding the price down because of the world economy and their fear of its softening.

That is one side of the issue. The other side of the issue for us is a quick examination of our infrastructure and the systems of our infrastructure and the failure of that to deliver the kind of energy our growing economy and our growing Nation needs. We saw that for almost a year in California with rolling blackouts that truly crippled the economy of that great State, largely because they had chosen the wrong policy as it related to continuing to develop energy sources and to upgrade the infrastructure that served the public.

As a result of all of that, we had a new President come to town not quite a year ago and say that without question one of the most critical needs of this Nation is a national energy policy. He established that as a very high priority.

Well, while he was doing that, we in the Senate, and our colleagues on the other side of the rotunda in the House, were busily working at the crafting of such a policy. We have spent countless hours and over 3 years in the Senate, with literally 100 or more very detailed investigative kinds of committee gatherings for the purpose of trying to determine how that policy ought to look, how we ought to shape it, and how we ought to present it to the American people.

All of that work has been done. In fact, the House worked rather quickly. They sensed the urgency, as we did, and before the August recess they had produced their version of a national energy policy. It appeared to me—and I think to all of us—that by late fall we would have a similar bill and we would be voting on it on the floor of the Senate because the Energy Committee, under the guidance of Chairman BINGAMAN, was working its will, starting a markup. Our attempt was going to be considerably more extensive than that of the House. But that work was well underway.

Then comes September 11. We are refocused for a moment, as you know, and for all the right reasons. But this Senate is not a single-action Senate. There are 100 Senators, and there are multiples of committees and lots of chairmen, and there are hundreds of staff people. Clearly, the Energy Committee of the Senate should have been, and could have been, continuing its work toward the production of a bill to come to the floor of the Senate.

Then, in a rather unprecedented move, over a week and a half ago, the majority leader of the Senate basically told the chairman of the Energy Committee to cease and desist. No longer was he to mark up a bill and get it to the floor. Why? The argument was that it was politically too divisive. Too divisive to talk about a national energy policy, to tell the citizens that this Senate was going to work with the President to develop a policy to move us toward energy self-sufficiency, that is divisive? I don't think so. I think that is leadership. I think that is what our country calls out for at this moment, and people certainly are getting it in most instances.

But in the area of national energy policy, the leader of the Senate is not leading at this moment. Now he says he has instructed the chairman of the Energy Committee to craft a bill that they will build up through the office of the majority leader and it will come to the floor, or it could come to the floor, or it is possible to have a vote on it prior to a recess or adjournment of the first session.

Well, that is not good enough. I don't believe so. I believe a strong majority of the Senate agrees with me that it is time we dealt with a national energy policy and let the chips fall where they may, let the votes fall where they may. As a result of that, FRANK MURKOWSKI, our ranking member of the committee, I, having served on the committee for a good number of years, and a lot of other folks are engaged in trying to craft an energy bill. It won't be as broad or expansive as it might have been had we had the will to work the committee and had the committee not been instructed to stand down and desist, but we will introduce that bill. We believe that can be done on Monday.

We are working with the administration. Now we are asking in a very straightforward way, and I think an honest and responsible way, for the majority leader of the Senate to give us time to bring his bill to the floor; let us bring our bill to the floor and let us work out our differences. Everyone knows the issues at hand and all of us have a pretty good idea of what a national energy policy ought to look like. Then we can work with the House. Prior to adjournment, or following adjournment, we can rest assured that a national energy policy bill will be on the desk of the President of the United States, so that if there is a dramatic energy shock in the future, we will have done the right thing. We will have prepared the country, directed our resources, directed the infrastructure of this country toward the development of a greater sense of self-reliance because my guess is that if we fail and gas lines mount in a time of crisis, this Senate will be scrambling to make up politically what they are now trying to dodge.

It is not a time for politics. We have worked very cooperatively together on a lot of issues since September 11. Energy should not be one issue that is politicized. But by the very action of the majority leader himself, he is on the verge of risking that possibly happening. So I ask him to honor his commitment that he made publicly—and I have no reason to believe he would not—to get an energy bill to the floor, allow us to get ours to the floor, allow us to offer amendments, and let the Senate work its will. Two or three days of debate, don't we have time to do that when we are standing idle, waiting for decisions to be made, waiting for judicial nominees to come to the floor, and waiting for appropriations bills to come to the floor?

Remember, there are 100 Senators. There are numerous chairmen. This Senate can work in multiples of ways beyond just a single issue and a single action. I think it is time that we as Senators insist that the leadership of the Senate allow us to bring what I believe is one of the top issues in America today, a national energy policy, to the floor so that the American people will know we did the right thing in trying to protect them and their future and the economy of this country from any major shock, should we ever get into a situation in the Middle East, or in those primary production areas on which we are now so reliant, which are well beyond our border and well out of our control.

With those comments, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

CONTINUING THE WORK OF THE SENATE

Mr. LEAHY. Mr. President, I commend Senator DASCHLE for having us in session today. I think he has done the right thing. A great deal of work will get done that needs to be done and can be done quickly. Frankly, I believe we should be here. I hope we will very soon have these galleries open to all tourists. I hope very soon we can have the Capitol Building open to all tourists. I was in my office on Saturday. I came through this building and it was empty. I asked one of the guards why tourists are blocked out.

I remember as a teenager coming to Washington for the first time with my parents, the thrill of going through this building, through the Smithsonian and the Library of Congress, because they were open to the American people, as they should be now. I have to think there are a whole lot of parents and their children who can't do that. I am on the Board of Regents at the Smithsonian, and I see that the number of visitors is going way down. That is free to everybody.

It should not be that way. This is one of the most beautiful cities in the world, one of the best cities in the world. The people are among the best people anywhere. Washington should be a magnet not only for Americans throughout the country but visitors throughout the world. I want us back here. I have my staff squeezed into cubbyholes and my Capitol office and working out of their homes. We are all connected to the Internet and everything else. We are going to work throughout this weekend. We are going to get the terrorism bill finished, with the bioterrorism piece that I added here in the Senate and the Senators passed.

All that is going to be done this weekend because very brave men and women, on my staff and others, are going to work straight through the weekend, but they are going to take 20 hours to do what they might do in 10 hours on other days because of all the disruptions.

We have to set the example that the Senate is open and ready for business. We cannot ask some 18-year-old on duty in our armed services in Kosovo to stand sentry duty in the middle of the night next to a minefield and say: But U.S. Senators are not here.

The distinguished Presiding Officer has been a Governor, and he is a Senator. He is here. I see my good friend from California who was mayor of San Francisco and stood there at a most difficult time. We are ready to go to work. We will go to work, and the Senate will continue to be the conscience of the Nation.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consideration of the conference report to accompany H.R. 2904, which the clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2904) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes," having met have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 16, 2001.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes for debate to be equally divided and controlled between the Senator from California, Mrs. FEINSTEIN, and the Senator from Texas, Mrs. HUTCHISON, or their designees.

Who yields time?

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, as my distinguished chairman, the Senator from California, is preparing to speak about the conference report accompanying the military construction appropriations bill, I want to make a few comments about what is going on today.

I am very pleased to say the Senate is open for business, and we are preparing to take up very important legislation as it relates to the U.S. war on terrorism. Before we talk about that, I want to say that what we are doing is important as an example to our country. We have had severe threats to the people who work in the U.S. Capitol. The Capitol is the symbol of freedom and democracy for the whole world. It represents the United States.

Our people made the decision that we would close the office buildings so our staff would be protected. We are checking the office buildings to see what kind of anthrax might be present. We are doing the prudent thing. We are trying to take care of our people.

On the other hand, we are also keeping the Capitol open as the symbol that the business of Government is going on, and many of us are working out of our Capitol offices. We have our staffs with us. They are very happy to be here. There is a spirit of comradeship up and down the halls of the Capitol where people are spilling out from the various small offices to make room in the tiny little offices from where we are now operating. But everybody is happy to do it because we know this is important for our country. It is our way of saying to those who are in the field representing us in Pakistan, Afghanistan, and Uzbekistan that we are here, too, and we are taking care of your needs.

I am very proud we are in session. Our staffs are happy to be here, and we are doing our duty for our country. The people of America should know we are going to do everything that is on our agenda for this week—business as usual—and the House did the same thing. They passed the bills yesterday. We passed them yesterday, and we will pass them today.

With that, I welcome the chairman of the Military Construction Subcommittee and thank her in advance for the leadership she has provided to this very important committee.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Texas for her comments.

Today I am very pleased to bring before the Senate the conference agreement on the fiscal year 2002 military construction appropriations bill.

Given the circumstances, this is a particularly timely and time-sensitive conference report. I am very pleased that the Senate has demonstrated a willingness to move quickly on it.

The military construction conference agreement provides $10.5 billion of new budget authority. That is a 17.5-percent increase over last year's military construction funding, and it is a 5.3-percent increase over the President's budget request. This statistic alone sends a strong message of support to America's men and women in uniform.

This is a good package. It meets the most pressing needs of the military, both in terms of readiness and quality-of-life issues. It is not, of course, a perfect package. The conference report does not include everything the Senate wanted, nor does it include everything the House wanted. It does, however, address the priorities of the Department of Defense, which I think is most important, as well as both Houses of Congress. It is a carefully crafted compromise. It is both balanced and bipartisan.

I am particularly pleased to see such quick action on this measure at a time when we as a nation are asking for so much from our men and women in uniform and from their families. The conference agreement provides $4.8 billion for the Active components of the military. That is a 35-percent increase over fiscal year 2001. So the military components are up 35.8 percent. It provides $953 million for the Reserve components. That is a 357-percent increase over last year. For family housing, the conference agreement provides $4.1 billion. That is a 12-percent increase over last year.

These are important increases. They signal a commitment to upgrading and rebuilding the infrastructure that is truly the backbone of our Nation's military.

The conference report also includes a $100 million increase over the President's budget request for environmental cleanup at military installations that have been closed as part of the base realignment and closure effort. This is most significant. We need to clean up these bases so they can be transitioned into civilian use. This additional funding is necessary. It enables the military to honor its commitments to the people and the communities that have been affected by the economic upheaval caused by base closures.

I point out that this is a great deal of money, yet much more is going to be needed before the environmental cleanup of BRAC sites across the Nation is complete. This is certainly something we should consider before we embark on any future rounds of base closings. I believe this most strongly.

One other item I want to mention today is the issue of defense access roads. The events of September 11 have made us all the more aware of the potential vulnerability of sensitive civilian and military installations to the threat of terrorist attack, and a number of our colleagues have expressed concern about the need for upgrading access roads serving military installations, particularly around chemical demilitarization facilities.

These roads are generally Federal or State highways that provide access to defense installations but are not owned by the Defense Department. Therefore, funding to construct access roads has to go through the Department of Transportation. The military construction bill includes a standing provision authorizing the Secretary of Defense to provide funds to the Transportation Department for access roads but only—only—when the Secretary of Defense has certified that these roads are important for national defense.

In other words, these are not projects that can easily be added to the MILCON bill if the President does not request them. However, because of the current sensitivity of chemical demilitarization facilities, we included a provision in our conference agreement that will enable the Defense Department to conduct a feasibility study on the requirements for Defense roads at chemical demilitarization sites in the United States to support emergency preparedness requirements.

I might also mention the Senate MILCON bill and the House MILCON bill had about a $600 million difference between the two bills. There were about 173 adds from Members. Only 3 of them were the same in both the House and the Senate bills. So truly the Senate staffers on both sides have done a wonderful job in putting together the conference report.

I am very pleased to say it was a unanimous vote in the conference committee. So it was a reconciling of interests.

I very much thank Chairman BYRD. I thank Senator STEVENS and particularly my ranking member on the subcommittee, Senator HUTCHISON, for their unflagging support and assistance in bringing this conference report to the Senate. Again, I particularly thank the subcommittee staff for their hard work on this measure.

I am very pleased the military construction bill will be one of the first appropriations conference agreements sent to the President, and I hope he will sign it without delay.

I turn this over to the ranking member for her comments, and I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I fully endorse the comments made by our subcommittee chairman, Senator FEINSTEIN. I am pleased to recommend the military construction conference report for fiscal year 2002 to the Senate. We have worked very hard, Senator FEINSTEIN and myself, with our House colleagues, to bring this conference report to a successful conclusion.

I thank our colleagues from the House side, the chairman, DAVID HOBSON from Ohio, and JOHN OLVER from Massachusetts, the ranking member, for working with us in such a collegial way.

As Senator FEINSTEIN said, there were many disagreements and, frankly, some different priorities when our two bills passed respectively in the House and the Senate, but we worked hard and in a very productive way to resolve those differences and keep the priorities of each House but within a responsible budget. Everybody gave a little, but I think everyone did the right thing, and I am very pleased with the product.

We sought a balanced bill, one that provides funding for planning, design, construction, alteration, and improvement of military facilities worldwide, both for Active-Duty and Reserve Forces. I think this is a very important point because we know our Reserve Forces are stepping up to the plate as we speak.

Our President has called 40,000 of them to service, and there could be more. So we are very cognizant of the need for our Reserves to be supported and, in fact, there is a total of almost $1 billion for Guard and Reserve facilities in this military construction bill.

Additionally, we have focused on military housing. This has been a priority for all of us. Quality of life for our men and women in the services is very important to us, and we are making a transition in our military, frankly, from a force that used to be mostly single men, some single women, to now families of men and women. For that reason, we have had to adjust military construction priorities in recent years. We have $1.2 billion for barracks improvements; $44 million for child care centers; $199 million for hospitals and medical facilities and $4 billion for family housing.

This intensifies the effort to improve the quality of military housing and accelerate the elimination of substandard housing. I am very pleased with those priorities.

I also concur with the comments of Senator FEINSTEIN on the issue of access roads. A number of colleagues expressed to me their concern about the need for upgrading access roads near chemical demilitarization sites. A defense access road must be appropriately certified by the Department of Defense, legislatively authorized, and then it is eligible for funding in the military construction appropriations bill.

As Senator FEINSTEIN said, we have provided the Department of Defense the ability to conduct a feasibility study on requirements for Defense roads at chemical demilitarization sites. We think this is the right and responsible approach to determine what the needs are of the Department of Defense and also determine what the responsibilities of the State or local governments should be in that regard.

I also want to make the point this bill will soon be going to the President of the United States for signature. This bill includes some very important upgrades of facilities in support of the Operation Enduring Freedom effort in which we are now engaged. Operation Enduring Freedom, of course, is our war on terrorism. In support of these operations this bill includes an upgrade for a runway in Oman and a base supply warehouse in Turkey, one of our strongest allies. I am very proud that Turkey stepped up to the plate early and said: Whatever you need to protect freedom and democracy is going to be our cause as well.

Further, we included a special operations training range in Okinawa. Japan also stepped up to the plate—the Japanese Prime Minister was one of the first to say: We are with you to protect democracy in this part of the world. And lastly, we included a war reserve storage facility in Guam. We are very pleased to provide these projects that will directly support our ability to stage this war on terrorism.

I thank my chairman, Senator FEINSTEIN, for working with me to assure even though we had the bill on the drawing boards before September 11, nevertheless we could react to the immediate needs of the Department of Defense in these areas.

This bill is on its way to the President, and it will provide the support to our men and women in the military who have pledged their lives to protect our freedom. They have pledged their lives to protect freedom throughout the world. This is the test of our generation, and our young men and women are stepping up to the challenge. They deserve the support we are giving them in this bill. We are doing our duty and fulfilling our responsibilities here today. I am proud to say, once again, the prowess of our military is going to shine through and we are going to show the military of a freedom-loving country is the strongest in the world, with the full support of the Congress.

I yield the floor.

Mr. McCAIN. Mr. President, I appreciate the opportunity to address the Senate once again on the subject of military construction projects added to an appropriations bill that were not requested by the Department of Defense. This bill contains $900 million in unrequested military construction projects.

Every year, I come to the Senate floor for the express purpose of highlighting programs and projects added to spending bills for primarily parochial reasons. While I recognize that many of the projects added to this bill may be worthwhile, the process by which they were selected violates at least one, if not several, of the criteria set out several years ago to limit just this sort of wasteful spending.

I find particularly offensive the usual Buy America restrictions included in this bill. Rather than providing the best value to our service members by buying the best products at the best prices, these restrictions require DOD procurement decisions to be driven by protectionist impulses that frequently provide inferior value to our troops. "Buy America" restrictions cost the Department of Defense and the U.S. taxpayer $5 billion annually, money that is spent not on our good people in uniform but to line the pockets of American producers of goods that could otherwise be purchased at the same value for lower prices overseas.

I am also at a loss as to the rationale for including in this bill certain site-specific earmarks and directive language, including a provision urging the Department of Defense to make the consolidation of four Guard and Reserve facility renovation projects in northeastern Pennsylvania a priority, and to program this requirement in the Future Years Defense Plan; a provision directing the Navy to accelerate design of the Kingsville Naval Air Station Airfield Lighting project, and to include construction funding for it in the budget request for fiscal year 2003; a provision directing the Air Force to accelerate design of Offutt Air Force Base's Fire/Crash Rescue Station, and to include funding for it in next year's budget request; and similar language inappropriately directing scarce resources on a non-competitive basis to Warren Air Force Base, Fort Worth Joint Reserve Base, and Selfridge Air National Guard Base.

In addition, sections of this bill designed to preserve depots, and to funnel work in their direction irrespective of cost, are examples of the old philosophy of protecting home-town jobs at the expense of greater efficiencies. And calling plants and depots "Centers of Excellence" does not constitute an appropriate approach to depot maintenance and manufacturing activities. Consequently, neither the Center of Industrial and Technical Excellence nor the Center of Excellence in Service Contracting provide adequate cloaks for the kind of protectionist and parochial budgeting endemic in the legislative process.

Last year, the Defense appropriations bill included a provision statutorily renaming National Guard armories as "Readiness Centers," a particularly Orwellian use of language. By legally relabeling "depot-level activities" as "operations at Centers of Industrial and Technical Excellence," we further institutionalize this dubious practice, the implications of which are to deny the American public the most cost-effective use of their tax dollars. When will it end?

There are 28 members of the Appropriations Committee. Only six do not have projects added to the appropriations bill. Those numbers, needless to say, go well beyond the realm of mere coincidence. Of 96 projects added to this bill, 53 are in the States represented by the Senators on the Appropriations committees, totaling over $503 million.

We are waging war against a new enemy with global operations and the messianic aspirations to match; we are undertaking a long-term process to transform our military from its cold war structure to a force ready for the challenges of a new day. A lack of political will had previously hamstrung the transformation process, but the President and his team have pledged to revolutionize our military structure and operations to meet future threats.

The reorganization of our armed services was, of course, an extremely important subject before September 11, and it is all the more so now. The threats to the security of the United States, to the very lives and property of Americans, have changed in the last decade. The attacks of September 11 have made more urgent the already urgent task of reorganizing our military to make sure that we have the people, weapons and planning necessary to ensure not only the success of our world leadership, international peace and stability and the global progress of our values, but to safeguard the survival of the American way of life.

In the months ahead, no task before the administration and the Congress will be more important or require greater care and deliberation than making the changes necessary to strengthen our national defense in this new, uncertain era of world history. Needless to say, this transformation process will require enlightened, thoughtful leadership, not pork-barrelling of military funds, if we are to best serve America in this time of rapid change in the global security environment.

I believe I have made my point. As usual, I labor under no illusions regarding the impact my comments will have on the way we do business here. I have in the past attempted legislative recourse to pork-barrel spending, and I will do so again.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, as I mentioned, this bill took a good deal of good staff work. I am very proud that good staff work has occurred on both sides of the aisle. It is not easy to remedy 170 differences between a House and Senate bill, and yet this happened.

I particularly commend the appropriations staff, Christina Evans, B.G. Wright, on the Republican side; Sid Ashworth, John Kem, and also Matt Miller of my staff. They worked long and hard on this bill, and I think that it will get, if not a unanimous vote of this body, certainly a near unanimous vote. It is a job well done, and I am very pleased on behalf of Senator HUTCHISON and myself to recognize that.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

All time has expired. The question is on the adoption of the conference report.

The yeas and nays were previously ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS), the Senator from Nevada (Mr. ENSIGN), and the Senator from Utah (Mr. BENNETT) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "yea."

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

McCain

NOT VOTING—3

Bennett
Burns
Ensign

The conference report was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank all Senators who supported this very important legislation. Senator FEINSTEIN and I are very appreciative of the support of Congress.

This bill is now on its way to the President. It will provide support to our men and women in the field in their quality of life, quality of their equipment, and in the quality of their training. We can do no less. I appreciate the support of the Senate.

The PRESIDING OFFICER. The Senator from North Dakota.

MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes between now and 12:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate stand in recess from 12:30 until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET TAXATION

Mr. DORGAN. Mr. President, I am going to propound a unanimous consent that I understand may be objected to, but for the moment I will describe what I am about to do and why I want to do it today.

As most of us know who have worked on an issue called the Internet tax moratorium issue, the moratorium that now exists with respect to Internet taxation expires on Sunday of this week. The expiration of the Internet Tax Moratorium Act on Sunday means that next week there will no longer be the prohibition that exists in that act.

Many of us believe we ought to do a couple things.

One, the Internet Tax Moratorium Act is one that I supported because it would have prohibited additional States from imposing taxes on access to the Internet. I support that. It actually grandfathered some States. I would have been content to eliminate the grandfathering even. I don't think we ought to be taxing access.

It also said that we will not allow discriminatory or punitive taxes with respect to Internet transactions. I supported that as well and was happy to vote for that legislation. It had an end date on it. That end date is this Sunday.

What we have been trying to do for a long time is to construct an extension of the Internet tax moratorium, which I support, and attach to that a provision that would allow State and local governments to solve a very significant problem they are confronted with; that is, remote sellers are selling all across this country now in a significant way and in many instances—in fact, most instances—they are not required to collect local taxes when they make those sales.

The remote sellers say it would be very difficult for them to collect the local sales and use taxes because you have thousands of jurisdictions around the country with different tax rates, different bases, and so on. It would be horribly complicated to subject a remote seller to all of those different standards and different jurisdictions. I am sympathetic to that.

For that reason, I believe State and local governments ought to be required to simplify the tax system by which consumption taxes would be imposed on remote sales.

At the moment, the courts have said the State and local governments may not impose their consumption taxes on remote sales unless the remote seller has a location in that State. The only change that could occur that would allow them to enforce a collection would be the Congress, under the commerce clause, describing a different nexus so that State and local governments could in fact enforce a requirement of collection. I don't believe we ought to do that unless we also require State and local governments to dramatically simplify their sales and use tax system. And when we do that, State and local governments should then be able to enforce a collection.

You have two things: Requiring a simplification of a system, and then requiring remote sellers to collect the tax and remit it to the States.

Why is this important? It is important for two reasons. One is fairness. Main street sellers are required to collect the tax, and their competitors from a remote circumstance are not required to collect the tax. That is not a fair situation.

Second, there is a substantial amount of lost revenue, much of which would be used to finance schools in this country, and that lost revenue is injuring the tax base of State and local governments and injuring the opportunity to fund education which is funded, as most of us know, predominantly by State and local taxes.

What I propose is the following: We extend the moratorium for about 8 months to next June 30. That moratorium extension would be accompanied by a sense of the Congress in my bill. It is only a two-page bill: It is a sense of Congress that State governments and interested business organizations should expedite efforts to develop a streamlined sales and use tax system that, once approved by Congress, would allow sellers to collect and remit sales and use taxes without imposing an undue burden on interstate commerce.

The House of Representatives, I believe this week, passed a 2-year extension on the moratorium, with really nothing involved in it, that actually begins to address the other side of the equation; that is, how do you deal with all of this lost revenue and the need to fund our schools and education?

We really need to deal with both issues. I agree with the extension of the moratorium. What I propose is that we extend the moratorium to next June 30, do that immediately—I will propose a unanimous consent request when I send this to the desk—and between now and then, ask all of the sides involved to get serious and get this done, develop a compact we can work on together, and therefore require simplification of local tax systems and allow the State and local governments to enforce collection.

My colleague, Senator ENZI from Wyoming, with whom I have worked, as well as Senator VOINOVICH, Senator WYDEN, Senator MCCAIN, Senator GRAHAM of Florida, and many others have worked on this issue for a long while. We have not met success at this point. But Senator ENZI has been working very hard on it and another approach that would have a longer extension but would establish a more concrete system by which the State and local governments could develop a compact.

I am going to be a cosponsor of that proposal. I know he is working with other colleagues on it. I think that is good work as well. In the interim, I didn't want people to think that those of us who were working to solve both problems here—and there are two problems—were insensitive to the need to extend the moratorium. For that reason, I propose today that we extend the moratorium to next June 30. I will ask unanimous consent to do so, and I will send S. 1504 to the desk.

UNANIMOUS CONSENT REQUEST—S. 1504

Mr. DORGAN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1504, the Internet tax moratorium bill; that the Senate then proceed to its immediate consideration, that the bill be read three times, passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, I will state the objection that I understand will be raised, but let me assure my colleague and friend that there is an interest on both sides of the aisle to extend the moratorium, maybe with not this precise language, maybe it would be the Enzi proposal, maybe it would be something Senators ALLARD and MCCAIN and others are working on. We will try to work with you to make sure the moratorium is extended. At this particular time, an objection will be raised.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, let me say that I understood there would be an objection. We will now experience a circumstance where the moratorium expires on Sunday. My expectation is that will not have much material impact on what or what might not happen in the country in the intervening days.

It is my hope that all of us who have worked on this can reach an agreement on how to do a number of these things. I don't want to retard the ability of remote sellers, catalogs, Internet, or other devices; I don't want to retard their ability to use that marketing strategy to enhance commerce in this country. I don't want to burden them in a way that would be unfair.

By the same token, we have this growth of remote sales by enterprises that, in many cases, have grown very large but have very few locations and use the mail and Internet transactions with which to conduct business; much of the commerce is then outside of the ability of State and local governments to receive the sales and use tax from that commerce just as other transactions would require.

That doesn't mean that when you buy something over the Internet, or from a catalog, it is tax free; it is not. A use tax is required to be paid, but almost no one pays it.

Some would make the case that, for example, those who want to solve this problem are talking about a new tax. Nothing could be further from the truth. There is already a tax on these transactions. It is not paid because it is horribly complicated for individual citizens to find a use tax form and submit a use tax to Oklahoma, or North Dakota, or Virginia, and say, by the way, I bought a shirt, or shoes, or a tool set, and here is the use tax I owe because the sales tax wasn't collected when I purchased it.

Because of that set of circumstances, we believed it would be better for the seller and the buyer to find a way to collect that, remit that to the coffers of State and local governments. It is used largely for education and improving and strengthening our schools, and we believe it would be important to do that.

We are trying to solve several problems. I believe at the end of the day we will extend this moratorium. I wish we had done it today. We will extend this moratorium. My colleague from Wyoming would make permanent the moratorium on taxing access. I will support that. We will extend the moratorium. If we are doing the right thing, I think we will at the same time begin to address the second part of the issue on behalf of the Governors, mayors, State legislators, States, school administrators, and all the folks who care about that.

On the other side, we are going to address the question of complexity on behalf of the remote sellers. They are not just whistling in the dark here. This is a real problem and a serious problem that we have to address. We are dealing with both sides of the equation. I support addressing both sides in a thoughtful and sensible way.

Again, I understand why an objection was raised, although I regret that it was made. I wish we had been able to extend the moratorium today. I want everybody to understand that there is no division in the Senate, in my judgment, about whether the moratorium should be extended; it is how long, and should we do it without trying to find a way to buckle up the other part of the solution. We ought to, in my judgment, deal with both sets of problems at the same time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, as the Senate sponsor of the Internet tax freedom bill, I appreciate a chance to set the record straight about exactly what this law is.

For example, it is continually cited that the Internet tax freedom law creates a kind of Cayman Islands for the Internet, where you can't collect taxes. That is not right. The only thing the Internet tax freedom law does is it bans discriminatory taxes. You can tax the Internet; you just must do to the offline world what you do to the online world. That is No. 1.

No. 2, not a single jurisdiction in this country—not even one—has been able to show any evidence that they have been hurt by their inability to impose discriminatory taxes on electronic commerce. We are constantly told by the mayors and Governors in some jurisdictions that they have been hurt. We have repeatedly asked for the evidence, and there has been none forthcoming.

I have made it clear that I am very anxious to work with the mayors and Governors on this issue. I was not aware there was going to be an effort to extend the moratorium today for just a few months, because we have had these negotiations now for 18 months in an effort to try to bring the parties together. I want to make it clear that I am anxious to continue those negotiations.

No. 3, there is absolutely nothing in current law that prohibits States and localities from collecting revenue that is owed to them. There is nothing in the Internet Tax Freedom Act that bars them from doing that. I just hope that as we make this effort to bring together technology companies, States, localities, and the mayors, we can recognize that it is possible today under current law to collect all taxes owed. The reason it is not done is, A, the technology doesn't exist to do it in a fashion that would not burden business and, B, a lot of the mayors and Governors don't want the political heat associated with collecting those taxes. Probably most illustrative of this point is what former Governor Celucci of Massachusetts, now Ambassador to Canada, said: Look, I am not going to put people on the border of Massachusetts to chase people down coming from New Hampshire. I am not going to have that kind of chaos on my hands.

I hope we will continue this effort to try to bring the parties together in a constructive fashion. I wasn't aware there was going to be an effort today by unanimous consent to deal with this issue. I want to make it clear that I am anxious to work with all of the parties who have been involved in this issue. But there is absolutely nothing in the Internet tax freedom law that creates a Cayman Islands with respect to the Internet, No. 1; and, No. 2, there isn't anything that keeps States and localities from collecting taxes that are now owed; the reason it is not done is technology and politics. I hope, working cooperatively together, as we have sought to do for 18 months, it will be possible to do that.

Senator McCAIN and I have introduced a bill that would bar discriminatory taxes on electronic commerce for 2 years. We introduced that legislation several weeks ago. It is virtually identical to what the House passed this week. I hope we can work from that. I want colleagues to know that before we come to the floor, we will be consulting with all the parties, and we will make an effort to bring people together on that.

Mr. DORGAN. Mr. President, I just want to clarify a point the Senator made. I assume he was not making the point that I was suggesting that the Internet Tax Freedom Act created a "Cayman Islands." I have not suggested that, and I didn't say that today. If the Senator is responding to somebody who might have done that, it wasn't I. I want to make sure the Senator understands that.

If I might make a final point, the Senator is accurate that the State and local governments can now impose a use tax on sales that are made by remote seller to a customer in that State. He is also accurate that they almost never do because it would require the hiring of tens of thousands of Federal workers to try, in each individual case, to achieve that tax collection. That is precisely why there needs to be a balance in these proposals, to achieve both goals: Extend the moratorium and, in some cases, make them permanent; second, to both simplify the sales use tax systems and allow the collection.

I might finally say that I appreciate the generous time, and I say that I would object to a 2-year moratorium with nothing else in it that gives us an assurance of solving the second problem, as some today objected to the 8-month extension of the moratorium I suggested. We will come to a balance on that. The reason I felt the need to offer this today is that Sunday the moratorium expires, and this is simply saying we can solve that and extend it for 8 months, until next June 30, and there will be no expiration.

I appreciate the Senator yielding.

Mr. WYDEN. Mr. President, to wrap up briefly, we have tried for 18 months to bring the parties together. For example, I proposed—in spite of the fact that I see absolutely no evidence that any jurisdiction in this country has been hurt by their inability to impose discriminatory taxes. I proposed, over the opposition of many in business, that when the mayors and Governors have a proposal that is ready to go, they be given an opportunity to have a vote in the Congress, an opportunity to vote on a proposal of their choosing.

So I have clearly gone to considerable lengths to try to be sensitive to the concerns of mayors and Governors. I hope we will continue the effort to try to bring the parties together.

I was not aware there was going to be an effort to proceed to this bill by UC today, otherwise there would have been many colleagues, who share my view and support the legislation I offered with Congressman COX that passed 98 to 2 in this Chamber, to support those positions to carry on this debate. The only way we are going to get this done is to bring the parties together.

I point out finally with respect to the time period, the National Conference of State Legislatures, known as NCSL, said recently they wanted a 4-year moratorium because they were not ready, from a technological standpoint, to advance the solutions that would address this issue without putting burdens on out-of-state sellers.

We are dealing with an extraordinarily important issue. The technology sector has been very hard hit, as all of our colleagues know. The last thing they need is to be shellacked with discriminatory taxes. There are more than 7,600 taxing jurisdictions in this country. If you are talking about overturning the Quill case, which is what this debate is all about, which says that you cannot impose taxes unless there is physical presence in a particular jurisdiction—a case I strongly support—you are dealing with very serious matters with respect to the economy of this country.

I would like to see us go back to the way we tried to deal with this for the last 18 months, which was in a conciliatory way, trying to bring the parties together. Starting Monday, there is an opportunity for considerable economic mischief. Fortunately, only four State legislatures are in session right now, but there is an opportunity for considerable economic mischief.

The legislation that Senator McCAIN and I have advanced on a bipartisan basis provides the framework to proceed, but Senator Enzi, who has been very constructive on this issue for quite some time now, has made for me and others a copy of another proposal he has. I assure him and those with whom he is working that we will look at it very carefully and work with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I had not intended to speak this morning, but I arrived in the midst of the discussion of an issue which I think is very central to our federalist system of government. The Nation depends upon our States and local governments to deliver some of the most basic services that protect the security and advance the well-being of our people and our Nation as a whole.

We just had a dramatic demonstration of that with what happened after September 11. While there were a number of Federal personnel involved, the front line, the first responders, the people who lost their lives in the collapse of those buildings serving the public interest were largely employees of State and local governments.

We know, and we all applaud the importance of education for the future of our Nation. That is predominantly a State and local responsibility. What we are talking about today is the capacity of State and local governments to have sufficient control of their sources of revenue to continue to provide those very services.

While the current law, as the Senator from Oregon has correctly stated, focuses on prohibiting the States from adopting discriminatory tax systems that will single out and adversely affect distance sellers, particularly those who sell over the Internet, the fact is there is another form of discrimination, and that is the discrimination between the Main Street retail seller and that distant seller.

The discrimination is that in times past, we have adopted a philosophy that said in order for a State to require a seller to collect its sales tax, there had to be a physical presence of that seller within the State. That was a concept that made sense in a previous era, but that era has passed.

We just passed a major antiterrorism bill, and one of the basic changes we made had to do with wiretaps. Our wiretap law was basically written for the old rotary phone. It proved to be inadequate to deal with the issues of the cellular phone, computer communication, and all the things with which we are now familiar and in daily personal use.

The same economic and technical changes that have caused the Congress to reevaluate its concept of what it takes to fight terrorism have affected the way in which commerce is delivered in America.

We now have a situation where if you sell the same book at a retail store on Main Street, that seller is obligated to collect the sales tax of the State and local jurisdictions that might be imposed on that book. If you buy the identical book over the Internet, there is no obligation to collect sales tax.

I do not think that is a defensible differentiation, and the practical effect of that is going to be over time to erode the competitive position of the Main Street seller, and through that erosion also affect the ability to properly finance our police, fire, and education systems that are so critical to the functioning of our Nation.

Yes, there is an issue of discrimination here, a mild discrimination, and a quite unlikely discrimination that might be directed by State legislatures against Internet sellers and a massive discrimination that is being directed today against the Main Street retailer.

I believe these two issues are interconnected, and we should do as Senator ENZI is suggesting: At the same time we grant an extension of the moratorium, we build into that extension a mechanism that will result in the resolution of this much bigger issue of discrimination—the discrimination against the Main Street seller.

Mr. WYDEN. Will the distinguished Senator from Florida yield for a question?

Mr. GRAHAM. In just a moment when I complete my remarks, I will be pleased to yield.

The reality is that what we are about here, for those who are new to this issue, is the fact that time is on the side of the distant sellers. Right now, a relatively small percentage of American retail sales are conducted over the Internet, but that percentage has been growing every year. Already the distant sellers have acquired enough influence to cause the House of Representatives to take the action it has taken and to build considerable support within the Senate for an extension of the moratorium without any mechanism to deal with the discrimination against Main Street and the discrimination against the children and the other citizens who depend upon State and local government for fundamental services such as education and police.

The secret of those who would like to effectively make this discrimination against Main Street permanent is they want to continue moratorium after moratorium until the percentage of people who are using the Internet is so great that there will be no political constituency to deal with this discrimination.

I state for myself and I believe for others that we consider this to be a core issue of the future of federalism in America; that we have to have strong State and local governments, and we have to depend upon them to make decisions appropriate to their people. State and local governments, as one who served there for 20 years, do not like taxing their people. They are as sensitive to that as we are in Washington, maybe more so.

We should not deny them the capacity to make the decisions that are in the best interest of their people. That is a fundamental part of our federalist system, that different levels of government have responsibilities and must accept the obligation of those responsibilities, including the appropriate way to finance them.

So this is, as I say, a very basic issue. I, for one, will insist before we extend this moratorium beyond the very short period as suggested by the Senator from North Dakota that any longer extension must be linked to a process, not a solution but a process, to move us towards the resolution of this fundamental discrimination that exists within our Nation and within our economy today.

I yield to the Senator from Oregon for his question.

Mr. WYDEN. I thank my colleague, and I think he knows I am very much committed to working with him and with Senator ENZI. I do not know how many hours we have put in over the last 18 months trying to do this. My question was designed really to get a sense of the thinking of the Senator on a particular point that may help us move this issue along.

What I and many others are concerned about is sticking it to sellers who are located thousands of miles away from a local jurisdiction and that seller has no presence in the local jurisdiction other than a Web site. That is the only presence they have today. Of course, the Supreme Court has said there has to be physical presence, under a current Court decision, in order to do that.

In the view of the Senator from Florida, what is the case for imposing these various taxes—of course, anything that is already owed can be collected under the current Internet tax freedom bill, so we are talking about something new. What is the case in the mind of the Senator for having changed treatment of that particular seller who is located thousands of miles from a local jurisdiction and who has no presence in that jurisdiction other than a Web site?

Again, I do not ask this question for any other reason than I think it would be helpful for me and others who spent a significant amount of time to get the thinking of colleagues as we try to figure out a way to move forward on it.

Mr. GRAHAM. I appreciate the very sincere and committed effort the Senator has made to try to arrive at a resolution, and I hope in this debate which has arisen today, and will arise with greater frequency now that the moratorium is about to lapse, that we can reach such a resolution.

What I think is basic is, first, the Constitution. The Constitution vests—and it was one of the most controversial debates at the Constitutional Convention of 1787—in the Federal Government the control of interstate commerce. The Supreme Court, as I read the most recent opinions on this issue, did not say requiring distant sellers to collect sales tax was unconstitutional. Rather, they said it was unauthorized; that it would take an affirmative act of Congress to sanction the States to require distant sellers—that is, sellers who did not have a physical presence in their State—to collect their sales tax.

So the issue is, we have to take an affirmative act in order to empower the States to require that distant sellers should collect their sales tax. So then the question is why——

The PRESIDING OFFICER (Mrs. CLINTON). The time of the Senator from Florida has expired in morning business.

Mr. GRAHAM. Madam President, I ask for an additional 2 minutes to complete the answer to the question from the Senator from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. So the question then is whether we should take that affirmative action. I think we should for two basic reasons. One is fairness. It is, in my judgment, intolerable to have an economic system in which government says if you are selling from a distant location, you are at a competitive advantage over persons who are selling on Main Street. That is precisely the current circumstance of requiring one to collect sales tax but not requiring the other to do it, and it is not an insubstantial competitive disadvantage. In my State, depending on which locality one is in, it could be a 6-, 7-, or more percent differential.

Second, the practical effect of this is going to be to erode the capacity of State and local governments, acting through the democratic process of representative election and decision, as to what services should be provided and how they should be financed to substantially erode that capability.

My State happens to be particularly dependent upon sales tax. About 70 percent or more of our general revenue is collected by sales tax. So if there were a significant percentage of that which moved from Main Street to distant seller, it would have an immediate and substantial impact on the capacity of our State to educate its children, to defend our people through police, to protect our people in time of emergency through fire and other emergency response institutions.

So this is a basic question of whether we at the national level are going to say to our brethren in the 50 States that for all time you are going to be saddled by this discrimination, which will have the effect of eroding your capacity to decide how to finance the services your people are asking you to provide.

I do not believe all wisdom resides in Washington. I believe in a distributed democracy and that we ought to let 50 States and thousands of local jurisdictions make those kinds of judgments, and eliminating this massive discrimination that currently is part of our tax system will return that degree of respect and capacity to State and local governments.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Madam President, at what time is the Senate expected to reconvene following the recess?

The PRESIDING OFFICER. 2 p.m.

Mr. BYRD. I ask unanimous consent that at 2 p.m., when the Senate reconvenes following the recess, I be recognized for not to exceed 35 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, I ask unanimous consent that Senator VOINOVICH be allowed to follow the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

I have refrained from getting into this discussion about the moratorium on Internet taxes up to this point, but I need to voice some comments because I am one of the people who has been working on this issue for the last 18 months and was a part of the debate we had 18 months ago that put the current moratorium into effect.

I thank Senator GRAHAM from Florida, who has been intensely involved. He has been one of the main people who has provided a connection with Congress and State legislators. I thank Senator RON WYDEN, the Senator from Oregon, for his intense interest. I think probably the number of hours the Senator from Oregon and I, and Senator McCAIN, Senator KERRY, Senator DORGAN, and Senator GRAHAM have spent in meetings on this issue, which has not been a specific bill, probably exceeds the time spent on any other issue that was not actually a bill, which indicates the intensity of the need there is to resolve the issue nationwide.

Particularly since the events of September 11, there has been a drain on resources for cities, towns, counties, and States as they have put more security in place, as they have provided for the difficulties that have happened in their States. Most of them rely on a sales tax to be able to do that.

Education is another area heavily funded by sales taxes. Those States that collect sales taxes and rely on sales taxes have been intensely interested that their right to collect sales taxes is not taken away. Getting all of the groups together has been extremely difficult: the recognition that there is an added burden on direct marketers when they do this, that the States need it, that the retailers are at an unfair disadvantage if there is not a sales tax collected. And it is small retail merchants that provide for donations for the year books and the other local activities that would be sorely missed if they were not there.

Getting some protection for all of these groups and bringing them together has been a real task. We have been making tremendous progress. There has been some concern that the moratorium runs out Sunday and the Nation will go into a major crisis. That is not the case. The grandfathering dates back to 1998. I suspect nobody is going to undo that particular date.

We need a solution. This is not my solution. This is the solution of all of the people I mentioned who have been working on it and will be continuing to work on it to come to some kind of an agreement where, first of all, we extend the moratorium; second, we make sure we protect the States so they can, with some pressure—and this is where the States have to come to the middle, too—simplify their tax system so that direct marketer or that person doing remote sales has some capability of complying. In order to make that easier, one of the things we have built into the bill is a requirement that there be one form, one reporting place, one place to send the check, and a maximum of one audit. There is also a requirement there be reasonable compensation to the person who collects it.

Everybody who does direct sales collects sales taxes. They collect it in the State in which they are located, which is where they have a nexus and in other States where they have a nexus. There is an intense interest on their part to see that there is some simplification to the tax system in the States where they have to work.

Mr. WYDEN. Will the Senator yield for a question?

Mr. ENZI. I am happy to yield for a question when I complete my remarks.

As I mentioned, we have been working with retailers and a coalition, including a lot of retailers and others who rely on the sales tax or rely on businesses that have a sales tax. That includes people who build shopping malls and do other types of retail businesses. I acknowledge their help in coming to this particular bill. I thank the National League of Cities and the National Governors' Association, and most particularly, my Governor from Wyoming, Governor Geringer, and the Governor from Utah, Governor Leavitt, for the tremendous hours they have put in together trying to get everybody on the same page.

I yield for a question.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank my colleague from Wyoming. I appreciate the work that has gone into this. He obviously has strong views on it. It has been very constructive in trying to work with me and others.

I ask my colleague about a procedural matter that could allow us to go forward and bring the parties together. Senator McCAIN and I introduced legislation several weeks ago that is virtually identical to what the House passed this week. The House has already begun to move.

My question to my colleague is, would the distinguished Senator from Wyoming be willing to work with me and others, the entire group involved, to craft a unanimous consent request that could come up early next week where we could take up in the Senate the House-passed bill and then have an open and fair debate on amendments and all of the up-or-down votes that Members of this body would choose to have?

Would my colleague be willing to work with me and others to see if we could craft that kind of approach that is agreeable all around?

Mr. ENZI. I am happy to work with the Senator from Oregon. I have been working also with the Senator from Arizona, Mr. McCAIN, to see if we cannot propound some kind of unanimous consent. It needs to be done quickly before States run off the edge and pass some things we might then feel bad about repealing but have to repeal. I am interested in doing that.

However, I hope the propounded unanimous consent could deal with this bill, rather than the straight 12-month extension. I have been talking to people on the House side and I think they see some reasonableness in going with the approach I am providing, as well.

We need to come up with a propounded unanimous consent that will get us to this form of debate and voting on amendments so this bill will have a majority of cosponsors and can be passed.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. REID. Today Senator DORGAN, the chairman of the Democratic Policy Committee, is going to have at our luncheon the Ambassador of Egypt, the Ambassador of Jordan, the Ambassador of the United Arab Emirates and the Charge d'Affaires of Pakistan. I compliment Senator DORGAN for arranging these eminent people to speak with Members.

I mention that only as a preface to a letter I received from a constituent of mine in Las Vegas, a young constituent. Her name is Sanaa Khan, and she is a ninth grade student. The letter reads:

> Dear Senator Reid: It is unfortunate that Americans do not have the basic knowledge about Islam. This is the faith practiced by almost seven million Muslims living in the United States, and over one billion people around the world. It is the fastest growing religion in the world. As a research topic for my 9th grade English project, I chose to highlight the basic tenets of Islam, in order to develop a better understanding among my friends and teachers in school. I would like to send this to you so that you may share with your friends and colleagues.
>
> The Islamic belief is structured around five main pillars: (1) The profession of faith. (2) Daily worship. (3) Fasting during the month of Ramadan (based on the Islamic lunar calendar). (4) Charity and (5) Making the pilgrimage to Makkah.
>
> The profession of faith is simple. It's declaring that one believes in one God and that Muhammad (peace be upon him) is the messenger of God. By reciting this, one may convert to Islam. Muhammad (peace be upon him) was the last prophet of God who lived from 570 to 633 BCE.
>
> Daily worship is praying five times a day: at dawn, midday, afternoon, evening, and at night. These prayers are short and include recitation of verses from the Qur'an, the holy book for Muslims. During these prayers, Muslims bow their heads in the direction of Makkah, Saudi Arabia, the holiest place for Muslims.
>
> Charity in Islam is called "zakat". This is the obligation to share what one possesses

> with the poor. Muslims are required to give 2.5% of all the money and jewelry they own once a year to less fortunate people.
>
> Fasting during the month of Ramadan is also mandatory. Fasting is refraining from food and drink from dawn until dusk. Muslims go by the Islamic lunar calendar making Ramadan the ninth month. Fasting is significant because it makes you a stronger person by realizing the significance of self control, discipline, and restricting ones desires.
>
> The last pillar is making the pilgrimage to Makkah, Saudi Arabia. This pilgrimage is called Hajj. The holiest mosque is in Makkah, Masjid-al-Haram. Hajj occurs only once a year during the twelfth month of the Islamic calendar. It is required that you perform Hajj at least once in your lifetime if one can financially afford it.
>
> The prophet of Islam is Muhammad (peace be upon him). He was born in Makkah, Saudi Arabia in 570 BCE. In 610 BCE, the angel Gabriel carried the revelation from God and brought it down to Muhammad (peace be upon him). After a period of time, these revelations were placed into one book called the Qur'an.
>
> I hope this information, though very basic, would at least provoke some thought process towards efforts to better understand Islam.

I appreciate very much Sanaa sending me this letter. I hope everyone in the Senate will become familiar with her letter and become familiar with the tenets of her religion.

I have been on the floor before, speaking about Islam and what a great religion it is. I have said before and I repeat that my wife's primary physicians are two members of the Islamic faith, her internist and the person who has performed surgery on her. I know them well. I have been in their homes. I have socialized with them. I have talked about very serious things with them. We have helped each other with family problems.

I have been to the new mosque with them in Las Vegas. They are wonderful people with great families. I have come to realize Islam is a good religion; it is a good way of life. Muslims maintain a good health code as their religion dictates, and they have great spiritual values as their religion dictates. It is too bad there are some people—evil people around the world—who would target the innocent in the name of Islam.

I believe that the strength of Islam, and the faith and fortitude of more than one billion Muslims around the world, will overcome these evil people and their evil deeds.

(The remarks of Mr. REID pertaining to the introduction of S. 1566 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMILY COURIC

Mr. ALLEN. Madam President, I rise this afternoon on a very sad note. We lost a State senator from Virginia, Emily Couric.

For those who knew Emily Couric, and for those who worked with Emily Couric and followed her life and her battles, we all know we have lost a fine person. We have lost an articulate, passionate, and inspirational leader.

Emily Couric passed away today, October 18. She had been a State senator in the 25th District of Virginia since after her election in 1995. That is an area around Charlottesville, Albemarle County, Greene County, Madison County, Orange County, and Nelson County—generally the Piedmont area of Virginia.

She passed away of pancreatic cancer today in her home in Charlottesville.

She served in the State senate while I served as the Governor of the Commonwealth of Virginia.

She was recognized by all on both sides of the aisle as a leader—especially in her areas of greatest concern, which were health care and education.

Before serving in the State senate, she served on the school board in the city of Charlottesville, and indeed before getting elected to the State senate was chairman of the school board.

She had many accomplishments, such as establishing advanced mathematics and technology diploma seals for those high school graduates. Picture that—encouraging students to do even more than what is just enough to get by. But if they wanted to do even more, they could add an advanced mathematics and technology aspect to their education.

She was also a leader in supporting research and rehabilitation for victims of spinal cord injuries and traumatic brain injuries.

She was a leader in the Democrat Party in Virginia. Had she not contracted pancreatic cancer, she would right now certainly be running for Lieutenant Governor on the Democrat ticket. She explored that race. But she was diagnosed with cancer back in July of last year—2000. She was certainly regarded as a frontrunner and would not have had any opposition whatsoever in her party. I would certainly guess that she would probably have won very easily. But she had to withdraw from the race because she had to undergo treatment for the pancreatic cancer.

Nevertheless, she didn't want to get out of what she cared about, which was serving the people. Indeed, she served as the general chair of the Democrat Party of Virginia, and undertook that responsibility in December of 2000.

She served on many committees in the State senate, such as the Education and Health Committee, the Agriculture, Conservation and Natural Resources Committee, and the Rehabilitation and Social Services Committee.

She served in a variety of areas, but she did not just serve Virginia, she served the region. She served not only in the legislature, but on the Southern Regional Education Board and the Southern Legislative Conference Education Committee, as well as other policy committees.

As I said, prior to her election, she did serve on the Charlottesville School Board from 1985 to 1991, including one term as chairman. She served on a lot of community boards and organizations. She was a member of the Charlottesville Boys & Girls Club, the Charlottesville Area School Business Alliance, the Jefferson Area Board for Aging, the Virginia National Bank, the Virginia Festival of the Book, the Heritage Repertory Theater, Camp Holiday Trails, and various other activities in the community. Until her last breath, you knew her passion was for all these ideas, but especially those that would benefit youngsters with their health, their education, and their future opportunities.

She was born in Atlanta, GA. She moved to Virginia in 1951. She was a graduate of Yorktown High School in Arlington, VA, right across the river from us.

She received her bachelor of arts from Smith College and graduated with honors, magna cum laude, Phi Beta Kappa, and Sigma Xi from Smith College.

Expressing for my colleague and myself, and I think all Senators and anybody who knew Emily Couric, our prayers and thoughts are with her husband, Dr. George Beller of Charlottesville, VA, her son Ray Wadlow—he is a doctor—and her daughter-in-law Jessica of Philadelphia, PA; and her son Jeff Wadlow of Los Angeles, CA.

She is also survived by her parents Elinor and John Couric of Arlington, VA; her siblings, Clara Couric Batchelor, John Couric, Jr., and, of course, one we know and see every morning, Katie Couric; her step children, Michael Beller, Amy Beller, and Leslie Beller; and also seven nieces and nephews; and two step-grandchildren.

We will all miss Emily Couric. Regardless of our political parties, Emily Couric was an inspiration. Her life really embodied her true dedication to her fellow human beings.

Once she was diagnosed with this terrible cancer, she kept fighting. She did not give up. She is an inspiration and her spirit lives on. All of us have been blessed to have known her; and, indeed, future generations will have healthier, better lives because Emily Couric cared enough to devote a great deal of her lifetime to public service and the betterment of others.

Mr. WARNER. Will the Senator yield for a moment?

Mr. ALLEN. I am pleased to yield.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. Madam President, I associate myself with my colleague's remarks. I say to Senator ALLEN, indeed, you knew her very well. I had come to know her in later years.

The Presiding Officer might be interested in this little story. I had a chance to be with her about 6 or 8 months ago, it seems to me, when she won an award in Northern Virginia and I was sort of the toastmaster of that evening. We had a very friendly conversation—as we often do.

I talked to her about my father, who had likewise died from cancer. He was a medical doctor who devoted his life to others. We engaged briefly in a conversation.

I said: It took great courage for you not to seek the Lieutenant Governor's post.

She acknowledged that, and then, with a twinkle in her eye—she was a very attractive woman, by the way—she said: Yes. I thought about the Lieutenant Governor post because that was going to be a way stop to come and have a campaign against you, Senator WARNER.

And she could have waged a campaign against this old Senator that would give him a wakeup call, for sure.

Our State has lost one of its shining stars, but that is God's will, and we must accept it. I share with the Senator our prayers for her family and her friends.

Mr. ALLEN. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I add my voice to that of the two Senators from Virginia. I did not know Emily Couric, but having listened to the distinguished junior Senator from Virginia speak about her, and the senior Senator, not only did Virginia lose someone of great value but the country did as well. I am sure her family and friends appreciate immensely the words spoken in this Chamber this afternoon. I am sure all of us would like to associate ourselves with them. We express our sympathies to them.

BEST PHARMACEUTICALS FOR CHILDREN ACT

Mr. DODD. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 184, S. 838; that the only amendment in order other than the committee-reported substitute be a Dodd-DeWine amendment; that the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 838) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Pharmaceuticals for Children Act".

SEC. 2. PEDIATRIC STUDIES OF ALREADY-MARKETED DRUGS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) by striking subsection (b); and

(2) in subsection (c)—

(A) by inserting after "the Secretary" the following: "determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and"; and

(B) by striking "concerning a drug identified in the list described in subsection (b)".

SEC. 3. RESEARCH FUND FOR THE STUDY OF DRUGS LACKING EXCLUSIVITY.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C, relating to clinical research (42 U.S.C. 284k), as section 409G;

(2) by redesignating the second section 409D, relating to enhancement awards (42 U.S.C. 284l), as section 409H; and

(3) by adding at the end the following:

"SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS LACKING EXCLUSIVITY.

"(a) LIST OF DRUGS LACKING EXCLUSIVITY FOR WHICH PEDIATRIC STUDIES ARE NEEDED.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop, prioritize, and publish an annual list of approved drugs for which—

"(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j));

"(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)); or

"(iii) there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

"(B) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

"(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing the list under paragraph (1), the Secretary shall consider, for each drug on the list—

"(A) the availability of information concerning the safe and effective use of the drug in the pediatric population;

"(B) whether additional information is needed;

"(C) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and

"(D) whether reformulation of the drug is necessary;

"(b) CONTRACTS FOR PEDIATRIC STUDIES.—The Secretary shall award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct pediatric studies concerning one or more drugs identified in the list described in subsection (a).

"(c) PROCESS FOR CONTRACTS AND LABELING CHANGES.—

"(1) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.—

"(A) IN GENERAL.—The Commissioner of Food and Drugs, in consultation with the Director of National Institutes of Health, may issue a written request (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified in the list described in subsection (a) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a request shall be made in accordance with section 505A of the Federal Food, Drug, and Cosmetic Act.

"(B) PUBLICATION OF REQUEST.—If the Commissioner of Food and Drugs does not receive a response to a written request issued under subparagraph (A) within 30 days of the date on which a request was issued, the Secretary, acting through the Director of National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for contract proposals to conduct the pediatric studies described in the written request.

"(C) DISQUALIFICATION.—A holder that receives a first right of refusal shall not be entitled to respond to a request for contract proposals under subparagraph (B).

"(D) GUIDANCE.—Not later than 270 days after the date of enactment of this section, the Commissioner of Food and Drugs shall promulgate guidance to establish the process for the submission of responses to written requests under subparagraph (A).

"(2) CONTRACTS.—A contract under this section may be awarded only if a proposal for the contract is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(3) REPORTING OF STUDIES.—

"(A) Upon completion of a pediatric study in accordance with a contract awarded under this section, a report concerning the study shall be submitted to the Director of National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

"(B) AVAILABILITY OF REPORTS.—Each report submitted under subparagraph (A) shall be considered to be in the public domain, and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each of the drugs.

"(C) ACTION BY COMMISSIONER.—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (4).

"(4) REQUEST FOR LABELING CHANGES.—During the 180-day period after the date on which a report is submitted under paragraph (3)(A), the Commissioner of Food and Drugs shall—

"(A) review the report and such other data as are available concerning the safe and effective

use in the pediatric population of the drug studied; and

"(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

"(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

"(ii) publish in the Federal Register a summary of the report and a copy of any requested labeling changes.

"(5) DISPUTE RESOLUTION.—If, not later than the end of the 180-day period specified in paragraph (4), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph—

"(A) the Commissioner of Food and Drugs shall immediately refer the request to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee; and

"(B) not later than 90 days after receiving the referral, the Subcommittee shall—

"(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

"(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

"(6) FDA DETERMINATION.—Not later than 30 days after receiving a recommendation from the Subcommittee under paragraph (5)(B)(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

"(7) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (6), does not agree to make a requested labeling change, the Commissioner may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act.

"(8) RECOMMENDATION FOR FORMULATION CHANGES.—If a pediatric study completed under public contract indicates that a formulation change is necessary and the Secretary agrees, the Secretary shall send a nonbinding letter of recommendation regarding that change to each holder of an approved application.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $200,000,000 for fiscal year 2002; and

"(B) such sums as are necessary for each of the 5 succeeding fiscal years.

"(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.".

SEC. 4. TIMELY LABELING CHANGES FOR DRUGS GRANTED EXCLUSIVITY; DRUG FEES.

(a) ELIMINATION OF USER FEE WAIVER FOR PEDIATRIC SUPPLEMENTS.—Section 736(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)(1)) is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraph (G) as subparagraph (F).

(b) LABELING CHANGES.—

(1) DEFINITION OF PRIORITY SUPPLEMENT.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(kk) PRIORITY SUPPLEMENT.—The term 'priority supplement' means a drug application referred to in section 101(4) of the Food and Drug Administration Modernization Act of 1997 (111 Stat. 2298).".

(2) TREATMENT AS PRIORITY SUPPLEMENTS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by adding at the end the following:

"(l) LABELING SUPPLEMENTS.—

"(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENTS.—Any supplement to an application under section 505 proposing a labeling change pursuant to a report on a pediatric study under this section—

"(A) shall be considered to be a priority supplement; and

"(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

"(2) DISPUTE RESOLUTION.—If the Commissioner determines that an application with respect to which a pediatric study is conducted under this section is approvable and that the only open issue for final action on the application is the reaching of an agreement between the sponsor of the application and the Commissioner on appropriate changes to the labeling for the drug that is the subject of the application—

"(A) not later than 180 days after the date of submission of the application—

"(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

"(ii) if the sponsor of the application does not agree to make a labeling change requested by the Commissioner by that date, the Commissioner shall immediately refer the matter to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee;

"(B) not later than 90 days after receiving the referral, the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee shall—

"(i) review the pediatric study reports; and

"(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any;

"(C) the Commissioner shall consider the recommendations of the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate; and

"(D) if the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.".

SEC. 5. OFFICE OF PEDIATRIC THERAPEUTICS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Office of Pediatric Therapeutics within the Office of the Commissioner of Food and Drugs.

(b) DUTIES.—The Office of Pediatric Therapeutics shall be responsible for oversight and coordination of all activities of the Food and Drug Administration that may have any effect on a pediatric population or the practice of pediatrics or may in any other way involve pediatric issues.

(c) STAFF.—The staff of the Office of Pediatric Therapeutics shall include—

(1) employees of the Department of Health and Human Services who, as of the date of enactment of this Act, exercise responsibilities relating to pediatric therapeutics;

(2) 1 or more additional individuals with expertise concerning ethical issues presented by the conduct of clinical research in the pediatric population; and

(3) 1 or more additional individuals with expertise in pediatrics who shall consult and collaborate with all components of the Food and Drug Administration concerning activities described in subsection (b).

SEC. 6. NEONATES.

Section 505A(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)) is amended by inserting "(including neonates in appropriate cases)" after "pediatric age groups".

SEC. 7. SUNSET.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by striking subsection (j) and inserting the following:

"(j) SUNSET.—A drug may not receive any 6-month period under subsection (a) or (c) unless—

"(1) on or before October 1, 2007, the Secretary makes a written request for pediatric studies of the drug;

"(2) on or before October 1, 2007, an approvable application for the drug is submitted under section 505(b)(1); and

"(3) all requirements of this section are met.".

SEC. 8. DISSEMINATION OF PEDIATRIC INFORMATION.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 355a) (as amended by section 4(b)(2)) is amended by adding at the end the following:

"(m) DISSEMINATION OF PEDIATRIC INFORMATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of submission of a report on a pediatric study under this section, the Commissioner shall make available to the public a summary of the medical and clinical pharmacology reviews of pediatric studies conducted for the supplement, including by publication in the Federal Register.

"(2) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends in any way section 552 of title 5 or section 1905 of title 18, United States Code.".

SEC. 9. CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER SECTION 505A OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j) OF THAT ACT.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) (as amended by section 8) is amended by adding at the end the following:

"(n) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).—

"(1) IN GENERAL.—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month extension under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended—

"(A) if the 180-day period would, but for this subsection, expire after the 6-month extension, by the number of days of the overlap; or

"(B) if the 180-day period would, but for this subsection, expire during the 6-month extension, by 6 months.

"(2) EFFECT OF SUBSECTION.—Under no circumstances shall application of this section result in an applicant for approval of a drug under section 505(j) being enabled to commercially market the drug to the exclusion of a subsequent applicant for approval of a drug under section 505(j) for more than 180 days.".

SEC. 10. STUDY CONCERNING RESEARCH INVOLVING CHILDREN.

(a) CONTRACT WITH INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for—

(1) the conduct, in accordance with subsection (b), of a review of—

(A) Federal regulations in effect on the date of the enactment of this Act relating to research involving children;

(B) federally-prepared or supported reports relating to research involving children; and

(C) federally-supported evidence-based research involving children; and

(2) the submission to the appropriate committees of Congress, by not later than 2 years after the date of enactment of this Act, of a report concerning the review conducted under paragraph (1) that includes recommendations on best practices relating to research involving children.

(b) AREAS OF REVIEW.—In conducting the review under subsection (a)(1), the Institute of Medicine shall consider the following:

(1) The written and oral process of obtaining and defining "assent", "permission" and "informed consent" with respect to child clinical research participants and the parents, guardians, and the individuals who may serve as the legally authorized representatives of such children (as defined in subpart A of part 46 of title 45, Code of Federal Regulations).

(2) The expectations and comprehension of child research participants and the parents, guardians, or legally authorized representatives of such children, for the direct benefits and risks of the child's research involvement, particularly in terms of research versus therapeutic treatment.

(3) The definition of "minimal risk" with respect to a healthy child or a child with an illness.

(4) The appropriateness of the regulations applicable to children of differing ages and maturity levels, including regulations relating to legal status.

(5) Whether payment (financial or otherwise) may be provided to a child or his or her parent, guardian, or legally authorized representative for the participation of the child in research, and if so, the amount and type of payment that may be made.

(6) Compliance with the regulations referred to in subsection (a)(1)(A), the monitoring of such compliance (including the role of institutional review boards), and the enforcement actions taken for violations of such regulations.

(7) The unique roles and responsibilities of institutional review boards in reviewing research involving children, including composition of membership on institutional review boards.

(c) REQUIREMENTS OF EXPERTISE.—The Institute of Medicine shall conduct the review under subsection (a)(1) and make recommendations under subsection (a)(2) in conjunction with experts in pediatric medicine, pediatric research, and the ethical conduct of research involving children.

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) (as amended by sections 2(1), 4(b)(2), 8, and 9) is amended—

(1)(A) by striking "(j)(4)(D)(ii)" each place it appears and inserting "(j)(5)(D)(ii)";

(B) by striking "(j)(4)(D)" each place it appears and inserting "(j)(5)(D)"; and

(C) by striking "505(j)(4)(D)" each place it appears and inserting "505(j)(5)(D)";

(2) by redesignating subsections (a), (g), (h), (i), (j), (k), (l), (m), and (n) as subsections (b), (a), (g), (h), (m), (l), (i), (j), and (k), respectively;

(3) by moving the subsections so as to appear in alphabetical order;

(4) in paragraphs (1), (2), and (3) of subsection (d), subsection (e), and subsection (m) (as redesignated by paragraph (1)), by striking "subsection (a) or (c)" and inserting "subsection (b) or (c)"; and

(5) in subsection (g) (as redesignated by paragraph (1)), by striking "subsection (a) or (b)" and inserting "subsection (b) or (c)".

Mr. HATCH. Mr. President, I rise to commend my colleagues Senators DEWINE and DODD for their efforts to reauthorize an important piece of legislation—the pediatric exclusivity rules. The DeWine-Dodd pediatric exclusivity law was passed as part of the Food and Drug Administration Modernization Act of 2001. This bill has helped spur a great deal of research into pediatric indications for many pharmaceutical products. It is a good law.

I also want to recognize the efforts of Chairman KENNEDY and Ranking Member GREGG and Senator FRIST for their work in moving this through the HELP Committee.

I am offering a technical amendment that I believe will be acceptable to all, that clarifies how the pediatric exclusivity provisions work in conjunction with certain provisions of the Drug Price Competition and Patent Term Restoration Act. Representative WAXMAN and I were instrumental in developing this important 1984 law.

I have worked with my colleagues, the administration, and interested parties to make certain that the 1997 pediatric exclusivity law does not act to curtail the incentives of those generic drug manufacturers awarded 180 days of exclusivity under the 1984 law because they have successfully challenged a patent or have shown that a pioneer drug product is not infringed.

The amendment I offer today helps make clear that a generic firm that qualifies for the 180-day patent noninfringement/patent invalidity incentives gains just that—180 days, no more, no less.

I also thank Senator DODD for agreeing to continue to work to iron out some issues as this bill is conferenced with the House. For example, we want to work together to make certain the overlap language applies to generic drug applications already in the pipeline at FDA. I also understand that some may have concerns that certain aspects of this language may raise questions with respect to the takings clause. It is my hope that the conferees will work to perfect the language.

I commend Helen Rhee, who has worked on this bill for both her old boss, Senator DEWINE and her new boss Senator FRIST and Deborah Barrett of Senator DODD's office for their work on this bill.

I also commend the expert staff of the Food and Drug Administration, including Melinda Plaisier, Jarilyn DuPont, Liz Dickinson, and Kim Dettelbach for their hard work on this legislation.

I urge my colleagues to work together to reauthorize the DeWine-Dodd pediatric bill.

Mr. FRIST. Mr. President, I rise today to support S. 838, the Best Pharmaceuticals for Children Act. In the January 2001 report to Congress, the FDA stated that the law that we are reauthorizing today, "has done more to generate clinical studies and useful prescribing information for the pediatric population than other regulatory or legislative process to date."

In just the 3 years since the law was implemented, it has made a positive difference in the lives of thousands of children. I am pleased to be a cosponsor and strong supporter of this highly successful program. In the short time that this program has been in existence, FDA has issued about 200 written requests for pediatric studies. Companies have undertaken over 400 pediatric studies, of which 58 studies have been completed, in a wide range of critical therapeutic areas, including gastro esophageal reflux disease, diabetes mellitus, pain, asthma, and hypertension. Thirty-seven drugs have been granted pediatric exclusivity, and important label changes have either been made, or are underway, as a result of pediatric studies.

For instance, new pediatric dosing information for a new oral formulation of midazolam, a medication used to sedate children in surgery, now offers an alternative to the injectable form of the drug that needs to be directly injected into a child's vein. The studies submitted under this pediatric exclusivity law not only resulted in this new oral syrup formulation and correct dosing information, but also identified a subpopulation of pediatric patients with heart disease and pulmonary hypertension who are at higher risk for adverse events unless they are given lower doses than other children. A pediatric nephrologist from Memphis, TN, prescribed Randitidine, using new dosing and labeling information that resulted from this law, to neonates who were experiencing health problems due to acid reflux.

Despite the successes of this law, we did not settle for a straight reauthorization. We instead sought to improve this already highly successful law. This law provides a funding mechanism to ensure that off-patent drugs and certain declined written requests for the study of on-patent drugs, for which the Secretary believes there is a continuing need for pediatric testing, are studied. It establishes timeframes for responding to written requests, timeframes and processes for negotiating label changes, and authorizes the Federal Government to deem a drug misbranded if the company ultimately disagrees with FDA's proposed new drug label. The government could then begin an enforcement action under existing authority to seek a court order regarding relabeling of the drug.

We also lift the current restrictions on user fees established under the Prescription Drug User Fee Act to include this pediatric testing program. By including pediatric testing in the user fee program, the FDA will be given additional resources needed to give priority review to pediatric testing applications.

We provide for the public dissemination of summaries of the pediatric studies that are submitted so that certain unprotected information will be disseminated to pediatricians even before labeling information has been finalized.

I would like to thank Senator HATCH and his staff, Bruce Artim and Trish Knight, for their work in drafting language to clarify that this pediatric incentive program does not, and is not intended to, preclude other incentives, for example, one that provides for a 180-day exclusivity period for the first generic drug company that challenges a patent. Another important clarification we made in this bill is that the pediatric exclusivity program is not intended to prevent generics from entering the market solely based on the fact that some or all of the pediatric use information may be protected under the pediatric exclusivity law. Allowing generic drug companies to market a drug to adults, while requiring that any precautions, warnings, or contraindication for pediatric use that the Secretary determines to be necessary ensures that the safety of children is protected and that the intent of two different laws are both met.

To further ensure that the safety of children in clinical trials is protected, this bill requires that the Institute of Medicine conduct a review of federal regulations, reports, and research involving children and provide recommendations on best practices relating to research involving children. This builds on an important review and report from the Department of Health and Human Services that Senator KENNEDY and I worked with Senator DEWINE and DODD to include in the Children's Health Act last year.

While we ensure that the Secretary convenes and consults with the Pediatric Advisory Committee, we also ensure that pediatric oncology remains a research priority. Twenty written requests have been issued so far for oncology drugs, and this bill authorizes the Pediatric Oncology Subcommittee to evaluate therapeutic alternatives to treat pediatric cancer and provide recommendations and guidance to ensure children with cancer having timely access to the most promising new cancer therapies.

I would like to thank my colleagues, Senators DODD, DEWINE, AND KENNEDY for their relentless effort to create such a strong bill. We have worked hard to make major improvements to an already highly successful law. I would like to thank Senators COLLINS and BOND for their early support and for helping to draft language to ensure that drugs used in the neonate population are studied, when safely and ethically appropriate. I also appreciate the support of Senators GREGG, MIKULSKI, JEFFORDS, MURRAY, CLINTON, BINGAMAN, and WELLSTONE for this bill and for their help in improving this already highly successful pediatric testing law.

I would also like to thank Helen Rhee on my staff and Debra Barrett from Senator DODD's staff for their tireless dedication and effort to help us bring so many Members from across the aisle and off the Hill together to pass this legislation. Finally, I would like to thank Elaine Holland Vining with the American Academy of Pediatrics, Mark Isaac and Natasha Bilimoria with the Elizabeth Glaser Pediatric AIDS Foundation, and Jeanne Ireland, Christie Onoda, and Stephanie Sikora from Senator DODD's office for their expertise and guidance in drafting this bill. Vince Ventimiglia from Senator GREGG's staff, Christina Ho from Senator CLINTON's staff, and David Dorsey, David Nexon, and Paul Kim from Senator KENNEDY's office also deserve much credit for negotiating and bringing this bill to final passage today.

AMENDMENT NO. 1905

The amendment (No. 1905) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The committee amendment in the nature of a substitute, as amended was agreed to.

The bill (S. 838), as amended, was read the third time and passed.

ORDER OF PROCEDURE

Mr. DODD. Madam President, we are about to go into recess.

I ask unanimous consent that when the Senate reconvenes and after the remarks of Senator BYRD and Senator VOINOVICH, Senator DEWINE and I be recognized for a half hour with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. REED).

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for up to 35 minutes.

CONTINUING THE WORK OF THE SENATE

Mr. BYRD. Mr. President, in the early days of the Great Depression, I lived in the coal mining camps of southern West Virginia. I remember those days when we only had an old Philco radio up on the wall of the house. But the voice of President Franklin Roosevelt was a golden voice. When his voice came over the airways, the coal miners and their families gathered around and listened intently and always with hope.

Roosevelt, in his first inaugural address, stated quite clearly:

> [T]he only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance.

Mr. President, the U.S. Senate must not be paralyzed. At a time when the Senate must lead by example, we must show the Nation that work can continue and that our Government will not close down.

Congress is supposed to approve 13 appropriations bills—these are the regular appropriations bills—by the start of the fiscal year on October 1. But that fiscal year started several days ago. Yet we have only sent the Interior and the military construction appropriations conference reports to the President for his signature. At the same time, we have now approved a third continuing resolution—this one to last until October 31. That is Halloween. The Appropriations Committees in the House and Senate have been doing their work. The legislation is being written and reported to the Senate for consideration. But instead of debating and voting on these bills, instead of expeditiously doing the work of the people, the Senate is moving all too slowly—moving at a snail's pace, as a matter of fact—on these essential funding bills.

The American people are looking for leadership in their elected representatives, and they have a right to demand it. We need to act; we need to show them, we need to show the world that the Senate is undaunted, that we can accomplish our goals notwithstanding those who would seek to have the American people cower in fear.

One of the bills, for example, delayed on the floor is the fiscal year 2002 foreign operations appropriations bill includes $450 million to combat HIV-AIDS, the worst global health crisis in half a millennium. The bill includes money for medicines to treat malaria and tuberculosis. Hundreds of millions of dollars for efforts to reduce poverty, improve basic health care, and build basic housing and sanitation systems are also being delayed. Even funds to combat terrorism and to reduce threats from biological, chemical, and nuclear weapons are currently in that bill, the bill being held up by one side of the aisle on this Senate floor.

I appreciate the efforts of the majority leader to bring these appropriations bills to the floor. Unfortunately, his efforts to date have been blocked to a considerable extent.

Now is the time for the Members of the Senate to exercise the leadership which the American people have entrusted to us. Now is the time to abandon petty political partisanship and to link arms against terror. Now is not the time to ignore our responsibilities. Now is not the time to abandon our posts and scurry out of town. Let us demonstrate a steady hand. Our message must be that calmness is going to prevail. It does prevail; it will continue to prevail. We must avoid the appearance of disorder, panic, and especially petty partisanship.

To those who say let us slam all of our legislation into one package and pack our bags and get out of town, I say lift your sights. We cannot fulfill our duties with one eye on the door. We have a Constitution to guide us. We have a Constitution to uphold and an oath to which we swore our solemn allegiance.

We cannot let Osama bin Laden take over the Senate. We cannot succumb to terror, nor can we succumb to partisan games. Many of our appropriations bills are waiting and ready for Senate floor debate. These are bills that fund important programs, important programs for you out there in the Great Plains, in the great hills and valleys throughout this country—important for the well being of our people. These bills fund endeavors which are critical to our homeland defense, critical to our national defense, critical to our citizens' health, critical to our Nation's economic health. We must go forward. We must embrace the cooling comfort of reasoned, rational order and debate.

We have to protect our staff and the public who come to this complex. That is being done. I have every confidence that it is being done well and with great professionalism. But nobody ever said that representing the people would be easy. Now is the time for us to earn our paychecks!

We cannot simply fund these appropriations bills at last year's level in a giant continuing resolution and go home. And that is what will happen if we don't pass these appropriations bills. They will end up in a giant omnibus bill—a giant continuing resolution. That means they would be funded at the same level as last year. We must do the people's business.

We have seen great courage and grand dedication in the eyes of our citizens. One has only to recall the firemen, the rescue workers, the policemen, the volunteers who served so valiantly in New York City and who still dig and labor patiently through the rubble that inters thousands of the bodies of our fellow citizens. Are Senators any less dedicated to our jobs than these people have been to theirs? One has only to observe Old Glory flying from the windows of passenger cars and clutched in the hands of children to appreciate anew the spirit of our people and the power of American ideals.

We must not fail the millions of Americans by sending the message to misguided men that we can be so easily spooked.

This Nation has always produced men and women who had the spirit and the fortitude to carry on, to do the difficult job of protecting freedom and securing the constitutional pillars of this, the greatest Nation on Earth.

This Senate is the grandest of those constitutional pillars. Let us secure the people's House and promote the people's welfare by the simple and straightforward act of continuing to do our business and to do it in an orderly and rational way.

Horace said:

> Do your duty and leave the rest to heaven.

Now is the time for all of us to embrace the sublime wisdom of those words.

We might repeat the words of Longfellow in doing so:

> Thou, too, sail on, O Ship of State!
> Sail on, O Union, strong and great!
> Humanity with all its fears,
> With all the hopes of future years,
> Is hanging breathless on thy fate!
> We know what Master laid thy keel,
> What Workmen wrought thy ribs of steel,
> Who made each mast, and sail, and rope,
> What anvils rang, what hammers beat,
> In what a forge and what a heat
> Were shaped the anchors of thy hope!
> Fear not each sudden sound and shock,
> 'Tis of the wave and not the rock;
> 'Tis but the flapping of the sail,
> And not a rent made by the gale!
> In spite of rock and tempest's roar,
> In spite of false lights on the shore,
> Sail on, nor fear to breast the sea!
> Our hearts, our hopes, are all with thee,
> Our hearts, our hopes, our prayers, our tears,
> Our faith triumphant o'er our fears,
> Are all with thee—are all with thee!

THE GREAT GENERATIONS OF AMERICA

Mr. BYRD. Mr. President, in his book, "The Greatest Generation," NBC's news anchorman Tom Brokaw discusses the greatness of the generation of Americans who withstood the problems, the terrors, the doubts, the fears of the 1930s and the 1940s. He points out that it was this generation of Americans who "came of age in the Great Depression when economic despair hovered over the land like a plague." When Pearl Harbor made it irrefutably clear that America was not a fortress, he writes, "This generation . . . answered the call to help save the world from the two most powerful and ruthless military machines ever assembled." Afterward, those people "helped convert a wartime economy into the most powerful peacetime economy in history." This was "the greatest generation any society has ever produced."

Like Mr. Brokaw, I, too, admire the generation of Americans who survived the hardships of the Great Depression and won World War II. They were truly outstanding Americans, a great generation. I am proud to say they are of my generation.

But ever since reading Mr. Brokaw's book, I can't help but think about the greatness of not only that generation of Americans, but also the greatness of generation after generation of Americans. It seems that in almost every age of our history, Americans have risen to meet the challenges and difficulties of their times to move our country forward toward even further greatness.

I immediately think of the generation of Americans about which I love so much to read and to speak—the generation of Americans who won our independence and established this Government of the people, by the people, and for the people. In the Declaration of Independence, these Americans took the ideas of the English enlightenment and made them a national vision. These Americans infused into the very nature of our political life the egalitarian, democratic impulses that guide us today.

In seeking our independence, those Americans demonstrated remarkable determination, remarkable courage.

Just by putting their names on this Declaration of Independence, which I hold in my hand, the 56 signers became guilty of high treason against the British Crown. It was a crime that was punishable by death. But the unflagging determination of that generation was expressed in the words of Patrick Henry, who declared: "Give me liberty or give me death." It was also demonstrated by a 21-year-old schoolteacher turned soldier-patriot named Nathan Hale.

If your American history book doesn't tell the story of Nathan Hale, it is not a history book. It is probably a book on social studies, not a book of American history. I studied American history by reading Muzzey back in 1927, 1928, by the light of an old kerosene lamp. Muzzey. He told the story of Nathan Hale: When about to be executed by the British for supplying GEN George Washington with important information—drawings of the British gun emplacements, and so on, and about the location and the strength of the British troops, Nathan Hale uttered those immortal words: "I only regret that I have but one life to lose for my country."

The leaders of that generation of revolutionary Americans were not your down and out, nothing-left-to-lose, rebel-rousing revolutionaries.

Benjamin Franklin was a transatlantic figure, a world figure of great accomplishments. He was a world-renowned and respected scholar, philosopher, inventor, diplomat, and scientist.

George Washington was a highly respected, wealthy landowner. He did not have to leave his beautiful, vast country estate and risk everything, including his family fortune and death, to lead a ragtag revolutionary army against the mighty British military machine.

Thomas Jefferson was a great scientist, a great mathematician, author, educator, architect, inventor, political leader.

This list of greats in the revolutionary generation also includes such giants as James Madison, George Mason, Alexander Hamilton, James Otis, Samuel Adams, John Adams, and the list goes on and on. And it does not stop with the leaders. The list includes colonial merchants such as Robert Morris. It includes colonial craftsmen such as Paul Revere. It includes tens of thousands of colonial workers who made up the famous correspondence committees, the Sons of Liberty who enforced the boycotts of British goods, carried out the Stamp Act protests, and dumped the British tea into Boston Harbor.

It was these nameless colonial workers who made up that Revolutionary Army, who shivered through the cold winter at Valley Forge, who made that daring crossing over the Delaware River on that frigid Christmas Eve, and who turned the world upside down at Yorktown.

After winning the Revolution, this generation put their vision of America into a workable form, a government that embodied the principles, ideals, and values for which they had fought and died. So many of our Founding Fathers assembled in Philadelphia that hot summer of 1787 and formulated the U.S. Constitution, a copy of which I hold in my hand.

Mr. President, it simply does not get any greater than that when we speak of the greatest generation, but I cannot and I will not say that generation was greater than the generation that prevailed during the Great Depression and saved the world from the tyranny, the Nazi tyranny, nor can I say it was greater than the generation of Americans who experienced the events that led up to the Civil War, who saved the Union, and who ended the ugliest, most tragic chapter of American history: the chapter concerning the institution of human slavery. That generation of American greats included President Abraham Lincoln, Senators Charles Sumner, Henry Clay, John C. Calhoun, Solomon Foot, and Henry Wilson. It included writers such as Ralph Waldo Emerson and Henry Thoreau, the great contemporary of Emerson, Nathaniel Hawthorne, Herman Melville.

After the Civil War came a collection of extraordinary Americans that included John D. Rockefeller, the great grandfather of my colleague from West Virginia, Commodore Vanderbilt, Leland Stanford, J.P. Morgan, Andrew Carnegie, James Drew, James Hill, and Collis P. Huntington, who founded the city of Huntington, WV. These are just to name a few.

Referred to by such titles as "captains of industry" and "empire builders," this was the generation that industrialized America as the United States soared from fifth in the world in economic productivity to become the world's foremost economic power. With little exaggeration, industrialist Jay Gould stated:

> We have made the country rich. We have developed the country.

Mr. President, they certainly made modern industrial America that gave the United States the industrial base that enabled us to win World War I and then World War II. They, too, certainly qualify for having made up a great generation.

Between 1900 and 1920, a period of American history sometimes referred to as the "progressive era," a generation of reformers sought to clean up the mess created by the industrialization and urbanization of the late 19th century, including child labor, sweat shops, corrupt political machines, industrial and banking monopolies, and urban slums. These tenacious progressive reformers broke the control that railroad, lumber, and coal companies possessed over their State legislatures.

These men enacted many of the laws that still regulate and guide us today, including those that established the Federal Reserve System and Federal Trade Commission, as well as antitrust laws and the national income tax. They adopted four constitutional amendments, including the direct election of U.S. Senators, without which amendment I certainly would not be here and perhaps the Senator from Rhode Island, who presently presides over the Senate with such a degree of dignity and skill, aplomb that is so rare as a day in June, JACK REED.

That generation included some of our greatest political leaders, such as President Woodrow Wilson, during whose second administration I was born, and President Theodore Roosevelt and Senators Robert LaFollette, Henry Cabot Lodge, and William E. Borah.

It included some of the greatest journalists in American history, such as Ida Tarbell, David Graham Phillips, and Lincoln Steffens. It included some of the greatest labor leaders in American history, such as Samuel Gompers, and Mother Jones.

Mr. President, rather than pitting one generation of Americans against another in some sort of intergenerational competition, I like to recognize the greatness of a society, the greatness of a government, the greatness of a culture that is so instrumental in producing one great generation after another great generation and then another great generation.

It is not the singular greatness of any particular generation of Americans that we should recognize and celebrate but the greatness of a way of life that is ours, a way of life that not merely allows but encourages the American people to do our best, and allows and encourages the best to rise to the top, allows the cream of the crop to rise and become its own and fulfill its own talents, to excel, to succeed, and to make us a better Nation.

It is also important and fascinating to recall from where this greatness has come. Some, such as George Washington, the Roosevelts, and the Kennedys, did come from families of wealth, power, and education.

But the leader of the country during its darkest hours was a humble rail splitter who was born in a log cabin in western Kentucky. The leader of American military forces during the invasion of Normandy was a Kansas farm boy.

Look at the great industrialists of the late nineteenth century. John D. Rockefeller was the son of an itinerant patent medicine salesman. Andrew Carnegie was the son of a poor Scottish weaver. Jay Gould, Philip Armor, and Daniel Drew were children of poor farmers. James J. Hill began his career as an office clerk.

I daresay that the vast majority of Americans who have contributed to the greatness of this country, such as those who made up George Washington's motley revolutionary army, were plain, ordinary Americans, from ordinary places, doing ordinary things, until their country needed them. This included the men who fought at San Juan hill. This included the men who fought at Gettysburg. It included the men who stormed the beaches of Normandy, and, who, more recently, won Desert Storm.

Now we are seeing another generation of extraordinary Americans meeting the challenges and demands of our extraordinary times.

I am speaking foremost about the men who exemplified that New York spirit. Most of these were firefighters, policemen, and rescue workers at the World Trade Center and at the Pentagon who rushed in to save other lives, including many who gave their own lives in the process. Then we think of those who have labored so long and so hard, day after day, week after week, digging through the rubble of the worst disasters in American history, seeking to save one more life.

I am also speaking of those countless Americans who have given blood, money, and other forms of assistance to the victims of those disasters.

I am speaking of the men and women who wear our Nation's uniform, and may soon be put in harm's way to protect our country and defend the liberties and principles that we hold so dear.

I am speaking of the courageous men and women aboard United flight 93, who brought that plane down in the desolate fields of Somerset County, Pennsylvania, and saved the lives of hundreds, perhaps thousands, of their fellow Americans.

It does not get any greater than that. There can be no greater generation than these. All of these Americans qualify for greatness. They have made their generation yet another great generation of Americans.

It was people such as these who won our independence. It was because of people such as these that this country has survived a Civil War, a Great Depression, two world wars, and will now prevail in our current crisis. It is because of people such as these that our country has been, is, and will remain a great country.

I think of some verses from J.G. Holland.

God give us men!
A time like this demands strong minds, great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.

Men who can stand before a demagogue
And brave his treacherous flatteries without winking.

Tall men, sun-crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
It's large professions and its little deeds, mingles in selfish strife,
Lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God give us men!

Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;
Then wrongs will be redressed, and right will rule the earth.
God Give us Men!

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I cannot help but comment about the eloquent words we have just heard from the Senator from West Virginia. When I go home, people are quite concerned about our country, the state of our homeland security, the state of our security abroad, the situation with our economy. The eloquent words of the Senator from West Virginia speak to that and underscore the fact that when we have ever been challenged, we have had the people who will rise to the occasion and solve those problems that have been confronting our country.

One of the things I have been really impressed with is how thankful the people are that those of us who are Republicans and Democrats have been working together and putting aside partisan politics for the benefit of our country. We need to really not forget how important that is to our people at this very critical time. So I thank the Senator from West Virginia for his remarks.

Mr. BYRD. I thank my friend, the Senator from Ohio, for his kind comments.

THE IMPORTANCE OF AN ENERGY POLICY

Mr. VOINOVICH. Mr. President, earlier today I joined colleagues to underscore the importance of an energy policy to our national security. One of the reasons I came to the Senate was to adopt an energy policy. I lived with the lack of one as the mayor of the city of Cleveland and as Governor of the State of Ohio.

An energy policy is needed to secure our national economy and guarantee our competitiveness in the global marketplace and now, more than ever before, to secure our national security. We do indeed have to harmonize our environmental needs and our energy needs to continue to improve the quality of our air and water, public health, and at the same time guarantee we have the resources at reasonable cost to meet our energy needs.

In my opinion, we are in the midst of an energy crisis, one that is having a tremendous influence over the state of our economy and is affecting the quality of life of the American people and their confidence about the economic future of our Nation.

I believe this crisis is caused by several factors. One, as I mentioned, the national energy policy, is faulty. Two, we saw in California a deregulation law which could be looked at in other parts of the country. Three, environmental policies have contributed to a lack of diversity and difficulties in siting new facilities, pipelines, and transmission lines. The definition of something called NSR, new source review, has put utilities and manufacturers in limbo to the extent they are doing nothing to improve the environment, and at the same time doing nothing to improve the availability of energy in our country. Fourth, we are too reliant on foreign sources of oil. Fifth, I think we have had an inappropriate demonizing of nuclear power in this country.

As the Presiding Officer of the Senate knows, in his part of the country, many States rely heavily on nuclear power. Today we are a fossil fuel-based economy. Although there is broad recognition there will eventually be a shift away from primary reliance on fossil fuels and a greater use and emphasis on other resources, there are many people who would argue that alternative fuels are the answer to our energy crisis.

Yes, several alternative energy sources exist today. They are either inexhaustible: solar, wind, nuclear; or renewed through a natural process: hydropower, plant-based fuels such as ethanol and vegetable oils.

Currently, the contribution of alternative energy sources to U.S. needs range from less than one-tenth of 1 percent for wind and solar power, 3 percent from hydroelectric and biofuels each, and 8 percent from nuclear energy. Today, however, fossil fuel reserves appear to be adequate to serve this Nation's current energy needs, with a 70-year reserve for oil and approximately a 250-year reserve for coal at current consumption rates.

One of my colleagues noted that wind power is the fastest growing source of electricity in the world and we should look to it more seriously as an alternative energy source. Another colleague pointed out that solar panels covering 100 by 100 square miles would produce enough solar energy to power this entire Nation.

The truth is, although alternative energy sources are being used in some places across the country, we have been subsidizing solar and wind power for over 25 years. Combined, they make up only one-tenth of 1 percent of the total energy demand today.

Renewables are now generally costlier than fossil fuels. For example, solar power is currently 8 to 10 times more costly. Even assuming an optimistic technology scenario, it will take at least 30 to 40 years before renewables energy infrastructure could be built from its current level to start contributing significantly to our energy supplies.

In this chart we are talking about the impact of the lack of an energy policy. Costs have a disproportionate impact on low-income families. Since the beginning of the 107th Congress, I have been holding hearings across my State. I have asked individuals and business owners to relay their experiences on how the energy crisis has impacted them. In Cleveland, for example, I held a meeting with Catholic Charities, Lutheran Housing, the Salvation Army, senior citizens, low-income parents, and handicapped individuals.

I heard many heartrending stories about their struggles to be able to afford their monthly energy bills. The Catholic diocese said in the year 2000 their help line received 3,400 calls for basic needs, items such as food, utilities, mortgage, and rent. The number of calls the diocese received went up 96 percent from 1999 to 2000, a 194-percent increase from 1998 to 2000. In the first 7 weeks of 2001, the Salvation Army in Cleveland had 559 families seeking assistance with energy costs. In comparison, for all of 2000 they had 330 families.

On this chart, the Department of Energy demonstrates an individual or family making less than $10,000 a year is going to spend 29 percent of their income on energy. Those making between $10,000 and $24,000 spend about 13 percent of their income on energy. Those making over $50,000 spend 4 percent. It is obvious, for some of our brothers and sisters, the choice sometimes comes down to paying for heat or paying for food. Because of this, many of them had to rely on hunger centers for their meals and other necessities.

The next chart shows the principal sources of energy today are oil, natural gas, and coal. It goes without saying that these fuels have become essential elements in creating our way of life. Despite the fact that each year we use energy more efficiently, energy demand rises about two-thirds of the rate of economic growth. With the funk we have in the economy, that is a little bit down right now. The chart shows that nuclear, hydropower, and nonhydropower renewables and others make up a very small percentage of production. Any shortfall created between production and consumption of the other three main sources of energy—natural gas, oil, and coal—will be made up from imports. For example, oil imports have risen from 36 percent in 1973 to 56 percent in the year 2001. Refined gasoline net imports have risen from 1 percent in 1980 to approximately 5 percent in 2000. This increase in imports has been necessary to make up the difference from our closed refineries. Oil and natural gas demand is expected to continue to grow for the foreseeable future—oil at about 2 percent a year and gas in excess of 3 percent. Alternative energy sources such as wind and solar power are being pursued but will not alter this outlook for decades to come.

Next, U.S. energy production. Now that we know how much Americans can expect to consume over the next two to three decades—we are talking from 1995 to the year 2020—it is important to see how that expectation will be met, given our current state of resources. This chart shows how much energy we produce domestically by fuel type. We can see the hydropower. We can see the nuclear, nonrenewables. We have petroleum. We have natural gas. We have coal.

According to the Department of Energy, natural gas is expected to be the fastest growing component of world energy consumption. We saw that this winter when gas prices skyrocketed. Gas use is projected almost to double to 162 trillion cubic feet in 2020 from 84 trillion in 1999. If we do not increase infrastructure, installing more pipelines, the increased production will not reach our consumers.

According to a study by the nonprofit operator of New England's power grid, New England will be increasing its natural gas demand from 16 percent in 1999 to a projected 45 percent in 2005, but they lack the local pipelines to distribute the gas to its markets.

With that in mind, we also know there is an estimated 40 percent of undiscovered natural gas located on land leased by the Federal and State government. These resources will be needed to be tapped to accommodate the inevitable increase in natural gas consumption. If not, then we face the hardship of increasing dependence on foreign resources that will have the capacity to cripple our energy economy. The challenge to produce more oil and natural gas is greater because the production of our existing resource base is subject to a natural decline through depletion.

Fuel cells, electric vehicles, hybrids, biomass, solar technology, and wind energy, all represented on this chart as nonhydropower renewables, are all very promising alternative energy sources for the future. But right now there is no suitable infrastructure in place that will allow for these energies—even when combined, as you will see in later charts—to sufficiently supply current needs, much less future demands.

Let's look at U.S. energy consumption. The green line is the consumption of energy in this country. The red line represents the current production. And of the projections, the purple line represents renewables, including hydro- and nonhydropower. In other words, the difference between the green and the red line is what we are having to bring in from out of the U.S. sources in order to meet the needs of the United States of America.

Americans do consume more energy than we produce and will continue to consume more energy, especially fossil fuels, for decades to come. Although several sources exist today, the chart reflects, as I said before, that the contribution of renewables and others is very little, if you look down the road.

This means that our President is right. We need more refineries. We need more electric powerplants, more coal, more natural gas pipelines and production. It is plain to see that we will not be able to conserve our way out of this crisis. While conservation helps—and it has rightly made a difference—it is not going to meet our estimated consumption without drastically changing America's standard of living.

The United States of America is the world's largest energy producer, consumer, and net importer. However, it is no secret that the United States is becoming more and more dependent on foreign oil imports.

This chart reflects what we have to look forward to by way of dependence, out through the year 2020. If we look at our petroleum consumption and look at it here on this chart, and this green line is our petroleum production, what we are faced with is, between 2000 and 2020 we will be relying on oil from foreign countries. It is an enormous amount of oil. We will be depending on them for an enormous amount of oil.

Total imports in the month of April, for example, this year, as a percentage of total domestic petroleum deliveries was 62.4 percent. At this time last year, it was about 59 percent. The total petroleum products delivered to the domestic market in April equaled over 19 million barrels per day, while in the same month last year it delivered about 18.5 million barrels per day.

The scarce petroleum resource is not a problem experienced only by the United States; this energy crisis is experienced across the globe, so much so that as foreign countries realize the increase in their own energy needs, they will be far less willing to accommodate the growing export demands our country is going to place upon them. For example, China used to export oil. Today they are a big importer of oil. The demand for oil is growing worldwide.

But even with increased reliance on foreign oil as a country, we are not going to go far if we do not work earnestly to expand the natural gas and oil pipeline system we have in our country. Our Nation's 200,000-mile oil pipeline system is the world's largest. These almost invisible ribbons of steel deliver more than 13.3 billion barrels of crude oil and petroleum products in a typical year. Without them, it would take thousands of trucks and barges clogging the Nation's roads and waterways to do the same. The capacity of the system, however, is being seriously eroded and the future of oil and natural gas transmission does not appear to be promising.

If we refuse to act, the alternative will be a continued capacity squeeze and higher transmission costs passed on to the consumer. And in some areas they are very expensive.

This chart shows what we can expect under three different energy production scenarios through the year 2020. The top line assumes energy use with respect to economic growth. This means that if we as a nation continued along the same lines as we are currently traveling, to the year 2020, with energy demands rising in proportion to economic growth, and there were no further technological advances made, then consumption would increase dramatically.

The bottom line represents energy production growth without significant changes.

The second line is what the Department of Energy predicts will happen if consumers are offered a menu of available technologies to choose from, an example of which would be a family replacing a vehicle after several years of use, with a more fuel-efficient one.

What happens is, if you use this chart, if we use energy production with available technology and conservation, we will bring down the need. Then if we fold in energy production using available technology, we will bring it down some more. So this shows that by using technology and conservation, we can bring down this demand for energy in this country.

But the fact is, we still have a long way to go, if you look at the difference between this green line and this gray line. This is the amount of energy we are going to have to make up for during the years to come.

The third path, as I already mentioned, reflects the impact of conservation at its height.

The point I am trying to make is that we have an enormous gap between what we are going to need, in terms of energy in the United States of America, and our production. That gap will have to be made up by foreign imports if we do not act quickly to accommodate this increased demand with our own resources. There is no guarantee that these foreign imports will be available.

I believe we are more vulnerable today then ever before. Early this year, I visited with President Mubarak, for an hour, with Senator SPECTER. Then we traveled to Israel and met with at that time Prime Minister Barak, Shimon Peres, and now-Prime Minister Sharon, and several Arab leaders. I came back from that trip very concerned in regard to the growing Muslim extreme fundamentalism in that part of the world. The thought I had was that if this continued to grow and they impacted on our allies in that part of the world, we could be brought to our knees in terms of our ability to get oil from that part of the world.

I think most people would agree the situation today is far more scary than it was then. As you know, our major source of oil there is the Saudis—good friends. I am pleased the President and Secretary of State have worked with some of our friends there and they are stepping up to the plate and being responsive to our needs. But there is no guarantee. Osama bin Laden, who has targeted the leadership in Saudi Arabia, could change that situation.

Then the issue is, Where do we find ourselves? If we think about what happened in California this last year, and the urgency, the crisis, and the impact that it had on the rest of the country, it affected businesses in the State of Ohio. But when that happened, we started burning dirty diesel. Environmental restrictions came off, and we just went to town to take care of the problem we had in California.

Can you just imagine what would happen in this country if our oil supply was cut off? It would be Katy bar the door. We would get oil from wherever we could, and environmental concerns would go straight out the window because we would need to keep our country going.

What I am saying is that it is time we adopt an energy policy in this country. It is something that cannot be delayed. This is not a Republican or a Democratic issue. We have a real problem that needs to be solved. Our national security is in jeopardy, and we need to go forward and deal with this problem before we leave the Senate this year.

As far as I am concerned, it is just as important as the proposed legislation we have to stimulate the economy. If we don't have an energy policy as part of that economic stimulus and if we cannot guarantee that the future looks bright in terms of our energy costs, we are in deep trouble.

Part of the recession in the State of Ohio occurred this last winter when the price of heating oil went up because of the demand for natural gas. It struck a blow to many of the businesses in our State, let alone those people who I talked about before who live in our inner cities and who do not have the kind of furnaces we have, the windows, and all of the other items that are available to those who are a little bit more fortunate.

I am urging my colleagues in the Senate to arrange to work out some agreement where we can bring this energy issue to the floor and debate it. I am sure there are going to be controversial issues, but we have dealt with controversial issues before. Let's get it on the floor. Let's amend it. Let's debate it and get it over with so we can secure our economic future, secure our competitive position in the global marketplace, and, last but not least, secure our national security.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from North Dakota.

Mr. CONRAD. Mr. President, first I rise to compliment my colleague, the Senator from Ohio, on his presentation. I think it was a very useful one. I personally enjoyed it and learned from it. I thank my colleague for the effort that went into that presentation on our energy needs in this country. I thought he did an excellent job of presentation.

FARM POLICY

Mr. CONRAD. Mr. President, I rise today to talk about farm policy. We have just now heard that the administration has endorsed Senator LUGAR's farm plan, which fundamentally, in my judgment, abandons family farms and the rural economy.

The farm plan that the administration is now supportive of is radical and it is ruinous. I don't know how to sugarcoat it. This is an absolute unmitigated disaster for the rural parts of the country.

The President is, in essence, backing a plan that eliminates farm programs—this at a time that our major competitors, the Europeans, are outspending us 10 to 1 in support for farm producers, and in terms of export support they are outdoing us 30 to 1.

It is no wonder that these are hard times in farm country. It is no wonder that when I go home to North Dakota—one of the most agricultural States in the Nation—farm producers tell me they wonder why they should stay in agriculture when there is virtually no financial return. There is enormous risk.

The plan the President has endorsed is an absolute abdication. It says we are going to eliminate AMTA payments immediately. It says we are going to eliminate in just a few years the marketing loan program. It says we are going to eliminate the sugar program, the dairy program, and the peanut program. For all of that, it substitutes a voucher system that is woefully inadequate, and which will leave tens of thousands of farmers in a position of financial failure.

That is the plan this President has endorsed. That is the plan the President would impose on farm producers across this country.

I cannot say strongly enough what an absolute economic disaster that plan would be for virtually every farm State in the Nation.

What the President is calling for is abandoning of farmers in every part of America. What the President is saying is he doesn't like the previous farm policy. Very few of us do. His answer is a farm policy that signals retreat. His policy would say to our European adversaries and competitors: You take the agricultural markets. You become the dominant producer in the world.

That is a profoundly wrong policy for this country. I am certain the Europeans are taking great comfort today in the announcement by the White House that they back a policy which is a policy of unilateral surrender. I do not know how else to term it.

If this policy were ever to become the law, you would see mass bankruptcy all across the rural parts of this country.

One of the farm group leaders in my State was in my office. I described for him the plan that the administration had endorsed. He thought I was joking. He thought I was putting him on. He could not believe that this would be a farm policy endorsed by this or any administration. In fact, when I asked a group of farm leaders what would happen if we saw the kind of cuts that the President's plan would impose, he said it would mean the race to the auctioneer.

This is a serious matter. The irony is that at the very time this administration is arguing for a stimulus package for the economy, they are proposing a package for agriculture that is the opposite of a stimulus package. It is a package that would destroy many of the farm producers all across this country.

My State is perhaps the most agricultural State in the Nation. This farm policy now endorsed by the Bush administration would be a devastating blow to North Dakota.

A few months ago, the President came to North Dakota and said his administration would be farmer friendly. Now we see a complete abdication on that commitment. Now we see a total reversal with the President proposing a plan that would be an absolute calamity—an economic calamity—not only for North Dakota but for South Dakota, for Nebraska, for Minnesota, for Montana, for Iowa, and for every other farm State in this Nation.

This cannot be.

I hope over the weekend people will reflect on what has happened. I hope all across this country farm group leaders and farm producers will call the White House, call their representatives, and call their Governors and urge them to tell the White House they have to reverse course. We cannot abandon rural America at a time when the rest of the national economy is already in trouble. We cannot say to America that we are going to provide stimulus to help the economy recover in the urban parts of the country but we are going to abandon the rural parts of our Nation. That cannot be, and it will not be.

I am saying to my colleagues that no stimulus package is going to pass here unless all of America is included—unless the rural parts of this country and the urban parts of the country are treated with respect.

This proposal and this plan is an absolute unmitigated disaster for farm families.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. REID. I asked a number of Senators from farm States today—I read an article in the newspaper. We are not a farm State. We grow alfalfa. Agriculture is a very minor part of Nevada's economic base.

I asked a number of people about this article in the newspaper. Some had not read it yet. I hope the Senator from North Dakota will continue speaking out on this issue because there are not many farm States remaining. We need some leadership because of what we read in the newspaper, which spins pretty well, that they are going to stop all these things that appear bad for farmers.

I have followed the lead of the Senators from the Dakotas and Iowa in what I think is good farm policy because I know it is the lifeblood of the State of North Dakota.

I hope you continue to speak out, just as you have. We need to hear that in the non-farm States. So I ask the Senator a question. I hope you will speak out on this more than just today. Will you?

Mr. CONRAD. You can count on that.

I say to my friend from the State of Nevada how much we appreciate the assistance he has provided on key farm issues over the years. This is a real jolt to the people I represent because agriculture is the dominant part of our economy. I think people in our State recognize very well the devastation a bill such as this would mean. And I tell you, these are hard times already in our State. Just as we have suffered an economic downturn in this country, we have been facing hard times in agriculture the last 4 years.

In fact, the Senator well remembers we have had to write four economic disaster bills for agriculture in the last 4 years. Every year we have had to write an economic disaster rescue package for our farmers. Without it, tens of thousands of farm families would have been forced off the land. That is the hard reality.

Now this administration endorses a plan that would prevent us from having the kind of rescue packages we have passed in the last 4 years. They are saying to tens of thousands of farm families: What you do has no value, and you might as well give up and give in and get out.

Mr. REID. If the Senator will yield, I have one more question.

Wouldn't it also drive the family farmers further and further away from their farms, where we wind up in America having big corporations doing all the farming?

Mr. CONRAD. Unfortunately, that is the direction. If you will study this farm plan, what it would mean is basically the elimination of farm programs. I know there are people listening who say, gee, maybe that is a good idea. I would say to those people, you need to look at what is happening in other parts of the world that produce agricultural goods because that is not what they are doing.

I indicated our European friends provide over $300 an acre of support per year. We provide $38. So already they have an enormous advantage over our producers. And then, when you look at export support, they account for 84 percent of all the world's agricultural export support. We are less than 3 percent. They are outgunning us there 30 to 1.

This administration plan is to wave the white flag of surrender. To all those who seek our markets the old-fashioned way, by buying them, we just say, take them; you can become the dominant player in world agriculture.

That would be a profound mistake for this country. It has been one of the key sources of American strength, that we have been the dominant player in world agriculture.

This plan is a guarantee that the United States would be second class, second rate, and we would have dominance by the Europeans.

I pray that this plan never becomes the law and America never has to experience what this would mean to not just farmers but to the main streets in every city and town all across rural America.

Mr. DORGAN. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. I appreciate the Senator yielding. I would like to ask a couple of questions, maybe with a comment.

We, of course, have a disagreement with a distinguished colleague of ours who offers a farm bill that really is not much of a farm bill at all and certainly offers no hope to family farmers. But isn't the origin of this idea coming from people who really think the current farm program, which has nearly bankrupted the rest of the family farmers who are still around—they have believed this current farm program has been just dandy, that it works just swell? Isn't the origin of this idea from people who really think the current farm program has worked for family farmers?

Mr. CONRAD. I say to my colleague, it is one of the ironies of this plan. This plan is presented by the architects of the plan under which we are operating now, which has proved itself to be a disaster. That is why we have had to write four economic disaster bills for farmers in the last 4 years. Now they come along with the same chapter, second verse, and this is disaster No. 5. Four years of economic disasters for agriculture, and now they come with a new plan, a plan that is even worse than the plan they imposed on this country in the last farm bill. I do not know what could be more clear.

As I reported to the rest of our colleagues, the President came to our State and said he was going to be farmer friendly. This is a total reversal. I had a group of farmers from our State in my office this week. I gave them the outline of this plan. They were stunned. They were shocked. They could not believe this was a serious plan. When I told them not only was this being proposed by one of our colleagues but that the White House was poised to endorse it, they were nonplussed.

Mr. DORGAN. If the Senator will yield for another question, there is the old saying: There is no education in the second kick of a mule. My expectation is, most of our colleagues will understand that this, as a follow-on to the Freedom to Farm bill, is not progress but in fact it retards the opportunity for family farmers in this country to make a living.

I say to Senator CONRAD, one of the things I want to ask is: Our country now is trying to find out how we provide a lift to the American economy because we had a very soft economy prior to these terrible terrorist acts that occurred on September 11. The economy was very soft and troubled going into that point. But, in fact, the farm economy, the economy in which family farmers live, has been soft and troubled and collapsing for 4, 5 years.

So when you talk about giving a lift to the American economy, family farmers out there on the land have been working through a virtual depression for 4, 5 years now.

It is interesting; we are talking about two things in Congress: One is a stimulus plan to try to lift the economy, and the second is security. In both cases, it seems to me, these proposals fail.

Stimulus. This isn't going to be a stimulus. This is going to be a lodestone. It is going to weigh down further family farmers.

The family farmers have been foot soldiers for this country's economy for a long while. They produce the best food, at the lowest price, for consumers around the world. We are lucky to have them and ought to be proud of them, but they are being bled by an economy that says our food has no value, even as half a billion people around the world are desperately hungry.

But the point I want to make is, the Senator talked about Europe. Europe understands food. Europe understands it from another point, which is the other thing we are working on: Security. Part of the issue of food is security.

Introduce bioterrorism agents into the food supply and you have really big trouble. How do you do that? Perhaps as a national newscast talked about recently, in a feedlot containing 200,000 cattle. That is why a broad network of family farms, disbursed across our country, represents security of America's food supply.

So there is a significant security interest here that the Europeans have understood for a long while that we ought to start understanding.

Finally, I make the point that the Senator talks about the bill introduction that the President says he now supports. That bill is a bill that offers 5 feet of rope to somebody drowning in 10 feet of water. Thanks for the gesture, but it is really insignificant and does not matter very much.

What we have to do with the leadership of Senator CONRAD, myself, and others who care about the future of family farmers, is to take what the House of Representatives passed—which is better than this, I might say, and better than current law—and then add to it higher loan rates for wheat, higher loan rates for barley, and a series of other things that really make it a bill that is friendly to family farms.

I am talking now about families who produce America's food supply. I was not going to speak to this, but I heard Senator CONRAD make some comments. He is right on the mark; assertive, strong, but right on the mark on these issues. I am proud to work with him on these matters.

This is life or death for the economic and financial future of many families who have invested their hopes and dreams on a farmstead somewhere in the Dakotas or up and down the heartland of the country.

Mr. CONRAD. Mr. President, I thank my colleague from North Dakota.

In response to the remarks of the Senator, we are working on a stimulus package in the Senate to lift the economy because we know this economy is in a weak condition. It has been further weakened by the events of September 11. It needs a stimulus. It is extraordinary that in the middle of that, when, as the Senator from North Dakota described, agriculture has been in a recession for 4 years, you would say to the rural parts of the country, yes, we are going to have a stimulus package to lift the economy but not in the rural areas; you are going to be left out; you are going to be left behind; you don't count. That is profoundly wrong.

On top of that, as the Senator described, the second key issue with which we are dealing is the question of security. The Europeans have made a commitment to grow the food within their own borders because they have been hungry twice. They know what it is to be without adequate foodstuffs. Can you imagine what it would be like in this current crisis if we were dependent on imported food for our own population's needs? How much more serious would the current crisis be if we did not have a strong agricultural base in America? How much more vulnerable would we be if every day's food supply or some substantial part of it had to be brought in from other countries?

This is serious business. This administration's endorsement of a radical and ruinous farm plan must be resisted, must be defeated. We must do better.

I hope very much that before this year is out, we will have passed a farm program that will make a difference in the lives of the tens of thousands of farm families who are the backbone of the strength of America. Those are the people who are the builders. Those are the people who are right at the heart of making this country strong and great.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before my colleague from North Dakota leaves the floor, there is something worth pointing out. I don't claim to have great knowledge about the farm bill. I am from a consuming State. We have our farmers in Connecticut, not to the extent they do in the Midwest—obviously the Farm Belt of the country—but they play a very important role. As consumers, of course, it is very much in our interest that we encourage domestic production of agricultural products.

Many of us were told the other day something that maybe I had known before, but in the context of September 11 and the events that occurred since then, it surprised me I hadn't thought about it. I must mention it here and ask my friend for a response.

I was stunned to learn, once again, that less than 1 percent of all the food that we import is inspected. Again, we were talking about all the other problems we face, but I was sort of taken aback by the fact that such a tiny percentage of the produce or products we as Americans consume that comes from offshore—and many do, particularly in cold-weather months, particularly we import an awful lot of food from overseas—we are not talking about stopping that, but it seems to me in the context of what the Senator is talking about, a farm bill, it is in all of our interests, whether you are from a farm State or not—putting that issue aside but with that issue in mind—we would not be doing everything we could to encourage domestic production of our food supplies.

I don't know if he had any comments he wanted to make in that regard. It struck me that this would be an important point to raise at this time.

Mr. CONRAD. I thank my colleague from Connecticut for raising the issue. We were in a briefing the other day. Representatives from the administration were alerting us to a vulnerability of this country. They were making the point the Senator has made, that we are only inspecting about 1 percent of the foodstuffs that come into this country. That represents a vulnerability for America.

I say to my colleagues, if this farm plan were to pass, the vulnerability of America would increase geometrically. This is the most radical farm plan ever endorsed by any administration in my memory. I am 53 years old. I have followed farm policy very closely all of my life, being from a farm State. It is breathtaking what this administration has said we should put in place.

It is absolutely the wrong plan at the wrong time, and we must reject it.

I thank my colleague very much for his input.

Mr. DODD. I thank my colleague. I have found in my years of service with the distinguished Senator from North Dakota, every time he proposes something in the area of agriculture, I follow. I have found myself to have a good record on farm policy because of his leadership. I thank him for his comments today. He not only speaks for his own State and region of the country; he speaks for all Americans who care about this most critical issue.

BEST PHARMACEUTICALS FOR CHILDREN ACT

Mr. DODD. Mr. President, earlier today this body passed, by unanimous vote, the Best Pharmaceuticals for Children Act. This is a bill I authored a number of years ago with my good friend from Ohio, Senator MIKE DEWINE. He is presently occupied at a Judiciary Committee hearing, and he will come to the floor and offer his own statement. I ask unanimous consent that whatever time he seeks, the Chair would provide him with an opportunity to be heard on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I thank my friend from Ohio. He has been a great partner in numerous efforts we have made together on behalf of children. S. 838 is something for which both of us are tremendously proud, the Best Pharmaceuticals for Children Act.

Let me briefly describe the bill, why it is a bit different than the bill we passed 3 years ago, and why it is important.

This bill would reauthorize the pediatric testing incentive legislation we passed in 1997 as part of the Food and Drug Administration Modernization Act. This important program has gone a long way toward ensuring that doctors and parents have the most up-to-date and critical information on medications for our children. It has been an important achievement.

According to the American Academy of Pediatrics, about 20 percent—I think a little less—of the drugs on the market have been tested and labeled specifically for their safety and effectiveness for children. Children are simply not smaller versions of adults, as I hope most people are aware.

The bodies of infants, toddlers, and adolescents are very different and react very differently to drugs than adults do. The absence of pediatric labeling poses some very significant risks for children. Without adequate information about how a drug works in children of different ages and sizes, they are more likely to be either underdosed or overdosed or to experience dangerous side effects.

Mr. President, again, years ago—in fact, in fairly recent history—there were a lot of products out there for adults and children, but for many years there were just the basics, and parents, over the years, would take the old family aspirin and the children's dosage was to cut it into quarters or halves and take it. It was pretty safe. Nobody suffered terribly. Trying to calculate a child's dosage of traditional medicines in times past was not that difficult. There were some hazards. But we have seen a wonderful explosion of new products.

I note the Senator from New Jersey is presiding. Both in his State and mine, we have literally thousands of constituents who have dedicated their lives to the research and development of products to make us all healthier, live better lives, and live longer.

In the process, however, only about 20 percent, as I mentioned—a little less—have actually been tested and designed to serve children's needs. Despite the fact that children represent in excess of one-quarter of the population of this country—25 percent—only a tiny fraction of the products on the shelves to be prescribed by doctors are actually labeled and designed to meet their needs. It seems sort of staggering to me that we have waited so long to do this. We have labels on the food that children can eat. We now have labels on the music to which they listen. We have labels that will tell you what movies you ought not to let your child go to. But when it comes to pharmaceutical products, we have very little of that.

With that as a background, Senator DEWINE and I, in 1997, as part of the Food and Drug Administration modernization bill, crafted this legislation as a way to see if we could not induce —there was a debate on whether we should mandate it and say you have to do it whether you like it or not, which is one approach, or should we say we will give you a chance to prove to us you can do it by providing 6 months of exclusivity in the marketplace. There was a debate about that.

I had my own doubts about whether or not this was going to work very well. I must say the success of this legislation has been beyond anyone's wildest imagination. If I can, I will share some of the comments made about the success of the 1997 act, which would go out of existence, by the way.

Why did we need to pass this legislation, and why am I so appreciative of the Members who helped make this happen? It didn't happen just with Senator DEWINE and I. A lot of people were involved, and I am grateful to them all.

The bill would have gone out of existence; it expires at the end of December. The period of exclusivity would be over and the question of whether or not we would be able to see the continued development of children's products in the area of pharmaceuticals would become less attractive.

Look at some of the comments. This is from the Food and Drug Administration status report to Congress in January of this year:

> The pediatric exclusivity provision has done more to generate clinical studies and is more useful in prescribing information for the pediatric population than any other regulatory or legislative process to date.

That is a pretty remarkable statement. I am grateful for that. Further down here, this is from the National Association of Children's Hospitals:

> This is a remarkable achievement for children's health. We know from talking with pediatric researchers at children's hospitals across the country that the effect of the pediatric exclusivity provision has been very positive for children and their families and their providers of care.

Further down is a letter from the American Academy of Pediatrics. These are the pediatricians across the country:

> We cannot overstate how important this legislation has been in advancing children's therapeutics. It is allowing children to have the same kind of drug safety and efficacy information that was only available previously to adults.

There is also a letter from the Elizabeth Glaser Pediatric AIDS Foundation:

> Regarding costs, the FDA estimates that consumer prices of drugs have increased by one-half of one percent annually as a result of the initiatives of pediatric testing. As individuals who have fought for decades for better health care for children, we firmly believe this is a legitimate price to pay to ensure our children's well-being.

I don't know of anybody who will argue with that when you consider the difference we can make in children's lives. If I can, let me share with my colleagues more specifically what has happened. In light of the extraordinary times we find ourselves in today, the national debate on how to prepare and protect all Americans from bioterrorism further highlights the importance of drug safety and the efficacy of information when it comes to treating children. Children are especially vulnerable to the release of chemical or biological toxins. As we identify antibiotics or vaccines to prevent or treat illnesses related to bioterrorism, we are going to need to know the proper dosing information, possible side effects or risks of this kind of medicine, and the effectiveness of the various agents children would be ingesting. Any antidotes used for children will be affecting them at critical periods of childhood growth and development. We need to have proper medications to prevent or reduce those risks.

This bill could help ensure that essential treatments for exposure to hazardous materials are studied. I will work with the FDA and my colleagues, Senators CLINTON of New York, KENNEDY, and FRIST. In fact, I thank Senator FRIST and Senator CLINTON for their contribution to this effort today. Our hope is that we will get it done in conference and strengthen some language to require that the industry start developing children's vaccines and antibiotics in the area of bioterrorism.

So this bill is a timely piece of legislation. I am confident the House will act. I urge them to do so quickly, to incorporate some of the changes that we think can make a difference in terms of children's health.

I will say what was going on before we passed this bill. In the 3 years, 36 months, since we passed this legislation—prior to the passage of this bill, there had been a total in the previous 7 years of 11 clinical trials for products designed for children. I think there may have been 2 or 3 products that had come on the market designed specifically for children in 6 or 7 years. In the 36 months, since the bill that Senator DEWINE and I wrote, there have been

400 clinical trials. In 36 months, there have been 400 clinical trials as opposed to 11 in the previous 7 years in children's pharmaceutical products. Today, there are 40 new products in 36 months being prescribed for children. They did not exist 36 months ago.

It occurs specifically because of the legislation we adopted—this body and the other body—in 1997. That bill was about to go out of existence. The bill we passed today—and every Member ought to take pride in it because every Member allowed this bill to go forward. Many, such as my friend from North Dakota, Senator CONRAD, are cosponsors. I will leave the record open for others who would like to be associated with it.

In the midst of all of these terrible events going on—this body is working today, by the way, and we did excellent work today, this body passed a bill that will make a difference in people's lives. So we are not just meeting for the sake of meeting to have a good show, but actually we adopted this legislation by unanimous consent. It would not have occurred without the cooperation of Democrats and Republicans—the 100 Members in this body who allowed this legislation to go forward.

In 36 months, there have been 400 clinical trials and almost 40 new products on the shelves. That is the record of this little bill attached to the FDA Modernization Act.

Let me talk about one product and make this case more clearly. I am talking about a product that, as a result of pediatric studies, would make any parent's heart skip a beat; it is called Versed. Versed is one of the most commonly used sedatives for children undergoing surgery or other hospital procedures.

As a result of these pediatric studies, the label has been changed to indicate a higher risk of serious life-threatening situations in children with congenital heart disease and pulmonary hypertension who need lower doses than predicted to prevent respiratory compromise.

Can you imagine doctors using Versed without knowing that information? Until we got these studies underway, it was unknown. But as a result of 36 months of effort, this product today is being used in a way that is saving lives and making a difference. Maybe it does not get banner headlines and it will not lead the news tonight, but it is something that will make a difference in the lives of children and their parents who care about their health.

I heard from a doctor from Children's Mercy Hospital about a 6-year-old boy, Darryl, who required metal pins to be inserted in his leg after his femur was broken in a bicycling accident. Darryl was prescribed Versed to relieve his anxiety and discomfort when the doctors and nurses each day cleaned the wounds resulting from his injury. This new information on Versed allowed health care providers to treat this young man safely and effectively with this drug.

The second chart is before and after effects of our legislation. It is in small print. I will try to describe it.

We get the products, indications, what labeling was prior to the adoption of this bill 36 months ago, and what has occurred afterwards. I will run down from everything dealing with diabetes, hepatitis, hypertension, juvenile arthritis, seizures, and the like. This is just a partial list to give my colleagues some idea of the drugs to treat hepatitis B, hypertension, diabetes, juvenile rheumatoid arthritis, and epilepsy, just to name a few. They previously had labels that simply read:

> Safety and effectiveness in children not established.

That was the guideline a doctor or parent had in these areas.

Now we have dosing information, safety information, and the information on adverse side effects. In fact, in one drug study for epilepsy, Neurontin was found to be most effective in higher doses for children under 5 years of age. I heard from Dr. Philip Walson at Children's Hospital Medical Center in Ohio who told me:

> Some children with previously uncontrolled seizures now are controlled with higher doses of this drug than [what] would have been used [prior to pediatric testing] if adult doses were just "scaled down."

In this case, instead of breaking off the aspirin and getting a smaller dose, as a result of the studies, we learned Neurontin, which is a seizure controlling medication—people who have had strokes know about Neurontin—for children makes a difference. Increasing the dosage actually made a difference.

Far more significant than the number of studies and drugs tested are the stories of kids who can be helped by this increased information. This past June I met with a group of five young children from my State of Connecticut; they were suffering from juvenile diabetes. In fact, almost every office had a visit from kids from their State suffering with juvenile diabetes.

One young man who came to my office was from Bethel, CT, 12-year-old Jason Baron. I put his picture up. I am giving him TV time. He was so eloquent and remarkable. He could run for the Senate. He is a wonderful, eloquent person with juvenile diabetes. He just blew me away. We got to talking. He aspires—and I see my friend from Tennessee, and he will appreciate this—as he told me, without missing a syllable—and I may—that he intends to be a pediatric endocrinologist at 12 years of age. That is his life goal as a young man with juvenile diabetes.

I was amazed and impressed at the maturity and sense of responsibility of this young man who is managing his disease and educating others, as he was doing on Capitol Hill and as he does at school. Part of his civic activity is to teach about juvenile diabetes.

One of the drugs studied and labeled as a result of the bill we passed 3 years ago is Lantus. It is a new and recombinant form of insulin for type I diabetes which requires only once-a-day administration and results in less allergic reactions. This drug, and others similar to it, could help children such as Jason improve the quality of their lives by introducing more flexibility into their treatment regimes.

While tremendous progress has been made, still more needs to be done, obviously, to make sure children are not an afterthought when it comes to pharmaceutical research. Hundreds of drugs are on the market today that are used in children but still have not been tested for pediatric needs.

We reauthorized earlier this morning the pediatric testing incentive, and the explosion of research it has promised, which was set to expire on January 1, 2002. I am very grateful to my colleagues for the bipartisan support we received.

I mentioned the presence of Senator FRIST. I mentioned his name once before, and I will mention it again. He was tremendously helpful 3 years ago when we originally wrote the bill and then when we watched the success of this legislation, which I already described. We inserted some language to encourage the industry to develop the vaccines and antibodies in the bioterrorism field. Senator FRIST is working with the administration and others of us to develop more comprehensive legislation dealing with bioterrorism. We thought this bill was an attractive vehicle to put on something dealing with this issue.

I thank Senator KENNEDY, the chairman of the committee, for his terrific work, Senator FRIST who I mentioned already, Senator WELLSTONE of Minnesota, Senator HATCH who has been tremendously helpful, Senator CLINTON, Senator REID, Senator JEFFORDS, Senator BOND was involved; Senator CORZINE, the Presiding Officer, I know cares about this as well, and Senator BINGAMAN for their important contributions. I thank Senator CONRAD and Senator DOMENICI who were helpful today in moving this bill along. I thank Senator DURBIN who offered some good suggestions on the legislation as well, and I thank him for those thoughts.

If I am leaving someone out, I apologize. I will add the names accordingly at the appropriate time. I also thank Deborah Barrett of my office, who has been a tireless staff person working with the staff of MIKE DEWINE, with Senator CLINTON, Senator FRIST, and so many others, to iron out some of the disagreements we were wrestling with on this legislation.

Lastly, let me tell you some of the improvements we made in the bill.

We ensure that the new safety information for pediatric studies is promptly added to drug labels.

We require that the Food and Drug Administration quickly disseminate information gathered from pediatric studies to pediatricians and parents.

We authorize Federal dollars to study older off-patent drugs which are not eligible for the existing pediatric testing incentive through a new off-patent fund and creating a mechanism for private contributions from manufacturers to support the study of off-patent drugs through an existing NIH foundation.

We request frequent and thorough evaluations of the program so we can monitor our effectiveness in getting the needed drugs studied and, importantly, to have a sense of which needed drugs are not being studied despite FDA requests.

In fact, to ensure that vital drugs are not being left unstudied, the bill includes a mechanism to ensure that if a company declines to study an on-patent drug that is a continuing benefit to children, the Secretary will make public the names of those must-study drugs that have not been picked up and refer them to the NIH foundation for funding. As a backstop, these drugs can also be referred to the off-patent fund.

The bill creates a new Office of Pediatric Therapeutics at the Food and Drug Administration to coordinate activities related to children. It authorizes the existing Pediatric Oncology Subcommittee to provide recommendations and guidance so children with cancer can have timely access to promising new therapies.

Finally, because the bill will lead to increased participation of children in clinical trials—I mentioned 400 already in the last 36 months—we have requested a study of the appropriateness and adequacy of current Federal research protections for children in clinical trials. I will continue to work with Senator DEWINE and my colleagues to ensure the strongest protections are in place for this vulnerable part of our population.

We have relied generously on the expertise and counsel of Elaine Holland Vining of the American Academy of Pediatrics; Mike Isaac and Natasha Bilimoria of the Elizabeth Glaser Pediatric AIDS Foundation, who worked tirelessly on behalf of children; Helen Rhee with Senator FRIST; David Dorsey, David Nexon, and Paul Kim with Senator KENNEDY deserve tremendous thanks for their work in negotiating and working out the fine details of this bill.

I again thank our colleagues for their contribution today. I see the distinguished majority whip in the Chamber. I know the media may report nothing much happened today. Well, maybe it did not get a lot of debate, but we passed this children's bill. And I see my friend from Maine, Senator COLLINS, and I want to thank her as well for her help on this bill.

The distinguished majority leader has arrived. I say to the majority leader, this bill did not generate huge debate. We did it unanimously. This bill has already made a huge difference in the lives of millions of children: 400 clinical trials in 36 months as opposed to 11 in the previous 7 years.

So we think we have done something worthwhile today, in the midst of other news, which will not likely generate a headline. The Senate put it on the agenda and did a good job.

Mr. REID. Will the Senator yield?

Mr. DODD. I will be happy to yield.

Mr. REID. This is another notch in the long line of things the Senator from Connecticut has done for children. Whether it was child care, dealing with the emotional health of children, it is one of many things the Senator from Connecticut has done. I guess this is kind of a celebration of his being a new father. So we congratulate him.

Mr. DODD. I will show pictures, if you like.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I join with my colleague from Nevada in expressing my heartfelt congratulations to the Senator from Connecticut and to others on the committee for their swift action on this bill. This is one of the highlights of the week. I do not know that there could be anything more important than providing good quality health care in all of its iterations to children. That is what this legislation does, and only because of the leadership of Senator DODD. I commend him. There may be a connection between fatherhood and legislative production on children, but whatever the motivation, as the Senator from Nevada has said, no one has put more time and effort and leadership into the issues affecting children than has Senator DODD. So it is a good way to end the week. It is another reason that staying in today was important, and we are grateful to him, grateful to the Members of the committee, Republican and Democrat, for the work done. I thank him.

Mr. DODD. I thank the majority leader.

The PRESIDING OFFICER. The majority leader.

UPDATE ON EVENTS IN THE CAPITOL COMPLEX

Mr. DASCHLE. Mr. President, I noted yesterday I would be coming to this Chamber. I will take a moment, if I may, to provide our colleagues with a short update on the circumstances involving the Senate today.

This has been a trying time for all of us, in particular for my office and staff. I am thankful for the outpouring of concern and support we have received, especially from the family of Senators. I am very grateful for their friendship, for their words of encouragement, for the strength they have given me and my staff over these very difficult days. It has meant a lot.

I wish to thank as well the many experts who have come to investigate and to help. I wish to recognize Secretary Thompson; Dr. Ken Moritsugu, deputy surgeon general; all of the Health and Human Services staff; Dr. John Eisold, our attending physician of the U.S. Capitol, and all the physicians who are working in his office; MG John Parker of the U.S. Army; Dr. Greg Martin, who has been unbelievable, an incredible help to my staff, to me, and to the entire Senate during this time.

There are a number of professionals who work with Dr. Martin at Bethesda Naval Hospital whom I want to recognize as well. Were it not for their effort, we would not be in the position we are today. They have been working around the clock analyzing the thousands of tests that were taken. Though they are not in the Capitol compound, they have had every bit as much to do with our success in dealing with these circumstances as anyone else. So we are extremely grateful to them for their work.

I want to thank as well the Centers for Disease Control, including Rima Khabbaz and Ali Khan; the District of Columbia Department of Public Health. Finally, I thank the members of the Senate family who have been working around the clock to address this situation, to coordinate our response, and see to it that the Senate was able to continue its important work.

Maybe first, among all of those, I thank our Secretary of the Senate and our Sergeant at Arms for their outstanding work. There were several nights where they literally did not go to bed. They stayed up the entire night working to be able to address the many challenges we were facing as we looked at the logistical and health concerns people had.

I also wish to thank Dr. BILL FRIST. He was in this Chamber earlier. He has been an amazing resource. While he is not present now, I know I speak for all of our colleagues in thanking him. He again spoke for all of us in a news conference wherein he was able to answer in very understandable ways many of these complicated questions. So I personally thank him, and I know I speak for everybody in thanking him as well.

The challenge facing all of these people, and all of us, is unprecedented. To a person, every official I have mentioned has responded in the most admirable way. Their poise, their professionalism, their compassion have been a comfort to all of us, especially to my staff and me.

I want to provide an update on where we stand based on Dr. Moritsugu's briefing a few moments ago. It is now 72 hours after this incident occurred, and we now can say we are confident about the health of the public. Beyond the 31 positive nasal swabs I reported yesterday, the results on nasal swabs analyzed to date have all—and let me emphasize all—come back negative. The CDC has determined no further nasal swabs are needed. Tests on all of the nasal swabs collected on Monday will be completed by the end of today, although we may not be in session, so I chose this moment to come and give at least this partial report.

A total of 278 swabs were taken Monday. At this time, there are no further positive results. So the number of positive results to date remains at 31. Everyone who has tested positive has been notified by medical authorities.

Let me put some rumor to rest because it has been circulating all afternoon that some member of the leadership has been provided with a positive test result. The unequivocal clarification in that regard is, that story is not true. There is no positive result among any members of Senate leadership.

Testing also continues on approximately 1,400 swabs collected Tuesday. Of those, preliminary results on approximately 600 have produced no new positives. To this point, the CDC investigation has established the exposure area as the fifth and sixth floors in the southeast wing of the Hart Building. Based on this determination, the CDC has said no further nasal swabs are needed there.

People who were on the fifth and sixth floors in the southeast wing of the Hart Building on Monday are being reminded to complete their full 60-day course of antibiotics, regardless of the results of their nasal swabs. Anyone who entered that area but has not received antibiotics should report to the treatment center at the Architect of the Capitol facility on the southeast corner of 6th and East Capitol Streets.

A thorough environmental sweep of the Capitol complex began last night. It went on throughout the night and continues today. Those sweeps were conducted by the EPA and the National Institute for Occupational Safety and Health. Areas were swept in the Capitol, the Dirksen Senate Office Building, the Ford House Office Building, the Capitol Police offsite delivery center where all Capitol mail and deliveries go through security screening, and at this time there are no additional results to report.

The sweeps will continue, as we reported yesterday, over the next several days of the other areas of the Capitol complex. The entire Capitol complex will be swept, and so there will not be any area left unattended or unchecked before we are cleared.

Numerous additional samples have been taken of the ventilation systems, and these samples are under evaluation. I think it is important to emphasize, too, at this time there is no evidence of contamination in the ventilation system.

Because of the extensive work being done, it is not clear when the Hart Building will reopen, but it will reopen as soon as we are absolutely confident it is completely safe.

I want to make one final point. The people who work in these buildings, regardless of their political affiliation, have come to the city and to the Congress because they believe in what this Nation represents to its citizens and to the world. Many have made sacrifices to do so. Some are accepting lower pay than they would receive elsewhere. Many are far from their families. All believe that by being here we can improve the lives of Americans and, in the process, make America stronger.

That letter may have been addressed to me, but these attacks didn't strike just my office. They struck at the heart of that belief. In the past couple of days, members of my staff, who have every right to be afraid, who have every right to take some time and be with their loved ones, have come to talk to me. More than one has told me they were more proud than ever to show up for work. This attack was meant to undercut that spirit. What I have seen in the past 3 days is all I need to know that the attack has missed its mark.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Nevada.

Mr. REID. Everyone knows the close personal relationship I have with the majority leader. This statement I am making could come from any of the 99 Senators. It doesn't have to come from me.

The leader has gone out of his way to congratulate his staff, to compliment his staff, to talk about the great work the Sergeant at Arms and the Secretary of the Senate have done. They deserve every bit of credit that the leader has given them. Senator FRIST deserves the credit he has been given by the majority leader. But speaking for the whole Senate, there is no one who deserves more credit during this time of strife and trouble and turmoil caused by evil people trying to do bad things than our majority leader. He has stood very tall.

I am speaking for the entire Senate, the people of the State of Nevada, the people of New Jersey, the people of Minnesota, the people of Maine: Everybody in this country is so proud of the majority leader of the Senate. When the history books are written about people standing tall during a time of crisis, TOM DASCHLE will be at the top of that stack.

Mr. DASCHLE. I thank the distinguished Senator from Nevada for his kind and generous words. This has been a difficult challenge for all of us. I am grateful.

I note that any time somebody gives me credit for "standing tall," I will take that as the highest compliment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I echo the words of the Senator from Nevada. We have all been impressed with the tremendous grace and strength that our Senate majority leader has shown under unbelievable pressure. Our thoughts are with him and with his staff as they continue to go through this ordeal. He has, indeed, made every Member proud by his actions during this difficult time.

BETTER PHARMACEUTICALS FOR CHILDREN ACT

Ms. COLLINS. Mr. President, I commend the Senator from Connecticut, Mr. DODD, and the Senator from Ohio, Mr. DEWINE, for today's passage of the Better Pharmaceuticals for Children Act. I am very pleased to be a cosponsor of this reauthorization. The American Academy of Pediatricians said it best. They saluted this law which we are now extending as being the single most important policy development to improve children's health that this body has ever taken. I am delighted to be a cosponsor of this important legislation.

I believe it will help facilitate breakthroughs in pharmaceutical treatments of children by ensuring proper testing and dosage. I commend the Senator from Connecticut and the Senator from Ohio for their excellent leadership.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1570 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Ohio.

CONGRATULATING SENATE STAFF

Mr. DEWINE. Mr. President, I rise late in the afternoon today of what has been a highly unusual day in the Senate—in Washington. I want to take a moment to congratulate all the people who are working, all the people who are working in the Senate Chamber, all the Members' staffs who are working. Hearings have been held today. The Senate has been in session and work is continuing. I thank them for their dedication. I thank them for what they mean for our country and what they have done to help our country.

The vast majority of people who work on Capitol Hill, at least from my perspective in life, are fairly young. They have gone through something that no members of staffs have ever gone through before. They have done very well. I congratulate them and thank them.

I want to pay particular tribute to my staff and thank them. Eight members of my staff have been tested, as have hundreds of other members of other staffs. I also want to pay particular tribute to my State director, Barbara Schenk. Barbara has gone through a very difficult time in the last few weeks. Her brother, Doug Cherry, died in the World Trade Center. So our thoughts and prayers go to her and to her family and the Cherry family.

BEST PHARMACEUTICALS FOR CHILDREN ACT

Mr. DEWINE. One of the things that passed today was a bill that Senator DODD and I have been working on for some time. Senator DODD talked a little bit about it on the Senate floor earlier today. This bill is S. 838, the Best Pharmaceuticals for Children Act.

This is reauthorization legislation which Senator DODD and I wrote to ensure that more medicines are tested for children and that useful prescribing and dosing information appears on labels.

Let me take a moment on a personal note to congratulate my friend, Senator DODD, and his wife Jackie on the recent birth of their daughter Grace. I had the opportunity a couple of days ago when Senator DODD and his wife Jackie brought baby Grace into the Capitol to see baby Grace, a beautiful child—a great joy. So our congratulations go to both of them.

It is appropriate that the first piece of legislation that Senator DODD passed after the birth of his little girl was a bill that will help children, a bill that will make sure that good pharmaceuticals are available for children and that doctors, specifically pediatricians, and parents will know what the dosage for each medicine should be for their particular child, for the age of that child.

Four years ago, Senator DODD and I first learned that the vast majority of drugs in this country that came on the market every week—in fact over 80 percent—had never been formally tested or approved for pediatric use and therefore lacked even the most basic labeling information regarding dosing recommendations for children. When we found that out, we began writing what is now referred to as the pediatric exclusivity law. That bill passed. In the 3 years since that law went into effect, the FDA has issued about 200 written requests for pediatric studies.

Companies have undertaken over 400 pediatric studies, of which over 58 studies have been completed, for a wide range of critical diseases, including juvenile diabetes, the problem of pain, asthma, and hypertension.

Mr. President, 37 drugs have been granted pediatric exclusivity. Some studies generated by this incentive have led to essential dosing information; for example, Luvox. Luvox is a drug prescribed to treat obsessive-compulsive disorder. Pediatric studies performed pursuant to our law have shown inadequate dosing for adolescents, which resulted in ineffective treatment. The studies also have shown that some girls between the ages of 8 and 11 were potentially overdosed, with levels up to 2 to 3 times that which was really needed.

Since our law has been in effect, the private sector has increased its investment in pediatric training and developing a infrastructure to support and expand pediatric research. The FDA stated in a January 2001 report:

> The pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information for the pediatric population than any other regulatory or legislative process to date.

The bill this Senate and House passed 3 years ago has done a great deal of good. We are seeing more drugs for children on the market that have a label that tells how they can be used, and more basic information for pediatricians. So when they look at that little child and they know the age of that child and they know the weight of that child, they can look it up and see exactly what the prescription should be, what the dosage should be, what the indicators are. They can do that because we have given the pharmaceutical companies an incentive to do that research, research they were doing prior to passage of this bill in only 20 percent of the cases.

A great deal of progress has been made, but we have further to go. That is what we were about today with the passage of the bill that I am now describing. Senator DODD and I and the other cosponsors knew that the law we passed 3 years ago could be improved. We knew that it had some holes in it. We set out to improve that, to fill the gaps, and address the outstanding issues, such as the testing of off-patent drugs, which the original law was never designed to include. It is understandable why the original law wasn't designed to include off-patent drugs. The original law extended the patent by 6 months. They extend it for 6 months if and only if they tested these drugs for children.

If a drug is not on-patent, if it is off-patent, the patent has basically expired, obviously that incentive doesn't do any good. What we tried to do with this bill that we passed today was to change that and therefore expand it and expand the purpose of this bill to include off-patent drugs as well.

For some products and some age groups, the existing market incentives are simply inadequate to encourage new pediatric research. In the bill we passed several hours ago, we have built upon the existing law's basic incentive structure to further ensure that these essential products, and young age groups, are included within the scope of the program.

To make perfectly clear the need for additional legislation, I would like to quote a significant passage from the FDA's January 2001 report, which stated the following:

> A majority of marketed drugs are not labeled for use in pediatric patients, or are labeled for use only in specific pediatric age groups . . . And many of the drugs most widely used in pediatric patients carry disclaimers in their labeling stating that safety and effectiveness in pediatric patients have not been established. The absence of pediatric labeling information poses significant risks for children. Inadequate dosing information exposes pediatric patients to the risk of adverse reactions, usually age-specific adverse reactions that could be avoided if such information were provided in product labeling. The absence of pediatric testing and labeling may also expose pediatric patients to ineffective treatment through underdosing, or may deny pediatric patients therapeutic advances because physicians choose to prescribe existing, less effective medications in the face of insufficient pediatric information about a new medication.

These facts are very disturbing. Through our bill, we have sought to find a way to improve the labeling process. Since our law has not been implemented for very long, many labels are still in the process of being requested and negotiated by the FDA. In this new bill, the new timeframes established in the bill for labeling negotiations, together with the enforcement authority under the existing misbranding statute, will help to ensure that essential pediatric information generated from studies implemented under this law, will result in necessary and timely labeling changes.

Our bill establishes timeframes for responding to written requests, timeframes and processes for negotiating label changes, and authorizes the federal government to deem a drug misbranded if the company refuses to relabel its drug. The government would then begin an enforcement action under its existing authority to seek a court order regarding the relabeling of the drug.

Through the bill that we are about to pass today, we will ensure that priority drugs which lack patent or other market exclusivity will be tested for children. For example, the Ritalin label states the following:

> Precautions: Long-term effects of Ritalin in children have not been well established. Warning: Ritalin should not be used in children under six years since safety and [effectiveness] in this age group has not been established.

The point is that Ritalin is being prescribed off-label for children under six years of age, and yet we do not know the safety and effectiveness, since it has only been tested in children older than six, and we do not know long-term effects on children of any age.

Our bill creates a mechanism to "capture" the off-patent drugs for which the Secretary determines additional studies are needed to assess the safety and effectiveness of the drug's use in the pediatric population.

In other words, our bill provides for the testing of some cases of these off-patent drugs.

By expanding the mission of the existing NIH Foundation to include collecting and awarding grants for conducting certain pediatric studies, we have provided a funding mechanism for ensuring studies that are completed for both off-patent drugs and those marketed on-patent drugs that a company declines to study—and for which the Secretary determines there is a continuing need for information relating to the use of the drug in the pediatric population.

That is the language in the bill. That is the correct area.

By first seeking funding through the Foundation, we provide a mechanism for drug companies to contribute to the funding of mainly off-patent drugs and also to a narrow group of on-patent drugs, including those for neonates, for which companies have declined to accept the written request to pursue the six month market exclusivity extension.

The Neonates, of course, are young children up to one-month of age.

If the Foundation lacks the funds to study that prioritized drug, the Secretary may then issue a "request for proposal—"RFP"—for a third party to study the commercially available drug using money from a Research Fund that we create in this bill. The Secretary may then publish the name of the company that declined to study the drug, the name of the drug, and the indication or use that is being requested to be studied. This would ensure that more data is collected and reported, so that we can better understand which drugs are not being studied.

A condition of the RFP or contract with a third party is that all data and information generated from the pediatric study in the form of a report must be submitted to the NIH and the FDA. The FDA must then review the report and data and negotiate whatever labeling changes the FDA determines is appropriate.

I thank Senator BOND for his determined focus on helping to further ensure that neonates also benefit from this pediatric testing law. I congratulate and thank him. We have included neonates in the definition of "pediatric studies" to which this pediatric exclusivity applies. Throughout the bill we have also encouraged the inclusion of neonates in written requests, when appropriate.

To further ensure that the safety of children in clinical trials is protected, this bill requires that the Institute of Medicine—IOM—conduct a review of federal regulations, reports, and research involving children and provide recommendations on best practices relating to research involving children. The IOM is to consider the results of the study by HHS that Senator DODD and I included as part of the Children's Health act last year. I look forward to working with Senators DODD, FRIST, and KENNEDY on the issue of human subject protections, especially in focusing on protections of children participating in clinical trials.

I want to thank my friend, Senator DODD for his relentless efforts in making this reauthorization a reality, and for his relentlessness in improving the bill. I look forward to working on many more pediatric initiatives with him in the future.

Let me also thank Senators KENNEDY and CLINTON for their strong support of this bill and of children's health overall. Let me also thank Senator COLLINS for her support and for her work in regard to this bill.

I want to acknowledge and thank Debra Barrett, Jeanne Ireland, Christie Onoda, David Dorsey, David Nexon, Paul Kim, Christina Ho, John Gilman, and Tim Trushel for their hard work in helping us reach agreement on such a well-crafted bill. I cannot think of a bill that took more hard work, more Members and staff than this bill.

I also extend my appreciation to Elaine Holland Vining with the American Academy of Pediatrics for the tenacious effort, technical assistance, and expertise she brought to this bill. She is expecting her first child shortly, and I wish her and her husband, Paul, my very best wishes as they begin their family.

I also appreciate the diligent work of Mark Isaac and Natasha Bilimoria with the Elizabeth Glaser Pediatric AIDS Foundation in helping us negotiate and pass this important reauthorization.

Finally, I must say a very special thanks to a former member of my staff, Helen Rhee, who is now working for Senator FRIST on the HELP Committee. She has been absolutely instrumental in seeing this legislation through from its inception to its passage. Without her tireless efforts, her dogged determination, and a work ethic that is just unsurpassed, we would not be at this point today, we would not have seen this bill pass. Literally, right up until the last moment, literally, before the bill passed, Helen was continuing her work. So I pay tribute to her. This bill is a real tribute to her dedication and to her efforts.

So I thank Helen and all the members of the different staffs who have worked so hard on this bill.

Let me also take a moment to thank Senator HATCH and his staff, Bruce Artim, for their work in drafting language to correct and clarify this bill, specifically to clarify that pediatric exclusivity law is not and was never intended to eliminate incentives granted to generic drug manufacturers that are awarded 180 days of exclusivity under the 1984 Hatch-Waxman law for successfully challenging a patent.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Vermont.

COMPLETING THE WORK OF THE SENATE

Mr. LEAHY. Mr. President, I see my good friend, the deputy majority leader, the senior Senator from Nevada, in the Chamber. I first note my appreciation for the kind words he has said on several occasions about our efforts in the Judiciary Committee. The Senator and I have been friends from the day he came to the Senate. I value that friendship very much.

I also thank our leadership for having us in session today. Let me take a couple moments to say why.

This is a trying time for everybody—for our staffs, for the brave men and women of the Capitol Police, who protect us, for Dr. Eisold, and all those who work with him in the Capitol physician's office—for everybody, whether they are doorkeepers, or anybody else, including the young pages, both the Democratic and Republican pages who are here. The work is being done. It has been a difficult time.

What would have been more difficult for the Nation would have been if we had not been here today. I think it was essential we be here. We have actually accomplished a great deal by being here.

We have held hearings on judges, and voted a number out of committee, as well as a number of U.S. attorneys. We have completed action on an agreement on the counterterrorism bill. It is something that just a few days ago everybody said could not be done. We have done it. We are now at the point simply of drafting, which is not the easiest thing in the world with all the offices closed down. But the staffs of the various committees, including the Judiciary Committee, of course, have been working literally around the clock to get the paperwork done, to get the actual words on paper.

So I feel safe in predicting the House and the Senate will vote on a package on the counterterrorism bill that, interestingly enough, will be improved over what we passed in the Senate and improved over what they passed in the other body.

The sum is greater than the parts. And that shows what happens when we work together—both bodies; both parties—to get something done.

We have actually done the administration a favor by taking time to look at it. The piece of legislation originally proposed by the White House and Attorney General was deeply flawed. Had we accepted their proposal to immediately move forward and pass it, we would have given them a flawed bill which, in the long run, would have hurt their chances to fight terrorism.

The distinguished Presiding Officer, the Senator from Minnesota, was one of those who cautioned and counseled both me and others to go slowly, look at what is here, and make sure we do it right.

The distinguished Senator from Minnesota, as he always does, offered wise counsel. The distinguished Senator from Nevada, Mr. REID, stood in this Chamber a number of times and said: We want to get it done right. I believe we have.

But lastly, it is important, as a symbol, that we be in session. I feel deeply privileged to be a Member of the Senate. I remember the first day I walked in this Senate Chamber as a Senator-elect. I was a 34-year-old prosecutor from Vermont. I had never been on the floor of the Senate. It was a lameduck session after the elections at the time. We were going to go into the new session, which is when I would be sworn in.

I came in as a Senator-elect. I thought to myself: What a thrill, coming in this Chamber and seeing people, giants of the Senate—in fact, two predecessors from the Presiding Officer's home State: Hubert Humphrey and Fritz Mondale. And I have thought it a privilege every day I have walked in this Chamber, every day I have come to this building.

I have no idea how long I will be a Senator—none of us do—but I know every single day that I am, I will consider it a day that is a great privilege.

And this building, this symbol of democracy, which will be here long after all 100 of us are gone—and I hope for hundreds and hundreds more it will be here—should be open. It should be open. It should tell not just a quarter of a billion Americans that this is the seat of democracy but tell billions of people around the world, especially those who come from countries that are anything but democracies, this symbol stands, this symbol shines, this symbol is open for business.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, I want to go over a few facts regarding judicial nominations because that has been the subject of some discussion in this Chamber.

I, first, say that today there was a hearing held down in S-128, the appropriations room. It was held in spite of all that is going on around here. I want to tell Senator LEAHY how much I appreciate that, and also Senator SCHUMER, who chaired the subcommittee.

I say that because Senator ENSIGN nominated Larry Hicks. He did it. And I appreciate very much JOHN ENSIGN allowing me to approve of his nomination.

JOHN has been very good about that. Every fourth nomination I get. He told me if there is somebody I really don't like, he said, yes, he wouldn't put them forward. But the first person he put forward is a man by the name of Larry Hicks, eminently qualified, a good lawyer and a good person. It would have been a terrible shame for him and his family to have traveled back here yesterday to be told the hearing has been canceled, the Senate is not in session. So they were able to go into that crowded room and proudly be there when their husband, their father, their brother was given this most important hearing that will make him a Federal judge. He is extremely well qualified.

I wish to tell the Senator from Vermont how much I personally appreciate that. He is chairman of the committee. He is the one who arranged that. He is a member of the Appropriations Committee, one of the senior members. That is why we were able to use S-128.

Not only did he hold the hearing in S-128, but there was an emergency meeting held today to mark up people who had had hearings previously. Thirteen U.S. attorneys were reported out of the Judiciary Committee today, including a person who is going to be an assistant Attorney General, Jay Bybee from Nevada, a person also very well qualified, a professor at the University of Nevada Law School.

In addition to the U.S. attorneys and the Assistant Attorney General, we have four district court judges who were reported out of committee. Right back here it was done. It was difficult to get a quorum. People were pulled off the floor to do that. The Senator from Vermont, chairman of the committee, did that. There was a judge from Oklahoma, a judge from Kentucky, a judge from Nebraska, and a judge from Oklahoma—four district court judges.

In S-128 today, there was not a single member of the minority at that committee hearing—not a single one. The makeup of the committee was Senator SCHUMER, Senator LEAHY, and Senator KENNEDY. I may be missing someone but they were all Democrats. So I say to my friends, if these judicial nominations are that important, couldn't they attend a hearing? Remember, these were all Republican nominations—not a single Democratic nomination, all Republicans.

Let me also say this to boast—it is a pure, unadulterated boast; I am bragging about Chairman PAT LEAHY—confirmations under Chairman LEAHY have been faster than in the other first years. Fair comparisons show that by October 15 of the first year of President Clinton's administration, the Senate had only confirmed four judges, four fewer than by the same time this year. By October 15 of the first year of the first Bush administration, the number was the same; only four judges had been confirmed. This year, 2001, in the fewer than 4 months since the reorganization of the Senate, when we had Chairman LEAHY of the Judiciary Committee, and we had to spend some time organizing, too—you don't just hit the ground running—twice as many judges have been confirmed as during the first 9 months of the first Bush administration and the Clinton administration. Remember, 4 months.

Chairman LEAHY and the Senate are ahead of the confirmation pace for judicial nominations for the first year of the Bush administration and the first year of the Clinton administration.

Since July of this year, the Senate has already confirmed four court of appeals judges and a fifth has already had a hearing and is being scheduled for committee consideration as soon as the followup questions are answered. That judge would have been reported out today had the questions been answered of one of the Senators, I believe from Wisconsin. Senator FEINGOLD had some questions that had not been answered. Because of that and Senate tradition, you can't report out nominations if questions of members of the committee have not been answered.

In 1989, five court of appeals judges were confirmed for the entire year. We are on a pace to confirm between six and eight this year.

Chairman LEAHY has already held six hearings involving judicial nominees since July 10, including two in July and two unprecedented hearings during the August recess. Most of us were out doing other things. I am not afraid to acknowledge, I took a vacation for several weeks in August. When PAT LEAHY was here holding hearings, I was vacationing. Unprecedented hearings, two hearings during August, a hearing in September in the aftermath of the September 11 terrorist attack, a hearing on October 4, and, of course, the hearing today about which I have talked.

By contrast, in the 6½ years the Republicans chaired the Judiciary Committee from 1995 to 2001, in 34 months, they held no confirmation hearings for judicial nominations, 34 months. In 30 months, they held a single confirmation hearing. And in only 12 months did they hold at least two hearings involving judicial nominees.

You can bring charts on the floor, as was done earlier saying, Senator LEAHY, when he holds a hearing, doesn't do as many as we did. As I have said, I am happy to play this statistics game. I am happy to do that. Anyone who wants to do that, I can do it. As everyone knows, you can do whatever you want with statistics. But I am giving the Senate the statistics. Let someone come and disagree if they want. I am telling you this will be on the record of the Senate forever.

If the Senate adjourns, let's say, by the Thanksgiving recess, which probably will be the case, as it did in 1989 and 1993, Chairman LEAHY intends to hold additional hearings for judicial nominees. That would bring the total of the year to maybe as many as 10 hearings. The Senate could be in a position to confirm between 25 and 30 judges in this very short session during which the chairman of the Judiciary Committee took over this summer.

During the entire first year of the Clinton administration, the Judiciary Committee held only six hearings. During the entire first year of the first Bush administration, the committee held seven hearings.

Chairman LEAHY will hold as many as 10, even though he has not had the whole year. I remind everybody, during the first 6 months of this year, not a single confirmation hearing was held and not a single confirmation took place. Those are the facts.

The comparisons of the minority are simply unfair. Chairman LEAHY and the Democratic Senate have been criticized for only having confirmed eight judicial nominations so far this year. That number has been compared to totals from the end of previous years: In 1989, 15 judges were confirmed; in 1993, 27. This year's number was achieved between July 10 and October 15, and it is still growing. The totals against which it is being compared counts confirmations through late November in both years.

Now, as a result of the "unprecedented"—I use the word again—hearing in the President's room, we are going to, on Tuesday or Wednesday, vote out four more judges or several more judges. I think it is four. We are going to do these U.S. attorneys. We are going to do Mr. Bybee.

Mr. LEAHY. Mr. President, if the Senator will yield.

Mr. REID. Mr. President, I didn't know Senator LEAHY was here. I am glad to see the chairman.

Mr. LEAHY. I don't always enjoy the statements I hear on the floor, but I must admit, I was relishing this one.

Mr. REID. If I had known you were here, I would have been more effusive.

Mr. LEAHY. I think it was bad enough. But if my wife is watching this, she is going to wonder who this person is and who is coming home tonight with all these nice things you have said about me. I thank the Senator from Nevada who has helped make it possible.

He and Senator DASCHLE helped us get the rooms under difficult circumstances so we could have this hearing. I had the markup this morning, where we sent out, between judges and U.S. attorneys, about 18 people, virtually all of whom were there on the recommendation of Republican Senators. Because of his help, we were able to get a hearing room for this afternoon.

The point the Senator made was a good point. He mentioned the judicial nominee for Nevada. He traveled 3,000 miles to be here for a hearing, assuming, of course, we were going to have the hearing today. Those plans came before the anthrax scare and, all of a sudden, everything shut down. The Senator from Nevada, in his usual way, where he worries about everybody, it seems, came to me and said: People came this distance; can we do something to help them out? Of course, we can. We have been trying to do that to accommodate everybody.

There is one thing I find with great amusement, and that is when people say "look at the vacancies." Well, that is right, Mr. President, there are vacancies. President Clinton nominated people for virtually all of those vacancies, and they were not even allowed to have a hearing, to say nothing about a vote.

It reminds me of when the same people blocked President Clinton's nominees from having a hearing or a vote, and now they say we have all these vacancies. That is like the kid who killed his parents. When he was brought into court, he said, "Your Honor, have mercy on me, I am an orphan."

What can we say about these vacancies? Lordy, lordy, I wish they said that last year when we had the nominees ready to go.

Having said that, I don't intend to play that kind of game. We are moving as fast as we can. I point out to Senators that we have had a few problems. The Senator from Nevada pointed out that when the Republicans controlled the Senate, they didn't hold a single hearing or confirm a single judge. They have all been done since we took over, and they are all President Bush's nominees. We have had a few things going. I wasn't given a committee until July, about 2 or 3 weeks before the August recess. That is why I had staff stay here—to hold hearings during August. We have had a couple of things going on before that committee.

I am sure nobody has forgotten what happened 5 weeks ago in this country, on September 11, with the Pentagon and the World Trade Towers. We have been drafting a massive antiterrorism bill. We were given a deeply flawed piece of legislation by the Attorney General and the White House. I have worked with them and have tried to improve it, and we have done that. So now we have something both Republicans and Democrats can support, and we are going to pass it next week. That has taken a great deal of time.

As the Senator from Nevada has pointed out several times on the floor, speaking of the various Members and staff who have worked on it, I can go home at night, but most of them stay and spend the rest of the night working on it. So a lot has been done.

My earlier reason for coming to the Chamber was to thank the Senator from Nevada, and the Senator from South Dakota, Mr. DASCHLE, for keeping us in today. We accomplished an enormous amount. We accomplished more than any piece of legislation written today, more than any nominee, more than anything we voted on: we demonstrated to the United States of America that the Senate is open for business. Senators are here doing their duty.

Again, I thank the Senator from Nevada for his long-term friendship and for his kind words.

I yield the floor.

Mr. REID. Mr. President, this says it all: The average time between nomination and confirmation for court of appeals judges this year has been approximately 100 days, which includes the delay and reorganization of the Senate and the wait for the ABA peer reviews, which cannot begin now until after the nomination. The average length of time between nomination and confirmation of those circuit court nominees approved during President Clinton's most recent term was 343 days. That is a year—average.

Accordingly, even with all the delays caused by Republicans, this Senate is acting on court of appeals nominees, on average, 8 months faster than the Republican Senate acted on Clinton nominations during the last 4 years—when they acted at all.

More than half—56 percent—of President Clinton's court of appeals nominations in 1999–2000 were not confirmed. More than one-fifth of President Clinton's judicial nominees—68—never got a committee hearing, and certainly not a committee vote from the Republican majority. No one on the Republican side has conceded that the Republican Senate did anything wrong over the last 6 years in its handling of the judicial nominations. I guess they accept 343 days as being fairly good.

Chairman LEAHY and the majority now are ahead of the pace of the Republican Senate—it is not even a close race—and we should not be criticized for doing far better than our predecessors. Of the 31 district court nominees pending, 14 do not have completed paperwork with ABA ratings, 5 had hearings, 4 are scheduled for hearings this week—and I talked about those—and 10 or more will be included the rest of this month and next month.

Mr. President, having made this case, hopefully showing that the effort to have Senator DASCHLE change what we are doing on the floor as a result of Chairman LEAHY not doing what he is supposed to do is not going to work. Having laid this out, this is not payback time. We are not going to use their model. They should use it when they are trying to make apples out of oranges, but we are not going to go for that. We are going to treat the Republicans like they did not treat us. We are going to do everything we can to get every judicial nomination completed as quickly as we can. That is our responsibility, and we are going to live up to it. It would be easy to do what was done to us—that is, hold them, hold them, until the very last, and then let some go—not very many but a few. We have not done that.

We have approved scores of ambassadors. Chairman BIDEN has been exemplary. All the other committees have voted out people as quickly as they could. I had a hold on someone in the Environmental Protection Agency. I got a call from Governor Whitman. I had questions. She answered them on the phone and we did it within a day or two. It would have been easy to say, well, that is what they did to us. But we are not doing that, Mr. President. We are getting these judges out as quickly as we can.

All the screaming and yelling and saying we are not going to let the appropriations bills move—they can do that. We are doing the best we can.

Someone on the other side said we are going to have some meetings. We are going to have meetings, but not on that, Mr. President. I have spoken to the majority leader, and he recognizes these appropriations bills are very important. But they are the President's bills, not our bills. If he wants these lumped into some big thing—and he is over in China now. We have the foreign operations bill being held up, and he is meeting with 21 other world leaders there, many of whom get benefits from the bill we are trying to pass. But we can't because there is a filibuster.

I practiced law. I argued cases in the Ninth Circuit. I tried lots and lots of cases. I know how important it is to have judges—good judges—as many as you can get. Justice delayed is justice denied, and we know that. We are going to do the best we can to make sure there is no justice delayed. But let's use common sense.

Why hold up these appropriations bills? It is not going to speed things up. Now we are going into the third week with a filibuster. It is wrong, and I am very sorry it is happening. But no one is going to denigrate PAT LEAHY while I still have an ounce of breath left in my body.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BASE CLOSURES

Mr. LEVIN. Mr. President, on Tuesday, I received a letter on a very important subject that I wish to bring to the attention of my colleagues.

The House of Representatives and the Senate are currently meeting in joint conference committee on the National Defense Authorization Act for Fiscal Year 2002. This bill has many provisions that are very important to our military and to our Nation, but one of the most important of these is a provision authorizing the President to conduct a new round of base closures in 2003.

The Senate voted to support the request of the administration and of our military leaders to allow the Department of Defense, DOD, to rationalize, and where necessary reduce, their infrastructure. Allowing DOD to conduct a new round of base realignment and closures is necessary to stop wasting taxpayer money, to redirect funds to higher national security priorities, and to allow the transformation of our military. Transformation has never meant just buying new weapons.

The letter I received is signed by eight former Secretaries of Defense. They write to tell the Congress that we must act to allow DOD to ensure our base structure supports for our forces and our war fighting plans. They warn us that forces tied up defending unneeded bases "are forces unavailable for the campaign on terrorism" and that resources devoted to unneeded facilities cannot be spent on the tools we will need to win this war.

This letter is signed by Robert McNamara, Mel Laird, Jim Schlesinger, Harold Brown, Caspar Weinberger, Frank Carlucci, Bill Perry, and our former colleague Bill Cohen. I might add that two other former Secretaries of Defense, Vice President CHENEY and our current Secretary Donald Rumsfeld, have asked the Congress for this authority on behalf of this administration.

Every living current or former Secretary of Defense is telling us it is essential that we act to reduce our excess infrastructure. The Congress should listen to the voice of experience on this matter. These are the men who have had the awesome responsibility of protecting our Nation's security and running one of the world's largest, most complex organizations. These are the men who have been in the chain of command, who have had to make life and death decisions. When they tell us we need to act, we should listen, and we should act.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 15, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter underscores the need for the Congress to approve an additional round of base realignment and closure. While we understand the sensitivity of this effort, our support for another round is unequivocal in light of the terrorist attacks of September 11, 2001. The Defense Department must be allowed to review its existing infrastructure to ensure it is positioned to support our current and evolving force structure and our war fighting plans.

We are concerned that the reluctance to close unneeded facilities is a drag on our military forces, particularly in an era when homeland security is being discussed as never before. The forces needed to defend bases that would perhaps otherwise be closed are forces unavailable for the campaign on terrorism. Further, money spent on a redundant facility is money not spent on the latest technology we'll need to win this campaign.

We thank you for all you have done to provide for our military forces, the finest in the world. We know closing or realigning bases will be difficult, but we expect you will face many difficult decisions in the coming weeks and months. With the support of Secretary Rumsfeld, together we stand ready to assist in any we can.

Sincerely,

William J. Perry, Casper W. Weinberger, James Schlesinger, Robert S. McNamara, William S. Cohen, Frank C. Carlucci, Harold Brown, Melvin Laird.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 19, 2000 in Columbus, OH. Scott Roberts, a gay man, told the Columbus Dispatch that he believes he and his partner of six years, Bill Camelin, were attacked because they are gay. After being lured to a remote location, Camelin was shot to death and Roberts was wounded in the knee.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed by the President pro tempore (Mr. BYRD) on October 18, 2001:

S. 1465. An act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 18, 2001, she had presented to the President of the United States the following enrolled bill:

S. 1465. An act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma.

Karen K. Caldwell, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Laurie Smith Camp, of Nebraska, to be United States District Judge for the District of Nebraska.

Claire V. Eagan, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Anna Mills S. Wagoner, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Margaret M. Chiara, of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

Robert J. Conrad, Jr., of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Thomas C. Gean, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

James Ming Greenlee, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Raymond W. Gruender, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Jay S. Bybee, of Nevada, to be an Assistant Attorney General.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Thomas M. DiBiagio, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

Thomas E. Johnston, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

Donald W. Washington, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

Patrick J. Fitzgerald, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

John McKay, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Karl K. Warner, II, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID:

S. 1564. A bill to convey land to the University of Nevada at Las Vegas Research Foundation for a research park and technology center; read the first time.

By Mrs. FEINSTEIN (for herself, Mr. WYDEN, Mr. FEINGOLD, Mr. CORZINE, Mr. HARKIN, and Mr. LEAHY):

S. 1565. A bill relating to United States adherence to the ABM Treaty; to the Committee on Armed Services.

By Mr. REID (for himself and Mr. SMITH of Oregon):

S. 1566. A bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. KERRY, Mr. THOMAS, Mr. GRAHAM, Mr. VOINOVICH, and Mr. HUTCHINSON):

S. 1567. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1568. A bill to prevent cyberterrorism; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1569. A bill to amend title 49, United States Code, to regulate the issuance of licenses to operate motor vehicles transporting hazardous material, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself, Mr. GREGG, Mr. REED, Mr. JOHNSON, Mr. SESSIONS, and Mr. WARNER):

S. 1570. A bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR:

S. 1571. A bill to provide for the continuation of agricultural programs through fiscal year 2006; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELLSTONE:

S. Res. 172. A resolution expressing the sense of the Senate regarding the urgent need to provide emergency humanitarian assistance and development assistance to civilians in Afghanistan, including Afghan refugees in surrounding countries; to the Committee on Foreign Relations.

By Mr. HATCH:

S. Res. 173. A resolution condemning violence and discrimination against Iranian-Americans in the wake of the September 11, 2001 terrorist attacks; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1504

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 1504, a bill to extend the moratorium enacted by the Internet Tax Freedom Act through June 30, 2002.

S. 1552

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Idaho (Mr. CRAPO), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1552, a bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1564. A bill to convey land to the University of Nevada at Las Vegas Research Foundation for a research park and technology center; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the University of Nevada, Las Vegas, needs land in the greater Las Vegas area to provide for the future growth of the university;

(2) the proposal by the University of Nevada, Las Vegas, for construction of a research park and technology center in the greater Las Vegas area would enhance the high tech industry and entrepreneurship in the State of Nevada; and

(3) the land transferred to the Clark County Department of Aviation under section 4(g) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) is the best location for the research park and technology center.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a suitable location for the construction of a research park and technology center in the greater Las Vegas area;

(2) to provide the public with opportunities for education and research in the field of high technology; and

(3) to provide the State of Nevada with opportunities for competition and economic development in the field of high technology.

SEC. 2. CONVEYANCE TO THE UNIVERSITY OF NEVADA AT LAS VEGAS RESEARCH FOUNDATION.

(a) CONVEYANCE.—Notwithstanding section 4(g)(4) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2347), the Clark County Department of Aviation may convey, without consideration, all right, title, and interest in and to the parcel of land described in subsection (b) to the University of Nevada at Las Vegas Research Foundation for the development of a technology research center.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of Clark County Department of Aviation land—

(1) consisting of approximately 115 acres;

(2) located in the SW ¼ of section 33, T. 21 S., R. 60 E., Mount Diablo Base and Meridian; and

(3) identified in the agreement entitled "Interim Cooperative Management Agreement Between the United States Department of the Interior—Bureau of Land Management and Clark County", dated November 4, 1992.

By Mrs. FEINSTEIN (for herself, Mr. WYDEN, Mr. FEINGOLD, Mr. CORZINE, Mr. HARKIN, and Mr. LEAHY):

S. 1565. A bill relating to United States adherence to the ABM Treaty; to the Committee on Armed Services.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation regarding the testing, development, and possible deployment of a National Missile Defense system. This legislation is cosponsored by Senators WYDEN, FEINGOLD, CORZINE, HARKIN, and LEAHY.

I share the concern of many of my colleagues that, in the aftermath of the horrific events of September 11, this is not the appropriate time or place for a divisive debate on the Senate floor on missile defense.

That is why I did not offer this legislation as an amendment on the Defense authorization bill, do not intend to offer it as an amendment on other legislation before the Senate at this time, and do not intend to push this legislation for a vote at this point in time. This is not the time for Senate consideration of this legislation or for a divisive debate on this issue.

But I also believe that it is critical that at the appropriate time, and in the appropriate way, a full public and congressional debate on missile defense must occur. It is simply too an important a decision, and too important an issue, to be treated in any other way.

Indeed, National Missile Defense is one of the most serious foreign policy and national security issue that we will face in the coming decades. The administration's decisions on this issue should be made deliberately, in consultation with our allies, and, most importantly, in consultation with the United States Congress.

As one Senator, I myself have spent considerable time over the past several years in meetings, briefings, and discussions on this issue. Earlier this year I had the opportunity to discuss missile defense issues at length with former Secretary Perry.

He suggested to me that the proliferation of nuclear, chemical, and biological weapons of mass destruction, and the increasing availability to other nations as well as transnational groups such as terrorist organizations, of the technology and material necessary to develop and deliver WMD is perhaps the most serious threat to U.S. national security today.

Secretary Perry went on to argue, however, that National Missile Defense is not and should not be seen as a one-size-fits-all substitute for an effective non-proliferation strategy, and that the United States must have a balanced program to effectively safeguard our interests. This includes effective strategies for the prevention of proliferation, deterrence, homeland defense, and counter-proliferation, and clearly calibrating and allocating resources to meet the real challenges that face U.S. national security interests.

I believe that the approach suggested by Secretary Perry makes a good deal of sense.

Based on this approach, I believe that it is therefore important for Congress to ask a number of questions with regard to NMD. Questions such as:

Would missile defense have helped to prevent the events of September 11?

Are there more immediate security needs, such as homeland defense, which demand priority on our scarce national defense and national security resources?

Is NMD an appropriate to serve as the central axle around which U.S. national security rotates, given the nature of the threats we now face?

Would unilateral U.S. withdrawal from the ABM Treaty hurt U.S. efforts to get international cooperation in the battle against terrorism?

Will acquiring NMD make the United States, and the world, safer and more secure? Or will unilateral U.S. development and deployment of NMD, and unilateral violation, abrogation, or withdrawal from the Anti-Ballistic Missile Treaty, make us less safe and secure?

I am also concerned that with what appears to be a rush toward construction at Fort Greely, AK, the administration has already made a decision on deployment, without having yet answered these bottom line questions.

The legislation that I and my colleagues introduce today seeks to address these questions, and to suggest that the balanced approach suggested by Secretary Perry to safeguarding the United States from the threat of WMD attack might be a wiser policy for Congress to consider, rather than merely rubber-stamping the administration's missile defense policy.

This legislation would: express the Sense of the Senate that U.S. research and development of missile defense remain consistent with the ABM treaty, that the U.S. should pursue good faith negotiations with Russia to make such modifications to the ABM as may be necessary, but that the U.S. should not unilaterally opt-out of the treaty and not deploy a missile defense system that has not met the basic research, testing, and evaluation standards to prove its operational effectiveness.

Place a limitation on funding available for missile defense testing, evaluation, or deployment that would unilaterally abrogate or violate the ABM treaty.

Call on the Secretary of State to report to Congress, if a decision on deployment is made, regarding the nature of the threat that triggered the deployment decision and the likely impact that the deployment decision will have on U.S. national security interests.

Call on the Secretary of Defense to report to Congress, if a decision on deployment is made, on the operational effectiveness of the missile defense system.

Call on the President to make an annual report to Congress on the nature of the WMD threat faced by the U.S. and its allies, evaluate the threat posed by different means of delivery, ranging from ballistic missiles to suitcase bombs, provide an estimation for the total cost of development and deployment of missile defense, and make a determination whether missile defense spending adversely impacts other priority national security programs of the Department of Defense.

I have previously stated that my concerns about NMD revolve largely around four issues: The nature of the threat; the implications for arms control and the international security environment; the feasibility of the technology; and the cost. I would like to address each of these in turn.

The bottom line of these concerns is simply this: Will a unilateralist missile defense deployment decision become the basis for a new arms race, leading to a world with more ballistic missiles and WMD pointed at the United States, not less? Would the United States be more secure, or less?

We also must ask where does the long range missile threat to the U.S. stand?

Russia for all its problems, remains the only nation possessing enough Intercontinental Ballistic Missiles, ICBMs, and submarine launched ballistic missiles, SLBMs, to overwhelm the proposed U.S. defensive umbrella. China has only a small number of ICBMs. No other nation has operational ICBMs and only two, France and the United Kingdom, have SLBMs.

Other countries, such as North Korea, Iran, Iraq, do not today have ballistic missile capabilities that are a threat to the United States. We should not act in ways to encourage them to develop these capabilities or, just as troubling, to develop alternate means to attack the United States which NMD is powerless to counter.

Looking ahead, however, George Tenet, Director of the Central Intelligence Agency, testified before Congress last year that "over the next 15 years, our cities will face ballistic missile threats from a variety of actors." He pointed to North Korea which, he said, could further develop its Taepo Dong 2 missile, noting that it "might be capable of delivering a nuclear payload to the United States."

Other nations which have or are pursuing ballistic missile programs include Iran and Iraq. Neither of these countries have succeeded in developing ballistic missile capabilities, however, and unless they make a concerted effort to do so, neither appears likely to develop capabilities within the next 10 years.

As we consider U.S. missile defense policy, I believe it is a fair question to ask what sort of developments in the international security environment might lead them, or others, to make that sort of concerted effort?

As the past two weeks have too well illustrated, the world is not a static place. International security relationships are fluid and dynamic. The United States today is the world's sole superpower, and although that gives us great strategic flexibility and maneuverability, it would be naive for us to believe that other nations and transnational groups do not and will not react to the strategic choices the United States makes, and how they perceive those choices affecting their own interests.

In other words, how might the rest of the world react to a unilateral U.S. decision to deploy NMD? What would other countries do to protect what they perceive as their national security interests in the face of a U.S. NMD?

The National Intelligence Estimate prepared last year, "Foreign Responses to U.S. National Missile Deployment," suggests that in reaction to U.S. NMD deployment:

Russia could opt to deploy shorter-range missiles along its borders and resume adding multiple warheads to its ballistic missiles.

China would most likely seek to deploy additional missiles with MIRVed warheads if the U.S. went ahead with NMD. This would mean that China may attempt a strategy of "breaking out," giving them the capability to "overwhelm" a U.S. NMD system.

North Korea could resume its missile flight test program and cooperate with other countries, such as Iran or Iraq, in helping them develop missile capabilities.

Iran and Iraq might well redouble their efforts to develop their own missile programs, including decoys and countermeasures that would allow them to bypass a U.S. missile shield.

The NIE report also concluded that if China sought to deploy additional missiles and warheads in response to NMD, this might prompt India to respond by building up its own nuclear arsenals and missile arsenal, which would in turn prompt Pakistan to seek to develop additional nuclear weapons and advanced missiles, unleashing a South Asian nuclear arms race.

I do not believe I need to comment further, given recent events, just how dangerous that would be.

Such a destabilized environment, with Russia, China, North Korea, India, Pakistan, Iran, Iraq, and possibly others adding to their nuclear arsenals or missile capabilities does not strike me as a more stable world, or one in which the U.S. is more secure from the threat of WMD or missile attack.

In addition, many analysts believe that if the United States were to go ahead with NMD, rogue states and terrorists groups would simply shift their focus from developing missile technology to delivering weapons of mass destruction by ship, plane, or cruise missile, methods that are both more reliable, provide no "return address," and can't be countered by NMD.

I do not even want to contemplate what September 11 would have been like had one or more of those hijacked planes contained even a small, primitive, "dirty" nuclear device.

The second issue I would like to address today is the implication of a rush to deploy NMD for the Anti-Ballistic Missile Treaty.

Today the ABM Treaty is the keystone of a number of interlinked nuclear arms control agreements, including the START I and START II treaties with Russia. Although the ABM Treaty may require some modifications to take into account the realities of the new security environment, and this legislation urges the Administration to pursue such negotiations, to just cast it aside risks undermining the very foundations of strategic stability and U.S. national security.

The United States has long been at the forefront of the international community in trying to inculcate respect for international law and treaty obligations.

In fact, one of the ways in which the United States identifies so-called rogue states is that these are states that do not respect their obligations to other members of the international community; states who walk away from, ignore, or cheat on their treaty obligations.

And so it is deeply troubling to me that the United States may now be telling the rest of the world, through its own actions, that it is accepted behavior to break your treaty obligations.

Indeed, with this approach I am particularly concerned that the United States may, in fact, be sending precisely the wrong message on international arms control to China: That only the weak must respect other nations and international law. If you are strong enough, you can do as you please.

If the United States seeks to unilaterally abrogate the Anti-Ballistic Missile Treaty, and in general treat international treaty commitments as mere pieces of paper to be disregarded if they prove inconvenient, how can we expect to hold China accountable to live up to its international agreements, or to the commitment it has made to the Missile Technology Control Regime?

As reported in the press accounts earlier this summer, the Department of Defense ABM Compliance Review Group, the Pentagon lawyers tasked to identify potential ABM Treaty issues raised by the testing schedule, have determined that some elements of the administration's plan for developing missile defenses may conflict with the ABM Treaty by 2002.

Indeed, a July 30, 2001 letter from Undersecretary Paul Wolfowitz to me stated that the "Department has neither designed the missile defense program to intentionally impact the ABM treaty sooner rather than later, nor have we designed it to avoid the treaty." That is good as far as it goes. But is also avoids the real question:

Has the Department of Defense made an effort to develop a missile defense testing program which is, by intent, consistent with the ABM? So long as the treaty is in force and is the supreme law of the land that seems to me to be a reasonable requirement.

Moreover, as Philip Coyle, the former director of Operational Test and Evaluation at the Pentagon, wrote in a recent issue of The Defense Monitor, the ABM treaty "is not holding back the design and development of the technology needed for National Missile Defense, NMD, nor is the treaty slowing the tests of an NMD system. Development of NMD will take a decade or more for technical and budgetary reasons, but not due to the impediments caused by the ABM treaty."

In other words, the United States can continue with an aggressive NMD development and testing program for the foreseeable future, should the Administration and Congress choose to, without the need to abandon the ABM.

I do not believe that arms control treaties and agreements are a panacea that, by themselves, secure U.S. national security interests or those of our friends and allies.

But surely the constraints that these treaties and agreements impose can play a valuable role in constricting the development of weapons of mass destruction and their proliferation around the globe.

They are a useful tool in a fully articulated foreign policy and national security toolbox, and it is short-sighted, to say the least, to throw the tool out. Especially if one does not replace it with something of equal or greater value.

Although the technical challenges of developing missile defense technology are great, I believe that the United States, if we choose to pursue it, is equal to the task.

But that we can develop a missile defense system should not be confused by anyone to mean that we have the capabilities now, or will possess them, even with an aggressive testing and development program, anytime soon.

Effective missile defense is an enormous technical challenge. Commonly compared to "hitting a bullet with a bullet," missile defense requires interceptors to find and hit the warheads of long-range missiles traveling at speeds of 15,000 mph or more. Although two of the four tests thus far have failed, and serious questions have been raised about the degree of success of the other two, these tests have indicated that it may indeed be possible to "hit a bullet with a bullet."

But it is still far from clear if it can be done reliably in a real-world setting, where decoys and countermeasures will complicate the system's ability to determine what targets need to be hit. A global system of satellites, radars, communications relays, booster rockets and interceptors all must work with each other almost perfectly for the defense to have a chance of success.

There are also concerns, first raised by the November 1999 Welch Report, that political pressure to deploy a system regardless of whether the science works or not may lead to a "rush to failure." However, it must be a scientific determination, not a political determination, that decides how far and how fast we go forward with missile defense.

If the United States goes forward with development and deployment of a missile defense system, it must be one that is fully tested and deemed operationally effective in a real world setting. Anything less would be an invitation to disaster.

My final concern about missile defense relates to the potential costs of development and deployment.

As Congress considers this issue it is critical that it is able to clearly prioritize missile defense programs and spending, within the context of our larger national security needs. Funds that are spent on national missile defense are, in effect, funds that can not be spent on other priority programs, such as homeland defense. I do not propose that the United States spends all on one or the other. Rather, Congress must play a responsible role in making sure that sufficient funds are available to meet the threats to national security that exist today, while planning prudently for threats that will emerge tomorrow.

To allocate a disproportionate share of defense spending on a threat that does not exist at all, or which will not be real until much further off in the future creates a very real risk to those programs that need to be funded today. This means that immediate and concrete threats we face today may not be addressed with potentially disastrous results.

There has never been a consensus cost figure for deploying an NMD system. For several years, the Clinton administration estimated that a limited NMD system would cost $9 to $11 billion to develop, test, and deploy. In January 1999, the administration estimated that an initial system of 20 interceptors would cost about $10.6 billion. In February 2000, the administration provided a "life-cycle" cost estimate of $26.6 billion for an initial system of 100 ground-based interceptors in Alaska.

An April 2000 study by the Congressional Budget Office (CBO), however, estimated that it would cost about $29.5 billion to develop, build, and operate an initial NMD system through 2015. CBO estimates it will cost another $19 billion through 2015 to expand the initial system of 100 interceptors and build what was called a Capability 2 and Capability 3 system designed for greater numbers of more sophisticated potential missile threats. According to CBO, additional space-based sensors would bring the total costs for NMD to around $60 billion through 2015.

Several reports issued by outside groups, however, suggest that the real costs of missile defense deployment could be much higher, perhaps as $300 billion if such elements as space-based and naval-based NMD interceptors are included.

Trying to put a price tag on missile defense costs is all the more difficult at present because the current administration has not yet determined what sort of missile defense architecture they want to develop. Put simply, they have asked for the credit card to go to the store, but have not told us if they will be buying jeans or a tuxedo, or anything in between.

The question of cost should not be a determining factor in and of itself. If the international security environment demands development and deployment of missile defenses, the U.S. must go forward regardless of the cost.

But as Congress considers the elements of U.S. national security strategy in the years ahead, it must do so mindful that devoting resources to one area likely means depriving them from another. We must be careful, therefore, to make sure that our national security needs are properly prioritized. To move forward with missile defense, if it is not at the top of the list or immediately needed, and in so doing place in jeopardy other higher and more immediate needs and priorities, such as homeland defense, risks creating an unbalanced and ineffective national security strategy.

The administration's current plans, of what we know about them, seem to suggest that the United States will abandon the Anti-Ballistic Missile treaty before we even know if the deployment of NMD is even feasible. And that it would abandon the ABM in pursuit of what can only be considered "unbalanced" national security strategy, one that places too much weight on the development of missile defense, and too little on the other areas, such as prevention, intelligence, rollback, and management, that are equally, or more, important.

The United States must respond to new threats, and defenses can play an important role. But the question is not whether we deploy defenses, as missile defense advocates like to paint it, but what, when, and, most importantly, how.

As I stated earlier, the threat of the proliferation of WMD is real and growing, and how the United States manages this threat should be an overriding security priority. Management requires a comprehensive approach that strikes the right balance between prevention, deterrence, and defense, and the emphasis placed on missile defense must be balanced against other national security priorities. An effective WMD national security strategy must emphasize:

Prevention, through preventive defense and preventive diplomacy, including export controls, regional security commitments, on-going threat reduction programs, and arms control regimes;

Intelligence, including those efforts that show promise for penetrating transnational and terrorist groups that may be planning attacks against the United States or our allies and that illuminate the nature of the proliferation threat;

Rollback of WMD and missile programs that have been developed by other countries, such as the intense diplomacy such as has met with some success on the Korean Peninsula, and a mixture of economic and political incentives; and,

Management of the consequences of proliferation by better protecting our forces, holding open the possibility of pre-emption, and active defenses.

And our defensive programs must also recognize that as the horrific events of September 11 too well illustrated, missile defense is a response to but one of the WMD threats that the United States faces in today's world—and perhaps the least of these threats at that.

Indeed, a breakdown of the "threat spectrum" produced by the Joint Chiefs of Staff earlier this year lists a missile attack as having the lowest "probability of occurrence" in the threat spectrum.

In fact, as a member of the Senate Committee on Intelligence, I have had an opportunity to discuss WMD threat assessments with members of our intelligence community. Although the threat of a ballistic missile attack from a rogue nation is certainly a concern, they are far more concerned about the threat that a "suitcase" bomb or a bomb hidden on a ship may pose. Needless to say, NMD does nothing to address these threats.

A balanced approach to national security therefore suggests that it is only prudent for the United States to conduct a limited testing program to develop missile defense technology so that if, at some point in the future, it is necessary we will have appropriate options. And yes, the ABM Treaty may need to be modified or amended to enable us to respond to new threats.

But it would be folly to place too much of an emphasis on missile defense, to simply and unilaterally develop and deploy NMD, and to abandon the treaty, before we even know what defensive systems are feasible, which systems best meet our needs, and well before any sensible development or testing program needs to bump up to treaty limits.

The unilateral U.S. pursuit of NMD is likely to create a less stable world, with more nations pursuing weapons of mass destruction, and without the constraints of international arms control agreement.

It strikes me as a big gamble to develop a national security strategy on one hand which seems intent on cultivating a missile defense system of unknown effectiveness, and a less stable and less secure world on the other.

I look forward to the opportunity to debate these issues on the floor with my colleagues at an appropriate time.

By Mr. ENZI (for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. KERRY, Mr. THOMAS, Mr. GRAHAM, Mr. VOINOVICH, and Mr. HUTCHINSON):

S. 1567. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Moratorium and Equity Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The moratorium of the Internet Tax Freedom Act on new taxes on Internet access and on multiple and discriminatory taxes on electronic commerce should be extended.

(2) States should be encouraged to simplify their sales and use tax systems.

(3) As a matter of economic policy and basic fairness, similar sales transactions should be treated equally, without regard to the manner in which sales are transacted, whether in person, through the mails, over the telephone, on the Internet, or by other means.

(4) Congress may facilitate such equal taxation consistent with the United States Supreme Court's decision in Quill Corp. v. North Dakota.

(5) States that adequately simplify their tax systems should be authorized to correct the present inequities in taxation through requiring sellers to collect taxes on sales of goods or services delivered in-state, without regard to the location of the seller.

(6) The States have experience, expertise, and a vital interest in the collection of sales and use taxes, and thus should take the lead in developing and implementing sales and use tax collection systems that are fair, efficient, and non-discriminatory in their application and that will simplify the process for both sellers and buyers.

(7) Online consumer privacy is of paramount importance to the growth of electronic commerce and must be protected.

SEC. 3. EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof shall impose—

"(1) any taxes on Internet access during the period beginning after September 30, 1998, unless such a tax was generally imposed and actually enforced prior to October 1, 1998; and

"(2) multiple or discriminatory taxes on electronic commerce during the period beginning on October 1, 1998, and ending on December 31, 2005.".

SEC. 4. INTERNET TAX FREEDOM ACT DEFINITIONS.

(a) INTERNET ACCESS SERVICES.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following new paragraph:

"(11) INTERNET ACCESS SERVICES.—The term 'Internet access services' means services that combine computer processing, information storage, protocol conversion, and routing with transmission to enable users to access Internet content and services. Such term does not include receipt of such content or services.".

(b) INTERNET ACCESS.—Section 1104(5) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "telecommunications services.' and inserting "telecommunications services generally, but does include wireless web access services used to enable users to access content, information, electronic mail, or other services offered over the Internet, including any comparable package of services offered to users.".

(c) TELECOMMUNICATIONS SERVICES.—Section 1104(9) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986)".

(d) WIRELESS WEB ACCESS SERVICES.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(12) WIRELESS WEB ACCESS SERVICES.—The term 'wireless web access services' means commercial mobile services (as defined in section 332(d)(1) of Communications Act of 1934 (47 U.S.C. 332(d)(1)), multi-channel, multi-point distribution services, or any wireless telecommunications services used to access the Internet.".

SEC. 5. STREAMLINED SALES AND USE TAX SYSTEM.

(a) DEVELOPMENT OF STREAMLINED SYSTEM.—It is the sense of Congress that States and localities should work together to develop a streamlined sales and use tax system that addresses the following in the context of remote sales:

(1) A centralized, one-stop, multi-state reporting, submission, and payment system for sellers.

(2) Uniform definitions for goods or services, the sale of which may, by State action, be included in the tax base.

(3) Uniform rules for attributing transactions to particular taxing jurisdictions.

(4) Uniform procedures for—

(A) the treatment of purchasers exempt from sales and use taxes; and

(B) relief from liability for sellers that rely on such State procedures.

(5) Uniform procedures for the certification of software that sellers rely on to determine sales and use tax rates and taxability.

(6) A uniform format for tax returns and remittance forms.

(7) Consistent electronic filing and remittance methods.

(8) State administration of all State and local sales and use taxes.

(9) Uniform audit procedures, including a provision giving a seller the option to be subject to no more than a single audit per year using those procedures; except that if the seller does not comply with the procedures to elect a single audit, any State can conduct an audit using those procedures.

(10) Reasonable compensation for tax collection by sellers.

(11) Exemption from use tax collection requirements for remote sellers falling below a de minimis threshold of $5,000,000 in gross annual sales.

(12) Appropriate protections for consumer privacy.

(13) Such other features that the States deem warranted to promote simplicity, uniformity, neutrality, efficiency, and fairness.

(b) STUDY.—It is the sense of Congress that a joint, comprehensive study should be commissioned by State and local governments and the business community to determine the cost to all sellers of collecting and remitting State and local sales and use taxes on sales made by sellers under the law as in effect on the date of enactment of this Act and under the system described in subsection (a) to assist in determining what constitutes reasonable compensation.

SEC. 6. INTERSTATE SALES AND USE TAX COMPACT.

(a) AUTHORIZATION.—In general, the States are authorized to enter into an Interstate

Sales and Use Tax Compact. The Compact shall describe a uniform, streamlined sales and use tax system consistent with section 5(a), and shall provide that States joining the Compact must adopt that system.

(b) EXPIRATION.—The authorization in subsection (a) shall expire if the Compact has not been formed before January 1, 2005.

(c) CONGRESSIONAL APPROVAL OF COMPACT.—

(1) ADOPTING STATES TO TRANSMIT.—Upon the 20th State becoming a signatory to the Compact, the adopting States shall transmit a copy of the Compact to Congress.

(2) CONGRESSIONAL ACTION.—

(A) IN GENERAL.—If a joint resolution described in subparagraph (B) is enacted into law within 120 calendar days, excluding congressional recess period days, of Congress receiving the Compact under paragraph (1), then sections 7 and 8 shall apply to the adopting States, and any other State that subsequently adopts the Compact.

(B) JOINT RESOLUTION.—A joint resolution described in this subparagraph is a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That Congress—

"(1) agrees that the uniform, streamlined sales and use tax system described in the Compact transmitted to Congress by the States pursuant to section 6(c)(1) of the Internet Tax Moratorium and Equity Act does not create an undue burden on interstate commerce; and

"(2) authorizes any State that adopts such Compact to require remote sellers to collect and remit sales and use taxes in accordance with such system ."

(C) EXPEDITED PROCEDURE FOR APPROVAL.—

(i) RULES OF HOUSE AND SENATE.—This paragraph is enacted—

(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of the joint resolution described in subparagraph (B), and they supersede other rules only to the extent that they are inconsistent therewith, and

(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(ii) APPLICABLE PROCEDURAL PROVISIONS.—Except as otherwise provided in this paragraph, the procedures set forth in section 152 (other than subsection (a) thereof) of the Trade Act of 1974 (19 U.S.C. 2192) shall apply to the joint resolution described in subparagraph (B) by substituting the "Committee on the Judiciary" for the "Committee on Ways and Means" and the "Committee on Commerce, Science, and Transportation" for the "Committee on Finance" in subsection (b) thereof.

(iii) INTRODUCTION OF JOINT RESOLUTION AFTER COMPACT RECEIVED.—Until Congress receives the Compact described in paragraph (1), it shall not be in order in either House to introduce the joint resolution described in subparagraph (B).

(iv) CONSIDERATION OF JOINT RESOLUTION.—No amendment to the joint resolution described in subparagraph (B) shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this clause shall be in order in either House. Within 120 calendar days, excluding congressional recess period days, after the date on which a joint resolution described in subparagraph (B) is introduced in either House, that House shall proceed to a final vote on the joint resolution without intervening action. If either House approves the resolution, it shall be placed on the calendar in the other House, which shall proceed immediately to a final vote on the joint resolution without intervening action.

SEC. 7. AUTHORIZATION TO SIMPLIFY STATE USE-TAX RATES THROUGH AVERAGING.

(a) IN GENERAL.—Subject to the exception in subsection (c), a State that adopts the Compact authorized and approved under section 6 and that levies a use tax shall impose a single, uniform State-wide use-tax rate on all remote sales on which it assesses a use tax for any calendar year for which the State meets the requirements of subsection (b).

(b) AVERAGING REQUIREMENT.—A State meets the requirements of this subsection for any calendar year in which the single, uniform State-wide use-tax rate is in effect if such rate is no greater than the weighted average of the sales tax rates actually imposed by the State and its local jurisdictions during the 12-month period ending on June 30 prior to such calendar year.

(c) ANNUAL OPTION TO COLLECT ACTUAL TAX.—Notwithstanding subsection (a), a remote seller may elect annually to collect the actual applicable State and local use taxes on each sale made in the State.

(d) ALTERNATIVE SYSTEM.—A State that adopts the uniform, streamlined sales and use tax system described in the Compact authorized and approved under section 6 so that remote sellers can use information provided by the State to identify the single applicable rate for each sale, may require a remote seller to collect the actual applicable State and local sales or use tax due on each sale made in the State if the State provides such seller relief from liability to the State for relying on such information provided by the State.

SEC. 8. AUTHORIZATION TO REQUIRE COLLECTION OF USE TAXES.

(a) GRANT OF AUTHORITY.—

(1) STATES THAT ADOPT THE SYSTEM MAY REQUIRE COLLECTION.—Any State that has adopted the system described in the Compact authorized and approved under section 6 is authorized, notwithstanding any other provision of law, to require all sellers not qualifying for the de minimis exception to collect and remit sales and use taxes on remote sales to purchasers located in such State.

(2) STATES THAT DO NOT ADOPT THE SYSTEM MAY NOT REQUIRE COLLECTION.—Paragraph (1) does not extend to any State that does not adopt the system described in the Compact.

(b) NO EFFECT ON NEXUS, ETC.—No obligation imposed by virtue of authority granted by subsection (a)(1) or denied by subsection (a)(2) shall be considered in determining whether a seller has a nexus with any State for any other tax purpose. Except as provided in subsection (a), nothing in this Act permits or prohibits a State—

(1) to license or regulate any person;

(2) to require any person to qualify to transact intrastate business; or

(3) to subject any person to State taxes not related to the sale of goods or services.

SEC. 9. NEXUS FOR STATE BUSINESS ACTIVITY TAXES.

It is the sense of Congress that before the conclusion of the 107th Congress, legislation should be enacted to determine the appropriate factors to be considered in establishing whether nexus exists for State business activity tax purposes.

SEC. 10. LIMITATION.

In general, nothing in this Act shall be construed as subjecting sellers to franchise taxes, income taxes, or licensing requirements of a State or political subdivision thereof, nor shall anything in this Act be construed as affecting the application of such taxes or requirements or enlarging or reducing the authority of any State or political subdivision to impose such taxes or requirements.

SEC. 11. DEFINITIONS.

In this Act:

(1) STATE.—The term "State" means any State of the United States of America and includes the District of Columbia.

(2) GOODS OR SERVICES.—The term "goods or services" includes tangible and intangible personal property and services.

(3) REMOTE SALE.—The term "remote sale" means a sale in interstate commerce of goods or services attributed, under the rules established pursuant to section 5(a)(3), to a particular taxing jurisdiction that could not, except for the authority granted by this Act, require that the seller of such goods or services collect and remit sales or use taxes on such sale.

(4) LOCUS OF REMOTE SALE.—The term "particular taxing jurisdiction", when used with respect to the location of a remote sale, means a remote sale of goods or services attributed, under the rules established pursuant to section 5(a)(3), to a particular taxing jurisdiction.

By Mr. REID (for himself and Mr. SMITH of Oregon):

S. 1566. A bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, perhaps at no other time in our history is the energy security of the United States more vital to this nation's well being.

We all agree that the United States needs to reduce its dependence on fossil fuels that pollute the environment and undermine our national security interests and balance of trade. Nevadans understand that any responsible energy strategy must encompass conservation, efficiency, and an expanded generating capacity. Developing renewable energy resources represents a responsible way to expand our power capacity without compromising air or water quality. These renewable energy sources can enhance America's energy supply on a time scale of 1–3 years, considerably shorter than times required for fossil-fuel power plants.

I rise today to introduce a bill that expands the existing production tax credit for renewable energy technologies to cover all renewable energy technologies. I want to thank Senator GORDON SMITH for joining me in the introduction of this bill, which sets America on a steady path toward energy independence.

Our legislation will renew the wind power production tax credit and expand the credit to additional renewable resources, including solar power, open-loop biomass, poultry and animal waste, landfill gas, geothermal, incremental geothermal, and incremental hydropower facilities.

The proposed production tax credit for all these renewable energy sources would be made permanent to signal America's long-term commitment to renewable energy resources.

One example that illustrates the need for a permanent tax credit is what I recently learned about a major wind farm project at the Nevada Test Site. It is experiencing delays. The production of electricity in rapidly growing Nevada and the whole western part of the country is important. We need to do something to develop new sources of electricity.

But I found that this project, which is set to go on line, is having difficulty because in the law we have an expiring tax credit for wind. Not only that, but to do it for 1 year really doesn't help that much. People are unwilling to lend money on a 1-year tax credit. It is possible this project may be canceled due to the uncertain nature of the production tax credit for wind energy. This would be a terrible disappointment. Within 3 to 5 years they can produce enough electricity by wind to supply energy to 260,000 people. That is a lot of people. That would be that much less coal we would have to burn, or natural gas, or fuel oil.

The Department of Energy estimates that we could increase our geothermal energy production almost ten fold, supplying ten percent of the energy needs of the West, and expand wind energy production to serve the electricity needs of ten million homes.

The Nevada Public Utilities Commission estimates 500 megawatts of wind energy and 500 megawatts of geothermal should be online in the state by 2013, supplying the energy needs of one million Nevadans. That is 1,000 megawatts.

But we need a permanent production tax credit to make these estimates a reality.

The bill Senator SMITH and I have introduced this afternoon allows for coproduction credits to encourage blending of renewable energy with traditional fuels and provides a credit for renewable facilities on native American and native Alaskan lands.

It also provides production incentives to not-for-profit public power utilities and rural electric cooperatives, which serve 25 percent of the nation's power customers, by allowing them to transfer of their credits to taxable entities.

Fossil fuel plants pump over 11 million tons of pollutants into our air each year. Eleven million tons—it is hard to comprehend that—every year. What we are doing is building more powerplants to pump more pollution into the air. By including landfill gas in this legislation, we systematically reduce the largest single human source of methane emissions in the United States, effectively eliminating the greenhouse gas equivalent of 233 million tons of carbon dioxide. These figures are staggering, but they are realistic.

There is a compelling need for our legislation because the existing production tax credit for electricity produced from wind energy and closed-loop biomass renewable resources expires at the end of this year.

In the past year alone, $1.3 billion in capital investment in wind energy projects has been made in the U.S.

As I indicated, at the Nevada Test Site, a new wind farm will provide 260 megawatts to meet the needs of 260,000 people.

Growing renewable energy industries in the U.S. will also help provide growing employment opportunities in the U.S., and help U.S. renewable technologies compete in world markets.

In States like Nevada, expanded renewable energy production will provide jobs in rural areas—areas that have been largely left out of America's recent economic boom during the past several years. Rural Nevada hasn't done well at all. Renewable energy is poised to make major contributions to our Nation's energy needs over the next decade.

As fantastic as it sounds, enough sunlight falls on a 100-mile-by-100-mile area of southern Nevada that, if covered with solar panels, could power the entire Nation.

I am proud to say that Nevada has adopted the most aggressive Renewable Portfolio Standard in the nation, requiring that 5 percent of the state's electricity needs be met by renewable energy resources in 2003, which then grows to 15 percent by 2013.

We are mandating in the State of Nevada that 15 percent of the energy resources must be produced by alternative energy. That is really a step forward, and I applaud the Nevada State Legislature.

The citizens of Nevada deserve a national energy strategy that ensures their economic well being and security, and provides for a secure quality of life. That should also apply to the whole United States.

Our legislation encourages the use of renewable energy and signals America's long-term commitment to clean energy, a healthy environment, and energy independence.

Renewable energy—as an alternative and successor to traditional energy sources—is a common sense way to ensure the American people have a reliable source of power at an affordable price.

The United States needs to move away from its dependence on fossil fuels that pollute the environment and undermine our national security interests and balance of trade.

We must accept this commitment for the energy security of the U.S., for the protection of our environment, and for the health and security of the American people.

I hope this legislation is allowed to move forward as quickly as possible.

By Mr. HATCH:

S. 1568. A bill to prevent cyberterrorism; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Cyberterrorism Prevention Act of 2001, an important piece of legislation to prevent terrorists from hijacking our computer system to wreak havoc with our essential infrastructure.

This bill provides law enforcement with critical tools to combat cyberterrorism. I urge my colleagues to support this important piece of legislation.

By Ms. COLLINS (for herself, Mr. GREGG, Mr. REED, Mr. JOHNSON, Mr. SESSIONS, and Mr. WARNER):

S. 1570. A bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, every American is struggling to cope with the terrorist attacks of September 11 and subsequent events. Among those on the front lines in addressing these disasters are our military Reservists and members of our National Guard. Not only are these men and women grappling with the consequences of the catastrophe and the rigors of being mobilized for active duty, but many of them are also forced to worry about leaving college in the middle of their courses and making continued payments on their student loans. Will their tuition be reimbursed for courses that are interrupted? How will they keep up with their student loan payments while they are on active duty?

In my State of Maine, more than 10 percent of our National Guard members are making payments on their student loans and are faced with these very questions. As these Guard members and Reservists prepare to serve their country, the least we can do is alleviate their concerns about making payments on their student loans while they are on active duty.

Some of the families directly affected by the tragedies of September 11 are facing similar dilemmas. The dislocation in New York City and elsewhere caused by the terrorist attacks has jeopardized the ability of some individuals to meet their payment schedules on their student loans.

Lending institutions located in New York City are encountering yet another set of difficulties. A number of lenders are headquartered within a few blocks of ground zero. They, understandably, have been unable to meet the due diligence requirements set forth by the Department of Education. Several firms, in fact, were not even able to access their office buildings for many days after the attacks, let alone meet filing deadlines.

With those Guard members, Reservists, affected families, and lending institutions in mind, I am pleased today to introduce the Higher Education Relief Opportunities for Students Act of 2001. My colleagues, Senators GREGG, REED, WARNER, and SESSIONS, as well as the Presiding Officer, Senator JOHNSON, whose support and leadership I value greatly, have signed on as original cosponsors. The HEROS Act grants the Secretary of Education specific waiver authority under the Higher Education Act to provide relief to those affected by the recent attacks on America. The Secretary would be empowered to assist Reservists and Guard members who are being called up for active duty as well as others directly affected by the attacks.

The Secretary's new authority would be limited to ensuring that military personnel and civilians are in the same financial position as they were prior to the terrorist attacks with respect to their student loans. And it has been drafted so as to not impair the integrity of the student loan programs.

The Secretary of Education is given some discretion under the Higher Education Act to defer payments on student loans. But this authority does not go far enough. The HEROS Act would empower the Secretary to take several additional steps to provide needed relief to help those directly affected by the terrorist attacks.

Specifically, the Higher Education Relief Opportunities for Students Act authorizes the Secretary of Education to relax repayment obligations for Guard members and Reservists called up to active duty, to provide a period of time during which the victims and their families may reduce or delay monthly student loan payments, and to assist educational institutions and lenders with reporting requirements.

All of these steps can be taken while still ensuring the integrity of our student loan programs.

This legislation is modeled on a previous law that was enacted during the Gulf War to provide relief for our men and women in the military. In short, there is precedent for authorizing the Secretary of Education to provide these kinds of relief.

I am pleased to be joined by five of my colleagues in introducing this bill, and I thank them all for their support. I also commend Representative MCKEON for his leadership on the House version of the HEROS Act. His initiative will help ensure that we provide adequate student loan relief to Reservists, Guard members, and victims' families.

I look forward to the swift passage of this legislation.

Mr. President, I send the bill to the desk and ask it be appropriately referred at this time.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 172—EXPRESSING THE SENSE OF THE SENATE REGARDING THE URGENT NEED TO PROVIDE EMERGENCY HUMANITARIAN ASSISTANCE AND DEVELOPMENT ASSISTANCE TO CIVILIANS IN AFGHANISTAN, INCLUDING AFGHAN REFUGEES IN SURROUNDING COUNTRIES

Mr. WELLSTONE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 172

Whereas, well before the terrorist attacks on September 11, 2001, Afghanistan was the site of the greatest crisis of hunger and displacement in the world;

Whereas, after more than 20 years of conflict, 3 years of severe drought, and the repressive policies of the Taliban regime, 4,000,000 Afghans had sought refuge in neighboring countries, and Afghan women have one of the highest maternal mortality rates in the world, and one in four children dies before the child's fifth birthday;

Whereas the United Nations High Commissioner for Refugees estimates that 1,500,000 additional Afghans could seek to flee the country in coming months due to the ongoing military conflict;

Whereas all 6 countries neighboring Afghanistan have closed their borders to refugees both on security grounds and citing an inability to economically provide for more refugees, and thousands have been trapped at borders with no food, shelter, water, or medical care;

Whereas 7,500,000 people inside Afghanistan face critical food shortages or risk starvation by winter's end, and are partially or fully dependent on outside assistance for survival, and of these people, 70 percent are women and children;

Whereas the United Nations World Food Program (WFP), which distributes most of the food within Afghanistan, estimates that food stocks in the country are critically short, and WFP overland food shipments inside and outside the border of Afghanistan have been disrupted due to security concerns over United States military strikes;

Whereas airdrops of food by the United States military cannot by itself meet the enormous humanitarian needs of the Afghan people, and cannot replace the most effective delivery method of overland truck convoys of food, nor can it replace access to affected populations by humanitarian agencies;

Whereas the President has announced a $320,000,000 initiative to respond to the humanitarian needs in Afghanistan and for Afghan refugees in neighboring countries, and much more international assistance is clearly needed; and

Whereas the United States is the single largest donor of humanitarian assistance to the Afghan people, totaling more than $185,000,000 in fiscal year 2001: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON HUMANITARIAN AND DEVELOPMENT ASSISTANCE FOR THE PEOPLE OF AFGHANISTAN.

It is the sense of the Senate that—

(1) Afghanistan's neighbors should reopen their borders to allow for the safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians;

(2) as the United States engages in military action in Afghanistan, it must work to deliver assistance, particularly through overland truck convoys, and safe humanitarian access to affected populations, in partnership with humanitarian agencies in quantities sufficient to alleviate a large scale humanitarian catastrophe; and

(3) the United States should contribute to efforts by the international community to provide long-term, sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

Mr. WELLSTONE. Mr. President, even before the world focused on it as a sanctuary for Osama bin Laden and other terrorists, Afghanistan was on the brink of a humanitarian catastrophe, the site of the greatest crisis in hunger and refugee displacement in the world. Now the worsening situation on the ground is almost unimaginable. After 4 years of relentless drought, the worst in three decades, and the total failure of the Taliban government in administering the country, 4 million people have abandoned their homes in search of food in Pakistan, Iran, Tajikistan, and elsewhere, while those left behind eat meals of locusts and animal fodder.

Mr. President, 7.5 million people inside the country are threatened by famine or severe hunger as cold weather approaches, according to the United Nations.

As President Bush made clear, we are waging a campaign against terrorists, not ordinary Afghans, who are some of the poorest and most beleaguered people on the planet and were our allies during the cold war.

Yet, the current military air strikes and the disintegration of security is worsening the humanitarian situation on the ground.

Aid organizations are increasingly concerned about their ability to deliver aid to Afghanistan while the United States continues its bombing campaign. Several aid organizations have been accidentally bombed by the United States in the last week. In addition to these accidental bombings, law and order are breaking down inside Afghanistan. Reports indicate that thieves have broken into several aid organization offices, beat up the Afghan staff and stolen vehicles, spare parts, and other equipment.

Warehouses of the International Red Cross in Kabul were bombed yesterday.

The ICRC says that the warehouses were clearly marked white with a large red cross visible from the air. One worker was wounded and is now in stable condition. One warehouse suffered a direct hit, which destroyed tarpaulins, plastic sheeting, and blankets, while another containing food caught on fire and was partially destroyed. The Pentagon claimed responsibility for the bombing later in the day, adding that they "regret any innocent casualties," and that the ICRC warehouses were part of a series of warehouses that the United States believed were used to store military equipment. "There are huge needs for the civilian population, and definitely it will hamper our operations," Robert Monin, head of the International Red Cross' Afghanistan delegation, said on Islamabad, Pakistan.

Another missile struck near a World Food Program warehouse in Afsotar, wounding one laborer. The missile struck as trucks were being loaded for an Oxfam convoy to the Hazarajat region, where winter will begin closing off the passes in the next two weeks. Loading was suspended and the warehouse remains closed today.

Last week, four U.N. workers for a demining operation were accidentally killed when a bomb struck their office in Kabul.

In response to the dangers threatening humanitarian operations, the Oxfam America President said, "It is now evident that we cannot, in reasonable safety, get food to hungry Afghan people. We've reached the point where it is simply unrealistic for us to do our job in Afghanistan. We've run out of food, the borders are closed, we can't reach our staff, and time's running out."

The World Food Program was feeding 3.8 million people a day in Afghanistan even before the bombing campaign began. These included 900,000 internally displaced people at camps. Although the United States military has dropped thousands of ready to eat meals, everyone agrees that only truck convoys can move sufficient food into Afghanistan before winter. As of last Friday, there were only two convoys confirmed to have gotten though. WFP announced that two more convoys since the bombing campaign started were nearing Kabul.

Complications and delays in delivering emergency food supplies to Afghanistan could cause rising death rates from starvation and illness as winter sets in. Many of the high mountain passes will be closed by mid-November due to 20–30 foot snows.

Aid agencies are falling behind in their efforts to deliver enough emergency relief to Afghans to avoid a large loss of life this winter. UNICEF estimates that, in addition to the total of 300,000 Afghan children who die of "preventable causes" each year, 100,000 more children might die this winter from hunger and disease.

The main reasons for this shortfall in aid are related to security concerns. Aid agencies have withdrawn their international staff, and local staff have attempted to continue the aid programs but have been subjected to intimidation, theft, and harassment. As the United States continues to pound Taliban targets, law and order in some cities is reportedly also breaking down. Truck drivers are unwilling to deliver supplies to some areas for fear of being bombed by the United States, or being attacked by one faction or another. Taliban supporters have obstructed aid deliveries on some occasions.

Despite these nightmares, shipment of food and nonfood emergency items arrive in Afghanistan daily—but the total shipped is only about one-half of what is needed. The situation is particularly urgent as some of the poorest and most needy areas will be cut off from overland routes by mid-November. An estimated 600,000 people in the Central Highlands are dependent upon international food aid, and little is on hand for them now.

The food shortfall in Afghanistan may result in an increased flow of refugees to the borders. A flood of refugees to the border would present a different but also challenging set of problems. Clearly, as everyone has said, it is better for them to remain at home than flee to neighboring countries out of hunger.

There is no easy solution to this humanitarian crisis. It is complex and requires the international community to take urgent and imaginative action to boost the flow of food inside. The United States should take the lead in helping to devise aggressive and imaginative ways to expand the delivery of food. These could include the creation of humanitarian corridors, the use of existing commercial trading companies and air deliveries to airports that have not yet been bombed.

The establishment of humanitarian ground and air corridors should be considered for the secure transportation and distribution of emergency aid. The administration should push to have some roads or air routes in areas of limited conflict be designated as protected humanitarian routes. Such possible ground and air corridors include Northern Alliance held territory along the border of Tajikstan, and Northern Alliance airfields which have not been bombed. These airfields could be used for a Berlin style airlift to get massive amounts of aid into the country quickly.

The United Nations High Commissioner for Refugees estimates that 1.5 million additional Afghans could seek to flee the country in coming months due to the ongoing military conflict.

All six countries neighboring Afghanistan have closed their borders to refugees both on security grounds and citing an inability to economically provide for more refugees. Thousands have been trapped at borders with no food, shelter, water, or medical care.

I am introducing a resolution today which addresses this crisis. The text of the resolution states the following:

Afghanistan's neighbors should reopen their borders to allow for the safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians;

As the United States engages in military action in Afghanistan, it must work to deliver assistance, particularly through overland truck convoys, and safe humanitarian access to affected populations, in partnership with humanitarian agencies in quantities sufficient to alleviate a large scale humanitarian catastrophe;

The United States should contribute to efforts by the international community to provide long-term, sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

I urge my colleagues to support this measure.

Mr. President, I spoke yesterday in this Chamber in relation to this resolution I am submitting today. I will offer this as an amendment on legislation to have a vote.

I think we in America are probably as united as we can be as a people, especially when it comes to our horror and sadness, indignation and anger at the innocent slaughter of so many people, so many Americans.

In response to that, a resolution was passed authorizing the use of force, targeted on those who committed this act, hopefully drawing a distinction between justice and vengeance.

I think most of us also believe—and certainly Secretary Powell has said this more than once, as it is terribly important—that the use of force, the military action, must be as targeted as possible; that every step be taken that is humanly possible to avoid innocent people being killed, innocent Afghans who had nothing to do with the murders in our country.

I worry to the extent that there are reports that innocent people have been killed in the bombing. I certainly worry about that. Our country wants to avoid that. Moreover, there is also the whole question of the Islamic world and how people respond to this. So, again, I will make the point that this has to be as carefully targeted as possible.

But the other issue, which I do not think we have paid enough attention to—and I had a chance to write a piece for the Boston Globe a couple weeks ago, and I am going to start speaking about this in the Chamber more, and I think there is a lot of strong bipartisan interest and support for this—is the whole question of this humanitarian crisis in Afghanistan.

The reports are there are about 7.5 million people who go hungry. We do not know how many hundreds of thousands could starve to death this winter if we do not get food to people.

The problem is, though there has been a lot of discussion about the airdrops, maybe a half of 1 percent, maybe 1 percent at best, doesn't do the job. The only way we can get the food to people is through the truck convoys, and now not nearly enough of this is happening.

Different organizations, the NGOs, the nongovernment organizations, food relief organizations, are all saying on present course they may be able to get enough food for half the people who need it at best. In 3 or 4 weeks there will be cold winter weather, and we will see pictures of innocent, starving Afghan children. That is a fact.

The resolution calls upon our Government to take stronger measures, with a more focused effort to get the food to people. That will be complicated. Part of it involves people who will still be trying to leave Afghanistan. Some of the neighboring countries have to open up their borders. Those people have been stopped at the borders. Then there are the people who don't leave. And the conditions in the refugee camps have to be dramatically improved.

The fact is, the people who don't leave are the poorest of the poor. They are the elderly, the infirmed; they are the children. They are the ones about whom we all worry. There have been intermittent reports—quite often when you try to confirm it, it is not clear what happened—that the Taliban itself has taken some of the food. Many organizations are saying with the bombing the truck convoys can't go through.

I am not making an argument for cessation of bombing. I argue it be as targeted as possible and to avoid in every way possible bombing innocent people. There has to be a way, whether it is the creation of safe corridors, coordinated with military activity or whatever to get these truck convoys in to get the food to people. Time is not neutral. We are going to deeply regret if we don't take these steps.

The resolution expresses the sense of the Senate regarding the urgent need to provide humanitarian assistance to the civilians of Afghanistan. Well before the terrorist attack of September 11, this was the site of great hunger and displacement in the world.

Whereas, after more than 20 years of conflict, 3 years of severe drought and the repressive policies of the Taliban regime, 4 million Afghans have sought refuge in neighboring countries, and Afghan women have one of the highest maternal mortality rates in the world, and one in four children dies before the child's fifth birthday; whereas the United Nations High Commissioner for Refugees estimates that 1,500,000 additional Afghans could seek to flee the country in the coming months due to the military conflict; whereas all six countries neighboring Afghanistan have closed their borders to refugees both on security grounds and are also saying they can't provide for the refugees economically; whereas 7,500,000 people inside Afghanistan face critical food shortages or risk starvation by winter's end and are partially or fully dependent on outside assistance for survival, and of these people 70 percent are women and children; whereas the United Nations World Food Program, which we commonly call the WFP, which distributes most of the food within Afghanistan, estimates that food stocks in the country are critically short and WFP overland food shipments inside and outside the border of Afghanistan have been disrupted due to security concerns over United States military strikes; whereas the airdrops of food cannot meet the humanitarian needs of the Afghan people—and there is more to it, but I do not have the time—and that the most effective delivery is the overland convoys of food; whereas the President has announced a $320 million initiative to respond to the humanitarian needs in Afghanistan and for Afghan refugees in neighboring countries; whereas the United States is the largest donor of humanitarian assistance, be it resolved—and this is what I am hoping to get a strong vote on—it is the sense of the Senate that, A, Afghanistan's neighbors should reopen their borders to allow for safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians; B, as the United States engages in military action in Afghanistan, it must work to deliver assistance particularly through overland truck convoys and safe humanitarian access to affected populations in partnership with humanitarian agencies—that is critical—and C, the United States should contribute to efforts by the international community to provide long-term sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

I announce this resolution today, which will be in the form of an amendment on the first vehicle for a vote, because it is critically important for the Senate to go on record with an intense and focused effort because it is who we are. It is our values to make sure these truck convoys can go forward and we can get the food to people.

A, it is who we are as a nation. It is about the values we live by and, frankly, B, it is national interest. If you have juxtaposed with military actions pictures of starving Afghan children in the winter to come, that will be used against us. We know it will be used against us. We do not want to see that happen.

I am hoping there will be a strong message from the Senate to work with the administration, to work with the NGOs, to work with the food relief organizations. We have to put a focus on this.

SENATE RESOLUTION 173—CONDEMNING VIOLENCE AND DISCRIMINATION AGAINST IRANIAN-AMERICANS IN THE WAKE OF THE SEPTEMBER 11, 2001 TERRORIST ATTACKS

Mr. HATCH submitted the following resolution; which was considered and agreed to:

S. RES. 173

Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

Whereas Iranian-Americans form a vibrant, peaceful, and law-abiding part of America's people;

Whereas Iranian-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

Whereas Iranian-Americans, as do all Americans, condemn acts of violence and prejudice against any American; and

Whereas the Senate is seriously concerned by the number of crimes against Americans of Middle Eastern descent, including Iranian-Americans, all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001: Now, therefore, be it

Resolved, That the Senate—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Iranian-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Iranian-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent and prosecute crimes against all Americans, including Iranian-Americans.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1905. Mr. DODD (for himself and Mr. DEWINE) proposed an amendment to the bill S. 838, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

SA 1906. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 838, supra; which was ordered to lie on the table.

SA 1907. Mr. REID (for Mr. DURBIN) proposed an amendment to the concurrent resolution S. Con. Res. 74, condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

SA 1908. Mr. REID (for Mr. DURBIN) proposed an amendment to the concurrent resolution S. Con. Res. 74, supra.

TEXT OF AMENDMENTS

SA 1905. Mr. DODD (for himself and Mr. DEWINE) proposed an amendment to the bill S. 838, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Pharmaceuticals for Children Act".

SEC. 2. PEDIATRIC STUDIES OF ALREADY-MARKETED DRUGS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) by striking subsection (b); and

(2) in subsection (c)—

(A) by inserting after "the Secretary" the following: "determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and"; and

(B) by striking "concerning a drug identified in the list described in subsection (b)".

SEC. 3. RESEARCH FUND FOR THE STUDY OF DRUGS LACKING EXCLUSIVITY.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C, relating to clinical research (42 U.S.C. 284k), as section 409G;

(2) by redesignating the second section 409D, relating to enhancement awards (42 U.S.C. 284l), as section 409H; and

(3) by adding at the end the following:

"SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

"(a) LIST OF DRUGS FOR WHICH PEDIATRIC STUDIES ARE NEEDED.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop, prioritize, and publish an annual list of approved drugs for which—

"(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j));

"(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j));

"(iii) there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

"(iv) there is a referral for inclusion on the list under section 505A(d)(4)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(d)(4)(C)); and

"(B) in the case of a drug referred to in clause (i), (ii), or (iii) of subparagraph (A), additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

"(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider, for each drug on the list—

"(A) the availability of information concerning the safe and effective use of the drug in the pediatric population;

"(B) whether additional information is needed;

"(C) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and

"(D) whether reformulation of the drug is necessary;

"(b) CONTRACTS FOR PEDIATRIC STUDIES.—The Secretary shall award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct pediatric studies concerning one or more drugs identified in the list described in subsection (a).

"(c) PROCESS FOR CONTRACTS AND LABELING CHANGES.—

"(1) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.—The Commissioner of Food and Drugs, in consultation with the Director of the National Institutes of Health, may issue a written request (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified in the list described in subsection (a)(1)(A) (except clause (iv)) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a request shall be made in accordance with section 505A of the Federal Food, Drug, and Cosmetic Act.

"(2) REQUESTS FOR CONTRACT PROPOSALS.—If the Commissioner of Food and Drugs does not receive a response to a written request issued under paragraph (1) within 30 days of the date on which a request was issued, or if a referral described in subsection (a)(1)(A)(iv) is made, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for contract proposals to conduct the pediatric studies described in the written request.

"(3) DISQUALIFICATION.—A holder that receives a first right of refusal shall not be entitled to respond to a request for contract proposals under paragraph (2).

"(4) GUIDANCE.—Not later than 270 days after the date of enactment of this section, the Commissioner of Food and Drugs shall promulgate guidance to establish the process for the submission of responses to written requests under paragraph (1).

"(5) CONTRACTS.—A contract under this section may be awarded only if a proposal for the contract is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(6) REPORTING OF STUDIES.—

"(A) IN GENERAL.—On completion of a pediatric study in accordance with a contract awarded under this section, a report concerning the study shall be submitted to the Director of the National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

"(B) AVAILABILITY OF REPORTS.—Each report submitted under subparagraph (A) shall be considered to be in the public domain (subject to section 505A(d)(4)(D)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(d)(4)(D)) and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each of the drugs.

"(C) ACTION BY COMMISSIONER.—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (7).

"(7) REQUESTS FOR LABELING CHANGE.—During the 180-day period after the date on which a report is submitted under paragraph (6)(A), the Commissioner of Food and Drugs shall—

"(A) review the report and such other data as are available concerning the safe and effective use in the pediatric population of the drug studied;

"(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

"(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

"(ii) publish in the Federal Register a summary of the report and a copy of any requested labeling changes.

"(8) DISPUTE RESOLUTION.—

"(A) REFERRAL TO PEDIATRIC ADVISORY COMMITTEE.—If, not later than the end of the 180-day period specified in paragraph (7), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph, the Commissioner of Food and Drugs may refer the request to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A), the Pediatric Advisory Committee shall—

"(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

"(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

"(9) FDA DETERMINATION.—Not later than 30 days after receiving a recommendation from the Pediatric Advisory Committee under paragraph (8)(B)(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

"(10) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (9), does not agree to make a requested labeling change, the Commissioner may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

"(11) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under section 502 when a drug lacks appropriate pediatric labeling.

"(12) RECOMMENDATION FOR FORMULATION CHANGES.—If a pediatric study completed under public contract indicates that a formulation change is necessary and the Secretary agrees, the Secretary shall send a nonbinding letter of recommendation regarding that change to each holder of an approved application.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $200,000,000 for fiscal year 2002; and

"(B) such sums as are necessary for each of the 5 succeeding fiscal years.

"(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.".

SEC. 4. WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.

Section 505A(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(d)) is amended by adding at the end the following:

"(4) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.—

"(A) REQUEST AND RESPONSE.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (c) to the holder of an application approved under section 505(b)(1), the holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the holder to act on the request by—

"(i) indicating when the pediatric studies will be initiated, if the holder agrees to the request; or

"(ii) indicating that the holder does not agree to the request.

"(B) NO AGREEMENT TO REQUEST.—

"(i) REFERRAL.—If the holder does not agree to a written request within the time period specified in subparagraph (A), and if the Secretary determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall refer the drug to the Foundation for the National Institutes of Health established under section 499 of the Public Health Service Act (42 U.S.C. 290b) (referred to in this paragraph as the 'Foundation') for the conduct of the pediatric studies described in the written request.

"(ii) PUBLIC NOTICE.—The Secretary shall give public notice of the name of the drug, the name of the manufacturer, and the indications to be studied made in a referral under clause (i).

"(C) LACK OF FUNDS.—On referral of a drug under subparagraph (B)(i), the Foundation shall issue a proposal to award a grant to conduct the requested studies unless the Foundation certifies to the Secretary, within a timeframe that the Secretary determines is appropriate through guidance, that the Foundation does not have funds available to conduct the requested studies. If the Foundation so certifies, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of the studies.

"(D) EFFECT OF SUBSECTION.—Nothing in this subsection (including with respect to referrals from the Secretary to the Foundation) alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

"(E) NO REQUIREMENT TO REFER.—Nothing in this subsection shall be construed to require that every declined written request shall be referred to the Foundation.

"(F) USE OF DRUG.—Research conducted under this paragraph using a commercially available drug shall be considered to be an activity conducted for the purpose of development and submission of information to the Secretary under this Act.

"(G) WRITTEN REQUESTS UNDER SUBSECTION (b).—For drugs under subsection (b) for which written requests have not been accepted, if the Secretary determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall issue a written request under subsection (c) after the date of approval of the drug.".

SEC. 5. TIMELY LABELING CHANGES FOR DRUGS GRANTED EXCLUSIVITY; DRUG FEES.

(a) ELIMINATION OF USER FEE WAIVER FOR PEDIATRIC SUPPLEMENTS.—Section 736(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)(1)) is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraph (G) as subparagraph (F).

(b) LABELING CHANGES.—

(1) DEFINITION OF PRIORITY SUPPLEMENT.—Section 201 of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(kk) PRIORITY SUPPLEMENT.—The term 'priority supplement' means a drug application referred to in section 101(4) of the Food and Drug Administration Modernization Act of 1997 (111 Stat. 2298).".

(2) TREATMENT AS PRIORITY SUPPLEMENTS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by adding at the end the following:

"(l) LABELING SUPPLEMENTS.—

"(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENTS.—Any supplement to an application under section 505 proposing a labeling change pursuant to a report on a pediatric study under this section—

"(A) shall be considered to be a priority supplement; and

"(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

"(2) DISPUTE RESOLUTION.—

"(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If the Commissioner determines that an application with respect to which a pediatric study is conducted under this section is approvable and that the only open issue for final action on the application is the reaching of an agreement between the sponsor of the application and the Commissioner on appropriate changes to the labeling for the drug that is the subject of the application, not later than 180 days after the date of submission of the application—

"(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

"(ii) if the sponsor of the application does not agree to make a labeling change requested by the Commissioner, the Commissioner may refer the matter to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

"(i) review the pediatric study reports; and

"(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

"(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate.

"(D) MISBRANDING.—If the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.

"(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under section 502 when a drug lacks appropriate pediatric labeling.".

SEC. 6. OFFICE OF PEDIATRIC THERAPEUTICS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Office of Pediatric Therapeutics within the Office of the Commissioner of Food and Drugs.

(b) DUTIES.—The Office of Pediatric Therapeutics shall be responsible for oversight and coordination of all activities of the Food and Drug Administration that may have any effect on a pediatric population or the practice of pediatrics or may in any other way involve pediatric issues.

(c) STAFF.—The staff of the Office of Pediatric Therapeutics shall include—

(1) employees of the Department of Health and Human Services who, as of the date of enactment of this Act, exercise responsibilities relating to pediatric therapeutics;

(2) 1 or more additional individuals with expertise concerning ethical issues presented by the conduct of clinical research in the pediatric population; and

(3) 1 or more additional individuals with expertise in pediatrics who shall consult and collaborate with all components of the Food and Drug Administration concerning activities described in subsection (b).

SEC. 7. NEONATES.

Section 505A(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)) is amended by inserting "(including neonates in appropriate cases)" after "pediatric age groups".

SEC. 8. SUNSET.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by striking subsection (j) and inserting the following:

"(j) SUNSET.—A drug may not receive any 6-month period under subsection (a) or (c) unless—

"(1) on or before October 1, 2007, the Secretary makes a written request for pediatric studies of the drug;

"(2) on or before October 1, 2007, an application for the drug is submitted under section 505(b)(1); and

"(3) all requirements of this section are met.".

SEC. 9. DISSEMINATION OF PEDIATRIC INFORMATION.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 355a) (as amended by section 5(b)(2)) is amended by adding at the end the following:

"(m) DISSEMINATION OF PEDIATRIC INFORMATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of submission of a report on a pediatric study under this section, the Commissioner shall make available to the public a summary of the medical and clinical pharmacology reviews of pediatric studies conducted for the supplement, including by publication in the Federal Register.

"(2) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.".

SEC. 10. CLARIFICATION OF INTERACTION OF PEDIATRIC EXCLUSIVITY UNDER SECTION 505A OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND 180-DAY EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j) OF THAT ACT.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) (as amended by section 9) is amended by adding at the end the following:

"(n) Clarification of Interaction of Market Exclusivity Under This Section and Market Exclusivity Awarded to an Applicant for Approval of a Drug Under Section 505(j).—

"(1) In general.—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month extension under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended—

"(A) if the 180-day period would, but for this subsection, expire after the 6-month extension, by the number of days of the overlap; or

"(B) if the 180-day period would, but for this subsection, expire during the 6-month extension, by 6 months.

"(2) Effect of subsection.—Under no circumstances shall application of this section result in an applicant for approval of a drug under section 505(j) being enabled to commercially market the drug to the exclusion of a subsequent applicant for approval of a drug under section 505(j) for more than 180 days.".

SEC. 11. PROMPT APPROVAL OF DRUGS UNDER SECTION 505(j) WHEN PEDIATRIC INFORMATION IS ADDED TO LABELING.

(a) In General.—Section 505A of the Federal Food, Drug, and Cosmetics Act (21 U.S.C. 355a) (as amended by section 10) is amended by adding at the end the following:

"(o) Prompt Approval of Drugs Under Section 505(j) When Pediatric Information Is Added to Labeling.—

"(1) General rule.—A drug for which an application has been submitted or approved under section 505(j) shall not be considered ineligible for approval under that section or misbranded under section 502 on the basis that the labeling of the drug omits a pediatric indication or any other aspect of labeling pertaining to pediatric use when the omitted indication or other aspect is protected by patent or by exclusivity under clause (iii) or (iv) of section 505(j)(5)(D).

"(2) Labeling.—Notwithstanding clauses (iii) and (iv) of section 505(j)(5)(D), the Secretary may require that the labeling of a drug approved under section 505(j) that omits a pediatric indication or other aspect of labeling as described in paragraph (1) include—

"(A) a statement that, because of marketing exclusivity for the manufacturer—

"(i) the drug is not labeled for pediatric use; or

"(ii) in the case of a drug for which there is an additional pediatric use not referred to in paragraph (1), the drug is not labeled for the pediatric use under paragraph (1); and

"(B) a statement of any appropriate pediatric contraindications, warnings, or precautions that the Secretary considers necessary.

"(3) Preservation of pediatric exclusivity and other provisions.—This subsection does not affect—

"(A) the availability or scope of exclusivity under this section;

"(B) the availability or scope, of exclusivity under section 505 for pediatric formulations;

"(C) the question of the eligibility for approval of any application under section 505(j) that omits any other conditions of approval entitled to exclusivity under clause (iii) or (iv) of section 505(j)(5)(D); or

"(D) except as expressly provided in paragraphs (1) and (2), the operation of section 505.".

(b) Effective Date.—The amendment made by subsection (a) takes effect on the date of enactment of this Act, including with respect to applications under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) that are approved or pending on that date.

SEC. 12. STUDY CONCERNING RESEARCH INVOLVING CHILDREN.

(a) Contract With Institute of Medicine.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for—

(1) the conduct, in accordance with subsection (b), of a review of—

(A) Federal regulations in effect on the date of the enactment of this Act relating to research involving children;

(B) federally prepared or supported reports relating to research involving children; and

(C) federally supported evidence-based research involving children; and

(2) the submission to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, not later than 2 years after the date of enactment of this Act, of a report concerning the review conducted under paragraph (1) that includes recommendations on best practices relating to research involving children.

(b) Areas of Review.—In conducting the review under subsection (a)(1), the Institute of Medicine shall consider the following:

(1) The written and oral process of obtaining and defining "assent", "permission" and "informed consent" with respect to child clinical research participants and the parents, guardians, and the individuals who may serve as the legally authorized representatives of such children (as defined in subpart A of part 46 of title 45, Code of Federal Regulations).

(2) The expectations and comprehension of child research participants and the parents, guardians, or legally authorized representatives of such children, for the direct benefits and risks of the child's research involvement, particularly in terms of research versus therapeutic treatment.

(3) The definition of "minimal risk" with respect to a healthy child or a child with an illness.

(4) The appropriateness of the regulations applicable to children of differing ages and maturity levels, including regulations relating to legal status.

(5) Whether payment (financial or otherwise) may be provided to a child or his or her parent, guardian, or legally authorized representative for the participation of the child in research, and if so, the amount and type of payment that may be made.

(6) Compliance with the regulations referred to in subsection (a)(1)(A), the monitoring of such compliance (including the role of institutional review boards), and the enforcement actions taken for violations of such regulations.

(7) The unique roles and responsibilities of institutional review boards in reviewing research involving children, including composition of membership on institutional review boards.

(c) Requirements of Expertise.—The Institute of Medicine shall conduct the review under subsection (a)(1) and make recommendations under subsection (a)(2) in conjunction with experts in pediatric medicine, pediatric research, and the ethical conduct of research involving children.

SEC. 13. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (b), by inserting "(including collection of funds and awarding of grants for pediatric research and studies on drugs)" after "mission";

(2) in subsection (c)(1)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following:

"(C) A program to collect funds and award grants for pediatric research and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of this Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(d)(4)(C)).";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in clause (ii), by striking "and" at the end;

(II) in clause (iii), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(iv) the Commissioner of Food and Drugs."; and

(ii) by striking subparagraph (C) and inserting the following:

"(C) The ex officio members of the Board under subparagraph (B) shall appoint to the Board individuals from among a list of candidates to be provided by the National Academy of Science. Such appointed members shall include—

"(i) representatives of the general biomedical field;

"(ii) representatives of experts in pediatric medicine and research;

"(iii) representatives of the general biobehavioral field, which may include experts in biomedical ethics; and

"(iv) representatives of the general public, which may include representatives of affected industries."; and

(B) in paragraph (2), by realigning the margin of subparagraph (B) to align with subparagraph (A);

(4) in subsection (k)(9)—

(A) by striking "The Foundation" and inserting the following:

"(A) In general.—The Foundation"; and

(B) by adding at the end the following:

"(B) Gifts, grants, and other donations.—

"(i) In general.—Gifts, grants, and other donations to the Foundation may be designated for pediatric research and studies on drugs, and funds so designated shall be used solely for grants for research and studies under subsection (c)(1)(C). Other gifts, grants, or donations received by the Foundation may also be used to support such pediatric research and studies.

"(ii) Report.—The recipient of a grant for research and studies shall agree to provide the Director of the National Institutes of Health and the Commissioner of Food and Drugs, at the conclusion of the research and studies—

"(I) a report describing the results of the research and studies; and

"(II) all data generated in connection with the research and studies.

"(iii) Action by the Commissioner of Food and Drugs.—The Commissioner of Food and Drugs shall take appropriate action in response to a report received under clause (ii) in accordance with section 409I(c)(7), including negotiating with the holders of approved applications for the drugs studied for any labeling changes that the Commissioner determines to be appropriate and requests the holders to make.

"(C) Applicability.—Subparagraph (A) does not apply to the program described in subsection (c)(1)(C).";

(5) by redesignating subsections (f) through (m) as subsections (e) through (l), respectively;

(6) in subsection (h)(11) (as so redesignated), by striking "solicit" and inserting "solicit,"; and

(7) in paragraphs (1) and (2) of subsection (j) (as so redesignated), by striking "(including those developed under subsection (d)(2)(B)(i)(II))" each place it appears.

SEC. 14. PEDIATRIC ADVISORY COMMITTEE.

(a) In General.—The Secretary of Health and Human Services shall, under section 222 of the Public Health Service Act (42 U.S.C. 217a), convene and consult an advisory committee on pediatrics (referred to in this section as the "advisory committee").

(b) Purpose.—

(1) In general.—The advisory committee shall advise and make recommendations to the Secretary, through the Commissioner of Food and Drugs and in consultation with the Director of the National Institute of Health, on all matters relating to pediatrics, including pediatric therapeutics.

(2) Matters included.—The matters referred to in paragraph (1) include—

(A) pediatric research conducted under sections 351, 409I, and 499 of the Public Health Service Act and sections 501, 502, 505, and 505A of the Federal Food, Drug, and Cosmetic Act;

(B) identification of pediatric research priorities and the need for additional treatments of specific pediatric diseases or conditions; and

(C) the ethics, design, and analysis of pediatric clinical trials.

(c) Composition.—The advisory committee shall include representatives of pediatric health organizations, pediatric researchers, relevant patient and patient-family organizations, and other experts selected by the Secretary.

(d) Clarification of Authorities.—

(1) In general.—The Pediatric Subcommittee of the Oncologic Drugs Advisory Committee (referred to in this subsection as the "Subcommittee"), in carrying out the mission of reviewing and evaluating the data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of pediatric cancers, shall—

(A) evaluate and, to the extent practicable, prioritize new and emerging therapeutic alternatives available to treat pediatric cancer;

(B) provide recommendations and guidance to help ensure that children with cancer have timely access to the most promising new cancer therapies; and

(C) advise on ways to improve consistency in the availability of new therapeutic agents.

(2) Membership.—

(A) In general.—The Secretary shall appoint at least 13 voting members to the Pediatric Subcommittee.

(B) Request for participation.—The Subcommittee shall request participation of the following members in the scientific and ethical consideration of topics of pediatric cancer, as necessary:

(i) At least 2 pediatric oncology specialists from the National Cancer Institute.

(ii) At least 6 pediatric oncology specialists from—

(I) the Children's Oncology Group;

(II) other pediatric experts with an established history of conducting clinical trials in children; or

(III) consortia sponsored by the National Cancer Institute, such as the Pediatric Brain Tumor Consortium, the New Approaches to Neuroblastoma Therapy or other pediatric oncology consortia.

(iii) At least 2 representatives of the pediatric cancer patient and patient-family community.

(iv) 1 representative of the nursing community.

(v) At least 1 statistician.

(vi) At least 1 representative of the pharmaceutical industry.

(e) Pre-Clinical Models To Evaluate Promising Pediatric Cancer Therapies.—Section 413 of the Public Health Service Act (42 U.S.C. 285a-2) is amended by adding at the end the following:

"(c) Pre-Clinical Models To Evaluate Promising Pediatric Cancer Therapies.—

"(1) Expansion and coordination of activities.—The Director of the National Cancer Institute shall expand, intensify, and coordinate the activities of the Institute with respect to research on the development of preclinical models to evaluate which therapies are likely to be effective for treating pediatric cancer.

"(2) Coordination with other institutes.—The Director of the Institute shall coordinate the activities under paragraph (1) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that those Institutes and agencies have responsibilities that are related to pediatric cancer.".

(f) Clarification of Availability of Investigational New Drugs for Pediatric Study and Use.—

(1) Amendment of the federal food, drug, and cosmetic act.—Section 505(i)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(1)) is amended—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) the submission to the Secretary by the manufacturer or the sponsor of the investigation of a new drug of a statement of intent regarding whether the manufacturer or sponsor has plans for assessing pediatric safety and efficacy.".

(2) Amendment of the public health service act.—Section 402(j)(3)(A) of the Public Health Service Act (42 U.S.C. 282(j)(3)(A)) is amended in the first sentence—

(A) by striking "trial sites, and" and inserting "trial sites,"; and

(B) by striking "in the trial," and inserting "in the trial, and a description of whether, and through what procedure, the manufacturer or sponsor of the investigation of a new drug will respond to requests for protocol exception, with appropriate safeguards, for single-patient and expanded protocol use of the new drug, particularly in children,".

(g) Report.—Not later than January 31, 2003, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs and in consultation with the Director of the National Institutes of Health, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on patient access to new therapeutic agents for pediatric cancer, including access to single patient use of new therapeutic agents.

SEC. 15. REPORT ON PEDIATRIC EXCLUSIVITY PROGRAM.

(a) In General.—Not later than January 31, 2007, the Secretary of Health and Human Services, in consultation with the Comptroller General of the United States, shall submit to Congress a report that addresses the following issues, using publicly available data or data otherwise available to the Government that may be used and disclosed under applicable law:

(1) The effectiveness of this Act and the amendments made by this Act in ensuring that medicines used by children are tested and properly labeled, including—

(A) the number and importance of drugs for children that are being tested as a result of this legislation and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(B) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of this legislation, and possible reasons for the lack of testing; and

(C) the number of drugs for which testing is being done, exclusivity granted, and labeling changes required, including the date pediatric exclusivity is granted and the date labeling changes are made (noting whether or not labeling changes were requested by the Food and Drug Administration and what, if any, recommendation was made by the Pediatric Advisory Committee).

(2) The economic impact of this Act and the amendments made by this Act, including an estimate of—

(A) the costs to taxpayers in the form of higher expenditures by medicaid and other Government programs;

(B) increased sales for each drug during the 6-month period for which exclusivity is granted;

(C) costs to consumers and private insurers as a result of any delay in the availability of lower cost generic equivalents of drugs tested and granted exclusivity under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and loss of revenue by the generic drug industry as a result of any such delay; and

(D) savings to taxpayers (in the form of lower expenditures by medicaid and other Government programs), private insurers, and consumers due to more appropriate and more effective use of medications in children as a result of testing and relabeling, including savings from fewer hospitalizations and fewer medical errors.

(3) The nature and type of studies in children for each drug granted exclusivity under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), including—

(A) a description of the complexity of the studies;

(B) the number of study sites necessary to obtain appropriate data;

(C) the numbers of children involved in any clinical studies; and

(D) the estimated cost of each of the studies.

(4) Any recommendations for modifications to the programs established under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) and section 409I of

the Public Health Service Act this Act (as added by section 3) that the Secretary determines to be appropriate, including a detailed rationale for each recommendation.

(5) The increased private and Government-funded pediatric research capability associated with this Act and the amendments made by this Act.

(6) The number of written requests and additional letters of recommendation that the Secretary issues.

(7) The prioritized list of off-patent drugs for which the Secretary issues written requests.

(8)(A) The efforts made by Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of studies ethical and safe.

(b) TIMING.—

(1) REPORT ON METHODOLOGY.—Not later than January 31, 2004, the Secretary shall submit to Congress a report explaining the methodology that the Secretary intends to use to prepare the report under subsection (a).

(2) INTERIM REPORTS.—Before submission of a final report under subsection (a), the Secretary shall periodically make publicly available information on the matters described in paragraphs (1), (3), (6), and (7) of subsection (a).

SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) (as amended by sections 2(1), 5(b)(2), 9, 10, and (11)) is amended—

(1)(A) by striking "(j)(4)(D)(ii)" each place it appears and inserting "(j)(5)(D)(ii)";

(B) by striking "(j)(4)(D)" each place it appears and inserting "(j)(5)(D)"; and

(C) by striking "505(j)(4)(D)" each place it appears and inserting "505(j)(5)(D)";

(2) by redesignating subsections (a), (g), (h), (i), (j), (k), (l), (m), (n), and (o) as subsections (b), (a), (g), (h), (n), (m), (i), (j), (k), and (l) respectively;

(3) by moving the subsections so as to appear in alphabetical order;

(4) in paragraphs (1), (2), and (3) of subsection (d), subsection (e), and subsection (m) (as redesignated by paragraph (2)), by striking "subsection (a) or (c)" and inserting "subsection (b) or (c)"; and

(5) in subsection (g) (as redesignated by paragraph (2)), by striking "subsection (a) or (b)" and inserting "subsection (b) or (c)".

SA 1906. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 838, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; which was ordered to lie on the table; as follows:

Amend section 10 to read as follows:

"(n)(1)(B). If the 180-day period would, but for this subsection, expire after the 6-month extension, by the period of overlap."

"(n)(2). Under no circumstances shall application of this section result in an applicant for approval of a drug under section 505(j) being entitled to an exclusivity period that (aside from the 6-month pediatric exclusivity period) prohibits the approval of a subsequent application under 505(j) for more than 180 days."

SA 1907. Mr. REID (for Mr. DURBIN) proposed an amendment to the concurrent resolution S. Con. Res. 74, condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001; as follows:

Strike all after the resolving clause and insert the following:

That Congress—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent crimes against all Americans, including Sikh-Americans; and

(4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit crimes.

SA 1908. Mr. REID (for Mr. DURBIN) proposed an amendment to the concurrent resolution S. Con. Res. 74, condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001; as follows:

Strike the preamble and insert the following:

"Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

"Whereas Sikh-Americans form a vibrant, peaceful, and law-abiding part of America's people;

"Whereas approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

"Whereas Sikh-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

"Whereas the Sikh faith is a distinct religion with a distinct religious and ethnic identity that has its own places of worship and a distinct holy text and religious tenets;

"Whereas many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward Arab-Americans and Muslim-Americans in the wake of the September 11, 2001 terrorist attack;

"Whereas Sikh-Americans, as do all Americans, condemn acts of hate and prejudice against any American; and

"Whereas Congress is seriously concerned by the number of crimes against Sikh-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001: Now, therefore, be it".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a markup meeting beginning at 11:05 a.m., in the President's Room, S–216, the Capitol.

I. Unfinished Business

S. 1319/H.R. 2215, the Department of Justice fiscal year 2002 authorization bill [Leahy/Hatch]; S. 754, the Drug Competition Act of 2001 [Leahy / Kohl / Schumer / Durbin / Feingold / Cantwell]; and S. 1140, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 2001 [Hatch/Feingold/Grassley/Leahy].

II. Nominations

Karen K. Caldwell to be United States District Judge for the Eastern District of Kentucky; Laurie Smith Camp to be United States District Judge for the District of Nebraska; Claire V. Eagan to be United States District Judge for the Northern District of Oklahoma; James H. Payne to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma; and Jay S. Bybee to be Assistant Attorney General for the Office of Legal Counsel.

To Be United States Attorney: Daniel G. Bogden for the District of Nevada; Margaret M. Chiara for the Western District of Michigan; Robert C. Conrad for the Western District of North Carolina; Thomas M. DiBiagio for the District of Maryland; Patrick J. Fitzgerald for the Northern District of Illinois; Thomas C. Gean for the Western District of Arkansas; James Ming Greenlee for the Northern District of Mississippi; Raymond W. Greunder for the Eastern District of Missouri; Thomas E. Johnston for the Northern District of West Virginia; John McKay for the Western District of Washington; Anna Mills S. Wagoner for the Middle District of North Carolina; Karl K. Warner, II for the Southern District of West Virginia; and Donald W. Washington for the Western District of Louisiana.

III. Resolutions

S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding. [Smith/Leahy/Jeffords/Chafee/Lieberman/Gregg] and an unnumbered resolution by Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a nominations hearing beginning at 2 p.m., in S–128, the Capitol.

Nominees: Charles W. Pickering, Sr. to the United States Court of Appeals for the Fifth Circuit; M. Christina Armijo to the United States District Court for the District of New Mexico; Karon O. Bowdre to the United States District Court for the Northern District of Alabama; Stephen P. Friot to the United States District Court for the Western District of Oklahoma; and Larry R. Hicks to the United States District Court for the District of Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that a fellow in my office, Peter Winokur, be entitled to privileges of the floor today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONDEMNING VIOLENCE AND DISCRIMINATION AGAINST IRANIAN-AMERICANS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 173, which is now at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 173) condemning violence and discrimination against Iranian-Americans in the wake of the September 11, 2001, terrorist attacks.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 173) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Statements on Submitted Resolutions.")

CONDEMNING BIGOTRY AND VIOLENCE AGAINST SIKH-AMERICANS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 183, S. Con. Res. 74.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 74) condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, DC, on September 11, 2001.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the amendment to the concurrent resolution be agreed to, the concurrent resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1907 and 1908) were agreed to, as follows:

AMENDMENT NO. 1907

Strike all after the resolving clause and insert the following:

That Congress—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent crimes against all Americans, including Sikh-Americans; and

(4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit crimes.

AMENDMENT NO. 1908

(Purpose: To clarify Congress' concern over the number of crimes against Sikh-Americans and other Americans across the Nation since the tragic events of September 11, 2001)

Strike the preamble and insert the following:

"Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

"Whereas Sikh-Americans form a vibrant, peaceful, and law-abiding part of America's people;

"Whereas approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

"Whereas Sikh-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

"Whereas the Sikh faith is a distinct religion with a distinct religious and ethnic identity that has its own places of worship and a distinct holy text and religious tenets;

"Whereas many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward Arab-Americans and Muslim-Americans in the wake of the September 11, 2001 terrorist attack;

"Whereas Sikh-Americans, as do all Americans, condemn acts of hate and prejudice against any American; and

"Whereas Congress is seriously concerned by the number of crimes against Sikh-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001: Now, therefore, be it".

The concurrent resolution (S. Con. Res. 74), as amended, was agreed to.

The preamble, as amended, was agreed to.

MEASURE READ THE FIRST TIME—S. 1564

Mr. REID. Mr. President, I understand that S. 1564, introduced earlier today by Senator REID of Nevada, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

> A bill (S. 1564) to convey land to the University of Nevada at Las Vegas Research Foundation for a research park and technology center.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request on behalf of the minority.

The PRESIDING OFFICER. The bill will remain at the desk.

ORDERS FOR TUESDAY, OCTOBER 23, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Tuesday, October 23; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to the Foreign Operations Appropriations Act, with 30 minutes of debate equally divided between the chairman and ranking member, or their designees, prior to a 10 a.m. cloture vote on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Senator from Missouri, Mr. BOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

THE WORK OF THE SENATE MUST CONTINUE

Mr. BOND. Mr. President, I thank the majority whip for his kindness in allowing me to express my appreciation and admiration for Senator DASCHLE and Senator LOTT keeping us in session today. Today's statement is very important: That the work of the Senate is going on and will continue.

Certainly, it was a very troubling thing to learn anthrax had been delivered to a Senate office building and 300 more people may have been exposed. We know the good news is exposure does not mean infection, and we also know from the public health professionals that this form of anthrax is easily treatable with all forms of antibiotics, from penicillin to the new Cipro. Really, this is not a threat to those people because our public health people moved very quickly. The medical teams were there, and we have taken the necessary steps.

What the terrorists want to do is not necessarily kill anybody with anthrax because they are not going to do it, but they want to spread fear. The terrorists win if they cripple us psychologically, if they destroy our economy, if they turn us against ourselves, or if they interfere with the workings of our Government and our economy.

We will not let them win if we do not give in to our fears. The medical experts tell us that anthrax is not contagious; but panic is. The message to our people, our bosses, the good people of America, is that they have been strong and their Government is going to continue to function.

There will be more letters. Since we made the decision to stay in, there were letters that were delivered to Governor Pataki's security office, to the media. These will continue, and, unfortunately, there may be other evidence of bioterrorism or physical violence visited on us by terrorists, but we have strong leadership.

On a bipartisan basis, we support the President. Most of all, we support the brave fighting men and women of America whose lives are on the line to limit the terrorists, to run them back into their holes, to destroy their safe havens, to take away their financial resources, and to terminate them.

We will continue this fight, and the American people have responded marvelously. There has been a tremendous outpouring of charity, with billions of dollars that Americans have contributed to aid those who are victims. I urge we continue to support those organizations, from the Salvation Army to the Red Cross, and all of the other groups that are providing vitally needed services and who must continue to serve in our community.

Continuing to support our local United Way is as important as helping to combat the direct impact of the terrorist activities. We are going to win this fight. The terrorists are not going to destroy us. We have seen the example of the brave people of London who survived and flourished when London was under fierce bombing attacks in World War II. We have seen the people in Israel who live with terrorism every day, and they are not deterred. They will continue their lives, and we as Americans must continue our lives.

We are the bright and shining beacon for the world. We are the ones who inspire jealousy and inspire envy and inspire fear in others, but we have reached out the hand of friendship. The President has urged American children to contribute a dollar to help the children in Afghanistan, and that is the American way.

We will fight against those who seek to rain violence down upon us, who seek to spread fear and concern among our citizens. We will be strong, but we will be humanitarian and we will take care of those in need. We will show people there is a better way. We will show people freedom and democracy can flourish in the face of terrorist activities. That is the strength of America.

We are being tested today, and by having the Senate in session today we have shown that Government will go on.

I urge my colleagues to continue their steadfast resolve. To our staffs and others who are frightened, be not afraid. You are not on the front lines where our young men and women are in danger of bullets and anti-aircraft missiles every day. They are showing the bravery. With their resolute strength and with our commitment to continue our jobs, terrorism will not win. We all in America can once again say, God bless America.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PARTY CONFERENCES TO MEET

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, October 23, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 23, 2001, AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

There being no objection, the Senate, at 5:10 p.m., adjourned until Tuesday, October 23, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 18, 2001:

DEPARTMENT OF DEFENSE

DALE KLEIN, OF TEXAS, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE HAROLD P. SMITH, JR., RESIGNED.

DEPARTMENT OF TRANSPORTATION

WILLIAM SCHUBERT, OF TEXAS, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION, VICE CLYDE J. HART, JR.

DEPARTMENT OF THE INTERIOR

KATHLEEN BURTON CLARKE, OF UTAH, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE THOMAS A. FRY, III, RESIGNED.

DEPARTMENT OF STATE

JAMES DAVID MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

SICHAN SIV, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

DEPARTMENT OF LABOR

W. MICHAEL COX, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE JOHN MARTIN MANLEY, RESIGNED.

SAMUEL T. MOK, OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR, VICE KENNETH M. BRESNAHAN.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JAMES P. CZEKANSKI, 6070
BRIGADIER GENERAL HUGH H. FORSYTHE, 0697
BRIGADIER GENERAL DOUGLAS S. METCALF, 5196
BRIGADIER GENERAL BETTY L. MULLIS, 0954

To be brigadier general

COLONEL MARK W. ANDERSON, 0830
COLONEL JOHN H. BORDELON JR., 0730
COLONEL ROBERT L. CORLEY, 7602
COLONEL DAVID L. FROSTMAN, 2235
COLONEL LINDA S. HEMMINGER, 5711
COLONEL ROBERT W. MARCOTT, 3557
COLONEL CLAY T. MCCUTCHAN, 9267
COLONEL HAROLD L. MITCHELL, 1941
COLONEL JAMES M. SLUDER III, 2422
COLONEL ERIKA C. STEUTERMAN, 3209

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., UNDER 601:

To be lieutenant general

MAJ. GEN. DENNIS D. CAVIN, 8558

SENATE—*Tuesday, October 23, 2001*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He shall direct your paths.—Proverbs 3:5–6.

Let us pray:

Gracious God, You only ask from us what You generally and generously offer to give to us. You initiate this conversation we call prayer because You want to bless us with exactly what we will need to live faithful, confident, productive, joyous lives today. You are for us and not against us. Help us to live the hours of today knowing You are beside, are on our side, and offer us unlimited strength and courage besides. You will provide us insight and inspiration to confront and solve the problems we face. You will give us peace when our hearts are distressed by the turbulence of our times. You will comfort us when we are afraid and need Your peace. You will make us overcomers when we feel overwhelmed. In response we relinquish our imagined control over people and circumstances. We thank You for the power of faith that we feel surging into our minds and hearts. We trust in You, dear God, for You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 2506, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDENT pro tempore. The Senator from Nevada.

MEASURE PLACED ON THE CALENDAR—S. 1564

Mr. REID. I understand S. 1564 is at the desk and is due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1564) to convey lands to the University of Nevada at Las Vegas Research Foundation for a research park and technology center.

Mr. REID. Mr. President, I object to further proceedings. I understand it has been read a second time.

The PRESIDENT pro tempore. Objection to further proceedings having been made, the bill will go on the calendar of general orders.

SCHEDULE

Mr. REID. Mr. President, we are going to vote at 10 o'clock this morning on cloture on the motion to proceed to foreign operations appropriations. The Senate will recess from 12:30 to 2:15 today for the weekly party conferences.

Because of Senators not being able to come to their offices today, I want to make an announcement that tomorrow morning we are going to have our weekly prayer breakfast in S–115. The breakfast will be led by Imam Yusuf Saleem, who is the resident Imam of Mas Jid Muhummad and the National Education Director for the Muslim American Society. Also, he is going to offer the prayer here tomorrow morning to open our Senate.

Mr. President, as I indicated, we are going to vote at 10 o'clock on a motion to proceed to this most important piece of legislation. This is now the third week the legislation has been held up. The filibusters for this bill alone have been more than 2 weeks. It is very important legislation dealing with issues about which the country must be concerned, especially with all that is going on in the world.

I say to my friends on the other side of the aisle who think they will get some advantage as a result of this filibuster in relation to judges, we are going to go ahead and process these. Senator LEAHY is fully aware of the need to approve judges. For example, at 2:15 today, if the minority has no objection, we will vote on four district court judges, Federal district court judges.

We are moving along as quickly as possible. I don't think it takes a rocket scientist, for lack of a better description, to understand that Senator LEAHY and the Judiciary Committee have been working under some tremendous constraints. First of all, after September 11 several weeks were spent coming up with legislation dealing with antiterrorism. It goes without saying that last week, in spite of all the difficulties involved, Senator LEAHY held, back here, an emergency markup in the President's Room. Then later in the day he held a meeting to have a hearing on various judges. It was held in S–128.

If Senator LEAHY were in some way trying to avoid having judges approved and holding hearings, he has every excuse in the world, I think. But instead of doing that, he prevailed upon the chairman of the Appropriations Committee, the Presiding Officer today, to use the appropriations room to do these hearings.

So I think there may be more to this—this is my personal belief—than simply judges. It seems to me perhaps there is some effort to not have any more appropriations bills; that there may be some effort to have a big bill, an omnibus bill that the President would try to work on with the leadership—whatever that means—on occasion.

I hope the Presiding Officer—I know I will—will keep a close eye on this. We should be very careful. We have had experiences in the past where these large bills were not good for the country. They are not good for my State. They are not good for the country.

As I say, I think there may by more to this than simply judges because Senator LEAHY is moving judges as quickly as we can, more quickly than the times really allow. So I hope the people on the other side allow us to go forward on this bill. We have other important appropriations bills we should be doing—Agriculture, to mention just one.

Is there going to be an effort by the minority to hold up the Defense appropriations bill, or do they want a big lump of appropriations matters sent to the President in one form?

I hope we will be allowed to take up this bill. This is an extremely important measure to assist our war-related efforts. The President just returned from China where he met with leaders of 21 different nations where he talked to them about things that are needed to help them.

I traveled with Senator Simon and others to Uzbekistan a number of years ago. We were taken to the Aral Sea—a sea that dried up as a result of very bad practices by the former Soviet Union.

It is the fourth largest sea in the world. The shoreline is now 80 miles from where it used to be. Weather patterns have changed in that part of the world.

On the second page of the Post: One of the islands in that great sea was used for development of biological weapons.

We are going to help Uzbekistan rid that island of anthrax. That is going to take money. That money is in this bill. I do not know how they proposed to do that without the specific appropriations to allow it to happen.

The full Senate, with the permission of the minority, is going to vote on four judicial nominations this afternoon. I hope everyone will understand there is a time and place for everything. This certainly does not appear to be the time to continue a filibuster on this most important legislation.

The PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes for debate equally divided between the chairman and ranking member, or their designees.

Mr. REID. Mr. President, I ask unanimous consent that the time I used be counted as time against the majority's time on the 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, before I yield to my friend from Kentucky, I wanted to say that I think all of us join with the Senator from Nevada in suggesting that we need to move forward. The fact is, we have a reason for not moving. We need a commitment to move more quickly. In spite of all the excuses and all the reasons, we haven't moved quickly. We are very much behind. We have a good many vacancies that need to be filled. I just have to say that there is a way to solve it—by committing ourselves to doing this very quickly.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I am pleased to hear the Senator from Nevada indicate that we might be able to confirm four district judges this afternoon. I can't speak for the minority leader, but I assume he would think that would be a wonderful idea and would be a step in the right direction.

I am in a curious position of being the ranking member on the Subcommittee on Foreign Operations supporting the underlying bill and thinking it is necessary that it be passed sometime soon. At the same time, as a member of the Judiciary Committee, I am terribly concerned about the slow pace of the confirmation of judges. This is a serious situation.

Just last week we lost another judge. Charles Wolle of the Southern District of Iowa announced he was taking a senior status. The vacancy situation has now risen to 109, which is 13 percent of the Federal bench. That means more than 1 of every 10 seats is unfilled.

As we all know, justice delayed is justice denied. If there isn't a judge on the bench, there isn't a way to get justice. Unfortunately, we still don't have any specific commitments from our friends on the other side of the aisle to move ahead. As of this moment, only eight judges have been confirmed this entire year. Therefore, I urge my colleagues on this side of the aisle to vote exactly as they did 1 week and 1 day ago on this issue until we can get some resolution of where we are headed to deal with the issue of justice being denied by substantial vacancies in the Federal judiciary.

There have been a number of different fallacies that have been put forward by my friends on the other side of the aisle related to this whole situation.

Fallacy No. 1: That we shouldn't oppose cloture because this bill contains money for embassy security.

There is no embassy security money in this bill. That is in the Commerce-Justice-State appropriations bill.

Fallacy No. 2: That somehow it is actually President Bush's fault that there are not more than eight judges confirmed.

That is not only incorrect but it is decidedly unfair. President Bush submitted to the Senate more nominees at a faster pace than any President in recent memory. He submitted his first batch of nominees in May—3 months earlier than President Clinton. By the August recess, the President had submitted 44 judicial nominees, which is a historic high—more nominees before August than any President ever. Fallacy No. 3 is another attempt to shift blame to the President.

Our friends on the other side of the aisle assert that the paperwork on the President's nominees isn't complete. That is also incorrect.

As of last week, the paperwork was done on at least 14 circuit court nominees and on at least 15 district court nominees. That is 29 nominees who are right now ready to go.

Fallacy No. 4: That our lack of progress on judges is due to the change in control of the Senate and the time it took to get a new organizing resolution.

That, too, is false. After the change of Senate control and before the organizing resolution was finally adopted, nine different Senate committees held 16 different nomination hearings for 44 different nominees before reorganization was completed. And one of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

Let's go over that one more time.

During the period of reorganization, nine different Senate committees held 16 different nomination hearings for 44 different nominees before the reorganization was completed. One of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

My colleagues, it is clear that none of these reasons that have been put forth have any merit. We have to look elsewhere. I submit that one reason we haven't made better progress is inefficiency. As I have said, while we have had some hearings, we have not come close to getting the most out of the hearings. In fact, it seems as if we have gotten the least out of the most.

From 1999 to 2000, the Judiciary Committee averaged 4.2 judicial nominees per hearing. This year, by contrast, we were averaging only 1.4 judicial nominees per hearing.

We had a hearing but we didn't have people there to testify. That is a pace that is three times as slow as in the past.

I was glad to hear that the chairman put four judges in last week's confirmation hearings. I am pleased to hear the assistant majority leader say that we will confirm four of those nominees today. I hope we will do that. But that sort of effort which we have made to date leaves us way behind.

I think it is clear that we can do a lot better on judges. It is not too late for us to act on the remaining 36 pre-August nominees.

In the last three administrations in the first year all but one of the nominees submitted prior to the August recess were confirmed before the end of the year. In the last three administrations, looking at the first year, all of the nominees submitted before the August recess but one were confirmed before the end of the year. Admittedly, many of those nominees were confirmed in the latter part of the year.

It is not too late for us to achieve the same standard that was achieved in each of the last three Presidential administrations.

I see my friend from Arizona is here who has really been our leader in an effort to get judges confirmed. I want to make sure he has adequate time.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. Four minutes twenty-two seconds.

Mr. McCONNELL. I yield the remainder of my time to the Senator from Arizona.

The PRESIDENT pro tempore. The Senator from Arizona is recognized for 4 minutes 22 seconds.

Mr. KYL. Thank you, Mr. President. I will not take the entire time.

I marvel at how directly the rule of law in the United States is connected to this attack on the United States and how the judges play a crucial role in that, which simply brings home to me again the urgency of getting these judicial nominations confirmed so these judges can take their place on the bench.

I just finished a meeting with a group of victims' advocates who are preparing to deal with the problems that have resulted or will result from the terrible tragedy of September 11 and its aftermath. There will undoubtedly be a lot of trials. There will undoubtedly be a lot of people prosecuted, even if the primary perpetrators are not brought to justice in American courts but brought to justice in other ways. But there are cases pending right now all over this country against people who peripherally were involved, and questions about who the victims are and how those victims will be treated in court by judges are now beginning to bubble up, as they did at the time of the Oklahoma City bombing case and other tragedies.

It reminds me again of what distinguishes the United States from these other people. In the West generally, and in the United States specifically, the rule of law is everything to us. Ultimately, the judges are the arbiters of that law. We have an obligation, as the Senate, to act upon these nominations of the President, either to confirm them or to reject them, but to give the President our advice and consent. That is our constitutional responsibility. We abdicate that responsibility if we put it off either because we are too busy doing other things or because, for political reasons, we do not want to confirm more of Bush's nominees than were confirmed in the Clinton administration, or some similar kind of political consideration. That would be wrong.

I hope my colleagues will help us bring these nominees to the floor and get them confirmed. At the conclusion of today, if I understand the comments of my colleague correctly, we will have reached a sum total of 12 confirmations for the entire year. That is woefully inadequate. There are 36 nominees pending whose nominations were made prior to the August recess. Surely we can act upon all of them.

The final point I will make is there has been some suggestion that in some cases paperwork is not done. Do not be deceived by this, my colleagues. We have a moving goalpost problem here. After all of the paperwork has been completed for weeks, new questions are submitted by colleagues, thereby creating the situation in which they can say: Well, not all the paperwork is in. There has to be an end to that at some point. The new questions have to be terminated, and it is time to have a vote.

So I urge my colleagues to help us get these nominations to the floor, find a time to vote on them, and get the votes done so we can fill the vacant court positions with these important judges.

Remember, there are 42 judges identified as emergency nominations. They have been emergencies from the beginning of the year. So we have to fulfill our responsibilities as the Senate and take action on these nominations. Until we are able to do that, it is our view that we should call a timeout on other certain portions of the Senate business so we have the ability to take up those nominations and bring them to the floor.

I hope my colleagues will permit us to take up those nominations and will defeat the motion to proceed on the appropriations bill. The ranking member of that committee, Senator MCCONNELL, has made the point that we can afford, at this point, to lay that aside temporarily to take up these judges and then return to that business.

I thank the Chair.

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, last Thursday I went into some detail outlining what has happened since we have taken control of the Senate. We have moved judges expeditiously. The average time for an appellate judge during the short time we have been in control of the Senate has been 100 days. Theirs was 345 days. It seems to me the questions they have raised are fallacy one, two, and, three, things they are making up.

The fact is, some Republicans seem to be in utter fear that Democrats will treat Republican nominees as unfairly as they treated Democratic nominees. The fact is, since July, when the Senate control shifted, the Democratic Senate has treated and will treat Republican nominees fairly. It is not payback time.

Democrats have no intention of perpetuating the shameful ways the Republican Senate treated President Clinton's nominees. We will consider nominations thoroughly and in a timely way. Maybe some Republican Senators believe the public will not know or care that they have taken the bill to fund U.S. foreign interests as their hostage.

The American people deserve to know what is at stake when the Senate is kept from acting on a foreign operations appropriations bill, especially when it is clearer than ever that our security is linked to events outside our borders.

This bill contains $5 billion in aid to Israel, Egypt, and Jordan, allies that are crucial to short-term and long-term stability in the Middle East. There is $175 million in this bill to strengthen surveillance and response to outbreaks of infectious disease overseas. These are the same programs that help give us early warning of some of the world's deadliest infections, now just an air flight or postal stamp away, including anthrax and other agents using bioterrorism. It is foolish and absurd to hold these funds hostage.

There is $327 million in this bill for nonproliferation and antiterrorism efforts to help other nations strengthen the security of their borders and their nuclear, biological, and chemical weapons facilities, as well as programs to get rid of landmines, a serious problem, for example, in Afghanistan where there are believed to be as many as 100 million landmines. There is $450 million for steps to combat HIV/AIDS, the worst global health crisis in half a millennium. Each day this bill is being held up, another 17,000 people are infected with AIDS.

There is $3.9 billion in this bill for military assistance aid to NATO allies and to countries of eastern Europe and central Asia. We are asking these nations for overflight and refueling rights for aircraft and other support for Air Force personnel who are risking their lives in the war on terrorism.

There are hundreds of millions of dollars to be used to help fight poverty, help provide basic education, health care, jobs, sanitation, housing, and other efforts in the poorest countries, steps that help eradicate the breeding grounds for terrorists.

For them to tell us we can do it later is pure poppycock. I think it is very clear that the whole effort is to make sure we have no further appropriations bills. I think the judges thing is only a diversion. Other things in the bill include $856 million in export assistance to help U.S. firms claim markets for products abroad. Certainly that is needed now.

We need to move this legislation. I think it is as clear as the light of day what is happening here; that is, there is an effort, using judges as an excuse, not to move forward on appropriations bills. I think it is bad. It is bad policy. It is bad for the country, and I think it is shameful.

Mr. President, I end by saying global leadership means acting as a leader. We have tried to support the President's priorities in every facet of his campaign against terrorism. We have maintained a steady schedule of hearings and have confirmed twice as many judges as in the same period of time during the previous two administrations, even though we have been in control only 4 months.

Alongside the added imperative of passing the antiterrorism bill, we have continued to hold hearings on judicial nominations and bring them to the Senate floor. At a time when we have tried to support the President's priorities in every way, it is unfortunate that so soon after September 11 the Republican leadership seems to care more, in this case, about its partisan political priorities.

That is what is happening, plain and simple. Of all times to be holding up the business of the Senate and this country, when our office buildings are closed because of anthrax and the U.S. military is fighting half a world away, it is more obvious than ever that the U.S. influence is needed around the world. It is petty, shortsighted, and dangerous. We can have the best foreign policies, but without the funds to implement them, what good are they?

I hope my friends on the other side of the aisle will take a different approach today. It appears, though, they are not going to vote to proceed to this bill.

The PRESIDING OFFICER (Mr. CARPER). Who seeks time?

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, is there time remaining on this side?

The PRESIDING OFFICER. All time has expired on your side. There is 1 minute 15 seconds on the Democratic side, the majority side.

Mr. REID. Mr. President, I yield back that time and ask that the vote proceed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to H.R. 2506, the Foreign Operations Appropriations bill:
>
> Pat Leahy, Harry Reid, Tom Daschle, Ben Nelson of Nebraska, Kent Conrad, Zell Miller, Byron L. Dorgan, Russell D. Feingold, Paul Wellstone, Joseph Lieberman, Debbie Stabenow, Bill Nelson of Florida, Max Cleland, Patty Murray, Mark Dayton, Jack Reed, Barbara Mikulski, Herb Kohl.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2506, an act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 47, as follows:

1[Rollcall Vote No. 306 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—47

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Warner

ANSWERED "PRESENT"—1

Stevens

NOT VOTING—2

Inhofe
Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47, and 1 Senator responded "present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. DASCHLE. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 2506, the foreign operations appropriations bill.

The PRESIDING OFFICER. The motion is entered.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am increasingly concerned about the situation. We have sent two appropriations bills to the President for his signature, which leaves us with 11 appropriations bills to go. Several of these appropriations bills are in conference between the two Houses. Of course, the situation affecting the conferences is one that is well known, but I would hope that we could find a way to break this logjam in the Senate and get these appropriations bills moving.

We are well into our third CR. It is now October 23. Thanksgiving is fast approaching, and what do the American people see in this Senate? We appear to be dallying. We have work to do. We have a very emergent situation in this country. People look to us for leadership.

Why can we not get on with our Appropriations Committee work? I would like for someone to tell me. I am waiting for an answer. We have appropriations bills that are ready to go, and I beg my colleagues to let us get on with the appropriations bills. If we cannot move forward on the foreign ops bill, let us try to move forward on some other appropriations bill. There are others awaiting action.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I voted "present" because, as a partner of my good friend from West Virginia in Appropriations, we do not have time for any further delay. The Agriculture bill would be acceptable, as far as I am concerned. I have not checked with our leader, but I do think the Senate should move forward on another bill as soon as possible. We are very constrained because of the loss of our physical facilities in Dirksen. There are some bills that could move forward in the interim.

I have said before that in my judgment we have to get these bills to the President by November 6 if we are going to be able to leave by November 16 for Thanksgiving because the President must have his 10 days to review the bill. Hopefully, there will not be any vetoes, but it is possible.

I join the Senator from West Virginia in urging the joint leadership to find a way to allow us to take up another bill. I do believe the Agriculture bill is ready, and it is possible we could move on it very rapidly. I am hopeful we will find a spirit of comity and find a way to limit amendments on these bills and let us catch up.

The problem with the conferences is the House facilities are still tied up by the investigations concerning anthrax, but I hope we can find some way to handle that, too.

I do not believe these are crime scene investigations that are necessary to determine whether anthrax is present and might threaten our people, which is one thing, but to deter us from going about our business because someone might call our facilities crime scenes, I think is wrong. I thank the President of the Senate for yielding to me.

Mr. LEAHY. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Yes, I yield.

Mr. LEAHY. Mr. President, first, I thank the Senator from West Virginia. Last week, when it seemed as if everybody, except the Senator from West Virginia, the Senator from South Dakota, the Senator from Mississippi, and the Senator from Alaska were bailing out of this place, the Senator from West Virginia was very kind to let me use his office for a hearing. I say this for the benefit of the Senator from Alaska, who is present, that we can find space for these things. We had, I believe, five judges for whom we held hearings. While everybody else was leaving, the Senator from West Virginia made his office available so we could hold those hearings.

I do want to thank the one Republican who came for part of those hearings to help us out with the hearings. Of course, I thank the distinguished Senators from New York and Massachusetts and others on the Democratic side who stayed during the hearings.

As the Senator from West Virginia knows—and he knows these appropriations bills better than anybody else, but for those who might not know—this foreign operations bill has, of course, $5 million for our Middle East Camp David partners: Israel, Egypt, and Jordan. It also has one item that people may not be aware of: $175 million to strengthen surveillance and response to outbreaks of infectious diseases overseas, a very interesting part because the Ebola plague or anything else is only an airplane flight away from our shores, and we have this money to alert us about anything that is coming from overseas, including anthrax and other matters that might be an airplane ride or a postage stamp away from our shores. We have $175 million that we put in before these attacks, but we cannot get it to the President for signature.

We also have $327 million for antiterrorism efforts helping other nations strengthen the security of their borders and their nuclear and biological and chemical weapons programs. I know the President has been telling these other nations we will get the money to them, but it is stuck in this bill. And the $450 million for steps to combat HIV and AIDS—each day this bill is being held up, another 17,000 people are infected with AIDS.

We have $3.9 billion in military assistance included for a number of those countries in eastern Europe and central Asia that we are asking to help us in overflight and refueling. We have a whole lot of money saying the check is in the mail but, of course, we cannot send it. We have a billion dollars in refugee and disaster aid to deal with the humanitarian crisis around the world from Afghanistan to Sudan, also money the President wants to use but we cannot move forward with it.

We have hundreds of millions of dollars to reduce poverty and disease in countries where the Osama bin Ladens of the world tried to foment resentment against the United States. We have money to help those countries but, of course, it is held up.

I mention that not because the Senator from West Virginia does not know. I daresay there is nobody in the administration, the Congress, or anywhere else who knows every jot and tittle of these bills the way the Senator from West Virginia does, but I thought I would let some of the other Members know and the White House know all the various things the President has promised and we are holding up by not going forward with this bill.

I thank the distinguished Senator from West Virginia for his help because he has been like the granite quarries of Vermont. He stands rock solid, as he always has.

Ms. LANDRIEU. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. I will be happy to yield.

Ms. LANDRIEU. I wish to congratulate our leaders, both our majority leader and minority leader, for the excellent way they have handled the quite difficult situation we are in. As a Chair of a committee that has a finished bill which has passed in committee and is ready for floor action, I thank the Senator from West Virginia for urging us to move our bills.

I also assure him that the District of Columbia appropriations bill is ready to come to the floor, and I would be willing to work with him and with the leader to limit amendments so we could have votes on some of the items where there is disagreement, but there are not many items, and to remind everyone that Senator DEWINE and I have worked very closely, particularly on a provision to reform and strengthen the court system in D.C. to protect children who are in foster care, to strengthen the District's school system which is so important.

Most importantly, today there is money in this bill for security measures for the District of Columbia. That is very important as we work on our emergency plans regionally as well as coordinate what is happening in the postal situation today, and the Capitol complex.

I thank the Senator from West Virginia for bringing this to our attention and, as one of the Chairs on our side, I am most certainly willing to work with him as to any suggestions he might have to move our bill, have limited debate, limited time and move this support bill through the process in an expedited fashion.

Mr. BYRD. I thank the distinguished Senator from Louisiana for her comments.

Mr. President, I have been increasingly concerned we are moving toward an omnibus appropriations bill. I am afraid if we continue on this path we are going to end up with an omnibus CR in which a good many or most of the agencies of this Government will be operating probably on the same level of appropriations they received for fiscal year 2001.

Mr. STEVENS. Mr. President, in time of war to have the administration be tied to a CR, to have interpretations by lawyers throughout the Government as to what they can and cannot do, I think is putting the country in a straitjacket. I happened to have been chief counsel of a department in the Eisenhower days, and it is impossible for administrators to proceed during a period of emergency under what we call a continuing resolution. We must have individual bills and we must have them cleared, particularly in the areas where there is great concern in the country.

I think agriculture is one, defense is another, but clearly we should not be operating under a CR, in my judgment. It is impossible to proceed under the concept of having to have every single dollar checked against a question of whether it was involved in the last year. A CR is really continuing the problems of the past fiscal year into the next fiscal year. At a time of war we should not have that happen.

So I urge we move separately on the bills and get them done as quickly as possible, I say to the Senator. I think we should get our caucuses today at noon to make a pledge to the leader that we are ready to proceed as rapidly as we can to get these bills done.

Mr. BYRD. I thank my friend on the Appropriations Committee.

Mr. President, I do not intend to hold the floor much longer. But I appeal to all Senators to work together to get these appropriations bills up before the Senate, and let's act upon them. We should not go home with an omnibus bill, an omnibus CR.

I don't know what the problem is, but I do know we need to get on with the appropriations bills. I don't see why appropriations should be held up because of nominations. I don't have any dog in that fight. I am ready to vote for nominations. I am ready to go on to the appropriations. But we simply can't hold up the appropriations bills like we are doing. It would seem to me Senators ought to get together on both sides of the aisle and work out this problem. For those who are concerned about nominations, I don't think appropriations should be held up because of nominations. What does the one have to do with the other? Many of these appropriations bills have been on the calendar now for more than 3 months, and they are just sitting there.

So I appeal to our Members on both sides of the aisle to try to work together and let's get on with the appropriations bills. We are just marking time. We are not doing any good. The people out there, they are not concerned about our little problems—nominations versus appropriations. What does the one have to do with the other?

We are going to be held responsible for the fact that we are not working; we are not acting; we are not getting things done. What about our Rangers who are facing great odds and great problems in Afghanistan; what would they think of the way we are operating and acting?

What do the people back home expect us to do? They expect us to get things done. These agencies are operating without any knowledge of whether or not they are going to have funding above this year's level. They don't know. They can't plan for programs and projects that are very important to the American people, very important to this cause in which we find ourselves engaged.

Mr. DASCHLE. Will the Senator from West Virginia be so kind as to yield for a unanimous consent request?

Mr. BYRD. Yes, I yield the floor.

Mr. DASCHLE. I thank the Senator from West Virginia. Again, as Senator LEAHY and others have done, I applaud him and thank him for the admonition he has shared with all of us this morning. The importance of getting these bills cannot be overemphasized. The importance of recognizing this particular bill could not be overemphasized.

We are fighting a war. This is helping fund that war. The longer we delay the funding of that war, the more complicated our circumstances and, frankly, the more problematic, it would seem to me, the message to those on the front lines.

So I applaud the Senator from West Virginia and the Senator from Alaska. I hope we can clarify this matter. I, frankly, do not see the linkage either, and I am not going to be susceptible to that linkage.

The administration has to make its decision about whether it wants these bills completed or not. If they are not prepared to weigh in, there is only so much I can do as well.

We will do the best we can. I thank the chairman of the Judiciary Committee for his work on nominations. He had hearings last week. We are going to have four Judiciary Committee votes on nominations on judges this afternoon—I was prepared to have them this morning—and that would not have happened were it not for the leadership of the Senator from Vermont, who has worked on these matters and I thank him for that.

It is in that regard that I want to propound a unanimous consent request. He is in the Chamber, but I will make sure our colleagues are aware the Republican leader and I have discussed this matter. I would make the request at this time.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, as in executive session, I ask unanimous consent that at 2:15 today the Senate proceed to executive session and consider the following nominations: Calendar Nos. 472 through 475; that the Senate immediately vote on each nominee with the first vote being for the usual time, and subsequent votes being 10 minutes in length; that upon the disposition of these nominations the President be immediately notified of the Senate's action, that any statements thereon be printed in the RECORD, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I had thought there would be five judges in this group. These are, I believe, four district judges. There was a hearing and I thought there was a plan to report out a circuit judge, but I notice she is not on this list. I inquire about the nominee—I believe a woman for whom a hearing had been held, for the fifth circuit. What happened on that nomination?

Mr. DASCHLE. Mr. President, I yield to the Senator from Vermont to answer that question.

Mr. LEAHY. To answer that question, there are some—this is a nominee I have a feeling will go through all right but some questions have been asked. The answers are not back. For all we know, they may have been mailed in to the Judiciary Committee office. We don't know.

As the Republican leader knows, we have been somewhat stymied moving papers around here. But this is one where a Senator had asked a question. I notified Senator HATCH. I thought it would be a lot easier to get the questions answered than to bring the name up. Once they are answered, I expect the nominee to go through easily. That follows the tradition our committee has followed for 25 years under both Republicans and Democrats. If they have a question, we put them on the docket, I hope the question would be answered, and she would be on the next Exec.

I hope we will get back into our offices so we can find out if that material is there.

Mr. LOTT. I withdraw my objection, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. I now ask unanimous consent it be in order to ask for the yeas and nays on each of the nominees with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. As in executive session, I now ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. If the Senator will yield for a moment, I also point out the U.S. attorney of North Carolina, U.S. attorney of Michigan, other U.S. attorneys—of North Carolina, one of Arkansas, one of Mississippi, one of Missouri, one of Nevada, one of Maryland, one of West Virginia, one of Louisiana, one of Illinois, one of Washington, one of West Virginia—are also cleared. That could be done, I assume, on a voice vote. They are all nominated by President Bush. The vast majority of them were recommended by Republican Senators. They have all been cleared, and they are ready to go.

Mr. DASCHLE. I thank the Senator from Vermont. We will attempt to schedule votes on those nominees as well. As you say, it may not require a rollcall. If that is the case, perhaps we could do those as well today.

For the interest and information of all Senators, beginning at 2:15 then, this afternoon we will have four rollcall votes. The first will be 15 minutes, followed by a subsequent 10-minute vote on the three remaining judicial nominees.

So Senators ought to be here, stay on the floor, and vote so we can expedite these votes at that time.

I also say it is my desire to move to proceed to the foreign operations appropriations bill unless there is a colleague on the Senate floor. This will not be a matter that will be taken lightly. If for whatever reason Senators choose to leave the floor, and there is an opportunity for me to make that motion, it will be made.

I warn Senators about that possibility between now and the hour of 2:15 this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, before the Senator from Vermont leaves, I noted there are two nominations on the calendar: Thomas E. Johnston of West Virginia to be United States Attorney for the Northern District of West Virginia, and Karl K. Warner, II, to be United States Attorney for the Southern District of West Virginia. Have these been cleared?

Mr. LEAHY. I have just checked this morning. I am hoping they are going to be cleared by the end of the day. I tell the distinguished senior Senator from West Virginia.

Again, as he knows, he having let us use his office as temporary quarters for hearings, we have been operating under some difficulty. A lot of our paperwork is in the Judiciary Committee rooms in Dirksen or in my office in the Russell Building. Normally, I could answer his question immediately.

I asked this morning that we make sure they are cleared. I know they want to get them in West Virginia. I know they have been approved by the distinguished senior Senator from West Virginia and by his colleague. I am hoping that we can have them cleared quickly.

Incidentally, nominations were reported last Thursday after most of the Capitol closed down. We were still able to get a quorum because of the Members who stayed in town so we could report them, even though we had recommendations from the other side to get out of here. I appreciate those Senators who stayed so we could get that quorum and get them out.

Again, I appreciate the Senator from West Virginia in allowing us the use of his office. We had a number of judicial nominations that came up. Virtually all Republican Senators took the time to come to introduce their judicial nominees. I appreciate that, too.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I see the distinguished chairman of the Judiciary Committee. We had some hearings last week and some movement toward judicial confirmations, for which I am happy. I am glad one judicial nominee from Alabama was one of those which was moved. Of course, there was no controversy, I believe, about any of those nominees. Traditionally, it has not been necessary to have a big hearing if everybody is happy and respectful of the nominees. That is the way it has always been. If people have questions and concerns, they come.

I think it is a good thing that we are seeing some movement. But I would like to see more. That is why we have not been able to have an agreement on the foreign ops bill. I think that bill could move at any time we could get a fairly reasonable consensus on processing nominees.

I know there is a nominee from Alabama who is unanimously rated as well qualified by the ABA in a district which has had two of the three judges vacant for over 2 years. It is probably the No. 1 critical district in the country. We critically need a hearing on that judge.

We have others who are pending. In fact, President Bush nominated 11 individuals on May 11, a highly qualified group. But only three of those have received a hearing, and only two have been confirmed out of that group.

We have a growing backlog. We confirmed some judges. We went down from 110 vacancies to 108, I believe.

Mr. LEAHY. Mr. President, will the Senator yield? I don't want to interrupt him.

Mr. SESSIONS. Please.

Mr. LEAHY. I can actually speak about those better than he can because I have heard his speech enough times.

I believe the Senator mentioned a judgeship from Alabama that was qualified last week. I am sorry the Senator from Alabama was unable to be there. I do appreciate him being there for the markup earlier. I thank our colleague, Senator SHELBY, for his fine words about the nominee. We are trying to move that nominee from Alabama very quickly. We are doing that to try to help the other Senator from Alabama, Mr. SESSIONS. We will keep on the pace, and someday we can go past, if we ever get our offices back.

Mr. SESSIONS. I thank the chairman. I remember so vividly how aggressive he was to make sure President Clinton's nominees were moved promptly. I can give his speech because I have heard it many times. Basically, his complaint was that the Republican majority, under Chairman HATCH at that time, was not moving Federal judges effectively enough. At that time, when we finished this last Congress and President Clinton was in his last days, there were 67 vacancies in the Federal courts. He said that was unacceptable, and he thought it should have been lower than that, although there were only 41 nominees.

President Clinton submitted only 41 nominees for the 67 vacancies, which was what was left. There were 41 nominees unconfirmed when President Clinton left office. Now we are pushing probably 60 nominees. And the vacancies have gone from 67 to 108. It may now be back up to 109, even though we confirmed 2.

You can constantly have judges out of the 800 or so taking retirement. As you do, if you do not have a constant flow of nominees being confirmed, the vacancy rate grows. Senator LEAHY declared that the 67 vacancies we had last year was a crisis in the judiciary, and there was something awful about that. I thought we were moving pretty fast. Frankly, 60 or so vacancies is about the standard. It is hard to get it below that because when a judge retires, then the President has to decide who he would like to consider for nomination. There have to be background checks on them and ABA reports. It takes some time to move forward.

But when the number gets up to nearly twice that to 108 or 109, 110 vacancies, then we have a bigger problem. I think we ought to be able to keep that number close to the 60.

We are not moving fast enough. I think all of us agree. I know former Chairman HATCH feels strongly about this, as do others. We need to see what we can do to reach an accord.

There is some suggestion—I am not one who necessarily thinks we will do so—that we will be finishing up a little earlier this year than normal. That means we may not have more than 4 weeks or so left. If we are going to do just a couple of judges a week, we are going to end up with well over 100 or so vacancies, when we leave this time. That is too many. We could do a better job of moving the nominees for which there is no objection to nominees that have bipartisan support—nominees that received "qualified" and "well-qualified" ratings.

We believe that is the way we ought to go. I also say in addition to the foreign operations appropriations bill, there are a lot of important pieces of legislation that come before this Senate. There are a lot of things that need to be moved. There are a lot of appropriations bills that we could be debating and discussing.

I suggest we keep working with the majority leader and the chairman of the Judiciary Committee. Let's see if we can't get some sort of commitment to give an extra effort to reduce somewhat the number of judges who are pending but have not been confirmed and get that number down, or else I think those of us on this side have to conclude that we have some sort of slowdown going on. I think it is the right thing for us to ask. It is a just thing to ask.

If it is a vacancy rate that far exceeds that which occurred under President Clinton's time in office, the very same people who were critical of this Congress moving President Clinton's nominees for judges are now creating a much larger vacancy rate.

I believe we can do better. I know we can. I know we can move the noncontroversial judges better than we are doing.

I urge us to spend some extra time on that. If so, we will be able to eliminate this hurdle that is creating a problem with the foreign operations appropriations bill. Hopefully, we will have a good bill that we can all support. Hopefully, we will have an agreement that is fair and just and reasonable which would allow more nominees to be moved.

I am sure we are not going to be able to get our vacancy rate down to the level of the 1960s, which is where it ought to be. But we ought to be able to get it moving down well under 100 in some sort of agreement that could be reached.

That is my observation and my concern at this time.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Nevada.

Mr. REID. Mr. President, we have a number of nominations that are on the Executive Calendar. This evening we are going to try to move a number of these nominations, beginning on page 3. We ask every Senator and every staff member to make sure they review these. If there are problems that a Senator has, they should make contact with leadership offices and/or the cloakroom and indicate that they have some problem with some of these nominees. Otherwise, we are going to try to approve a number of them this evening. We have on the Executive Calendar a number of names we would normally send out with a hot line.

There is nobody in the office to listen to the hotline, so we would ask everyone to specifically look at the Executive Calendar and determine if there are any people they do not wish to clear, or if they have any questions, whatever the question might be.

We have heard, on a number of occasions the last several days during this filibuster, they hope something can be done to arrive at some agreement so as to move judges.

I think the good faith of the majority has been shown by our literally voting on every judge that has come through the committee and has been marked up and reported to the floor. It would have been easy for us the past several weeks, during these extended filibusters on several bills, to just hold all these judges and vote on them at one time later on, as was done to us when we were in the minority; but we have decided not to do that. As soon as they are ready, we are moving them forward. The record is replete with the case we have made, indicating that we are doing the very best we can under very difficult circumstances.

There is no need to belabor the point, other than to say we took control of the Senate in June. During the first 6 months of this session, there was not a single confirmation hearing held, not a single one, which is in keeping with what has gone on in the past.

In the past, for example, in the 6½ years the Republicans chaired the Judiciary Committee, from 1995 to 2001—34 months; that is almost 3 years—during that period of time, they held no confirmation hearings for judicial nominations and for 30 months they held a single confirmation hearing.

So we are moving forward. We have six office buildings—three in the House, three in the Senate—closed down. Staff is having a very difficult time working, as has been laid out in this Chamber on a number of occasions.

Senator LEAHY, in spite of that, held an emergency meeting in the President's Room in the Capitol. They went to the Appropriations meeting room and held a hearing there on judges. He reported out of the President's Room these four judges we are going to vote on today.

I have to say, if this case were being tried by a jury, the jury would be out 5 minutes and we would win. This is a case where if this were given to a jury, we would win easily. The jury is the American people. We are going to win this. We are doing the right thing. We are moving the judges as quickly as we can. In spite of the September 11 terrorism attack and the anthrax attack, we are still moving the judges as quickly as we can.

What is being done by the minority is they are holding up appropriations bills. We are going to vote again on a motion to proceed to this foreign operations appropriations bill.

Just 8 days ago, the entire Republican side voted to block consideration of the foreign operations appropriations bill, which funds U.S. foreign policy. It was not because they disagree with what is in the bill supposedly, since it was written by Senator LEAHY and Senator McCONNELL. These two Senators worked on this bill. Supposedly, it is a bipartisan bill which responds to the concerns and interests of both Democrats and Republicans, as well as the President's foreign policy priorities.

No, the Republican leadership did not oppose the bill itself. Instead, they said it was because of the Judiciary Committee which Senator LEAHY chairs. They say they have not acted quickly enough on judicial nominations. That is a very serious accusation.

I have been a prosecutor, and I have defended lots of people charged with crimes—not so serious crimes and really serious crimes, such as murder. So I take seriously our responsibility of the Federal judiciary. In fact, after reporting out four more judges last Thursday, we have acted three times as fast in approving nominees as was done during the first 9½ months of the first Bush administration or the Clinton administration.

Today we are going with the unanimous consent agreement that has been entered. We are going to confirm four more judges. For the minority to suggest we are moving too slowly is a bit, I guess, like the orphan accused of killing his parents and who then begs for the court's mercy because he is an orphan.

When the Republicans controlled the Senate during the Clinton administration, they created many of the judicial vacancies they are complaining about today, as has been indicated by the Senator from Alabama.

Some of President Clinton's nominees languished for years. Many qualified nominees, because of the impact this had on their ability to lead normal lives, withdrew. They withdrew from their law practices, waiting for a hearing, waiting to be confirmed. They withdrew their names after waiting years. Some of them said: We cannot wait any longer. They did not want to subject their families to further unfairness.

We know about all this. We know that. We are not going to be unfair. We have a record that indicates maybe it should be payback time, but it is not. We are not going to treat the Republicans as they treated us. That is already evidenced by what has been done.

Some on the other side might fear that they are going to be treated as we were treated, but that is not the case. The fact is, since July when the Senate control shifted, the Democratic Senate has treated and will treat Republican nominees fairly. I repeat, we have no intention of perpetuating the shameful ways the Republicans treated President Clinton's nominees. We have and we will consider these nominees fairly and act on them in a timely way.

Maybe some Republican Senators believe the public will not know or care that they have taken the bill that funds U.S. foreign interests as hostage. That is their hostage this week—and last week.

I was happy to see the senior Senator from Alaska—the former chairman of the committee, now the ranking member of the committee—vote "present." It appears quite clearly that he does not like what is going on, as indicated in his statements he made afterwards.

We are in a time of war, and we are going to have a continuing resolution—meaning that every line in that continuing resolution will have to be reviewed by some lawyer to find out if it is more than was done the preceding year. It does not sound as though that is the right way to go.

The American people deserve to know what is at stake when the Senate is kept from acting on this bill, especially when it is clearer than ever that our security is linked to events outside our borders—and then for people on the other side to stand and say, let them go a little more quickly than they did and we will work something out.

As of next week, there will be 3 weeks left until Thanksgiving. We are running out of time to do things. This foreign operations appropriations bill, as bipartisan as it is, will have amendments offered on it. We cannot whip through this bill in a matter of a couple hours. Agriculture appropriations—the same thing. They are holding up the work of the country.

What does this bill contain? We have talked in generalities, and I talked a little bit specifically earlier today, but let's talk about what is in this bill.

We have three countries that have really been good to America in recent years—Egypt, Jordan, and Israel—but they need our help. These are countries that depend on our assistance. And these are not gifts. We do not write them out a check and throw them money and say, spend it any way you want. Most of the money goes for them to purchase American products. That is what foreign aid is about in modern-day America.

So not only does it hurt those countries that are not getting this money, these vouchers, these opportunities to buy American products; it is hurting American companies. Who are these countries? Israel, Egypt, and Jordan, allies that are crucial to the stability of the Middle East.

I read an interview last night of President Mubarak. It was very impressive. It was in Newsweek magazine—a question—and then his answer. I was so impressed, among other things, when they asked him about Arafat.

He specifically said: Arafat has bad people around him. He mentioned a person's name. This is a gutsy guy. I was impressed. We know he has criticized Israel. He did in this same Newsweek article, when questioned. He said that President Sharon has made promises to him and he hasn't kept them.

But Mubarak has been good for America. We are holding up money going to Egypt.

A couple weeks ago I had the pleasure of meeting just a few feet from here with the King of Jordan, King Abdallah. I, of course, cared a lot about his father. I liked his father a great deal. This young man has assumed the leadership of his country in very tough times. The majority of the people in Jordan are Palestinians. He is an American ally. His country is favorably disposed to America. It is a country that has made great progress but still has a long way to go. They are dependent upon our helping them. This bill is being held up.

Sure, we can, as Chairman BYRD said, write an omnibus bill and lump it all in and maybe they will get some of what they need. This bill was worked on for months, making sure that Egypt and Jordan get what they need, not what was in last year's bill.

That is what is being held up here—not today, not yesterday, but all last week and part of the week before.

There is specifically in this bill, as a result of what has been going on since September 11, $175 million to strengthen surveillance and response to outbreaks of infectious diseases overseas. These are the programs that help give us early warning against some of the world's deadliest infections, now just an air flight or a postage stamp away, including anthrax and other agents used in bioterrorism. It is especially foolish and absurd to hold these funds hostage when our own citizens are now the targets of such attacks.

Two postal workers died with anthrax poisoning. What we are asking is that $175 million be set aside to strengthen surveillance and response to outbreaks of infectious disease overseas. That is in this bill. If they have some big omnibus bill, is that money going to get where it is supposed to? Of course not.

This bill should not be held up. It is being held up, and that is wrong. We have almost $330 million in this bill for nonproliferation and antiterrorism efforts to help other nations strengthen the security of their borders against nuclear, biological, and chemical weapons facilities as well as programs to get rid of landmines. Landmines are a serious problem all over the world. They are a problem in Afghanistan.

I traveled a number of years ago, just to give an example, to Angola. Angola in Africa had the potential of South Africa. It had natural resources such as oil and diamonds. It was part of the jungle we studied as kids where these African animals roamed. It was good for agriculture, potentially a strong country. But it has been involved in a civil war.

There are 10 million people in Angola. There are 20 million landmines. There are two landmines for every person in Angola. If there was a bustling business when Senator Simon and I and a number of other Senators traveled there a number of years ago, the business was artificial limbs, mostly of women and children. That is where this money is going.

We are held up over Senator LEAHY not moving judges fast enough. No one criticizes the fact that he is moving them. Our three office buildings are closed. On the floor there was a question asked by the minority leader, Senator LOTT: Where is the appellate judge, the circuit judge? Senator LEAHY said: One of the Senators—I know the Senator's name—on the committee asked a question and wanted it answered. The question may be answered. It may be in the mail. But we have not gotten the mail. I haven't gotten mail since they found the stuff in Senator DASCHLE's office. No one else has. The answer might be out there someplace. Maybe we could get the woman—it is a female judge—to fax the answer, call, if she knew where to call or where to fax. No one is criticizing Senator LEAHY for not moving. They are saying he is not moving fast enough.

As I mentioned earlier today, the second page of the Washington Post newspaper talks about the United States going to help Uzbekistan. Uzbekistan was one of the first countries to step forward. They have a relatively small border with Afghanistan. They stepped forward and said: Yes, you can use our airbases. We have now, I understand, over 1,000 soldiers on the ground there—not just airmen but soldiers. They said: Yes, you can use our land.

One of the things I am so glad we are going to help them with is, according to the newspaper, there is an island loaded with anthrax. The Soviet Union used this island for testing biological agents. They dumped lots and lots of anthrax on this island. The island at one time was safe. It was in the middle of the Aral Sea, the third or fourth largest sea in the whole world. But the Soviet Union diverted water from that area to grow cotton and therefore dried up this sea.

I went to where the shore used to be and where it now is. You can drive 80 to 90 miles on the dirt and see hulls of ships along the way. The sea has receded that far. The place that used to be an island is no longer an island. You can drive to the anthrax.

One of the things in this legislation is money to allow this Government, the United States, to help Uzbekistan, as indicated we want to do on page 2 of the Washington Post newspaper today.

We are not dealing with that. We are concerned about Senator LEAHY moving judges quickly. We could go through the statistical analysis again. I am sure no one wants to be bored, but it is all in the CONGRESSIONAL RECORD of Thursday where we established that we have done a good job in the short time we have had control of the Judiciary Committee.

This bill has $450 million for steps to combat HIV/AIDS. In Africa today, about 7,000 people will die of AIDS. Tomorrow 7,000 more will die. Thursday, 7,000 more will die. Friday, 7,000 more will die. Seven days a week—weekends are not taken off—they continue to die in Africa because of AIDS. This number is going up, not down.

In 15 years that figure will be up over 10,000 people a day dying in Africa of AIDS. Talk about a plague. This legislation has $450 million for steps to combat HIV/AIDS, maybe the worst global health crisis the world has ever seen. Maybe the bubonic plague, proportionately, was worse. Each day this bill is being held up another 17,000 people are infected with this virus. This money seems to be a lot, but considering the disaster I told you about, it may not be a lot of money. So $450 million is in this bill to combat HIV/AIDS.

What are we doing? We are concerned and are holding up legislation for 3 weeks because Senator LEAHY isn't moving judges fast enough. So 17,000 people a day are infected with AIDS. There are programs—educational and medical—that we have that are fairly cheap now that we can use to stop these infections from running across that continent the way they are.

In this legislation, we have about $4 billion in military assistance, including aid to NATO allies and countries in eastern Europe and central Asia. We are asking some of these countries, as we speak, to help America. We are asking them for overflight and refueling rights for our aircraft and for other support for military personnel. They are risking their lives on the war on terrorism.

We have money—millions of dollars, actually hundreds of millions of dollars—in this bill for programs for poverty which could provide basic education regarding health care, job creation, sanitation, housing, and other efforts in the poorest countries in the world.

We are the only superpower in the world. Don't we have an obligation to spend a tiny bit of the largess of this country to help those who are not as fortunate as we are. In this legislation, there are funds to help eradicate conditions that create breeding grounds for terrorists. Poverty breeds some of the things that we are fighting now. This legislation to help that situation is being held up. Why? Because the Judiciary Committee is not moving judges fast enough. They are moving them but not fast enough.

Next week it will be 3 weeks until Thanksgiving and they want us to do, during that period of time, all these appropriations bills. It can't be done. We need to get to work right now. I would think—but I haven't heard a peep—

that the President would be embarrassed. These are his appropriations bills, his programs.

There is a very close breakdown of the numbers of Democrats and Republicans, so these appropriations bills that come to the floor are really bipartisan in nature. So the administration has tremendous input in what we have in our appropriations bills—in this one specifically because it deals with foreign aid.

This bill has a billion dollars in refugee and disaster aid to deal with humanitarian crises around the world. We all know what is happening in Afghanistan. People are trying to get out of there. They don't like the conditions there. They are afraid. They don't like the oppressive conditions, or the war conditions, which existed prior to the United States taking this action. They need help. All these agencies around the world need help. There is a billion dollars for refugee and disaster aid to deal with humanitarian crises around the world. They are not just in Afghanistan. We have millions of human beings around the world on the brink of dying from starvation. That is what this bill is all about. Try to tell one of those people, most of whom are illiterate, that the Judiciary Committee is moving judges but not quite enough; therefore, we are going to hold up any money that goes to these refugees, all this disaster aid. Millions are at risk of starvation.

In this bill is $856 million in export assistance to help U.S. firms find markets for American products abroad. What does that do? It generates jobs here in America. For that money that we spend, it will come back to us tenfold—or what we would like to spend. But, remember, we can't do that because Senator LEAHY is not moving the judges—fast enough.

It would seem to me if there were ever a time in the history of this country where there is a need for leadership by this country, the United States, now is the time for urgency—here and abroad. Yet at the very time when the President of the United States and his Secretary of State have been traveling—the President just returned from China, where he met with 21 other world leaders, and Secretary of State Powell has been all over, including Pakistan, India, and China, and various capitals around the world, to shore up an international coalition against terrorism—some Republican Senators suggest we should take a timeout because we are not moving judges fast enough.

Should we tell those nations that want our help in combating terrorism that, well, we would like to help everyone, but we are taking a timeout because we need some more judges? I understand the importance of judges. I have already talked about that. Judges are important.

One of the people we are going to vote on this afternoon is a judge from Nevada. We have the most rapidly growing State in the Union and we need judges. We have another vacancy, but the ABA hasn't approved his paperwork. We want his paperwork to be completed. That is the right way. I know Judge Mahan, and I am sure the paperwork is going to come back perfect. I am from Nevada and I know him. Other Senators, other than Senator ENSIGN, do not know him, and we should go through the normal process. That is what Senator LEAHY is doing—going through the ordinary, normal process, which is quite difficult now. Our three office buildings are closed. I am fortunate enough to have an office right off the floor. I had some of my Senate friends drop by yesterday. There is no mail coming into my office or their offices. They needed someplace to go. They dropped in my office. We, I guess, will tell the countries that as for combating terrorism, we have taken a timeout because of the judges.

I understand the importance of judges and all this talk about justice delayed is justice denied. That is talk. These Federal judges work real hard. They are not denying anyone justice.

It is interesting to note that the Chief Justice of the U.S. Supreme Court is not going around the country lecturing about why the Senate is not moving judges more quickly. No one can question Chief Justice Rehnquist's political leanings. He was appointed by a Republican and everyone knows how Republican he is. But he, knowing it was the right thing to do, criticized the Republican majority in the Senate for not moving judges and for holding them up. He is not doing that now.

We are doing the very best we can for these judges under very difficult circumstances. I said this morning, there may be a different agenda here than just judges. Maybe they do not want to move these appropriations bills. Maybe they want the appropriations in one lump sum. Maybe that is what they want. That is what they are going to get. It is a terrible mistake for the country.

Shall we tell our NATO allies or those suffering from AIDS, tuberculosis, or other deadly, or preventable diseases that we are going to take a timeout because judges are not moving fast enough? That is the only thing we can tell them. Should we tell the American workers hurt by this slowing economy that we have taken a timeout because Senator LEAHY is not moving judges fast enough—he is moving them but not fast enough?

If he was trying to delay the appointment of judges, would he have held a meeting last Thursday in the President's room to report out judges? Of course not. If he is trying to delay, did he have an excuse not to hold hearings on these judges? He had to prevail upon the Appropriations Committee to get room S-128. As I said, what a disappointment it would have been for my friend, Larry Hicks, who is going to be a Federal judge from the State of Nevada, if Senator LEAHY had canceled that hearing. He had every reason to do so: the anthrax scare, the office buildings closed. But he did not. Larry Hicks was jammed into that hearing room with everybody else.

It was also interesting at that hearing, which I attended because of Larry Hicks, the judge from Nevada, the only people at the hearing were Democratic Senators. We had a few Republican Senators introducing nominees, but I am talking about members of the committee. I did not stay for the whole hearing. Maybe they showed up later.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield.

Mr. DURBIN. Mr. President, I ask my friend from Nevada if he can explain what happened with the vote this morning on the floor of the Senate.

Mr. REID. I will be happy to explain to my friend.

Mr. DURBIN. This was a vote for cloture to bring a bill before the Senate to be debated; is that correct?

Mr. REID. That is all it is.

Mr. DURBIN. And the bill was the foreign operations appropriations bill.

Mr. REID. That is right.

Mr. DURBIN. It has the request of the Bush administration for foreign operations, and we—at least on the Democratic side—have been trying to bring this bill to the floor for the administration and for the President.

Mr. REID. For weeks.

Mr. DURBIN. For weeks. Included in that bill, is it correct, there is $175 million for infectious disease surveillance programs?

Mr. REID. Yes.

Mr. DURBIN. And $255 million for sheltering of Afghan refugees, the ones we see on the television?

Mr. REID. Yes. I say to my friend, I talked about the $175 million. I did not talk today about the $255 million for Afghan refugees. I say to my friend from Illinois, all one has to do is turn on the news by mistake and in an instant one will find out the problems of these refugees. They are trying to escape the Taliban. They are trying to get out of that country. They want to get anyplace they can to escape the Taliban. They are starving. Their families are spread out all over. Sometimes they are together; sometimes they are not. Some have walked over the passes, such as the Khyber pass and other passes that are almost impassible. They have done it.

The Senator from Illinois is right, that money is being held up.

Mr. DURBIN. Is it not true President Bush has said our war is not against the Afghan people; it is against the Taliban, the terrorists, al-Qaida, and Osama bin Laden? It is not against the Afghan people, is that not correct? Is that not what the President has said?

Mr. REID. The only reason I am pausing before answering—the answer is absolutely yes—I say to my friend from Illinois, the legislation is being held up because Senator LEAHY—if I am not mistaken, my friend is a member of that Judiciary Committee.

Mr. DURBIN. Yes, I am.

Mr. REID. Nobody is criticizing Senator LEAHY for not doing anything. They say he is not doing it well enough, fast enough, and, as a result, we have been in a 3-week filibuster.

Mr. DURBIN. I have not looked closely at this morning's rollcall vote, but is it a party breakdown, Democrats and Republicans?

Mr. REID. One courageous man, TED STEVENS, voted "present," and then he gave a speech from his assigned seat in the Senate Chamber saying, in effect: What in the world is going on here? He said if we have a continuing resolution, and that is what this is all leading up to—I am paraphrasing what he said—but the $255 million the Senator from Illinois suggested for these Afghan refugees will not be there because that is an add-on. A continuing resolution takes into consideration what took place last year.

Mr. DURBIN. So this morning in the Senate Chamber——

Mr. REID. Senator STEVENS said: What is going on here?

Mr. DURBIN. This morning in the Senate Chamber, we had a motion to bring up a bill, which President Bush is asking for, on foreign operations, part of which is to deal with infectious disease surveillance, $175 million, and $255 million to feed these Afghan refugees who are literally dying on our TV screens every night, and we had a party-line vote: The Democrats saying go along with the President, move the bill, give him the money and the resources, do what is important for America, and the Republicans, with the exception of one Senator, Mr. STEVENS who voted "present," all voted not to go to the President's bill on foreign operations appropriations. The reason they have decided to hold back the money for this emergency aid to feed, clothe, and shelter the Afghan refugees is because the number of judges coming out of the Judiciary Committee is not coming out fast enough; is that the argument?

Mr. REID. I am embarrassed for my minority friends to say that is right, they are not moving fast enough.

Mr. DURBIN. I ask, if I may, the Senator from Nevada, is it not also true that more than, I guess, 2 weeks ago we passed an aviation security bill in the Senate 100–0, a bill that was brought to the floor by Senator FRITZ HOLLINGS, a Democrat from South Carolina, and Senator JOHN MCCAIN, a Republican from Arizona? They brought this bipartisan aviation security bill before the Senate to finally have a Federal response to the problem of security at our airports. We passed it unanimously and sent it to the House of Representatives where it has not been called for a vote in almost 2 weeks; is that a fact?

Mr. REID. I respond to my friend in answer to his question, he is absolutely right. It is being held up and it is very clear why: Because the majority whip in the House has said he does not want these employees to be federalized. He wants them to be let out to the lowest bidder, as we have now. The majority whip said, from what I read in the newspaper, that he cannot allow the bill to come up because he does not have enough votes to have his position prevail, so he is just stopping it from coming to the floor.

Mr. DURBIN. Has the Senator from Nevada had the same experience I have since September 11 where he has gone back to his home State and, more often than not, people come up to him and say: Thank you for addressing this problem threatening America in a bipartisan fashion, in working together, standing with the President to fight these battles? Has the Senator heard that in Nevada as often as I have heard it in Illinois?

Mr. REID. I went to a breakfast this morning in Washington, and they say the same thing in Washington that people say in Nevada: What in the world is wrong? Why can't you get this done; why can we not make these people who check our bags, who put food on the airplane, who put fuel in the airplanes, Federal employees so we can make sure they are paid a livable wage?

Mr. DURBIN. And with a background check, with training, with supervision.

Mr. REID. Yes. As the people said this morning and people say in Nevada, and as the Senator said they say in Illinois, that does not sound like too much of a wild concept.

Mr. DURBIN. I ask the Senator from Nevada, is it not a curious situation that the Democrats are now backing the President and wanting to move these things forward and the Republicans are stopping the President's agenda? It is the Republicans stopping the President's request for foreign operations funds to feed the Afghan refugees, $255 million to feed and clothe these helpless innocent people who are literally dying in these terrible conditions. It is the Republican Party of the President that stopped our consideration of this bill this morning, with the exception of one Senator, Mr. STEVENS. And when we are asked time and again, Will you please stand behind the President, maybe we should say to our friends across America who follow this debate: We are standing behind the President; please ask the President's party to stand behind the President. It appears that is where it has broken down.

Mr. REID. I say to my friend in response to his question, we have not seen the pain and suffering and despair in Afghanistan that is going to occur in about 2 or 3 weeks when winter hits.

Afghan winters are known for their brutality. These people know that, and the reason they are trying to get out of there is because of the brutal winters they have in Afghanistan.

The Senator is absolutely right. And I also respond to his question in this manner: The President has received bipartisan support on his issues, whether it was the $40 billion for New York, whether it was the airline bailout, whether it was the work we have done in counterterrorism. Name whatever it is he felt was important, we stood shoulder to shoulder by him.

I say to my friend from Illinois, the distinguished senior Senator from Illinois, I am a little bit disappointed in President Bush. I think he should be trying to help us on this issue and tell his party to back off. He should work with Senator DASCHLE, try to maybe speed things up a little bit, or let him talk to Senator LEAHY or Senator HATCH, but he should be helping us move this bill. This is his bill.

So I say to my friend, in spite of the weeks of bipartisanship, 6 weeks as of today, we have shown this President, the administration has been silent on this 3-week roving filibuster.

Mr. DURBIN. I ask the Senator from Nevada, in this bill, the foreign operations appropriations bill which the Republicans stopped this morning from coming up for consideration, in the committee report on the bill, this bipartisan committee report, it refers to the situation in Afghanistan as, and I quote, "the most urgent massive humanitarian crisis anywhere."

We are having this bill held up, but we are turning on our televisions at night, as I saw last night, to see this gripping scene that no father or mother could stand to watch for more than a few seconds of a child lying on the dirt in one of these refugee camps, this Afghan family that fled their country because of their fear of the Taliban and fear of the war. This little child was literally lying there, swathed in blankets and rags, listless and clearly sick, with flies all over her face, and her father trying to swat them away saying: I have nothing to give her. I have no money to buy medicine, nothing.

We see these scenes at night and it tears at our hearts because our war is not against the Afghan people. It is against the terrorists and the Taliban that harbors them. Yet when the President brings us a bill to do something to help those people, the Democrats stand with him and want to call the bill, while the Republicans, his own party, turn their backs on him in what has been described as the most massive humanitarian crisis anywhere.

To say that is a battle worth fighting for, these poor, defenseless, dying people, so the Judiciary Committee could turn out a few more judges to the satisfaction of some of the Senate Republicans, I do not think can be defended.

Mr. REID. I say to my friend, the then-majority leader, Senator LOTT—and this is not a direct quote, but it is pretty close—when there was a question which came up last year or the year before about judges, said when he went home he did not have anybody ask him about judges.

Well, that is about right. But I do have people ask about anthrax. I do have them ask about threats of smallpox, threats of influenza virus, threats of terrorists generally.

Also, I say to my friend, I spoke very briefly this morning about another crisis we tend not to focus on, but in this bill there is $475 million to help people with AIDS. I say to my friend, as I said earlier, 7,000 people are dying every day in Africa because of AIDS. We have money in this bill to help that plague.

Mr. DURBIN. Yes, we do.

Mr. REID. And that is what it is: it is a plague. The Senator not only is a member of the Judiciary Committee, the Senator is a member of the Appropriations Committee. We work very hard recognizing that AIDS is not an African problem; it is our problem, too.

The money for AIDS education and treatment will be held up. Now they can say all they want, they meaning the minority: We will pass a bill as soon as you give us more judges.

It is not that easy, I say to my friend from Illinois. Thanksgiving is 3 weeks away as of next week. We have conference reports. We have terrorism issues we have to work on, bioterrorism, counterterrorism, and these appropriations bills do not go that quickly. People have the right to offer amendments.

Do they think some magic is going to happen and we are going to do a foreign operations bill in an hour? People want to offer amendments. They want to do things a little differently. That is the American way. That is the way we have been doing things for more than 200 years, but we are in a 3-week fun and games with a filibuster.

Mr. DURBIN. I will give the Senator from Nevada an illustration and then ask him a question. Last Thursday, the Senate Judiciary Committee, when we were operating out of the Capitol, had a hearing for five judges who were brought before us. Of those five judges, it is my understanding four of them will be voted on this afternoon. As to the fifth judge, who is a circuit court judge who has been suggested and was brought before us, we came to learn this circuit court judge has perhaps a thousand unpublished opinions. We have asked this judge to come back once we have seen his unpublished opinions so that before we give him the circuit judge position for life we understand who he is and whether he is the man for the job.

There were some objections raised at the hearing about asking for a second hearing for this judicial candidate. We checked the record, and on at least six occasions during the Clinton administration, a second hearing was requested. Then we asked for the timeframe between the first and second hearing on Clinton judges, when the Republicans were in control. In one case, the nominee waited 2½ years for the second hearing, and in several other cases more than a year for the second hearing.

Now we have the Republicans coming to the floor saying we are not moving this process fast enough. Second hearings are being called for and it could take weeks, when they took the lives of individuals and let them languish for a year or 2 years in this situation.

I say to the Senator from Nevada, Senator PATRICK LEAHY has moved with dispatch with hearings on these judicial candidates. He has held hearings during the recess. He held a hearing last Thursday when the Senate was in a very peculiar situation because of the security concerns on Capitol Hill. He has moved them forward. He has asked that before we approve a person we know their background. I ask the Senator from Nevada, who was in the Senate during the Clinton administration and saw the way Senator HATCH and the Republicans in control of the committee dealt with the nominees, are the Republicans today asking for the same treatment of their nominees as they gave to President Clinton's nominees?

Mr. REID. I say to my friend, one of the biggest fears they have in the world is that we will treat them as they treated us.

Mr. KYL. Will the Senator yield? That was a question directed to my party.

Mr. REID. I say to the Senator from Illinois, I believe in the Golden Rule which says you should treat people the way you want to be treated, and we are not going to treat the Republicans the way they treated us.

I say to my friend from Illinois, he is right. Senator LEAHY has been moving these things very quickly—maybe not quickly enough for some, but he has been moving them.

Since September 11, the Senator from Illinois, as a member of the Judiciary Committee, has been involved in a number of other things. I say to my friend that in addition, we have had in Senator DASCHLE's office this evil person or people send this envelope full of anthrax which has shut down the office buildings in the Senate. Senator LEAHY and the Judiciary Committee and all committees have been working under tremendous hardship, and Senator LEAHY, if we could give him some kind of a medal, he deserves it.

In the President's Room last Thursday, when the House had already gone home and we were in the process of going home, Senator LEAHY held a hearing to report out these four judges. Anyway, he held a hearing back there, a markup back there, and then he held a hearing later in the day down in S-128 on some judges. If he ever had an excuse or ever wanted to slow up these nominations, he certainly would not have proceeded in that manner.

Mr. DURBIN. I add to the Senator from Nevada, I believe there were some 12 U.S. attorneys who were moved in that hearing in the back room, under extraordinary circumstances.

I ask the Senator from Nevada, is he aware of the fact the Judiciary Committee, under Senator LEAHY's leadership, has held seven nomination hearings thus far this year?

In 1989 and 1993, when the Republicans were in control of the same committee, it was November before they held their fifth hearing. So Senator LEAHY has held more hearings, even though we have not been in control for the full calendar year, than Republicans did when they had control of the same committee under a Democrat President, and after that seventh hearing the committee will have held multiple hearings in the same month on three separate occasions, something the Republicans in the Judiciary Committee managed to do only 12 times in 6½ years of leadership.

For those who are complaining about Senator LEAHY's dispatch in dealing with those nominees, I might also say this: The Judiciary Committee has already confirmed eight judges, four for the Federal courts of appeals with several more in the pipeline. This afternoon we will have some district judges considered. That is more appellate judges confirmed in the last 4 months than the Senate confirmed during the entire first year of President Clinton's administration.

Senator LEAHY has brought more Republican nominees for Federal judgeships to the floor in the first 4 months than the Republicans did in an entire calendar year. And they are stopping legislation to provide humanitarian assistance to the Afghan refugees because it is not fast enough? Is that what I understand?

Mr. REID. The Senator is absolutely correct. I would say also that not only has Senator LEAHY and the committee moved the number the Senator has indicated, but he has done it in a short period of time.

Remember, the Democrats only took control of the Senate in June. During the first 6 months of this year, the Republicans did not hold a single confirmation hearing or confirm one.

I will be happy to yield for a question to my friend from Arizona.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Arizona.

Mr. KYL. Mr. President, I guess I will ask a question. I thought there was a question posed to the minority by the distinguished Senator who said, would Republicans like it if he treated them as they treated us? And I thought, as a Republican, I might be in a better position to answer that than a Democratic Senator.

Mr. REID. Does the Senator have a question?

Mr. KYL. The Senator had an interesting question. I guess I will ask the question to you this way.

Since the distinguished Senator from Nevada has said on more than one occasion that this is not about payback—I think that is a direct quotation, on several occasions—I wonder why, if the withholding of confirmations on judicial nominations is not about payback, that most of the argument that the Senator from Illinois and the Senator from Nevada keep making is how poorly they believe that President Clinton's nominees were treated by Republicans. What relevance would that have, if their action today isn't about payback?

Mr. REID. I will be happy to respond to that question. The purpose of going into what has taken place in the past is, by comparison, to show what was done to President Clinton and was not done for him, compared to what we are doing now.

I spent a lot of time here in the Chamber. The few judges that we got, those were usually held in bundles until we had acted appropriately by virtue of how the majority then thought we should act and then we would get a whole bunch at one time.

We are moving these judges as quickly as we can. We are not holding anybody who is ready for approval. We are holding these hearings as quickly as we can. We hope there will even be a hearing this week, although we don't know where it will be.

I say to my friend, for whom I have the greatest respect, the junior Senator from Arizona—I know he feels strongly about the number of judges. But I think the Senator is not doing the right thing for the country. I think it is very important we move forward on these appropriations bills. I think the situation on judges—whatever number is going to come, we are going to do it regardless of this filibuster. We are going to move the same number of judges that we could and should.

As far as it being payback time, we are not going to have payback time. As I told the Senator from Illinois, the way I feel about this, I believe we should set an example.

You know, you just want people to treat you the way you treat them. We are going to try to do our very best to show the country we are not going to treat the minority, the Republicans, during the time we are in the majority, the way we were treated. We are not going to have people wait around for years for a hearing. We are not, in effect, going to have people wait until they withdraw their nomination.

With all that is going on in the country today—office buildings being closed—I think it is a terrible mistake. We are going to move as quickly, as expeditiously as we can.

As I was saying when the Senator from Illinois stepped on the floor, we have $3.9 billion in this bill for military assistance, including aid to NATO allies, countries in eastern Europe and central Asia. We are asking some of these same countries to really do good things for us. Should we tell our NATO allies that we have taken a timeout? Should we tell American workers hurt by the slowing economy that we have taken a timeout?

I believe global leadership means acting as a leader. We are the only superpower left in the world and we have an obligation to support those who are less fortunate than us. We simply have not done that.

Mr. DURBIN. I ask the Senator from Nevada if he will yield for a question.

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. If I understand what the President has told us repeatedly, our war is not against Islam or the Afghan people. It is against terrorism and the countries that harbor terrorists. In this bill the Republicans have stopped on the Senate floor this morning, the foreign assistance and operations bill which President Bush asked us to pass, which Secretary of State Colin Powell said is important for his operation, the State Department, as he builds this coalition, is it not true we also include in this bill nutrition and health programs for the less fortunate around the world? Is it not also true that many of these programs will be the evidence that many of these people have that the United States is not at war with Islamic people, not at war with a certain religion, that we are, in fact, prepared to help them and help their children?

The fact that this Senate refuses to take up the bill the President has asked for is really hurting the administration's effort. What they are trying to do is send a message around the world. That is how I see it. I ask the Senator from Nevada if he reaches the same conclusion?

Mr. REID. I reach the same conclusion, I say to my friend from Illinois. I studied a map yesterday of Afghanistan and the countries that surround Afghanistan and tried to learn a little more about Afghanistan, as we all are trying to do.

The life expectancy in Afghanistan today is 48 years for a man, 47 years for a woman. That is the life expectancy. In the United States, it is about 80 for both men and women.

Having been in Congress for a number of years, I have had the good fortune, for a number of reasons, to travel to other countries. I can remember going to a number of those refugee camps where food comes from the United States, money comes from the United States, to feed these orphans. A lot of them are orphans. When you go there, they know you are from America and they come, little kids, hanging on to you—some of them with very bloated stomachs, meaning they are malnourished. It is very sad that children who have done nothing to hurt anybody are victims of all this terrorism that is going on. They are victims of all the maldistribution of things around the world.

This bill is an effort by the United States, the way I see it in my eyes, to give just a little bit of the plenty that we have to help some of the less fortunate around the world.

This foreign aid bill is just a small amount of money of the trillions of dollars that we deal with here in Washington. But it is important to those countries. The Senator from Illinois is absolutely right. This money goes to people, mainly children around the world, who need help.

Mr. DURBIN. I ask the Senator from Nevada, I had the same experience he did in India and Bangladesh, India, a Hindu country and Bangladesh, largely Muslim. What I found was the poorest of God's creatures on Earth, people, literally mothers trying to raise children with nothing—nothing—who worried day to day whether they could feed them, and the United States, in its compassion, its understanding of its obligation to those less fortunate, provides financial assistance to the charitable organizations. In one case, in India it was Mother Teresa who was taking the money and feeding the poorest people. In Bangladesh, it was other organizations.

To make certain the record is clear, the money that these organizations would receive would come through this bill, this foreign operations appropriations bill which has been stopped on the floor of the Senate—according to the Senator from Nevada for almost 3 weeks or more—because some, in fact all Republican Senators but one—believe they want to stop the President's bill that would provide this food and medical care for the poorest children on Earth because they are not getting judges through the Senate Judiciary Committee at a fast enough pace.

Is that their argument?

Mr. REID. The Senator is absolutely right.

I want to stress this again. They acknowledge that they are getting judges, but they are not getting them fast enough, in spite of the September 11 terrorist acts and in spite of the anthrax terrorism. They should join with us to move this as quickly as possible.

The Judiciary Committee has maintained a steady schedule of hearings on judicial nominees of President Bush. We have confirmed twice as many judges as were confirmed in the same period of time during the two previous administrations. Remember that in one of those administrations there was a Democratic President and a Democratic Senate. Alongside the passing of an antiterrorism bill, we have continued to hold hearings on judicial nominees and to bring them to the Senate floor.

I don't know what more we can say. We have brought them to the floor for confirmation.

At a time when we have tried in every way to support the President's priorities, it is unfortunate that so soon after September 11 the Republican leadership seems to care more about its partisan political priorities than it does moving these nominees.

I think this deals with more than just judicial nominees. I think some people do not like foreign aid and the foreign aid bill. This is their way to kill something they really do not like. They are afraid to come on the floor and vote against this bill and offer amendments to this bill. They are going to do indirectly what they cannot do directly. They are saying this is about judges. I think what they want is a foreign aid bill such as we had last year with no new items in it: The Afghans—they will survive for centuries. A few will die. Let them die. So we cause a few problems. They deserve it.

I don't know what is going on here. But I think there is a different agenda. I think it is more than judges. I think they don't want this bill to go forward.

We have all been to townhall meetings. It is hard to defend foreign aid. Why are we giving money to those countries when we have people in America who are hungry?

I always supported foreign aid in the International Relations Committee in the House. I have always supported foreign aid bills. I have never voted against a foreign aid bill, and I don't intend to, because this superpower, of which I am a proud citizen, has the obligation to dispense a tiny bit of its largess on those who are less fortunate.

I think there is a different agenda here. I think people do not want to come forward and vote against a foreign aid bill. I think they want to be able to go home and say, we passed a foreign aid bill that is no bigger than it was last year.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield to the Senator from Minnesota.

Mr. DAYTON. I thank the Senator from Nevada.

Our friends are talking about the consequences for this particular piece of legislation. I guess I see other consequences as well. I would like to ask the assistant majority leader and the distinguished Senator from Illinois a question.

We have been through this process before. The clock is ticking. As the Senator from Nevada said earlier, there are only 3 weeks until Thanksgiving, and I assume we want to go home for Thanksgiving. Then there are a few more weeks until Christmas and New Year's. I assume people want to go.

I look at the agenda in terms of the prescription drug coverage for senior citizens, which is something about which I have been concerned and I know the seniors in Minnesota are desperately concerned.

I want to ask the Senators who have been here longer than I: When we go home for the holidays or adjourn for the year, and we are out of time to deal with some of these other important issues as well, should I tell the senior citizens from Minnesota that the reason we couldn't get prescription drug coverage is that we were sitting here week after week getting delayed on these votes and not even getting to the bills, so we did not have time to go on to anything else?

It looks as if that is another one of the consequences of what is going on. Is that the case?

Mr. REID. It appears very clear that we don't have time to do all the things that need to be done. Those issues about which we felt so strongly prior to September 11 are issues that are still important to the American people: Senior citizens, and the cost of medicine. The cost of health care is going up. Prescription drug costs are going up.

People are literally having to make decisions whether they are going to eat or get drugs. I have talked to them. People are supposed to take one pill a day. They break the pill in half. They take one-half of a pill each day. That isn't good for them. But it is better than nothing. We have people simply making the choice of whether they are going to eat this week or whether they are going to buy their medicine.

We know there are important issues dealing with education that we haven't talked about for weeks. We know there are things we need to do about people who are working. We have a lot of minimum-wage jobs around the country. These are not people who are working at McDonald's flipping hamburgers. Sixty percent of the people who draw minimum wage are women. That is the only money they get for them and their families.

Do we need a minimum wage adjustment? You bet we do. Things such as the Patients' Bill of Rights—that is just as important today as it was prior to September 11.

What about campaign finance reform? That is important. But these are issues we have pushed way back on the calendar.

I am willing to recognize that we have had many important things to do. But wouldn't it be nice if we were not in a filibuster, to have finished our appropriations bills by now and spent a little time on education? President Bush said that is his No. 1 priority. All he has to do is tell his friends over here to let us move on some of these appropriations bills.

I also say to my friend from Minnesota that not only do we have these things that are important which we need to deal with, but we also have counterterrorism legislation which is not yet completed.

The Senator from Illinois and I talked a little on the floor today about airline security legislation which is hung up over in the House because of the evil of federalism.

We have a lot to do with very little time to do it. Certain things we can adjust but time we can't. Time moves on. We cannot stop the movement of time. We can only do certain things for a certain period of time. Time runs out. Time is running out. The fiscal year ended a long time ago. We are having a series of short-term funding resolutions, which in the long term hurts the country. We should have the appropriations bills finished and not be doing them at last year's level. We have different problems than we had last year. That is an understatement.

I hope there will be some serious discussion about whether or not we are going to continue this filibuster for another few weeks. It is obvious to me that they are together on it. We had one person vote "present." Everybody else voted like lemmings going over the cliff.

I have the good fortune of being a lawyer. I am proud that I am a lawyer. I am proud that I was a trial lawyer. I tried lots of cases before juries. As I said earlier today, I wish I could try this case to a jury. We would win it so easily. They have no case. Hopefully, with the discussion today, maybe there is a jury out there; it is a jury that I can't see. There are not 12 people in the jury box here to whom I am speaking, but maybe this is the unseen jury of the American people. Maybe they can see through this facade. Maybe they can see. They know what it is. It is a political trip that is not good for the American people. It is holding up judges when we have people who need programs that this bill will fund.

Other bills are being held up. Agriculture appropriations and other bills are being held up. My friend is certainly on the right track.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

I have been asked by the people in Minnesota as to our agenda—for example, why we have not taken up agriculture. We have sugar beet farmers in Minnesota who are literally going bankrupt and are waiting for that appropriations bill to see if there is funding included that will rescue their operations from bankruptcy. We have seniors in Minnesota who are asking why we have not taken up prescription drug coverage.

Why are we meeting here? As the Senator said, when we have education matters, which the President has said are a priority, when we have an economic stimulus package that the President has asked us to act on, when all these matters are not addressed, as I read the calendar, they could be left undone this year.

When I go back to Minnesota and am asked why we have not gotten them any of this broad agenda that affects people not just in Minnesota but all over this country, the answer should be because we sit here week after week not being able to take up legislation that is bipartisan because they are not happy with the pace of judges. It all comes down to that. Is that the Senator's understanding?

Mr. REID. I say directly to my friend from Minnesota, you are exactly right. You go back to Minnesota and tell your sugar beet farmers, we cannot take up an appropriations bill because we are not moving judges fast enough, according to the Republicans.

I went to Minnesota. You and I met with some seniors when we were campaigning. That was your No. 1 issue. You can tell them you are sorry we have not been able to take this up, but we have been tied up with a very important issue; that is, we are not moving judges fast enough. So you can tell them that. That is basically what you can tell them.

Mr. DAYTON. I say to the Senator, "fast enough" is a relative term, as I understand it. It is sort of in the eye of the beholder.

As I understand it, Senator LEAHY, chairman of the Judiciary Committee, held a hearing and squeezed it in here, literally and figuratively, last week so we could move judges forward. I know the bench is full in Minnesota.

The people's agenda, the whole agenda of the United States of America is on hold because a group says we are not moving judges fast enough. Is there a measure of what is "fast enough" in the Senate?

Mr. REID. The answer to the question is, you are correct; it is in the eye of the beholder. It absolutely is.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. I thank the Senator from Minnesota for addressing other items on the agenda which we cannot get to because of this Republican filibuster over the pace of judges.

I say to the Senator from Nevada, what we are looking for now, if I am not mistaken, is what—eight or nine more Republican Senators who will decide that it is time to put an end to this charade that has gone on for so many weeks. If we can get eight or nine Republican Senators to come forward, we can finally invoke cloture, bring the President's bill that he requested to the floor, and provide the assistance for these starving refugees who are coming out of Afghanistan.

I ask the Senator from Nevada, am I correct that is what we are looking for, another eight or nine Senators to come forward on the Republican side?

Mr. REID. I answer my friend, the distinguished Senator from Illinois, by saying it would be patriotic, in my view, to have a few people break away over there, step forward and say, I think this has gone on long enough. A 3-week filibuster is pretty good in holding up legislation for a period of time.

I think if we had nine Senators step forward, we would be able to break the filibuster and move forward on these appropriations bills. And then, as the Senator from Minnesota said, maybe this bowl of jello that says how many judges the American people are entitled to can work out somewhat.

I want everyone to be reminded that Senator LEAHY is a veteran legislator. On September 11, Senator LEAHY was forced into a new direction. He had to tell the members of his committee, such as the Senator from Illinois, that we had to do different things. As a result of that, he, as the leader of that committee, worked day and night for weeks to come up with a counterterrorism bill. It is not as if he has not had anything else to do. And then, I repeat, we have had the anthrax problem.

Again, he does not even know if some of the judges have responded to some of the questions sent to them. He is not doing anything that unique or different. He may be asking some questions a little differently, but from the beginning of time in the Senate, when we have confirmed Federal judges, people on the Judiciary Committee have had the right to ask questions. I am not on the Judiciary Committee, but I can send a question to you, and you can ask a question that is entirely appropriate. Or when a judge is placed on the calendar—like I made an announcement earlier today on behalf of Senator DASCHLE. I said, we cannot hotline everybody as we normally do, but we have nominations on the Executive Calendar, and we are going to try to clear a lot of them. So if anybody has any objection to these people, such as John Marburger, to be Director of the Office of Science and Technology Policy, let us know. If you have a problem with CPT Duncan Smith, let us know. If you have a problem with Eugene Scalia, to be Solicitor for the Department of Labor, let us know. There is a whole list.

We have a lot of U.S. attorneys who have been cleared. We have a couple people on the Executive Calendar from Nevada, such as Jay Bybee, to be an assistant attorney general, a very fine man. Anyway, we have a lot of people. We have a nominee to be U.S. Attorney for the District of Nevada.

Mr. DURBIN. May I ask the Senator from Nevada a question?

Mr. REID. I am just amazed at this kind of loosely knit problem we have where they say we are not moving fast enough. The Senator from Minnesota asked, what is "fast enough"?

Mr. DURBIN. I might ask the Senator this.

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. If the Senator would respond, this foreign operations appropriations bill, which the President has requested, which the Democrats are prepared to bring to the floor to help the President in this effort against terrorism, stopped by the Republicans again this morning, with the exception of Senator STEVENS—and I applaud him; he has always been a man who has charted his own course. He broke ranks with the Republicans and said: Enough is enough. I salute him for that.

This bill, which the Senator from Nevada appreciates, I am sure, as I and other Members do, is a life-and-death bill for a lot of people around the world. The Senator from Nevada earlier mentioned the AIDS victims in Africa where 25 million people are infected and there are 15 million AIDS orphans. There is money in this bill to help these children and to help these families try to cope with this health crisis. There is no doubt in my mind, the failure to send the money is going to lead to the loss of life.

When it comes to feeding programs for the Afghan refugees, there is $255 million. The failure of the United States to send the money President Bush has asked for to help these Afghan refugees will take lives. People will die because we do not move as fast as we should.

Does the Senator from Nevada have a suggestion from the Republican side that if we give them a certain number of judges, then they will be willing to give a certain amount of money to send to people who are starving to death around the world? Are they negotiating in those terms as to how many judges they will need before they can support their own President's foreign operations appropriations bill?

Mr. REID. If I could just take a minute to answer the Senator's question, this negotiating has been a little bizarre, for lack of a better description. I personally negotiated with a number of Senators on the other side. Finally, the majority leader said: You keep coming to me with different people negotiating for judges. Who is speaking for the minority as to the number of judges? I think that was a pretty good question Senator DASCHLE came up with.

Then I was told I could negotiate with my counterpart, the minority whip, Senator NICKLES. So we met on a couple occasions, and I thought we had a good understanding of what they wanted and what we could do. But that all fell apart because other people now are speaking for the other side.

So the direction I had to work with Senator NICKLES is no longer the case. I do not know what they want. That is why I think there may be some other agenda. I think it may be more than just judges, although maybe they are holding up all this important legislation for judges.

Before the Senator asks another question, let me also say this: The Senator is a veteran legislator, having come to be elected in 1982. You know how this institution works. And you have served in the Senate for a number of years. You can remember the trouble we had getting Ambassadors when they were in the majority. They would load them up and finally we would have them. It was hard to get Ambassadors.

There has not been a peep out of them for Ambassadors. Why? Because we have been approving Ambassadors every time. Senator BIDEN gets these people out just as quickly as possible. We do not want a single post to be vacant, like they were vacant under President Clinton because they would not even give some of these people hearings.

So we are doing what is right for the country. We are not holding up Ambassadors, as they did to us. We are not holding up judges, as they did to us. We are treating them as they did not treat us. That is the right thing to do.

I would be happy to respond to another question from my friend from Illinois.

Mr. DURBIN. I say to the Senator from Nevada, based on what he just told me—that the Republicans have not even come forward with a request, a negotiated plan on these judges—I have to agree with the Senator from Nevada; I do not understand what their agenda is.

I can tell you what the result will be. Because they refused to bring President Bush's bill up to fund the State Department and other critical agencies, they are taking away from their President part of the authority he is asking for Congress to give him to wage this war successfully, part of which obviously has to do with military expenditures, intelligence expenditures. Another has to do with building a global coalition.

What the Republicans have said is: Mr. President, we are not going to stand with you. You can wait for an indeterminate amount of time for an indeterminate reason before we will give you our support.

The Democrats in the Senate are standing with the President. The Republicans in the Senate have shunned him, turned their backs on him. The net result of this, as we delay, is clearly going to be the loss of life. It clearly means that refugee children and others around the world who are waiting for U.S. assistance will not receive it in a timely fashion because of the Republican agenda on the Senate floor. That is certainly unfair to the President. It is certainly inhumane when it comes to these poor children and others around the world.

I sincerely hope that a number of Republican Senators, at the luncheon they are about to have, will stand up with Senator STEVENS and say enough is enough. It is time for us to get behind the President, get the business of the Senate moving forward in a bipartisan fashion again.

I might ask the Senator from Nevada, before I close and yield to others who might ask questions: A similar thing is happening with aviation security, is it not, in the House? This is a bill we passed 100–0. People have come up to me on the street in Chicago, at Marshall Fields department store on Sunday. I was spending a few minutes looking around. A couple fellows asked: Aren't you Senator DURBIN? We want to talk to you about aviation security, airport security. And we want to know whether it is safe to fly.

We passed a bill which has sky marshals, which has perimeter security around airports, which professionalizes the screening at airports so we can have confidence that we have the best people with background checks and training and supervision and national standards, just as we had with air traffic controllers, having them working security at airports. That bill has been stopped in the House of Representatives by the majority whip, TOM DELAY of Texas, who objects to the idea of Federal employees being involved. So here in the Senate we can't move the President's bill for foreign operations to deal with our war against terrorism, and over in the House of Representatives they can't move the bill for aviation security.

In both instances, is it not true it is the President's party that is stopping a bill the President is asking for?

Mr. REID. The Senator from Illinois is absolutely right.

The Senator asked the question about the negotiation part of it. Our leader is Senator TOM DASCHLE. He has 50 people who support him in our caucus on everything. He is our leader. We recognize that. He is a man of great patience. I have worked with him, served with him in the House. We were elected to the Senate at the same time. We work very closely together. I have never served politically with anyone with as much patience as he has.

Mr. DURBIN. I agree with the Senator.

Mr. REID. Even TOM DASCHLE's patience has run out on this roving filibuster on judges. The Senator asked me what has happened on the negotiations. This is foolishness. We have three office buildings closed. Senator LEAHY just came upon the floor. He can't go into his office. He can't go into his personal office. He can't go into the Judiciary Committee office.

What in the world is the man supposed to do? Can't we move forward on these appropriations bills? This is a travesty. It is a travesty of the American political system to hold these programs up because we are not approving enough judges because this man here is not leading the Judiciary Committee properly.

I was on the floor Thursday. This is one thing I said. The Senator was not on the floor. I want to say it right here again, the last thing I said:

> Why hold up these appropriations bills? It is not going to speed things up. Now we are going into the third week with a filibuster. It is wrong, and I am very sorry it is happening. But no one is going to denigrate PAT LEAHY while I have an ounce of breath left in my body.

That is how I feel about it. This man is being slandered. I think it is awful what is happening here, what is happening to this man and to this institution. I have lived on the Senate floor. I have worked day and night helping them move appropriations bills, helping them, going to you and to you and to you, saying, don't offer that amendment; we need to move this; it is for the country. And we came through every time.

Here we have this bill being held up because we are not moving enough judges. I think it is horrible. I think it is wrong.

I yield to the Senator from Vermont for a question.

Mr. LEAHY. I am sure the distinguished senior Senator from Nevada knows how much I appreciate his kind words of support. And of course our friendship, of nearly a generation now, I value as much as any friendship in this body. It is interesting, I wonder if the Senator from Nevada knows that last week when a number of buildings were being closed down and all, I had several members of the other party come to me and tell me privately: I assume, of course, you won't have an executive meeting and pass out judges; you certainly aren't going to be able to have any hearings on judges.

In fact, some of them were saying they not only assumed that, they hoped I wouldn't because they wanted to get out of town.

The Senator from Nevada told me one of President Bush's nominees had made a 3,000 mile trip here and is there some way we could hold the hearing for this Republican judge, having made the trip. Of course, I had the hearing. Of course, we met. In fact, we had a picture in one of the papers showing we had about 100-some-odd people crowded into the President's room and a couple other people crowded into Senator BYRD's Appropriations committee room to have both of the hearings. We voted out about 20 nominees between

U.S. attorneys and judges. And then we had a hearing on four or five more judges that afternoon, even including one from a State where the Republican Senator didn't bother to show up.

Mr. REID. Before we go out, I want to respond to the Senator's question. First of all, I appreciate the friendship that we have. I say this for the institution, I say to my friend for the institution. I would have stood to defend this institution. You are part of this institution, and the institution we call the U.S. Senate is also being defamed. This is not the way to legislate.

Yes, Larry Hicks flew from Nevada to here, as did other people fly from around the country. What a disappointment it would have been to Larry Hicks and to the other people if they had come back here to find out the meeting was canceled. No one could have criticized you for canceling that meeting.

Anthrax was present. People were being treated for anthrax poison. No one could have criticized you. But you not only held a markup back here; you went down on the first floor and held a hearing. I said earlier today, if we passed out medals in the Senate, you would deserve a medal for what you did last week. To have people criticizing you and your committee for not moving fast enough is disgraceful.

Mr. LEAHY. I thank my colleague.

Mr. DAYTON. Will the Senator yield?

Mr. REID. Our time is up. I think it is time to go out.

The PRESIDING OFFICER. Forty-five seconds remain.

Mr. DAYTON. I was going to ask how many of these instances have occurred. The U.S. attorney from Minnesota, a Republican friend of mine, high school classmate who was appointed, Senator LEAHY went to finish the paperwork himself to get him expedited through the process. I wonder how many of these have occurred.

Mr. REID. I think we are going to report out 13 of these today that he did not have to do but he did.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. In my capacity as a Senator from Georgia, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JAMES H. PAYNE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN, EASTERN, AND WESTERN DISTRICTS OF OKLAHOMA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of James H. Payne, of Oklahoma, which the clerk will report.

The assistant legislative clerk read the nomination of James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern, and Western Districts of Oklahoma.

Mr. LEAHY. Mr. President, today the Senate will confirm four additional Federal judges. These nominees all participated in hearings on October 4 and were reported unanimously by the Judiciary Committee last Thursday, when the committee persevered with our previously scheduled meeting in spite of the extraordinary circumstances that prevailed here on Capitol Hill.

In spite of the postponement of other matters by other committees, in spite of the closure of the Dirksen Senate Office Building and the unavailability of our hearing and meeting room and in spite of our continuing focus and efforts to finalize an antiterrorism bill, last Thursday the Senate Judiciary Committee proceeded to meet and report these 4 judicial nominees, 13 nominees to be U.S. attorneys for districts around the country and an Assistant Attorney General for the Department of Justice. Then, last Thursday afternoon we held a hearing for an additional five judicial nominees that was chaired by Senator SCHUMER, which I attended along with Senators KENNEDY, DURBIN, and DEWINE.

Thus, last week while Republicans were voting as a bloc to filibuster the foreign operations appropriations bill and stall initiatives vital to building an international anti-terrorism coalition, the Senate Judiciary Committee continued to do its work. Two weeks ago the Senate confirmed our fourth court of appeals judge for the year, topping the total confirmed in the first year of the Clinton administration and topping the zero from 1996 when a Republican majority in the Senate refused to confirm even a single nominee to the courts of appeals all year.

Two weeks ago the Senate also confirmed another district court nominee. That brought the total judges confirmed so far this year to eight, exactly twice the number that had been confirmed by the same time in the first year of the first Bush administration and by the same time in the first year of the Clinton administration. In spite of our record pace since July in confirming judicial nominees, every Republican Senator voted last week to stall Senate consideration of a vital appropriations bill ostensibly to "protest" what they contend is a supposed "slowdown" on the consideration of judicial nominees. The facts belie their unfounded contention.

The Senate's continuing progress in spite of the numerous roadblocks and obstructions erected by Republicans throughout the year was evidenced again last Thursday and will be again today when the Senate votes to confirm another four judges.

At the end of this series of rollcall votes on these district court nominees to fill vacancies in Oklahoma, Kentucky, and Nebraska, the Senate will have confirmed 12 judges since July. Since I became chairman, Republicans finally allowed the Senate to reorganize at the end of June and Members were assigned to the Judiciary Committee on July 10, the committee has held seven hearings involving judicial nominees.

We have already held as many hearings for judicial nominees as were held during the first year of the first Bush administration and more than were held during the first year of the Clinton administration. In addition, I have scheduled an eighth hearing involving judicial nominees for this week.

Our Republican critics have come up with a new statistic in an effort to diminish our accomplishments. Last week they took to talking in terms of average judges per hearing. Since it is their statistic, I guess they can figure it any way they want. I would observe that I can find no time this year when we had included only 1.4 judicial nominees per hearing. I should also observe that after the hearing on Thursday we will have included 23 judicial nominees at eight hearings. Even "fuzzy math" would have to concede that we are at more than double the "average" Republicans cite.

They do not explain that when President Bush unilaterally decided to change the more than 50-year-old practice of involving the American Bar Association in professional peer reviews while nominations were being considered, and that his decision has had consequences at other stages of the process. They do not acknowledge that only two of this President's first 18 nominees were for district court vacancies. They are oblivious to the fact that when early hearings were noticed and held many of these nominees had not completed paperwork and complete files.

They ignore the structure and practice for judicial confirmation hearings that has been followed by Republican and Democratic chairmen of the committee for more than 25 years in including three to five district court nominees with a nominee to a court of appeals and to the extent district court nominees did not have completed files or were controversial and not rushed into a hearing there might be a good explanation for the lack of a full complement of nominees at a hearing. They refuse to acknowledge the extraordinary parallel effort we continue to make to hold hearings for the numerous executive branch nominees that are simultaneously pending.

They are apparently frustrated that we have already confirmed four nominees to the courts of appeals and will match and likely exceed the number of court of appeals nominees confirmed in either 1989 or 1993. They seek to discount the judges confirmed by referring to three of them as "Democrats." These are nominees from President Bush that they have somehow determined are "Democrats" and whose confirmations should not be considered or counted in their partisan view, I guess.

The answer to their criticism is very simple: Since July 11 we have held 7 hearings and included 19 judicial nominees. That is more nominees than received hearings by October 18 in the first year of the first Bush administration or by October 18 in the first year of the Clinton administration. Thus, whether measured by confirmations or by judicial nominees who have received hearings, in spite of the change in majority in the middle of this year and the delays that Republicans have caused in the process of reorganizing, we are ahead of the pace of the first year of the Clinton administration and the first year of the first Bush administration. The Republicans' charges of a slowdown could not be farther from the truth.

The Senate Judiciary Committee and the Senate are on pace to match or exceed the confirmations of judges at the end of the first year of the Clinton administration and at the end of the first year of the first Bush administration.

In order to obscure this record pace, our Republican critics compare where we are now, on October 23, with where those Senate's were after they adjourned in late November. The facts are that on October 23, 1989, the Senate had confirmed only seven of President George H.W. Bush's judicial nominees. On October 23, 2001, this year we will have confirmed 12 of the judicial nominees of President George W. Bush.

Among the seven nominees confirmed by October 23, 1989 were three to the courts of appeals. This year we have already confirmed four judges for the courts of appeals.

By October 23, 1993, the Senate had confirmed eight judicial nominees for President Clinton. Today we confirm our 9th, 10th, 11th, and 12th judicial nominees since July this year. Among the nominees confirmed by this date in 1993 were two nominees to the courts of appeals. This year we have already confirmed four judges to the courts of appeals.

We are actually confirming more judges and confirming them faster than in either of the first years of either the Clinton or first Bush administration. In addition, I suspect that we are acting faster with respect to more judges, including more nominees to the courts of appeals, than at virtually any time during the last several years in which a Republican majority controlled the Senate and the Judiciary Committee and President Clinton was doing the nominating.

Further, in addition to the 12 judges the Senate has confirmed, the Senate Judiciary Committee has included seven additional nominees in confirmation hearings and I have scheduled another hearing later this week for another four judicial nominees, as well as another Department of Justice nominee. Thus, by the end of this week, in addition to the dozen judges confirmed, another 11 will have had hearings before the committee. If the Senate remains in session this year as late into November as it did in 1989 and 1993, we may have the opportunity for another hearing involving several more judicial nominees.

The record of the Senate since July is a good one. In spite of unfair criticism and the wrongheaded delays and obstruction of Republicans, the Senate remains on track to meet and exceed the judicial confirmation totals for the first year of the first Bush administration and the first year of the Clinton administration.

Mr. NICKLES. Mr. President I am pleased that the Senate today will confirm two outstanding jurists, Claire V. Eagan and James H. Payne, to be U.S. District Court judges in my State of Oklahoma.

President Bush could not have chosen two finer individuals to serve our country as district court judges.

These individuals are exceptionally well-qualified and will prove to be great assets to the judicial system in Oklahoma and our country.

Judge Eagan has been confirmed to serve as district judge for the Northern District of Oklahoma. She is currently a U.S. magistrate judge for the northern district where she has served for 3 years. Prior to that she served as a litigation attorney with the firm of Hall, Estill for 20 years. During that time, she handled a wide array of litigation as well as significant pro bono work and bar activities.

As a magistrate, she has gained judicial experience in criminal, civil, habeas, and bankruptcy matters. She also supervised the court's settlement program and devoted considerable time to early case resolution.

Judge Eagan is recognized as both a leader and instructor in the fields of trial and appellate practice and alternative dispute resolution. She has served on the faculty at the University of Tulsa College of Law and as an adjunct settlement judge for Tulsa Country District Court.

Judge Payne has been confirmed to serve as district judge for the Eastern District of Oklahoma. He is currently a U.S. magistrate judge for the Eastern District of Oklahoma where he has served for 13 years. Prior to that he served as a private practice attorney with the firm of Sandlin and Payne for 15 years, handling civil matters. He also served 3 years as an assistant U.S. attorney for the eastern district. He has maintained an active role in the community by providing pro bono services to several local charitable organizations.

As a magistrate, he has gained experience in a broad range of criminal and civil issues. He has implemented an Alternative Dispute Resolution Program for the Eastern District of Oklahoma, which has allowed him to conduct an average of 100 settlement conferences per year.

Following graduation from the University of Oklahoma College of Law, Judge Payne's 30-year legal career has included military service as an Air Force Judge Advocate General officer.

I thank Chairman LEAHY, Ranking Member HATCH, and the Judiciary Committee for their work on these nominations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern, and Western Districts of Oklahoma? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 307 Ex.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent to make an announcement.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, there were a number of hearings scheduled for today and tomorrow in the Judiciary Committee, hearings to be chaired by Senators SCHUMER, BIDEN, and FEINSTEIN, which have been postponed. The reason we have done this is because of all the conditions of rooms and all, so we can save the time for the nominations hearing which has been scheduled for Thursday afternoon to be chaired by Senator EDWARDS, provided we can find the room for it. That will go on. The others are routine hearings which can be done at any time.

NOMINATION OF KAREN K. CALDWELL, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the nomination of Karen K. Caldwell, of Kentucky, which the clerk will report.

The assistant legislative clerk read the nomination of Karen K. Caldwell of Kentucky, to be a United States District Judge for the Eastern District of Kentucky.

Mr. BUNNING. Mr. President, I rise in strong support of the nomination of Karen Caldwell to be a Federal District Court Judge for the Eastern District of Kentucky.

Karen has the qualities that will make her a fine judge—knowledge of the law, calm and respected demeanor, and obvious intelligence.

She has had an outstanding professional career that has prepared her well to sit on the bench. She is a former Assistant U.S. attorney for the district, rising to become Deputy Chief of the Civil Division. From 1991 to 1993, she served as the U.S. attorney for the eastern district. Among the notable prosecutions during her tenure was her office's prosecution as part of Operation Boptrot, the Federal sting operation that led to the conviction of a number of public officials and lobbyists in Kentucky.

It was a difficult and complex case, both legally and politically, and she handled it with great skill. In short, Karen's work helped restore public confidence in elected officials in our Commonwealth.

Since leaving the U.S. attorney's post, Karen has specialized in complex civil and criminal litigation at one of Kentucky's leading firms. She has won numerous awards for the quality of her work, and has truly made a mark in Kentucky. It is only natural now that she rise to the bench.

I urge the Senate to support this nomination. The President made a great choice by selecting her for the bench, and she is going to be a fine judge, not just for the people of the eastern district, but for our entire Nation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Karen K. Caldwell, of Kentucky, to be a United States District Judge for the Eastern District of Kentucky?

On this question the yeas and nays have been ordered. Under the previous order this will be a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 308 Ex.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF LAURIE SMITH CAMP, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA

The PRESIDING OFFICER (Ms. STABENOW). The Senate will now proceed to the consideration of the nomination of Laurie Smith Camp, of Nebraska, which the clerk will report.

The assistant legislative clerk read the nomination of Laurie Smith Camp, of Nebraska, to be United States District Judge for the District of Nebraska.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Laurie Smith Camp, of Nebraska, to be United States District Judge for the District of Nebraska? On this question the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 309 Ex.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF CLAIRE V. EAGAN, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER. The Senate will now proceed to consideration of the nomination of Claire V. Eagan, of Oklahoma, which the clerk will report.

The legislative clerk read the nomination of Claire V. Eagan, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Claire V. Eagan, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 310 ex.]

YEAS—99

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the time between now and 4:45 be equally divided between the majority and minority for morning business, with Senators allowed to speak therein for up to 10 minutes, with the exception of Senator DODD who wishes to speak for 10 minutes; that at 4:45 the Senate would move to H.R. 2506, that the committee substitute be agreed to, that it be considered original text for the purpose of further amendment, and that no point of order be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

PHARMACEUTICAL PRODUCTS, BIOTERRORISM AND OUR CHILDREN

Mr. DODD. Madam President, I have two subject matters I want to address. I will take the first 10 minutes or so with my colleague from Ohio, to talk about the issue of children and bioterrorism, a matter I shared for many years working with the Senator from Ohio particularly dealing with pharmaceutical products and testing for pediatric cases, children. I want to take a few minutes to talk about some thoughts we share together about the subject matter.

The second subject matter is about the recent, very positive news today coming out of Northern Ireland. In the midst of a lot of bad news, we have heard the news today out of Northern Ireland that a decommissioning process has begun and is underway as I speak, and that finally, the real opportunity for lasting peace in Northern Ireland is at hand. I am sure my colleague from Massachusetts, Senator KENNEDY, who spent has worked tirelessly over many years to reach this day, will shortly have some comments and thoughts he would like to express on this subject matter as well.

Let me express, on this first subject—and I see my colleague from Ohio—and talk about the issue of bioterrorism and children. We know there is a lot of work going on right now in trying to put something together.

Last week, as some of our colleagues may know, Senator DEWINE and I were able to pass unanimously in this body—by the way, we thank all of our colleagues for their support. Certainly, the chairman of the committee, Senator KENNEDY, deserves a great deal of credit for working out a package for which we were able to garner the unanimous support of our colleagues to pass the Best Pharmaceuticals for Children Act, which is designed, as I think many of our colleagues know, to induce the industry to develop products specifically designed for children.

Less than 20 percent of all pharmaceutical products on the shelves today are for children. Senator DEWINE and I thought we ought to fix that. We, in 1997, passed a 3-year bill as a trial more than anything else. We had no idea whether or not it would work, but by providing a very limited 6-month period of exclusivity, we hoped we might induce the industry to do a lot more in this area.

In the previous 7 years before 1997, there had been 11 clinical trials and two new products on the shelves of America for children. In the 36 months since we passed that bill in 1997, there were 400 clinical trials and 40 new products on the shelves. As a result of that tremendous, beyond-our-wildest-imagination result, the other day, we were able, with the full support of this body, to pass a 5-year bill that will extend that very concept, with some additional provisions in it.

Why do we mention that particularly? It is because we believe today, in this era of bioterrorism we are now very painfully aware of, that we want to make sure children are going to get properly tested, that products will be developed for children that will be especially vulnerable to release of chemical or biological toxins. So we outlined some provisions. That is first of all.

We want to see legislation that will certainly take into account children's needs. We identify antibiotics or vaccines to prevent or treat illnesses related to bioterrorism. We adults certainly need to know how children will be affected as well, particularly during the critical growth periods for children and the development that occurs then that could lead to detrimental effects later in life. So we must have proper medications to prevent those risks.

Secondly, we want to make sure the public health community will have emergency response personnel, doctors, and nurses who are properly trained to address the special needs of children.

Thirdly, we think our children's mental health is as important as their physical health. There are a lot of issues we cannot even begin to calculate yet. Certainly, everyone in this Chamber can speak about the great fear many in our Nation are experiencing as a result of the recent bioterrorism attacks.

Just imagine the fear our children are experiencing as a result of those same acts. We need to do everything in our means to address those particular anxieties.

Fourthly, we need to make sure all places where children gather, from schools, child care centers, Head Start, and the like, are going to be prepared to deal with these emergency situations. The old way would have been for them to be prepared for a fire, but today, as we know only too well, emergency situations require a new response.

In times of bioterrorism, the children may not need to just exit the building and stand on the sidewalk. We need to plan to potentially address a far more grave crisis, as we have painfully learned in the Congress of the United States in the last several days.

We know people are working on this. We know the Senator from Massachusetts is working on it. The Senator from Ohio and I have some very strong feelings about children and their need to be protected in this area, and we wanted to take a few minutes today to share those thoughts with our colleagues.

I yield to my friend from Ohio for whatever time he may need to respond to make some comments.

Mr. DEWINE. I thank my colleague and congratulate him for the great job he has done during his career in the Senate as an advocate for children. The bill he and I worked on several years ago, I think it is safe to say, we anticipated would do good things, but neither one of us had a full appreciation of what it would do until we saw several years later the advances and the help it has given to children.

We hope, by the bill we were able to pass last week unanimously in this body, we will continue and actually expand that work. The whole idea that when new drugs come on the market they would be appropriately labeled for children so pediatricians and parents understand and will know exactly, based on scientific data, what the best and proper dosage of that drug is. So I thank him for that work.

He and I have also been working in the last few days on the bioterrorism bill. Many people are involved in putting this legislation together. We are going to be drafting and ultimately debating this legislation to protect our Nation against chemical and biological terrorism. Senator FRIST and Senator KENNEDY are working on that bioterrorism bill. Senator DODD and I are working to help them on it.

Several weeks ago, Senator CLINTON introduced a bill that would address some of these issues. This is going to be a real bipartisan bill.

As we develop this legislation, it is absolutely essential we remember our children. It is critical that any measure we develop addresses the unique risk children face against the threat of chemical and biological terrorism. Children are not just small adults. My wife Fran and I, with our eight children, grandparents of six, we are well aware of that. We can't treat children the same way we treat adults.

So, again, as we consider steps to protect adults against bioterrorism, it is really absolutely essential that any measures we employ also protect our children.

The sad fact is that currently little scientific data are available about how the chemicals and microbes that terrorists might use, from anthrax to sarin gas, could affect children. It is not a leap in logic, however, to suggest that children, because of their size, their developing immune system, and higher respiratory rates, are at a very high risk.

Our Nation today is not fully prepared to treat the specific needs of children in the event of a large-scale chemical or bioterrorist attack. That is the sad truth.

Health care professionals, childcare providers, educators, and parents lack basic information about how to identify and treat biological attacks. Furthermore, we lack research on antidotes and antibiotics, and their effects on children. We need more information on the proper drug dosages for children, and we need to learn if certain drugs can or even should be administered to children at all.

My point is very simple. Any legislation that we consider to address the chemical and biological terrorism must, absolutely must at a minimum contain provisions to protect the needs of our children. In doing so, I believe there are four primary areas that must be addressed.

First, we need to fund more drug research for children. Our Best Pharmaceuticals For Children bill is a step in making sure children are protected. We need to continue to ensure that drugs are tested and used appropriately for children.

Basically we need to do two things. One is to spend more money on research for children, and we need to put the resources behind developing the protocols and the testing so once the drugs are developed we know how they can be best used for children.

Second, we need to train health care workers to recognize and treat symptoms of chemical and biological attacks. Pediatricians must be included in disaster planning and such plans should take into account the need for special equipment and medications for children. Parents and emergency response personnel also should be given information on the care and treatment of children in the event of an attack.

Third, we need to provide adequate mental health services for children to address the very real psychological effects of terrorism. Children are scared just as adults are. We have to focus on how children are perceiving the world around them. We have to listen to them. We have to hear their concerns.

Fourth, we need to educate childcare providers, teachers, schools, daycare providers, childcare facilities—anyone who takes care of children. They all need to have information available so they are prepared to act in the case of a bioterrorist attack.

Ultimately, all the measures we debate to fight against terrorism are about the future, about making our world safe, stable, and secure. This is all about the future. Children, of course, are our future.

When I think about that I am often reminded of something very powerful that the great American President Abraham Lincoln once said:

> A child is a person who is going to carry on what you have started. He is going to sit where you are sitting and when you are gone attend to those things which you think are important. He will assume control of your cities, states, and nations. He is going to move in and take over your churches, your schools, your universities and corporations. The fate of humanity is in his hands.

Lincoln's words are as true today as they were more than a century and a half ago. There is no question that we have an obligation to protect our children to make sure they are safe now so they can grow into healthy, happy adults. So I urge my colleagues to remember that and to support antiterrorist efforts that will protect our children.

I thank my colleague for his kind comments. I, again, congratulate him on the birth of his child. We talked about that a little last week. I know what a wonderful occasion that is, what a great joy. I had the opportunity to see my colleague come into the Senate office building, probably for the first time, with his baby and see what a happy time that was. I thank him again for his deep and longstanding commitment to the children of this country.

Mr. DODD. Madam President, I thank my colleague from Ohio. As I said before, he not only brings an intellectual commitment to this issue but, with eight children and six grandchildren, he is a wellspring of good practical advice as well. If you have a bill about children and you want to know whether or not it is practically going to work, MIKE DEWINE is the fellow you want to talk to, given his family.

I thank him and point out, as he has said so eloquently here, that we have learned a lot in the last several days and weeks. The thing we have learned the most I guess is how little we know and how ill-prepared we are in many ways and how vulnerable we are. People take advantage of our freedoms to use those freedoms against us in many ways. The best answer to that is to not give up these freedoms but be better prepared to face the challenges. That is what Senator DEWINE advocated in his outline of four or five points that are to be included in any bill on bioterrorism where children are concerned.

Senator KENNEDY graciously has provided some time for us to have some hearings. It may not be possible this Friday. We had hoped to this Friday, but a couple of key witnesses we wanted to have testify may not be able to appear because of the demands that are being placed on them dealing with the present situation here in the Halls of Congress. But we may postpone it a week or so.

We want to look at this issue in a broad way. I have always thought some of the most important functions we engage in are not only legislating but providing a forum where people can be heard in order to educate people. So we would like to craft as well a comprehensive bill as we can to deal with children. We may not get it all done in a bioterrorism bill. We may look further than that in the coming months, as to how best prepare America—families, parents, schools, childcare centers, others, as the Senator pointed out—how to deal with these situations, how to be well educated in their own response. The Subcommittee on Children and Families, which I serve now as chairman and on which I worked very closely with my colleague from Ohio on a number of bills in the past, will be holding a number of hearings on children and the effects of recent events in New York and Washington, the savage attacks on September 11 and then, of course, the most recent attacks here in Washington, Florida, New York, New Jersey, and elsewhere with anthrax. It is just an indication of the kinds of exposures to which we are all vulnerable.

We have a lot of work to do here but we welcome the challenge. I can't tell you how much I look forward to working with my colleague from Ohio and others. The Senator from Ohio properly pointed out there are a lot of our colleagues who are interested in this subject matter. Certainly Senator KENNEDY is, Senator FRIST has done a lot of work here, our colleague from New York, Senator CLINTON, has a deep interest in the subject matter and has made various proposals. We hope to be able to marshal all of this together and come out with the best ideas we can to deal with the immediate problems, and then recognize this must be an important part of our agenda in the coming months.

It is regretful to say that, but the world has changed. You can pretend it didn't happen, pretend it doesn't exist and leave yourself vulnerable to further attacks. Or you can address it. I think what the Senator from Ohio and I are suggesting this afternoon is that we address these problems.

I thank my colleague from Ohio for his comments and kind words.

Mr. DEWINE. I thank my colleague.

THE NORTHERN IRELAND PEACE PROCESS

Mr. DODD. Madam President, a second subject matter I want to address is that with the bad news that we have daily been subjected to in this country since September 11 regarding international and domestic terrorism and finding and bringing those to justice who are responsible it is refreshing to be able to report on some good news. Today, it appears that a major obstacle to the full implementation of the Good Friday accords on the Northern Ireland peace process has been removed with the announcement by the IRA that it has begun to permanently put beyond use all its weapons. I believe that General de Chastelain, on behalf of the International Commission on Decommissioning, will shortly confirm that this has, in fact, been done.

For those of us, and there are many in this Chamber and the other body who have been involved in these issues over the past 8 or 10 years, this is a very significant moment indeed.

It means that the sectarian differences which have torn Northern Ireland apart for nearly thirty years, and shed the blood of too many Irish men, women and children can now be addressed through dialog and compromise rather than by bullets and bombs.

In many ways the issue of decommissioning has been an unfortunate distraction that has delayed the implementation of key provisions of the 1998 Good Friday Accords—provisions that were specifically designed to address the problems that have plagued the six counties of the North for decades. Now Northern Ireland's political leadership should no longer be paralyzed by this side issue. Finally they can' begin to deal with injustice and inequality—the real causes of the Troubles, as those who signed the Peace Accords committed themselves to do within the context of that agreement. There is no mystery as to what needs to be done—the issues of police reform, domestic security, human rights and equal opportunity for all the citizens of Northern Ireland must be tackled in good faith.

It has taken a great deal of courage on the part of Ireland's political leaders to bring us to where we are today. Many have done so at great personal risk to themselves. They have been willing to do so because they are mindful of the historical significance of their actions. I want to commend Gerry Adams and Martin McGuinness of Sinn Fein for their tireless efforts to convince the IRA to trust in the political process as the only way to remedy past grievances. I commend as well David Trimble—Ulster Unionist Leader—for his courage in standing up to those elements of unionism who will not or cannot accept that all the peoples of the North are equal in the eyes of God and man. I cannot fail to mention the role that British and Irish political leaders Tony Blair and Bertie Ahern played in this drama—they stuck with the peace process even when it seemed as though it seemed at times that the obstacles were insurmountable. I believe that President Bush also should be commended for continuing President Clinton's policy of prodding all the parties to move forward to implement the Good Friday Accords so that Irish weapons will be silenced once and for all. I would be remiss if I did not also mention our former colleague, the former majority leader of this body, Senator George Mitchell of Maine, who played a key and pivotal role in crafting those Good Friday accords. I have not had the chance to speak to him today, but I am sure he is gratified by these recent developments. But most of all I want to heap praise on the individual who had the vision and determination to work for the last thirty years so that this day would happen, I am speaking of John Hume, among the greatest civil rights activists of his generation. Obviously there are others, Albert Reynolds, Jean Kennedy Smith—who played very significant roles in moving this process along step by step over the last many years.

I hope that the significance of this event does not get lost in other news today. I would ask our colleagues to take time out and reflect upon the significance of today's announcement. Sometimes we think problems are intractable that we will never be able to solve them—problems of the Middle East, problems of central Asia—that there is no hope of ever resolving civil conflicts. Certainly many put Northern Ireland in that category as well.

Just as the signing of the 1998 Peace Accords created new opportunities for the people of Northern Ireland to find peace, so too does today's announcement by the IRA. But let me stress that it is just that, an opportunity, which can be made the most of or squandered. It can be approached with generosity and reciprocity or it can be denigrated as insufficient. The people of Northern Ireland have suffered for too long. They are desperate to live in peace—desperate for a better life for themselves and for their children. I hope and pray that the political leaders of Northern Ireland will find that spirit of generosity as well as the vision and courage that the people of Northern Ireland expect from them and move forward to fully implement the Good Friday Accords. If that comes to pass, then we will be able to look back on this day—a day otherwise clouded by threats of terrorism—and recognize that there was a ray of light breaking through that cloud.

I hope, Mr. President, that this ray of light can someday shine brightly in all corners of the globe so that matters which can affect us so deeply here at home, in the Middle East, and central Asia can also be the beneficiaries of that light, and that one day we will stand here and talk about the end of terrorism and peace in all quarters of the world where people today believe peace and security are not achievable.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 1552

Mr. ALLEN. Mr. President, I rise in the matter of Internet taxes. As you and others across this country who are following this issue very closely well know, the 3-year moratorium on access taxes as well as the 3-year moratorium on discriminatory taxes on the Internet that had been passed by the Senate and the House 3 years ago expired on Sunday, October 21—just a couple of days ago.

The Internet is important to our economy. The taxes that could be imposed on the Internet would be harmful to the economy. It would be harmful to technology. I think it would be very harmful especially to lower-income families and thereby widen the digital divide. In my view, there is no time to dawdle; there is no time for conference committees.

So I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 1552, the House-passed 2-year clean extension of the Internet access tax moratorium currently being held at the desk, and that it be considered, read three times, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object—and I shall object—let me say to the Senator from Virginia, he and I have had long discussions about this subject. I very much respect his views. He is proposing a 2-year extension of the Internet tax moratorium. I proposed an 8-month extension last week, I believe it was. But my 8-month extension to June 30 of next year included an additional proviso, and that proviso, at the end of the legislation, would have had Congress on record saying to both State governments and also to Internet and other remote sellers that we want them to, A, simplify the sales and use tax system and, B, when that is done, be able to allow the remote sellers to collect the sales and use taxes on the sale.

There are two issues here. The Senator from Virginia and I do not disagree on the first. I am not someone who supports taxing access to the Internet. As far as I am concerned, we can extend the prohibition on that forever. I also do not support punitive and discriminatory taxation with respect to Internet sales. So we have no disagreement about that. But however there is a second area of difficulty. The Senator from Virginia raises the first.

If I might continue under my reservation, Mr. President, the first issue is taxation with respect to the Internet. It actually is taxation with respect to remote sales, which is a broader issue. The second is the question, How do you effect a collection of the tax that is already owed on remote sales? As the Senator from Virginia knows, almost no one is paying that use tax and States are losing a substantial amount of money, most of which is used for funding education.

So what I want to do is find a way to solve both problems, not just one. And on the first piece, the Senator from Virginia and I will not find great disagreement. I understand his view and will support his view with respect to extension and prohibiting taxing access, et cetera.

I hope he will similarly support my view that we also ought to solve the other problems State and local governments have, and remote sellers have, for that matter, with respect to the complexity of the sales tax and the collection or lack of collection of sales taxes and use taxes. My colleague from Wyoming is, in fact, working on another piece of legislation on that issue even as we speak. I know he has consulted with the Senator from Virginia.

So, Mr. President, for those reasons, I object to the request by the Senator from Virginia.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 1504

Mr. DORGAN. Mr. President, as long as the Senator from Virginia is here, I ask unanimous consent, again, that we discharge S. 1504 and proceed to it: that it be read a third time, and passed, and the motion to reconsider be laid upon the table.

Incidentally, in my request is an extension of the Internet tax moratorium. The extension would last until next June 30. The Senator from Virginia wants the extension. I say, yes, let's have an extension. I will not support the 2 years at the moment. I support him until June 30, 2002. I will be prepared to support much longer than that when we are able to reach agreement on the other piece.

The second piece I have in S. 1504 is a statement by Congress saying to both sides, on the second problem: State and local governments, simplify your sales and use tax system. And then it says to them: When you have done so, when you have substantially simplified that system, we will then allow consideration of the opportunity for you to enforce collection of sales and use taxes with respect to remote sellers. It is a two-pronged approach to solve the second problem.

The Senator from Virginia, I might say, addresses the first. I would ask Congress to address the first and second piece of this. I understand it is horribly complicated. But, by the same token, I think we need to address both problems.

So I have objected to the 2-year extension proposed by the Senator from Virginia and would like to continue to work with him on these issues.

I have now proposed and asked consent that we discharge S. 1504, proceed to it, that it be read a third time, passed, and the motion to reconsider be laid upon the table. As I have indicated, it has an extension to June 30, 2002 and has a paragraph at the end of the legislation that deals with the second important issue as well. I make such a request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I respect the creativity, diligence, and ardor with which the Senator from North Dakota pursues this issue. This issue of taxing or requiring retailers or sellers to tax that are not located within the State, that do not have a physical presence in the State, do not have a nexus in the State, is an argument that is as old as our Republic.

One of the problems our Founders had, in going from the Articles of Confederation to our current Federal Republic, was that different States were imposing fines, taxes, and tariffs on interstate commerce. So that was one of the reasons we went to the current form we have—to at least have within our country a free trade zone and not have burdensome taxes on the flow of interstate commerce.

The idea the Senator from North Dakota, Mr. DORGAN, proposes, with long, deliberative examination, may be worthwhile. But the issue at hand at this moment is that the moratorium on Internet access taxes and discriminatory taxes expired last Sunday, October 21.

This issue in recent years has been worked on time after time. It first came up in the midst of the Bellas Hess decision and then came up more recently in the Supreme Court Quill decision. In those situations, the issue was catalog sales. But whether the catalog company is in Maine or New Hampshire or Oregon or whatever other State, the Supreme Court ruled that these States could not compel those companies—Quill at that particular time—to remit sales taxes to a State in which they had no physical presence. So that is the constitutional parameter we are under.

This issue of trying to get around the Supreme Court decisions, trying to come up with simplification, and hamstringing the Senate in the future to vote on whatever this may be as far as simplification is concerned, while it is a very creative and, I think, very thoughtful approach, to me, we really have no time to act.

Let's recognize that the other body, the House, has already acted. It is a 2-year extension on the very simple, clear, and clean issue of having a moratorium on access taxes and discriminatory taxes on the Internet by States or localities.

Please note, Mr. President, when this moratorium was first put on 3 years ago, several States and localities had imposed access taxes and discriminatory taxes, and they are now grandfathered. So here we are today generally stuck with those taxes being imposed in those jurisdictions, in those States.

The longer this lapses, the more likely the legislative process will apply, whether in a local jurisdiction or in a State. We will end up with more of these taxes, and we will never be able to get rid of them. They will be like the Spanish-American War tax, the luxury tax that was put on telephone service to finance the Spanish-American War. We won that war 100 years ago, but that tax is still on telephone service.

While this is a good idea and something that can be worked on over the years, if something such as this should pass the Senate, it is obviously different from what has passed the House, which means it would have to go to a conference committee. Who knows when that might meet? We may be here only a few more weeks, and most likely those differences would not be ironed out.

It is fine to work on simplification. It has been worked on for decades. I don't think this issue of access taxes on the Internet or discriminatory taxes ought to be held hostage to that very problematic although understandable concern of the Senator from North Dakota and many others.

With that, I object to the request of the Senator from North Dakota.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Virginia and I have had some nice conversations on this subject. I know he feels strongly about this. I did want to clear up a couple things.

First of all, when someone purchases something on the Internet or from a catalog, there is actually a tax owed in most cases. It is just that it is never paid. Most Americans when they order something from a catalog are required to submit a use tax to the State, because the seller wasn't required to collect the sales tax. The buyer is supposed to send a use tax to the State government, but they never do and never will because it would require literally millions of tax returns being filed for a $1.20 or $2.80 purchase. That is why it was always much more effective to collect a sales tax at the source.

I agree with those who say we don't think catalog sellers or Internet sellers or remote sellers ought to be required to subscribe to 7,000 different taxing jurisdictions; that is not fair. I agree with that. That is why I say, if you are going to simplify the collection system and allow it to have the remote sellers collect it, then you really need to simplify it in a way that is substantive.

Let me make this point also: It is not the case that the Supreme Court has said there is no inherent right for State governments to tax in these circumstances. That is not what the Supreme Court has said. They said the sole arbiter of what the States can or can't do with respect to what is called nexus or whether they have jurisdiction is the Congress because it deals with the commerce clause. That decision is only reserved for the Congress, not for the States. That is what the Supreme Court decision said.

That is why Congress has to decide what to do and how to do it at this point. While we perhaps have a disagreement at this moment, I hope we might be able to figure out how to resolve it. It does not make any sense to me, if we are going to lose $20 or $30 or $40 billion in local revenues, to have somebody hire tens of thousands of tax collectors to go knock on doors and ask for them to submit their $3.38 in use tax they owe. That doesn't make any sense. I don't believe the Senator from Virginia or anyone else would want to do that. All you do is add to the employment rolls of the Government and hassle people.

It makes far more sense to require State and local governments to simplify their local sales and use tax base and then to say to the remote sellers, those above $5 million a year in sales: Collect this now and remit it to the States and save everybody from trouble. We simplified the system for you. We simplified it for the consumer. Everybody wins. That is the point of all of this.

With respect to the question of the tax incidence that the Senator from Virginia mentioned, as I said before, there is no new tax here. This is not a discussion about a new tax versus an old tax or whether there is a tax versus not a tax; this is a question of how you collect a tax that is owed, in what circumstances would it be fair to require a remote seller to collect it; that is all.

On the final subject of this issue of an expiring moratorium, I supported the moratorium. I was on the floor of the Senate at that point and worked with Senators WYDEN, MCCAIN, and others. I supported the moratorium. I now support it and would be willing to extend it until June 30, 2002 at this point. We can perhaps extend it beyond that as we go along.

My expectation is that the narrow time-frame in which this moratorium has expired will not give opportunity to those who might want to take advantage of it. I frankly don't think that is going to happen. I am here on the floor perfectly prepared to work with the Senator from Virginia and others to extend this moratorium, if he will work with me and Senators ENZI, VOINOVICH, GRAHAM, KERRY and other colleagues to help solve the other side of the equation. And we may not solve it all now, but put a provision in that says this is congressional intent. If he will work with me to solve the second side of the issue, I will work with him to solve the first side. We will make some progress on this issue.

This is a complicated issue. I admit that. It is one of some consequence with more and more remote sales occurring. More than forty Governors have now written letters saying: We have literally tens of billions of dollars we are not going to collect, much of which is needed to run our school system. You need to help us find a way to collect that revenue that is owed.

We say to the Governors: God bless you. You have a problem. We will help you solve that problem, but you have to do something for us. You have to simplify your system so that we are not going to whipsaw businesses out there that have to comply with thousands of different jurisdictions.

I want to do two things. I want to require dramatic simplification on the part of State and local governments and require the collection of a tax that is owed on the part of remote sellers, and I want to extend the moratorium so that we don't have discriminatory and punitive taxes applied anywhere in the system, with Internet sellers, remote sellers, and so on.

I certainly am someone who works in the Commerce Committee with the Senator from Virginia. I am proud to do that. I believe technology is critically important to our country. It is an accelerator to the growth of our economy. There are a lot of important things that are happening with respect to technology. That is the reason I, too, am interested in extending this moratorium. That is why I offered the consent request last week, why I offer it today, and I will continue to offer it. It is my hope that others will continue to join me in trying to solve the second side of the equation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, this issue is foundational to the formation of our Republic. It is actually similar to what Patrick Henry talked about, taxation without representation. Obviously, the use taxes are to be collected by the States.

This is not a decision to be made by the States. If it were up to the States, obviously, they would be collecting and compelling retailers who do not have a physical presence in their State, who don't vote in their State, who do not receive any fire services, any police services, any services whatsoever from that State. If it were up to the States, for their convenience, they would be requiring them to collect and remit these taxes. This really becomes an issue of convenience for the tax collectors at a locality or at a State.

It is, as Senator DORGAN rightly stated, a decision for Congress to make. It does deal with interstate commerce. However, Congress, in all the decades this has been considered, has never said, before the Internet was even contemplated for use of communications or commerce or education, when people were more concerned about catalog sales, even then Congress said, no, we are not going to burden interstate commerce.

So that is the reason why Congress has never agreed. Now, the States and the localities can simplify. There is a ZIP code reported to me in the Denver, CO, area, that within that same code there are four different sales taxes applied to the very same product. I agree with Senator DORGAN that all of this ought to be simplified. I think if the States on their own, along with their subdivisions—counties, cities, or municipalities—worked to simplify, they will find many, especially the larger retailers that are from out of State, willing to comply as long as it is simplified and there is auditing, which is logical, and they get a reasonable remittance back for collecting and sending in those sales taxes, as is accorded to most retailers within a State. Then I think you will find it all being handled in that regard.

Again, all of this is separate from the most pressing issue, which is these access taxes and discriminatory taxes which on Senator DORGAN and I would be in absolute agreement; we would not want to see more of them coming on, and there are many in effect now. Indeed, I am researching South Carolina, where the legislature has enacted a moratorium on State sales taxes on charges for Internet access effective from October 1998 through October 2001. Outside of this moratorium period, South Carolina can subject charges for Internet access to the State's sales tax. It may be automatic, by virtue of that law in South Carolina, that such taxes can be imposed even if the legislature may not be meeting. So for the most part I don't suspect many are going to be able to go to public hearings to get them done. But this is how this may be applying in South Carolina, unless the Governor said let's hold off on this and see what happens in Washington.

Mr. DORGAN. If the Senator will yield, I believe the Senator from Virginia raised the question of South Carolina. I am not familiar with that circumstance, but I think the Senator said South Carolina could, in fact, begin collecting. I don't know that he said they would or are collecting. I say this to the Senator. We will, in my judgment, extend the moratorium. When we do that, I will be willing to join him in extending it retroactively until October 22, 2001, to say to State and local governments: Beware, if you are thinking of messing around with public policy and taking advantage of a window when we extend this—and we will, in my judgment—Congress will intend to extend it retroactively to October 22. It is not unprecedented. I would be happy to join the Senator in sending that message if that is the message he would like to send. That resolves the issue he has just discussed.

Mr. ALLEN. I say to the Senator from North Dakota, I join with him. Although we have a contentious issue on some parts, we are in agreement there. I hope that message goes out to States and localities. Just because this has lapsed, please do not rush to tax the Internet access or impose discriminatory taxes.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until the hour of 5:15. For a brief explanation, some of the papers the two managers of the bill need are not readily available because of problems with the offices. They are trying to get them now.

Mr. KENNEDY. Mr. President, reserving the right to object, may I reserve 7 minutes out of that time?

Mr. REID. Mr. President, I add to that request that Senator KENNEDY be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE IRELAND PEACE PROCESS

Mr. KENNEDY. Mr. President, early this afternoon, my friend and colleague, Senator DODD, addressed the Senate about a very significant development that occurred today in the Northern Ireland peace process. I join him and so many others in the Senate, in the House of Representatives, and across the country in welcoming these developments. They are especially welcome at a time when we are still experiencing the dark emotions and feelings from the September 11 terrorist attacks that killed thousands. We have been further disturbed in recent days by the anthrax attacks that have taken the lives of dedicated public servants in this community.

In the midst of these tragic events, I welcome this opportunity to bring to the attention of my colleagues an historic breakthrough in the Northern Ireland peace process that occurred earlier today. This afternoon the IRA issued a statement indicating that it had begun the process of decommissioning its weapons. General de Chastelain, who chairs the international group responsible for overseeing the process, has confirmed that the decommissioning of some weapons has has occurred. These actions are unprecedented in scope and are a watershed in the peace process that began a decade ago.

In 1994, after 30 years of violence, the IRA announced a historic cease-fire. That cease-fire led to the discussions, ably led by Senator Mitchell and strongly supported by President Clinton, which culminated in the 1988 Good Friday Peace Agreement. As a part of that visionary Agreement, commitments were made by the British and Irish governments and the political leaders on all sides of Northern Ireland to advance the peace process. Each party to the Agreement made important sacrifices to advance the common good and the process of peace.

The Agreement provided for a power-sharing local government and cross-border institutions. It called for dramatic reform of the police service in Northern Ireland to ensure that it would be representative of both communities. It called for equal treatment and equal opportunity for all in Northern Ireland. It called for a reduction in the presence of British troops and on all paramilitary organizations to decommission their weapons.

This bold and historic action by the IRA to decommission its weapons will liberate the peace process, advance the cause of peace, and enable the issue of IRA decommissioning to take its rightful place as one of many reforms essential to the full implementation of the Good Friday Peace Agreement and the achievement of lasting peace for Northern Ireland.

Now the Irish and British governments and the political leaders of Northern Ireland must commit to implement all aspects of the Agreement fairly and fully, especially the critical provisions on reductions of the presence of British troops, reform of the police service, and equal treatment and equal opportunity for all of the people of Northern Ireland. Through this action, the IRA has enhanced the prospect for peace.

Sinn Fein President Gerry Adams' public call for the IRA to decommission its weapons was strong and bold, and I commend him for his leadership on this difficult issue at this critical time. This extraordinary breakthrough could never have happened without the skillful and constant leadership of Prime Minister Blair of Great Britain and Prime Minister Ahern of Ireland. I also commend President Bush and his envoy to Northern Ireland, Ambassador Richard Haass, for their skillful assistance in helping to break this extremely serious impasse.

I commend as well the leaders in Ireland, and Great Britain, and the U.S. who, over the years, have contributed so much to the beginnings and continuation of this all important peace process. They all deserve great credit for their vision and leadership in the cause of peace.

I am mindful of the extraordinary role of John Hume, who shared the Nobel Peace Prize with David Trimble. I can remember many years ago meeting John Hume, who at that time was a local political leader and who had exhibited extraordinary political courage.

His life has been one of commitment and dedication to peace. He played an instrumental role in securing the cease-fire. His voice for tolerance and understanding and his call for respect for the two great traditions in the north—the Protestant and Catholic faiths—have been eloquent.

He has recently retired as political leader for his party, the SDLP in Northern Ireland. His contribution to a political resolution of the conflict in

Northern Ireland will be forever emblazoned in history.

All who share the goal of peace should welcome the action that has been taken today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

The Senator from North Dakota.

FUNDING OF A FARM BILL

Mr. CONRAD. Mr. President, I rise today to talk about the question of funding a farm bill. A number of the commodity groups have written to leadership suggesting we do not have to worry about moving with expedition to deal with a farm bill this year because, they suggest, they have received a commitment from the administration, and I will quote from the letter:

> The administration has provided assurances that the resources necessary to fund a farm bill above the current baseline will be available next year.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 23, 2001.

Senator TOM DASCHLE,
Senate Majority Leader,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: The following organizations would like to offer our thoughts on the current consideration of the farm bill in the Senate. To date, the debate has reflected the assumption that the additional funding for the bill provided in the FY-2002 Budget Resolution will only be available if the legislation is completed by the end of the First Session of the 107th Congress. This premise has led a number of interested parties to support a process that would limit the amount of time for consideration and development of a farm bill.

The Administration has provided assurances that the resources necessary to fund a farm bill above the current baseline will be available next year. In light of this commitment, we would support the Senate Agriculture Committee continuing a deliberative process with a goal of reaching Senate passage early in the Second Session of the 107th Congress. We believe that a careful and deliberative process will provide an opportunity for all parties involved to fully address the needs and implications of the next farm bill on U.S. agriculture and on consumers at home and around the world.

We believe it is also important to recognize that the attention of the Administration and Congress today is appropriately focused on conducting the war against international terrorism. Rushing the process of developing comprehensive farm legislation at this critical time without full and careful consideration could well result in policies and programs that do not effectively address today's needs.

Based on the Administration's support for a deliberative Committee process and the necessary levels of funding, we urge you to set a goal of finalizing the farm bill by the spring of 2002. We feel this schedule will enable all of us to address the needs of all farmers, ranchers, and other interested parties, and to chart a successful course for agriculture and consumers for years to come.

Sincerely,

American Soybean Association; National Cattlemen's Beef Association; National Corn Growers Association; National Chicken Council; National Pork Producers Council; National Sunflower Association; National Turkey Federation; United Fresh Fruit & Vegetable Association; U.S. Canola Association.

Mr. CONRAD. That assurance is meaningless. That assurance by the administration that the resources are going to be available next year is meaningless. Why is it meaningless? It is meaningless because the administration plays no role in the writing of the budget resolution. That is purely a congressional document. It does not even go to the President. It is considered in the House and in the Senate, and it is conferenced between the House and the Senate and it never goes to the President.

I am the chairman of the Senate Budget Committee. I want to alert my colleagues that anyone who believes the same amount of money is going to be available next year as is available this year is absolutely in a dream world.

I understand the Secretary of Agriculture has called Members in the last few days telling them money is not a problem, that she has been assured by the Director of the Office of Management and Budget, Mr. Daniels, that money is not a problem. Wrong. Money is a problem. Money is going to be a big problem. We have funding in the current year budget to write a new farm bill. We have $74 billion over the so-called baseline with which to write a new farm bill. Those resources were provided because it was understood without additional resources we could not write an adequate farm bill because the so-called baseline is based on the previous farm bill that has proved to be such a failure. It has been a disaster itself.

If it has not been a disaster, why have we had to write four economic disaster bills in a row to keep our farmers from mass liquidation? That is what would have happened without the disaster assistance bills we have passed in each of the last 4 years.

The administration says—and these farm organizations people who they are supposed to represent send a letter to the leadership saying—the administration has provided assurances the resources necessary to fund a farm bill above the current baseline will be available next year? How much above the baseline? Seventy-four billion dollars above the baseline because that is what is available now.

So they are buying a pig in a poke? They are saying to those of us who represent farmers all across America: You just line up there and you wait and do not worry about it because we are going to have money above the baseline? Really? How do you know? Where is the money coming from?

Is it going to be $74 billion, or is it going to be $1 billion above the baseline? The administration would meet its supposed assurance if they provided $1 billion instead of the $74 billion that is available in the budget now.

I have never been so disappointed in farm organizations as in the farm organizations that wrote this letter to our leadership telling them do not worry about getting the job done this year because they have gotten assurances that the money is going to be there; that some amount of money—they do not know how much—theoretically is going to be available and they have taken assurances from the administration, which plays no role in determining what resources are available in the next budget resolution to write a farm bill.

It is a dereliction of duty. I think they have let down the people who they purport to represent by sending up a letter like this saying: Do not worry about it, the money is somehow going to be there. I say to my colleagues, do not be fooled. The money is in the budget now. If we do not use the money that is in the budget now, it is very likely not going to be available next year.

When we write the next budget resolution, we are going to be facing a totally different circumstance than we faced in the spring of this year when we wrote the budget. Does anybody not understand that? Does anybody not see the dramatic transformation from a weakening economy, from a sneak attack on this country, from the need for substantial funds for rebuilding the country, for defending the Nation for counterterrorism efforts?

Somehow the money is going to come from somewhere to write a new farm bill. I say to my colleagues, there is money in the budget this year to write a new farm bill, and if we do not use the money that is available this year, you can forget that same amount of money being available next year. It is not going to happen.

The economy is weakening. That means less revenue. On the spending side, we are having to spend more money on defense, on counterterrorism, and on rebuilding those areas that were damaged in the attacks. That means everything else next year is going to be very squeezed. That means there is not going to be the same amount of money available next year to write a decent farm bill. Frankly, the money that has been provided in this year's budget is just barely enough to write a decent farm bill. It is, in fact, less—it will provide less than farmers have gotten each of the last 3 years. Not just a little bit less, substantially less; in fact, 26 percent less on average than they have gotten under the disaster assistance bills of the last 3 years.

So nobody should be under any illusion about the money being available next year. Nobody should be under any illusion. The administration is in no position to help with this problem because they have no role—none, zero—in writing the budget resolution that will be adopted next spring. So these farm organizations that have run out, supposedly representing their members, and told the leadership here, don't worry about getting the job done this year, have done an enormous disservice to their membership—enormous.

What are they going to say when we get to write a new farm bill next year and the money is dramatically reduced? What are they going to say to their members then, after counseling delay? What are they going to say to them? What is the administration going to say? Because this administration has made clear they don't want us to write a new farm bill this year; they don't want to spend the amount of money that is in the budget. Unfortunately, what that means is that the rural parts of this country, those that are dependent on agriculture, are going to be in very grave danger of being left out and left behind as we write, ironically enough, a stimulus package for the national economy.

These farm organizations that have written the leadership here saying the resources necessary to fund a farm bill above the current baseline will be available next year are giving very bad advice. They are wrong. They are just as wrong as wrong can be. It is really hard to understand how they would ever have written such a letter without doing their homework first because they have let down their membership.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DAYTON. I say to the distinguished chairman of the Budget Committee, who you might say was instrumental in getting this $73 billion into the budget resolution for the sake of the farmers from North Dakota, Minnesota, and elsewhere across the country, I received one of these phone calls asking if we couldn't hold off on the farm bill until next year. It seems not coincidental that this letter follows that conversation by just a day, in fact, in my case.

I am wondering if the Senator from North Dakota thinks there is some connection with these organizations, that they have been persuaded somehow to write a letter. As you say, why would they be contrary to the interest of their own member farmers? As part of this desire of some, and I guess the administration, to delay a farm bill until next year, what do you think the consequences of that will be?

Mr. CONRAD. I say to my colleague, there is no question in my mind what the consequences will be. No. 1, substantially less money to write a new farm bill than the money left in this budget.

No. 2, that means a totally inadequate farm bill.

No. 3, that means hard-pressed farmers would be in even more serious shape because we failed to use the money that was available in this year's budget to write a farm bill that would strengthen their economic condition.

I want to make this as clear as it can be. They say they have received assurances that the resources necessary to fund a farm bill above the current baseline will be available next year.

No. 1, there is no statement there about how much above the current baseline. The current baseline was predicated on the old farm bill—the old farm bill that was a total failure, the old farm bill that required us to write four disaster assistance bills in the last 4 years. This has no assurance that it is going to be the same amount of money that is in the budget this year. In fact, we know the administration doesn't want us to have the same amount of money. They have proposed a dramatic cut from what is in the budget this year to write a new farm bill. That is the dirty little secret.

They proposed a substantial cut. Instead of over the next 5 years $40 billion being available, they have said only $25 billion ought to be available. Guess what. You can't write a decent farm bill with $25 billion when the money that is in this year's budget is already substantially below what we had the last 3 years to assist farmers at this time of economic crisis. We are already, in the funding that is in this budget, 26 percent below what has been provided in each of the last 3 years.

These farm organizations, somehow, got sold a bill of goods. I suspect it is from the Secretary of Agriculture, who is calling colleagues, trying to sell them the same bill of goods, telling them: Don't worry, the money is going to be available; we have been assured by the Office of Management and Budget.

Please, don't anybody be misled. The Office of Management and Budget has nothing, zero, to do with writing the next budget resolution. I am chairman of the Senate Budget Committee. I can tell you the same amount of money is not going to be available next year as is available now. If anybody will just do a quick reality check, they will understand that what I am saying is true.

No. 1, on the revenue side, the revenues are going down as a result of the economic slowdown and as a result of this sneak attack on the United States. The economy is weaker. It is generating less revenue, so less money will be available on that side of the equation.

On the spending side of the equation, the expenditures are going up, and up dramatically. There is more money to defend the Nation, more money for counterterrorism, more money for item after item that is coming to our attention as a result of this vicious attack on our country on September 11. Just a commonsense approach would tell you less money is going to be available next year—perhaps dramatically less money.

For anybody to suggest that they have an assurance from the administration—or anybody else who is outside of the Congress where these issues are decided—that resources are going to be available, they are not dealing with reality. They are not dealing with reality. For these farm organizations to send a letter to our leadership telling them, oh, don't worry about getting the job done this year with the money that is available in this budget because they have gotten assurance from the administration that the money is going to be available next year—they have not done their homework. They have done an enormous disservice to their members, in my judgment. And I will say that to them directly when they come to see me about this farm bill. They have done an enormous disservice by telling people money is available, don't worry about it, when, with absolute assurance, we can see the money is not going to be available in the same amount that is available in this year's budget.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. DAYTON. If I understand the chairman of the Senate Budget Committee correctly, in this body, the Senate, we have to pass a farm bill this year. Then do we also have to have it conferenced and sent to the President in this calendar year as well, in order to protect these funds?

Mr. CONRAD. We do. The hard reality is this, in my judgment. In the budget resolution, those funds are available to us until the next budget resolution is passed. But there is another thing that is going to happen. In January of next year a new economic assessment is going to be made by the Congressional Budget Office, by the Office of Management and Budget, and it is going to show significant deterioration. That is going to change the dynamics very significantly, and that is going to make the ability to use this money in this budget resolution now to write a new farm bill much less real next year.

So nobody should be under any illusions. A lot is at stake for agriculture. This is not agriculture somehow separate and distinct from the rest of the economy because we know agriculture plays a key role, right at the heart of this economy. We know if agriculture is hurting, Main Street businesses are hurting. Certainly that is true in our State. Certainly that is true in the State of the distinguished Chair.

The irony is, right at the time we are considering writing a stimulus package for the national economy, we are getting advice to forget about writing a strong farm bill this year when we know the money that is available now will not be available next year. That is reality.

For these farm groups to write to our leadership and say to them, don't worry about it, we have assurances that the resources necessary to fund a farm bill that is above the baseline will be there next year, they have completely bought a pig in a poke.

I hope the members of these organizations will call their associations and ask them: What are you doing? What kind of advice are you giving down there? It is not advice that is good for the people you represent. This may be good advice for the administration. This may be the advice the administration wants to give. Why are they signing up for that? Why are they endorsing the administration's position when the administration is taking the position that is totally counter to what is good for not only I believe the farmers of America but for the national economy?

One of the things the economists have been telling us about the stimulus package is that one of the most effective things you can do is get money into the agricultural sector because, No. 1, that money gets out quickly to the farmers and, No. 2, because there is such economic hard times for farmers.

We have the lowest farm prices in real terms in 50 years. That makes farmers have a greater dispensation to spend the money that is part of the farm program.

Mr. DAYTON. Mr. President, the Senator and I share a common border. I know our farmers are in a similar predicament. These dollars are going to be central to the survival of farmers in Minnesota, and I dare say in North Dakota as well.

It seems to me that somebody is playing a very dangerous game with literally the lives and the livelihoods of a lot of farmers in my home State of Minnesota, and I expect others as well. It makes me wonder who is looking out for whom here. How could it be there are those who are so active in trying to postpone action on a bill with the result being that farmers are going to receive less money. It will take longer one way or the other.

The bottom line, from what I hear from the Senator from North Dakota on the Budget Committee, is that they may be out of money entirely if we don't act this calendar year.

Mr. CONRAD. I believe these groups have been flimflammed. I do not know a nice way to say it. I don't think they understand how the budget process works—for them to be realigned on the representation from the administration about money that is going to be available in the next budget resolution. The administration doesn't have any role in writing the next budget resolution. That is written in the House of Representatives and the Senate. The administration has absolutely nothing to do with writing the budget resolution. That is what makes the resources available next year. Just a little bit of commonsense analysis would tell you that the same amount of money is not going to be available next year. Receipts are going down. Expenses are going up. That means there will be less money available.

When a budget resolution is written next year, there will not be anywhere close to this amount of money available for writing a farm bill. That puts all of the people who we represent in jeopardy. That puts their financial lives on the line.

For the farm organizations that are supposed to represent these very people to send up a letter such as this tells me one of two things: No. 1, either they have been totally hoodwinked about the budget circumstances we face next year, or, No. 2, they aren't thinking very carefully about who they have a responsibility to represent. No. 3, perhaps they have just not done their homework and don't know the circumstances that we will be facing.

Mr. DAYTON. I know the time under the previous order is about to expire. I thank the Senator from North Dakota for sounding this alarm. I was not aware of this situation. I thank the Senator for making it very clear to the Members of the Senate and to farmers throughout this country what is at stake. My hope is that our colleagues will join with us in insisting that we have a farm bill passed so we don't leave our farmers back home seriously in the lurch.

Mr. CONRAD. I thank the Senator from our neighboring State, who is a member of the Senate Agriculture Committee. Already, just in the first months of his term, he has demonstrated a real commitment to family farmers, and also to an understanding of the budget process. I wish that same understanding had been evidenced by these farm organizations that sent this advice to the leadership that could be so very harmful to the very people they seek to represent.

I conclude by saying to my colleagues that we need to write the farm bill now. We need to use the money that is in the budget resolution now. No one should be under any illusion that this money is going to be available next year. Most assuredly it is not.

Let's be crystal clear about what is at stake; that is, the economic lives of tens of thousands of farm families.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $753,323,000 to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2020 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2002, 2003, 2004, and 2005: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $64,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2002.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $38,608,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

Such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,024,000, to remain available until September 30, 2003.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2002, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, family planning/reproductive health, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, $1,455,500,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health programs: Provided further, That of the funds appropriated under this heading, not to exceed $125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $325,000,000 for child survival and maternal health; $25,000,000 for vulnerable children; $415,000,000 for HIV/AIDS including $40,000,000 which may be made available, notwithstanding any other provision of law, for a United States contribution to a global fund to combat HIV/AIDS, malaria, and tuberculosis, and not less than $15,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; $175,000,000 for other infectious diseases; $120,000,000 for UNICEF: Provided further, That of the funds appropriated under this Act, not less than $450,000,000 shall be made available to carry out the purposes of section 104(b) of the Foreign Assistance Act of 1961, of which not less than $395,000,000 shall be made available from funds appropriated under this heading and not less than $55,000,000 shall be made available from funds appropriated under other headings in this title: Provided further, That of the funds appropriated under this heading, up to $50,500,000 may be made available for a United States contribution to The Vaccine Fund, and up to $10,000,000 may be made available for the International AIDS Vaccine Initiative: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,235,000,000, to remain available until September 30, 2003: Provided, That $135,000,000 should be allocated for children's basic education: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $30,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $19,000,000 shall be made available for *the American Schools and Hospitals Abroad program.*

ENVIRONMENT, CLEAN ENERGY, AND ENERGY CONSERVATION PROGRAMS FUND

Of the funds appropriated under the heading "Development Assistance", not less than $295,000,000 should be made available for programs and activities which directly protect tropical forests, biodiversity and endangered species, promote the sustainable use of natural resources, and promote a wide range of clean energy and energy conservation activities, including the transfer of cleaner and environmentally sustainable energy technologies, and related activities: Provided, That of the funds appropriated by this Act, not less than $175,000,000 should be made available to support policies and actions in developing countries and countries in transition that measure, monitor, report, verify, and reduce greenhouse gas emissions; increase carbon sequestration activities; and enhance climate change mitigation programs.

CYPRUS

Of the funds appropriated under the heading "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the heading "Economic Support Fund", not less than $35,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided, That, notwithstanding section 534(a) of this Act, none of the funds appropriated under the heading "Economic Support Fund" may be made available for assistance for the Central Government of Lebanon until the Secretary of State determines and certifies to the Committees on Appropriations that the Government of Lebanon has enforced the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon.

INDONESIA

Of the funds appropriated under the headings "Economic Support Fund", "Child Survival and Health Programs Fund" and "Development Assistance", not less than $135,000,000 should be made available for Indonesia: Provided, That not less than $10,000,000 should be made available for humanitarian, economic rehabilitation, and related activities in Aceh, West Papua and Maluka: Provided further, That funds made available in the previous proviso may be transferred to and merged with the appropriation for Transition Initiatives.

BURMA

Of the funds appropriated under the heading "Economic Support Fund", not less than $6,500,000 should be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by section 101(a) of Public Law 106–429, is amended, under the heading "Burma", by inserting ", 'Child Survival and Disease Programs Fund'," after "Fund".

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $255,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $52,500,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, up to $25,000,000, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961: Provided, That such funds shall be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, and under the heading "Assistance for Eastern Europe and the Baltic States": Provided further, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That funds appropriated under this heading shall remain available until September 30, 2003.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,880,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $549,000,000: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may remain available until expended for overseas facilities construction, leasing, and other security-related costs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $32,000,000, to remain available until September 30, 2003, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,239,500,000, to remain available until September 30, 2003: Provided, That of the funds appropriated under this heading, not less than $720,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That not less than $655,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $160,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, $150,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for East Timor of which up to $1,000,000 may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, $12,000,000 should be made available for Mongolia: Provided further, That up to $10,000,000 of the funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $603,000,000, to remain available until September 30, 2003, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That funds made available for assistance for Kosovo from funds appropriated under

this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 529 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $800,000,000, to remain available until September 30, 2003: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East.

(b) Of the funds appropriated under this heading, not less than $180,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than $25,000,000 should be made available for nuclear reactor safety initiatives: Provided further, That not later than 60 days after the date of enactment of this Act, and 120 days thereafter, the Department of State shall submit to the Committees on Appropriations a report on progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists.

(c) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia: Provided, That of this amount, not less than $5,000,000 shall be made available to the Government of Armenia to support an education initiative in Armenia, including the provision of computer equipment and internet access to Armenian primary and secondary schools.

(d) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Georgia, of which not less than $3,000,000 should be made available for a small business development project.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 8 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(g)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability;

(B) is cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya;

(C) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya; and

(D) is in compliance with article V of the Treaty on Conventional Armed Forces in Europe regarding forces deployed in the flank zone in and around Chechyna.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(h) Of the funds appropriated under this heading, not less than $45,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis, and other infectious diseases, and for related activities.

INDEPENDENT AGENCIES

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $275,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2003.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $13,106,950.

AFRICAN DEVELOPMENT FOUNDATION

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $16,542,000: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $217,000,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2002, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, *That of the funds appropriated under this heading, not less than $10,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, not more than $16,660,000 shall be available for administrative expenses.*

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, $567,000,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not less than $200,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That funds appropriated by this Act that are used for the procurement of chemicals for aerial coca fumigation programs may be made available for such programs only if the Secretary of State, after consultation with the Secretary of the Department of Health and Human Services and the Surgeon General, determines and reports to the Committees on Appropriations that (1) the chemicals used in the aerial fumigation of coca, in the manner in which they are being applied, do not pose an undue risk to human health or safety; (2) that aerial coca fumigation is being carried out according to the health, safety, and usage procedures recommended by the Environmental Protection Agency, the Centers for Disease Control and Prevention, and the manufacturers of the chemicals; and (3) that effective mechanisms are in place to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and provide fair compensation for meritorious claims: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That section 3204(b) of the Emergency Supplemental Act, 2000 (Public Law 106–246) shall be applicable to funds appropriated by this Act: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not more than $14,240,000 shall be available for administrative expenses of the Department of State.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $735,000,000, which shall remain available until expended: Provided, That not more than $16,000,000 shall be available for administrative expenses: Provided further, That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $326,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 10 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $14,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That of the funds appropriated under this heading, $3,500,000 should be made available to support the Small Arms Destruction Initiative.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $6,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $235,000,000, to remain available until expended: Provided, That not less than $11,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961, and up to $14,000,000 of unobligated balance of funds available under this heading from prior year appropriations acts should be made available to carry out such provisions: Provided further, That funds appropriated or otherwise made available under this heading in this Act may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;
(2) the African Development Fund;
(3) the African Development Bank; and
(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to *the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—*

(a) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(b) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $75,000,000, of which up to $5,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Zimbabwe, Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Zimbabwe, Cote D'Ivoire, The Gambia, the Democratic Republic of the Congo, Algeria, Indonesia and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,674,000,000: Provided, That of the funds appropriated under this heading, not less than $2,040,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $535,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $10,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2002, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further; That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $35,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $348,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2002 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2002 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2001, whichever is later.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $140,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $109,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $775,000,000, to remain available until expended: Provided, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative: Provided further, That the Secretary of the Treasury shall instruct the United States executive director to the International Bank for Reconstruction and Development to vote against any water or sewage project in India that does not prohibit the use of scavenger labor.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $9,500,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $50,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $20,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $103,017,050, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,991,500.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $217,000,000: Provided, That not less than a total of $18,000,000 should be made available for the International Panel on Climate Change, the United Nations Framework Convention on Climate Change, the World Conservation Union, the International Tropical Timber Organization, the Convention on International Trade in Endangered Species, the Ramsar Convention on Wetlands, the Convention to Combat Desertification, the United Nations Forum on Forests, and the Montreal Process on Criteria and Indicators for Sustainable Forest Management: Provided further, That not less than $6,000,000 should be made available to the World Food Program: Provided further, That of the funds appropriated under this heading, not less than $39,000,000 shall be made available for the United Nations Fund for Population Activities (UNFPA): Provided further, That none of the funds appropriated under this heading that are made available to UNFPA shall be made available for activities in the People's Republic of China: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $100,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2002.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on

Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2003.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 518. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of

any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsection (a) and (b) are that the country concerned is implementing a system of controls on the export and import of rough diamonds that—

(1) is consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000.

(2) the President determines to be functionally equivalent to the system of controls specified in subparagraph (1); or

(3) meets the requirements of an international agreement which requires controls specified in subparagraph (1) and to which the United States is a party.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2002, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Burma, Colombia, Haiti, Liberia, Serbia, Sudan, Ethiopia, Eritrea, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $14,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or Sudan, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings "Peace Corps" and "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 526. Funds appropriated by this Act that are provided to the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation: Provided, That notwithstanding any other provision of law, of the funds appropriated by this Act to carry out provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $10,000,000 shall be made available for assistance for the People's Republic of China for activities to support democracy and the rule of law in that country, of which not to exceed $2,500,000 may be made available to nongovernmental organizations located outside the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibet: Provided further, That notwithstanding any other provision of law or regulation, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are available for the United States-Asia Environmental Partnership, may be made available for activities in the People's Republic of China: Provided further, That funds made available pursuant to the authority of this section for programs, projects, and activities in the People's Republic of China shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure

that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 530. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURE DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agriculture Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; the Bureau for Asia and the Near East; and for the Global Development Alliance initiative: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SPECIAL AUTHORITY.—During fiscal year 2002, the President may use up to $35,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members

should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 536. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 537. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2002, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 541. To the maximum extent practicable, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 542. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 543. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 544. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 545. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia and New York City, New York by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 546. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 547. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $35,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 548. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking "During the 11-year period beginning on October 23, 1992" and inserting "During the 16-year period beginning on October 23, 1992".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 549. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 550. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 551. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 552. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

HAITI COAST GUARD

SEC. 553. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 554. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is *important to the national security interests of the United States.*

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 555. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

GREENHOUSE GAS EMISSIONS REPORT

SEC. 556. Not later than the date on which the President's fiscal year 2003 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2002, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix;

(2) all fiscal year 2001 expenditures and fiscal year 2002 projected expenditures by the United States Agency for International Development to assist developing countries and countries in transition in adopting and implementing policies to measure, monitor, report, verify, and reduce greenhouse gas emissions, and to meet their responsibilities under the Framework Convention on Climate Change;

(3) all funds requested for fiscal year 2003 by the United States Agency for International Development to promote the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions reductions, to promote the transfer and deployment of United States clean energy technologies and carbon capture and sequestration measures, and to develop assessments of the vulnerability to impacts of climate change and response strategies; and

(4) all fiscal year 2002 obligations and expenditures by the United States Agency for International Development for climate change programs and activities by country or central program and activity.

ZIMBABWE

SEC. 557. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

CENTRAL AMERICA RELIEF AND RECONSTRUCTION

SEC. 558. Funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106–31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, shall also be available to the Comptroller General to monitor earthquake relief and reconstruction efforts in El Salvador.

ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 560. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia unless the Secretary of State determines and reports to the Committees on Appropriations that the Central Government of Cambodia—

(A) is making significant progress in resolving outstanding human rights cases, including the 1994 grenade attack against the Buddhist Liberal Democratic Party, and the 1997 grenade attack against the Khmer Nation Party;

(B) has held local elections that are deemed free and fair by international and local election monitors; and

(C) is making significant progress in the protection, management, and conservation of the environment and natural resources, including in the promulgation and enforcement of laws and policies to protect forest resources.

(2) A determination by the Secretary of State under paragraph (1) shall cease to be effective if it becomes known to the Secretary that the Central Government of Cambodia is no longer making significant progress under subparagraph (A) or (C).

(3) In the event the Secretary of State makes the determination under paragraph (1), assistance may be made available to the Central Government of Cambodia only through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY TRAINING REPORT

SEC. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2002, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2001 and 2002, including those proposed for fiscal year 2002. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 562. (a) Of the funds made available under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs", not to exceed $95,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula;

(2) North Korea is complying with all provisions of the Agreed Framework; and

(3) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (b) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees. No funds may be obligated for KEDO until 15 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2003 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

(e) The final proviso under the heading "International Organizations and Programs" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107) is repealed.

COLOMBIA

SEC. 563. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance for the Colombian Armed Forces only if the Secretary of State has made the determination and certification contained in subsection (b).

(b) DETERMINATION AND CERTIFICATION.—The determination and certification referred to in subsection (a) is a determination by the Secretary of State and a certification to the appropriate congressional committees that—

(1) the Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups, and is providing to civilian prosecutors and judicial authorities requested information concerning the nature and cause of the suspension;

(2) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities (including providing unimpeded access to witnesses and relevant military documents and other information), in prosecuting and punishing in civilian courts those members of the Colombian Armed Forces, of whatever rank,

who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups; and

(3) the Colombian Armed Forces are taking effective measures to sever links (including by denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary groups, and to execute outstanding arrest warrants for members of such groups.

(c) CONSULTATIVE PROCESS.—Ten days prior to making the determination and certification required by this section, and every 120 days thereafter, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (b).

(d) REPORT.—One hundred and twenty days after the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing actions taken by the Colombian Armed Forces to meet the requirements set forth in subparagraphs (b)(1) through (3); and

(e) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 564. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 565. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 566. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for programs benefitting the Iraqi people and to support efforts to bring about a democratic transition in Iraq: Provided, That funds may be made available through the Iraqi National Congress Support Foundation or the Iraqi National Congress only if the Inspector General of the Department of State determines and certifies to the Committees on Appropriations that such organizations are implementing adequate and transparent financial controls to ensure that funds are used exclusively for the purposes of this section, and that not more than 14 percent of the funds is used for administrative expenses, including expenditures for salaries, office rent and equipment.

WEST BANK AND GAZA PROGRAM

SEC. 567. For fiscal year 2002, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

INDONESIA

SEC. 568. (a) Funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Indonesian Ministry of Defense or military personnel only if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations in East Timor and Indonesia;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups in East Timor and Indonesia;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor;

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the armed forces and militia groups responsible for human rights violations in East Timor and Indonesia;

(7) demonstrating a commitment to civilian control of the armed forces by having in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces;

(8) allowing United Nations and other international humanitarian and human rights workers and observers unimpeded access to West Timor, Aceh, West Papua, and Maluka; and

(9) releasing political detainees.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 569. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous 6 months to the Sierra Leone Revolutionary United Front (RUF), Liberian Armed Forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has knowingly facilitated the safe passage of weapons or other equipment to the RUF, Liberian security forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(d) Whenever the prohibition on assistance required under subsection (a), (b) or (c) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 570. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), as amended, is amended by striking "December 31, 2001" and inserting in lieu thereof "December 31, 2002".

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 571. (a) To the fullest extent possible information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of six other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) The Department of State is urged to pursue all reasonable avenues in assuring the collection and public release of information pertaining to the murders of the six American citizens in Guatemala.

(c) The President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information.

(d) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

(e) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

BASIC EDUCATION ASSISTANCE FOR PAKISTAN

SEC. 572. Funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for assistance for basic education programs for Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries: Provided, That such assistance is subject to the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 573. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 574. (a)(1) None of the funds appropriated or otherwise made available pursuant to *this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been publicly indicted by the Tribunal and to otherwise cooperate with the Tribunal.*

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the United States executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to a specific project within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal and to provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

FUNDING FOR SERBIA

SEC. 575. (a) Of funds made available in this Act, up to $115,000,000 may be made available for assistance for Serbia: Provided, That none of these funds may be made available for assistance for Serbia after March 31, 2002, unless the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2002, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

USER FEES

SEC. 576. The Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of such institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' lending programs.

HEAVILY INDEBTED POOR COUNTRIES TRUST FUND AUTHORIZATION

SEC. 577. Section 801(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106–429) is amended by striking "$435,000,000" and inserting "$600,000,000".

FUNDING FOR PRIVATE ORGANIZATIONS

SEC. 578. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 579. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

CUBA

SEC. 580. (a) AMOUNTS FOR COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS.—Subject to subsection (b), of the amounts appropriated or otherwise made available by this Act, $1,500,000 shall be available for purposes of preliminary work by the Department of State, or such other entities as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Cuba Government on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) LIMITATION.—The amount in subsection (a) shall not be available under that subsection until the President certifies to Congress the following:

(1) That Cuba has in place appropriate procedures to protect against loss of innocent life in the air and on the ground in connection with the interdiction of illicit drugs.

(2) That there is no evidence of the involvement of the Government of Cuba in drug trafficking.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002".

The PRESIDING OFFICER. Under the previous order, the committee substitute is agreed to.

The Senator from Nevada.

Mr. REID. Mr. President, the two managers of the bill, Senators LEAHY and McCONNELL, are due back any minute. It is my understanding that they are prepared to give their opening statements, and that they have at least a dozen amendments that the two managers have already cleared. We have accomplished a great deal on this bill already.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am sorry some of our colleagues have had to wait. Both Senator McCONNELL and I have been down at the White House meeting with the President and other Members on foreign policy issues. It is a day when I have been wearing two hats—going from the Judiciary Committee, and some of the issues we are handling there, to the foreign policy issues. But I am glad we are going to do the foreign operations appropriations bill. We tried bringing it up a week ago, but it was held hostage by partisan sniping over judicial nominations. I think that is both unnecessary and unwarranted.

I consider it an honor that the desk that I sit in was once held by Senator Vandenberg, who coined the phrase that "politics ends at the water's edge." The senior Senator from Kentucky and I have done this for years in writing the foreign aid bill, alternating us chairman and ranking member of the subcommittee. We work closely together, and I have stated many times how much I respect and admire him for his efforts to get a good, balanced foreign aid bill through.

There are things on which we can have partisan debates, but we should not allow it on this bill, especially today when our Nation is at war.

This bill is of enormous importance to our country. In fact, in the last 15 or 20 years when I have been either chairman or ranking member of this subcommittee, I don't know if I can think of a more critical time when we needed to quickly pass this bill.

Before we start, though, I think it is appropriate to pay tribute to Ken Ludden, an official at the Treasury Department's Office of the Assistant Secretary for International Affairs, and formerly a congressional staff member, who died suddenly of a heart attack on September 10. Senator McCONNELL's staff, Senator STEVENS' staff and my own staff, knew him well. At an appropriate time, Senator McCONNELL and I will offer an amendment to name this Foreign Operations Appropriations Act after him in recognition of his years of government service, and in particular for the invaluable assistance he gave to our subcommittee.

Mr. President, in the past, there were times when the foreign operations appropriations bill has been the vehicle for divisive and time-consuming amendments on controversial foreign policy issues. But we are in an unusual time. Our country has suffered a grievous loss. This is a time for unity and for getting our work done quickly. I have amendments, Senator McCONNELL has amendments, and I am sure other Senators have amendments that would be controversial.

Senator McCONNELL and I do not plan to offer our controversial amendments. This is not the time. We should work together to get this bill passed as quickly as possible.

Frankly, I was impressed this afternoon, listening to the President speak of his discussions with foreign leaders during the APEC summit in Shanghai. The President forthrightly told us what he said. I am sure he did so there. It was not carefully drawn out diplomatic language, it was the President's own words, and I commend him for it.

I think of the situation today. The President has a limited window of opportunity to do a number of things to help counter this long-term threat. Whether the President serves one or two terms, that threat will continue after he is gone. I am afraid it is going to continue long after every one of us is gone, whether one is new in the Senate and just beginning a career, or those who are winding down their careers in the Senate. No matter who one is, we are going to face this threat of terrorism for years to come. For the sake of our children, grandchildren, and generations to come, we have to make sure to do the right thing and take the steps that diminish the threat of terrorism over the long term.

I know the President feels that way. I suspect all 100 Members of the Senate feel that way.

What does this mean? It means that special forces attacks in Afghanistan, brave and effective as they were—and I think they were the right steps to take—are not enough. It goes well beyond the momentary alliances. It will not even end with the capture or the destruction of Osama bin Laden. All of these things are critical. But, there will be others who will rise in the same kind of milieu that created Osama bin Laden, rise in countries that fear us or hate us or cannot believe in the diversity we relish and practice, the democracy we cherish, the same democracy, Mr. President, that you and I and every Senator take a solemn oath to uphold.

There are people in the world who may fear our Constitution. I have often said that the greatest part of our Constitution is probably the same part they fear—the first amendment. It gives us the freedom of speech. We do not all have to say the same thing. We can say what we want in this country. It also allows us to practice whatever religion we want or to choose to practice no religion at all.

There is this wall, this Jeffersonian wall, between us. Think what that has allowed. It has allowed each one of us to hold whatever beliefs we want, free of any interference by the Government. It allows us to say what we want to say, free of interference from our Government. Perhaps, most importantly, it guarantees we are going to have diversity in this country. It means Nebraska will have its unique nature as will Vermont. It means there will be people in Nebraska who think differently than people in Vermont on some issues and think the same on others. It is this wonderful diversity that helps to guarantee a vibrant democracy in this country.

It is that same diversity and that same attitude that holds totalitarianism to be an anathema to our way of life.

It is this tolerance and diversity which frightens some other parts of the world. Unfortunately, we can build the most powerful army on Earth, and we have, the most powerful air force on Earth, and we have, the most powerful navy on Earth, and we have, and as a proud father of a young marine, the most amazing and powerful marine corps in the world. But none of that by itself can protect us. To truly have security, we must also do the things that help do away with ignorance and fear, abhorrence of the United States in parts of the world. And, we must sustain this effort for decades to come.

One good example of this are the programs to help combat the spread of disease in the developing world. Many parts of the world, simply do not possess the health care infrastructure to treat a number of life-threatening conditions that are curable with the proper treatment and care. And as a result far too many do not live beyond the age of 3 or 4.

Think what the United States can do to help eradicate disease, not only help eradicate disease but also to make sure diseases stay away, by putting in place the infrastructure so people are there to give the shots—polio vaccines, diphtheria shots—and remove river blindness once and for all. We can do that, and we will have a better and healthier populace in doing it, and we can point to this record and say: This is what the United States stands for. We do not speak your language, we do not follow your culture or customs, but we want your children to be healthier. Don't my colleagues think that in the long run this makes everyone better off and minimizes the kind of terrorist attacks we face?

I would also ask my colleagues to think about the fact that every disease in the world is only an airplane trip away from our shores—or maybe even a postal stamp—away from our shores. Think about the things in this bill that will have countries to identify diseases, such as the ebola plague or some new strain of disease to which we are not resistant, to help isolate them, and to help cure them.

We have a good bill. It was not an easy task. Senator McCONNELL has been an invaluable partner in putting this together.

We are trying to do many things. We want to help educate people. We want to improve health care around the world. We want people to see and understand the best of the United States.

At the same time, we are trying to combat these global problems by spending less than 1 percent of our budget.

It is embarrassingly little for a superpower that is in a position to lead the world in solving these critical issues that threaten our interests and the health and safety of every American citizen.

As a result, we often find ourselves unable to respond effectively to serious threats. That has proven to be true with international terrorism, but also when you consider what is needed to spot the spread of HIV/AIDS and other infectious diseases.

It is the case when you consider how little we are spending to protect the environment. We are more than $200 million in arrears in our payments to the Global Environment Facility.

The amount in this bill for family planning, although $25 million above the Administrations request, is $89 million less than we provided in 1995. Yet hundreds of millions of impoverished people who want safe, voluntary family planning services are not able to get them. For those who have concerns about the numbers of abortions worldwide, think of the number of abortions that could be prevented if we had had adequate family planning, voluntary family planning services, in place.

We ought to do a lot more to support the development of free markets and to strengthen democratic institutions, from central Asia to Macedonia to Latin America.

There are major humanitarian disasters today in many regions of the world. We are hearing a lot about the looming catastrophe in Afghanistan, but similar tragedies exist in the Congo and Sudan, and drought and earthquakes have devastated parts of Central America.

We are by far the richest country in the world—the richest country history has ever known—but on a per capita basis we often spend less than other industrialized countries to help people whose lives are hanging by a thread. This bill attempts to respond, within our limited allocation, to these and other problems.

I very much appreciate the support we have received from Chairman BYRD and Senator STEVENS. They have the unenviable task of dividing up a shrinking pie for 13 appropriations subcommittees.

The bill contains $15.5 billion in discretionary budget authority. Although our 302(b) allocation was higher than the House's allocations, the House cut deeply into many of the President's requests for essential programs—programs which are also Strongly Supported by Senators. The Senate bill has restored many of those cuts.

We restore sufficient funding for the Export-Import Bank to support subsidy financing well above the fiscal year 2000 level. We restore full funding for the foreign military financing program and provide a $10 million increase above the President's request for international military training.

We restore most of the House cuts in the Economic Support Fund, as well as assistance for the former Soviet Republics.

We provide additional funding for international peacekeeping and for assistance for the former Yugoslavia, including Serbia, Montenegro, and Macedonia.

We include $450 million to combat HIV/AIDS, including $50 million for the Global Fund to combat AIDS, TB, and malaria. This falls well short of what we should be spending, it is an increase above last year's level.

We also increase funding against other infectious diseases and for children's health programs, and I would note that both Republican and Democratic Senators have requested this.

These programs are desperately needed to strengthen the capacity of developing countries to conduct surveillance and respond to diseases such as polio and measles. They are also equally important for combating the spread of biological agents such as anthrax used in acts of terrorism. There are tens of millions of dollars for those programs in this bill.

We provide $718 million for the Andean countries, primarily Colombia, Bolivia, Ecuador, and Peru, of which over half a billion dollars is for counterdrug programs. That is in addition to the $1.3 billion for Plan Colombia we appropriated last year. It is interesting, that about—who made requests to our subcommittee—even mentioned the Andean program, items which has not accomplished a great deal.

The bill contains the usual earmarks for Middle East countries. It also continues various limitations or conditions on assistance to several countries.

Senator McCONNELL and I have a number of amendments, including one to name this bill after Ken Ludden, and another to prohibit U.S. assistance to governments that harbor or provide financing for individuals involved in the September 11 terrorist attacks.

We have a bill that that was reported in record time by the appropriations committee. And while I will now reveal a political secret that has probably gone unnoticed in this body, Senator McCONNELL and I are not politically ideological soulmates. We have kept this well hidden, but it is a fact. Only because it is late in the evening and the Chamber is nearly empty do I dare whisper that. I would not want anybody to know that outside of this Chamber.

This political odd couple has worked together to bring before this Senate a bill, within the amount of money we had, that I think is well balanced. It is not precisely the bill Senator McCONNELL would have written by himself, nor that I would have written, but I am proud to join with Senator McCONNELL in support of this bill. I appreciate his friendship in working with him.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Kentucky.

Mr. McCONNELL. Madam President, I am indeed shocked to hear that Senator LEAHY does not make a practice of watching how I vote every time so he may be so guided.

In fact, we have had a good relationship over the years and seen many of these issues in like manner, and I commend him for his leadership as chairman of the subcommittee. This is a bill that I can enthusiastically support, and we anticipate it to pass by a large vote sometime tomorrow.

I thank my good friend from Vermont for his leadership, as I said, in crafting this $15.5 billion bill. This is, I think, probably our ninth bill together. When we started out, he was chairman and I was ranking member. Then I was chairman for a while and he was ranking member. Now the roles are reversed again. We have throughout, no matter who was in the majority, been able to move in the right direction.

Obviously the world has changed since we marked up this bill on July 26. The horror and grief of the September 11 attacks in New York, Virginia, and Pennsylvania are still very fresh in our hearts and minds. The recent anthrax mailings to Congress and the media are further indications of the diabolical nature of America's enemies. Our thoughts and prayers are with the many victims of these evil deeds.

The President and the administration have done a superb job in responding to this national crisis, both at home and abroad. In the darkest hours of the 21st century the American people have rallied in support of the new war against terrorism. This speaks to the strength of our Nation and the highest principles upon which it was founded.

Within 3 days of the September 11 attacks, the Senate passed a $40 billion emergency supplemental bill to aid in recovery and reconstruction efforts. I am pleased that a portion of those funds will be used to bolster counterterrorism and other security programs conducted by the State Department.

In addition to the funds contained in the supplemental, the bill now before the Senate fully funds the President's $38 million request for the State Department's antiterrorism assistance program. These funds will be used to provide training, equipment, and advice to foreign countries to enhance their antiterrorism skills and to increase the capabilities of foreign law enforcement and security officials. Those programs are critical to America's national security and those of our allies.

My colleagues should be aware that Senator LEAHY and I intend to offer an amendment to prohibit assistance to any country that harbors or finances those individuals or organizations responsible for the mass murder of American citizens on September 11. President Bush and Secretary Powell are right to hold those nations who aid and abet terrorism responsible for their actions. They have my full cooperation and support in this endeavor.

Let me offer concrete evidence of that support. Senator FEINSTEIN and I intended to offer an amendment to this bill requiring the President to report on the Palestinian Liberation Organization's compliance with its commitments to renounce terrorism and violence. We were asked by Secretary Powell, in light of his efforts to forge an international coalition against terrorism, to simply not offer that amendment. We agreed to withhold the amendment out of respect for this Nation's desire and demand for justice for the September 11 murders. The administration's request for our foreign policy priorities and needs are, for the most part, met through this bill.

In some accounts, including IMET and the Child Survival and Disease Programs Fund, the President's request was exceeded. The bill increases the Export Import Bank's subsidy appropriations from the requested amount of $633 million to $753 million, and we provide $450 million for HIV/AIDS programs and activities.

My colleagues will note that while we have provided substantial funding for counterdrug efforts in the Andean Region, the bill does not meet the Administration's $731 million request for the Andean Counterdrug Initiative. Not everyone may agree with the $567 million the bill provides for this program. However, funds are still in the pipeline for social, economic, and judicial programs in Colombia. Spillover of the narcotics trade to neighboring countries remains a concern. Successful counterdrug and alternative development programs in countries such as Bolivia must be continued.

Funding is also provided to continue vital democracy building activities in Asia, including Burma, Indonesia, and East Timor. The bill earmarks $10 million for rule of law programs in China, which are being successfully conducted by a variety of American academic and nongovernmental institutions. I would suggest to my colleagues that advancing democracy and the rule of law abroad is essential in the fight against terrorism.

I want to share with my colleagues an observation on U.S. foreign policy in the wake of the terrible attacks earlier this month. The very nature of our foreign assistance programs and priorities will change as America and its allies wage war against the foes of freedom and democracy. As one who believes that foreign aid is not an entitlement, assistance can—and should—be used as leverage to reward cooperation on common objectives, such as identifying and destroying terrorist networks. Conversely, nations that refuse to join the fight against terrorism should face restrictions on U.S. assistance they receive. As President Bush said, "Every nation in every region now has a decision to make: Either you are with us or you are with the terrorists."

Finally, I want to express my condolences to the family of Ken Ludden, Legislative Coordinator to the Office of the Assistant Secretary for International Affairs who passed away of a heart attack on September 10. Ken will be sorely missed by this subcommittee. Given his long and dedicated service to our country in many capacities, I have joined Senator LEAHY in sponsoring an amendment to designate the bill the "Kenneth M. Ludden Foreign Operations, Export, Financing, and Related Programs Appropriations Act."

Again, I thank Senator LEAHY, and his capable staff—Tim Rieser and Mark Lippert—for their leadership on this bill.

Senator LEAHY and I are open for business and fully intend to finish this bill at the earliest possible time tomorrow.

I see the chairman is on his feet, and I yield the floor.

Mr. LEAHY. Madam President, we have a number of things we can probably do in a couple of minutes to go through here.

I would like to note that there is some promising news from Ireland. The International Independent Commission on Decommissioning, led by GEN John de Chastelain, of Canada, has announced that the IRA has begun to decommission its weapons. The Irish Taoiseach, Bertie Ahern, has appropriately called this an "unparalleled breakthrough." David Trimble, with whom I talked here in Washington a few days ago, has said he will recommend to the Ulster Unionist Council that the party reenter the Northern Ireland Executive.

I commend Gerry Adams and Martin McGuinness from Sinn Fein for their efforts to take this important step. I have been one who has been critical of the IRA taking so long to begin to decommission its weapons.

There are justifiable and long-held grievances on both the Protestant and Catholic sides in Northern Ireland, and there are generations who will never completely forgive or forget. But for the sake of the children in Ireland, both in the Republic of Ireland and Northern Ireland, they must move forward, and this is a critical step. Peace will not be won by assassinations or guns and bullets, whether done by Protestants or by Catholics. Peace will only come about if children are allowed to grow up in peace so we will not have scenes such as we saw just in the opening of school this year of little children, 7- and 8-year-old girls and boys, running terrified past a mob, screaming at them because all they wanted to do was go to school. That cannot continue.

I ask unanimous consent that a number of news items be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Irish Times, Oct. 23, 2001]

DE CHASTELAIN SAYS IRA HAS BEGUN DECOMMISSIONING ARMS

(By Patrick Logue)

The International Independent Commission on Decommissioning, led by General John de Chastelain, has said it has witnessed the IRA begin to decommission its arsenal of weapons, including guns, ammunition and explosives.

"We are satisfied the arms in question have been dealt with in accordance with the scheme and regulations. We are also satisfied it would not further the process of putting all arms beyond use were we to provide further details of this event."

"We will continue our contact with the IRA representative in the pursuit of our mandate." This afternoon the IRA said in a statement that it had begun the process.

In a statement the IRA said its motivation behind the move on weapons was "to save the peace process".

* * * says: "The political process is now on the point of collapse. Such a collapse would certainly, and eventually, put the overall peace process in jeopardy.

"There is a responsibility upon everyone seriously committed to a just peace to do our best to avoid this.

"Therefore, in order to save the peace process, we have implemented the scheme agreed with the IICD in August.

"Our motivation is clear. This unprecedented move is to save the peace process and to persuade others of our genuine intentions".

In August the IICD said in a statement it had agreed a method for putting arms "completely and verifiably beyond use". Details of the method were not made public however.

The move comes in response to a call yesterday by the Sinn Féin president Mr. Gerry Adams for a "ground-breaking" gesture to save the peace process.

Speaking in West Belfast last night Mr. Adams said: "We have put to the IRA the view that if it could make a ground-breaking move on the arms issue that this could save the peace process from collapse and transform the situation".

Sinn Féin this evening welcomed the IRA statement saying it was a courageous initiative to save the peace process".

IRA'S ESTIMATED ARSENAL

650 AK47/AKM assault rifles;
36 Armalite AR–15 assault rifles;
2 Barret M82A1 sniper rifles;
60 Webley .455 revolvers;
20 12.7 107mm DshK heavy machine guns;
12 7.62mm FN MAG machine guns;
6 LPO–50 flamethrowers;
1 SAM–7 surface-to-air missile;
600 bomb detonators;
3 tons of Semtex plastic explosives

[From the Irish Times, Oct. 23, 2001]

TRIMBLE HINTS UUP WILL REENTER EXECUTIVE

(By Kilian Doyle)

The leader of the Ulster Unionists Mr. David Trimble said tonight he would recommend to his party that they reenter the

Northern Ireland executive following IRA weapons decommissioning.

Mr. Trimble was speaking after a meeting with the head of international decommissioning body, General John de Chastelain, where he said he was told the IRA had begun to put its arms beyond use.

"This is the day we were told would never happen", he said. Mr. Trimble said he would attend of meeting of the Ulster Unionists Council later this week, and he would be recommending that they re-enter the Northern Ireland Executive.

UUP ministers could be back in their offices in Stormont as early as next week, Mr. Trimble said.

[From the Irish Times, Oct. 23, 2001]

AHERN HAILS 'UNPARALLELED BREAKTHROUGH'

(By Kilian Doyle)

The Taoiseach, Mr. Bertie Ahern, said the IRA statement was an "unparalleled breakthrough" that was of "profound importance" to the peace process.

He said the IRA had now done enough to satisfy General de Chastelain, but there was still an "enormous" amount of work remaining to be done.

Mr. Ahern paid tribute to the leaders of the IRA, who he said had made a brave and difficult decision in agreeing to decommission.

The Minister for Foreign Affairs, Mr. Brian Cowen, said the statements from the IRA and the International Commission on decommissioning heralded a new era in the history of Ireland.

"That is a moment for political leaders to be responsive and generous. The reaction to decommissioning will be as important as decommissioning itself," he said.

"It is imperative that politics is made to work and that the nightmarish scenes like those from north Belfast are consigned forever to the pages of history."

"We must harness the new energy that has been released by today's developments and begin a new, dynamic era on this island at all levels, based on-partnership, equality and mutual respect.

"We simply cannot afford to let this opportunity slip."

Mr. Michael Noonan, the leader of Fine Gael, said he believed decommissioning had "already occurred" and that General de Chastelain would be confirming that "before too long".

"What we had was the Good Friday Agreement, there is an opportunity now to make it the Good Friday Settlement.

"Now that [decommissioning] has happened, it seems to me that there is no difference in principal between putting some arms beyond use and putting all arms beyond use."

Mr. Ruairi Quinn, the leader of the Labour Party, said we are now witnessing events of "historic proportions."

He said all parties must now intensify efforts to overcome the "distrust and sectarianism that has bedevilled Northern Ireland for so long."

There is a particular obligation on the loyalist paramilitaries to honour the statements made that they would follow suit if the IRA started decommissioning.

Mr. LEAHY. Madam President, as one who, like many here, traces part of his ancestry back to that beautiful and often troubled island of Ireland, I am happy with this news.

AMENDMENTS NOS. 1909 THROUGH 1920, EN BLOC

Mr. LEAHY. Madam President, I have a series of managers' amendments: Leahy-McConnell amendment and statement regarding Keh Ludden; McConnell-Leahy, antiterrorism; Brownback, human antitrafficking; Leahy-McConnell, AID operating expenses; Leahy-McConnell, notification; a Leahy endangered species; a Helms-Leahy-McConnell amendment on Iraq; a McConnell-Leahy on Hong Kong; McConnell on Georgia; Leahy-McConnell on Federal Republic of Yugoslavia; Leahy-McConnell on orphans; and McConnell on computer equipment.

I ask unanimous consent that they be considered en bloc, that the statements and colloquies be printed in the RECORD, and they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. MCCONNELL, for themselves and others, proposes amendments numbered 1909 through 1920, en bloc.

The amendments are as follows:

AMENDMENT NO. 1909

At the appropriate place in the bill insert the following:

KENNETH M. LUDDEN

SEC. . This Act shall be cited as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002.

AMENDMENT NO. 1910

(Purpose: To prohibit assistance to the government of any nation that harbored or financed individuals involved in the September 11, 2001 terrorist attacks in the United States)

On page 163, line 19, after "Syria" insert the following: ", or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States".

On page 177, line 19 after "Sudan,", insert the following: "or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States,".

AMENDMENT NO. 1911

(Purpose: To authorize assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking)

On page 212, line 25, after the period insert the following:

(c) Notwithstanding subsection (b) of this section or any other provision of law, funds appropriated by this Act may be made available for assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, subject to the regular notification procedures of the Committees on Appropriations.

AMENDMENT NO. 1912

On page 144, line 6, after "That", insert: ", in addition to funds otherwise available for such purposes,".

On page 144, line 9, after "State", insert: ", and not more than $4,500,000 shall be available for administrative expenses of the United States Agency for International Development".

AMENDMENT NO. 1913

On page 214, line 13, strike "30" and insert in lieu thereof: "15".

AMENDMENT NO. 1914

On page 121, line 10, after "1961," insert the following: "including in areas where population growth threatens biodiversity or endangered species,".

AMENDMENT NO. 1915

On page 219, line 15, strike everything after "That" through "equipment" on line 24, and insert in lieu thereof the following: "not more than 15 percent of the funds may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations regarding plans for the expenditure of funds under this section: *Provided further*, That funds made available under this heading are made available subject to the regular notification procedures of the Committees on Appropriations".

AMENDMENT NO. 1916

(Purpose: To extend the reporting requirements of title III of the United States-Hong Policy Act)

At the appropriate place in the bill, insert the following:

SEC. . REPORTS ON CONDITIONS IN HONG KONG.

(a) Section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731) is amended by striking "and March 31, 2000," and inserting: "March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006".

(b) The requirement in section 301 of the United States-Hong Kong Policy Act, as amended by subsection (a), that a report under that section shall be transmitted not later than March 31, 2001, shall be considered satisfied by the transmittal of such report by August 7, 2001.

AMENDMENT NO. 1917

On page 155, line 21, after "later" insert the following: ": *Provided further*, That the ninth proviso under the heading "Foreign Military Financing Program" in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by Public Law 106-429, is amended by inserting "or 2002" after "2001".

AMENDMENT NO. 1918

On page 225, line 18, after "any" insert the following: "new project involving the ".

On page 226, line 16, strike "15" and insert in lieu thereof: "10".

On page 227, lines 5 and 6, strike "United States executive directors of the international financial institutions" and insert in lieu thereof: "Secretary of the Treasury".

On page 227, line 17, strike "Agreement and its Annexes" and insert in lieu thereof: "Accords".

AMENDMENT NO. 1919

On page 125, line 1, strike "$25,000" and insert in lieu thereof: "$35,000".

AMENDMENT NO. 1920

On page 137, strike everything after "available" on line 9 through "schools" on line 12 and insert in lieu thereof: "to support an education initiative in Armenia to provide computer equipment and internet access to Armenian primary and secondary schools".

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments (Nos. 1909 through 1920) were agreed to, en bloc.

Mr. McCONNELL. Madam President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HONORING KENNETH MARTIN LUDDEN

Mr. McCONNELL. Madam President, each year, many people assist in the creation of the Foreign Operations bill. Besides the efforts of our staffs, hundreds of individuals from the Federal Government provide information and expertise on the Administration's funding requests. Unfortunately, on September 10, we lost one of the people who played a very important part of the creation of this bill for a number of years, Ken Ludden. Ken worked at the Department of Treasury as their Legislative Coordinator to the Office of the Assistant Secretary for International Affairs. Ken was a very capable and attentive liaison. Not only did he go the extra mile in trying to answer any questions we had, but he was so good at his job that he would know which member might be more concerned about one issue and provide information before staff would request it.

This was not Ken's first position in Government, in fact he dedicated most of his life to public service. He worked for Congressman Edwin Forsythe, at the United States Agency for International Development, for Senator LUGAR on the Senate Foreign Relations Committee, the Department of State and then Treasury. In between his time at the Departments of State and Treasury, Ken did spend some time in the private sector but then returned to public service to work as a congressional liaison. He seemed to genuinely enjoy working with the Hill. Like many former staff, Ken never forgot his Hill roots. he understood the needs of staff and members and the demands and expectations we face from our constituents. Ken also even made bad news easy to take—he would not stall or press an unworkable position but would work until common ground could be found between the Department and Congress.

In light of his dedicated service to the Committee, Senator LEAHY and I have offered an amendment in the manager's package that would designate the fiscal year 2002 foreign operations bill as the "Kenneth M. Ludden Foreign Operations, Export Financing and Related Programs Appropriations Act, for Fiscal year 2002." This is just a small gesture to acknowledge our appreciation for a life time of service to the American people. On behalf of the Senate, Senator LEAHY and I offer our deepest condolences to his wife, Mary, and their daughters, and his colleagues at the Department. We will miss him.

THE WHEELCHAIR FOUNDATION

Mr. STEVENS. Madam President, I rise today to express my appreciation to the Secretary of State, Colin Powell, for his assistance in the coming fiscal year to an exceptional organization—the Wheelchair Foundation. Since its launch in June 2000, the Wheelchair Foundation has delivered over 26,000 wheelchairs to individuals in 74 countries and throughout the United States. The World Health Organization estimates that some 25 million people around the world are unable to walk due to one cause or another. Various country officials and non-government officials in different countries around the world put the number at over 100 million.

To date, the foundation has been financed by private donations from the Kenneth E. Behring Foundation, private individuals, corporations, athletic teams and various non-profit organizations. Additionally, partnerships exist with the International Red Cross, Project Hope, Goodwill Global, Rotary International, Ronald McDonald House Charities, and Operations USA, among others. However, the Wheelchair Foundation has decided to intensify its efforts by launching a goal of delivering 1,000,000 wheelchairs to those in need in the next five years. In order to take its efforts to this next level, the foundation is seeking a public/private partnership with the Federal Government.

My staff has been working with the Secretary's office to try and create a workable partnership. One of the Federal programs we believe the Wheelchair Foundation can work with is the Denton Program. The Denton Program allows the Department of Defense, through a memorandum of understanding with the U.S. Agency for International Development to provide space available transportation of humanitarian cargo at little or no cost to the donor. The donor must ensure that (1) there is a legitimate need for the supplies by the people for whom they are intended; (2) that the supplies will in fact be used for humanitarian purposes; and (3) that the beneficiaries are capable of using the donated commodities safely. I think I can safely say that each of these requirements can be easily met by the Wheelchair Foundation. We have had notification from Secretary Powell's office that he agrees with these sentiments.

We have also been notified, that, assuming that we provide the adequate resources in the foreign operations bill, the Secretary will support providing funding to assist the program. The Wheelchair Foundation estimates that it will cost $150,000,000 to provide the 1,000,000 chairs. This approximately $150 per chair. Combined with the Denton Program support, any additional financial assistance that the Department of State provides would be greatly appreciated.

Mr. McCONNELL. Senator STEVENS, would you pause for a question? This program sounds like it has been very successful—but now requires some of the Federal Government's global contacts to make that extra step—is that correct?

Mr. STEVENS. Senator McCONNELL you are exactly right. The efforts by the foundation will not only utilize the vast resources of the private sector—but combine that with the experience and knowledge of the Department of State and the United States Agency for International Development. State and USAID each have personnel around the globe who are aware of the need for these chairs—from Central America to the nations of Africa to the Balkans to South East Asia. We are confident that these U.S. personnel can utilize their contacts in each of these communities to bring relief to those in need—and in five years—to reach one million people.

Mr. LEAHY. Senator, one more question please? Is there any limitation on who may receive these chairs? Are they designated for one group in particular?

Mr. STEVENS. No—one must only show a need—from innocent victims of landmines to those with muscular dystrophy—the Wheelchair Foundation has a single mission of bringing mobility and independence to those who cannot walk.

Mr. McCONNELL. Senator LEAHY, it is clear that Senator STEVENS has come to us on behalf of an organization worthy of receiving U.S. support and I look forward to hearing of the accomplishments they make in the coming year.

Mr. LEAHY. Senator, I concur with your assessment and hope that the foundation reaches its goals for the coming year.

Mr. STEVENS. Thank you both for your support and, again, for the support of the Secretary. I look forward to working with you all to ensure that this project is a success.

TREATMENT FOR PRIMARY IMMUNODEFICIENCIES IN LATIN AMERICA

Mrs. CLINTON. Madam President: I would like to begin by commending my friend from Vermont, Senator LEAHY, for his tremendous work in putting this foreign operations appropriations bill together. I also want to applaud the efforts of USAID for its support of child health programs over the last 25 years, and, particularly, for intensifying its efforts in 1985 with the child survival initiative. Today more than 4 million infant and child deaths are prevented annually due to the critical lifesaving health services provided by USAID and its partners.

It has been estimated that in Central and South America over one million children are afflicted with primary immunodeficiency. Individuals with undiagnosed primary immunodeficiency are a source of viral and bacterial infection. When left undiagnosed and unprotected this population harbors serious viruses, bacteria, fungi and deep-seated infections. I am aware that an immunology infrastructure is in place in several Central and South American countries to conduct early diagnosis and treatment. However, funds are needed to further enhance and develop appropriate treatment. The Jeffrey Modell Foundation has developed a successful model for combating primary immuno-deficiencies in the United States and around the world. I am hopeful that USAID, in collaboration with the foundation, will consider this model in Latin America. The components of this program would include physician education and public awareness, prevention, diagnosis and treatment.

I would be grateful if the chairman would join me in urging USAID to consider supporting the establishment of such programs in Latin America.

Mr. LEAHY. I want to thank my good friend from New York for bringing this to the Senate's attention. She has been a strong supporter of USAID's programs to improve the health of women and children in poor countries, and I applaud her for that. I look forward to having the benefit of her expertise on these issues, and will certainly encourage USAID to consider supporting the initiative she speaks of to combat primary immunodeficiencies in Latin America.

CAMBODIA'S MINISTRY OF WOMEN AND VETERAN'S AFFAIRS

Mr. BROWNBACK. The amendment I am offering will allow U.S. assistance to support programs and activities conducted by Cambodia's Ministry of Women and Veteran's Affairs, and local and international nongovernmental organizations to counter human trafficking in the Kingdom of Cambodia. The State Department's "Trafficking in persons Report" dated July 2001 designates Cambodia as a source, destination, and transit country for trafficked persons. I offer this amendment with the full understanding that the climate of impunity in Cambodia today has allowed the trafficking of persons—and other illicit activities—to flourish. However, the Ministry of Women and Veteran's Affairs has demonstrated the political will to address this problem in a meaningful way—and to coordinate its work with the NGO community—and I encourage the State Department and the U.S. Agency for International Development to support the Ministry's efforts. I yield to my friend from Kentucky for a question.

Mr. McCONNELL. My colleague has given serious thought to this amendment, and I commend him for his approach in selectively engaging the Cambodian government on issues of importance to the Cambodian people and the region. As a point of clarification does the Senator intend his amendment to allow the provision of U.S. assistance to any other segment of the Cambodian government, with the exception of the Ministry of Women and Veteran's Affairs for the sole purpose of combating human trafficking?

Mr. BROWNBACK. No. This amendment would permit U.S. assistance only to that Ministry for the sole purpose you mention. It is not my intention to subvert Section 560 of the FY 2002 Foreign Operations Appropriations bill. I seek only to support the reform efforts of the Ministry. It is a tragedy and horror that Cambodians can be abducted and sold into some form of slavery for as little as $30. One survey found that 68 percent of sex workers in Cambodia had been forced into prostitution by outright sale by parents or boyfriends or by being lured into brothels with promises of a good job. I thank Senator McConnell and Senator Leahy for their interests in helping Cambodia's women and children.

Mr. McCONNELL. I thank the Senator from Kansas for that clarification. I also want to note that the democratic opposition in Cambodia fully supports this amendment, and I ask that a letter from Cambodian Member of Parliament Sam Rainsy be inserted in the record following my remarks. I ask that I be added as a cosponsor to this amendment.

Mr. LEAHY. This is an important amendment that will enable the United States to support efforts by Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, which as Senator Brownback has noted is a terrible problem in that country. I commend him for his commitment to address this problem and ask that I be added as a cosponsor as well.

Madam President, if the distinguished Senator from Kentucky and I were to have our way about it, we would go to final passage, but I have a feeling there are probably some who may not be in favor of that.

I don't have anything else.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order to go back into morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM WILL NOT WIN

Mr. DASCHLE. Madam President, I come to the Senate floor today to share with my colleagues a speech that former President Clinton gave earlier this month to the Greater Washington Society of Association Executives. It is an excellent speech that underscores a point many of us have made right here on this floor: the terrorists will not win, because we will not allow them to win.

If the terrorists thought they would succeed in dividing us, they need only read this strong endorsement of President Bush by President Clinton.

If the terrorists thought they could use terror to force us to withdraw from the world, they need only read this blueprint for greater U.S. engagement across the globe.

And, if the terrorists thought that they would get us to succumb to fear, they need only read this testament to the bravery shown by thousands of Americans since September 11.

Mr. President, I ask unanimous consent that President Clinton's October 9, 2001 speech be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Former President Clinton's Remarks at the Greater Washington Society of Association Executives

Thank you.

I never imagined that I could draw a crowd like this just because my wife is a senator. Well, Helen, you'll have a lot of mentions in the index. When I was told Helen Thomas was going to introduce me, I said, "God, I hope she's doesn't get to ask a question." I thought her questions to me were term-limited. You know when Helen left the UPI, some reporters wrote that she had given up her front row seat at the White House press conferences. But it turned out not to be so. In a town where power is supposed to be vested in the office and not the individual, she is the exception to the rule: The only person powerful enough to quit her job and still keep her seat, and I am profoundly honored to be with her tonight. America is a better place today because of the 50-plus years she has given to the noble work of journalism.

Tonight, as we ask God's blessings on our men and women in uniform and their allies on their mission and pray that they return home safely. I thank the Greater Washington Society of Association Executives for going forward with this event, consistent with President Bush's request to us to go on with normal life in America.

Of course, it is not quite normal, and having been president and having been used to being second-guessed a bit, I want to make sure that anything I say here tonight about where we are and where we're going will be understood in the context of my complete support as an American for our president, his national security team and our allies in our efforts to deal with the challenges of terrorism.

Now, this bipartisan thing's getting downright amazing. Last week Bob Dole and I taped a public service announcement. To—he did make sure I sat on the left and he sat on the right. To make America aware of the Families of Freedom Scholarship Fund which has been established to raise $100 million for the children and spouses of those killed or disabled on September the 11th, including people from other nations. These people are going to make a big contribution to our national life in the years ahead if we make sure that we don't forget them, even in three, five, 10, 15 years. An amazing number of the men who died left wives who were pregnant. And this endeavor will therefore carry forward at least 21 years.

I thank the Greater Washington Society of Association Executives for assisting with a very special fund-raising event on October the 23rd from 5 to 7 at the Washington Hilton where President Gorbachev will be talking about the world after September the 11th. Attendance there will be free, but those attending are asked to bring a check payable to the Families of Freedom Scholarship Fund.

Thank you very much for supporting this effort.

Since September the 11th, I have spent a lot of time in New York with rescue and recovery workers, with survivors, with the families of the victims, with schoolchildren and their teachers, with people working to help people find answers and help people deal with their problems.

Today I attended the funeral of New York Fire Department Captain Fred Ill, a man who used to support my trips to New York as president. He was one of 10 firemen lost in one small firehouse in Midtown Manhattan and a remarkable man, who leaves a beautiful wife and three children, including a 22-year-old son who is a New York fireman. The fire department, you know, is like a Medieval army. The generals lead the charge. They don't sit on a hill and direct. So after this terrible incident, we lost our fire chief and his top three deputies. We lost the Catholic chaplain who was a friend of Hillary's and mine. Over 300 firemen died and it required the New York Fire Department to promote over 200 of its firemen to fill the ranks of their superiors who went in first. But because they did, thousands and thousands of others who would have died did not.

After one person in the temple of our home town of Chappaqua perished, Hillary and I were invited to come to Rosh Hashanah service there. And I happened to meet one of those two amazing men who was on the 84th floor of the World Trade Center Tower, which was hit on the 85th floor. He immediately told everybody to get in the stairs and go down and then, with another man, carried a women in a wheelchair 84 floors to safety.

I have been to the crisis center, first at the old armory on 26th and Lex and now at Pier 94, three times. There a man came to me and said President Clinton, "I'm glad to see you again. I first met you in Oklahoma City." And I said, "How did we come to meet?" He said, "You came to console me. My wife was in the building and I lost her." And he said, "The minute this happened, I took a leave of absence, got in my car and drove to New York because I had no one to talk to who knew what I was going through. And I thought maybe I could be there for these people." So he said, "I just come in and sit here all day and the people who are working with the victims bring them to see me."

I've met a lot of victims' families from all over the world and every conceivable group here in America. I met the British and the Germans and the Italians, the Chinese, the Japanese, the Indians, the Pakistanis, the Bangladeshis. I've met people from several African countries, from Mexico, Brazil, the Caribbean and elsewhere.

I've been in three schools, and two of them had double student bodies because the schools took in grade school kids in one case and high school kids in another who were blown out of their schools on September the 11th. One of these schools has a principal whose sister was killed at the World Trade Center. And she knew immediately that her sister might have been lost, but after her school was vacated, she walked five miles to the central office of the New York City school system to tell them that her children and teachers were well, and that as soon as they found them a building, they would conduct school again.

I have also had the great good fortune in the last few days of talking to people like you in Chicago, Los Angeles, El Paso, Little Rock and New Haven. And there are so many questions people have. You probably do too.

In the schools, the children want to know, the 9- and 10-year-olds, why do they hate us so much? How did bin Laden get all of these people to commit suicide anyway? If we hit them, won't they retaliate? The kind of things that you can't imagine a 9- or 10-year-old should ever have to think about. And I do my best to give them honest answers.

The men I talked with often speak with awe and admiration of what happened on the plane that went down in Pennsylvania. We ask each other whether we would have had the guts to take it down too.

When my oldest friend in the world, Mack McClarty called me and asked me how I was doing, and I asked him how he was doing and whether we would have had the guts to take the plane down if we had been on it, he said, "I think so and I sure hope so."

The mothers I talked to—and an astonishing number of women that Hillary and I know who are mothers of young children, have called me. They just, almost uniformly say, "Bill, is it going to be all right? Tell me it's going to be all right."

Tonight I'd like to sort through those questions with you, and I'd like to make these points.

First of all, though neither I nor anyone can tell you there will not be another terrorist attack on American soil, it will be all right, if we unite behind the president and our allies to fight terror now, if we spread the benefits and shrink the burdens of the 21st century all across the globe, if we bring freedom today to people who don't have it, and if we continue our efforts to become the people we ought to be, the polar opposite of what the terrorists represent.

We saw that in the sacrifices of the men and women of the police and fire departments in New York. The terrorists died to kill people, and they died to save them.

Make no mistake about it, this conflict represents a fundamental struggle that will go on for the next few years to define the soul of the 21st-century world. Mr. bin Laden, the Taliban have one set of answers. America and all the people who have rallied to our side, we have another.

Here's how, at least I think about this question. Try to imagine yourself on September the 10th. If I had asked you on September the 10th, "What do you believe is the dominant factor of the 21st-century world?" what would you have answered?

If you're an optimist, you might have said, "The globalization of the economy." After all, its lifted more people out of poverty in the last 20 years than have ever been lifted out in all of human history; brought America 22.5 million jobs, the lowest unemployment in 30 years; and brought benefits to people around the world.

If you're into technology, you might say, "No, no, it was the explosion of information technology." Think about this, when I became president in January of 1993, there were only 50 sites on the World Wide Web—50.

Unbelievable. It was still the private province of research physicists. When I left office in January of 2001, there were 350 million. Today, 30 times as much—as many messages are sent by e-mail as by the postal service or what the kids call snail mail.

If you're interested in politics and society, you might say, "No, it's the explosion of democracy and diversity within democracies."

I was honored to be president when, for the first time in all of human history, more people lived under governments of their own choosing than every before. And America became wildly more diverse. And I might add, much more interesting as a consequence of it.

The children I saw in Lower Manhattan who were blown out of their schools, represented at least 80 different ethnic groups and many, many different religions.

Or you might say, "No, it is the advances in science that will shape the early 21st century." We're going to find out what's in the black holes outer space. We're still finding new forms of life at the deepest points of our rivers and oceans.

The sequencing of the human genome, which was announced a couple of years ago, is going to enable us to give genetic profiles of young babies to mothers when they bring them home from the hospital. And really quite soon, countries with good health systems will be seeing babies born with life expectancies in excess of 90 years.

Scientists are working on digital chips to replicate the incredibly sophisticated nerve movements in the spines, raising the specter that we might be able to implant a chip at the base of the spine that will work like a heart pacemaker and enable people with damaged spines confined to wheelchairs to stand up and walk.

So you might say that will be the dominant thing in this new century.

On the other hand, if you're not much of an optimist, or if you're what Hillary refers to as the designated worrier in your family, you might mention negative things that you think are the dominant forces of the 21st century.

You might have said that environmental challenges will dominate the next 50 years and if not addressed they will swamp all these positive developments. Climate change, the water shortage, the deterioration of the oceans, nine of the hottest 11 years recorded since 1400 occurred in the last decade or so. If the Earth warms for the next 50 years at the rate of the last 10, we'll lose 50 feet of Manhattan island, the Florida Everglades I worked so hard to save, the sugar cane fields in Louisiana, several Pacific island nations, we will totally disrupt agricultural patterns all across the world and create tens of millions of food refugees meaning more fighting and more terrorism.

We have a terrible water shortage in the world. One in four people here today never get a clean glass of water. It also threatens agricultural production and the stability of life on the planet.

And, of course, the oceans provide most of our oxygen. There is now a dead space in the Gulf of New Mexico the size of New Jersey. And many people believe the deterioration of the oceans is a serious threat, which is one of the reasons we protected so much of the great coral reefs and the northern Hawaiian Islands and the coast there.

Or you might say, "No, no, long before global warming gets us, the public health crisis will get us." The health systems are breaking down all over the world. And we're going to be awash in epidemics. AIDS is the beginning. There are now 36 million cases of AIDS in the world; 22 million people have died. If present trends continue, there will be 100 million AIDS cases in four years. And while 70 percent of today's cases are in Africa, the fastest growing rates are in the former Soviet Union, on Europe's back door. The second fastest growing rate is in the Caribbean on our front door. The third fastest growing rate is in India, the biggest democracy in the world with nearly a billion people. And the Chinese recently announced they have twice as many AIDS cases as had previously been thought, and tragically, only 4 percent of their adults know how the disease is contracted and spread. If that keeps going, it will be the biggest plague since the bubonic plague killed one-fourth of Europe in the 14th century.

Or you might say, "President Clinton, you have got it all backwards. The global economy is not the positive development; it's the negative development, because Americans are getting rich, but half of the people in the world are still living on less than $2 a day." Think about that the next time you buy a cup of coffee. Half of the people in the world are living on less than $2 a day. A billion people are living on less than $1 a day. A billion people go to bed hungry every single night. One in four people die of AIDS, TB and malaria and complications from diarrhea every year. That's how—of all of the deaths in the world from wars, from terrorism, from heart attacks, from strokes, from accidents, one in four people die of AIDS, TB, malaria and complications from diarrhea, most of it little kids that never got a clean glass of water because they are poor. And it is projected that in the next 50 years the world's population will increase by 50 percent, almost all of it in the countries that are poorest and least able to handle it, creating a breeding ground for terrorists, who feel that they can recruit among the disposed.

Or even on September the 10th, if you'd been thinking about it a long time, you might have said, "No, the thing that could shape the 21st century most is the marriage of terrorism with weapons of mass destruction and ancient racial, religious, ethnic and tribal hatreds."

You might have pointed out that 700,000 people were killed in Rwanda, all innocents, with machetes in three months. Or that Bosnia, a country of only 6 million, lost 250,000 innocents in Milosevic's campaign of ethnic cleansing. Or that Kosovo had 1 million refugees created overnight..

Now here's the question I would like to ask you, since obviously all eight of these things probably had some resonance in reality for each of you. I mentioned four positive things: the global economy, the explosion of information technology, the advance of democracy and diversity and the advances in medical sciences and other sciences. I mentioned four negative things: environmental crises, health crises, half the world in poverty and the growth of terrorism rooted in ancient hatreds.

Here's the real question: What do all things have in common, the positive and the negative? They all are manifestations of a breathtaking increase in global interdependence. And it is very important that we understand this. The reason we have to be concerned about all of them, the positive and the negative, is that we live in a world where we have collapsed distances, torn down walls and spread information.

For Americans, it has brought us great bounty and has been, on balance, an enormous blessing. But it has also created vast new opportunities for the forces of destruction to come into our lives. My wife represents New York in the Senate. They have a million Dominicans alone. If the Caribbean has the second fastest growing rates of AIDS in the world, can New York escape it? We depend upon continually expanding markets for America's economy to grow. If half the people are still living on $2 a day or less 10 years from now can we continue to grow? We haven't changed human nature. And therefore, there will always be organized forces of destruction unless we succeed in finding a pill to change human nature or solve every problem on Earth. So if we take down barriers, collapse distances, spread knowledge, we are inevitably vulnerable here in ways that we never were before to those organized forces of destruction. Therefore, what happened on September the 11th is the dark flip side of the positive things that have come into a world without walls. That means that the great question of the 21st century is whether, on balance, it'll be a good thing for you and your family, your country and people like you in every corner of the world; whether we can expand the forces and reach of positive interdependence and shrink the impact of negative interdependence.

What are we going to do now?

First, let me try to put this into some perspective. In the whole of human history, no terrorist campaign has ever won on its own. Even when coupled with a successful conventional military strategy, terrorism has almost always backfired. In the great crusade that succeeded in capturing Jerusalem, the Christian soldiers burned a synagogue and killed 300 Jews, and proceeded to slaughter every man, woman and child who was a Muslim on the Temple Mount. And I promise you that story is being told today in the Middle East. We are still paying for it, and it was not necessary for the military campaign.

When I was a boy growing up in the South, when we should have been focusing on civil rights and equal rights for African-Americans, instead young white boys still learned the story about how General Sherman marched to the sea by burning all of the farms and burning Atlanta. It was, in fact, a brilliant military campaign, and by modern and ancient standards, rather tepid terrorism. He didn't kill innocent women and children. He just burned all of the farms and burned Atlanta to break their spirit and make them hungrier. But it was dumb politics that our efforts at national unity had to deal with for a century afterward.

The terrorist therefore, cannot win unless they affect the way we think and act. They want us to be afraid of them. They want us to be afraid of each other, and they want us to be afraid of the future—don't get on an airplane, don't put any money in the stock market, don't expand your business, lay people off, the Moslem sitting next to you might have a gun or a knife and they're coming again.

They want us to shrink. And they believe that terrorism might work in this modern world to achieve their objectives because we have collapsed distances and because the filaments of our economy are so delicately interrelated, so that they can have a big economic impact in southern Manhattan and scare the living daylights out of people all over the world who see it unfold. But they still can't win unless we give them permission. We are not about to give them permission.

So what are we going to do?

First, we have to support the president and all those who are leading us in the fight against the present terrorist threat. We will get better at this. Better at playing defense. Better at offense.

You should know that hundreds and hundreds of your fellow citizens, dedicated public servants, have been working at this for years to protect you from the awful thing that occurred on September the 11th. And they have had some astonishing successes since we got our own wake-up call back in the early '80s when our soldiers were killed by the suicide truck bomb in Lebanon. In my time, they stopped planned attacks on the Holland Tunnel, on airplanes flying from Los Angeles to the Philippines, on the pope. During the millennium celebration alone, a dozen planned terrorist attacks were thwarted, including planned attacks on the northeast and the northwest of our country by bombers who were picked up coming across from Canada. A plan to put a bomb at the Los Angeles airport, a plan to blow up the biggest hotel in Amman, Jordan. A plan even to blow up one of the Christian holy sites in the Holy Land. For those things which have been done, many people have been arrested and put in jail or executed. But obviously, everything that was done was not enough to prevent what happened on September 11th. So we have to make our defenses better. Airline security is being improved. We are also facing the fact that we have to do a much better job of using modern technology to track people when they are in our country. That will be done. And the president in the current campaign against the Taliban and Mr. bin Laden, with the help of our allies, is bringing to bear military forces to support our law enforcement efforts. And I might add, doing it in a way which deserves our commendation, accompanying it with humanitarian aid and making every effort not to do what bin Laden wants us to do, which is to kill as many civilians as he did so he can say we're no better than him. And I applaud the way this campaign has been conducted. Now, so we have to continue to do this.

But the second thing I want to say is that though nothing can ever justify the killing of innocents and terror tactics, we have to realize that we must do more to reduce the pool of potential terrorists. This is manifestly not about blaming America. I don't belong to that crowd. But it is about knowing our enemy, understanding the threats and acting according to our interests and our values. So many of the countries where terrorists recruit have 50 or 60 or more percent of the people who are under 18. Kids who never go to school, or if they do, are mostly indoctrinated instead of educated and know they won't have a job when they get out. So America must continue to work to reduce global poverty and to increase economic empowerment through education and other proven strategies.

We had a huge bipartisan effort last year to lead the world to its first big round of targeted debt relief for the 24 poorest countries in the world. So they got the debt relief, but only if it went to education, health care or economic development. We should do more of that. We funded 2 million micro-enterprise loans for economic empowerment among the world's poor. We should do more of that. We tripled overseas efforts to reduce AIDS by treatment and prevention. And the current administration has pledged $300 million, I think, to the Secretary General's Global Health Fund to fight AIDS, TB, malaria and diarrhea-related disease. We should do more of that. We should reduce the pool of potential terrorists by showing people that we will not claim for ourselves what we would deny to them.

We should continue to promote democracy throughout the world. It is no accident that the most fertile recruitment grounds for terrorists in the world occur in countries that are not democracies. Because when people cannot exercise any responsibility for themselves, they are kept in a state of permanent collective immaturity, and it becomes quite easy if they are in distress to convince them that our success is the cause of their problems. This creates, I might add, agonizing dilemmas for leaders of such countries, many of whom have been our friends but also are terrified by stirring dissent in their own countries. And it is going to be a significant challenge for us when the current military campaign is over.

But if you look at the Middle East, it's no accident that perhaps the stablest country is not the richest. Jordan is a country that is ripe for trouble. A majority of its people are no longer Jordanians; they are Palestinians. Indeed, the young queen of Jordan is a Palestinian. But the late King Hussein several years ago recognized that he had to find a way if he wished to preserve the monarchy as a relevant institution in modern times to give the people of Jordan some greater say over their own lives. So they began to have elections, real elections where real parties could run, including militant Islamic fundamentalists who could get elected to parliament. The problem is, as we all find, after the campaign when you get one of these jobs, you actually have to show up for work. And when you have to show up for work, people expect you to deliver, especially if they can hold you accountable. And so people of highly extreme political views have to reconcile them to get decisions made so that the country can go forward. You may have noticed some of that occurring in the previous years in America.

The same thing will happen in other countries with people of different views. The king of Jordan can still replace the prime minister. He is still the spokesperson and the leader of the state and the person who charts a course in foreign affairs. He comes to see our president in times like this. But it's an example of the kind of thing that we need more of. Because if people have no outlet for their frustrations at home and never have to take any responsibility for themselves, then they will never have an awareness of what they have to do to solve their own problems and to get the help that they may well deserve and to make the most of it if it comes.

This is a big issue and will grow larger in the years ahead.

Finally, we have to continue our efforts to show people all over the world that America is not the enemy of any faith or any people. Actually, Mr. bin Laden has a pretty hard case to make against America if you look at all the facts.

The last time we used military power was to protect the lives of poor Muslims in Bosnia and Kosovo. We lead the world in the debt forgiveness campaign I just mentioned. We stood for a fair and a just peace in the Middle East, which would have given the Palestinians their state, and their equities in their religious sites and a chance to make a genuine economically successful partnership with the Israelis.

We are not the enemy of the poor of Islam in the Middle East or anywhere else in the world.

I also think it's important to point out, however, that we'll have to keep working on this. We've got more to do there. And we have to keep working at home.

I was very encouraged when the president went to the mosque and met with the Muslim leaders to point out to the American people that Islam is not our enemy. The attacks on Muslims and mosques are regrettable. They are by in large carried out by people who are angry and scared and still ignorant of the roots and the diversity of Islam, because we're still learning about each other.

Sikhs have been attacked because they wear turbans and the Taliban does too. An Indian Christian was attacked because he looked like he might have been one of them.

We're still getting it right here. One the most moving encounters I've had since I started going into New York was outside the armory crisis center when I was talking to all of these victim's families, this huge guy was a head taller than me, was standing there, and he had big tears in his eyes. And I said, "Have you lost someone?" He said, "Not in my family." But he said, "I am an Egyptian Muslim American." And he said, "Believe it or not, I probably regret what happened more than you do. And I am so afraid my fellow Americans will never trust me again." That's one of the things they want. And we can't give it to them. We have to continue to live up to our founders' injunction about making a more perfect union.

The last thing I want to say is this: This is about more than what we do, it's about who we are, who they are and what the 21st century's going to be about. For between ourselves and the Taliban and Mr. bin Laden, there are radically different views about the nature of truth, the value of life and the content of community. It is at the root of all of this, would not be solved if we had perfect policies in all the areas that I mentioned.

They believe they have the truth. And if you agree with them, you've got it too. And if you don't—well, you know that.

We believe, and have believed since we were founded as a democracy, that no one has the whole truth; that the truth is something we can only fully realize when we're in a different place than Earth; that we are humans, be definition, fallible. We are on a journey toward understanding the truth.

This difference leads to radically different conclusions about the value of life. We believe everybody counts, everybody has a role to play, everybody deserves a chance. We have to learn from each other. They believe there are three categories of people: the people who accept their truth, who are Muslims; the Muslims who don't, who are heretics; and those that are Muslims, who are infidels. And if you are in the latter two categories, well, just to hell with you, even if you are a 6-year-old girl who just wanted to go to work with her mother on September the 11th at the World Trade Center.

They believe a community is people—made up of people who are all the same, who have the same religion, and the same beliefs and practice the same way, and that those beliefs have to be enforced by rigorous authority so we see on the television the excerpts from that movie, "Behind the Veil," with those Afghan women imprisoned in their burqas—I don't even know how they breathe in them—being beaten on the street by sanctimonious men with their little sticks, or in one case shot.

We believe that anybody can be part of our community as long as you accept the rules of engagement: individual equality, mutual respect, obedience to the law. We think we all do better when we work together. And this is a much more interesting country than it was 30 years ago because we have people here from everywhere. We've got people in this room here tonight from everywhere. Now our kind of community has a lot of problems. We still have hate crimes. We still have—because we're more open, we're vulnerable to the things that happen that we deplore. But it has created a lot of good, and it's given a lot of people from everywhere a chance to live their dreams.

Their kind of community has created 4.5 million refugees. So people are voting even there.

It's very important that you understand that we are up against a worthy adversary: a man of great intelligence, great wealth, great boldness who honestly believes he has the truth with his top aides.

It's also important that you believe—even though sitting here tonight you agree with me, that you understand this is very hard to do. We all organize the world into categories so we can think and function. We have to. Men, women, boys, girls, adults, children, black, white, Muslim, Christian, Ba'hai. Buddhist, business, labor, government, education. We have to. We have to organize reality into these little boxes.

And then our whole lives are spent acquiring the wisdom to understand that they do not reflect reality, they just capture a piece of it we can use so we can come to understand the unity of the human spirit and the human community. But it's very hard.

Look what happened to the greatest people of the age. Gandhi killed, not by a Muslim, but by a Hindu because he was a Hindu who wanted India for the Muslims and the Jains and the Sikhs.

Sadat killed by the organization the number two guy in Afghanistan heads today. Not by an Israeli rocket, but by an angry Egyptian who hated him for being willing to lay down a lifetime of military service to make peace with Israel.

My friend Yitzak Rabin killed, not by a Palestinian terrorist, but by an angry Israeli who thought he should not reach across the divide to recognize the legitimate aspirations of the Palestinians and try to bring an end to decades of slaughter and insecurity.

Mandela survived, praise God, but only after giving up 27 of the best years of his life, so that he was able to reach out to the other side without having the people of his own ethnic group and political views think he had betrayed them. This is not easy to do.

But if you look at America's long journey, it is worth the effort. So, yes, let us support the president. Let us win this battle. But let us look down the road to reduce those negative resources and spread the reach of those positive ones so that what we have sought for America we can one day offer to all of the world, and so that our children will see that we met this task in a way that not only helped their lives, but the children like them in every corner of the Earth.

Thank you, very much.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 2000, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 23, 2001.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

S. 1564. A bill to convey land to the University of Nevada at Las Vegas Research Foundation for a research park and technology center.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1909. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

SA 1910. Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, supra.

SA 1911. Mr. McCAIN (for Mr. BROWNBACK (for himself, Mr. McCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2506, supra.

SA 1912. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1913. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1914. Mr. LEAHY proposed an amendment to the bill H.R. 2506, supra.

SA 1915. Mr. McCONNELL (for Mr. HELMS (for himself, Mr. LEAHY, and Mr. McCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1916. Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, supra.

SA 1917. Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, supra.

SA 1918. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1919. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1920. Mr. McCONNELL proposed an amendment to the bill H.R. 2506, supra.

SA 1921. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2506, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1909. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

KENNETH M. LUDDEN

SEC. . This Act shall be cited as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002.

SA 1910. Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 163, line 19, after "Syria" insert the following: " , or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States".

On page 177, line 19 after "Sudan,", insert the following: "or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States.".

SA 1911. Mr. McCAIN (for Mr. BROWNBACK (for himself, Mr. McCONNELL, and Mr. LEAHY)), proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 212, line 25, after the period insert the following:

(c) Notwithstanding subsection (b) of this section or any other provision of law, funds appropriated by this Act may be made available for assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, subject to the regular notification procedures of the Committees on Appropriations.

SA 1912. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 144, line 6, after "That", insert: ", in addition to funds otherwise available for such purposes,".

On page 144, line 9, after "State", insert: ", and not more than $4,500,000 shall be available for administrative expenses of the United States Agency for International Development".

SA 1913. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 214, line 13, strike "30" and insert in lieu thereof: "15".

SA 1914. Mr. LEAHY proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 121, line 10, after "1961," insert the following: "including in areas where population growth threatens biodiversity or endangered species,".

SA 1915. Mr. McCONNELL (for Mr. HELMS (for himself, Mr. LEAHY, and Mr. McCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 219, line 15, strike everything after "That" through "equipment" on line 24, and insert in lieu thereof the following: "not more than 15 percent of the funds may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations regarding plans for the expenditure of funds under this section: *Provided further*, That funds made available under this heading are made available subject to the regular notification procedures of the Committee on Appropriations".

SA 1916. Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . REPORTS ON CONDITIONS IN HONG KONG.

(a) Section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731) is amended by striking "and March 31, 2000," and inserting: "March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006".

(b) The requirement in section 301 of the United States-Hong Kong Policy Act, as amended by subsection (a), that a report under that section shall be transmitted not later than March 31, 2001, shall be considered satisfied by the transmittal of such report by August 7, 2001.

SA 1917. Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 155, line 21, after "later" insert the following: "*Provided further*, That the ninth proviso under the heading "Foreign Military Financing Program" in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by Public Law 106–429, is amended by inserting "or 2002" after "2001".

SA 1918. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 225, line 18, after "any" insert the following: "new project involving the".

On page 226, line 16, strike "15" and insert in lieu thereof: "10".

On page 227, lines 5 and 6, strike "United States executive directors of the international financial institutions" and insert in lieu thereof: "Secretary of the Treasury".

On page 227, line 17, strike "Agreement and its Annexes" and insert in lieu thereof: "Accords".

SA 1919. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 125, line 1, strike "$25,000" and insert in lieu thereof "$35,000".

SA 1920. Mr. MCCONNELL proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 137, strike everything after "available" on line 9 through "schools" on line 12 and insert in lieu thereof: "to support an education initiative in Armenia to provide computer equipment and internet access to Armenian primary and secondary schools".

SA 1921. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 232, between lines 23 and 24, insert the following:

WAIVER OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN

SEC. 581. Section 907 of the FREEDOM Support Act (Public Law 102–511; 22 U.S.C. 5812 note) is amended—

(1) by striking "United States" and inserting "(a) RESTRICTION.—United States"; and

(2) by adding at the end the following:

"(b) WAIVER.—The President is authorized to waive the restriction in subsection (a) if the President determines that it is in the national security interest of the United States to do so.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Madam President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 23, 2001, at 9:30 a.m., in open session to consider the nominations of Joseph E. Schmitz to be Inspector General, Department of Defense and Sandra L. Pack to be Assistant Secretary of the Army for Financial Management and Comptroller.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 23, 2001 at 10:15 a.m. to hold a hearing.

Agenda

International Convention for the Suppression of Terrorist Bombings (Treaty Doc. 106-6) and International Convention for the Suppression of the Financing of Terrorism (Treaty Doc. 106-49).

Witnesses: The Honorable Francis X. Taylor, Coordinator for Counter- terrorism, Department of State, Washington, DC; the Honorable William H. Taft, IV, Legal Adviser, Department of State, Washington, DC; the Honorable Michael Chertoff, Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Brian Hanley, a fellow in my office, be allowed to be in the Chamber throughout the debate on the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 739

Mr. WELLSTONE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 191, and I ask unanimous consent that the committee amendment be agreed to, the amendment to the title be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

This is the veterans homeless bill. This is a bill that provides support for homeless veterans.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, on behalf of another Member on this side of the aisle and not myself, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Madam President, I very much appreciate the Senator from Kentucky saying that the objection is not on his behalf. I say to whoever is objecting that I am going to do this every day. I would like to know who objects. It is interesting. I am not going to mix the agenda. But in all due respect, it is hardly helpful to veterans to object to a piece of legislation that passed with unanimous support out of the veterans committee of Republicans and Democrats alike focusing on what is a national scandal.

If you look at the number of men who are homeless—there are too many women and children—probably about 30 percent of them are veterans. Many of them are Vietnam veterans. Many of them struggle with addictions.

This piece of legislation was a bipartisan piece of legislation coming out of committee. LANE EVANS has done great work for veterans in the House of Representatives. He has taken the lead. It is legislation named after Katie Marie Harman, who is Miss America. Her dad is a disabled veteran. She has made it her priority.

I say to whoever is objecting that I would like for them to come out on the floor of the Senate and object. Tomorrow I will spend as much time as I can finding out who is objecting to this piece of legislation. Pretty soon we will either find out, and we can work it out together, or I will figure out a way to come out on the floor with this legislation and take a long time talking about what is on for veterans and the health care needs in particular.

The fact that I can't even move a piece of legislation that passed with unanimous support out of a committee that deals with providing a little bit of help to homeless veterans—I am not being histrionic; I am not trying to be melodramatic—is just plain maddening.

My God, in order to have a piece of legislation that deals with universal health care coverage and national health insurance, there can be a debate about the role of the Government.

Economic stimulus, I hope we will have that debate. There are many other issues. But when you take the most modest step that you can think of—I will start outlining the provisions of this bill tomorrow when I get a chance—and you have support among Republicans and Democrats in the committee and you believe you can move it and you have a lot of veterans who are hopeful about it—a number of them came from all around the country to testify for this legislation—then we have some anonymous objection.

That is enough said for tonight. I hope tomorrow I can find out who is objecting and that we can pass this by unanimous consent.

I was working on amendments for this foreign operations appropriations bill. I want to let Senator REID, the whip, and other Senators know that the first thing tomorrow morning, or whatever best accommodates the Senate's schedule, I will come to the floor with amendments and be ready to go with time limits.

I will be very anxious to get done tomorrow. I am glad we are in session. I am glad we are on this piece of legislation.

Mr. REID. Madam President, that is very good. We want to finish this bill as quickly as we can. It is an important piece of legislation. We talked about it for a long time today. We are going to come in tomorrow at 10:30. If the Senator can be here at 10:30, as soon as we finish the business of the day, we will move right to his amendments. I would like to be able to tell the managers.

How many amendments will the Senator have tomorrow?

Mr. WELLSTONE. Madam President, if it is OK, I will ask unanimous consent when we come back on the floor that I be allowed to introduce the first amendment.

Mr. REID. The managers are not here. I wouldn't like to do that without their being here. How many amendments is the Senator going to have?

Mr. WELLSTONE. Three amendments. I will have one amendment that deals with the humanitarian crisis right now in Afghanistan. I am hoping the managers will accept it. I think it is a good statement. I think it is exactly what we are committed to as a nation.

I will take 20 seconds tonight to say that the President—and he was eloquent—said our military effort is not aimed at the innocent people in Afghanistan; we are going after terrorists and those who harbor terrorists. I think one of the best ways we can show that we are good people who commit by way of deed is to make a serious effort on the humanitarian front. We are going to have hundreds of thousands of children who are going to starve to death. The first amendment is going to be a resolution that talks about the need to make this a priority.

The second one is going to deal with the Andean plan, Colombia, and some of my concerns about human rights. The third one will be also a human rights amendment. I can do all of these with a time limit.

Mr. REID. Senator DURBIN and I spoke at some length on the floor this morning about the war in Afghanistan. It is certainly not against the people of Afghanistan. It is against the Taliban, which has treated people so brutally, especially women.

There are some good provisions in this bill already that relate to aid generally for the people of Afghanistan. So I personally look forward to hearing the Senator tomorrow. I am sure the managers look forward to his amendments. I am sure they would look forward to some reasonable time agreement to move forward on those amendments as quickly as possible. Hopefully one, two, or three of them can be accepted tomorrow.

Mr. WELLSTONE. I thank the majority whip. I hope one, two, and three of them will be accepted as well. That would be a first for me, but I will certainly try.

I yield the floor and suggest the absence of a quorum.

Mr. REID. Will the Senator withhold that, please?

Mr. WELLSTONE. I withhold and yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 464 through 469, 476 through 489, and the nominations at the Secretary's desk; that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF COMMERCE

Phillip Bond, of Virginia, to be Under Secretary of Commerce for Technology.

EXECUTIVE OFFICE OF THE PRESIDENT

John H. Marburger, III, of New York, to be Director of the Office of Science and Technology Policy.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) James C. Olson, 7892
Rear Adm. (lh) James W. Underwood, 8189
Rear Adm. (lh) Ralph D. Utley, 9691
Rear Adm. (lh) Kenneth T. Venuto, 2213

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Dale G. Gabel, 5350
Capt. Jeffrey M. Garrett, 5563
Capt. David W. Kunkel, 1601
Capt. David B. Peterman, 1735

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Duncan C. Smith, III, 8281

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Stephen W. Rochon, 4866

DEPARTMENT OF JUSTICE

Jay S. Bybee, of Nevada, to be an Assistant Attorney General.

Anna Mills S. Wagoner, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Margaret M. Chiara, of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

Robert J. Conrad, Jr., of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Thomas C. Gean, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

James Ming Greenlee, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Raymond W. Gruender, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Thomas M. DiBiagio, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

Thomas E. Johnston, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

Donald W. Washington, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

Patrick J. Fitzgerald, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

John McKay, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Karl K. Warner, II, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

COAST GUARD

PN1107 Coast Guard nominations (63) beginning Bryon Ing, and ending Joseph E. Vorbach, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 3, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

THE EXECUTIVE CALENDAR AND APPROPRIATIONS BILLS

Mr. REID. Madam President, let me just say, and spread on the RECORD today, these are 20 nominations that have been approved today, not counting those military promotions that are also part of the Executive Calendar. We have approved four judges. We have approved some very important Department of Justice nominations, including

U.S. attorneys. We have an Assistant Attorney General. There are some very important matters we have done today. I think it is important we have done this.

I say to my friends on the other side of the aisle, speaking for Senator DASCHLE and all of us on this side of the aisle, we are very happy that we are moving to the appropriations bills. We need to work together. We are glad we are able to do that now.

We are so happy we have been able to confirm these nominations. We look forward to confirming a lot more in the immediate future. We also look forward to working through these appropriations bills.

The two managers on the foreign operations appropriations bill—Senator LEAHY, the chairman of the subcommittee, and the ranking member, Senator MCCONNELL—are two of the most experienced legislators we have. I think we should be able to move through this legislation very quickly.

I am happy that in the morning we will have something on which to work. The Senator from Minnesota is going to be in this Chamber to offer amendments. We have every intent of finishing this bill tomorrow afternoon as early as possible.

ORDERS FOR WEDNESDAY, OCTOBER 24, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Wednesday, October 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Foreign Operations Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Wednesday, October 24, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 23, 2001:

DEPARTMENT OF COMMERCE

ARDEN BEMENT, JR., OF INDIANA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, VICE RAYMOND G. KAMMER, RESIGNED.

DEPARTMENT OF STATE

MELVIN F. SEMBLER, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ITALY.

ROBERT M. BEECROFT, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF MISSION, ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE), BOSNIA AND HERZEGOVINA.

CHARLES LESTER PRICHARD, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR NEGOTIATIONS WITH THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK) AND UNITED STATES REPRESENTATIVE TO THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION (KEDO).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN MARSHALL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE TERRENCE J. BROWN, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 23, 2001:

DEPARTMENT OF COMMERCE

PHILLIP BOND, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN H. MARBURGER, III, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) JAMES C. OLSON
REAR ADM. (LH) JAMES W. UNDERWOOD
REAR ADM. (LH) RALPH D. UTLEY
REAR ADM. (LH) KENNETH T. VENUTO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. DALE G. GABEL
CAPT. JEFFREY M. GARRETT
CAPT. DAVID W. KUNKEL
CAPT. DAVID B. PETERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DUNCAN C. SMITH III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEPHEN W. ROCHON

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JAMES H. PAYNE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN, EASTERN AND WESTERN DISTRICTS OF OKLAHOMA.

KAREN K. CALDWELL, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY.

LAURIE SMITH CAMP, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA.

CLAIRE V. EAGAN, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

DEPARTMENT OF JUSTICE

JAY S. BYBEE, OF NEVADA, TO BE AN ASSISTANT ATTORNEY GENERAL.

ANNA MILLS S. WAGONER, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

MARGARET M. CHIARA, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

THOMAS C. GEAN, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

JAMES MING GREENLEE, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

RAYMOND W. GRUENDER, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

DANIEL G. BOGDEN, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

THOMAS M. DIBIAGIO, OF MARYLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF FOUR YEARS.

THOMAS E. JOHNSTON, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

DONALD W. WASHINGTON, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

PATRICK J. FITZGERALD, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

JOHN MCKAY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

KARL K. WARNER, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

COAST GUARD NOMINATIONS BEGINNING BRYON ING AND ENDING JOSEPH E VORBACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 3, 2001.

HOUSE OF REPRESENTATIVES—*Tuesday, October 23, 2001*

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2904) "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes."

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 423. An act to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes".

S. 941. An act to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes.

S. 1057. An act to authorize the addition of lands to Pu'uhonua o Hōnaunau National Historical Park in the State of Hawaii, and for other purposes.

S. 1097. An act to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park.

S. 1105. An act to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1438) "An Act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mrs. CARNAHAN, Mr. DAYTON, Mr. BINGAMAN, Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Ms. COLLINS, and Mr. BUNNING, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS) for 5 minutes.

LET US BE STRONG AND COURAGEOUS

Mr. BACHUS. Mr. Speaker, America has proven time and time again that when we as a people are challenged and we dedicate ourselves to meeting that challenge, nothing can stop our Nation and nothing can stop our people. On September 11, our country was challenged yet again, challenged to defend our democracy, challenged to fight for our freedom and our way of life. When we as America accept a challenge, we are usually up to that challenge. That is the history of our forefathers; that is the history of our Nation.

As Americans, we are best when challenged. We proved that during World War I, our grandfathers; our fathers proved that during World War II. Now, in our own time, passengers aboard United Flight 93 proved that when they sacrificed their own lives to save more lives on the ground. Hundreds of firefighters, police officers, and paramedics, before our own eyes, rushed to save thousands of fleeing persons from the World Trade Towers. They were up to the challenge. They proved that when it was their time, they were ready, ready to face danger, ready to sacrifice, ready to put others first. At the Pentagon, we saw that same courage, that same willingness to sacrifice.

In Afghanistan, and the throughout the world, our servicemen and women are accepting the challenge of protecting the country. When they do serve our Nation, they put themselves at risk; and they are willing to take that risk.

That is a tradition we should be proud of; it is also a tradition that we in this House should live up to. It is that time now. We in Washington, we across America, are now confronted with a new mode of terrorism in the form of anthrax. It is yet only the latest in a series of a different mode of attack upon our country and upon our democracy and upon our freedom and upon this very institution.

We should take as an example past generations, their sacrifice, their willingness to risk, their willingness, if necessary, to face danger. In the past, they have fought to protect our land. Let us take as an example their sacrifice, that of the passengers of United Flight 93, that of the firefighters in New York, that of our brave troops around the world. Let us not back down from the challenge. Let us meet it head on. Let us not give in to the terrorists. Let us not give them the pleasure of seeing this House flinch at shadows.

With the words of FDR as an example, that "the only thing we have to fear is fear itself," a nameless, unreasonable, unjustified terror, let us not give in to that fear. President Roosevelt said those words in 1933, but they are still true today. Let us not be paralyzed in needed efforts to advance against our enemy. Let us not retreat from the floor of this House.

Let us also be willing to sacrifice as we have seen others sacrifice. Let us keep this floor open for business. Yes, it may entail some risk. Yes, it may entail some danger. But let us think of our troops in Afghanistan, what they face; let us think about those firefighters; let us think about that crew and the passengers on United Flight 93; let us think of our fathers during World War II and our grandfathers during World War I. Let us take up that same tradition.

Fear is the currency of terrorism. Let us not contribute to that fear by shuttering the doors of this House. Let us, instead, convert temporary retreat into long-term advance. Let us not tremble and be afraid. Let us be strong and courageous.

FEAR IS USELESS; WHAT IS NEEDED IS TRUST

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, it is such a privilege to be among the very first to rise in this Chamber after some uncertain days, to rise recognizing that timeless truth, that fear is useless, what is needed is trust.

We in this Chamber day in and day out do not only trust the American

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

people but we trust in the God whose name is ascribed above the Speaker's chair. By reconvening here today, we make an important statement to the world, to our friends and our foes alike, that the American Government stands ready and willing and able to do the people's business even in these challenging days.

Mr. Speaker, along those lines, I rise today specifically to speak about a relationship that the United States of America enjoys. It is not difficult for Americans since September 11 to imagine living in a country made the subject of repeated attacks against our citizens and even now against our leaders. It is also easy for every American to understand why a country whose innocent citizens have been murdered and whose leaders have been attacked would take temporary and necessary military action against the government and against the perpetrators of these acts to establish a just government in the land from which these attacks were launched and also to bring to justice those who harmed those citizens and harmed those leaders.

Well, even though it is so easy to imagine and identify with that as Americans, nevertheless, Mr. Speaker, in the wake of the first-ever assassination of a cabinet official in Israel, as our partners and friends since 1948 took the necessary military action to move not only against the perpetrators of this dastardly attack but also against the authorities that have harbored them and refused to bring them to justice, what did the State Department of the United States of America say, Mr. Speaker? Permit me to quote. Philip T. Reeker, State Department spokesman, spoke to the world media yesterday and accused Israel, the Nation in question, of killing "numerous innocent citizens," in its "unacceptable military action in six West Bank towns."

We have seen the tanks on the news, Mr. Speaker. We know, as foreign minister Shimon Peres said from our Nation's capital this morning, they have not the slightest intention of remaining in any of these West Bank towns. They are about the business of requiring that the Palestinian Authority bring to justice those who not only killed a cabinet official, have organized the death of innocent citizens in Israel, but also, Mr. Speaker, have boasted about it on television, just like Osama bin Laden has done. The United States said we, quote, "deeply regret and deplore Israel's actions."

What have they said of the Palestinian Authority or of Yasser Arafat or those who committed these crimes? Well, Mr. Speaker, we wrote a letter. The State Department of the United States deplores what Israel does, but we did write a letter to Yasser Arafat; not a public letter, but a very clear letter, we are told in the media, telling Arafat to make absolutely certain that the assassins were arrested.

Mr. Speaker, there is a great verse in the Bible that we have inherited from the great people of Israel. It is: "There is a friend who sticks closer than a brother, and now is a time for such friends." But why do we capitulate about Israel? I submit, Mr. Speaker, it is very simple. The reason we capitulate about Israel is because we are afraid. We are afraid, Mr. Speaker, to offend, to offend moderate Arab states that are assisting us in our own quest against a morally bankrupt government and against terrorists who attack our leaders and our innocent citizens.

But we need not be afraid. We need to recognize that fear is useless. What is needed is trust. The most powerful message we can send to our new friends in the Arab world is that we are good friends. What is a more powerful or compelling message to send to King Abdullah in Jordan or King Fahd in Saudi Arabia than to say, "When the going gets tough, when your Nation does what is necessary to be done, we will stand with you." America will always stand for justice and restraint. But America must stand with Israel.

America will stand with its friends, for fear is useless. What is needed is trust.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 2 p.m.

PRAYER

The Reverend Pete Williams, Harvest Baptist Church, Goldsboro, North Carolina, offered the following prayer:

Heavenly Father, we thank You for this beautiful day and for all the wonderful gifts that You have given to us. We thank You for the gift of salvation through Your son, Jesus Christ. We thank You for our families. We thank You for our country and the gift of government. We especially thank You for this House where we are gathered today and for the leaders that guide and defend our Nation. We pray that You will give the wisdom and knowledge that is needed to do Your business today. We ask that at this time of uncertainty that You would give the extra grace needed for the difficult tasks ahead.

We also remember those who have recently suffered and died for our country. These are true heroes. Father, on this anniversary of the Beirut bombing, we remember those heroes also. We thank You that we are a nation that is built on the foundation of Your word. Help us keep our Nation on these never-failing principles. Heavenly Father, we are proud to be "one nation, under God" and we commend this country into Your hands. We also ask for Your hand of protection during these times and we also want to especially leave this House in the blessed arms of our Lord and Saviour, Jesus Christ. In Jesus' name I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MCCARTHY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MCCARTHY of New York led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO PASTOR PETE WILLIAMS

(Mr. JONES of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. JONES of North Carolina. Mr. Speaker, I am proud and pleased to welcome Pastor Pete Williams and his family and friends to the United States House of Representatives.

Pastor Williams and his family live in Goldsboro, North Carolina, in Wayne County, home of Seymour Johnson Air Force Base. Pastor Williams is the pastor of Harvest Freewill Baptist Church in Wayne County.

I have known Pastor Williams and his family for 8 years, and I am most grateful for the friendship he has extended to me.

Pastor Williams is a true disciple for our Lord and he understands and reminds his congregation that the strength of America comes from God Almighty.

In this trying time, I want to especially thank Pastor Pete Williams and all ministers, priests, rabbis, and clerics who have helped all of America remember it is God who we must trust.

Again, I would like to thank my friend and brother from Christ, Pastor Pete Williams, for being with us today. God bless America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution and bill on Wednesday, October 17, 2001:

H.J. Res. 69, making further continuing appropriations for the fiscal year 2002, and for other purposes; and

S. 1465, to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 23, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 17, 2001 at 7:00 p.m.

That the Senate passed without amendment H.J. Res. 69.

That the Senate agreed to conference report H.R. 2217.

That the Senate passed without amendment H. Con. Res. 251.

That the Senate passed without amendment H.R. 146.

That the Senate passed without amendment H.R. 182.

That the Senate passed without amendment H.R. 1000.

That the Senate passed without amendment H.R. 1161.

That the Senate passed without amendment H.R. 1668.

Appointments: U.S. Capitol Preservation Commission (2).

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules for which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3086) to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President of the United States on September 14, 2001, as amended.

The Clerk read as follows:

H.R. 3086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Relief Opportunities for Students Act of 2001".

SEC. 2. WAIVER AUTHORITY FOR RESPONSE TO NATIONAL EMERGENCY.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this Act as the "Secretary") may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) as the Secretary deems necessary in connection with the national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) borrowers of Federal student loans who are affected individuals are not placed in a worse position financially in relation to those loans because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are borrowers of Federal student loans are minimized, to the extent possible without impairing the integrity of the student loan programs, to ease the burden on such borrowers and avoid inadvertent, technical violations or defaults;

(C) the calculation of "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family; and

(D) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that are located in, or whose operations are directly affected by, areas that are declared disaster areas by any Federal, State, or local official in connection with the national emergency may be granted temporary relief from requirements that are rendered infeasible or unreasonable by the national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this Act.

SEC. 3. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are members of the Armed Forces serving on active duty during the national emergency, for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for such service; and

(2) if affected individuals withdraw from a course of study as a result of such service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 4. USE OF PROFESSIONAL JUDGMENT.

At the time of publishing any waivers or modifications pursuant to section 2(b), the Secretary shall publish examples of measures which institutions may take in the appropriate exercise of discretion under section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt) to adjust financial need and aid eligibility determinations for affected individuals.

SEC. 5. DEFINITIONS.

In this Act:

(1) ACTIVE DUTY.—The term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) AFFECTED INDIVIDUAL.—The term "affected individual" means an individual who—

(A) is serving on active duty during the national emergency;

(B) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with the national emergency; or

(C) suffered direct economic hardship as a direct result of the national emergency, as determined under a waiver or modification issued under this Act.

(3) FEDERAL STUDENT LOAN.—The term "Federal student loan" means a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 20 U.S.C. 1087a et seq., and 20 U.S.C. 1087aa et seq.).

(4) NATIONAL EMERGENCY.—The term "national emergency" means the national emergency by reason of certain terrorist attacks declared by the President on September 14, 2001, or subsequent national emergencies declared by the President by reason of terrorist attacks.

(5) SERVING ON ACTIVE DUTY DURING THE NATIONAL EMERGENCY.—The term "serving on active duty during the national emergency" shall include an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with such emergency or subsequent actions or conditions, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

SEC. 6. TERMINATION OF AUTHORITY.

The provisions of this Act shall cease to be effective on September 30, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3086.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3086, the Higher Education Relief Opportunities for Students Act of 2001, or the HEROS Act.

This important bill provides the Secretary of Education with specific waiver authority under title IV of the Higher Education Act of 1965, which governs student financial assistance programs, to provide immediate relief to active-duty students with Federal loans who have been called up because of the war. This waiver authority addresses the need to assist students who are being called up to active duty, those active duty military being relocated, and those students directly affected by the attacks.

The events of September 11 changed our lives forever, and our peaceful way of life was shattered. Thousands of law-abiding citizens never realized their lives would end instantly in such an atrocity.

Earlier that day, I watched in horror as the second plane crashed into the World Trade Center. Later, when I stepped outside my house to go to the Capitol, a neighbor running by said, Congressman, it is going to be a rough day; they just blew up the Pentagon. I could see the smoke from the end of the street.

So to say that that moment was surreal is an understatement.

In response to the September 11 terrorist attack, many men and women who serve in our Nation's armed services are being called to active duty, including many college and university students. Many of these students participate in Federal financial aid programs and will be put in the difficult position of having to make student loan payments while on active duty unless Congress and the Department of Education act now to provide relief.

As America mobilizes for the war against terrorism, students serving in our armed services need our full support. The Education Secretary needs the authority to act quickly to protect the interests of U.S. students as well as the integrity of the financial aid programs themselves.

Under the bipartisan HEROS bill, the Education Secretary can grant waivers so that reservists leaving their jobs and families may be relieved from making student loan payments, for a time; victims' families may be relieved from receiving collection calls from lenders, and consecutive service requirements for loan forgiveness programs may be considered uninterrupted.

The waiver authority is similar to that provided to the Secretary during the Desert Shield and Desert Storm operations in 1991.

The Secretary of Education is in a unique position to act as ambassador between students, institutions of higher education, and the student aid community to ensure the necessary accommodations are provided to victims, their families, and our military personnel while, at the same time, ensuring the integrity of the student financial assistance programs.

The bipartisan HEROS Act also expresses the sense of Congress that higher education institutions should provide a full tuition refund or credit to students who serve in the military during this national emergency and cannot complete a course for academic credit.

I believe that we need to do all we can to support our men and women in the military. They should not have to be concerned about financial responsibilities at home while they are focusing on their task of defending our freedom.

This legislation will provide relief for the men and women of our military who are defending the freedoms of this great Nation. As families send loved ones into harm's way, the Higher Education Relief Opportunity for Students Act will allow the Secretary of Education to reduce some of the effects of that upheaval here at home.

This bill is an indication of the Congress's commitment to our military and to our students and families, as well as to those on the front lines who make higher education accessible.

Mr. Speaker, I urge my colleagues to support the bipartisan HEROS Act, and I look forward to swift passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I applaud the gentleman from California (Mr. MCKEON) for introducing this bill, of which I am a proud cosponsor, which provides student loan relief to individuals serving on active duty during this national emergency, and individuals residing in the disaster areas caused by the September 11 terrorist attack.

The Federal Government must do everything in its power to help ease the financial burden our brave men and women may endure while they fight overseas to rid the world of terrorism, as well as those directly impacted by the tragic events of September 11.

Although I believe this is a good bill and urge all of my colleagues to support it, I believe we are missing a good opportunity to vote on more sweeping legislation that benefits the spouse of a policeman, fireman, or other safety and rescue personnel that died in the line of duty on September 11. The gentleman from California (Mr. MCKEON), right before we started this debate, said that we would continue this discussion to see if we can do something in that regard in the future.

This body has worked aggressively to bail out our airline industry and will most likely debate an economic stimulus package later this week, but we have not done enough to help the spouses of the brave men and women who risked their lives in the line of duty on that tragic day.

I know firsthand how difficult it is to pay bills when one suddenly loses one's spouse who provided the majority of the family's income. Expenses such as a mortgage, food and clothes for kids, and car payments suddenly become daunting. Although I did not have student loans to repay, many spouses do.

Currently, the individual who died has their loan forgiven, but not the spouse who may have relied on the working spouse to pay the loans. I have spoken to several of these spouses who are in similar situations, and they need all of the help that is available.

Earlier today, legislation was introduced to provide student loan relief to all spouses directly impacted by the terrorist attack on September 11. It expands upon the measure introduced by the gentleman from California and provides spouses with desperately needed financial relief.

Although this language was not included in today's bill, I would hope, with the help of the gentleman from California, we can move separate legislation that helps the spouses as well as our military personnel with their student loan relief.

Today's legislation is a big step in the right direction which we can build upon, and I urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

☐ 1415

Mr. McKEON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I appreciate the proposal of my good friend, the gentlewoman from New York (Mrs. McCARTHY), and we tried to work through some of these issues, but given what has happened the last few days, it has been impossible to get everything worked out in time.

But I do promise to work with the gentlewoman on a separate bill to provide for the other victims that the gentlewoman commented on. I appreciate her efforts on their behalf.

Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I rise today in support of H.R. 3086, the Higher Education Relief Opportunities for Students Act of 2001.

First, I want to offer my thanks and congratulations to the gentleman from California (Mr. McKEON), the chairman of the Subcommittee on 21st Century Competitiveness, the author of this bill, and the gentlewoman from New York (Mrs. McCARTHY) for their efforts in bringing this bill to the floor today.

Mr. Speaker, on September 11, the lives of our citizens were turned upside down. Since that day, the President has asked us to try to get on with our lives and to get things back to normal, or at least as normal as normal will be.

In doing so, the people across the Nation have come together to help each other to do just that. Congress is also coming together to bring forward legislation to aid those directly affected by the attacks, as well as the military personnel that are being called to active duty. H.R. 3086 is one more step on the path towards recovery and normalcy.

This bill is simple in its purpose. It grants the Secretary of Education waiver authority within title IV of the Higher Education Act to provide necessary relief to those affected by recent attacks on America and any subsequent attacks. This waiver authority allows the Secretary of Education to address the needs of students who are being called up to active duty, those active-duty military being relocated, and those students directly affected by the attacks.

Mr. Speaker, this legislation provides the Secretary the ability to provide relief to affected individuals and institutions where it is deemed necessary while ensuring the integrity of the students' assistance programs.

The Secretary may relax repayment obligations for our active-duty Armed Forces, provide a period of time victims and their families may reduce or delay monthly student loan payments, and assist institutions and lenders with reporting requirements.

The bill will allow the Secretary to provide relief for the men and women of our military who are defending the freedoms of this great Nation. As families say good-bye to their sons, daughters, husbands, wives, and they embark on Operation Enduring Freedom, this legislation will allow the Secretary of Education to diminish at least some of the hardship for them and their families here at home.

This bill, while it addresses the issue arising from what has occurred, also allows the Secretary to address needs arising from incidents that may occur in the future. In doing so, the Secretary is authorized to waive statutory and regulatory provisions within the student assistance programs of the Higher Education Act to ensure that affected borrowers of Federal student loans are not in a worse financial position; to relieve administrative requirements on affected individuals so they are minimized without affecting the integrity of the programs; current year income of affected individuals may be used to determine need for purposes of financial assistance; and institutions and organizations participating in the Federal student loan programs that are affected by the attacks may receive temporary relief from certain administrative requirements.

Some are concerned that these waivers will be made in a vacuum. I trust that that will not occur. I will encourage the Secretary of Education and his staff to work closely with the higher education community, lenders, servicers, and others directly involved in the delivery of student aid to ensure that any waivers granted by the authority of this bill and any accompanying guidance is communicated swiftly and, where possible, after consultation.

These student aid providers know the programs and the impact on their students better than anyone here in Washington. Where it is appropriate and feasible to engage in a consultative process, I will encourage the Secretary to do so. This will only result in better communication and a more appropriate response to the students' needs.

I do want to thank the Secretary of Education for his swift response to the September 11 attacks by putting forward guidance to address what he could with the limited authority that he already has.

I also want to express appreciation to the institutions of higher education, lenders, servicers, guaranty agencies, secondary markets, and others for their swift response to the attacks, and for their willingness to take some additional administrative burdens to address the needs of students during a very difficult time for everyone.

Additionally, H.R. 3086 requires the Secretary of Education to report to Congress on the impact of the waivers implemented as a result of this bill. He will also provide recommendations for changes to statutory or regulatory provisions that were the subject of the waivers for our review for the upcoming reauthorization.

The bill has the support of my colleagues on both sides of the aisle. Congress is making clear its commitment to our military and to our students and families, as well as to those working with students directly in making higher education available.

Mr. Speaker, I am confident that all my colleagues in this Congress will stand proudly to vote yes today on H.R. 3086, and send yet another message to those who believe that they can topple the resolve of this great Nation or this government's commitment to its citizens.

I urge all of my colleagues to vote yes on this very important bill today.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER), someone who sits with me on the Committee on Education and the Workforce.

Mr. ROEMER. Mr. Speaker, I thank my good friend from the Committee on Education and the Workforce for yielding time to me.

Mr. Speaker, first of all, I commend the sponsors of the legislation, my friend, the gentleman from California (Mr. McKEON), and of course the gentlewoman from New York (Mrs. McCARTHY), for their strong work on this bipartisan legislation.

I thank the gentleman from Ohio (Mr. BOEHNER) and certainly the gentleman from California (Mr. MILLER), the ranking member, for their work on this as well.

On September 11, Mr. Speaker, we lost two buildings in New York City, another very important building was damaged and scarred, and we are even temporarily out of our office building today, but the determination and the tenacity of Congress, but more importantly the American people, to conduct the affairs and the important business of this country continues to move along.

We are currently engaged in debate on another bipartisan piece of legislation that addresses a couple of important topics.

One, it takes into consideration some of the personal sacrifices and the family sacrifices of people in the military.

Secondly, it continues to embrace firmly the ideals and the importance of a very, very good education in this country.

The HEROS Act, H.R. 3086, lives up to all these accounts. This ensures that those in the military do not have to make student loan payments while on active duty, and that they have a grace period upon returning to civilian life.

It also adjusts the eligibility for aid for students affected by the September 11 attacks, and adjusts deadlines for borrowers, schools, and lenders who live in the affected areas or are due to mail delays.

Finally, I would say that we have one shortcoming in this legislation. That is, as the gentlewoman from New York (Mrs. MCCARTHY) mentioned, we do not bring up, which should be in this bill and not be part of separate legislation, the fact that while we do address loan forgiveness for somebody who has perished or died in the tragic activities of September 11, we do not forgive the widow or widower's loan, or have direct loan forgiveness in this legislation.

Certainly, there are huge sacrifices that this family makes upon losing someone, but that pain and suffering and financial duress does not go away for the surviving spouse. I think it is very important for this committee to address this in conference; not later on, not in a separate piece of legislation, but within this bill, H.R. 3086, called the HEROS Act, because we have so many heroes, firefighters and police officers and their surviving families and spouses. They should not have to continue to pay on a loan that they have sustained. Let us include in this legislation that direct loan forgiveness.

Mr. MCKEON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I include for the RECORD a letter that we have from the New York State Higher Education Services Corporation expressing their full support for this Higher Education Relief Opportunities for Students Act.

They say, "As the State agency charged with guaranteeing Federal student loans in the State of New York, HESC is bearing a disproportionate share of the administrative and fiscal consequences of that day. While we are grateful to the United States Education Department for providing guidance on managing the Federal Family Education Loan Program business, we fear they are reaching the limits of their authority in providing the relief we need to address the myriad of business, educational, and human needs thrust upon all of us by this tragedy."

They add their strong support for this bill.

The material referred to is as follows:

NEW YORK STATE HIGHER
EDUCATION SERVICES CORPORATION,
Albany, NY, October 16, 2001.

Hon. HOWARD P. MCKEON,
Member of the U.S. Congress, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN MCKEON: On behalf of the New York State Higher Education Services Corporation (HESC), I would like to express our full support for the Higher Education Relief Opportunities for Students Act of 2001 (H.R. 3086). Quick action on this important piece of legislation is essential if HESC and the many other agencies, schools and colleges, lenders and loan servicing organizations involved are to have the flexibility and support necessary to respond to the very real human and economic need growing out of the events of September 11, 2001.

As the state agency charged with guaranteeing federal student loans in the State of New York, HESC is bearing a disproportionate share of the administrative and fiscal consequences of that day. While we are grateful to the United States Education Department (ED) for providing guidance on managing the Federal Family Education Loan Program business, we fear they are reaching the limits of their authority in providing the relief we need to address the myriad of business, educational and human needs thrust upon all by this tragedy.

As a measure of the costs of this tragedy, collections in the affected locales in New York City represent approximately 40 percent of our business. The losses in both gross and net revenues will extend well beyond the forbearance period, and we may require some form of federal financial relief to enable us to weather this disaster. The return to normalcy cannot be predicted at this time.

Again, HESC appreciates your understanding of the extent of this crisis and your willingness to give ED the latitude we all need to address the problems we have already identified and those we have yet to uncover.

Sincerely,

PETER J. KEITEL,
President.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS), my colleague on the Committee on Education and the Workforce.

Mr. OWENS. Mr. Speaker, I rise in strong support of H.R. 3086. I would like to applaud the spirit of both sides in terms of an agreement to amend this concept, at least, by having a bill later on which does address the problems faced by the numerous survivors, spouses, and children of people who perished in the September 11 attack in New York.

They deserve every possible consideration, and it means we really need to broaden the whole concept of heroes, and be as generous as possible with the concept of heroes, and do as much as possible for the surviving families. We cannot do too much.

There is a debate that has broken out a little bit because of the fact that there are numerous charitable organizations and nonprofit organizations raising money and distributing it, as well as the various benefits that government gives. I have heard people talk on talk shows about giving too much to these families, too much compensation.

I think it is a ridiculous discussion. We do not have the capacity to give too much. Until we learn how to resurrect the dead, we do not have that capacity.

Even in cases where people have not died, we are sending our soldiers into a situation where there are great risks. They deserve to have as much peace of mind as possible. Their families deserve to have as much help as possible. We should not drop two burdens on every family: the anxiety of having to worry about a loved one who has gone off to fight in Afghanistan, and at the same time have to worry about the ordinary kinds of things that everybody has to deal with, such as the mortgage and the tuition, et cetera.

So our concept of heroes should be as broad as possible and as generous as possible, because this is a very unusual war we are going into. The heroes will not always wear uniforms. They will wear different kinds of uniforms. Two mailmen are dead. They did not wear a military uniform, but I think we ought to recognize right now that those two mailmen are heroes in the war that seems to have no front.

With those two mailmen plus another casualty to anthrax, we have lost more people here in the home front since September 11 than we have lost since the military action started in Afghanistan. We had, unfortunately, two airmen who were killed in an accident, and that is two casualties we have. But we are losing people here. We are going to lose more here, and the heroes do not necessarily wear uniforms. And we are going to have to prepare our minds and our souls to embrace all the heroes that we can.

Mr. MCKEON. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from California.

Mr. MCKEON. Mr. Speaker, I appreciate the things the gentleman is saying. I realize that there are broader things that could have been perhaps addressed in this bill, but we wrote the bill specifically to give the Secretary the help he needed to help the students and those people that were called up to join in the war effort, and we went around the floor and we got a lot of cosponsors.

The gentleman knows how it is when people sign onto a bill. They do it based on what is in the bill. With that idea, we have felt like we could not go back and make additional significant changes without having to go back and individually contact each of those people to see if they would still support the new bill. The gentleman knows how the process works.

I would be happy to support the gentleman in other efforts he wants to do to help other people. But this bill, as we put it together and as we gathered support for it, was specifically to help those people that we have named.

I appreciate the gentleman's work in this regard. I would be happy to support the gentleman as we move forward in other areas.

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Mr. OWENS. Mr. Speaker, I understand the gentleman's remarks and I appreciate them. I started by saying I wanted to applaud the bipartisan spirit which we have agreed to already to address this matter another way later on. So I really am talking to a situation that I see developing.

I lost large numbers of firemen from companies in my district. I lost policeman. I lost a lot of individual young people who worked in the World Trade financial system. I have gone to too many memorial services, and they are all heroes. And the sooner we embrace them all as heroes, the better for the future, and to educate our own constituency and the American people in general. If someone gets a check from the Red Cross and a check from the United Way, and later on it is going to become a part of the victims' assistance fund, if we add it all up, it will not add up to the homicide of the loved one that was lost.

Let us be as generous as possible in our spirit for heroes and send that spirit out to America.

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), whose district covers Ground Zero.

Mr. NADLER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of this bill, which extends help to many of the heroes, firefighters, and the families of the firefighters and the police officers who gave their lives in trying to help people, to help the victims of the terrorist attack on the World Trade Center in New York City.

I do wish, however, that the bill was broader than it is, as has been stated by some of my colleagues from New York. Current law forgives the loans of the victims who were killed. But if a victim is killed, a police officer, a firefighter, an innocent civilian who works in the World Trade Center, their spouse, their family is left with any loans that they may have taken out; but the income with which to pay those loans is substantially, maybe totally substantially diminished, maybe totally eliminated. This bill should recognize that. We should deal with that.

We should, in this bill, and I hope we will in subsequent bills since unfortunately this bill does not do it, exercise the same loan forgiveness for the spouses of people who died in this terrorist attack, firefighters, police officers, emergency rescue workers or just plain people who happened to be there and were killed so that it is a little easier for them to try to pick up the shards of their lives and get on with their lives and recover from the terrible tragedy that occurred to them when their spouse was murdered by the terrorist attack on the United States.

I support the bill. I wish it were broader. I hope the committee can work on a further bill to extend what we are doing and take care of this omission from the bill.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from California (Mr. McKEON) for yielding me time.

Mr. Speaker, there has been much said that this bill is good but it could be better, and it could be better. The issue of loan forgiveness for spouses and children of those who died in the tragic events of September 11, the issue came up last week, about the middle of last week. As most of my colleagues know, the House was shut down last Wednesday night. The documents that are being referred to and the additional information that we considered putting in this bill were not available.

Secondly, as has been mentioned, the loans for those who were tragically killed in these incidents has been forgiven. To go beyond that, what we wanted was some type of CBO estimate on what the additional exposure would be. That information is not available. I think the commitment is clear from our side that we are willing to work as we have all year in a bipartisan way on our committee to address these issues. And certainly this issue will be addressed as this process continues to move.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to my colleague, the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, as the gentleman knows, he and I serve as conferees on the ESEA conference today and have served on this conference for the last several weeks, a lot happens in committees, in conference committees between the House and the Senate. I am hopeful that our distinguished chairman, who has done a very good job on our ESEA conference, will be open and amenable to including the forgiveness, not only to those who have died, but the remaining spouses, due to their hero status and due to their financial duress.

Mr. Speaker, I understand that a preliminary estimate from CBO might be in the range of $500,000 to cover all of the firefighters' and police officers' spouses and about $3 million estimate overall. Now, that is a preliminary estimate.

We are going to be looking at a tax bill, debating a tax bill next week that has $159 billion 10-year cost. I think $500,000 and $3 million is something that we can do for these families.

Mr. BOEHNER. Reclaiming my time, Mr. Speaker, as we have mentioned, we are going to continue to work together in a bipartisan way to address this issue. In what manner we will do it, I am not sure I am ready to commit to today, but we will continue to work together to make sure that those spouses and families of those victims are, in fact, taken care of.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

I strongly support the HEROS Act, H.R. 3086. I think it is a very good bill; and as our chairman, the gentleman from Ohio (Mr. BOEHNER) had said, things have been a little hectic around here in the last 10 days, and certainly on the Committee on Education we have worked very closely over the last year. So I know in good faith that we will be able to work out to take care of those victims who are going to need it, and I look forward to that.

I certainly stand here and recommend to all of my colleagues to pass this bill. It is a first step. We should be taking care of our people in the service.

Mr. Speaker, I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to see that the higher education community, as well as the student loan providers, have come forward to assist students in this difficult time. Some of the administrative burdens within the student aid programs often thwart efforts of these professionals to work with students on individual needs. However, in this case, they really have worked diligently to step forward and do what is necessary and, with the Secretary's initial guidance, made great efforts to do what is right, even though it meant additional processes or paperwork for their operations.

I appreciate the support from both sides of the aisle on this bill, and I realize that there are some concerns that it does not do everything that we would like to do, but I guess we could probably say that about every bill that we bring to the floor.

I know at least myself, I could have found several things in bills that I did not care for or felt were left out, and that is the case with this bill; but we have made a good effort, and I think it does great things for those who are being called up to defend us in these times of this war and the stress, and I think that we should move forward and support this bill.

I appreciate my good friend, the gentlewoman from New York (Mrs. McCARTHY), for the help that she has been on this.

I would like to thank members of our committee staff and personal staff, Kathleen Smith, George Conant and James Bergeron, from my personal staff for all the work that they did. I know over the weekend they were trying to find a place to meet. It was difficult and they put in extra hours, and I want to thank them for their efforts.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3086, the Higher Education Relief Opportunities for Students Act or HEROS Act. I commend my colleague, the gentleman from California, Mr. MCKEON for his leadership on this issue and for introducing this important legislation.

H.R. 3086 recognizes that as a result of the September 11th attacks on America, a number of student loan borrowers find themselves in dire economic circumstances. The World Trade Center attacks left some 100,000 individuals jobless, without any way in which to continue repaying their federal student loans. Moreover, the 6,000 Americans who died left behind substantial debts and in many cases, families are left without their major breadwinner. This legislation calls on the Secretary of Education to waive or modify current regulations regarding loan repayment to take into account the very special circumstances surrounding the thousands affected by the events of September 11th.

In addition, with the deployment of troops to Afghanistan, thousands of men and women will be called to active duty and required to leave their daily lives behind. For many this means leaving school. This legislation calls on all colleges and universities to provide a full refund to students who are members of the Armed Forces serving on active duty during the national emergency, for the time that the student was unable to complete courses, or for which the student did not receive academic credit, because he or she was called up for such service. Similarly, if affected students withdraw from a course of study as a result of such service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

During this time of national crisis, every American has been and continues to be affected. The thousands who are now facing certain economic difficulty, as well as those men and women fighting to ensure democracy and freedom overseas, need our help and understanding. This legislation is just one small way in which we can alleviate some of the burdens from those families left behind after the September 11th attacks, as well as American service men and women. I am pleased to support this legislation and I urge my colleagues to vote for H.R. 3086, the HEROS Act.

God bless our service men and women and God bless America.

Mr. MCKEON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 3086, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MCKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FREEDOM BONDS ACT OF 2001

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2899) to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom Bonds Act of 2001".

SEC. 2. ISSUANCE OF FREEDOM BONDS.

Section 3105 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) FREEDOM BONDS.—The Secretary may designate one or more series of bonds or certificates (or any portion thereof) issued under this section as 'Freedom Bonds' in response to the acts of terrorism perpetrated against the United States on September 11, 2001."

SEC. 3. STUDY OF PUBLIC DEBT MANAGEMENT.

(a) IN GENERAL.—The Commissioner of the Public Debt shall conduct a study of the administrative costs of the Bureau of the Public Debt associated with managing the public debt, including, with respect to the various types of debt instruments, interest rate costs and personnel and processing costs related to issuing, redeeming, and otherwise administering the instruments on both an annual basis and on a transaction basis. The study should include—

(1) cost comparisons between high-amount, lower-volume instruments (such as large Treasury bills and notes with varying maturities) and low-amount, high-volume instruments such as savings bonds,

(2) an analysis of the impact of the savings bond program on the Federal Government, and

(3) an analysis of the impact of the savings bond program on savings opportunities for the public.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of the Public Debt shall submit a report of such study to the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HOUGHTON) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to echo many of the sentiments and the feelings that other people have expressed today, but I would like to do this in this particular context of the bill.

As we all know, last month we suffered a terrible blow and lives were lost and buildings were destroyed and families were maimed and businesses and structures were destroyed; but the American spirit, as always, stood firm in the face of adversity, and there was an outpouring of support for recovery and rebuilding. Police and firefighters and rescue workers and volunteers of every kind worked around the clock to respond to this attack.

The American people have shown a commitment to these efforts by donating to charities in record numbers, over $300 million to both the Red Cross and the United Way, for example; and blood banks, as we all know, have been overwhelmed with donations, some 500,000 in 2 weeks after the attacks. School children across the country are involved in raising money for the attack victims and the children of Afghanistan.

This particular legislation allows another way for individuals to support our relief efforts. The Treasury Department is authorized to designate new savings bonds as freedom bonds in response to the acts of terrorism of September 11. These freedom bonds will provide a method for people across the country to lend their support to our country by purchasing savings bonds.

I congratulate my colleague, the gentleman from New York (Mr. SWEENEY), for introducing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me just echo the comments of the gentleman from New York (Mr. HOUGHTON). The gentleman is absolutely correct. I agree with everything that my colleague has said about the events of September 11, the response by our communities, our collective communities since September 11, and the fact that our Nation has really come together.

I must tell my colleagues that wherever I go in my district people want to know what they can do to help; and I want to thank the gentleman from New York (Mr. SWEENEY) and the gentleman from New York (Mr. LAFALCE) for bringing forward this legislation that allows one more opportunity where our Nation, where our citizens can demonstrate how they can also help in our effort to beat back the terrorists and what they have caused to our country.

H.R. 2899 establishes the freedom bonds, the United States savings bond. I think many of us remember during other periods of America's history when we have been tested. People lined up in order to buy United States savings bond, victory bonds and now freedom bonds. It is an opportunity to invest in our Nation and to become part of the way in which we deal with the effects of September 11.

The proceeds will go to assist in the recovery and relief operations following the terrorist attacks, including humanitarian assistance, and to combat terrorism. This is a way for the public to show support in our fight against terrorism. It is a safe, low-risk investment that is available for the average person in our community. The average person can participate by buying a freedom bond.

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It is a statement that the Federal Government stands ready to raise funds needed to finance the war against terrorism with the full participation of the American public.

For all those reasons, I want to thank my friend, the gentleman from New York (Mr. HOUGHTON), for bringing forward this legislation. We strongly support it in a bipartisan way.

Mr. Speaker, I reserve the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume. I congratulated the gentleman from New York (Mr. SWEENEY) in my statement, but I also want to thank the gentleman from New York (Mr. LAFALCE), and I am sorry for that omission.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the gentleman for yielding me this time, and I applaud the bipartisan cosponsors of this resolution.

I want to rise in strong support of H.R. 2899, the Freedom Bonds Act of 2001. This legislation draws upon the heritage of our greatest generation. During World War II, war bonds were one important way that every American could help make sure that our men and women in uniform had what they needed for victory. My own district is home to Libertyville, Illinois. Libertyville sold more war bonds per capita than any other city in America. Libertyville oversubscribed every bond quota assigned, and this achievement led to a unique honor.

In the fall of 1942, a young sailor reported for duty at the Great Lakes Naval Training Center. Like the 3 million Americans who entered the Navy there, James Cagney trained for war. On September 10, 1942, he was able to leave the base and paid a unique honor to Libertyville's war bond drive by opening a major Hollywood movie there, Desperate Journey. Desperate Journey was a war thriller starring Errol Flynn and Ronald Reagan and it opened at the Libertyville Theater. Tickets went for a $25 war bond, and the evening was a smashing success, raising $110,000 for the war effort.

Mr. Speaker, in these tough times after September 11, we return to our values in tested ways to support our country and the cause of freedom. This legislation recalls that spirit of Libertyville to enlist the help of every American in our cause against terrorism. I would hope that this legislation receives quick action and that Libertyville can help launch our State's freedom bond effort. With the help of our historian, Dean Larson, we can join our proud heritage with the mission ahead.

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAFALCE), who is the sponsor of a bill similar to the one we are debating here on the floor today.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of H.R. 2899, the Freedom Bonds Act.

Immediately after the September 11 attack, I introduced legislation authorizing the U.S. Treasury to issue special bonds to help fund victim relief, rebuilding, military activity, counterterrorism activities, et cetera. So, too, did a number of other Members of Congress.

The legislation before us today represents an amalgam of various bills introduced in both the House and the Senate that would authorize the U.S. Treasury to redesignate either all or part of the current Series EE savings bonds as Freedom Bonds that will be available for purchase anywhere in our country at local financial institutions and also through the Treasury Department Web site directly.

Now, there are some media commentators who have suggested that these bonds will not be the best investment possible. Well, that could well be true, but that totally misses the point. It is not about being the best financial deal, it is about giving all our citizens an opportunity to play an active role in our Nation's response to terrorism, the same role that their parents and grandparents of the greatest generation played in contributing to the defeat of the axis powers half a century ago.

It is obvious that the people want to contribute and actively participate in our Nation's response to international terrorism. They call every day. What can I do? Can I give blood? Can I do something? Well, we are now giving them an opportunity to purchase Freedom Bonds. The government will use this money for a multiplicity of purposes, including those I have just articulated: fighting terrorism. But the stronger our government is financially, the stronger response we will be able to make against terrorism.

This legislation will allow all Americans the opportunity to purchase bonds that are virtually risk free, and not a bad investment when we consider what our investment might have been if we had invested in the market, oh, say, March of 2000. We might be way, way, way ahead of the game right now had we purchased EE bonds. The gentleman from New York (Mr. HOUGHTON) from Concordia, New York, understands what I am saying.

And, Mr. Speaker, let me congratulate the gentleman from New York (Mr. HOUGHTON) on the award that he is going to receive tonight from the Center for National Policy, and let me also congratulate him for having the courage to bring the lawsuit in Federal Court challenging that clearly abusive decision of the FEC. I simply paid the fine. I did not have the courage to go into court, as the gentleman is doing. God bless him.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in support of the Victory Bonds Act of 2001 that was introduced by the gentleman from New York (Mr. SWEENEY), the gentleman from New York (Mr. LAFALCE), and the gentleman from Maryland (Mr. CARDIN), and all those who have worked so very hard here to bring this bill to the floor, including the gentleman from New York (Mr. HOUGHTON).

Like so many other Members of this body, I also have introduced a savings bond measure and find that this one has many similarities to the one that I have introduced and would urge the support of my colleagues for, and I would ask the American people to think very hard about purchasing one of these freedom bonds in order to help in our war efforts. The amount of yield on the bond would be announced on a fairly regular basis, but it is more than is paid for a current savings account in a local financial institution and is guaranteed by the full faith and credit of the government of the United States.

It is probably important to say for the record that it is also important to purchase savings bonds because in the last 20 years almost half of our public debt is now owned by foreign interests. This is a staggering figure. We pay over $370 billion a year to offshore interests to finance the spending of this economy. The past due bills for the defense of the Nation, for the bailout of the savings and loans, and for all the other expenses accrued in this government has gone up markedly over the past two decades. This is a real way to make America free again and to become independent again.

I would also urge, in discussing the purposes of this particular bonds act to assist in the recovery and relief operations following the terrorist acts, including humanitarian assistance and to combat terrorism, that probably the key way that America can become independent again is to cut our chief strategic vulnerability, which is our dependence on imported petroleum.

It is no coincidence that Saudi Arabia is the major nation in the Middle East from which this Nation imports petroleum. Of course, we import also from Venezuela, Mexico, Nigeria, and other places where democracy is not exactly in full bloom. So I would hope that as these bonds are purchased by the American people, that we would look very hard at energy independence for our country and begin to wean ourselves off our very dangerous dependence on imported petroleum.

In fact, to combat terrorism in the future, the most important way to do that is for us to be independent here at home and to use some of these dollars for investment in renewable technologies here in the United States, in clean technologies, in the biofuels that we can produce off our land, and in the clean coal reserves that we can develop, where we have more Btus underground than the Middle East has in Btus in the form of petroleum.

So I want to commend the authors of this legislation to create freedom bonds and ask the entire American public to participate in this. Think about this for Christmas and holiday gifts; think about it for anniversary and graduation presents. It is the most important purchase Americans can make this year, particularly when the proceeds are invested in job producing projects here at home, and not just idle consumption but in fact produce new wealth creation industries here at home.

I would hope that kind of creativity is a part of the execution of these Freedom Bond Acts, and in closing, I offer full support for this measure, Mr. Speaker.

Mr. HOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY), who is the original conceiver of this legislation.

Mr. SWEENEY. Mr. Speaker, I want to thank my friend, the gentleman from New York (Mr. HOUGHTON), for his help and all his advice and counsel, and the ranking member, the gentleman from Maryland (Mr. CARDIN) for their help.

I apologize, Mr. Speaker, for being here a little late as this bill has gone forward, but in these extraordinary times I was at another meeting trying to work out other important matters that face my district in New York and the Nation.

I am proud today to be introducing the war bonds legislation authorizing the Department of the Treasury to establish a special category of U.S. savings bonds to help the government pay for rebuilding initiatives and anti-terrorism actions following the September 11 attacks on New York City and Washington, D.C. As I said, extraordinary circumstances now face our Nation, and in facing those circumstances lawmakers and leaders in Washington must take extraordinary action, and certainly the citizens of this great Nation.

The government will need to have every option available to it as we pursue the treacherous cowards responsible for the acts of war against our Nation. Let us join the other body today in passing this legislation. The Treasury Department has indicated its support for the measure which would allow the Treasury to borrow at a lower rate of interest and thus maximize the return of assets to be put towards the war effort.

Mr. Speaker, it is important to note that these instruments will most likely replace existing government securities and therefore not compete with other nongovernmental investment vehicles. I would also like to encourage the Department of the Treasury to use the Ad Council to develop the public awareness of this program.

At this time, Mr. Speaker, of great national unity, these war bonds serve as an ideal vehicle for Americans to support efforts to bring those responsible for these attacks to justice. They will provide the American people an important and tangible method to be part of the effort that will be ongoing and endearing. The bonds will provide the average citizen with a convenient option for exercising their patriotism and showing their support for our efforts, and they will create additional resources for our government to use in expediting this effort.

If passed, this legislation will allow patriotic citizens to contribute to their country in a time of need and simultaneously help finance the rebuilding of our Nation, as well as the efforts to bring the culprits of the attack to justice.

Mr. Speaker, let me conclude by saying that the bill provides great flexibility and discretion to Treasury in the hopes that the Treasury Department may expedite implementation of this program. It is my hope that such swift implementation will maximize the positive effects we expect to see here.

Mr. Speaker, I urge the support of all my colleagues to pass this important bill today.

Mr. CARDIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

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Mr. LEVIN. Mr. Speaker, I rise in support of this proposal. On May 1, 1941, the first World War II bond was sold to President Franklin D. Roosevelt by Secretary of the Treasury, Henry Morgenthau. Over the course of the war, more than $185 billion in war bonds were purchased by more than 85 million Americans.

In one of his famous fireside chats, President Roosevelt told the American people, "All our fighting men overseas today have their appointed stations on the far-flung battlefronts of the world. We at home have ours, too. We are proud of our fighting men, most decidedly. But, during the anxious times ahead, let us not forget that they need us, too."

President Roosevelt went on to say, "Whatever else any of us may be doing, the purchase of war bonds is something all of us can do and should do to help win the war."

If we are to win the long war against global terrorism, it is clear that the fight must be waged, not only by the Federal Government, but by the united American people. The war bond is both a symbol and an expression of this unity.

Mr. Speaker, I was home in my district over the weekend talking with my constituents and meeting with local leaders, including law enforcement and emergency response personnel, mayors, city managers and county and State officials. I was struck by how much everyone I spoke to wanted to do whatever they could to help us with the fight against terrorism and to protect lives and safety on the home front.

It is clear that we need much better planning, information sharing, and coordination between all levels of government: Federal, State, and local. There must be greater coordination among communities. As he works to strengthen homeland defense, our former colleague, Governor Ridge, has a vast reservoir of talent and experience on the local level to draw on. The challenge is to find a way to tap this resource.

This bill is one way to tap the resources of individuals, of countless citizens of this country, to help fight, keeping within American traditions, the fight against terrorism. I urge support of this bill.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in concluding that this is another opportunity for us to show the unity of our Nation, to allow the average person to be able to help contribute to a successful conclusion of our war against terrorism. I urge my colleagues to support the Freedom Bonds Act of 2001.

Mr. Speaker, I yield back the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to admit I was against this legislation originally because the whole concept of victory bonds in World War II was to take money out of the economy so it would not be chasing consumer products which were no longer in existence because the production had moved towards defense.

But then in thinking through what is happening here, everybody wants to be a part. Everybody wants to be a part of our effort, whether they give money to the Red Cross or whether they give blood in a blood bank. I think this is a worthy cause and something which Americans can identify with, and I think it is the right thing to do.

Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) very much for his participation here; and I thank the originators of this bill.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2899, the War Bonds Act of 2001. I urge my colleagues to Support this timely, patriotic measure.

This legislation directs the Secretary of the Treasury to establish a new class of government bonds to finance the Rebuilding effort needed in response to the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

Mr. Speaker the barbaric attacks in New York City and Washington on September 11th represent the deadliest act of terrorism ever carried out as well as the first foreign assault on the continental United States since 1814. They claimed more than 5,000 lives and the final cost will be well into the tens of billions of dollars.

These attacks clearly represented an act of war against the United States and on our way of life. For this reason, we are now engaged in sustained military operations in south Asia against the terrorist organization responsible for these attacks and their primary state sponsor.

The response of the American people to these horrible attacks has been stunning and unprecedented in its scope. Hundreds of millions of dollars have been raised by charitable organizations, and the Depth of the American people's generosity appears limitless. Still, there are many who wish to do more.

This legislation provides an excellent opportunity for all Americans to join in this important fight. War bonds were last issued during World War II, where their purchase was seen as a patriotic duty. Between 1941 and 1945 the American people purchased more than $185 billion in war bonds.

Given the overall public mood since September 11th, as well as the large costs that will be associated with the prosecution of the war on terrorism and the recovery and rebuilding operations in New York and Virginia, this legislation is both timely and appropriate. The American people wish to join their Government in fighting back against terrorism. This legislation will make that participation possible.

Mr. HOUGHTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 2899, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Treasury to issue Freedom Bonds in response to the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes.".

A motion to reconsider was laid on the table.

BIOTERRORISM ENFORCEMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3160) to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins.

The Clerk read as follows:

H.R. 3160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bioterrorism Enforcement Act of 2001".

SEC. 2. EXPANSION OF BIOLOGICAL WEAPONS STATUTE.

(a) SELECT AGENTS.—

(1) IN GENERAL.—Section 175 of title 18, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following subsection:

"(b) SELECT AGENTS.—

"(1) UNSAFE HANDLING.—

"(A) IN GENERAL.—Whoever possesses, uses, or exercises control over a select agent in a manner constituting reckless disregard for the public health and safety, knowing the select agent to be a biological agent or toxin, shall be fined under this title, imprisoned for not more than one year, or both.

"(B) AGGRAVATED OFFENSE.—Whoever, in the course of a violation of subparagraph (A), causes bodily injury to another shall be fined under this title, or imprisoned for not more than 10 years, or both; except that if death results from such violation, the person committing the violation shall be fined under this title, or imprisoned for any term of years or for life, or both.

"(2) UNREGISTERED FOR POSSESSION.—Whoever knowingly possesses a biological agent or toxin where such agent or toxin is a select agent for which such person has not obtained a registration under section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996 shall be fined under this title, or imprisoned for not more than 5 years, or both.

"(3) TRANSFER TO UNREGISTERED PERSON.—Whoever knowingly transfers a select agent to a person who has not obtained a registration under section 511(e) of the Antiterrorism and Effective Death Penalty Act of 1996 shall be fined under this title, or imprisoned for not more than 5 years, or both.

"(4) RESTRICTED PERSONS.—Whoever is a restricted person and knowingly ships or transports a select agent in interstate or foreign commerce, or knowingly receives a select agent so shipped or transported, or knowingly possesses a select agent in or affecting interstate or foreign commerce, shall be fined under this title, or imprisoned for not more than 5 years, or both. The preceding sentence does not apply with respect to any duly authorized governmental activity under title V of the National Security Act of 1947.".

(2) DEFINITIONS.—Section 175 of title 18, United States Code, as amended by paragraph (1) of this subsection, is amended by amending subsection (c) to read as follows:

"(c) DEFINITIONS.—As used in this section:

"(1) The terms 'biological agent' and 'toxin' have the meanings given such terms in section 178, except that, for purposes of subsection (b), such terms do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, cultured, collected, or otherwise extracted from its natural source.

"(2) The term 'bodily injury' has the meaning given such term in section 1365.

"(3) The term 'for use as a weapon' includes the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system, other than for prophylactic, protective, or other peaceful purposes.

"(4)(A) The term 'restricted person' means a person—

"(i) who is described in section 922(g), as such section was in effect on the day before the effective date of this paragraph; or

"(ii) who is an alien, other than an alien lawfully admitted for permanent residence or an alien who under subparagraph (B) is considered not to be a restricted person.

"(B) For purposes of subparagraph (A)(ii):

"(i) An alien is considered not to be a restricted person if the alien is within a category designated under clause (ii) of this subparagraph.

"(ii) The Secretary of Health and Human Services, in consultation with the Attorney General, may designate categories of individuals who have—

"(I) nonimmigrant visas as defined in section 101(a)(26) of the Immigration and Nationality Act; and

"(II) expertise valuable to the United States regarding select agents.

"(5) The term 'select agent' means a biological agent or toxin, as defined in paragraph (1), that—

"(A) is on the list that is in effect pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132); and

"(B) has not been exempted from the applicability of regulations under section 511(e) of such Act.".

(3) EFFECTIVE DATE REGARDING RESTRICTED PERSONS; REGULATIONS.—

(A) EFFECTIVE DATE.—Section 175(b)(4) of title 18, United States Code, as added by subsection (a)(1)(B) of this section, takes effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

(B) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall determine whether the Secretary will designate any categories or individuals for purposes of section 175(c)(4)(B) of title 18, United States Code, as added by subsection (a)(1)(B) of this section. If the Secretary determines that one or more such categories will be designated, the Secretary shall promulgate an interim final rule for purposes of such section not later than 60 days after such date of enactment.

(4) CONFORMING AMENDMENT.—Section 175(a) of title 18, United States Code, is amended in the second sentence by striking

"under this section" and inserting "under this subsection".

(b) AMENDMENTS TO ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.—

(1) POSSESSION AND USE.—

(A) IN GENERAL.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is amended—

(i) by striking subsection (f);

(ii) by redesignating subsection (g) as subsection (i); and

(iii) by inserting after subsection (e) the following subsection:

"(f) POSSESSION AND USE OF LISTED BIOLOGICAL AGENTS AND TOXINS.—

"(1) IN GENERAL.—The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of biological agents and toxins listed pursuant to subsection (d)(1) in order to protect the public health and safety, including safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose.

"(2) REGISTRATION.—Regulations under paragraph (1) shall provide for registration requirements regarding the possession and use of biological agents and toxins listed pursuant to subsection (d)(1).".

(B) REGULATIONS.—

(i) DATE CERTAIN FOR PROMULGATION; EFFECTIVE DATE REGARDING CRIMINAL AND CIVIL PENALTIES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate an interim final rule for carrying out section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996, as added by subparagraph (A) of this paragraph. Such interim final rule takes effect 60 days after the date on which such rule is promulgated, including for purposes of—

(I) section 175(b)(2) of title 18, United States Code (relating to criminal penalties), as added by subsection (a)(1)(B) of this section; and

(II) section 511(h) of the Antiterrorism and Effective Death Penalty Act of 1996 (relating to civil penalties), as added by paragraph (3) of this subsection.

(ii) SUBMISSION OF REGISTRATION APPLICATIONS.—In the case of a person who, as of the date of the enactment of this Act, is in possession of a biological agent or toxin that is listed pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996, such person shall, in accordance with the interim final rule promulgated under clause (i), submit an application for a registration to possess such agent or toxin not later than 30 days after the date on which such rule is promulgated.

(2) DISCLOSURES OF INFORMATION.—

(A) IN GENERAL.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996, as amended by paragraph (1) of this subsection, is amended by inserting after subsection (f) the following subsection:

"(g) DISCLOSURE OF INFORMATION.—

"(1) IN GENERAL.—Any information in the possession of any Federal agency that identifies a person, or the geographic location of a person, who is registered pursuant to regulations under this section (including regulations promulgated before the effective date of this subsection), and any site-specific information relating to the type, quantity, or identity of a biological agent or toxin listed pursuant to subsection (d)(1) or the site-specific security mechanisms in place to protect such agents and toxins, shall not be disclosed under section 552(a) of title 5, United States Code.

"(2) DISCLOSURES FOR PUBLIC HEALTH AND SAFETY; CONGRESS.—Nothing in this section may be construed as preventing the head of any Federal agency—

"(A) from making disclosures of information described in paragraph (1) for purposes of protecting the public health and safety; or

"(B) from making disclosures of such information to any committee or subcommittee of the Congress with appropriate jurisdiction, upon request.".

(B) EFFECTIVE DATE.—The effective date for the amendment made by subparagraph (A) shall be the same as the effective date for the final rule issued pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132).

(3) CIVIL PENALTIES.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996, as amended by paragraphs (1) and (2) of this subsection, is amended by inserting after subsection (g) the following subsection:

"(h) CIVIL PENALTY.—Any person who violates a regulation under subsection (e) or (f) shall be subject to the United States for a civil penalty in an amount not exceeding $250,000 in the case of an individual and $500,000 in the case of any other person.".

(4) CLARIFICATION OF SCOPE OF SELECT AGENT RULE; TERRORISM; RESPONSIBILITIES OF SECRETARY OF HEALTH AND HUMAN SERVICES.—

(A) IN GENERAL.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is amended—

(i) in each of subsections (d) and (e)—

(I) by inserting "and toxins" after "agents" each place such term appears; and

(II) by inserting "or toxin" after "agent" each place such term appears; and

(ii) in subsection (i) (as redesignated by paragraph (1) of this subsection), in paragraph (1), by striking "the term 'biological agent' has" and inserting "the terms 'biological agent' and 'toxin' have".

(B) EFFECTIVE DATE.—The effective date for the amendments made by subparagraph (A) shall be as if the amendments had been included in the enactment of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132).

(5) CONFORMING AMENDMENTS.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is amended—

(A) in subsection (d)(1)(A), by striking "shall, through regulations promulgated under subsection (f)," and inserting "shall by regulation";

(B) in subsection (e), in the matter preceding paragraph (1), by striking "shall, through regulations promulgated under subsection (f)," and inserting "shall by regulation";

(C) in subsection (d)—

(i) in the heading for the subsection, by striking "AGENTS" and inserting "AGENTS AND TOXINS"; and

(ii) in the heading for paragraph (1), by striking "AGENTS" and inserting "AGENTS AND TOXINS"; and

(D) in the heading for subsection (e), by striking "AGENTS" and inserting "AGENTS AND TOXINS".

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, after consultation with other appropriate Federal agencies, shall submit to the Congress a report that—

(1) describes the extent to which there has been compliance by governmental and private entities with applicable regulations under section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), including the extent of compliance before the date of the enactment of this Act, and including the extent of compliance with regulations promulgated after such date of enactment;

(2) describes the future plans of the Secretary for determining compliance with regulations under such section 511 and for taking appropriate enforcement actions; and

(3) provides any recommendations of the Secretary for administrative or legislative initiatives regarding such section 511.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3160.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge the passage by the House of a critically important piece of legislation that was reported out of our committee in the wake of the horrific events of September 11, this bill, the Bioterrorism Enforcement Act of 2001.

While the weapons of choice on that day were airliners full of innocent passengers, rather than the deadly biological agents that we have now come to recognize as parts of this war, the most recent anthrax cases in Florida, New York, Washington, D.C. and elsewhere around the country confirm that this Congress and our Nation ignore the real threat of bioterrorism at our own peril. Unfortunately, for too long we have simply done that.

I imagine it would come as quite a shock to most Americans to learn that even in the midst of the evolving and unprecedented series of anthrax attacks, there are currently no Federal laws or regulations governing who may possess such deadly biological agents and under what conditions they may possess them and for what purposes.

For example, under current law, anyone including convicted felons, foreign nationals from terrorist-sponsoring states, can lawfully possess anthrax or other dangerous bacteria or viruses. They do not have to report such possession. They do not have to seek governmental approval. They do not even have to be legitimate scientists and working in secure laboratories. We have tighter control on the sale of guns in this country than we do on the weapons of mass destruction. We have to change that today.

Mr. Speaker, the only current regulations on the books are those relating to the shipping and transfer of certain biological agents which suffer from poor compliance, and they are very difficult laws to enforce. Indeed, under current Federal law, if the FBI or the local police discover that a suspected terrorist is in possession of anthrax or the plague, for example, the Government can do nothing about it unless it can prove a specific intent to use a biological agent as a weapon, which often is very hard to do before the fact.

Our bill will change that and will give law enforcement the tools that it needs to help prevent further acts of this kind of bioterrorism.

First, the bill will prohibit certain classes of individuals, such as felons, illegal aliens, fugitives and other individuals with questionable backgrounds, from possessing these deadly agents for any reason, with violations punishable as a felony.

Second, it will require that all legitimate researchers who work with such agents obtain a registration from the Health and Human Services Department, which is authorized by this bill to impose and enforce requirements relating to the possession, the use, the handling, the storage and disposal of these agents. This will help to prevent access to them by criminal and terrorist elements.

Third, it will make the unregistered possession of such agents a Federal felony, without requiring law enforcement to prove intent to use the agent as a weapon, and will increase the current penalty for making an unauthorized transfer of such agents from a Federal misdemeanor to a felony.

Third, this bill will make it a Federal crime to knowingly possess, use or exercise control over one of these deadly agents in a manner that constitutes a reckless disregard of the public health and safety, with increased penalties should actual harm occur from such contact.

Mr. Speaker, all of these provisions are good. They are common sense for deadly and infectious substances, and they are clearly overdue. This bill is crafted on a bipartisan basis and with the input of the Department of Justice, the FBI, the Department of Health and Human Services, and many other interested parties over a long period of time predating September 11. It recently passed the Committee on Energy and Commerce unanimously, with the strong support of the ranking member and cosponsor, the gentleman from Michigan (Mr. DINGELL).

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. DINGELL) and all of my colleagues on the committee for their support and all of their efforts in this area. I urge the entire House to vote quickly to approve this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. DINGELL. Mr. Speaker, I am pleased to rise in support of the legislation and to commend my good friend, the gentleman from Louisiana (Mr. TAUZIN), for his leadership on this matter.

The bill was reported by the Committee on Energy and Commerce by voice vote on October 3 and was developed on a bipartisan basis. This bill, the Bioterrorism Enforcement Act of 2001, is a good start on more comprehensive legislation to deal with aspects of the threat of bioterrorism which we are now unfortunately facing here in Washington, D.C., in Florida, in New York, in New Jersey and other places in this country.

Recently the National Commission on Terrorism, headed by Jim Gilmore of Virginia, found that the Federal Government had insufficient controls of existing stock of terrorism-friendly pathogens such as anthrax and smallpox. Today, as the chairman has noted, it is perfectly legal for anyone to possess deadly agents like those, and no one needs to be told.

In fact, although there is a law requiring persons possessing the select agents that could be used for biological warfare to register and take appropriate steps to protect against release when shipping, it only covers the transfer of agents, not the actual possession. As a result, the Centers for Disease Control, CDC, has only incomplete knowledge of who possesses these agents; and there is no real control over the ownership, use, or other things with regard to these agents.

This bill addresses the very problem with serious criminal penalties. It requires that everyone who possesses select agents must register and must also meet CDC's safety and security standards. In effect, that means none of these agents can be possessed legally outside of an approved laboratory. Anybody else who has them will be subject to 5 years in prison.

This provision will not allow anyone, whether they obtained the agent 20 years ago or 20 minute ago, to avoid registering their possession. This legislation not only closes that loophole, but makes it a felony to transfer select agents without registering and establishes criminal penalties for persons who use select agents in a manner that constitutes reckless disregard for the public health and safety and injures people.

We can see in the ongoing investigation of the source of the anthrax that is found in Florida, New York, New Jersey, and now Washington, D.C., that law enforcement has been significantly hampered because there has been no national registry of who holds the various anthrax strains. A similar situation could arise with any kind of select agent, and could do so overnight.

We have established an ambitious schedule for the Department of Health and Human Services to implement this rule, but the legislation needs to be implemented forthwith. The standards for possession are basically those already established for laboratories when they transfer select agents. Establishing a registry for dangerous biological agents and setting strict penalties for the unlawful possession of these agents is only a beginning in our war against bioterrorism.

In the future, we need to improve our national health system to deal with any possible outbreaks of diseases caused by bioterrorism. I commend the chairman for bringing this bill to the floor and urge its adoption.

I would make a couple of private notes here with regard to an experience I had last Saturday. I think it would be good for the House to consider these matters. Enactment of the legislation before us is only the beginning. I would note that the first line of defense is our police and local public safety officials, especially the firemen and people like that in the communities. I would note that there has been inadequate availability of funds on the local level, State level, and Federal level.

I would note that there has been a significant failure of this Congress to ensure that monies which were given to States are passed through to local levels. I would note that there is an enormous deficiency in funding available to the local units of government to do this work.

Mr. Speaker, the House should know it costs about $3,000 for each run that the local units of public safety spend when they make a call to address the problems of possible anthrax or other bioterrorism agents.

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I would note that all of the State and local units of government are running out of money. They also are running out of training, and they also are confronting a serious problem where there are no approved labs or insufficient numbers of approved labs to cooperate with them in providing the necessary safety and security or the identification of these agents which are so risky and so dangerous to all of us. I would note that almost all of them are running out of money. All of them are running into serious difficulty with regard to the Federal Government in view of the fact that the Federal Government does not have a program to address those matters and that the Federal Government does not support them financially. The States do not, either. The consequences of this are that if we have an outbreak outside of Washington or in other parts of the country, that there will be very, very serious effects and there will be enormous difficulty in identifying the agent, the hazard, the risk and probably failure to do so in sufficient time to see to it that there is not a significant and more broad outbreak of the disease which is carried by the specific agent. This is a serious matter which requires that the Congress should look into it.

I commend my good friend the chairman of the committee for his leadership in this matter, but I warn my colleagues, we have only begun addressing a matter of the most enormous and serious concern to the whole of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Before I yield to the chairman of the Subcommittee on Oversight and Investigations, who has done enormously valuable work on this and other areas of bioterrorism concern, I wanted to comment briefly with my friend the gentleman from Michigan's comments in mind.

The first is that while Congress may not have been in session this weekend, that we nevertheless were at work. Members of the Committee on Energy and Commerce led by the vice chairman, the gentleman from North Carolina (Mr. BURR), visited the CDC this weekend and are issuing a report that I hope all Members of Congress will pay close attention to. We have learned that the Centers for Disease Control is woefully inadequate in terms of its current capabilities to do its work, it is living in 1950s barracks, and we really need to do some work to enhance and improve their capability of protecting the citizenry of this country, particularly as we come to understand this new threat against our people. We are going to at the Committee on Energy and Commerce very shortly bring to the Congress an authorization hopefully to bring the CDC up to date, modernize it and equip it properly to make sure that it can, in fact, assist our country in this time of need.

In light of that, I am about to recognize the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, who very coincidentally had scheduled a hearing on bioterrorism for September 11 of this year and who canceled that hearing, of course, as those events of that day unfolded. He has since held those hearings and this bill before Members today is part of the result of that and other hearings our committee has conducted over the years on this important issue.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

Mr. GREENWOOD. I thank the chairman of the committee for yielding time.

Mr. Speaker, as chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, I rise to offer my strong support for the Bioterrorism Enforcement Act of 2001. This legislation grew out of an oversight hearing held by the committee in May of 1999 which exposed serious gaps in our Federal criminal and regulatory laws governing deadly biological agents, such as anthrax, the plague, smallpox and botulism toxin.

If anyone ever doubted the need for tighter controls on these agents, the tragic events of the past several weeks should put any such doubts to rest once and for all. Because these agents can be so deadly if they fall into the wrong hands, the Federal Government has a responsibility to ensure that only those individuals with a legitimate need to possess and work with such agents can do so. At the same time, we must ensure that the important research work going on with these agents, to develop vaccines or other treatments, for example, can continue, with appropriate safeguards.

I would like to elaborate on this point with respect to the bill's prohibition on certain classes of foreign nationals from accessing such agents here in the United States. The bill prohibits all aliens from doing so, with the exception of those lawfully admitted here for permanent residence. I understand that many in the pharmaceutical, research and academic communities rely on foreign nationals to conduct research, although it is unclear how many of these foreigners actually work with the most deadly agents covered by this bill. I know that some in those communities would want us to limit the prohibition to only those foreigners from terrorist-sponsoring states. The problem with that approach is that very few states are on that list, and it does not include many of the nations whose nationals were represented among the September 11 hijackers.

Nevertheless, the bill contains a provision that would grant the Secretary of the Health and Human Services Department, in consultation with the Attorney General, the ability to issue waivers for certain aliens or classes of aliens that would otherwise be restricted under this bill if the Secretary determines that such waivers would be in the best interests of the United States. I believe that is a fair compromise.

I would also like to mention one other aspect of this bill that I think is very important. The bill contains a provision that would exempt from mandatory disclosure under the Freedom of Information Act certain information collected under this new regulatory regime, such as the locations of those agents or the identity of those working with them. This is a narrow exception to the otherwise free flow of unclassified information, one that is warranted by the sensitive nature of this data, and is similar to what this Congress did 2 years ago with respect to worst-case chemical accident data collected by the Environmental Protection Agency. Again, this represents a fair compromise among the competing interests at issue here.

I thank the gentleman for yielding time for me to speak on this important, and unfortunately very timely, issue. I am honored to have worked with the gentleman on the legislation that the House will consider today.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume to thank my friend again for the extraordinary cooperation across the aisle that we received on this and so many important pieces of legislation that the Committee on Energy and Commerce produces for this country. I want to thank him again for that excellent cooperation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, the gentleman and I have established a rather remarkable record of cooperation in the Committee on Energy and Commerce. I want to express my appreciation and commendations to my good friend.

Mr. TAUZIN. On behalf of my friend before I yield back, I think we all ought to take a moment to think about the folks in this town, the two postal workers who have recently passed away which in fact may have been a direct result of some of these anthrax attacks on this city. As we think about them and the others who are currently under treatment and currently in danger, I personally again want to thank the leadership of both parties in this House for the care and concern they have shown for all the workers, all the guests we invite to these Capitol buildings and all the participants in this governmental process for making sure that the buildings are properly swept before we invite our workers and our friends who come to Washington to testify and to be part of our hearings back into those buildings. Would that the postal office had known to show the same degree of care, perhaps we would have saved a few lives in this city.

I want to thank the gentleman from Michigan (Mr. DINGELL) again and Members on his side for the extraordinary cooperation we have all shown to one another in this crisis that America faces. It was often said, I think by Tip O'Neill, that partisanship ends at the water's line. The water's line is now closer to home. I am pleased to know that so many Members of this House recognize that and work together in such a united fashion for the good of our country and for the safety of our people. I want to thank him again, and I urge the passage of this very important legislation.

Mr. GILMAN. Mr. Speaker, I rise today in support of the Bioterrorism Enforcement Act of 2001. As we in Congress are in the midst of conducting environmental tests in our offices of biological agents, it is indeed timely that we bring this legislation to the House floor today.

This act will set criminal penalties for the unsafe and illegal possession or transfer of the biological agents and toxins over which the Anti-Terrorism and Effective Death Penalty Act of 1996 established control of. The measure makes it a crime for individuals who are legally licensed to possess such materials to handle them in reckless disregard for public health and safety.

In general, unsafe handling of these agents and toxins will result in a fine and a year in prison. Incidents causing bodily harm to another person will result in a prison term of up to 10 years, while those causing death may result in a life sentence. Persons who are not authorized to possess or transfer an agent or toxin are subject to fines and up to 5 years in prison. "Restricted" individuals (such as aliens with non-immigration visas) transporting, shipping or receiving agents and toxins face similar 5 year sentences and fines. If necessary, HHS and the Department of Justice may waive such restrictions.

In addition to new criminal penalties, this act will require HHS to promulgate new standards and procedures governing the possession, use, and transfer of controlled agents and toxins. The new rules must require all individuals and groups who possess these agents and toxins to report their possessions to HHS. The new rules also must establish precautions preventing agents and toxins from being accessed for terrorist activities. Based on HHS evaluation of each substance's public risk, the department will be allowed to establish different levels of registration, handling and security requirements for each type of agents and toxins. Violation of the new rules will result in a civil penalty of up to $250,000 for individuals and $500,000 for others.

I urge all of my colleagues to support this important legislation.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3160.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISABLED VETERANS SERVICE DOG AND HEALTH CARE IMPROVEMENT ACT OF 2001

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2792) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make service dogs available to disabled veterans and to make various other improvements in health care benefits provided by the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disabled Veterans Service Dog and Health Care Improvement Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VETERANS HEALTH CARE IMPROVEMENT

Sec. 101. Authorization for Secretary of Veterans Affairs to provide service dogs for disabled veterans.
Sec. 102. Maintenance of capacity for specialized treatment and rehabilitative needs of disabled veterans.
Sec. 103. Threshold for veterans health care eligibility means test to reflect locality cost-of-living variations.
Sec. 104. Assessment and report on special telephone services for veterans.
Sec. 105. Recodification of bereavement counseling authority and certain other health-related authorities.
Sec. 106. Extension of expiring collections authorities.
Sec. 107. Personal emergency response system for veterans with service-connected disabilities.

TITLE II—CHIROPRACTIC SERVICES PROGRAM

Sec. 201. Chiropractic Service established in the Veterans Health Administration.
Sec. 202. Availability of chiropractic care to veterans.
Sec. 203. Chiropractic providers.
Sec. 204. Scope of services; enrollment.
Sec. 205. Training and information.
Sec. 206. Advisory committee.
Sec. 207. Implementation report.

TITLE III—NATIONAL COMMISSION ON VA NURSING

Sec. 301. Establishment of Commission.
Sec. 302. Duties of Commission.
Sec. 303. Reports.
Sec. 304. Powers.
Sec. 305. Personnel matters.
Sec. 306. Termination of the Commission.

TITLE I—VETERANS HEALTH CARE IMPROVEMENT

SEC. 101. AUTHORIZATION FOR SECRETARY OF VETERANS AFFAIRS TO PROVIDE SERVICE DOGS FOR DISABLED VETERANS.

(a) AUTHORITY.—Section 1714 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "seeing-eye or" the first place it appears;

(B) by striking "who are entitled to disability compensation" and inserting "who are enrolled under section 1705 of this title";

(C) by striking ", and may pay" and all that follows through "such seeing-eye or guide dogs"; and

(D) by striking "handicap" and inserting "disability"; and

(2) by adding at the end the following new subsections:

"(c) The Secretary may, in accordance with the priority specified in section 1705 of this title, provide—

"(1) service dogs trained for the aid of the hearing impaired to veterans who are hearing impaired and are enrolled under section 1705 of this title; and

"(2) service dogs trained for the aid of persons with spinal cord injury or dysfunction or other chronic impairment that substantially limits mobility to veterans with such injury, dysfunction, or impairment who are enrolled under section 1705 of this title.

"(d) In the case of a veteran provided a dog under subsection (b) or (c), the Secretary may pay travel and incidental expenses for that veteran under the terms and conditions set forth in section 111 of this title to and from the veteran's home for expenses incurred in becoming adjusted to the dog.".

(b) CLERICAL AMENDMENTS.—

(1) The heading for such section is amended to read as follows:

"§ 1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs".

(2) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

"1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs.".

SEC. 102. MAINTENANCE OF CAPACITY FOR SPECIALIZED TREATMENT AND REHABILITATIVE NEEDS OF DISABLED VETERANS.

(a) MAINTENANCE OF CAPACITY ON A SERVICE-NETWORK BASIS.—Section 1706(b) of title 38, United States Code, is amended—

(2) in paragraph (1)—

(A) in the first sentence, by inserting "(and each geographic service area of the Veterans Health Administration)" after "ensure that the Department"; and

(B) in clause (B), by inserting "(and each geographic service area of the Veterans Health Administration)" after "overall capacity of the Department"; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(3) by inserting after paragraph (1) the following new paragraphs (2) and (3):

"(2) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, traumatic brain injury, blindness, prosthetics and sensory aids, and mental illness) within distinct programs or facilities shall be measured for seriously mentally ill veterans as follows (with all such data to be provided by geographic service area and totaled nationally):

"(A) For mental health intensive community-based care, the number of discrete intensive care teams constituted to provide such intensive services to seriously mentally ill veterans and the number of veterans provided such care.

"(B) For opioid substitution programs and for traumatic brain injury, the number of patients treated annually and the amounts expended.

"(C) For dual-diagnosis patients, the number treated annually and the amounts expended.

"(D) For substance abuse programs—

"(i) the number of substance-use disorder beds (whether hospital, nursing home, or other designated beds) employed and the average bed occupancy of such beds;

"(ii) the percentage of unique patients admitted directly to substance abuse outpatient care during the fiscal year who had two or more additional visits to specialized substance abuse outpatient care within 30 days of their first visit, with a comparison from 1996 until the date of the report;

"(iii) the percentage of unique inpatients with substance abuse diagnoses treated during the fiscal year who had one or more specialized substance abuse clinic visits within three days of their index discharge, with a comparison from 1996 until the date of the report; and

"(iv) the percentage of unique outpatients seen in a facility or service network during the fiscal year who had one or more specialized substance abuse clinic visits, with a comparison from 1996 until the date of the report.

"(E) For mental health programs, the number and type of staff that are available at each facility to provide specialized mental health treatment, including satellite clinics, outpatient programs, and community-based outpatient clinics, with a trend line comparison from 1996 to the date of the report.

"(F) The number of such clinics providing mental health care, the number and type of mental health staff at each such clinic, and the type of mental health programs at each such clinic.

"(3) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans within distinct programs or facilities shall be measured for veterans with spinal cord dysfunction, traumatic brain injury, blindness, or prosthetics and sensory aids as follows (with all such data to be provided by geographic service area and totaled nationally):

"(A) For spinal cord injury/dysfunction specialized centers and for blind rehabilitation specialized centers, the number of staffed beds and the number of full-time equivalent employees assigned to provide care at such centers.

"(B) For prosthetics and sensory aids, the annual amount expended.".

(b) Extension of Annual Report Requirement.—Paragraph (3) of such section, as so redesignated, is amended—

(1) by striking "April 1, 1999, April 1, 2000, and April 1, 2001" and inserting "April 1 of each year through 2004"; and

(2) by adding at the end the following new sentence: "The accuracy of each such report shall be certified by, or otherwise commented upon by, the Inspector General of the Department.".

SEC. 103. THRESHOLD FOR VETERANS HEALTH CARE ELIGIBILITY MEANS TEST TO REFLECT LOCALITY COST-OF-LIVING VARIATIONS.

(a) Revised Threshold.—Subsection (b) of section 1722 of title 38, United States Code, is amended to read as follows:

"(b)(1) For purposes of subsection (a)(3), the income threshold applicable to a veteran is the amount determined under paragraph (2).

"(2) The amount determined under this paragraph for a veteran is the greater of the following:

"(A) For any calendar year after 2000—

"(i) in the case of a veteran with no dependents, $23,688, as adjusted under subsection (c); or

"(ii) in the case of a veteran with one or more dependents, $28,429, as so adjusted, plus $1,586, as so adjusted, for each dependent in excess of one.

"(B) The amount in effect under the HUD Low Income Index that is applicable in the area in which the veteran resides.

"(3) For purposes of paragraph (2)(B), the term 'HUD Low Income Index' means the family income ceiling amounts determined by the Secretary of Housing and Urban Development under section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) for purposes of the determination of 'low-income families' under that section.".

(c) Conforming Amendment.—(1) Subsection (a)(3) of such section is amended by striking "amount set forth in" and inserting "income threshold determined under".

(2) Subsection (c) of such section is amended by striking "subsection (b)" and inserting "subsection (b)(2)(A)".

(d) Limitation on Resource Reallocations.— Within the amount appropriated to the Department of Veterans Affairs for medical care for each of fiscal years 2002 through 2006, the amount that would otherwise be allocated by the Secretary to any geographic service region of the Veterans Health Administration in accordance with the established resource allocation procedures of the Department may not be increased or decreased by more than 5 percent by reason of the implementation of this section.

(e) Effective Date.—The amendments made by this section shall take effect on April 1, 2002.

SEC. 104. ASSESSMENT AND REPORT ON SPECIAL TELEPHONE SERVICES FOR VETERANS.

(a) Assessment of Current Services.— The Secretary of Veterans Affairs shall carry out an assessment of all special telephone services for veterans (such as helplines and hotlines) provided by the Department of Veterans Affairs. The assessment shall include the geographical coverage, availability, utilization, effectiveness, management, coordination, staffing, and cost of those services. As part of such assessment, the Secretary shall conduct a survey of veterans to measure their satisfaction with current special telephone services and the demand for additional services.

(b) Report.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the assessment carried out under subsection (a). The Secretary shall include in the report recommendations regarding any needed improvement to such services and recommendations regarding contracting for the performance of such services.

SEC. 105. RECODIFICATION OF BEREAVEMENT COUNSELING AUTHORITY AND CERTAIN OTHER HEALTH-RELATED AUTHORITIES.

(a) Statutory Reorganization.—Subchapter I of chapter 17 of title 38, United States Code, is amended—

(1) in section 1701(6)—

(A) by striking subparagraph (B) and the sentence following that subparagraph;

(B) by striking "services—" in the matter preceding subparagraph (A) and inserting "services, the following:"; and

(C) by striking subparagraph (A) and inserting the following:

"(A) Surgical services.

"(B) Dental services and appliances as described in sections 1710 and 1712 of this title.

"(C) Optometric and podiatric services.

"(D) Preventive health services.

"(E) In the case of a person otherwise receiving care or services under this chapter—

"(i) wheelchairs, artificial limbs, trusses, and similar appliances;

"(ii) special clothing made necessary by the wearing of prosthetic appliances; and

"(iii) such other supplies or services as the Secretary determines to be reasonable and necessary.

"(F) Travel and incidental expenses pursuant to section 111 of this title."; and

(2) in section 1707—

(A) by inserting "(a)" at the beginning of the text of the section; and

(B) by adding at the end the following:

"(b) The Secretary may furnish sensorineural aids only in accordance with guidelines prescribed by the Secretary.".

(b) Consolidation of Provisions Relating to Persons Other Than Veterans.—Such chapter is further amended by adding at the end the following new subchapter:

"SUBCHAPTER VIII—HEALTH CARE OF PERSONS OTHER THAN VETERANS

"§ 1782. Counseling, training, and mental health services for immediate family members

"(a) Counseling for Family Members of Veterans Receiving Service-Connected Treatment.—In the case of a veteran who is receiving treatment for a service-connected disability pursuant to paragraph (1) or (2) of section 1710(a) of this title, the Secretary shall provide to individuals described in subsection (c) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment.

"(b) Counseling for Family Members of Veterans Receiving Non-Service-Connected Treatment.—In the case of a veteran who is eligible to receive treatment for a non-service-connected disability under the conditions described in paragraph (1), (2), or (3) of section 1710(a) of this title, the Secretary may, in the discretion of the Secretary, provide to individuals described in subsection (c) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment if—

"(1) those services were initiated during the veteran's hospitalization; and

"(2) the continued provision of those services on an outpatient basis is essential to permit the discharge of the veteran from the hospital.

"(c) Eligible Individuals.—Individuals who may be provided services under this subsection are—

"(1) the members of the immediate family or the legal guardian of a veteran; or

"(2) the individual in whose household such veteran certifies an intention to live.

"(d) Travel and Transportation Authorized.—Services provided under subsections (a) and (b) may include, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of individuals described in subsection (c) in the case of—

"(1) a veteran who is receiving care for a service-connected disability; and

"(2) a dependent or survivor receiving care under the last sentence of section 1783(b) of this title.

"§ 1783. Bereavement counseling

"(a) DEATHS OF VETERANS.—In the case of an individual who was a recipient of services under section 1782 of this title at the time of the death of the veteran, the Secretary may provide bereavement counseling to that individual in the case of a death—

"(1) that was unexpected; or

"(2) that occurred while the veteran was participating in a hospice program (or a similar program) conducted by the Secretary.

"(b) DEATHS IN ACTIVE SERVICE.—The Secretary may provide bereavement counseling to an individual who is a member of the immediate family of a member of the Armed Forces who dies in the active military, naval, or air service in the line of duty and under circumstances not due to the person's own misconduct.

"(c) BEREAVEMENT COUNSELING DEFINED.—For purposes of this section, the term 'bereavement counseling' means such counseling services, for a limited period, as the Secretary determines to be reasonable and necessary to assist an individual with the emotional and psychological stress accompanying the death of another individual.

"§ 1784. Humanitarian care

"The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care and services at rates prescribed by the Secretary.".

(c) TRANSFER OF CHAMPVA SECTION.—Section 1713 of such title is—

(1) transferred to subchapter VIII of chapter 17 of such title, as added by subsection (b), and inserted after the subchapter heading;

(2) redesignated as section 1781; and

(3) amended by adding at the end of subsection (b) the following new sentence: "A dependent or survivor receiving care under the preceding sentence shall be eligible for the same medical services as a veteran, including services under sections 1782 and 1783 of this title.".

(d) REPEAL OF RECODIFIED AUTHORITY.—Section 1711 of such title is amended by striking subsection (b).

(e) CROSS REFERENCE AMENDMENTS.—Such title is further amended as follows:

(1) Section 103(d)(5)(B) is amended by striking "1713" and inserting "1781".

(2) Sections 1701(5) is amended by striking "1713(b)" in subparagraphs (B) and (C)(i) and inserting "1781(b)".

(3) Section 1712A(b) is amended—

(A) in the last sentence of paragraph (1), by striking "section 1711(b)" and inserting "section 1784"; and

(A) in paragraph (2), by striking "section 1701(6)(B)" and inserting "sections 1782 and 1783".

(4) Section 1729(f) is amended by striking "section 1711(b)" and inserting "section 1784".

(5) Section 1729A(b) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph (7):

"(7) Section 1784 of this title.".

(6) Section 8111(g) is amended—

(A) in paragraph (4), by inserting "services under sections 1782 and 1783 of this title" after "of this title,"; and

(B) in paragraph (5), by striking "section 1711(b) or 1713" and inserting "section 1782, 1783, or 1784".

(7) Section 8111A(a)(2) is amended by inserting ", and the term 'medical services' includes services under sections 1782 and 1783 of this title" before the period at the end.

(8) Section 8152(1) is amended by inserting "services under sections 1782 and 1783 of this title," after "of this title),".

(9) Sections 8502(b), 8520(a), and 8521 are amended by striking "the last sentence of section 1713(b)" and inserting "the penultimate sentence of section 1781(b)".

(f) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of such chapter is amended—

(A) by striking the item relating to section 1707 and inserting the following:

"1707. Limitations.";

(B) by striking the item relating to section 1713; and

(C) by adding at the end the following:

"SUBCHAPTER VIII—HEALTH CARE OF PERSONS OTHER THAN VETERANS

"1781. Medical care for survivors and dependents of certain veterans.
"1782. Counseling, training, and mental health services for immediate family members.
"1783. Bereavement counseling.
"1784. Humanitarian care.".

(2) The heading for section 1707 is amended to read as follows:

"§ 1707. Limitations".

SEC. 106. EXTENSION OF EXPIRING COLLECTIONS AUTHORITIES.

(a) HEALTH CARE COPAYMENTS.—Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking "September 30, 2002" and inserting "September 30, 2007".

(b) MEDICAL CARE COST RECOVERY.—Section 1729(a)(2)(E) of such title is amended by striking "October 1, 2002" and inserting "October 1, 2007".

SEC. 107. PERSONAL EMERGENCY RESPONSE SYSTEM FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) EVALUATION AND STUDY.—The Secretary of Veterans Affairs shall carry out an evaluation and study of the feasibility and desirability of providing a personal emergency response system to veterans who have service-connected disabilities. The evaluation and study shall be commenced not later than 60 days after the date of the enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the evaluation and study under subsection (a). The Secretary shall include in the report the Secretary's findings resulting from the evaluation and study and the Secretary's conclusion as to whether the Department of Veterans Affairs should provide a personal emergency response system to veterans with service-connected disabilities.

(c) AUTHORITY TO PROVIDE SYSTEM.—If the Secretary concludes in the report under subsection (b) that a personal emergency response system should be provided by the Department of Veterans Affairs to veterans with service-connected disabilities—

(1) the Secretary may provide such a system, without charge, to any veteran with a service-connected disability who is enrolled under section 1705 of title 38, United States Code, and who submits an application for such a system under subsection (d); and

(2) the Secretary may contract with one or more vendors to furnish such a system.

(d) APPLICATION.—A personal emergency response system may be provided to a veteran under subsection (c)(1) only upon the submission by the veteran of an application for the system. Any such application shall be in such form and manner as the Secretary may require.

(e) DEFINITION.—For purposes of this section, the term "personal emergency response system" means a device—

(1) that can be activated by an individual who is experiencing a medical emergency to notify appropriate emergency medical personnel that the individual is experiencing a medical emergency; and

(2) that provides the individual's location through a Global Positioning System indicator.

TITLE II—CHIROPRACTIC SERVICES

SEC. 201. CHIROPRACTIC SERVICE ESTABLISHED IN THE VETERANS HEALTH ADMINISTRATION.

(a) NEW SERVICE IN VETERANS HEALTH ADMINISTRATION.—Section 7305 of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) A Chiropractic Service.".

(b) DIRECTOR.—Section 7306(a) of such title—

(1) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) A Director of Chiropractic Service, who shall be a qualified doctor of chiropractic and who shall be responsible to the Secretary for the operation of the Chiropractic Service.".

SEC. 202. AVAILABILITY OF CHIROPRACTIC CARE TO VETERANS.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish a program to provide chiropractic care to veterans through all Department of Veterans Affairs medical centers.

(b) IMPLEMENTATION.—The program under this section shall be implemented at Department of Veterans Affairs medical centers as follows:

(1) At not less than 30 medical centers by the end of fiscal year 2002.

(2) At not less than 60 medical centers by the end of fiscal year 2003.

(3) At not less than 90 medical centers by the end of fiscal year 2004.

(4) At not less than 120 medical centers by the end of fiscal year 2005.

(5) At all of the Department of Veterans Affairs medical centers by the end of fiscal year 2006.

(c) INITIAL PARTICIPATING MEDICAL CENTERS.—The initial 30 medical centers at which the program is to be carried out shall be designated by the Secretary not later than 60 days after the date of the enactment of this Act. In designating those medical centers, the Secretary shall select medical centers to reflect geographic diversity, facilities of various size and capabilities, and the range of services in the Department health care system.

SEC. 203. CHIROPRACTIC PROVIDERS.

The program under section 202 shall be carried out through personal service contracts and with appointments of licensed chiropractors for delivery of chiropractic services at Department of Veterans Affairs medical centers.

SEC. 204. SCOPE OF SERVICES; ENROLLMENT.

(a) SCOPE OF SERVICES.—The chiropractic services provided under section 202 shall include, at a minimum, care for neuro-musculoskeletal conditions.

(b) ENROLLMENT.—A veteran enrolled under section 1705 of title 38, United States Code, may, as part of such enrollment, choose a chiropractor as the veteran's primary care provider. A veteran with a primary care provider other than a chiropractor may be referred to chiropractic services for neuromusculoskeletal conditions by a medical provider.

SEC. 205. TRAINING AND INFORMATION.

(a) PRIMARY CARE TEAMS.—The Secretary shall provide training and materials relating to chiropractic services to members of Department health care providers assigned to primary care teams for the purposes of familiarizing those providers with the benefits of appropriate use of chiropractic services.

(b) FUTURE PROGRAM SITES.—During the period covered by section 202(b), the Secretary shall provide materials relating to chiropractic services to medical centers and other health care facilities of the Department not yet participating in the program in order to ensure that health care providers at those facilities are aware of chiropractic care as a future referral source.

(c) APPROVAL OF MATERIALS.—The Secretary may approve materials to be furnished under subsections (a) and (b) only after consulting with, and receiving the views of, the advisory committee established under section 206.

SEC. 206. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to review implementation of the program under this title.

(b) MEMBERS.—In appointing the members of the advisory committee, the Secretary shall include on the advisory committee—

(1) members of the chiropractic profession;

(2) persons who are experts in human resources appointments in the Federal service;

(3) persons with expertise in academic matters;

(4) persons with knowledge of credentialing and the granting of professional privileging to health care practitioners; and

(5) other persons as determined necessary by the Secretary and the functional needs of the advisory committee in establishing the chiropractic health program.

(c) FUNCTIONS.—The advisory committee shall provide advice to the Secretary on—

(1) the granting of professional privileges for chiropractors at Department medical centers;

(2) the scope of practice of chiropractors at Department medical centers;

(3) training materials; and

(4) such other matters as are determined appropriate by the Secretary.

SEC. 207. IMPLEMENTATION REPORT.

Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the implementation of this title.

TITLE III—NATIONAL COMMISSION ON VA NURSING

SEC. 301. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established in the Department of Veterans Affairs a commission to be known as the "National Commission on VA Nursing" (hereinafter in this title referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 12 members.

(2) Eleven members shall be appointed by the Secretary of Veterans Affairs, as follows:

(A) Three shall be recognized representatives of employees, including nurses, of the Department of Veterans Affairs.

(B) Three shall be representatives of professional associations of nurses of the Department or similar organizations affiliated with the Department's health care practitioners.

(C) Two shall be representatives of trade associations representing the nursing profession.

(D) Two shall be nurses from nursing schools affiliated with the Department of Veterans Affairs.

(E) One shall be a representative of veterans.

(3) The Nurse Executive of the Department of Veterans Affairs shall be an ex officio member of the Commission.

(d) CHAIRMAN OF COMMISSION.—The Secretary of Veterans Affairs shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) INITIAL ORGANIZATION REQUIREMENTS.—All appointments to the Commission shall be made not later than 60 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 302. DUTIES OF COMMISSION.

(a) ASSESSMENT.—The Commission shall—

(1) consider legislative and organizational policy changes to enhance the recruitment and retention of nurses by the Department of Veterans Affairs; and

(2) assess the future of the nursing profession within the Department.

(b) RECOMMENDATION.—The Commission shall recommend legislative and organizational policy changes to enhance the recruitment and retention of nurses in the Department.

SEC. 303. REPORTS.

(a) COMMISSION REPORT.—The Commission shall, not later than two years after the date of its first meeting, submit to Congress and the Secretary of Veterans Affairs a report on the Commission's findings and conclusions.

(b) SECRETARY OF VETERANS AFFAIRS REPORT.—Not later than 60 after the date of the Commission's report under subsection (a), the Secretary shall submit to Congress a report—

(1) providing the Secretary's views on the Commission's findings and conclusions; and

(2) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and the Secretary's reasons for doing so.

SEC. 304. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings and take testimony to the extent that the Commission or any member considers advisable.

(b) INFORMATION.—The Commission may secure directly from any Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 305. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties.

(2) The Secretary may fix the pay of the staff director and other personnel appointed under paragraph (1) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Secretary, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

SEC. 306. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date of the submission of its report under section 303(a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MORAN) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on August 2 of this year, I introduced along with the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. SIMMONS) the Disabled Veterans Service Dog and Health Care Improvement Act of 2001. Numerous provisions in this bill will help disabled veterans become more self-sufficient in their daily activities and make other numerous improvements to the VA health care system.

Mr. Speaker, in light of today's world events and in light of the activities that occurred on September 11, I am reminded of the testimony of one of the witnesses before our committee in which she quoted the first President of the United States, General George Washington:

"The willingness of future generations to serve in our military will be directly dependent upon how we have treated those who have served it in the past."

And so today with the world events unfolding and with our service men and women facing harm and danger, I rise to support legislation that will make improvements on the health care delivery system for those men and women of our country who have served our Nation and its military in the past.

I regret that the chairman of our committee, the gentleman from New

Jersey (Mr. SMITH), could not be with us this afternoon. He is on his way returning from his district. He has been delayed in transit. He represents an area of New Jersey that includes Trenton, an area that has recently seen postal workers exposed to anthrax and he has been in his district this weekend and today trying to ensure that the response of the Federal Government is appropriate and coordinated with the State and local responses, and so I tip my hat to the gentleman from New Jersey and regret his absence but commend him for his diligence in taking care of his constituents in these very uncertain times.

Mr. Speaker, the measure, H.R. 2792, would accomplish the following improvements in regard to health care delivery for our Nation's veterans. First of all, as the title indicates, it provides service dogs to enrolled veterans who need these dogs because of mobility, hearing loss or other problems susceptible to improvement with a service dog. This bill also strengthens the capacity in that it mandates the VA to maintain capacity in specialized medical programs for the most seriously disabled veterans in each VA network, and, in part because of this provision, has received the strong endorsement of the Paralyzed Veterans of America. This capacity issue deals with care for serious mental illness, spinal cord injury and dysfunction, blind rehabilitation and veterans suffering from traumatic brain injuries.

This bill also provides an opportunity to modify the VA's means test, the system of determining nonservice connected veterans' ability to pay for VA health care services, by producing a fairer means test for veterans across the country. This bill requires the Secretary of the Department to assess special telephone services made available to veterans such as help lines and hotlines and report to Congress. I would like to thank my friend and colleague the gentlewoman from California (Mrs. CAPPS) for providing us with the necessary input to include this kind of provision. We hope to work with the gentlewoman from California throughout the remainder of the year and into the future as the results of this study become known.

This legislation directs implementation, Mr. Speaker, of the Chiropractic Service Program that was mandated by this Congress in 1999 in the Millennium Health Care Act, and provides that the chiropractic provisions be implemented nationwide over a 5-year period. Veterans would have direct access to chiropractic care. The role of a chiropractor in the VA would be as a first entry provider, limited to diagnosis and treatment of problems of the lower spine, in consonance with State laws governing the practice of chiropractic. Other problems of diagnosis and treatment encountered by VA chiropractors would be referred to specialists within the VA. I am pleased to be a sponsor of this long overdue measure that affords chiropractic care to America's veterans.

□ 1530

I would like to take this opportunity to commend the full committee ranking member, the gentleman from Illinois (Mr. EVANS), and the ranking member of the Subcommittee on Health, the gentleman from California (Mr. FILNER), for their legislative efforts in regard to this issue.

This issue is before us after several years of hard work and failure of the VA to make any progress following the passage of the Millennium Health Care Act of 1999.

This bill also recognizes the need to sustain a dependable source of nursing staff for our VA health care system. It establishes an independent National Commission on VA Nursing to report to Congress its recommendations to ensure that the veterans health care programs have a sufficient supply of professional nurses in the future.

Finally, the bill requires a study of an emergency response communications system for service-disabled veterans. The study is to determine the feasibility of providing enrolled, service-connected veterans emergency notification capacity that connects them with the global positioning system. I look forward to the results of receiving this study.

Mr. Speaker, H.R. 2792, the Disabled Veterans Service Dog and Health Care Improvement Act of 2001, makes important improvements in veterans health care, and I hope my colleagues will join me in supporting this legislation.

I again thank the gentleman from New Jersey (Chairman SMITH); the ranking member, the gentleman from Illinois (Mr. EVANS); and the ranking member of the Subcommittee on Health, the gentleman from California (Mr. FILNER), for their work and efforts in making changes to this bill and bringing it to this point on the House floor today for final passage.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to thank the chairman of the full committee, the gentleman from New Jersey (Mr. SMITH), and the ranking member and chairman of the Subcommittee on Health. They have put together an important measure which will help veterans of our country, and is thus deserving the support of every Member of this House.

As reported, H.R. 2797 authorizes the provision of service dogs to eligible veterans. Today, service dogs provide invaluable assistance to many blind veterans. This measure will authorize similar assistance to mobility- and hearing-impaired veterans. These veterans can be well served by these highly trained animals.

As the erosion of programs for disabled veterans occurs, particularly the mentally ill, the concerns of Congress have proven prophetic. This reporting requirement is an important tool for Congress to assess the delivery of care needed by veterans and to hold VA accountable for its decisions.

The measure also authorizes a nursing commission that will review current and future challenges to the nursing profession in the VA. I am hopeful that this independent body will provide sound advice to the VA and to the nursing profession in general and consider appropriate ways to encourage members of our nursing profession to seek and maintain employment in the VA.

Mr. Speaker, the gentleman from Kansas (Chairman MORAN); the ranking member, the gentleman from California (Mr. FILNER); and others on the subcommittee strongly urge our colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again thank my colleague from Illinois for his efforts today and appreciate his remarks. I remind my colleagues that a week ago we were also on this House floor adopting legislation dealing with the homeless issue and our veterans. Again the leadership of the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Mr. EVANS) brought that bill to the floor. So, for a second effort today, we are attempting to make full our commitment to our nation's servicemen and women as they have retired and become veterans.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2792, the Disabled Veterans Service Dog and Health Care Improvement Act of 2001. I urge my colleagues to lend their support to this important measure.

H.R. 2792 authorizes the provision of service dogs to any veteran with an ailment where improvement in overall condition or enhancement in daily activity can be reached through the use of such an animal. These impairments include, but are not limited to, spinal cord injuries, other injuries that cause physical immobility and hearing loss. Veterans must be enrolled in VA Care in order to receive a dog, and all dogs will be provided in line with existing enrollment priorities for each VISN.

The legislation also strengthens the mandate for VA to maintain its capacity for specialized medical care by requiring that each VISN operate a proportional share of the national capacity for specialized care, including mental health, substance abuse, spinal cord and brain injury, and prosthetic care.

H.R. 2792 further directs the Secretary of Veterans Affairs to review the existing phone system for veterans, including all existing hot lines and help lines to ensure that VA resource's in this area are being utilized effectively and efficiently.

The bill also creates a new chiropractic services program within the VA, at thirty separate medical centers. The plan is to have this new program operating nationwide within five years.

Finally, this bill establishes a national commission on VA nursing for the purpose of improving recruitment and retention of nurses within the VA Health Care System.

Mr. Speaker, this legislation provides several much needed improvements to the system that delivers medical care to the veterans of our Armed Forces. The VA health care system offers some of the finest specialist care in the world, particularly for those veterans with spinal cord injuries and those requiring prosthetic devices. VA research in these fields is a cutting edge and second to none. I am pleased that this legislation offers additional options to these specialty care veterans to facilitate their day-to-day living.

Moreover, the VA nursing staffing issue has reached acute proportions. This bill seeks to create an institutional response to this staffing shortage which attempts to offer a long-term solution to this critical problem.

For these reasons Mr. Speaker, I urge my colleagues to lend their wholehearted support to this important legislation.

Mr. MORAN of Kansas. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2792, as amended.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MORAN) that the House suspend the rules and pass the bill, H.R. 2792, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL DAY OF RECONCILIATION

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 184) providing for a National Day of Reconciliation, as amended.

The Clerk read as follows:

H. CON. RES. 184

Resolved by the House of Representatives (the Senate concurring), That on a day of reconciliation selected jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, and with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance—

(1) the two Houses of the Congress shall assemble in the Hall of the House of Representatives at a time when the two Houses are not in session; and

(2) during this assembly, the Members of the two Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as the champion of hope, the vindicator of the defenseless, and the guardian of freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a resolution that calls for the two Houses of Congress to assemble in this Chamber at a time when the House and the Senate are not in session and that during this assembly the Members of the two Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as a champion of hope, the vindicator of the defenseless, and the guardian of freedom.

That is pretty much the sum and substance and essence of this resolution. I think given all we have been experiencing over the last few weeks, it is clear that the purposes of this resolution are very good indeed and would be beneficial to our Nation.

The author of the resolution is the gentleman from Texas (Mr. DELAY), our majority whip; and I understand we have now 72 cosponsors, with good bipartisan representation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the author of the resolution.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me time; and I thank my good friend from California for bringing this resolution to the floor. This is a resolution that is coauthored by me and the gentleman from Ohio (Mr. HALL).

Mr. Speaker, we have seldom seen a time in which it would have been more fitting than the present moment for America's leaders to come together as a unified body before God and demonstrate that we seek grace, guidance, wisdom, and reconciliation for our Nation.

In the work ahead, the old labels and divisions over which we have quarreled must be set aside to accomplish the larger purpose to which we are called as a Nation. We believe that this resolution has the capacity to draw us together and to cultivate the meaning, direction, and inspiration needed to achieve our special potential in the destiny of nations.

I have from time to time disagreed vigorously with my colleagues across the aisle. We have had honest disagreements and crossed swords over both practical and philosophical points. But I speak from my heart when I say that my firmest friends and most committed adversaries can all join me in supporting this initiative, because it is solely designed to advance the Nation towards a goal that all of us share.

Every Member should approach this resolution with fresh and open eyes. This resolution is without any partisan aspect, motivation, or effect. Its aim is the betterment of every American as our country draws closer to the high aspirations our Founders outlined for us.

It was specifically drafted to include everyone and to exclude no one. The National Day of Reconciliation acknowledges that we are all equal before God and, consequently, it is tailored to accommodate the specific face of every Member. It is ecumenical in substance and universal in its aspirations. Everyone can confidently embrace the spirit and purpose of reconciliation we advance with this proposal. We make way for all faiths.

Our goal is to have every Member join us in seeking reconciliation. Our victory is to see every Member and Senator taking part in keeping and practicing with their own personal faith, judgment, and beliefs. Our fondest wish is for every elected representative to gather and petition God for his blessing, stewardship, and forgiveness. We want to approach him to reconcile our country.

While we are all welcome and encouraged to take part, no one is obligated under this resolution to do anything at all. The National Day of Reconciliation compels no action of any kind. Participation is entirely voluntary.

Let me reiterate that point to dispel any misguided concerns. Members can support this resolution with the certain knowledge that it places no obligations on anyone. All it will do is to permit Members and Senators to come together voluntarily in private fellowship within the House Chamber to seek repentance and reconciliation for our Nation. What we seek is an open climate of communal prayer and repentance.

So many of us have gathered meaning and direction for our own lives through power of prayer. Both Houses of Congress acknowledge this by beginning each legislative day with an invocation.

We started work on this resolution many months ago. We were looking for a way to reconcile our country. Recent events have only deepened our conviction that reconciliation is needed and necessary. In the wake of September 11, the imperative underlying a National Day of Reconciliation takes on a heightened sense of urgency and weight.

In the past, the American governments have responded to periods of danger and uncertainty by seeking God's blessing and forgiveness.

One of our greatest Presidents healed a horrible national wound by leading us toward the pathway to reconciliation. He explained that by embracing our founding principles and seeking God's blessing, our Nation could overcome a great crisis. Abraham Lincoln held the Nation to account in 1863 as he urged Americans to reflect on all we had inherited and what was expected of us. He said:

> We have been the recipients of the choicest bounties of heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth and power, as no other Nation has ever grown. But we have forgotten God.
>
> We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined; in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own.
>
> Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and reserving grace, too proud to pray to the God thus!
>
> It behooves us, then to humble ourselves before the offended power, to confess our national sins and pray for clemency and forgiveness.

Abraham Lincoln was right. If we want America to be united under the fellowship of reconciliation, we must humble ourselves before God and ask to be healed and brought together.

We have heard suggestions that other spaces within the Capitol would be more fitting and appropriate venues than the House Chamber. I could not disagree more strongly. Please let me explain why.

Our House Chamber is the symbolic heart of American democracy. It is right here that we do our work. It is here that decisions bearing heavily on our destiny are decided. It is here that all three branches of our government assemble during moments of great national gravity.

From right up there, Presidents speak to America. And in here we can come together to demonstrate to the country that America's leaders have the strength, compassion, and courage to seek guidance and forgiveness. We should not be afraid to admit that America's work requires God's interest, assistance, and guidance.

Our purpose in introducing this resolution is threefold. We believe that by setting aside a day for the leaders of our Nation to come together in prayer, we will enhance our unity, send a powerful petition for guidance and wisdom, and, by humbly gathering, send a strong message to the American people that their leaders earnestly wish to bring about a national reconciliation so that we can go forward as a united people.

Members should also know that this resolution raises no constitutional barriers. It has been vetted thoroughly and poses no challenges to law.

To alleviate another concern, Members should know that we intend the entire scope of the Day of Reconciliation to occur without TV broadcast. Members should have no fear that this format could breach their privacy. Privacy in worship will be respected by this gathering because it will not be recorded. It is a chance for America's leaders to approach God.

We know we have all fallen short of our potential. We know that our Nation has also failed to achieve all that it could. Members can take a firm step toward realizing those twin objectives by supporting this resolution.

Remember, all we ask is that willing Members be permitted to gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all the people of the United States, thereby assisting the Nation to realize its potential as the champion of hope, the vindicator of the defenseless, and the guardian of freedom.

□ 1545

A national day of reconciliation will be good for each of us as elected officials and men and women, but it will be even better for America. It is time to come together, and I believe that this resolution will be an immeasurable help in solidifying our country.

So, Mr. Speaker, for that reason I ask Members to support the resolution.

Mr. DOOLITTLE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

I had not realized that this resolution was coming up so quick. I do not have anything written, but I would like to say that I think it is an important piece of legislation. I was very glad to support it. I think the gentleman from Texas (Mr. DELAY) is absolutely right in what he said, the reasons for it. There has never been a time when I think that we need our leaders to stand up and pray and to be humbled before God, to humble ourselves before God and ask for wisdom.

The fact that this is being done when we are not in session I think is important. That means the cameras are not on us. That means the press is not here. So we are not doing it for pious reasons; we are doing it because we sincerely hope that Members will come here on their own in a voluntary way and humbly ask God for guidance and wisdom to do what we should be doing, not only as representatives of this country in our districts, but, what do You want us to do?

Oftentimes, in our deliberation as Members of Congress, as husbands, as individuals, we oftentimes, especially in America and among successful people, we think that when there is a problem, we need to get together and we need to have a solution. We need to get some money; we need to start a program. But the fact is, oftentimes we forget to ask God what is on His mind, what does He want. It would be good that if we could close these doors, get everybody out of here except Members and come and pray and ask for wisdom, and I think it is appropriate. I think that it is not a new precedent that we are starting here, and I think that it is important that we pass this resolution.

There is a wonderful Scripture verse in the New Testament that says that, and I am paraphrasing, we are to pray for the kings and the leaders so that the people can live peaceful and tranquil lives in all Godliness and dignity. I think the reason why God asks the people to pray for leaders is not because they are better; it is because that they are leaders, and they have the power to make things good or make things bad.

When we look around the world today, there are a lot of things that are going on that are pretty rotten. There are probably 40,000 people that will die today, or close to it, from war and hunger and civil disturbance and lack of immunizations and lack of food and clean water. The kinds of conflicts that are going on in 40 different countries right now, even our own country, should tell people that we need to pray for our leaders.

They have this great saying in Africa that says that when the elephants fight, the grass dies, which means when the big people fight, when the leaders fight, the people perish, and they take it on the chin. That is why they ask for people to pray for their leaders. They also ask the leaders, us, people like us all over the world, to humble ourselves before God and ask for guidance and wisdom and to be the kind of people that God wants us to be.

I think this is what this resolution is all about. This is the reason why I went in on it. The only stipulation I made with the gentleman from Texas (Mr. DELAY) was that we do it privately, to not do it in front of the TV cameras. We do not do it in public. We do not do it to bring publicity to ourselves. That is the worst kind of thing to do. I think this legislation addresses that.

For that reason, I support it and I hope the whole body supports it.

Mr. DOOLITTLE. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to say that I certainly support this resolution. I think it is something that every weekend that I go home I ask my constituents in our church, the Bethel Baptist Missionary Church, to pray for not only me and the decisions I have to make, but to pray for the President and the other leaders in Congress. Because I really do mean that. I do not think there is anything stronger than prayer.

We have seen what it has done for this country during George Washington's time and President Lincoln's time, and FDR and World War I. What has always brought this country through is prayer and asking that we just help each other. I can remember some times in my own life that we have had prayer and that prayer has been answered. I think if the leaders come together, I think it is the right thing to do.

I can remember when the gentleman from Texas (Mr. DELAY) talked to me about this suspension bill coming to the House and, like the gentleman from Ohio (Mr. HALL) said, coming to the House floor and closing the doors and turning off the TV cameras, because some of us like to maybe perform for the TV and for the audience out there. But this ought to be from the heart. Because right now, we did not know at the time that the gentleman from Texas (Mr. DELAY) was talking about this that we were going to be going through these tragic events we are going through right now. So I thank him for this, and I certainly support this suspension resolution.

Mr. DOOLITTLE. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip and a cosponsor of this resolution.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when people tell me, as they often do, I am praying for you, I almost always say to them, it is the most important thing you could do. Just as the gentleman from Mississippi (Mr. SHOWS) mentioned, prayer does matter; and those of us who come today to support this resolution will be joined by others when this resolution is passed, to come to the floor specifically on that day to pray.

The tragic events of September 11 affected all the people in our country, including Members of Congress. Prayer is one way to heal our Nation and to heal ourselves.

I stand today in support of the resolution which allows Members of both bodies to have the opportunity to come to this floor, as has been often repeated, while the cameras are off for a day of prayer and reconciliation. This resolution provides an opportunity, a gathering place, for elected officials who wish to seek God's blessings and guidance for our country. It does not force any Member of this body or the other body to participate in a day of reconciliation; it merely makes this place available for that purpose.

Our Nation has a strong background in faith and worship by government officials. It is a background that other speakers, including the gentleman from Ohio (Mr. HALL), have already talked about. George Washington established a day of thanksgiving and prayer as the first President. Every President since President Kennedy has said a prayer just outside the doors of this Chamber before entering the House to give the State of the Union address. The House Chaplain opens every session of Congress with a morning prayer. Above the podium, Mr. Speaker, are engraved the words, "In God We Trust." During the Civil War, President Lincoln set aside several days of national mourning and prayer. In the 1950s and in the 1980s, Congress passed resolutions providing for national days of prayer; and later, those resolutions became public laws.

By praying together to a higher being in all different ways that any Member of either this House or the other body would want to do, we unify our Nation; we heal our wounds; and we do, as I tell people so often, the most important thing we could do.

Mr. DOOLITTLE. Mr. Speaker, I appreciate the comments of those who have spoken, and I strongly urge the adoption of this resolution relative to national reconciliation.

Mr. BISHOP. Mr. Speaker, it was before the events of September 11 and its aftermath that a diverse group of House Members—including, Democrats and Republics, Members from different regions, different backgrounds, and widely, differing viewpoints—began discussing the idea of drafting a resolution that focuses this often-contentious body and the country at-large on the higher purpose that unites us all as American citizens and as children of God.

Little did we know how profound the need for such a focus would soon be.

The resolution we consider tonight asks that we seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for every American in order to fulfill our country's purpose in bringing hope to the defenseless and freedom to the oppressed.

Our country is, in fact, the hope and inspiration of countless millions of people held in oppressed circumstances throughout much of the world.

At times, we Americans differ bitterly over policies. We have our own struggles over justice and opportunity for all. For more than two centuries, we have fought to make the promise of our Constitution a reality for every citizen, regardless of race, religion, gender, or national origin.

Yet, through it all, no country in the world has made a greater contribution or greater sacrifice to advance the cause of freedom and human dignity.

Tonight, our Nation and the free world face one of the greatest tests in our history. Let us stand together, in reconciliation and unity, as the "champion of hope, vindicator of the defenseless, and the guardian of freedom," here in America and across the world.

Mr. DOOLITTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). Are there further requests for time? If not the question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 184, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROPERTY PROTECTION PROGRAM FOR POWER MARKETING ADMINISTRATIONS

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2924) to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2924

SECTION 1. PROPERTY PROTECTION PROGRAM FOR POWER MARKETING ADMINISTRATIONS.

(a) IN GENERAL.—The Administrators of the Western Area Power Administration, the Southwestern Power Administration, and the Southeastern Power Administration may each carry out programs to reduce vandalism, theft, and destruction of property that is under their jurisdiction.

(b) PROVISION OF REWARDS.—In carrying out a program under this section, each Administrator referred to in subsection (a) is authorized to provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to, or loss of, Federal property under their jurisdiction. The amount of any one such reward paid to any individual may not exceed a value of $1,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Power Marketing Administration's Western Area Power Administration, Southwestern Power Administration, and Southeastern Power Administration are responsible for maintaining and operating over 18,000 miles of high-voltage electrical transmission lines, providing an important contribution to the movement of electrical power across our country. They also have hundreds of substations and communications sites, most located in remote areas. These facilities have been subjected to increased incidents of vandalism.

This bill would give the agencies authority to curb this threat to Federal property and our Nation's power infrastructure by vesting them with the authority to pay rewards to individuals that offer information leading to prosecution of vandals. These rewards would be limited to $1,000 each and would be paid out of existing appropriations.

The Corps of Engineers, the Bureau of Reclamation, and Bonneville Power Administration already have such authority. Bonneville estimates that they save $800,000 annually by successfully applying this program to protect Federal property. The Department of Energy has asked that we extend this authority to the other power marketing administrations, and I urge my colleagues to do so by adopting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2924 would authorize the administrators of the Western Area and Southeastern and Southwestern Power Administrations to carry out reward programs to reduce vandalism and theft at their facilities. The bill would authorize agencies to offer up to $1,000 to anyone providing information leading to the arrest and conviction of individuals charged with vandalism and/or theft at the three power market administrations. The Bonneville Power Administration has similar authority and its rewards program has helped reduce crime.

Mr. Speaker, the administration supports H.R. 2924. It is a worthwhile bill. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I certainly urge the passage of the legislation. I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2924, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CALVERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION FACILITIES

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2925) to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation, as amended.

The Clerk read as follows:

H.R. 2925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION FACILITIES.

(a) PUBLIC SAFETY REGULATIONS.—The Secretary of the Interior shall issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.

(b) VIOLATIONS; CRIMINAL PENALTIES.—Any person who knowingly and willfully violates any regulation issued under subsection (a) shall be fined under chapter 227, subchapter C of title 18, United States Code, imprisoned for not more than 6 months, or both. Any person charged with a violation of a regulation issued under subsection (a) may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

(c) AUTHORIZATION OF LAW ENFORCEMENT OFFICERS.—The Secretary of the Interior may—

(1) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands;

(2) authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any State or local government, including an Indian tribe, when deemed economical and in the public interest, through cooperative agreement or contract, to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned to them by the Secretary;

(3) cooperate with any State or local government, including an Indian tribe, in the enforcement of the laws or ordinances of that State or local government; and

(4) provide reimbursement to a State or local government, including an Indian tribe, for expenditures incurred in connection with activities under paragraph (2).

(d) POWERS OF LAW ENFORCEMENT OFFICERS.—A law enforcement officer authorized by the Secretary of the Interior under subsection (c) may—

(1) carry firearms within a Reclamation project or on Reclamation lands;

(2) make arrests without warrants for—

(A) any offense against the United States committed in his presence; or

(B) any felony cognizable under the laws of the United States if he has—

(i) reasonable grounds to believe that the person to be arrested has committed or is committing such a felony, and

(ii) such arrest occurs within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

(3) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for any offense committed within a Reclamation project or on Reclamation lands; and

(4) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense.

(e) LEGAL STATUS OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS.—

(1) STATE OR LOCAL OFFICERS NOT FEDERAL EMPLOYEES.—Except as otherwise provided in this section, a law enforcement officer of any State or local government, including an Indian tribe, authorized to act as a law enforcement officer under subsection (c) shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

(2) APPLICATION OF FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code (commonly known as the Federal Tort Claims Act), a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

(3) AVAILABILITY OF WORKERS COMPENSATION.—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term employee as defined in section 8101 of title 5, and the provisions of that subchapter shall apply. Benefits under such subchapter shall be reduced by the amount of any entitlement to State or local workers compensation benefits arising out of the same injury or death.

(f) CONCURRENT JURISDICTION.—Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

(g) REGULATIONS.—Except for the authority provided in section 2(c)(1), the law enforcement authorities provided for in this section may be exercised only pursuant to regulations issued by the Secretary of the Interior and approved by the Attorney General.

(h) DEFINITIONS.—In this section:

(1) LAW ENFORCEMENT PERSONNEL.—The term "law enforcement personnel" means an employee of a Federal, State, or local government agency, including an Indian tribal agency, who has successfully completed law enforcement training approved by the Secretary and is authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of his or her employing jurisdiction.

(2) RECLAMATION PROJECT; RECLAMATION LANDS.—The terms "Reclamation project" and "Reclamation lands" have the meaning given such terms in section 2803 of the Reclamation Projects Authorization and Adjustment Act of 1992 (16 U.S.C. 4601 32).

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Bureau of Reclamation is responsible for protecting 348 Federal dams, 58 hydroelectric power plants, and over 8 million acres of Federal property that contain 300 recreation areas hosting over 90 million visitors each year. Yet, they do not have the authority to contract with any entity to ensure that Federal law is enforced at these facilities.

While Reclamation can contact State and local law enforcement agencies to enforce State and local laws, these entities cannot enforce Federal laws within a Reclamation project or on Reclamation-administered lands.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property. This bill will vest the Bureau of Reclamation with the authority to contract with other Federal, State, tribal, or local law enforcement entities to provide services at Bureau of Reclamation facilities.

This legislation does not create a new law enforcement agency within the Bureau; it does allow Reclamation to contract with existing agencies, and reimburses them for law enforcement services.

These measures, especially in times such as we are in today, are not only prudent, they are essential. The administration has placed high priority on correcting this situation, and I urge Members to take action, and to do so by supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2925, as amended, would assist in law enforcement efforts at the Bureau of Reclamation facilities in 17 western States. Despite the agency's responsibility to manage more than 300 dams and reservoirs and 58 hydroelectric power plants, the Secretary of the Interior lacks the adequate authority to enforce Federal law at Bureau of Reclamation facilities. There are often violations of Federal law, including vandalism, theft, trespass, and threats to the security of the facilities.

H.R. 2925, as amended, would authorize the Secretary to contract with Federal, State, local and tribal law enforcement agencies to enforce Federal and State laws on Reclamation lands. The bill would authorize the Secretary to contract with an adjacent landowner, such as the Forest Service or the local police department, to enforce laws on Reclamation lands. The bill would also authorize the Secretary to pay the law enforcement agencies for their services.

The administration supports this bill. Given our support for the safety of our water supply, this legislation, as amended, deserves our support. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2925, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MOCCASIN BEND NATIONAL HISTORIC SITE ESTABLISHMENT ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 980) to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System, as amended.

The Clerk read as follows:

H.R. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Moccasin Bend National Historic Site Establishment Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act the following definitions apply:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) Historic site.—The term "historic site" means the Moccasin Bend National Historic Site.

(3) State.—The term "State" means the State of Tennessee.

(4) Map.—The term "Map" means the map entitled "Boundary Map, Moccasin Bend National Historic Site", numbered NAMB/80000A, and dated September 2001.

SEC. 3. ESTABLISHMENT.

(a) In General.—In order to preserve, protect, and interpret for the benefit of the public the nationally significant archeological and historic resources located on the peninsula known as Moccasin Bend, Tennessee, there is established as a unit of the National Park System the Moccasin Bend National Historic Site.

(b) Boundaries.—The historic site shall consist of approximately 900 acres generally depicted on the Map. The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. The Secretary may make minor revisions in the boundaries of the historic site in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)).

(c) Acquisition of Land and Interests in Land.—

(1) In general.—The Secretary may acquire by donation or purchase from willing sellers, using donated or appropriated funds, lands and interests in lands within the exterior boundary of the historic site.

(2) Moccasin bend mental health institute.—Notwithstanding paragraph (1), the Secretary may acquire the State-owned land and interests in land (including structures on that land) known as the Moccasin Bend Mental Health Institute for inclusion in the historic site only by donation and only after the facility is no longer used to provide health care services, except that the Secretary may acquire by donation only, at any time, any such State-owned land or interests in land that the State determines is excess to the needs of the Moccasin Bend Mental Health Institute. The Secretary may work with the State through a cost sharing arrangement for the purpose of demolishing the structures located on that land that the Secretary determines should be demolished.

(3) Easement outside boundary.—To allow access between areas of the historic site that on the date of the enactment of this Act are noncontiguous, the Secretary may acquire by donation or purchase from willing owners, using donated or appropriated funds, an easement connecting the areas generally depicted on the Map as the "Moccasin Bend Archeological National Historic Landmark" and the "Rock-Tenn" property.

(d) Moccasin Bend Golf Course.—On the date of the enactment of this Act, the boundary of the historic site shall not include the approximately 157 acres of land generally depicted on the Map as the "Golf Course" as such lands shall not be within the boundary of the historic site. In the event that those lands are no longer used as a public golf course, the Secretary may acquire the lands for inclusion in the historic site by donation only. Upon such acquisition, the Secretary shall adjust the boundary of the historic site to include the newly acquired lands.

(e) Radio Tower Property.—On the date of the enactment of this Act, the boundary of the historic site shall not include the approximately 13 acres of land generally depicted on the Map as "WDEF". In the event that those lands are no longer used as a location from which to transmit radio signals, the Secretary may acquire the lands for inclusion in the historic site by donation or purchase from willing sellers with appropriated or donated funds. Upon such acquisition, the Secretary shall adjust the boundary of the historic site to include the newly acquired lands.

SEC. 4. ADMINISTRATION.

(a) In General.—The historic site shall be administered by the Secretary in accordance with this Act and with the laws generally applicable to units of the National Park System.

(b) Cooperative Agreement.—The Secretary may consult and enter into cooperative agreements with culturally affiliated federally recognized Indian tribes, governmental entities, and interested persons to provide for the restoration, preservation, development, interpretation, and use of the historic site.

(c) Visitor Interpretive Center.—For purposes of interpreting the historical themes and cultural resources of the historic site, the Secretary may establish and administer a visitor center in the development of the center's operation and interpretive programs.

(d) General Management Plan.—Not later than three years after funds are made available for this purpose, the Secretary shall develop and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the historic site. The general management plan shall describe the appropriate protection and preservation of natural, cultural, and scenic resources, visitor use,

and facility development within the historic area consistent with the purposes of this Act, while ensuring continued access to private landowners to their property.

SEC. 5. REPEAL OF PREVIOUS ACQUISITION AUTHORITY.

The Act of August 3, 1950 (Chapter 532; 16 U.S.C. 424a-4) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 908, introduced by the gentleman from Tennessee (Mr. WAMP), establishes the Moccasin Bend National Historical Site as a unit of the National Park System. The gentleman from, Tennessee (Mr. WAMP) is to be commended for his very hard work in bringing this bill to the floor and addressing a number of issues of concern. Because of his efforts and the advocacy that he participated in, the bill is now ready to move forward.

This area of land, approximately 900 acres along the Tennessee River in Chattanooga, contains a number of historical artifacts and played a large role during the Civil War. Moccasin Bend was studied by the National Park Service, which recommended this area for inclusion as a park unit because it possessed an extensive range of historic themes and cultural resources.

Mr. Speaker, this bill was amended during committee proceedings in order to address many of the concerns voiced by the minority and the Park Service, especially with the future of the public golf course and the mental health facility boundaries and adjustments.

Most of these major problems have been worked out, and the bill is now supported by both the minority and the administration. Furthermore, appropriations for the acquisition have already been included in this year's budget, and authorization is required in order to proceed.

Mr. Speaker, I again congratulate the gentleman from Tennessee (Mr. WAMP) on his very hard work on this bill, and I urge my colleagues to support H.R. 908, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Moccasin Bend is an area near Chattanooga, Tennessee, where archeologists have unearthed evidence of Native American inhabitants dating back thousands of years, mingled with important artifacts from the Civil War. In fact, this area is thought to be one of the most important Native American sites within any American city. Yet, Moccasin Bend enjoys no uniform protection.

The area is home to a number of uses that are inconsistent with providing the area and its artifacts the protection they deserve. H.R. 980 will be an important step in changing this. The legislation will designate a major portion of Moccasin Bend as a national historic park, to be managed and preserved by the National Park Service. Once fully established, future generations will be able to visit this new unit and explore firsthand thousands of years of history.

It should be noted that passage of H.R. 980 does not mean that there is no more to be done at Moccasin Bend. Several of the parcels in the area simply cannot be included in the park at this time. However, this legislation provides us with the tools we need to include those areas in the near future, and we look forward to working with the gentleman from Tennessee (Mr. WAMP) and the local community to ensure this area will be fully protected.

Mr. Speaker, we support H.R. 980 and urge our colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I have been privileged for the last 43 years to call Chattanooga, Tennessee my hometown. Chattanooga, the word, is a derivative of a Creek Indian word which means "rock coming to a point," because what those Native Americans saw there above the Tennessee River as it meanders through the foothills of Appalachia is Lookout Mountain coming to a point. They had a Creek Indian word that later became "Chattanooga."

If we stand on the northern tip of Lookout Mountain at Point Park, which is part of the Chickamauga Chattanooga National Military Park where the Civil War was fought, and we overlook the City of Chattanooga and the Tennessee River, we literally look right down on this boot, this moccasin called Moccasin Bend.

It is a peninsula that is rich, I mean rich, with human history. As a matter of fact, anthropologists say that there is not another unit in the National Park System that is as rich. They call it a constellation of human habitation through the various time periods dating back 10,500 years. That is the known human habitation and human history of Moccasin Bend.

But when we looked down at Moccasin Bend when it was just raw land, it was beautiful. It is still beautiful today, but as the gentleman from West Virginia says, it actually has been cut up somewhat because of buildings that have been built on it and different infrastructure that has been placed there. However, it is time, long past time, to preserve this particular asset through our National Park System.

Mr. Speaker, about 5 years ago, as a member of the Subcommittee on Interior of the Committee on Appropriations, we were able to insert the money for this study that our chairman, the gentleman from California, referred to. The study came back and clearly determined the national significance, the suitability, and the feasibility of adding Moccasin Bend to the National Park System.

When we look back on the human history, believe it or not, we have proof that hunters, human hunters, hunted mammoth and mastodon here on Moccasin Bend; then later white-tailed deer. Then we know the history that the Native Americans actually lived there.

As the Spanish explorers DeSoto and DeLuna came through this part of our country on their way, DeSoto to the Mississippi River 450 years ago, their colleagues and their contemporaries actually made a home here on Moccasin Bend. Then the Trail of Tears crossed Moccasin Bend not once but twice as that tragic chapter in American history took place. The Civil War, different assets of the Civil War are there. There were actually gun embankments there and emplacements there on Moccasin Bend. So it is rich with human history, and it needs to be preserved and protected.

Two main barriers existed. With regard to the Moccasin Bend Mental Health Center, we found a way to grandfather that in, and even to free up the State of Tennessee to go ahead and convey all the property except where the buildings actually sit, so that the park can go ahead and establish its boundaries.

Also, there is a municipal golf course there that the city and county jointly own. We allowed it to be left alone, and at a later time, whenever there is no longer a golf course there, the property can be added. The Secretary of the Interior can just take it.

So in both cases we had to find a compromise, so we were building consensus, and we have. Part of the bill specifically addresses an interpretive center where we can interpret the Native American history.

If Members have been to Chattanooga lately, they know what a wonderful place it has become. In the last 15 years, it has been transformed into a people place. All up and down the Tennessee River are river walks and trails. This national park addition will very much compliment what has already been done there with public-private partnerships and a tremendous infusion of private capital to bring people back to the river and reclaiming our heritage.

The beautiful Tennessee Aquarium is one of the largest tourist draws in the Southeast there. So many activities have taken place, and this fits right into it.

The compromise ends up being about 900 acres into the National Park System. It has been supported by our city, by our county; the State of Tennessee is in favor of this. We have unanimous support from the Tennessee congressional delegation, both parties. The cultural committee of the five civilized tribes of Cherokees and Native Americans have supported this proposal.

The group that kept this dream alive from 1950 until now, and see, this original legislation passed in 1950 to add this to the National Park System, but Governor Frank Clement at the time decided to build a mental health center there. He did not sign the legislation. Now our colleague, his son, the gentleman from Tennessee (Mr. CLEMENT) is cosponsor of the legislation to finally add Moccasin Bend into the National Park System. We are encouraged by that greatly. Over the last 50 years, organizations have tried to bring this back up, but in the last 6 years or so an organization called Friends of Moccasin Bend have done yeoman's work in making this a reality.

We commend Mickey Robbins and Jay Mills, Bob Hunter, Mike Mann, Meg Beene, and many others: City Councilpersons Sally Robinson and John Taylor; our new Mayor, Bob Corker; County Executive Claude Ramsey. We have done very well to bring all these people together.

In closing, Mr. Speaker, I would like to thank the committees very, very much: the ranking member, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. HANSEN); at the subcommittee level, the gentleman from Colorado (Chairman HEFLEY), and now the gentleman from California (Chairman RADANOVICH), and the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), have worked with us to try to dot our I's and cross our T's.

There has been excellent staff support: Robb Howarth and Tod Hall; on the minority side, David Watkins has been very helpful. At the subcommittee level of the Committee on Appropriations, both in the Subcommittee on Interior and the Subcommittee on Energy and Water Development, where I serve, all of our staff members have been extremely helpful.

This is a great day in the history of our city and our region because Moccasin Bend needs to be a separate unit in the National Park System, a national historic site. Today, with bipartisan support, I hope we will pass this bill through the House of Representatives and send it to the United States Senate, and get in line so that when President Bush lifts the moratorium on new additions into the National Park System, we would maybe be behind the Ronald Reagan boyhood home. So the gentleman from Illinois (Speaker HASTERT) gets his wish first, and I get my wish second.

I thank my colleagues for working with me on this most important step toward preserving a real American treasure, the Moccasin Bend National Historic Site.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Tennessee (Mr. WAMP) for the enthusiasm and dogged determination with which he has pursued this issue.

Obviously, judging from his remarks just now in the well and his every appearance before our committee and before this body, Members can really see his love for this area. I salute him for that dedication.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1615

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 980, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

METACOMET-MONADNOCK-SUNAPEE-MATTABESETT TRAIL STUDY ACT OF 2001

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1814) to amend the National Trails System Act to designate the Metacomet-Monadnock-Sunapee-Mattabesett Trail extending through western New Hampshire, western Massachusetts, and central Connecticut for study for potential addition to the National Trails System, as amended.

The Clerk read as follows:

H.R. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Metacomet-Monadnock-Mattabesett Trail Study Act of 2001".

SEC. 2. DESIGNATION OF METACOMET-MONADNOCK-MATTABESETT TRAIL FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL TRAILS SYSTEM.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"( ) ' METACOMET-MONADNOCK-MATTABESETT TRAIL.—The Metacomet-Monadnock-Mattabesett Trail, a system of trails and potential trails extending southward approximately 180 miles through western Massachusetts on the Metacomet-Monadnock Trail, across central Connecticut on the Metacomet Trail and the Mattabesett Trail, and ending at Long Island Sound.".

SEC. 3. EXPEDITED REPORT TO CONGRESS.

Notwithstanding the fourth sentence of section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), the Secretary of the Interior shall submit the study required by the amendment made by section 2 to Congress not later than two years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1814, introduced by the gentleman from Massachusetts (Mr. OLVER), authorizes a study to include the Metacomet-Monadnock-Sunapee-Mattabesett Trail for designation into the National Trail System. The trail would extend from southern Connecticut to northern Massachusetts and winds through some of the most scenic areas in these States. The trail also would help interpret much of the important early history of the Eastern United States.

The National Park Service would be in charge of conducting the study, which would then forward their recommendation to the appropriate congressional committees within 2 years.

If the study recommends inclusion into the National Trail System, Congress would then seek to approve the actual designation.

Mr. Speaker, this bill was amended during the committee proceedings to address concerns of private landowners in New Hampshire. The bill is now ready to move forward. It is supported by both the minority and the administration. I urge my colleagues to support H.R. 1814 as amended.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1814, introduced by our colleague, the gentleman from Massachusetts (Mr. OLVER), would provide for a study of a series of trails extending through western Massachusetts and central Connecticut. The purpose of this study would be to determine if the trails in question are a suitable and feasible addition to the National Trails System.

The trails are well established and traverse several hundred miles to provide a link to a number of historical and recreational sites in the Northeastern region. The testimony before the Committee on Resources indicate widespread public support for the trails, and the National Park Service testified that the trails would be a good candidate for study for possible designation as part of the National Trail System.

Mr. Speaker, I wish to commend the gentleman from Massachusetts (Mr. OLVER) for his initiative and for his pursuing this along every step of the away. I am aware of no opposition to the legislation, and I would urge its adoption by the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of H.R. 1814, which authorizes the Department of Interior to conduct a feasibility study of the combined Metacomet-Monadnock-Sunapee-Mattabesett trails in Massachusetts and Connecticut for possible inclusion in the National Trail System.

Before I describe this project in my own words, I want to thank the chairman, the gentleman from California (Mr. RADANOVICH), and particularly the previous chairman, the gentleman from Colorado (Mr. HEFLEY), and the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), of the Subcommittee on National Parks and Public Lands, and, of course, the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), who happens to be in the Speaker's chair today, along with the ranking member, the gentleman from West Virginia (Mr. RAHALL), along with all of the staff for the subcommittee and the full committee for so expeditiously bringing this legislation to the floor for action.

Mr. Speaker, these identified and potential trails begin with the Metacomet-Monadnock Trail at the Massachusetts/New Hampshire border and continue southward within the Connecticut River watershed along the Mt. Tom and Mt. Holyoke ranges through Massachusetts and Connecticut, then connect with Mattabesett Trail in Connecticut and eventually end at the shore of Long Island Sound.

Unique cultural, scenic, historic, and geological features of these New England trails distinguish them as worthy of this study and national recognition. The geological features are dominated by the steep volcanic trap-rock basalt ridges which rise more than 1,000 feet above the Connecticut River Valley floor in Massachusetts and Connecticut. These basalt ridges are the erosion-resistant remains of a 250 million-year-old volcanic activity. They define the route of the proposed National Scenic Trail and pass within just a few miles of major cities in Connecticut: New Haven, Meriden, New Britain, and Hartford; and in Massachusetts: Springfield, Holyoke, Westfield, and Amherst.

The trails provide over 180 miles of recreational hiking and backpacking for nearby residents of the Connecticut River Valley, including rural and major urban areas. In a region of increasing growth and sprawl, these trails also provide important open space and wildlife habitat.

Mr. Speaker, this bill has been cosponsored by every Member of this House who has part of the trail passing through their district and has the support of local communities, conservation groups, and constituents.

In Massachusetts, I would like to thank Pat Fletcher and Chris Ryan of Berkshire Chapter of the Appalachian Mountain Club and Peter Westover at the Amherst Conservation Commission for their dedication to the project. In Connecticut, I would like to recognize the work of Ann Colson and Patty Pentergast at the Connecticut Forest and Parks Association, which is the organization that runs all of the public trail system managed by the State of Connecticut.

Other groups that have supported this effort include the Nature Conservancy, the New England Wildflower Organization, the Trustees of Reservation in Massachusetts, and the Kestrel Trust in the Connecticut River Valley. These citizens and hundreds of other volunteers and paid staff work hard to maintain and protect these trails.

Through this legislation, I, and the other sponsors of the bill, hope to provide additional resources and opportunities for the good work that all of those citizens and volunteers and organizations do. I urge a yes vote on H.R. 1814.

Mr. RADANOVICH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of this bill that will provide the resources to enable us to study these trails, many of which go back hundreds of years, well before independence, and to study the possibilities they hold for future generations of preservation and restoration. It will be a great benefit to New England as well as to the whole country to be able to have the information to preserve these trails and to make sure that they will be there to serve future generations.

In New England, of course, it is a different matter than other parts of the country. These trails go in large measure through private lands and have a long tradition of being open and available to the public. So we look forward to the results of the study, and we thank the Speaker for considering this today.

I thank the gentleman from Massachusetts (Mr. OLVER) for his leadership in this matter. Without his personal involvement and the fact that he has hiked all these trails personally, I think this bill would not have moved along as rapidly as it has, and I thank the gentleman from Massachusetts for his leadership.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

I, too, want to join in the commendation to the gentleman from Massachusetts (Mr. OLVER). I said in the beginning he has walked this legislation along every step of the way. I did not realize he had walked every step of the trail as well. So I commend him for his leadership and personal involvement on this issue.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1814, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System.".

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SWEENEY) at 6 p.m.

MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 838. An act to amend the Federal Food, Drug, and Cosmetic Act to imporve the safety and efficacy of pharmaceuticals for children.

S. Con. Res. 74. Concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

APPOINTMENT OF MEMBERS TO DWIGHT D. EISENHOWER MEMORIAL COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 8162(c)(3) of Public Law 106-79, the Chair announces the Speaker's appointment of the following Members of the House to the Dwight D. Eisenhower Memorial Commission:

Mr. THORNBERRY of Texas.
Mr. MORAN of Kansas.
Mr. MOORE of Kansas.
Mr. BOSWELL of Iowa.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3086, by the yeas and nays;

H.R. 3160, by the yeas and nays; and

H.R. 2924, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the second such vote in this series.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3086, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 3086, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 15, as follows:

[Roll No. 395]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Berman
Bilirakis
Burton
Conyers
Cubin
Davis (IL)
Kilpatrick
McInnis
Miller, Dan
Pence
Reyes
Sánchez
Stark
Stearns
Taylor (NC)

☐ 1828

Mr. CHABOT changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PENCE. Mr. Speaker, on rollcall No. 395. I was unavoidably detained at the hospital with my son who suffered a fractured collarbone on the playground at school. Had I been present, I would have voted "yea."

☐ 1830

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 17, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from L. Clayton Roberts, Director, Division of Elections, of the Office of the Secretary of State, State of Florida, indicating that, according to the unofficial returns of the Special Election held October 16, 2001, the Honorable Jeff Miller was elected Representative in Congress for the First Congressional District, State of Florida.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

Attachment.

FLORIDA DEPARTMENT OF STATE,
DIVISION OF ELECTIONS,
Tallahassee, FL, October 17, 2001.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives, Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on Tuesday, October 16, 2001, for Representative in Congress from the First Congressional District of Florida, show that Jeff Miller received 53,247 votes or 65.7 percent of the total number of votes cast for that office.

It would appear from these unofficial results that Jeff Miller was elected as Representative in Congress from the First Congressional District of Florida.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all counties involved, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

L. CLAYTON ROBERTS,
Director, Division of Elections.

UNOFFICIAL RESULTS—UNITED STATES REPRESENTATIVE DISTRICT: 1

County	Report (Percent)	Jeff Miller (REP)	Steve Briese (DEM)	John G. Ralls Jr., (NPA)	Floyd Miller (WRI)	Tom Wells (WRI)
Bay	100.0%	1,483	557	39	4	0
Escambia	100.0%	18,851	9,616	1,769	0	0
Holmes	100.0%	633	506	20	0	0
Okaloosa	100.0%	18,239	7,339	2,314	0	0
Santa Rosa	100.0%	11,601	3,012	703	0	0
Walton	100.0%	2,400	1,663	268	0	0
Total		53,247	22,693	5,113	4	0
Percent		65.7	28.0	6.3	0.0	0.0

PROVIDING FOR SWEARING IN OF MR. JEFF MILLER, OF FLORIDA, AS A MEMBER OF THE HOUSE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. JEFF MILLER) be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest; and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 17, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable William F. Galvin, Secretary of the Commonwealth, Commonwealth of Massachusetts, indicating that, according to the unofficial returns of the Special Election held October 16, 2001, the Honorable Stephen F. Lynch was elected Representative in Congress for the Ninth Congressional District, Commonwealth of Massachusetts.

With best wishes, I am.

Sincerely,

JEFF TRANDAHL,
Clerk.

Attachment.

THE COMMONWEALTH OF MASSACHUSETTS, SECRETARY OF THE COMMONWEALTH, STATE HOUSE,
Boston, Massachusetts, October 17, 2001.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives, Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special State Election, held on Tuesday, October 16, 2001, for the office of Representative in Congress from the Ninth Congressional District of Massachusetts, show that Stephen F. Lynch received 44,836 votes out of 69,779 total votes cast for that office.

It would appear from these unofficial results that Stephen F. Lynch was elected as Representative in Congress from the Ninth Congressional District of Massachusetts.

To the best of my knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by those municipalities located within the Ninth Congressional District, an official Certificate of Election will be prepared for transmittal as required by law.

Thank you for your attention to this matter.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

PROVIDING FOR SWEARING IN OF MR. STEPHEN F. LYNCH, OF MASSACHUSETTS, AS A MEMBER OF THE HOUSE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts (Mr. STEVEN F. LYNCH) be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SWEARING IN OF THE HONORABLE JEFF MILLER, OF FLORIDA, AND THE HONORABLE STEPHEN F. LYNCH, OF MASSACHUSETTS, AS MEMBERS OF THE HOUSE

The SPEAKER. Will the Member-elect from Florida (Mr. JEFF MILLER) and the Member-elect from Massachusetts (Mr. STEPHEN F. LYNCH) please come forward, and would the representative delegations from Florida and Massachusetts please join them.

Mr. JEFF MILLER and Mr. STEPHEN F. LYNCH appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now Members of the 107th Congress.

INTRODUCTION OF JEFF MILLER, NEW MEMBER FROM FLORIDA

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, as a senior Member of the Florida delegation, it is my privilege to present to my colleagues in the House and ask them to join me in welcoming JEFF MILLER to the people's House.

Mr. Speaker, prior to his election on October 16, the gentleman from Florida (Mr. JEFF MILLER) was a member of the Florida legislature where he distinguished himself extremely well. He is a hard worker, and he represents a district that is vital to the national security interests of the United States, the First Congressional District of Florida. If the gentleman gets any more military establishments there, it is probably going to sink into the Gulf of Mexico. He has a tremendous responsibility representing that type of district here in the Congress, and especially in today's world when national security is in all of our minds.

Mr. Speaker, one of the important things about the gentleman from Florida (Mr. JEFF MILLER) is that he was my constituent for 14 years. He was born and grew up in the district that I have had the honor to represent for a long time; and that makes me doubly proud of the gentleman, and I am extremely happy to present to the gentleman his colleagues in the House of Representatives.

GREETINGS FROM THE WESTERN GATE OF THE SUNSHINE STATE

(Mr. JEFF MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFF MILLER of Florida. Mr. Speaker, I bring my colleagues greetings from the western gate of the Sunshine State where thousands live like millions wish they did.

Mr. Speaker, I want to take this opportunity, if I might, to recognize my wife and family who are here with me today in the gallery.

I come from a small town that Members will hear a lot about. It is a town called Chumuckla. It is a small rural community where the young people learn the difference from right and wrong, where even prior to September 11 there was a great respect for our men and women in uniform. I live in a community where men remove their caps when the National Anthem is played, and our people still bow their heads at local football games.

Mr. Speaker, I am proud to be the Congressman from the First Congressional District, and the promise that I made to the people back home upon my election was that I would work as hard as I could to be the best Congressman ever. All I can say, my wish tonight is that God would continue to bless and protect these United States of America.

INTRODUCTION OF STEPHEN F. LYNCH, NEW MEMBER FROM MASSACHUSETTS

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, I rise to honor and welcome STEPHEN LYNCH to the high office of United States Representative. I want my colleagues to know that we are welcoming into our midst a man who from day one embodies the history, the purpose and the mission of the people's House. He learned the value of hard work and pride and accomplishment by joining his father as an ironworker in Local Number 7. He learned the value of service from a mother who earned a living as a postal clerk.

He rose from the housing projects of South Boston to work his way through college and Boston College Law School. While "climbing iron," STEPHEN was elected the youngest president in the history of Ironworkers Local Number 7. He then served proudly in the Massachusetts State House representing South Boston, first in the State House of Representatives and then in the Massachusetts State Senate.

His combination of thoughtful listening and forceful leadership in the bubbling, boiling caldron of Massachusetts State politics has earned him the broad and deep respect of everyone with whom he has come into contact. Indeed, in this election he received the endorsement of the Boston Globe and the Boston Herald, a heretofore impossible task in Massachusetts politics.

The gentleman from Massachusetts (Mr. LYNCH) is going to succeed Joe Moakley. STEPHEN has said if he could fill even one of Joe Moakley's big shoes, he would be happy to do that. It is a gracious remark that demonstrates the profound appreciation the gentleman has for the work that Joe Moakley did here throughout his lifetime.

Joe Moakley in turn replaced John McCormack as the Congressman from South Boston. In electing STEVE, we have picked someone at this uncommon time with the talent and the courage which this country is going to need in order to surmount the challenges which face us in the years ahead.

Mr. Speaker, I give my colleagues the new, great Congressman from the city of Boston, the gentleman from Massachusetts (Mr. LYNCH).

EXPRESSING GRATITUDE AND THANKS FOR THE OPPORTUNITY TO SERVE AS REPRESENTATIVE FOR NINTH CONGRESSIONAL DISTRICT OF MASSACHUSETTS

(Mr. LYNCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LYNCH. Mr. Speaker, I thank Members for their courtesy, and I thank the gentleman from Massachusetts (Mr. MARKEY) for the kind and generous introduction. I want to say I have much to be thankful for today. I thank God for the opportunity to serve here in the House of Representatives. I also want to thank my mom and dad, and my family, my five sisters, my wife, Margaret, my daughter, Victoria, and most of the congressional district that I represent that has followed me here today. I want to thank and recognize them.

Mr. Speaker, I thank the families of the 9th Congressional District of Massachusetts and my many supporters for allowing me this opportunity to represent them here in the House of Representatives; and I know that I follow in the shadow of a great man, Congressman Joe Moakley. No one misses him more than I do. He spoke so highly of this institution; and he had such great respect for every Member of this body, Republican and Democrat. I just know that coming in here, I have an awful lot of work to do to deserve my place, to earn my place, to serve beside my colleagues.

Mr. Speaker, God bless everyone here, and God bless the United States of America.

MOMENT OF SILENCE TO HONOR POSTAL SERVICE EMPLOYEES

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, I think it would be appropriate tonight with this many Members present and with our new Members present and on the job, if we as a body, in a unified way, stood together for a moment of silence in memory of the Postal Service employees that have lost their lives; and in honor of all of the families and all of those U.S. Postal Service employees around the country that work for us day in and day out, that we would bow our heads as the United States Congress in their honor and in their memory and pray for our country at this time in our country's history. Please stand.

BIOTERRORISM ENFORCEMENT ACT OF 2001

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 3160.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3160, on which the yeas and nays are ordered.

This will be a 15-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 13, as follows:

[Roll No. 396]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson

Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Ballenger
Bilirakis
Burton
Cubin
Davis (IL)
Kilpatrick
Miller, Dan
Pomeroy
Reyes
Sánchez
Stark
Stearns
Taylor (NC)

☐ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POMEROY. Mr. Speaker, on rollcall No. 396, the Bioterrorism Enforcement Act of 2001, had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

PROPERTY PROTECTION PROGRAM FOR POWER MARKETING ADMINISTRATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2924, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2924, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 397]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney

Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Ballenger
Bilirakis
Boehner
Burton
Cubin
Davis (IL)
Jones (OH)
Kilpatrick
Miller, Dan
Reyes
Sánchez
Stark
Stearns
Taylor (NC)

□ 1915

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3090, ECONOMIC SECURITY AND RECOVERY ACT OF 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–252) on the resolution (H. Res. 270) providing for consideration of the bill (H.R. 3090) to provide tax incentives for economic recovery, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT) ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3162) to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The Clerk read as follows:

H.R. 3162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Construction; severability.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

Sec. 101. Counterterrorism fund.
Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.
Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.
Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.
Sec. 105. Expansion of National Electronic Crime Task Force Initiative.
Sec. 106. Presidential authority.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism.
Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
Sec. 203. Authority to share criminal investigative information.
Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications.
Sec. 205. Employment of translators by the Federal Bureau of Investigation.
Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978.
Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
Sec. 208. Designation of judges.
Sec. 209. Seizure of voice-mail messages pursuant to warrants.
Sec. 210. Scope of subpoenas for records of electronic communications.
Sec. 211. Clarification of scope.
Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
Sec. 213. Authority for delaying notice of the execution of a warrant.
Sec. 214. Pen register and trap and trace authority under FISA.
Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.
Sec. 217. Interception of computer trespasser communications.
Sec. 218. Foreign intelligence information.
Sec. 219. Single-jurisdiction search warrants for terrorism.
Sec. 220. Nationwide service of search warrants for electronic evidence.
Sec. 221. Trade sanctions.
Sec. 222. Assistance to law enforcement agencies.
Sec. 223. Civil liability for certain unauthorized disclosures.
Sec. 224. Sunset.
Sec. 225. Immunity for compliance with FISA wiretap.

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001

Sec. 301. Short title.
Sec. 302. Findings and purposes.
Sec. 303. 4-year congressional review; expedited consideration.

Subtitle A—International Counter Money Laundering and Related Measures

Sec. 311. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.
Sec. 312. Special due diligence for correspondent accounts and private banking accounts.
Sec. 313. Prohibition on United States correspondent accounts with foreign shell banks.
Sec. 314. Cooperative efforts to deter money laundering.
Sec. 315. Inclusion of foreign corruption offenses as money laundering crimes.
Sec. 316. Anti-terrorist forfeiture protection.
Sec. 317. Long-arm jurisdiction over foreign money launderers.
Sec. 318. Laundering money through a foreign bank.
Sec. 319. Forfeiture of funds in United States interbank accounts.
Sec. 320. Proceeds of foreign crimes.
Sec. 321. Financial institutions specified in subchapter II of chapter 53 of title 31, United States code.
Sec. 322. Corporation represented by a fugitive.
Sec. 323. Enforcement of foreign judgments.
Sec. 324. Report and recommendation.
Sec. 325. Concentration accounts at financial institutions.
Sec. 326. Verification of identification.
Sec. 327. Consideration of anti-money laundering record.
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SEC. 2. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

SEC. 101. COUNTERTERRORISM FUND.

(a) ESTABLISHMENT; AVAILABILITY.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Counterterrorism Fund", amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) NO EFFECT ON PRIOR APPROPRIATIONS.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of the enactment of this Act.

SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.

(a) FINDINGS.—Congress makes the following findings:

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, $200,000,000 for each of the fiscal years 2002, 2003, and 2004.

SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

Section 2332e of title 18, United States Code, is amended—

(1) by striking "2332c" and inserting "2332a"; and

(2) by striking "chemical".

SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

SEC. 106. PRESIDENTIAL AUTHORITY.

Section 203 of the International Emergency Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)—

(A) at the end of subparagraph (A) (flush to that subparagraph), by striking "; and" and inserting a comma and the following:

"by any person, or with respect to any property, subject to the jurisdiction of the United States;";

(B) in subparagraph (B)—

(i) by inserting ", block during the pendency of an investigation;" after "investigate"; and

(ii) by striking "interest;" and inserting "interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and";

(C) by striking "by any person, or with respect to any property, subject to the jurisdiction of the United States"; and

(D) by inserting at the end the following:

"(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes."; and

(2) by inserting at the end the following:

"(c) CLASSIFIED INFORMATION.—In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.".

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

SEC. 201. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565), the following new paragraph:

"(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or".

SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE OFFENSES.

Section 2516(1)(c) of title 18, United States Code, is amended by striking "and section 1341 (relating to mail fraud)," and inserting "section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),".

SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE INFORMATION.

(a) AUTHORITY TO SHARE GRAND JURY INFORMATION.—

(1) IN GENERAL.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended to read as follows:

"(C)(i) Disclosure otherwise prohibited by this rule of matters occurring before the grand jury may also be made—

"(I) when so directed by a court preliminarily to or in connection with a judicial proceeding;

"(II) when permitted by a court at the request of the defendant, upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury;

"(III) when the disclosure is made by an attorney for the government to another Federal grand jury;

"(IV) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law; or

"(V) when the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in clause (iv) of this subparagraph), to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties.

"(ii) If the court orders disclosure of matters occurring before the grand jury, the disclosure shall be made in such manner, at such time, and under such conditions as the court may direct.

"(iii) Any Federal official to whom information is disclosed pursuant to clause (i)(V) of this subparagraph may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information. Within a reasonable time after such disclosure, an attorney for the government shall file under seal a notice with the court stating the fact that such information was disclosed and the departments, agencies, or entities to which the disclosure was made.

"(iv) In clause (i)(V) of this subparagraph, the term 'foreign intelligence information' means—

"(I) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(aa) actual or potential attack or other grave hostile acts of-a foreign power or an agent of a foreign power;

"(bb) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(cc) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of foreign power; or

"(II) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(aa) the national defense or the security of the United States; or

"(bb) the conduct of the foreign affairs of the United States.".

(2) CONFORMING AMENDMENT.—Rule 6(e)(3)(D) of the Federal Rules of Criminal Procedure is amended by striking "(e)(3)(C)(i)" and inserting "(e)(3)(C)(i)(I)".

(b) AUTHORITY TO SHARE ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION.—

(1) LAW ENFORCEMENT.—Section 2517 of title 18, United States Code, is amended by inserting at the end the following:

"(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.".

(2) DEFINITION.—Section 2510 of title 18, United States Code, is amended by—

(A) in paragraph (17), by striking "and" after the semicolon;

(B) in paragraph (18), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(19) 'foreign intelligence information' means—

"(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(B) information, whether or, not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(i) the national defense or the security of the United States; or

"(ii) the conduct of the foreign affairs of the United States.".

(c) PROCEDURES.—The Attorney General shall establish procedures for the disclosure of information pursuant to section 2517(6) and Rule 6(e)(3)(C)(i)(V) of the Federal Rules of Criminal Procedure that identifies a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(d) FOREIGN INTELLIGENCE INFORMATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(2) DEFINITION.—In this subsection, the term "foreign intelligence information" means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States.

SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS FROM LIMITATIONS ON INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking "this chapter or chapter 121" and inserting "this chapter or chapter 121 or 206 of this title"; and

(2) by striking "wire and oral" and inserting "wire, oral, and electronic".

SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) SECURITY REQUIREMENTS.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting ", or in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS WHO ARE AGENTS OF A FOREIGN POWER.

(a) DURATION .—

(1) SURVEILLANCE.—Section 105(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an order under this Act for a surveillance targeted against an agent of a foreign power, as defined in section 101(b)(1)(A) may be for the period specified in the application or for 120 days, whichever is less".

(2) PHYSICAL SEARCH.—Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by—

(A) striking "forty-five" and inserting "90";

(B) inserting "(A)" after "except that"; and

(C) inserting before the period the following: ", and (B) an order under this section for a physical search targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for the period specified in the application or for 120 days, whichever is less".

(b) EXTENSION.—

(1) IN GENERAL.—Section 105(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(2)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an extension of an order under this Act for a surveillance targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for a period not to exceed 1 year".

(2) DEFINED TERM.—Section 304(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(2) is amended by inserting after "not a United States person," the following: "or against an agent of a foreign power as defined in section 101(b)(1)(A),".

SEC. 208. DESIGNATION OF JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

(1) striking "seven district court judges" and inserting "11 district court judges"; and

(2) inserting "of whom no fewer than 3 shall reside within 20 miles of the District of Columbia" after "circuits".

SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking beginning with "and such" and all that follows through "communication"; and

(B) in paragraph (14), by inserting "wire or" after "transmission of"; and

(2) in subsections (a) and (b) of section 2703—

(A) by striking "Contents of electronic" and inserting "Contents of wire or electronic" each place it appears;

(B) by striking "contents of an electronic" and inserting "contents of a wire or electronic" each place it appears; and

(C) by striking "any electronic" and inserting "any wire or electronic" each place it appears.

SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(2) of title 18, United States Code, as redesignated by section 212, is amended—

(1) by striking "entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber" and inserting the following: "entity the—

"(A) name;

"(B) address;

"(C) local and long distance telephone connection records, or records of session times and durations;

"(D) length of service (including start date) and types of service utilized;

"(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(F) means and source of payment for such service (including any credit card or bank account number),

of a subscriber"; and

(2) by striking "and the types of services the subscriber or customer utilized,".

SEC. 211. CLARIFICATION OF SCOPE.

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking "or";

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by inserting at the end the following:

"(D) to a government entity as authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing cable subscriber selection of video programming from a cable operator."; and

(2) in subsection (h), by striking "A governmental entity" and inserting "Except as provided in subsection (c)(2)(D), a governmental entity".

SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) Disclosure of Contents.—

(1) In general.—Section 2702 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 2702. Voluntary disclosure of customer communications or records";

(B) in subsection (a)—

(i) in paragraph (2)(A), by striking "and" at the end;

(ii) in paragraph (2)(B), by striking the period and inserting "; and"; and

(iii) by inserting after paragraph (2) the following:

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.";

(C) in subsection (b), by striking "Exceptions.—A person or entity" and inserting "Exceptions for disclosure of communications.— A provider described in subsection (a)";

(D) in subsection (b)(6)—

(i) in subparagraph (A)(ii), by striking "or";

(ii) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding after subparagraph (B) the following:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay."; and

(E) by inserting after subsection (b) the following:

"(c) Exceptions for Disclosure of Customer Records.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

"(1) as otherwise authorized in section 2703;

"(2) with the lawful consent of the customer or subscriber;

"(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

"(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

"(5) to any person other than a governmental entity.".

(2) Technical and conforming amendment.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

"2702. Voluntary disclosure of customer communications or records.".

(b) Requirements for Government Access.—

(1) In general.—Section 2703 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 2703. Required disclosure of customer communications or records";

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)—

(i) by striking "(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may" and inserting "A governmental entity may require a provider of electronic communication service or remote computing service to";

(ii) by striking "covered by subsection (a) or (b) of this section) to any person other than a governmental entity.

"(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity" and inserting ")";

(iii) by redesignating subparagraph (C) as paragraph (2);

(iv) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(v) in subparagraph (D) (as redesignated) by striking the period and inserting "; or"; and

(vi) by inserting after subparagraph (D) (as redesignated) the following:

"(E) seeks information under paragraph (2)."; and

(D) in paragraph (2) (as redesignated) by striking "subparagraph (B)" and insert "paragraph (1)".

(2) Technical and conforming amendment.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

"2703. Required disclosure of customer communications or records.".

SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXECUTION OF A WARRANT.

Section 3103a of title 18, United States Code, is amended—

(1) by inserting "(a) In General.—" before "In addition"; and

(2) by adding at the end the following:

"(b) Delay.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

"(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

"(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

"(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.".

SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) Applications and Orders.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(1) in subsection (a)(1), by striking "for any investigation to gather foreign intelligence information or information concerning international terrorism" and inserting "for any investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution";

(2) by amending subsection (c)(2) to read as follows:

"(2) a certification by the applicant that the information likely to be obtained is foreign intelligence information not concerning a United States person or is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.";

(3) by striking subsection (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

"(A) shall specify—

"(i) the identity, if known, of the person who is the subject of the investigation;

"(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

"(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order.".

(b) AUTHORIZATION DURING EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking "foreign intelligence information or information concerning international terrorism" and inserting "foreign intelligence information not concerning a United States person or information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution"; and

(2) in subsection (b)(1), by striking "foreign intelligence information or information concerning international terrorism" and inserting "foreign intelligence information not concerning a United States person or information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution".

SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

"SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

"(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.

"(2) An investigation conducted under this section shall—

"(A) be conducted under guidelines approved by the Attorney General under Executive Order 12333 (or a successor order); and

"(B) not be conducted of a United States person solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(b) Each application under this section—

"(1) shall be made to—

"(A) a judge of the court established by section 103(a); or

"(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of that court; and

"(2) shall specify that the records concerned are sought for an authorized investigation conducted in accordance with subsection (a)(2) to protect against international terrorism or clandestine intelligence activities.

"(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section.

"(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

"(d) No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section.

"(e) A person who, in good faith, produces tangible things under an order pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.

"SEC. 502. CONGRESSIONAL OVERSIGHT.

"(a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for the production of tangible things under section 402.

"(b) On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period—

"(1) the total number of applications made for orders approving requests for the production of tangible things under section 402; and

"(2) the total number of such orders either granted, modified, or denied.".

SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATIONS.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting ", routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications".

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Section 3123(a) of title 18, United States Code, is amended to read as follows:

"(a) IN GENERAL.—

"(1) ATTORNEY FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order, upon service of that order, shall apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order. Whenever such an order is served on any person or entity not specifically named in the order, upon request of such person or entity, the attorney for the Government or law enforcement or investigative officer that is serving the order shall provide written or electronic certification that the order applies to the person or entity being served.

"(2) STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

"(3)(A) Where the law enforcement agency implementing an ex parte order under this subsection seeks to do so by installing and using its own pen register or trap and trace device on a packet-switched data network of a provider of electronic communication service to the public, the agency shall ensure that a record will be maintained which will identify—

"(i) any officer or officers who installed the device and any officer or officers who accessed the device to obtain information from the network;

"(ii) the date and time the device was installed, the date and time the device was uninstalled, and the date, time, and duration of each time the device is accessed to obtain information;

"(iii) the configuration of the device at the time of its installation and any subsequent modification thereof; and

"(iv) any information which has been collected by the device.

To the extent that the pen register or trap and trace device can be set automatically to record this information electronically, the record shall be maintained electronically throughout the installation and use of such device.

"(B) The record maintained under subparagraph (A) shall be provided ex parte and under seal to the court which entered the ex parte order authorizing the installation and use of the device within 30 days after termination of the order (including any extensions thereof).".

(2) CONTENTS OF ORDER.—Section 3123(b)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) NONDISCLOSURE REQUIREMENTS.—Section 3123(d)(2) of title 18, United States Code, is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking ", or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) Definitions.—

(1) Court of competent jurisdiction.—Section 3127(2) of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or".

(2) Pen register.—Section 3127(3) of title 18, United States Code, is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication"; and

(B) by inserting "or process" after "device" each place it appears.

(3) Trap and trace device.—Section 3127(4) of title 18, United States Code, is amended—

(A) by striking "of an instrument" and all that follows through the semicolon and inserting "or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;"; and

(B) by inserting "or process" after "a device".

(4) Conforming amendment.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking "and"; and

(B) by inserting ", and 'contents'" after "electronic communication service".

(5) Technical amendment.—Section 3124(d) of title 18, United States Code, is amended by striking "the terms of".

(6) Conforming amendment.—Section 3124(b) of title 18, United States Code, is amended by inserting "or other facility" after "the appropriate line".

SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (18), by striking "and" at the end;

(B) in paragraph (19), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

"(20) 'protected computer' has the meaning set forth in section 1030; and

"(21) 'computer trespasser'—

"(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

"(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer."; and

(2) in section 2511(2), by inserting at the end the following:

"(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if—

"(I) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

"(II) the person acting under color of law is lawfully engaged in an investigation;

"(III) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

"(IV) such interception does not acquire communications other than those transmitted to or from the computer trespasser.".

SEC. 218. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and section 303(a)(7)(B) (50 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign Intelligence Surveillance Act of 1978 are each amended by striking "the purpose" and inserting "a significant purpose".

SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after "executed" the following: "and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district".

SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

(a) In General.—Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking "under the Federal Rules of Criminal Procedure" every place it appears and inserting "using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation"; and

(2) in section 2711—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(3) the term 'court of competent jurisdiction' has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation.".

(b) Conforming Amendment.—Section 2703(d) of title 18, United States Code, is amended by striking "described in section 3127(2)(A)".

SEC. 221. TRADE SANCTIONS.

(a) In general.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106–387; 114 Stat. 1549A–67) is amended—

(1) by amending section 904(2)(C) to read as follows:

"(C) used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.";

(2) in section 906(a)(1)—

(A) by inserting ", the Taliban or the territory of Afghanistan controlled by the Taliban," after "Cuba"; and

(B) by inserting ", or in the territory of Afghanistan controlled by the Taliban," after "within such country"; and

(3) in section 906(a)(2), by inserting ", or to any other entity in Syria or North Korea" after "Korea".

(b) Application of the Trade Sanctions Reform and Export Enhancement Act.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall limit the application or scope of any law establishing criminal or civil penalties, including any executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order 12947 of January 23, 1995, as amended;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(3) a foreign organization, group, or person designated pursuant to Executive Order 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106–120); or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.

Nothing in this Act shall impose any additional technical obligation or requirement on a provider of a wire or electronic communication service or other person to furnish facilities or technical assistance. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for such reasonable expenditures incurred in providing such facilities or assistance.

SEC. 223. CIVIL LIABILITY FOR CERTAIN UNAUTHORIZED DISCLOSURES.

(a) Section 2520 of title 18, United States Code, is amended—

(1) in subsection (a), after "entity", by inserting ", other than the United States,";

(2) by adding at the end the following:

"(f) Administrative Discipline.—If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination."; and

(3) by adding a new subsection (g), as follows:

"(g) Improper Disclosure Is Violation.—Any willful disclosure or use by an investigative or law enforcement officer or governmental entity of information beyond the extent permitted by section 2517 is a violation of this chapter for purposes of section 2520(a).

(b) Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), after "entity", by inserting ", other than the United States,";

(2) by striking subsection (d) and inserting the following:

"(d) ADMINISTRATIVE DISCIPLINE.—If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination."; and

(3) by adding a new subsection (g), as follows:

"(g) IMPROPER DISCLOSURE.—Any willful disclosure of a 'record', as that term is defined in section 552a(a) of title 5, United States Code, obtained by an investigative or law enforcement officer, or a governmental entity, pursuant to section 2703 of this title, or from a device installed pursuant to section 3123 or 3125 of this title, that is not a disclosure made in the proper performance of the official functions of the officer or governmental entity making the disclosure, is a violation of this chapter. This provision shall not apply to information previously lawfully disclosed (prior to the commencement of any civil or administrative proceeding under this chapter) to the public by a Federal, State, or local governmental entity or by the plaintiff in a civil action under this chapter.".

(c)(1) Chapter 121 of title 18, United States Code, is amended by adding at the end the following:

"§ 2712. Civil actions against the United States

"(a) IN GENERAL.—Any person who is aggrieved by any willful violation of this chapter or of chapter 119 of this title or of sections 106(a), 305(a), or 405(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) may commence an action in United States District Court against the United States to recover money damages. In any such action, if a person who is aggrieved successfully establishes such a violation of this chapter or of chapter 119 of this title or of the above specific provisions of title 50, the Court may assess as damages—

"(1) actual damages, but not less than $10,000, whichever amount is greater; and

"(2) litigation costs, reasonably incurred.

"(b) PROCEDURES.—(1) Any action against the United States under this section may be commenced only after a claim is presented to the appropriate department or agency under the procedures of the Federal Tort Claims Act, as set forth in title 28, United States Code.

"(2) Any action against the United States under this section shall be forever barred unless it is presented in writing to the appropriate Federal agency within 2 years after such claim accrues or unless action is begun within 6 months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented. The claim shall accrue on the date upon which the claimant first has a reasonable opportunity to discover the violation.".

"(3) Any action under this section shall be tried to the court without a jury.

"(4) Notwithstanding any other provision of law, the procedures set forth in section 106(f), 305(g), or 405(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which materials governed by those sections may be reviewed.

"(5) An amount equal to any award against the United States under this section shall be reimbursed by the department or agency concerned to the fund described in section 1304 of title 31, United States Code, out of any appropriation, fund, or other account (excluding any part of such appropriation, fund, or account that is available for the enforcement of any Federal law) that is available for the operating expenses of the department or agency concerned.

"(c) ADMINISTRATIVE DISCIPLINE.—If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

"(d) EXCLUSIVE REMEDY.—Any action against the United States under this subsection shall be the exclusive remedy against the United States for any claims within the purview of this section.

"(e) STAY OF PROCEEDINGS.—(1) Upon the motion of the United States, the court shall stay any action commenced under this section if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related investigation or the prosecution of a related criminal case. Such a stay shall toll the limitations periods of paragraph (2) of subsection (b).

"(2) In this subsection, the terms 'related criminal case' and 'related investigation' mean an actual prosecution or investigation in progress at the time at which the request for the stay or any subsequent motion to lift the stay is made. In determining whether an investigation or a criminal case is related to an action commenced under this section, the court shall consider the degree of similarity between the parties, witnesses, facts, and circumstances involved in the 2 proceedings, without requiring that any one or more factors be identical.

"(3) In requesting a stay under paragraph (1), the Government may, in appropriate cases, submit evidence ex parte in order to avoid disclosing any matter that may adversely affect a related investigation or a related criminal case. If the Government makes such an ex parte submission, the plaintiff shall be given an opportunity to make a submission to the court, not ex parte, and the court may, in its discretion, request further information from either party.".

(2) The table of sections at the beginning of chapter 121 is amended to read as follows:

"2712. Civil action against the United States.".

SEC. 224. SUNSET.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title (other than sections 203(a), 203(c), 205, 208, 210, 211, 213, 216, 219, 221, and 222, and the amendments made by those sections) shall cease to have effect on December 31, 2005.

(b) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in subsection (a) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.

SEC. 225. IMMUNITY FOR COMPLIANCE WITH FISA WIRETAP.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended by inserting after subsection (g) the following:

"(h) No cause of action shall lie in any court against any provider of a wire or electronic communication service, landlord, custodian, or other person (including any officer, employee, agent, or other specified person thereof) that furnishes any information, facilities, or technical assistance in accordance with a court order or request for emergency assistance under this Act.".

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001

SEC. 301. SHORT TITLE.

This title may be cited as the "International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001".

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) money laundering, estimated by the International Monetary Fund to amount to between 2 and 5 percent of global gross domestic product, which is at least $600,000,000,000 annually, provides the financial fuel that permits transnational criminal enterprises to conduct and expand their operations to the detriment of the safety and security of American citizens;

(2) money laundering, and the defects in financial transparency on which money launderers rely, are critical to the financing of global terrorism and the provision of funds for terrorist attacks;

(3) money launderers subvert legitimate financial mechanisms and banking relationships by using them as protective covering for the movement of criminal proceeds and the financing of crime and terrorism, and, by so doing, can threaten the safety of United States citizens and undermine the integrity of United States financial institutions and of the global financial and trading systems upon which prosperity and growth depend;

(4) certain jurisdictions outside of the United States that offer "offshore" banking and related facilities designed to provide anonymity, coupled with weak financial supervisory and enforcement regimes, provide essential tools to disguise ownership and movement of criminal funds, derived from, or used to commit, offenses ranging from narcotics trafficking, terrorism, arms smuggling, and trafficking in human beings, to financial frauds that prey on law-abiding citizens;

(5) transactions involving such offshore jurisdictions make it difficult for law enforcement officials and regulators to follow the trail of money earned by criminals, organized international criminal enterprises, and global terrorist organizations;

(6) correspondent banking facilities are one of the banking mechanisms susceptible in some circumstances to manipulation by foreign banks to permit the laundering of funds by hiding the identity of real parties in interest to financial transactions;

(7) private banking services can be susceptible to manipulation by money launderers, for example corrupt foreign government officials, particularly if those services include the creation of offshore accounts and facilities for large personal funds transfers to channel funds into accounts around the globe;

(8) United States anti-money laundering efforts are impeded by outmoded and inadequate statutory provisions that make investigations, prosecutions, and forfeitures more difficult, particularly in cases in which money laundering involves foreign persons, foreign banks, or foreign countries;

(9) the ability to mount effective countermeasures to international money launderers requires national, as well as bilateral and multilateral action, using tools specially designed for that effort; and

(10) the Basle Committee on Banking Regulation and Supervisory Practices and the Financial Action Task Force on Money Laundering, of both of which the United States is a member, have each adopted international anti-money laundering principles and recommendations.

(b) PURPOSES.—The purposes of this title are—

(1) to increase the strength of United States measures to prevent, detect, and prosecute international money laundering and the financing of terrorism;

(2) to ensure that—

(A) banking transactions and financial relationships and the conduct of such transactions and relationships, do not contravene the purposes of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act, or chapter 2 of title I of Public Law 91–508 (84 Stat. 1116), or facilitate the evasion of any such provision; and

(B) the purposes of such provisions of law continue to be fulfilled, and such provisions of law are effectively and efficiently administered;

(3) to strengthen the provisions put into place by the Money Laundering Control Act of 1986 (18 U.S.C. 981 note), especially with respect to crimes by non-United States nationals and foreign financial institutions;

(4) to provide a clear national mandate for subjecting to special scrutiny those foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions or types of accounts that pose particular, identifiable opportunities for criminal abuse;

(5) to provide the Secretary of the Treasury (in this title referred to as the "Secretary") with broad discretion, subject to the safeguards provided by the Administrative Procedure Act under title 5, United States Code, to take measures tailored to the particular money laundering problems presented by specific foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions or types of accounts;

(6) to ensure that the employment of such measures by the Secretary permits appropriate opportunity for comment by affected financial institutions;

(7) to provide guidance to domestic financial institutions on particular foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions that are of primary money laundering concern to the United States Government;

(8) to ensure that the forfeiture of any assets in connection with the anti-terrorist efforts of the United States permits for adequate challenge consistent with providing due process rights;

(9) to clarify the terms of the safe harbor from civil liability for filing suspicious activity reports;

(10) to strengthen the authority of the Secretary to issue and administer geographic targeting orders, and to clarify that violations of such orders or any other requirement imposed under the authority contained in chapter 2 of title I of Public Law 91–508 and subchapters II and III of chapter 53 of title 31, United States Code, may result in criminal and civil penalties;

(11) to ensure that all appropriate elements of the financial services industry are subject to appropriate requirements to report potential money laundering transactions to proper authorities, and that jurisdictional disputes do not hinder examination of compliance by financial institutions with relevant reporting requirements;

(12) to strengthen the ability of financial institutions to maintain the integrity of their employee population; and

(13) to strengthen measures to prevent the use of the United States financial system for personal gain by corrupt foreign officials and to facilitate the repatriation of any stolen assets to the citizens of countries to whom such assets belong.

SEC. 303. 4-YEAR CONGRESSIONAL REVIEW; EXPEDITED CONSIDERATION.

(a) IN GENERAL.—Effective on and after the first day of fiscal year 2005, the provisions of this title and the amendments made by this title shall terminate if the Congress enacts a joint resolution, the text after the resolving clause of which is as follows: "That provisions of the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001, and the amendments made thereby, shall no longer have the force of law.".

(b) EXPEDITED CONSIDERATION.—Any joint resolution submitted pursuant to this section should be considered by the Congress expeditiously. In particular, it shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Control Act of 1976.

Subtitle A—International Counter Money Laundering and Related Measures

SEC. 311. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5318 the following new section:

"§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern

"(a) INTERNATIONAL COUNTER-MONEY LAUNDERING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of the Treasury may require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern, in accordance with subsection (c).

"(2) FORM OF REQUIREMENT.—The special measures described in—

"(A) subsection (b) may be imposed in such sequence or combination as the Secretary shall determine;

"(B) paragraphs (1) through (4) of subsection (b) may be imposed by regulation, order, or otherwise as permitted by law; and

"(C) subsection (b)(5) may be imposed only by regulation.

"(3) DURATION OF ORDERS; RULEMAKING.—Any order by which a special measure described in paragraphs (1) through (4) of subsection (b) is imposed (other than an order described in section 5326)—

"(A) shall be issued together with a notice of proposed rulemaking relating to the imposition of such special measure; and

"(B) may not remain in effect for more than 120 days, except pursuant to a rule promulgated on or before the end of the 120-day period beginning on the date of issuance of such order.

"(4) PROCESS FOR SELECTING SPECIAL MEASURES.—In selecting which special measure or measures to take under this subsection, the Secretary of the Treasury—

"(A) shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act, the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration Board, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and

"(B) shall consider—

"(i) whether similar action has been or is being taken by other nations or multilateral groups;

"(ii) whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States;

"(iii) the extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, or class of transactions; and

"(iv) the effect of the action on United States national security and foreign policy.

"(5) NO LIMITATION ON OTHER AUTHORITY.—This section shall not be construed as superseding or otherwise restricting any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

"(b) SPECIAL MEASURES.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts are as follows:

"(1) RECORDKEEPING AND REPORTING OF CERTAIN FINANCIAL TRANSACTIONS.—

"(A) IN GENERAL.—The Secretary of the Treasury may require any domestic financial institution or domestic financial agency to maintain records, file reports, or both, concerning the aggregate amount of transactions, or concerning each transaction, with respect to a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or class of transactions to be of primary money laundering concern.

"(B) FORM OF RECORDS AND REPORTS.—Such records and reports shall be made and retained at such time, in such manner, and for such period of time, as the Secretary shall determine, and shall include such information as the Secretary may determine, including—

"(i) the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer;

"(ii) the legal capacity in which a participant in any transaction is acting;

"(iii) the identity of the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

"(iv) a description of any transaction.

"(2) INFORMATION RELATING TO BENEFICIAL OWNERSHIP.—In addition to any other requirement under any other provision of law, the Secretary may require any domestic financial institution or domestic financial agency to take such steps as the Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on a regulated exchange or trading market), or a representative of such a foreign person, that involves a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or transaction or type of account to be of primary money laundering concern.

"(3) INFORMATION RELATING TO CERTAIN PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a payable-through account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a payable through account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

"(A) to identify each customer (and representative of such customer) of such financial institution who is permitted to use, or whose transactions are routed through, such payable-through account; and

"(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

"(4) INFORMATION RELATING TO CERTAIN CORRESPONDENT ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a correspondent account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a correspondent account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

"(A) to identify each customer (and representative of such customer) of any such financial institution who is permitted to use, or whose transactions are routed through, such correspondent account; and

"(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

"(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account by any domestic financial institution or domestic financial agency for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account or payable-through account.

"(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN.—

"(1) IN GENERAL.—In making a finding that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern so as to authorize the Secretary of the Treasury to take 1 or more of the special measures described in subsection (b), the Secretary shall consult with the Secretary of State and the Attorney General.

"(2) ADDITIONAL CONSIDERATIONS.—In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be relevant, including the following potentially relevant factors:

"(A) JURISDICTIONAL FACTORS.—In the case of a particular jurisdiction—

"(i) evidence that organized criminal groups, international terrorists, or both, have transacted business in that jurisdiction;

"(ii) the extent to which that jurisdiction or financial institutions operating in that jurisdiction offer bank secrecy or special regulatory advantages to nonresidents or nondomiciliaries of that jurisdiction;

"(iii) the substance and quality of administration of the bank supervisory and counter-money laundering laws of that jurisdiction;

"(iv) the relationship between the volume of financial transactions occurring in that jurisdiction and the size of the economy of the jurisdiction;

"(v) the extent to which that jurisdiction is characterized as an offshore banking or secrecy haven by credible international organizations or multilateral expert groups;

"(vi) whether the United States has a mutual legal assistance treaty with that jurisdiction, and the experience of United States law enforcement officials and regulatory officials in obtaining information about transactions originating in or routed through or to such jurisdiction; and

"(vii) the extent to which that jurisdiction is characterized by high levels of official or institutional corruption.

"(B) INSTITUTIONAL FACTORS.—In the case of a decision to apply 1 or more of the special measures described in subsection (b) only to a financial institution or institutions, or to a transaction or class of transactions, or to a type of account, or to all 3, within or involving a particular jurisdiction—

"(i) the extent to which such financial institutions, transactions, or types of accounts are used to facilitate or promote money laundering in or through the jurisdiction;

"(ii) the extent to which such institutions, transactions, or types of accounts are used for legitimate business purposes in the jurisdiction; and

"(iii) the extent to which such action is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of this subchapter continue to be fulfilled, and to guard against international money laundering and other financial crimes.

"(d) NOTIFICATION OF SPECIAL MEASURES INVOKED BY THE SECRETARY.—Not later than 10 days after the date of any action taken by the Secretary of the Treasury under subsection (a)(1), the Secretary shall notify, in writing, the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of any such action.

"(e) DEFINITIONS.—Notwithstanding any other provision of this subchapter, for purposes of this section and subsections (i) and (j) of section 5318, the following definitions shall apply:

"(1) BANK DEFINITIONS.—The following definitions shall apply with respect to a bank:

"(A) ACCOUNT.—The term 'account'—

"(i) means a formal banking or business relationship established to provide regular services, dealings, and other financial transactions; and

"(ii) includes a demand deposit, savings deposit, or other transaction or asset account and a credit account or other extension of credit.

"(B) Correspondent account.—The term 'correspondent account' means an account established to receive deposits from, make payments on behalf of a foreign financial institution, or handle other financial transactions related to such institution.

"(C) Payable-through account.—The term 'payable-through account' means an account, including a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act), opened at a depository institution by a foreign financial institution by means of which the foreign financial institution permits its customers to engage, either directly or through a subaccount, in banking activities usual in connection with the business of banking in the United States.

"(2) Definitions applicable to institutions other than banks.—With respect to any financial institution other than a bank, the Secretary shall, after consultation with the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act), define by regulation the term 'account', and shall include within the meaning of that term, to the extent, if any, that the Secretary deems appropriate, arrangements similar to payable-through and correspondent accounts.

"(3) Regulatory definition of beneficial ownership.—The Secretary shall promulgate regulations defining beneficial ownership of an account for purposes of this section and subsections (i) and (j) of section 5318. Such regulations shall address issues related to an individual's authority to fund, direct, or manage the account (including, without limitation, the power to direct payments into or out of the account), and an individual's material interest in the income or corpus of the account, and shall ensure that the identification of individuals under this section does not extend to any individual whose beneficial interest in the income or corpus of the account is immaterial.".

"(4) Other terms.—The Secretary may, by regulation, further define the terms in paragraphs (1), (2), and (3), and define other terms for the purposes of this section, as the Secretary deems appropriate.".

(b) Clerical Amendment.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5318 the following new item:

"5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.".

SEC. 312. SPECIAL DUE DILIGENCE FOR CORRESPONDENT ACCOUNTS AND PRIVATE BANKING ACCOUNTS.

(a) In General.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

"(i) Due Diligence for United States Private Banking and Correspondent Bank Accounts Involving Foreign Persons.—

"(1) In general.—Each financial institution that establishes, maintains, administers, or manages a private banking account or a correspondent account in the United States for a non-United States person, including a foreign individual visiting the United States, or a representative of a non-United States person shall establish appropriate, specific, and, where necessary, enhanced, due diligence policies, procedures, and controls that are reasonably designed to detect and report instances of money laundering through those accounts.

"(2) Additional standards for certain correspondent accounts.—

"(A) In general.—Subparagraph (B) shall apply if a correspondent account is requested or maintained by, or on behalf of, a foreign bank operating—

"(i) under an offshore banking license; or

"(ii) under a banking license issued by a foreign country that has been designated—

"(I) as noncooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization of which the United States is a member, with which designation the United States representative to the group or organization concurs; or

"(II) by the Secretary of the Treasury as warranting special measures due to money laundering concerns.

"(B) Policies, procedures, and controls.—The enhanced due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution in the United States takes reasonable steps—

"(i) to ascertain for any such foreign bank, the shares of which are not publicly traded, the identity of each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner;

"(ii) to conduct enhanced scrutiny of such account to guard against money laundering and report any suspicious transactions under subsection (g); and

"(iii) to ascertain whether such foreign bank provides correspondent accounts to other foreign banks and, if so, the identity of those foreign banks and related due diligence information, as appropriate under paragraph (1).

"(3) Minimum standards for private banking accounts.—If a private banking account is requested or maintained by, or on behalf of, a non-United States person, then the due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution takes reasonable steps—

"(A) to ascertain the identity of the nominal and beneficial owners of, and the source of funds deposited into, such account as needed to guard against money laundering and report any suspicious transactions under subsection (g); and

"(B) to conduct enhanced scrutiny of any such account that is requested or maintained by, or on behalf of, a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure that is reasonably designed to detect and report transactions that may involve the proceeds of foreign corruption.

"(4) Definition.—For purposes of this subsection, the following definitions shall apply:

"(A) Offshore banking license.—The term 'offshore banking license' means a license to conduct banking activities which, as a condition of the license, prohibits the licensed entity from conducting banking activities with the citizens of, or with the local currency of, the country which issued the license.".

"(B) Private banking account.—The term 'private banking account' means an account (or any combination of accounts) that—

"(i) requires a minimum aggregate deposits of funds or other assets of not less than $1,000,000;

"(ii) is established on behalf of 1 or more individuals who have a direct or beneficial ownership interest in the account; and

"(iii) is assigned to, or is administered or managed by, in whole or in part, an officer, employee, or agent of a financial institution acting as a liaison between the financial institution and the direct or beneficial owner of the account.".

(b) Regulatory Authority and Effective Date.—

(1) Regulatory authority.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act) of the affected financial institutions, shall further delineate, by regulation, the due diligence policies, procedures, and controls required under section 5318(i)(1) of title 31, United States Code, as added by this section.

(2) Effective date.—Section 5318(i) of title 31, United States Code, as added by this section, shall take effect 270 days after the date of enactment of this Act, whether or not final regulations are issued under paragraph (1), and the failure to issue such regulations shall in no way affect the enforceability of this section or the amendments made by this section. Section 5318(i) of title 31, United States Code, as added by this section, shall apply with respect to accounts covered by that section 5318(i), that are opened before, on, or after the date of enactment of this Act.

SEC. 313. PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.

(a) In General.—Section 5318 of title 31, United States Code, as amended by this title, is amended by adding at the end the following:

"(j) Prohibition on United States Correspondent Accounts With Foreign Shell Banks.—

"(1) In general.—A financial institution described in subparagraphs (A) through (G) of section 5312(a)(2) (in this subsection referred to as a 'covered financial institution') shall not establish, maintain, administer, or manage a correspondent account in the United States for, or on behalf of, a foreign bank that does not have a physical presence in any country.

"(2) Prevention of indirect service to foreign shell banks.—A covered financial institution shall take reasonable steps to ensure that any correspondent account established, maintained, administered, or managed by that covered financial institution in the United States for a foreign bank is not being used by that foreign bank to indirectly provide banking services to another foreign bank that does not have a physical presence in any country. The Secretary of the Treasury shall, by regulation, delineate the reasonable steps necessary to comply with this paragraph.

"(3) Exception.—Paragraphs (1) and (2) do not prohibit a covered financial institution from providing a correspondent account to a foreign bank, if the foreign bank—

"(A) is an affiliate of a depository institution, credit union, or foreign bank that maintains a physical presence in the United States or a foreign country, as applicable; and

"(B) is subject to supervision by a banking authority in the country regulating the affiliated depository institution, credit union, or foreign bank described in subparagraph (A), as applicable.

"(4) Definitions.—For purposes of this subsection—

"(A) the term 'affiliate' means a foreign bank that is controlled by or is under common control with a depository institution, credit union, or foreign bank; and

"(B) the term 'physical presence' means a place of business that—

"(i) is maintained by a foreign bank;

"(ii) is located at a fixed address (other than solely an electronic address) in a country in which the foreign bank is authorized to conduct banking activities, at which location the foreign bank—

"(I) employs 1 or more individuals on a full-time basis; and

"(II) maintains operating records related to its banking activities; and

"(iii) is subject to inspection by the banking authority which licensed the foreign bank to conduct banking activities.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect at the end of the 60-day period beginning on the date of enactment of this Act.

SEC. 314. COOPERATIVE EFFORTS TO DETER MONEY LAUNDERING.

(a) Cooperation Among Financial Institutions, Regulatory Authorities, and Law Enforcement Authorities.—

(1) Regulations.—The Secretary shall, within 120 days after the date of enactment of this Act, adopt regulations to encourage further cooperation among financial institutions, their regulatory authorities, and law enforcement 'authorities, with the specific purpose of encouraging regulatory authorities and law enforcement authorities to share with financial institutions information regarding individuals, entities, and organizations engaged in or reasonably suspected based on credible evidence of engaging in terrorist acts or money laundering activities.

(2) Cooperation and information sharing procedures.—The regulations adopted under paragraph (1) may include or create procedures for cooperation and information sharing focusing on—

(A) matters specifically related to the finances of terrorist groups, the means by which terrorist groups transfer funds around the world and within the United States, including through the use of charitable organizations, nonprofit organizations, and nongovernmental organizations, and the extent to which financial institutions in the United States are unwittingly involved in such finances and the extent to which such institutions are at risk as a result;

(B) the relationship, particularly the financial relationship, between international narcotics traffickers and foreign terrorist organizations, the extent to which their memberships overlap and engage in joint activities, and the extent to which they cooperate with each other in raising and transferring funds for their respective purposes; and

(C) means of facilitating the identification of accounts and transactions involving terrorist groups and facilitating the exchange of information concerning such accounts and transactions between financial institutions and law enforcement organizations.

(3) Contents.—The regulations adopted pursuant to paragraph (1) may—

(A) require that each financial institution designate 1 or more persons to receive information concerning, and to monitor accounts of individuals, entities, and organizations identified, pursuant to paragraph (1); and

(B) further establish procedures for the protection of the shared information, consistent with the capacity, size, and nature of the institution to which the particular procedures apply.

(4) Rule of construction.—The receipt of information by a financial institution pursuant to this section shall not relieve or otherwise modify the obligations of the financial institution with respect to any other person or account.

(5) Use of information.—Information received by a financial institution pursuant to this section shall not be used for any purpose other than identifying and reporting on activities that may involve terrorist acts or money laundering activities.

(b) Cooperation Among Financial Institutions.—Upon notice provided to the Secretary, 2 or more financial institutions and any association of financial institutions may share information with one another regarding individuals, entities, organizations, and countries suspected of possible terrorist or money laundering activities. A financial institution or association that transmits, receives, or shares such information for the purposes of identifying and reporting activities that may involve terrorist acts or money laundering activities shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision thereof, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure, or any other person identified in the disclosure, except where such transmission, receipt, or sharing violates this section or regulations promulgated pursuant to this section.

(c) Rule of Construction.—Compliance with the provisions of this title requiring or allowing financial institutions and any association of financial institutions to disclose or share information regarding individuals, entities, and organizations engaged in or suspected of engaging in terrorist acts or money laundering activities shall not constitute a violation of the provisions of title V of the Gramm-Leach-Bliley Act (Public Law 106–102).

(d) Reports to the Financial Services Industry on Suspicious Financial Activities.—At least semiannually, the Secretary shall—

(1) publish a report containing a detailed analysis identifying patterns of suspicious activity and other investigative insights derived from suspicious activity reports and investigations conducted by Federal, State, and local law enforcement agencies to the extent appropriate; and

(2) distribute such report to financial institutions (as defined in section 5312 of title 31, United States Code).

SEC. 315. INCLUSION OF FOREIGN CORRUPTION OFFENSES AS MONEY LAUNDERING CRIMES.

Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (B)—

(A) in clause (ii), by striking "or destruction of property by means of explosive or fire" and inserting "destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16)";

(B) in clause (iii), by striking "1978" and inserting "1978)"; and

(C) by adding at the end the following:

"(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

"(v) smuggling or export control violations involving—

"(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

"(II) an item controlled under regulations under the Export Administration Regulations (15 C.F.R. Parts 730–774); or

"(vi) an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States;"; and

(2) in subparagraph (D)—

(A) by inserting "section 541 (relating to goods falsely classified)," before "section 542";

(B) by inserting "section 922(1) (relating to the unlawful importation of firearms), section 924(n) (relating to firearms trafficking)," before "section 956";

(C) by inserting "section 1030 (relating to computer fraud and abuse)," before "1032"; and

(D) by inserting "any felony violation of the Foreign Agents Registration Act of 1938," before "or any felony violation of the Foreign Corrupt Practices Act".

SEC. 316. ANTI-TERRORIST FORFEITURE PROTECTION.

(a) Right to Contest.—An owner of property that is confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

(1) the property is not subject to confiscation under such provision of law; or

(2) the innocent owner provisions of section 983(d) of title 18, United States Code, apply to the case.

(b) Evidence.—In considering a claim filed under this section, a court may admit evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court determines that the evidence is reliable, and that compliance with the Federal Rules of Evidence may jeopardize the national security interests of the United States.

(c) Clarifications.—

(1) Protection of rights.—The exclusion of certain provisions of Federal law from the definition of the term "civil forfeiture statute" in section 983(i) of title 18, United States Code, shall not be construed to deny an owner of property the right to contest the confiscation of assets of suspected international terrorists under—

(A) subsection (a) of this section;

(B) the Constitution; or

(C) subchapter II of chapter 5 of title 5, United States Code (commonly known as the "Administrative Procedure Act").

(2) Savings clause.—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 of title 18, United States Code, or any other provision of law.

(d) Technical Correction.—Section 983(i)(2)(D) of title 18, United States Code, is amended by inserting "or the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.)" before the semicolon.

SEC. 317. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the right;

(2) by inserting after "(b)" the following: "Penalties.—

"(1) In general.—";

(3) by inserting ", or section 1957" after "or (a)(3)"; and

(4) by adding at the end the following:

"(2) Jurisdiction over foreign persons.—For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and—

``(A) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

``(B) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

``(C) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

``(3) COURT AUTHORITY OVER ASSETS.—A court described in paragraph (2) may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

``(4) FEDERAL RECEIVER.—

``(A) IN GENERAL.—A court described in paragraph (2) may appoint a Federal Receiver, in accordance with subparagraph (B) of this paragraph, to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a civil judgment under this subsection, a forfeiture judgment under section 981 or 982, or a criminal sentence under section 1957 or subsection (a) of this section, including an order of restitution to any victim of a specified unlawful activity.

``(B) APPOINTMENT AND AUTHORITY.—A Federal Receiver described in subparagraph (A)—

``(i) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;

``(ii) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and

``(iii) shall have standing equivalent to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant—

``(I) from the Financial Crimes Enforcement Network of the Department of the Treasury; or

``(II) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or other arrangement for international law enforcement assistance, provided that such requests are in accordance with the policies and procedures of the Attorney General.''.

SEC. 318. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

``(6) the term 'financial institution' includes—

``(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder; and

``(B) any foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).''.

SEC. 319. FORFEITURE OF FUNDS IN UNITED STATES INTERBANK ACCOUNTS.

(a) FORFEITURE FROM UNITED STATES INTERBANK ACCOUNT.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

``(k) INTERBANK ACCOUNTS.—

``(1) IN GENERAL.—

``(A) IN GENERAL.—For the purpose of a forfeiture under this section or under the Controlled Substances Act (21 U.S.C. 801 et seq.), if funds are deposited into an account at a foreign bank, and that foreign bank has an interbank account in the United States with a covered financial institution (as defined in section 5318(j)(1) of title 31), the funds shall be deemed to have been deposited into the interbank account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding the funds may be served on the covered financial institution, and funds in the interbank account, up to the value of the funds deposited into the account at the foreign bank, may be restrained, seized, or arrested.

``(B) AUTHORITY TO SUSPEND.—The Attorney General, in consultation with the Secretary of the Treasury, may suspend or terminate a forfeiture under this section if the Attorney General determines that a conflict of law exists between the laws of the jurisdiction in which the foreign bank is located and the laws of the United States with respect to liabilities arising from the restraint, seizure, or arrest of such funds, and that such suspension or termination would be in the interest of justice and would not harm the national interests of the United States.

``(2) NO REQUIREMENT FOR GOVERNMENT TO TRACE FUNDS.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), it shall not be necessary for the Government to establish that the funds are directly traceable to the funds that were deposited into the foreign bank, nor shall it be necessary for the Government to rely on the application of section 984.

``(3) CLAIMS BROUGHT BY OWNER OF THE FUNDS.—If a forfeiture action is instituted against funds restrained, seized, or arrested under paragraph (1), the owner of the funds deposited into the account at the foreign bank may contest the forfeiture by filing a claim under section 983.

``(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

``(A) INTERBANK ACCOUNT.—The term 'interbank account' has the same meaning as in section 984(c)(2)(B).

``(B) OWNER.—

``(i) IN GENERAL.—Except as provided in clause (ii), the term 'owner'—

``(I) means the person who was the owner, as that term is defined in section 983(d)(6), of the funds that were deposited into the foreign bank at the time such funds were deposited; and

``(II) does not include either the foreign bank or any financial institution acting as an intermediary in the transfer of the funds into the interbank account.

``(ii) EXCEPTION.—The foreign bank may be considered the 'owner' of the funds (and no other person shall qualify as the owner of such funds) only if—

``(I) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

``(II) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its obligation to the prior owner of the funds, in which case the foreign bank shall be deemed the owner of the funds to the extent of such discharged obligation.''.

(b) BANK RECORDS.—Section 5318 of title 31, United States Code, as amended by this title, is amended by adding at the end the following:

``(k) BANK RECORDS RELATED TO ANTI-MONEY LAUNDERING PROGRAMS.—

``(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

``(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

``(B) INCORPORATED TERM.—The term 'correspondent account' has the same meaning as in section 5318A(f)(1)(B).

``(2) 120-HOUR RULE.—Not later than 120 hours after receiving a request by an appropriate Federal banking agency for information related to anti-money laundering compliance by a covered financial institution or a customer of such institution, a covered financial institution shall provide to the appropriate Federal banking agency, or make available at a location specified by the representative of the appropriate Federal banking agency, information and account documentation for any account opened, maintained, administered or managed in the United States by the covered financial institution.

``(3) FOREIGN BANK RECORDS.—

``(A) SUMMONS OR SUBPOENA OF RECORDS.—

``(i) IN GENERAL.—The Secretary of the Treasury or the Attorney General may issue a summons or subpoena to any foreign bank that maintains a correspondent account in the United States and request records related to such correspondent account, including records maintained outside of the United States relating to the deposit of funds into the foreign bank.

``(ii) SERVICE OF SUMMONS OR SUBPOENA.—A summons or subpoena referred to in clause (i) may be served on the foreign bank in the United States if the foreign bank has a representative in the United States, or in a foreign country pursuant to any mutual legal assistance treaty, multilateral agreement, or other request for international law enforcement assistance.

``(B) ACCEPTANCE OF SERVICE.—

``(i) MAINTAINING RECORDS IN THE UNITED STATES.—Any covered financial institution which maintains a correspondent account in the United States for a foreign bank shall maintain records in the United States identifying the owners of such foreign bank and the name and address of a person who resides in the United States and is authorized to accept service of legal process for records regarding the correspondent account.

``(ii) LAW ENFORCEMENT REQUEST.—Upon receipt of a written request from a Federal law enforcement officer for information required to be maintained under this paragraph, the covered financial institution shall provide the information to the requesting officer not later than 7 days after receipt of the request.

``(C) TERMINATION OF CORRESPONDENT RELATIONSHIP.—

``(i) TERMINATION UPON RECEIPT OF NOTICE.—A covered financial institution shall terminate any correspondent relationship with a foreign bank not later than 10 business days after receipt of written notice from the Secretary or the Attorney General (in each case, after consultation with the other) that the foreign bank has failed—

``(I) to comply with a summons or subpoena issued under subparagraph (A); or

``(II) to initiate proceedings in a United States court contesting such summons or subpoena.

"(ii) Limitation on liability.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for terminating a correspondent relationship in accordance with this subsection.

"(iii) Failure to terminate relationship.—Failure to terminate a correspondent relationship in accordance with this subsection shall render the covered financial institution liable for a civil penalty of up to $10,000 per day until the correspondent relationship is so terminated.".

(c) Grace Period.—Financial institutions shall have 60 days from the date of enactment of this Act to comply with the provisions of section 5318(k) of title 31, United States Code, as added by this section.

(d) Authority To Order Convicted Criminal To Return Property Located Abroad.—

(1) Forfeiture of substitute property.—Section 413(p) of the Controlled Substances Act (21 U.S.C. 853) is amended to read as follows:

"(p) Forfeiture of Substitute Property.—

"(1) In general.—Paragraph (2) of this subsection shall apply, if any property described in subsection (a), as a result of any act or omission of the defendant—

"(A) cannot be located upon the exercise of due diligence;

"(B) has been transferred or sold to, or deposited with, a third party;

"(C) has been placed beyond the jurisdiction of the court;

"(D) has been substantially diminished in value; or

"(E) has been commingled with other property which cannot be divided without difficulty.

"(2) Substitute property.—In any case described in any of subparagraphs (A) through (E) of paragraph (1), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

"(3) Return of property to jurisdiction.—In the case of property described in paragraph (1)(C), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.".

(2) Protective orders.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

"(4) Order to repatriate and deposit.—

"(A) In general.—Pursuant to its authority to enter a pretrial restraining order under this section, the court may order a defendant to repatriate any property that may be seized and forfeited, and to deposit that property pending trial in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, if appropriate.

"(B) Failure to comply.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant under the obstruction of justice provision of the Federal Sentencing Guidelines.".

SEC. 320. PROCEEDS OF FOREIGN CRIMES.

Section 981(a)(1)(B) of title 18, United States Code, is amended to read as follows:

"(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such an offense, if the offense—

"(i) involves the manufacture, importation, sale, or distribution of a controlled substance (as that term is defined for purposes of the Controlled Substances Act), or any other conduct described in section 1956(c)(7)(B);

"(ii) would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding 1 year; and

"(iii) would be punishable under the laws of the United States by imprisonment for a term exceeding 1 year, if the act or activity constituting the offense had occurred within the jurisdiction of the United States.".

SEC. 321. FINANCIAL INSTITUTIONS SPECIFIED IN SUBCHAPTER II OF CHAPTER 53 OF TITLE 31, UNITED STATES CODE.

(a) Credit Unions.—Subparagraph (E) of section 5312(2) of title 31, United States Code, is amended to read as follows:

"(E) any credit union;".

(b) Futures Commission Merchant; Commodity Trading Advisor; Commodity Pool Operator.—Section 5312 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) Additional Definitions.—For purposes of this subchapter, the following definitions shall apply:

"(1) Certain institutions included in definition.—The term 'financial institution' (as defined in subsection (a)) includes the following:

"(A) Any futures commission merchant, commodity trading advisor, or commodity pool operator registered, or required to register, under the Commodity Exchange Act.".

(c) CFTC Included.—For purposes of this Act and any amendment made by this Act to any other provision of law, the term "Federal functional regulator" includes the Commodity Futures Trading Commission.

SEC. 322. CORPORATION REPRESENTED BY A FUGITIVE.

Section 2466 of title 18, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

"(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.".

SEC. 323. ENFORCEMENT OF FOREIGN JUDGMENTS.

Section 2467 of title 28, United States Code, is amended—

(1) in subsection (d), by adding the following after paragraph (2):

"(3) Preservation of property.—

"(A) In general.—To preserve the availability of property subject to a foreign forfeiture or confiscation judgment, the Government may apply for, and the court may issue, a restraining order pursuant to section 983(j) of title 18, at any time before or after an application is filed pursuant to subsection (c)(1) of this section.

"(B) Evidence.—The court, in issuing a restraining order under subparagraph (A)—

"(i) may rely on information set forth in an affidavit describing the nature of the proceeding or investigation underway in the foreign country, and setting forth a reasonable basis to believe that the property to be restrained will be named in a judgment of forfeiture at the conclusion of such proceeding; or

"(ii) may register and enforce a restraining order that has been issued by a court of competent jurisdiction in the foreign country and certified by the Attorney General pursuant to subsection (b)(2).

"(C) Limit on grounds for objection.—No person may object to a restraining order under subparagraph (A) on any ground that is the subject of parallel litigation involving the same property that is pending in a foreign court.";

(2) in subsection (b)(1)(C), by striking "establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant" and inserting "establishing that the foreign nation took steps, in accordance with the principles of due process, to give notice of the proceedings to all persons with an interest in the property in sufficient time to enable such persons";

(3) in subsection (d)(1)(D), by striking "the defendant in the proceedings in the foreign court did not receive notice" and inserting "the foreign nation did not take steps, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property"; and

(4) in subsection (a)(2)(A), by inserting ", any violation of foreign law that would constitute a violation or an offense for which property could be forfeited under Federal law if the offense were committed in the United States" after "United Nations Convention".

SEC. 324. REPORT AND RECOMMENDATION.

Not later than 30 months after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, the Federal banking agencies (as defined at section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, the Securities and Exchange Commission, and such other agencies as the Secretary may determine, at the discretion of the Secretary, shall evaluate the operations of the provisions of this subtitle and make recommendations to Congress as to any legislative action with respect to this subtitle as the Secretary may determine to be necessary or advisable.

SEC. 325. CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code, as amended by section 202 of this title, is amended by adding at the end the following:

"(3) Concentration accounts.—The Secretary may prescribe regulations under this subsection that govern maintenance of concentration accounts by financial institutions, in order to ensure that such accounts are not used to prevent association of the identity of an individual customer with the movement of funds of which the customer is the direct or beneficial owner, which regulations shall, at a minimum—

"(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

"(B) prohibit financial institutions and their employees from informing customers of the existence of, or the means of identifying, the concentration accounts of the institution; and

"(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that, any time a transaction involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is documented.".

SEC. 326. VERIFICATION OF IDENTIFICATION.

(a) IN GENERAL.—Section 5318 of title 31, United States Code, as amended by this title, is amended by adding at the end the following:

"(*l*) IDENTIFICATION AND VERIFICATION OF ACCOUNTHOLDERS.—

"(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary of the Treasury shall prescribe regulations setting forth the minimum standards for financial institutions and their customers regarding the identity of the customer that shall apply in connection with the opening of an account at a financial institution.

"(2) MINIMUM REQUIREMENTS.—The regulations shall, at a minimum, require financial institutions to implement, and customers (after being given adequate notice) to comply with, reasonable procedures for—

"(A) verifying the identity of any person seeking to open an account to the extent reasonable and practicable;

"(B) maintaining records of the information used to verify a person's identity, including name, address, and other identifying information; and

"(C) consulting lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency to determine whether a person seeking to open an account appears on any such list.

"(3) FACTORS TO BE CONSIDERED.—In prescribing regulations under this subsection, the Secretary shall take into consideration the various types of accounts maintained by various types of financial institutions, the various methods of opening accounts, and the various types of identifying information available.

"(4) CERTAIN FINANCIAL INSTITUTIONS.—In the case of any financial institution the business of which is engaging in financial activities described in section 4(k) of the Bank Holding Company Act of 1956 (including financial activities subject to the jurisdiction of the Commodity Futures Trading Commission), the regulations prescribed by the Secretary under paragraph (1) shall be prescribed jointly with each Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act, including the Commodity Futures Trading Commission) appropriate for such financial institution.

"(5) EXEMPTIONS.—The Secretary (and, in the case of any financial institution described in paragraph (4), any Federal agency described in such paragraph) may, by regulation or order, exempt any financial institution or type of account from the requirements of any regulation prescribed under this subsection in accordance with such standards and procedures as the Secretary may prescribe.

"(6) EFFECTIVE DATE.—Final regulations prescribed under this subsection shall take effect before the end of the 1-year period beginning on the date of enactment of the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001.".

(b) STUDY AND REPORT REQUIRED.—Within 6 months after the date of enactment of this Act, the Secretary, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act) and other appropriate Government agencies, shall submit a report to the Congress containing recommendations for—

(1) determining the most timely and effective way to require foreign nationals to provide domestic financial institutions and agencies with appropriate and accurate information, comparable to that which is required of United States nationals, concerning the identity, address, and other related information about such foreign nationals necessary to enable such institutions and agencies to comply with the requirements of this section;

(2) requiring foreign nationals to apply for and obtain, before opening an account with a domestic financial institution, an identification number which would function similarly to a Social Security number or tax identification number; and

(3) establishing a system for domestic financial institutions and agencies to review information maintained by relevant Government agencies for purposes of verifying the identities of foreign nationals seeking to open accounts at those institutions and agencies.

SEC. 327. CONSIDERATION OF ANTI-MONEY LAUNDERING RECORD.

(a) BANK HOLDING COMPANY ACT OF 1956.—

(1) IN GENERAL.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended by adding at the end the following new paragraph:

"(6) MONEY LAUNDERING.—In every case, the Board shall take into consideration the effectiveness of the company or companies in combatting money laundering activities, including in overseas branches.".

(2) SCOPE OF APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any application submitted to the Board of Governors of the Federal Reserve System under section 3 of the Bank Holding Company Act of 1956 after December 31, 2001, which has not been approved by the Board before the date of enactment of this Act.

(b) MERGERS SUBJECT TO REVIEW UNDER FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10), the following new paragraph:

"(11) MONEY LAUNDERING.—In every case, the responsible agency, shall take into consideration the effectiveness of any insured depository institution involved in the proposed merger transaction in combatting money laundering activities, including in overseas branches.".

(2) SCOPE OF APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any application submitted to the responsible agency under section 18(c) of the Federal Deposit Insurance Act after December 31, 2001, which has not been approved by all appropriate responsible agencies before the date of enactment of this Act.

SEC. 328. INTERNATIONAL COOPERATION ON IDENTIFICATION OF ORIGINATORS OF WIRE TRANSFERS.

The Secretary shall—

(1) in consultation with the Attorney General and the Secretary of State, take all reasonable steps to encourage foreign governments to require the inclusion of the name of the originator in wire transfer instructions sent to the United States and other countries, with the information to remain with the transfer from its origination until the point of disbursement; and

(2) report annually to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on—

(A) progress toward the goal enumerated in paragraph (1), as well as impediments to implementation and an estimated compliance rate; and

(B) impediments to instituting a regime in which all appropriate identification, as defined by the Secretary, about wire transfer recipients shall be included with wire transfers from their point of origination until disbursement.

SEC. 329. CRIMINAL PENALTIES.

Any person who is an official or employee of any department, agency, bureau, office, commission, or other entity of the Federal Government, and any other person who is acting for or on behalf of any such entity, who, directly or indirectly, in connection with the administration of this title, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—

(1) being influenced in the performance of any official act;

(2) being influenced to commit or aid in the committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(3) being induced to do or omit to do any act in violation of the official duty of such official or person,

shall be fined in an amount not more than 3 times the monetary equivalent of the thing of value, or imprisoned for not more than 15 years, or both. A violation of this section shall be subject to chapter 227 of title 18, United States Code, and the provisions of the United States Sentencing Guidelines.

SEC. 330. INTERNATIONAL COOPERATION IN INVESTIGATIONS OF MONEY LAUNDERING, FINANCIAL CRIMES, AND THE FINANCES OF TERRORIST GROUPS.

(a) NEGOTIATIONS.—It is the sense of the Congress that the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate, and in consultation with the Board of Governors of the Federal Reserve System, to seek to enter into negotiations with the appropriate financial supervisory agencies and other officials of any foreign country the financial institutions of which do business with United States financial institutions or which may be utilized by any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes.

(b) PURPOSES OF NEGOTIATIONS.—It is the sense of the Congress that, in carrying out any negotiations described in paragraph (1), the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate, to seek to enter into and further cooperative efforts, voluntary information exchanges, the use of letters rogatory, mutual legal assistance treaties, and international agreements to—

(1) ensure that foreign banks and other financial institutions maintain adequate records of transaction and account information relating to any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes; and

(2) establish a mechanism whereby such records may be made available to United States law enforcement officials and domestic financial institution supervisors, when appropriate.

Subtitle B—Bank Secrecy Act Amendments and Related Improvements

SEC. 351. AMENDMENTS RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.

(a) Amendment Relating to Civil Liability Immunity for Disclosures.—Section 5318(g)(3) of title 31, United States Code, is amended to read as follows:

“(3) Liability for disclosures.—

“(A) In general.—Any financial institution that makes a voluntary disclosure of any possible violation of law or regulation to a government agency or makes a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution who makes, or requires another to make any such disclosure, shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the disclosure.

“(B) Rule of construction.—Subparagraph (A) shall not be construed as creating—

“(i) any inference that the term ‘person’, as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

“(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.”.

(b) Prohibition on Notification of Disclosures.—Section 5318(g)(2) of title 31, United States Code, is amended to read as follows:

“(2) Notification prohibited.—

“(A) In general.—If a financial institution or any director, officer, employee, or agent of any financial institution, voluntarily or pursuant to this section or any other authority, reports a suspicious transaction to a government agency—

“(i) the financial institution, director, officer, employee, or agent may not notify any person involved in the transaction that the transaction has been reported; and

“(ii) no officer or employee of the Federal Government or of any State, local, tribal, or territorial government within the United States, who has any knowledge that such report was made may disclose to any person involved in the transaction that the transaction has been reported, other than as necessary to fulfill the official duties of such officer or employee.

“(B) Disclosures in certain employment references.—

“(i) Rule of construction.—Notwithstanding the application of subparagraph (A) in any other context, subparagraph (A) shall not be construed as prohibiting any financial institution, or any director, officer, employee, or agent of such institution, from including information that was included in a report to which subparagraph (A) applies—

“(I) in a written employment reference that is provided in accordance with section 18(w) of the Federal Deposit Insurance Act in response to a request from another financial institution; or

“(II) in a written termination notice or employment reference that is provided in accordance with the rules of a self-regulatory organization registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission,

except that such written reference or notice may not disclose that such information was also included in any such report, or that such report was made.

“(ii) Information not required.—Clause (i) shall not be construed, by itself, to create any affirmative duty to include any information described in clause (i) in any employment reference or termination notice referred to in clause (i).”.

SEC. 352. ANTI-MONEY LAUNDERING PROGRAMS.

(a) In General.—Section 5318(h) of title 31, United States Code, is amended to read as follows:

“(h) Anti-money Laundering Programs.—

“(1) In general.—In order to guard against money laundering through financial institutions, each financial institution shall establish anti-money laundering programs, including, at a minimum—

“(A) the development of internal policies, procedures, and controls;

“(B) the designation of a compliance officer;

“(C) an ongoing employee training program; and

“(D) an independent audit function to test programs.

“(2) Regulations.—The Secretary of the Treasury, after consultation with the appropriate Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act), may prescribe minimum standards for programs established under paragraph (1), and may exempt from the application of those standards any financial institution that is not subject to the provisions of the rules contained in part 103 of title 31, of the Code of Federal Regulations, or any successor rule thereto, for so long as such financial institution is not subject to the provisions of such rules.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of enactment of this Act.

(c) Date of Application of Regulations; Factors to Be Taken Into Account.—Before the end of the 180-day period beginning on the date of enactment of this Act, the Secretary shall prescribe regulations that consider the extent to which the requirements imposed under this section are commensurate with the size, location, and activities of the financial institutions to which such regulations apply.

SEC. 353. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTAIN RECORDKEEPING REQUIREMENTS, AND LENGTHENING EFFECTIVE PERIOD OF GEOGRAPHIC TARGETING ORDERS.

(a) Civil Penalty for Violation of Targeting Order.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by inserting “or order issued” after “subchapter or a regulation prescribed”; and

(2) by inserting “, or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “sections 5314 and 5315)”.

(b) Criminal Penalties for Violation of Targeting Order.—Section 5322 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or order issued” after “willfully violating this subchapter or a regulation prescribed”; and

(B) by inserting “, or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “under section 5315 or 5324)”; and

(2) in subsection (b)—

(A) by inserting “or order issued” after “willfully violating this subchapter or a regulation prescribed”; and

(B) by inserting “or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “under section 5315 or 5324),”.

(c) Structuring Transactions To Evade Targeting Order or Certain Recordkeeping Requirements.—Section 5324(a) of title 31, United States Code, is amended—

(1) by inserting a comma after “shall”;

(2) by striking “section—” and inserting “section, the reporting or recordkeeping requirements imposed by any order issued under section 5326, or the recordkeeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508.—”;

(3) in paragraph (1), by inserting “, to file a report or to maintain a record required by an order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508” after “regulation prescribed under any such section”; and

(4) in paragraph (2), by inserting “, to file a report or to maintain a record required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “regulation prescribed under any such section”.

(d) Lengthening Effective Period of Geographic Targeting Orders.—Section 5326(d) of title 31, United States Code, is amended by striking “more than 60” and inserting “more than 180”.

SEC. 354. ANTI-MONEY LAUNDERING STRATEGY.

Section 5341(b) of title 31, United States Code, is amended by adding at the end the following:

“(12) Data regarding funding of terrorism.—Data concerning money laundering efforts related to the funding of acts of international terrorism, and efforts directed at the prevention, detection, and prosecution of such funding.”.

SEC. 355. AUTHORIZATION TO INCLUDE SUSPICIONS OF ILLEGAL ACTIVITY IN WRITTEN EMPLOYMENT REFERENCES.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

“(w) Written Employment References May Contain Suspicions of Involvement in Illegal Activity.—

“(1) Authority to disclose information.—Notwithstanding any other provision of law, any insured depository institution, and any director, officer, employee, or agent of such institution, may disclose in any written employment reference relating to a current or former institution-affiliated party of such institution which is provided to another insured depository institution in response to a request from such other institution, information concerning the possible involvement of such institution-affiliated party in potentially unlawful activity.

“(2) Information not required.—Nothing in paragraph (1) shall be construed, by itself, to create any affirmative duty to include any information described in paragraph (1) in any employment reference referred to in paragraph (1).

"(3) Malicious intent.—Notwithstanding any other provision of this subsection, voluntary disclosure made by an insured depository institution, and any director, officer, employee, or agent of such institution under this subsection concerning potentially unlawful activity that is made with malicious intent, shall not be shielded from liability from the person identified in the disclosure.

"(4) Definition.—For purposes of this subsection, the term 'insured depository institution' includes any uninsured branch or agency of a foreign bank.".

SEC. 356. REPORTING OF SUSPICIOUS ACTIVITIES BY SECURITIES BROKERS AND DEALERS; INVESTMENT COMPANY STUDY.

(a) Deadline for Suspicious Activity Reporting Requirements for Registered Brokers and Dealers.—The Secretary, after consultation with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System, shall publish proposed regulations in the Federal Register before January 1, 2002, requiring brokers and dealers registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 to submit suspicious activity reports under section 5318(g) of title 31, United States Code. Such regulations shall be published in final form not later than July 1, 2002.

(b) Suspicious Activity Reporting Requirements For Futures Commission Merchants, Commodity Trading Advisors, and Commodity Pool Operators.—The Secretary, in consultation with the Commodity Futures Trading Commission, may prescribe regulations requiring futures commission merchants, commodity trading advisors, and commodity pool operators registered under the Commodity Exchange Act to submit suspicious activity reports under section 5318(g) of title 31, United States Code.

(c) Report on Investment Companies.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission shall jointly submit a report to the Congress on recommendations for effective regulations to apply the requirements of subchapter II of chapter 53 of title 31, United States Code, to investment companies pursuant to section 5312(a)(2)(I) of title 31, United States Code.

(2) Definition.—For purposes of this subsection, the term "investment company"—

(A) has the same meaning as in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3); and

(B) includes any person that, but for the exceptions provided for in paragraph (1) or (7) of section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)), would be an investment company.

(3) Additional recommendations.—The report required by paragraph (1) may make different recommendations for different types of entities covered by this subsection.

(4) Beneficial ownership of personal holding companies.—The report described in paragraph (1) shall also include recommendations as to whether the Secretary should promulgate regulations to treat any corporation or business or other grantor trust whose assets are predominantly securities, bank certificates of deposit, or other securities or investment instruments (other than such as relate to operating subsidiaries of such corporation or trust) and that has 5 or fewer common shareholders or holders of beneficial or other equity interest, as a financial institution within the meaning of that phrase in section 5312(a)(2)(I) and whether to require such corporations or trusts to disclose their beneficial owners when opening accounts or initiating funds transfers at any domestic financial institution.

SEC. 357. SPECIAL REPORT ON ADMINISTRATION OF BANK SECRECY PROVISIONS.

(a) Report Required.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress relating to the role of the Internal Revenue Service in the administration of subchapter II of chapter 53 of title 31, United States Code (commonly known as the "Bank Secrecy Act").

(b) Contents.—The report required by subsection (a)—

(1) shall specifically address, and contain recommendations concerning—

(A) whether it is advisable to shift the processing of information reporting to the Department of the Treasury under the Bank Secrecy Act provisions to facilities other than those managed by the Internal Revenue Service; and

(B) whether it remains reasonable and efficient, in light of the objective of both anti-money-laundering programs and Federal tax administration, for the Internal Revenue Service to retain authority and responsibility for audit and examination of the compliance of money services businesses and gaming institutions with those Bank Secrecy Act provisions; and

(2) shall, if the Secretary determines that the information processing responsibility or the audit and examination responsibility of the Internal Revenue Service, or both, with respect to those Bank Secrecy Act provisions should be transferred to other agencies, include the specific recommendations of the Secretary regarding the agency or agencies to which any such function should be transferred, complete with a budgetary and resources plan for expeditiously accomplishing the transfer.

SEC. 358. BANK SECRECY PROVISIONS AND ACTIVITIES OF UNITED STATES INTELLIGENCE AGENCIES TO FIGHT INTERNATIONAL TERRORISM.

(a) Amendment Relating to the Purposes of Chapter 53 of Title 31, United States Code.—Section 5311 of title 31, United States Code, is amended by inserting before the period at the end the following: ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism".

(b) Amendment Relating to Reporting of Suspicious Activities.—Section 5318(g)(4)(B) of title 31, United States Code, is amended by striking "or supervisory agency" and inserting ", supervisory agency, or United States intelligence agency for use in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism".

(c) Amendment Relating to Availability of Reports.—Section 5319 of title 31, United States Code, is amended to read as follows:

"§ 5319. Availability of reports

"The Secretary of the Treasury shall make information in a report filed under this subchapter available to an agency, including any State financial institutions supervisory agency, United States intelligence agency or self-regulatory organization registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission, upon request of the head of the agency or organization. The report shall be available for a purpose that is consistent with this subchapter. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from disclosure under section 552 of title 5.".

(d) Amendment Relating to the Purposes of the Bank Secrecy Act Provisions.—Section 21(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)) is amended to read as follows:

"(a) Congressional Findings and Declaration of Purpose.—

"(1) Findings.—Congress finds that—

"(A) adequate records maintained by insured depository institutions have a high degree of usefulness in criminal, tax, and regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against domestic and international terrorism; and

"(B) microfilm or other reproductions and other records made by insured depository institutions of checks, as well as records kept by such institutions, of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in proceedings described in subparagraph (A).

"(2) Purpose.—It is the purpose of this section to require the maintenance of appropriate types of records by insured depository institutions in the United States where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, recognizes that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism.".

(e) Amendment Relating to the Purposes of the Bank Secrecy Act.—Section 123(a) of Public Law 91–508 (12 U.S.C. 1953(a)) is amended to read as follows:

"(a) Regulations.—If the Secretary determines that the maintenance of appropriate records and procedures by any uninsured bank or uninsured institution, or any person engaging in the business of carrying on in the United States any of the functions referred to in subsection (b), has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism, he may by regulation require such bank, institution, or person.".

(f) Amendments to the Right to Financial Privacy Act.—The Right to Financial Privacy Act of 1978 is amended—

(1) in section 1112(a) (12 U.S.C. 3412(a)), by inserting ", or intelligence or counterintelligence activity, investigation or analysis related to international terrorism" after "legitimate law enforcement inquiry";

(2) in section 1114(a)(1) (12 U.S.C. 3414(a)(1))—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(C) a Government authority authorized to conduct investigations of, or intelligence or counterintelligence analyses related to, international terrorism for the purpose of conducting such investigations or analyses."; and

(3) in section 1120(a)(2) (12 U.S.C. 3420(a)(2)), by inserting ", or for a purpose authorized by section 1112(a)" before the semicolon at the end.

(g) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—

(1) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) by redesignating the second of the 2 sections designated as section 624 (15 U.S.C. 1681u) (relating to disclosure to FBI for counterintelligence purposes) as section 625; and

(B) by adding at the end the following new section:

"§ 626. Disclosures to governmental agencies for counterterrorism purposes

"(a) DISCLOSURE.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish a consumer report of a consumer and all other information in a consumer's file to a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism when presented with a written certification by such government agency that such information is necessary for the agency's conduct or such investigation, activity or analysis.

"(b) FORM OF CERTIFICATION.—The certification described in subsection (a) shall be signed by a supervisory official designated by the head of a Federal agency or an officer of a Federal agency whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate.

"(c) CONFIDENTIALITY.—No consumer reporting agency, or officer, employee, or agent of such consumer reporting agency, shall disclose to any person, or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

"(d) RULE OF CONSTRUCTION.—Nothing in section 625 shall be construed to limit the authority of the Director of the Federal Bureau of Investigation under this section.

"(e) SAFE HARBOR.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or other information pursuant to this section in good-faith reliance upon a certification of a governmental agency pursuant to the provisions of this section shall not be liable to any person for such disclosure under this subchapter, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.".

(2) CLERICAL AMENDMENTS.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) by redesignating the second of the 2 items designated as section 624 as section 625; and

(B) by inserting after the item relating to section 625 (as so redesignated) the following new item:

"626. Disclosures to governmental agencies for counterterrorism purposes.".

(h) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to reports filed or records maintained on, before, or after the date of enactment of this Act.

SEC. 359. REPORTING OF SUSPICIOUS ACTIVITIES BY UNDERGROUND BANKING SYSTEMS.

(a) DEFINITION FOR SUBCHAPTER.—Section 5312(a)(2)(R) of title 31, United States Code, is amended to read as follows:

"(R) a licensed sender of money or any other person who engages as a business in the transmission of funds, including any person who engages as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system;".

(b) MONEY TRANSMITTING BUSINESS.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: "or any other person who engages as a business in the transmission of funds, including any person who engages as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system;".

(c) APPLICABILITY OF RULES.—Section 5318 of title 31, United States Code, as amended by this title, is amended by adding at the end the following:

"(l) APPLICABILITY OF RULES.—Any rules promulgated pursuant to the authority contained in section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b) shall apply, in addition to any other financial institution to which such rules apply, to any person that engages as a business in the transmission of funds, including any person who engages as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system.".

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall report to Congress on the need for any additional legislation relating to persons who engage as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system, counter money laundering and regulatory controls relating to underground money movement and banking systems, including whether the threshold for the filing of suspicious activity reports under section 5318(g) of title 31, United States Code should be lowered in the case of such systems.

SEC. 360. USE OF AUTHORITY OF UNITED STATES EXECUTIVE DIRECTORS.

(a) ACTION BY THE PRESIDENT.—If the President determines that a particular foreign country has taken or has committed to take actions that contribute to efforts of the United States to respond to, deter, or prevent acts of international terrorism, the Secretary may, consistent with other applicable provisions of law, instruct the United States Executive Director of each international financial institution to use the voice and vote of the Executive Director to support any loan or other utilization of the funds of respective institutions for such country, or any public or private entity within such country.

(b) USE OF VOICE AND VOTE.—The Secretary may instruct the United States Executive Director of each international financial institution to aggressively use the voice and vote of the Executive Director to require an auditing of disbursements at such institutions to ensure that no funds are paid to persons who commit, threaten to commit, or support terrorism.

(c) DEFINITION.—For purposes of this section, the term "international financial institution" means an institution described in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SEC. 361. FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) IN GENERAL.—Subchapter I of chapter 3 of title 31, United States Code, is amended—

(1) by redesignating section 310 as section 311; and

(2) by inserting after section 309 the following new section:

"§ 310. Financial Crimes Enforcement Network

"(a) IN GENERAL.—The Financial Crimes Enforcement Network established by order of the Secretary of the Treasury (Treasury Order Numbered 105-08, in this section referred to as 'FinCEN') on April 25, 1990, shall be a bureau in the Department of the Treasury.

"(b) DIRECTOR.—

"(1) APPOINTMENT.—The head of FinCEN shall be the Director, who shall be appointed by the Secretary of the Treasury.

"(2) DUTIES AND POWERS.—The duties and powers of the Director are as follows:

"(A) Advise and make recommendations on matters relating to financial intelligence, financial criminal activities, and other financial activities to the Under Secretary of the Treasury for Enforcement.

"(B) Maintain a government-wide data access service, with access, in accordance with applicable legal requirements, to the following:

"(i) Information collected by the Department of the Treasury, including report information filed under subchapter II of chapter 53 of this title (such as reports on cash transactions, foreign financial agency transactions and relationships, foreign currency transactions, exporting and importing monetary instruments, and suspicious activities), chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act.

"(ii) Information regarding national and international currency flows.

"(iii) Other records and data maintained by other Federal, State, local, and foreign agencies, including financial and other records developed in specific cases.

"(iv) Other privately and publicly available information.

"(C) Analyze and disseminate the available data in accordance with applicable legal requirements and policies and guidelines established by the Secretary of the Treasury and the Under Secretary of the Treasury for Enforcement to—

"(i) identify possible criminal activity to appropriate Federal, State, local, and foreign law enforcement agencies;

"(ii) support ongoing criminal financial investigations and prosecutions and related proceedings, including civil and criminal tax and forfeiture proceedings;

"(iii) identify possible instances of noncompliance with subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act to Federal agencies with statutory responsibility for enforcing compliance with such provisions and other appropriate Federal regulatory agencies;

“(iv) evaluate and recommend possible uses of special currency reporting requirements under section 5326;

“(v) determine emerging trends and methods in money laundering and other financial crimes;

“(vi) support the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism; and

“(vii) support government initiatives against money laundering.

“(D) Establish and maintain a financial crimes communications center to furnish law enforcement authorities with intelligence information related to emerging or ongoing investigations and undercover operations.

“(E) Furnish research, analytical, and informational services to financial institutions, appropriate Federal regulatory agencies with regard to financial institutions, and appropriate Federal, State, local, and foreign law enforcement authorities, in accordance with policies and guidelines established by the Secretary of the Treasury or the Under Secretary of the Treasury for Enforcement, in the interest of detection, prevention, and prosecution of terrorism, organized crime, money laundering, and other financial crimes.

“(F) Assist Federal, State, local, and foreign law enforcement and regulatory authorities in combatting the use of informal, nonbank networks and payment and barter system mechanisms that permit the transfer of funds or the equivalent of funds without records and without compliance with criminal and tax laws.

“(G) Provide computer and data support and data analysis to the Secretary of the Treasury for tracking and controlling foreign assets.

“(H) Coordinate with financial intelligence units in other countries on anti-terrorism and anti-money laundering initiatives, and similar efforts.

“(I) Administer the requirements of subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary of the Treasury.

“(J) Such other duties and powers as the Secretary of the Treasury may delegate or prescribe.

“(c) Requirements Relating to Maintenance and Use of Data Banks.—The Secretary of the Treasury shall establish and maintain operating procedures with respect to the government-wide data access service and the financial crimes communications center maintained by FinCEN which provide—

“(1) for the coordinated and efficient transmittal of information to, entry of information into, and withdrawal of information from, the data maintenance system maintained by the Network, including—

“(A) the submission of reports through the Internet or other secure network, whenever possible;

“(B) the cataloguing of information in a manner that facilitates rapid retrieval by law enforcement personnel of meaningful data; and

“(C) a procedure that provides for a prompt initial review of suspicious activity reports and other reports, or such other means as the Secretary may provide, to identify information that warrants immediate action; and

“(2) in accordance with section 552a of title 5 and the Right to Financial Privacy Act of 1978, appropriate standards and guidelines for determining—

“(A) who is to be given access to the information maintained by the Network;

“(B) what limits are to be imposed on the use of such information; and

“(C) how information about activities or relationships which involve or are closely associated with the exercise of constitutional rights is to be screened out of the data maintenance system.

“(d) Authorization of Appropriations.—There are authorized to be appropriated for FinCEN such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005.”.

(b) Compliance With Reporting Requirements.—The Secretary of the Treasury shall study methods for improving compliance with the reporting requirements established in section 5314 of title 31, United States Code, and shall submit a report on such study to the Congress by the end of the 6-month period beginning on the date of enactment of this Act and each 1-year period thereafter. The initial report shall include historical data on compliance with such reporting requirements.

(c) Clerical Amendment.—The table of sections for subchapter I of chapter 3 of title 31, United States Code, is amended—

(1) by redesignating the item relating to section 310 as section 311; and

(2) by inserting after the item relating to section 309 the following new item:

“310. Financial Crimes Enforcement Network.”.

SEC. 362. ESTABLISHMENT OF HIGHLY SECURE NETWORK.

(a) In General.—The Secretary shall establish a highly secure network in the Financial Crimes Enforcement Network that—

(1) allows financial institutions to file reports required under subchapter II or III of chapter 53 of title 31, United States Code, chapter 2 of Public Law 91-508, or section 21 of the Federal Deposit Insurance Act through the secure network; and

(2) provides financial institutions with alerts and other information regarding suspicious activities that warrant immediate and enhanced scrutiny.

(b) Expedited Development.—The Secretary shall take such action as may be necessary to ensure that the secure network required under subsection (a) is fully operational before the end of the 9-month period beginning on the date of enactment of this Act.

SEC. 363. INCREASE IN CIVIL AND CRIMINAL PENALTIES FOR MONEY LAUNDERING.

(a) Civil Penalties.—Section 5321(a) of title 31, United States Code, is amended by adding at the end the following:

“(7) Penalties for international counter money laundering violations.—The Secretary may impose a civil money penalty in an amount equal to not less than 2 times the amount of the transaction, but not more than $1,000,000, on any financial institution or agency that violates any provision of subsection (i) or (j) of section 5318 or any special measures imposed under section 5318A.”.

(b) Criminal Penalties.—Section 5322 of title 31, United States Code, is amended by adding at the end the following:

“(d) A financial institution or agency that violates any provision of subsection (i) or (j) of section 5318, or any special measures imposed under section 5318A, or any regulation prescribed under subsection (i) or (j) of section 5318 or section 5318A, shall be fined in an amount equal to not less than 2 times the amount of the transaction, but not more than $1,000,000.”.

SEC. 364. UNIFORM PROTECTION AUTHORITY FOR FEDERAL RESERVE FACILITIES.

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following:

“(q) Uniform Protection Authority for Federal Reserve Facilities.—

“(1) Notwithstanding any other provision of law, to authorize personnel to act as law enforcement officers to protect and safeguard the premises, grounds, property, personnel, including members of the Board, of the Board, or any Federal reserve bank, and operations conducted by or on behalf of the Board or a reserve bank.

“(2) The Board may, subject to the regulations prescribed under paragraph (5), delegate authority to a Federal reserve bank to authorize personnel to act as law enforcement officers to protect and safeguard the bank's premises, grounds, property, personnel, and operations conducted by or on behalf of the bank.

“(3) Law enforcement officers designated or authorized by the Board or a reserve bank under paragraph (1) or (2) are authorized while on duty to carry firearms and make arrests without warrants for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States committed or being committed within the buildings and grounds of the Board or a reserve bank if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. Such officers shall have access to law enforcement information that may be necessary for the protection of the property or personnel of the Board or a reserve bank.

“(4) For purposes of this subsection, the term ‘law enforcement officers’ means personnel who have successfully completed law enforcement training and are authorized to carry firearms and make arrests pursuant to this subsection.

“(5) The law enforcement authorities provided for in this subsection may be exercised only pursuant to regulations prescribed by the Board and approved by the Attorney General.”.

SEC. 365. REPORTS RELATING TO COINS AND CURRENCY RECEIVED IN NONFINANCIAL TRADE OR BUSINESS.

(a) Reports Required.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following new section:

“§ 5331. Reports relating to coins and currency received in nonfinancial trade or business

“(a) Coin and Currency Receipts of More Than $10,000.—Any person—

“(1) who is engaged in a trade or business; and

“(2) who, in the course of such trade or business, receives more than $10,000 in coins or currency in 1 transaction (or 2 or more related transactions),

shall file a report described in subsection (b) with respect to such transaction (or related transactions) with the Financial Crimes Enforcement Network at such time and in such manner as the Secretary may, by regulation, prescribe.

“(b) Form and Manner of Reports.—A report is described in this subsection if such report—

“(1) is in such form as the Secretary may prescribe;

“(2) contains—

“(A) the name and address, and such other identification information as the Secretary may require, of the person from whom the coins or currency was received;

"(B) the amount of coins or currency received;

"(C) the date and nature of the transaction; and

"(D) such other information, including the identification of the person filing the report, as the Secretary may prescribe.

"(c) Exceptions.—

"(1) Amounts received by financial institutions.—Subsection (a) shall not apply to amounts received in a transaction reported under section 5313 and regulations prescribed under such section.

"(2) Transactions occurring outside the United States.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall not apply to any transaction if the entire transaction occurs outside the United States.

"(d) Currency Includes Foreign Currency and Certain Monetary Instruments.—

"(1) In general.—For purposes of this section, the term 'currency' includes—

"(A) foreign currency; and

"(B) to the extent provided in regulations prescribed by the Secretary, any monetary instrument (whether or not in bearer form) with a face amount of not more than $10,000.

"(2) Scope of application.—Paragraph (1)(B) shall not apply to any check drawn on the account of the writer in a financial institution referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), (J), (K), (R), or (S) of section 5312(a)(2).".

(b) Prohibition on Structuring Transactions.—

(1) In general.—Section 5324 of title 31, United States Code, is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection:

"(b) Domestic Coin and Currency Transactions Involving Nonfinancial Trades or Businesses.—No person shall, for the purpose of evading the report requirements of section 5333 or any regulation prescribed under such section—

"(1) cause or attempt to cause a nonfinancial trade or business to fail to file a report required under section 5333 or any regulation prescribed under such section;

"(2) cause or attempt to cause a nonfinancial trade or business to file a report required under section 5333 or any regulation prescribed under such section that contains a material omission or misstatement of fact; or

"(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with 1 or more nonfinancial trades or businesses.'.

(2) Technical and conforming amendments.—

(A) The heading for subsection (a) of section 5324 of title 31, United States Code, is amended by inserting "Involving Financial Institutions" after "Transactions'.

(B) Section 5317(c) of title 31, United States Code, is amended by striking "5324(b)" and inserting "5324(c)".

(c) Definition of Nonfinancial Trade or Business.—

(1) In general.—Section 5312(a) of title 31, United States Code, is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

"(4) Nonfinancial trade or business.—The term 'nonfinancial trade or business' means any trade or business other than a financial institution that is subject to the reporting requirements of section 5313 and regulations prescribed under such section.".

(2) Technical and conforming amendments.—

(A) Section 5312(a)(3)(C) of title 31, United States Code, is amended by striking "section 5316," and inserting "sections 5333 and 5316,".

(B) Subsections (a) through (f) of section 5318 of title 31, United States Code, and sections 5321, 5326, and 5328 of such title are each amended—

(i) by inserting "or nonfinancial trade or business" after "financial institution" each place such term appears; and

(ii) by inserting "or nonfinancial trades or businesses" after "financial institutions" each place such term appears.

(c) Clerical Amendment.—The table of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5332 (as added by section 112 of this title) the following new item:

"5331. Reports relating to coins and currency received in nonfinancial trade or business.".

(f) Regulations.—Regulations which the Secretary determines are necessary to implement this section shall be published in final form before the end of the 6-month period beginning on the date of enactment of this Act.

SEC. 366. EFFICIENT USE OF CURRENCY TRANSACTION REPORT SYSTEM.

(a) Findings.—The Congress finds the following:

(1) The Congress established the currency transaction reporting requirements in 1970 because the Congress found then that such reports have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings and the usefulness of such reports has only increased in the years since the requirements were established.

(2) In 1994, in response to reports and testimony that excess amounts of currency transaction reports were interfering with effective law enforcement, the Congress reformed the currency transaction report exemption requirements to provide—

(A) mandatory exemptions for certain reports that had little usefulness for law enforcement, such as cash transfers between depository institutions and cash deposits from government agencies; and

(B) discretionary authority for the Secretary of the Treasury to provide exemptions, subject to criteria and guidelines established by the Secretary, for financial institutions with regard to regular business customers that maintain accounts at an institution into which frequent cash deposits are made.

(3) Today there is evidence that some financial institutions are not utilizing the exemption system, or are filing reports even if there is an exemption in effect, with the result that the volume of currency transaction reports is once again interfering with effective law enforcement.

(b) Study and Report.—

(1) Study required.—The Secretary shall conduct a study of—

(A) the possible expansion of the statutory exemption system in effect under section 5313 of title 31, United States Code; and

(B) methods for improving financial institution utilization of the statutory exemption provisions as a way of reducing the submission of currency transaction reports that have little or no value for law enforcement purposes, including improvements in the systems in effect at financial institutions for regular review of the exemption procedures used at the institution and the training of personnel in its effective use.

(2) Report required.—The Secretary of the Treasury shall submit a report to the Congress before the end of the 1-year period beginning on the date of enactment of this Act containing the findings and conclusions of the Secretary with regard to the study required under subsection (a), and such recommendations for legislative or administrative action as the Secretary determines to be appropriate.

Subtitle C—Currency Crimes and Protection

SEC. 371. BULK CASH SMUGGLING INTO OR OUT OF THE UNITED STATES.

(a) Findings.—The Congress finds the following:

(1) Effective enforcement of the currency reporting requirements of subchapter II of chapter 53 of title 31, United States Code, and the regulations prescribed under such subchapter, has forced drug dealers and other criminals engaged in cash-based businesses to avoid using traditional financial institutions.

(2) In their effort to avoid using traditional financial institutions, drug dealers and other criminals are forced to move large quantities of currency in bulk form to and through the airports, border crossings, and other ports of entry where the currency can be smuggled out of the United States and placed in a foreign financial institution or sold on the black market.

(3) The transportation and smuggling of cash in bulk form may now be the most common form of money laundering, and the movement of large sums of cash is one of the most reliable warning signs of drug trafficking, terrorism, money laundering, racketeering, tax evasion and similar crimes.

(4) The intentional transportation into or out of the United States of large amounts of currency or monetary instruments, in a manner designed to circumvent the mandatory reporting provisions of subchapter II of chapter 53 of title 31, United States Code,, is the equivalent of, and creates the same harm as, the smuggling of goods.

(5) The arrest and prosecution of bulk cash smugglers are important parts of law enforcement's effort to stop the laundering of criminal proceeds, but the couriers who attempt to smuggle the cash out of the United States are typically low-level employees of large criminal organizations, and thus are easily replaced. Accordingly, only the confiscation of the smuggled bulk cash can effectively break the cycle of criminal activity of which the laundering of the bulk cash is a critical part.

(6) The current penalties for violations of the currency reporting requirements are insufficient to provide a deterrent to the laundering of criminal proceeds. In particular, in cases where the only criminal violation under current law is a reporting offense, the law does not adequately provide for the confiscation of smuggled currency. In contrast, if the smuggling of bulk cash were itself an offense, the cash could be confiscated as the corpus delicti of the smuggling offense.

(b) Purposes.—The purposes of this section are—

(1) to make the act of smuggling bulk cash itself a criminal offense;

(2) to authorize forfeiture of any cash or instruments of the smuggling offense; and

(3) to emphasize the seriousness of the act of bulk cash smuggling.

(c) Enactment of Bulk Cash Smuggling Offense.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"§ 5332. Bulk cash smuggling into or out of the United States

"(a) CRIMINAL OFFENSE.—

"(1) IN GENERAL.—Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than $10,000 in currency or other monetary instruments on the person of such individual or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment pursuant to subsection (b).

"(2) CONCEALMENT ON PERSON.—For purposes of this section, the concealment of currency on the person of any individual includes concealment in any article of clothing worn by the individual or in any luggage, backpack, or other container worn or carried by such individual.

"(b) PENALTY.—

"(1) TERM OF IMPRISONMENT.—A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such offense, shall be imprisoned for not more than 5 years.

"(2) FORFEITURE.—In addition, the court, in imposing sentence under paragraph (1), shall order that the defendant forfeit to the United States, any property, real or personal, involved in the offense, and any property traceable to such property, subject to subsection (d) of this section.

"(3) PROCEDURE.—The seizure, restraint, and forfeiture of property under this section shall be governed by section 413 of the Controlled Substances Act.

"(4) PERSONAL MONEY JUDGMENT.—If the property subject to forfeiture under paragraph (2) is unavailable, and the defendant has insufficient substitute property that may be forfeited pursuant to section 413(p) of the Controlled Substances Act, the court shall enter a personal money judgment against the defendant for the amount that would be subject to forfeiture.

"(c) CIVIL FORFEITURE.—

"(1) IN GENERAL.—Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable to such violation or conspiracy, may be seized and, subject to subsection (d) of this section, forfeited to the United States.

"(2) PROCEDURE.—The seizure and forfeiture shall be governed by the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

"(3) TREATMENT OF CERTAIN PROPERTY AS INVOLVED IN THE OFFENSE.—For purposes of this subsection and subsection (b), any currency or other monetary instrument that is concealed or intended to be concealed in violation of subsection (a) or a conspiracy to commit such violation, any article, container, or conveyance used, or intended to be used, to conceal or transport the currency or other monetary instrument, and any other property used, or intended to be used, to facilitate the offense, shall be considered property involved in the offense.".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5331, as added by this Act, the following new item:

"5332. Bulk cash smuggling into or out of the United States.".

SEC. 372. FORFEITURE IN CURRENCY REPORTING CASES.

(a) IN GENERAL.—Subsection (c) of section 5317 of title 31, United States Code, is amended to read as follows:

"(c) FORFEITURE.—

"(1) CRIMINAL FORFEITURE.—

"(A) IN GENERAL.—The court in imposing sentence for any violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

"(B) PROCEDURE.—Forfeitures under this paragraph shall be governed by the procedures established in section 413 of the Controlled Substances Act.

"(2) CIVIL FORFEITURE.—Any property involved in a violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy, may be seized and forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.".

(b) CONFORMING AMENDMENTS.—

(1) Section 981(a)(1)(A) of title 18, United States Code, is amended—

(A) by striking "of section 5313(a) or 5324(a) of title 31, or"; and

(B) by striking "However" and all that follows through the end of the subparagraph.

(2) Section 982(a)(1) of title 18, United States Code, is amended—

(A) by striking "of section 5313(a), 5316, or 5324 of title 31, or"; and

(B) by striking "However" and all that follows through the end of the paragraph.

SEC. 373. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) SCIENTER REQUIREMENT FOR SECTION 1960 VIOLATION.—Section 1960 of title 18, United States Code, is amended to read as follows:

"§ 1960. Prohibition of unlicensed money transmitting businesses

"(a) Whoever knowingly conducts, controls, manages, supervises, directs, or owns all or part of an unlicensed money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) the term 'unlicensed money transmitting business' means a money transmitting business which affects interstate or foreign commerce in any manner or degree and—

"(A) is operated without an appropriate money transmitting license in a State where such operation is punishable as a misdemeanor or a felony under State law, whether or not the defendant knew that the operation was required to be licensed or that the operation was so punishable;

"(B) fails to comply with the money transmitting business registration requirements under section 5330 of title 31, United States Code, or regulations prescribed under such section; or

"(C) otherwise involves the transportation or transmission of funds that are known to the defendant to have been derived from a criminal offense or are intended to be used to be used to promote or support unlawful activity;

"(2) the term 'money transmitting' includes transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier; and

"(3) the term 'State' means any State of the United States, the District of Columbia, the Northern Mariana Islands, and any commonwealth, territory, or possession of the United States.".

(b) SEIZURE OF ILLEGALLY TRANSMITTED FUNDS.—Section 981(a)(1)(A) of title 18, United States Code, is amended by striking "or 1957" and inserting ", 1957 or 1960".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 95 of title 18, United States Code, is amended in the item relating to section 1960 by striking "illegal" and inserting "unlicensed".

SEC. 374. COUNTERFEITING DOMESTIC CURRENCY AND OBLIGATIONS.

(a) COUNTERFEIT ACTS COMMITTED OUTSIDE THE UNITED STATES.—Section 470 of title 18, United States Code, is amended—

(1) in paragraph (2), by inserting "analog, digital, or electronic image," after "plate, stone,"; and

(2) by striking "shall be fined under this title, imprisoned not more than 20 years, or both" and inserting "shall be punished as is provided for the like offense within the United States".

(b) OBLIGATIONS OR SECURITIES OF THE UNITED STATES.—Section 471 of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

(c) UTTERING COUNTERFEIT OBLIGATIONS OR SECURITIES.—Section 472 of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

(d) DEALING IN COUNTERFEIT OBLIGATIONS OR SECURITIES.—Section 473 of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(e) PLATES, STONES, OR ANALOG, DIGITAL, OR ELECTRONIC IMAGES FOR COUNTERFEITING OBLIGATIONS OR SECURITIES.—

(1) IN GENERAL.—Section 474(a) of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any obligation or other security of the United States; or".

(2) AMENDMENT TO DEFINITION.—Section 474(b) of title 18, United States Code, is amended by striking the first sentence and inserting the following new sentence: "For purposes of this section, the term 'analog, digital, or electronic image' includes any analog, digital, or electronic method used for the making, execution, acquisition, scanning, capturing, recording, retrieval, transmission, or reproduction of any obligation or security, unless such use is authorized by the Secretary of the Treasury.".

(3) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 474 of title 18, United States Code, is amended by striking "**or stones**" and inserting "**, stones, or analog, digital, or electronic images**".

(4) CLERICAL AMENDMENT.—The table of sections for chapter 25 of title 18, United States Code, is amended in the item relating to section 474 by striking "or stones" and inserting ", stones, or analog, digital, or electronic images".

(f) TAKING IMPRESSIONS OF TOOLS USED FOR OBLIGATIONS OR SECURITIES.—Section 476 of title 18, United States Code, is amended—

(1) by inserting "analog, digital, or electronic image," after "impression, stamp,"; and

(2) by striking "ten years" and inserting "25 years".

(g) Possessing or Selling Impressions of Tools Used for Obligations or Securities.—Section 477 of title 18, United States Code, is amended—

(1) in the first paragraph, by inserting "analog, digital, or electronic image," after "imprint, stamp,";

(2) in the second paragraph, by inserting "analog, digital, or electronic image," after "imprint, stamp,"; and

(3) in the third paragraph, by striking "ten years" and inserting "25 years".

(h) Connecting Parts of Different Notes.—Section 484 of title 18, United States Code, is amended by striking "five years" and inserting "10 years".

(i) Bonds and Obligations of Certain Lending Agencies.—The first and second paragraphs of section 493 of title 18, United States Code, are each amended by striking "five years" and inserting "10 years".

SEC. 375. COUNTERFEITING FOREIGN CURRENCY AND OBLIGATIONS.

(a) Foreign Obligations or Securities.—Section 478 of title 18, United States Code, is amended by striking "five years" and inserting "20 years".

(b) Uttering Counterfeit Foreign Obligations or Securities.—Section 479 of title 18, United States Code, is amended by striking "three years" and inserting "20 years".

(c) Possessing Counterfeit Foreign Obligations or Securities.—Section 480 of title 18, United States Code, is amended by striking "one year" and inserting "20 years".

(d) Plates, Stones, or Analog, Digital, or Electronic Images for Counterfeiting Foreign Obligations or Securities.—

(1) In general.—Section 481 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any bond, certificate, obligation, or other security of any foreign government, or of any treasury note, bill, or promise to pay, lawfully issued by such foreign government and intended to circulate as money; or".

(2) Increased sentence.—The last paragraph of section 481 of title 18, United States Code, is amended by striking "five years" and inserting "25 years".

(3) Technical and conforming amendment.—The heading for section 481 of title 18, United States Code, is amended by striking "**or stones**" and inserting "**, stones, or analog, digital, or electronic images**".

(4) Clerical amendment.—The table of sections for chapter 25 of title 18, United States Code, is amended in the item relating to section 481 by striking "or stones" and inserting ", stones, or analog, digital, or electronic images".

(e) Foreign Bank Notes.—Section 482 of title 18, United States Code, is amended by striking "two years" and inserting "20 years".

(f) Uttering Counterfeit Foreign Bank Notes.—Section 483 of title 18, United States Code, is amended by striking "one year" and inserting "20 years".

SEC. 376. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 377. EXTRATERRITORIAL JURISDICTION.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(h) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment, and forfeiture provided in this title if—

"(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

"(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secrets, or holds within the jurisdiction of the United States, any article used to assist in the commission of the offense or the proceeds of such offense or property derived therefrom.".

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service on the Northern border.

SEC. 402. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of the enactment of this Act), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border; and

(4) an additional $50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) Amendment of the Immigration and Nationality Act.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting "; DATA EXCHANGE" after "SECURITY OFFICERS";

(2) by inserting "(a)" after "Sec. 105.";

(3) in subsection (a), by inserting "and border" after "internal" the second place it appears; and

(4) by adding at the end the following:

"(b)(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

"(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

"(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

"(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

"(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

"(d) For purposes of administering this section, the Department of State shall, prior to receiving access to NCIC data but not later than 4 months after the date of enactment of this subsection, promulgate final regulations—

"(1) to implement procedures for the taking of fingerprints; and

"(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

"(C) to ensure the security, confidentiality, and destruction of such information; and

"(D) to protect any privacy rights of individuals who are subjects of such information.".

(b) Reporting Requirement.—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) Technology Standard to Confirm Identity.—

(1) In General.—The Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology (NIST), and in consultation with the Secretary of the Treasury and other Federal law enforcement and intelligence agencies the Attorney General or Secretary of State deems appropriate and in consultation with Congress, shall within 2 years after the date of the enactment of this section, develop and certify a technology standard that can be used to verify the identity of persons applying for a United States visa or such persons seeking to enter the United States pursuant to a visa for the purposes of conducting background checks, confirming identity, and ensuring that a person has not received a

visa under a different name or such person seeking to enter the United States pursuant to a visa.

(2) INTEGRATED.—The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(3) ACCESSIBLE.—The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

(4) REPORT.—Not later than 18 months after the date of the enactment of this Act, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation, efficacy, and privacy implications of the technology standard and electronic database system described in this subsection.

(5) FUNDING.—There is authorized to be appropriated to the Secretary of State, the Attorney General, and the Director of the National Institute of Standards and Technology such sums as may be necessary to carry out the provisions of this subsection.

(d) STATUTORY CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.

SEC. 404. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs" and "Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: "*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001:".

SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR PORTS OF ENTRY AND OVERSEAS CONSULAR POSTS.

(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit from the United States by that person.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than $2,000,000 to carry out this section.

Subtitle B—Enhanced Immigration Provisions

SEC. 411. DEFINITIONS RELATING TO TERRORISM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by amending subclause (IV) to read as follows:

"(IV) is a representative (as defined in clause (v)) of—

"(aa) a foreign terrorist organization, as designated by the Secretary of State under section 219, or

"(bb) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities,";

(ii) in subclause (V), by inserting "or" after "section 219,"; and

(iii) by adding at the end the following new subclauses:

"(VI) has used the alien's position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities, or

"(VII) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years,";

(B) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(C) in clause (i)(II), by striking "clause (iii)" and inserting "clause (iv)";

(D) by inserting after clause (i) the following:

"(ii) EXCEPTION.—Subclause (VII) of clause (i) does not apply to a spouse or child—

"(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

"(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.";

(E) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting "it had been" before "committed in the United States"; and

(ii) in subclause (V)(b), by striking "or firearm" and inserting ", firearm, or other weapon or dangerous device";

(F) by amending clause (iv) (as redesignated by subparagraph (B)) to read as follows:

"(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this chapter, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

"(II) to prepare or plan a terrorist activity;

"(III) to gather information on potential targets for terrorist activity;

"(IV) to solicit funds or other things of value for—

"(aa) a terrorist activity;

"(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or

"(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;

"(V) to solicit any individual—

"(aa) to engage in conduct otherwise described in this clause;

"(bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or

"(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or

"(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

"(aa) for the commission of a terrorist activity;

"(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

"(cc) to a terrorist organization described in clause (vi)(I) or (vi)(II); or

"(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that this clause should not apply."; and

(G) by adding at the end the following new clause:

"(vi) TERRORIST ORGANIZATION DEFINED.—As used in clause (i)(VI) and clause (iv), the term 'terrorist organization' means an organization—

"(I) designated under section 219;

"(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that the organization engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that the organization provides material support to further terrorist activity; or

"(III) that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv)."; and

(2) by adding at the end the following new subparagraph:

"(F) ASSOCIATION WITH TERRORIST ORGANIZATIONS.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.".

(b) CONFORMING AMENDMENTS.—

(1) Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended by striking "section 212(a)(3)(B)(iii)" and inserting "section 212(a)(3)(B)(iv)".

(2) Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (IV)" and inserting "(IV), or (VI)".

(c) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(A) actions taken by an alien before, on, or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, sections 212(a)(3)(B) and 237(a)(4)(B) of the Immigration and Nationality Act, as amended by this Act, shall apply to all aliens in exclusion or deportation proceedings on or after the date of the enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS AND ORGANIZATIONS DESIGNATED UNDER SECTION 212(a)(3)(B)(vi)(II).—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a group at any time when the group was not a terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189) or otherwise designated under section 212(a)(3)(B)(vi)(II) of such Act (as so amended).

(B) STATUTORY CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act or otherwise designated under section 212(a)(3)(B)(vi)(II) of such Act (as so amended); or

(ii) described in subclause (IV)(cc), (V)(cc), or (VI)(dd) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization described in section 212(a)(3)(B)(vi)(III) of such Act (as so amended).

(4) EXCEPTION.—The Secretary of State, in consultation with the Attorney General, may determine that the amendments made by this section shall not apply with respect to actions by an alien taken outside the United States before the date of the enactment of this Act upon the recommendation of a consular officer who has concluded that there is not reasonable ground to believe that the alien knew or reasonably should have known that the actions would further a terrorist activity.

(c) DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.—Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)(B), by inserting "or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)), or retains the capability and intent to engage in terrorist activity or terrorism" after "212(a)(3)(B)";

(2) in paragraph (1)(C), by inserting "or terrorism" after "terrorist activity";

(3) by amending paragraph (2)(A) to read as follows:

"(A) NOTICE.—

"(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

"(ii) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).";

(4) in paragraph (2)(B)(i), by striking "subparagraph (A)" and inserting "subparagraph (A)(ii)";

(5) in paragraph (2)(C), by striking "paragraph (2)" and inserting "paragraph (2)(A)(i)";

(6) in paragraph (3)(B), by striking "subsection (c)" and inserting "subsection (b)";

(7) in paragraph (4)(B), by inserting after the first sentence the following: "The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.";

(8) in paragraph (6)(A)—

(A) by inserting "or a redesignation made under paragraph (4)(B)" after "paragraph (1)";

(B) in clause (i)—

(i) by inserting "or redesignation" after "designation" the first place it appears; and

(ii) by striking "of the designation"; and

(C) in clause (ii), by striking "of the designation";

(9) in paragraph (6)(B)—

(A) by striking "through (4)" and inserting "and (3)"; and

(B) by inserting at the end the following new sentence: "Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.";

(10) in paragraph (7), by inserting ", or the revocation of a redesignation under paragraph (6)," after "paragraph (5) or (6)"; and

(11) in paragraph (8)—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)";

(B) by inserting "or an alien in a removal proceeding" after "criminal action"; and

(C) by inserting "or redesignation" before "as a defense".

SEC. 412. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

"MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

"SEC. 236A. (a) DETENTION OF TERRORIST ALIENS.—

"(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

"(2) RELEASE.—Except as provided in paragraphs (5) and (6), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Except as provided in paragraph (6), such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3). If the alien is finally determined not to be removable, detention pursuant to this subsection shall terminate.

"(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

"(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

"(B) is engaged in any other activity that endangers the national security of the United States.

"(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Deputy Attorney General. The Deputy Attorney General may not delegate such authority.

"(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

"(6) LIMITATION ON INDEFINITE DETENTION.—An alien detained solely under paragraph (1) who has not been removed under section 241(a)(1)(A), and whose removal is unlikely in the reasonably foreseeable future, may be detained for additional periods of up to six months only if the release of the alien will threaten the national security of the United States or the safety of the community or any person.

"(7) Review of certification.—The Attorney General shall review the certification made under paragraph (3) every 6 months. If the Attorney General determines, in the Attorney General's discretion, that the certification should be revoked, the alien may be released on such conditions as the Attorney General deems appropriate, unless such release is otherwise prohibited by law. The alien may request each 6 months in writing that the Attorney General reconsider the certification and may submit documents or other evidence in support of that request.

"(b) Habeas Corpus and Judicial Review.—

"(1) In general.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3) or (a)(6)) is available exclusively in habeas corpus proceedings consistent with this subsection. Except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.

"(2) Application.—

"(A) In general.—Notwithstanding any other provision of law, including section 2241(a) of title 28, United States Code, habeas corpus proceedings described in paragraph (1) may be initiated only by an application filed with—

"(i) the Supreme Court;

"(ii) any justice of the Supreme Court;

"(iii) any circuit judge of the United States Court of Appeals for the District of Columbia Circuit; or

"(iv) any district court otherwise having jurisdiction to entertain it.

"(B) Application transfer.—Section 2241(b) of title 28, United States Code, shall apply to an application for a writ of habeas corpus described in subparagraph (A).

"(3) Appeals.—Notwithstanding any other provision of law, including section 2253 of title 28, in habeas corpus proceedings described in paragraph (1) before a circuit or district judge, the final order shall be subject to review, on appeal, by the United States Court of Appeals for the District of Columbia Circuit. There shall be no right of appeal in such proceedings to any other circuit court of appeals.

"(4) Rule of decision.—The law applied by the Supreme Court and the United States Court of Appeals for the District of Columbia Circuit shall be regarded as the rule of decision in habeas corpus proceedings described in paragraph (1).

"(c) Statutory Construction.—The provisions of this section shall not be applicable to any other provision of this Act.".

(b) Clerical Amendment.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

"Sec. 236A. Mandatory detention of suspected terrorist; habeas corpus; judicial review.".

(c) Reports.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from removal;

(B) were removed;

(C) the Attorney General has determined are no longer aliens who may be so certified; or

(D) were released from detention.

SEC. 413. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) by striking "except that in the discretion of" and inserting the following: "except that—

"(1) in the discretion of"; and

(2) by adding at the end the following:

"(2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

"(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

"(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.".

SEC. 414. VISA INTEGRITY AND SECURITY.

(a) Sense of Congress Regarding the Need To Expedite Implementation of Integrated Entry and Exit Data System.—

(1) Sense of congress.—In light of the terrorist attacks perpetrated against the United States on September 11, 2001, it is the sense of the Congress that—

(A) the Attorney General, in consultation with the Secretary of State, should fully implement the integrated entry and exit data system for airports, seaports, and land border ports of entry, as specified in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), with all deliberate speed and as expeditiously as practicable; and

(B) the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of the Treasury, and the Office of Homeland Security, should immediately begin establishing the Integrated Entry and Exit Data System Task Force, as described in section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215).

(2) Authorization of appropriations.—There is authorized to be appropriated such sums as may be necessary to fully implement the system described in paragraph (1)(A).

(b) Development of the System.—In the development of the integrated entry and exit data system under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), the Attorney General and the Secretary of State shall particularly focus on—

(1) the utilization of biometric technology; and

(2) the development of tamper-resistant documents readable at ports of entry.

(c) Interface With Law Enforcement Databases.—The entry and exit data system described in this section shall be able to interface with law enforcement databases for use by Federal law enforcement to identify and detain individuals who pose a threat to the national security of the United States.

(d) Report on Screening Information.—Not later than 12 months after the date of enactment of this Act, the Office of Homeland Security shall submit a report to Congress on the information that is needed from any United States agency to effectively screen visa applicants and applicants for admission to the United States to identify those affiliated with terrorist organizations or those that pose any threat to the safety or security of the United States, including the type of information currently received by United States agencies and the regularity with which such information is transmitted to the Secretary of State and the Attorney General.

SEC. 415. PARTICIPATION OF OFFICE OF HOMELAND SECURITY ON ENTRY-EXIT TASK FORCE.

Section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215) is amended by striking "and the Secretary of the Treasury," and inserting "the Secretary of the Treasury, and the Office of Homeland Security".

SEC. 416. FOREIGN STUDENT MONITORING PROGRAM.

(a) Full Implementation and Expansion of Foreign Student Visa Monitoring Program Required.—The Attorney General, in consultation with the Secretary of State, shall fully implement and expand the program established by section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)).

(b) Integration With Port of Entry Information.—For each alien with respect to whom information is collected under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), the Attorney General, in consultation with the Secretary of State, shall include information on the date of entry and port of entry.

(c) Expansion of System To Include Other Approved Educational Institutions.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C.1372) is amended—

(1) in subsection (a)(1), subsection (c)(4)(A), and subsection (d)(1) (in the text above subparagraph (A)), by inserting ", other approved educational institutions," after "higher education" each place it appears;

(2) in subsections (c)(1)(C), (c)(1)(D), and (d)(1)(A), by inserting ", or other approved educational institution," after "higher education" each place it appears;

(3) in subsections (d)(2), (e)(1), and (e)(2), by inserting ", other approved educational institution," after "higher education" each place it appears; and

(4) in subsection (h), by adding at the end the following new paragraph:

"(3) Other approved educational institution.—The term 'other approved educational institution' includes any air flight school, language training school, or vocational school, approved by the Attorney General, in consultation with the Secretary of Education and the Secretary of State, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.".

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Department of Justice $36,800,000 for the period beginning on the date of enactment of this Act and ending on January 1, 2003, to fully implement and expand prior to January 1, 2003, the program established by section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)).

SEC. 417. MACHINE READABLE PASSPORTS.

(a) AUDITS.—The Secretary of State shall, each fiscal year until September 30, 2007—

(1) perform annual audits of the implementation of section 217(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(B));

(2) check for the implementation of precautionary measures to prevent the counterfeiting and theft of passports; and

(3) ascertain that countries designated under the visa waiver program have established a program to develop tamper-resistant passports.

(b) PERIODIC REPORTS.—Beginning one year after the date of enactment of this Act, and every year thereafter until 2007, the Secretary of State shall submit a report to Congress setting forth the findings of the most recent audit conducted under subsection (a)(1).

(c) ADVANCING DEADLINE FOR SATISFACTION OF REQUIREMENT.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended by striking "2007" and inserting "2003".

(d) WAIVER.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended—

(1) by striking "On or after" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), on or after"; and

(2) by adding at the end the following:

"(B) LIMITED WAIVER AUTHORITY.—For the period beginning October 1, 2003, and ending September 30, 2007, the Secretary of State may waive the requirement of subparagraph (A) with respect to nationals of a program country (as designated under subsection (c)), if the Secretary of State finds that the program country—

"(i) is making progress toward ensuring that passports meeting the requirement of subparagraph (A) are generally available to its nationals; and

"(ii) has taken appropriate measures to protect against misuse of passports the country has issued that do not meet the requirement of subparagraph (A).".

SEC. 418. PREVENTION OF CONSULATE SHOPPING.

(a) REVIEW.—The Secretary of State shall review how consular officers issue visas to determine if consular shopping is a problem.

(b) ACTIONS TO BE TAKEN.—If the Secretary of State determines under subsection (a) that consular shopping is a problem, the Secretary shall take steps to address the problem and shall submit a report to Congress describing what action was taken.

Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

SEC. 421. SPECIAL IMMIGRANT STATUS.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney General may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a(27)), if the alien—

(1) files with the Attorney General a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Attorney General on or before September 11, 2001—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien was, on September 10, 2001, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.

(B) CONSTRUCTION.—For purposes of construing the terms "accompanying" and "following to join" in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a direct result of a specified terrorist activity, if either of such deceased parents was, on September 10, 2001, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Attorney General under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

SEC. 422. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on September 10, 2001, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien was, on September 10, 2001, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an "employment authorized" endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien is unable timely to depart the United States as a direct result of a specified terrorist activity, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on September 11, 2001, and ending on the date of the alien's departure, if such departure occurs on or before November 11, 2001.

(3) SPECIAL RULE FOR ALIENS UNABLE TO RETURN FROM ABROAD.—

(A) PRINCIPAL ALIENS.—In the case of an alien who was in a lawful nonimmigrant status on September 10, 2001, but who was not present in the United States on such date, if the alien was prevented from returning to the United States in order to file a timely application for an extension of nonimmigrant status as a direct result of a specified terrorist activity—

(i) the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due; and

(ii) the alien's lawful nonimmigrant status shall be considered to continue until the later of—

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

(B) SPOUSES AND CHILDREN.—In the case of an alien who is the spouse or child of a principal alien described in subparagraph (A), if the spouse or child was in a lawful nonimmigrant status on September 10, 2001, the spouse or child may remain lawfully in the United States in the same nonimmigrant status until the later of—

(i) the date such lawful nonimmigrant status otherwise would have terminated if this subparagraph had not been enacted; or

(ii) the date that is 60 days after the date on which the application described in subparagraph (A) otherwise would have been due.

(4) CIRCUMSTANCES PREVENTING TIMELY ACTION.—

(A) FILING DELAYS.—For purposes of paragraph (1), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(B) DEPARTURE AND RETURN DELAYS.—For purposes of paragraphs (2) and (3), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) airline flight cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 1, 2001, and ending on April 1, 2002, if the alien establishes that the alien was prevented from using it during fiscal year 2001 as a direct result of a specified terrorist activity.

(2) WORLDWIDE LEVEL.—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1) or (3), the alien shall be counted as a diversity immigrant for fiscal year 2001 for purposes of section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2002.

(3) TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, until June 30, 2002, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act as if the principal alien were not deceased and as if the spouse or child's visa application had been adjudicated by September 30, 2001.

(4) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of paragraph (1), circumstances preventing an alien from using an immigrant visa number during fiscal year 2001 are—

(A) office closures;

(B) mail or courier service cessations or delays;

(C) airline flight cessations or delays; and

(D) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(d) EXTENSION OF EXPIRATION OF IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before December 31, 2001, if the alien was unable to effect entry into the United States as a direct result of a specified terrorist activity, then the period of validity of the visa is extended until December 31, 2001, unless a longer period of validity is otherwise provided under this subtitle.

(2) CIRCUMSTANCES PREVENTING ENTRY.—For purposes of this subsection, circumstances preventing an alien from effecting entry into the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(e) GRANTS OF PAROLE EXTENDED.—

(1) IN GENERAL.—In the case of any parole granted by the Attorney General under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after September 11, 2001, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date as a direct result of a specified terrorist activity, the parole is deemed extended for an additional 90 days.

(2) CIRCUMSTANCES PREVENTING RETURN.—For purposes of this subsection, circumstances preventing an alien from timely returning to the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(f) VOLUNTARY DEPARTURE.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on September 11, 2001, and ending on October 11, 2001, such voluntary departure period is deemed extended for an additional 30 days.

SEC. 423. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Attorney General for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before September 11, 2001, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Attorney General, if the spouse, child, son, or daughter was present in the United States on September 11, 2001. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 424. "AGE-OUT" PROTECTION FOR CHILDREN.

For purposes of the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), in the case of an alien—

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien's 21st birthday for purposes of adjudicating such petition or application; and

(2) whose 21st birthday occurs after September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 45 days after the alien's 21st birthday for purposes of adjudicating such petition or application.

SEC. 425. TEMPORARY ADMINISTRATIVE RELIEF.

The Attorney General, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on September 10, 2001;

(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a direct result of a specified terrorist activity; and

(3) is not otherwise entitled to relief under any other provision of this subtitle.

SEC. 426. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) IN GENERAL.—The Attorney General shall establish appropriate standards for evidence demonstrating, for purposes of this subtitle, that any of the following occurred as a direct result of a specified terrorist activity:

(1) Death.

(2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) WAIVER OF REGULATIONS.—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

SEC. 427. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.

Notwithstanding any other provision of this subtitle, nothing in this subtitle shall be construed to provide any benefit or relief to—

(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

SEC. 428. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this subtitle, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

SEC. 501. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS TO COMBAT TERRORISM.

(a) PAYMENT OF REWARDS TO COMBAT TERRORISM.—Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.

(b) CONDITIONS.—In making rewards under this section—

(1) no such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless that law expressly refers to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

SEC. 502. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.

Section 36 of the State Department Basic Authorities Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting ", including by dismantling an organization in whole or significant part; or"; and

(C) by adding at the end the following:

"(6) the identification or location of an individual who holds a key leadership position in a terrorist organization.";

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) in subsection (e)(1), by inserting ", except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts." after "$5,000,000".

SEC. 503. DNA IDENTIFICATION OF TERRORISTS AND OTHER VIOLENT OFFENDERS.

Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended to read as follows:

"(2) In addition to the offenses described in paragraph (1), the following offenses shall be treated for purposes of this section as qualifying Federal offenses, as determined by the Attorney General:

"(A) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

"(B) Any crime of violence (as defined in section 16 of title 18, United States Code).

"(C) Any attempt or conspiracy to commit any of the above offenses.".

SEC. 504. COORDINATION WITH LAW ENFORCEMENT.

(a) INFORMATION ACQUIRED FROM AN ELECTRONIC SURVEILLANCE.—Section 106 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806), is amended by adding at the end the following:

"(k)(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 104(a)(7)(B) or the entry of an order under section 105.".

(b) INFORMATION ACQUIRED FROM A PHYSICAL SEARCH.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by adding at the end the following:

"(k)(1) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 303(a)(7) or the entry of an order under section 304.".

SEC. 505. MISCELLANEOUS NATIONAL SECURITY AUTHORITIES.

(a) TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "Assistant Director";

(2) in paragraph (1)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States; and"; and

(3) in paragraph (2)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(b) Financial Records.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee"; and

(2) by striking "sought" and all that follows and inserting "sought for foreign counter intelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(c) Consumer Reports.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing, that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.";

(2) in subsection (b)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States."; and

(3) in subsection (c)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee of the Director"; and

(B) by striking "in camera that" and all that follows through "States." and inserting the following: "in camera that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

SEC. 506. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) Concurrent Jurisdiction Under 18 U.S.C. 1030.—Section 1030(d) of title 18, United States Code, is amended to read as follows:

"(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

"(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

"(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.".

(b) Reauthorization of Jurisdiction under 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking "credit and debit card frauds, and false identification documents or devices" and inserting "access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution".

SEC. 507. DISCLOSURE OF EDUCATIONAL RECORDS.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection (j) to read as follows:

"(j) Investigation and Prosecution of Terrorism.—

"(1) In general.—Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to—

"(A) collect education records in the possession of the educational agency or institution that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18 United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) Application and approval.—

"(A) In general.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the education records are likely to contain information described in paragraph (1)(A).

"(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

"(3) Protection of educational agency or institution.—An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

"(4) Record-keeping.—Subsection (b)(4) does not apply to education records subject to a court order under this subsection.".

SEC. 508. DISCLOSURE OF INFORMATION FROM NCES SURVEYS.

Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007), is amended by adding after subsection (b) a new subsection (c) to read as follows:

"(c) Investigation and Prosecution of Terrorism.—

"(1) In General.—Notwithstanding subsections (a) and (b), the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

"(A) collect reports, records, and information (including individually identifiable information) in the possession of the center that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such information, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) Application and approval.—

"(A) In general.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

"(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

"(3) Protection.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.".

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

SEC. 611. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) In General.—Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) Definitions.—For purposes of this section, the terms "catastrophic injury", "public agency", and "public safety officer" have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by—

(1) inserting before "by a" the following: "(containing identification of all eligible payees of benefits pursuant to section 1201)";

(2) inserting "producing permanent and total disability" after "suffered a catastrophic injury"; and

(3) striking "1201(a)" and inserting "1201".

SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM PAYMENT INCREASE.

(a) Payments.—Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking "$100,000" and inserting "$250,000".

(b) Applicability.—The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

SEC. 614. OFFICE OF JUSTICE PROGRAMS.

Section 112 of title I of section 101(b) of division A of Public Law 105–277 and section 108(a) of appendix A of Public Law 106–113 (113 Stat. 1501A–20) are amended—

(1) after "that Office", each place it occurs, by inserting "(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)"; and

(2) by inserting "functions, including any" after "all".

Subtitle B—Amendments to the Victims of Crime Act of 1984

SEC. 621. CRIME VICTIMS FUND.

(a) Deposit of Gifts in the Fund.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) any gifts, bequests, or donations to the Fund from private entities or individuals.".

(b) Formula for Fund Distributions.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

"(c) Fund Distribution; Retention of Sums in Fund; Availability for Expenditure Without Fiscal Year Limitation.—

"(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

"(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.".

(c) Allocation of Funds for Costs and Grants.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking "deposited in" and inserting "to be distributed from";

(2) in subparagraph (A), by striking "48.5" and inserting "47.5";

(3) in subparagraph (B), by striking "48.5" and inserting "47.5"; and

(4) in subparagraph (C), by striking "3" and inserting "5".

(d) Antiterrorism Emergency Reserve.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

"(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts transferred to the Fund in response to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

"(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

"(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.".

(e) Victims of September 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. 622. CRIME VICTIM COMPENSATION.

(a) Allocation of Funds for Compensation and Assistance.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by inserting "in fiscal year 2002 and of 60 percent in subsequent fiscal years" after "40 percent".

(b) Location of Compensable Crime.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or".

(c) Relationship of Crime Victim Compensation to Means-Tested Federal Benefit Programs.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

"(c) Exclusion From Income, Resources, and Assets for Purposes of Means Tests.—Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.".

(d) Definitions of "Compensable Crime" and "State".—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking "crimes involving terrorism,"; and

(2) in paragraph (4), by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

(e) Relationship of Eligible Crime Victim Compensation Programs to the September 11th Victim Compensation Fund.—

(1) In general.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting "including the program established under title IV of Public Law 107–42," after "Federal program,".

(2) Compensation.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

SEC. 623. CRIME VICTIM ASSISTANCE.

(a) Assistance for Victims in the District of Columbia, Puerto Rico, and Other Territories and Possessions.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).".

(b) Prohibition on Discrimination Against Certain Victims.—Section 1404(b)(1) of the

Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.".

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ", program evaluation, compliance efforts," after "demonstration projects".

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking "not more than" and inserting "not less than"; and

(2) in subparagraph (B), by striking "not less than" and inserting "not more than".

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) use funds made available to the Director under this subsection—

"(i) for fellowships and clinical internships; and

"(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.".

SEC. 624. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

"(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.".

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking "who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: "The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

SEC. 701. EXPANSION OF REGIONAL INFORMATION SHARING SYSTEM TO FACILITATE FEDERAL-STATE-LOCAL LAW ENFORCEMENT RESPONSE RELATED TO TERRORIST ATTACKS.

Section 1301 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) is amended—

(1) in subsection (a), by inserting "and terrorist conspiracies and activities" after "activities";

(2) in subsection (b)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following:

"(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and (5)"; and

(3) by inserting at the end the following:

"(d) AUTHORIZATION OF APPROPRIATION TO THE BUREAU OF JUSTICE ASSISTANCE.—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section $50,000,000 for fiscal year 2002 and $100,000,000 for fiscal year 2003.".

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end the following:

"§ 1993. Terrorist attacks and other acts of violence against mass transportation systems

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"'(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

"(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal without authorization from the mass transportation provider;

"(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) in a circumstance in which—

"(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

"(2) the offense has resulted in the death of any person,

shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

"(c) DEFINITIONS.—In this section—

"(1) the term 'biological agent' has the meaning given to that term in section 178(1) of this title;

"(2) the term 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4) of this title;

"(4) the term 'destructive substance' has the meaning given to that term in section 31 of this title;

"(5) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) the term 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

"(7) the term 'State' has the meaning given to that term in section 2266 of this title; and

"(8) the term 'toxin' has the meaning given to that term in section 178(2) of this title.".

(f) CONFORMING AMENDMENT.—The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

"1993. Terrorist attacks and other acts of violence against mass transportation systems.".

SEC. 802. DEFINITION OF DOMESTIC TERRORISM.

(a) DOMESTIC TERRORISM DEFINED.—Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(iii), by striking "by assassination or kidnapping" and inserting "by mass destruction, assassination, or kidnapping";

(2) in paragraph (3), by striking "and";

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(5) the term 'domestic terrorism' means activities that—

"(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

"(C) occur primarily within the territorial jurisdiction of the United States.".

(b) CONFORMING AMENDMENT.—Section 3077(1) of title 18, United States Code, is amended to read as follows:

"(1) 'act of terrorism' means an act of domestic or international terrorism as defined in section 2331;".

SEC. 803. PROHIBITION AGAINST HARBORING TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2338 the following new section:

"§ 2339. Harboring or concealing terrorists

"(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.".

"(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

"2339. Harboring or concealing terrorists.".

SEC. 804. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

"(9) With respect to offenses committed by or against a national of the United States as that term is used in section 101 of the Immigration and Nationality Act—

"(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

"(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 3261(a) of this title.".

SEC. 805. MATERIAL SUPPORT FOR TERRORISM.

(a) IN GENERAL.—Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ", within the United States,";

(B) by inserting "229," after "175,";

(C) by inserting "1993," after "1992,";

(D) by inserting ", section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284)," after "of this title";

(E) by inserting "or 60123(b)" after "46502"; and

(F) by inserting at the end the following: "A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law."; and

(2) in subsection (b)—

(A) by striking "or other financial securities" and inserting "or monetary instruments or financial securities"; and

(B) by inserting "expert advice or assistance," after "training,".

(b) TECHNICAL AMENDMENT.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 806. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting at the end the following:

"(G) All assets, foreign or domestic—

"(i) of any individual, entity, or organization engaged in planning or perpetrating any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

"(ii) acquired or maintained by any person with the intent and for the purpose of supporting, planning, conducting, or concealing an act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

"(iii) derived from, involved in, or used or intended to be used to commit any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.".

SEC. 807. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106–387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 808. DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b of title 18, United States Code, is amended—

(1) in subsection (f), by inserting "and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title," before "and the Secretary"; and

(2) in subsection (g)(5)(B), by striking clauses (i) through (iii) and inserting the following:

"(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 229 (relating to chemical weapons), subsection (a), (b), (c), or (d) of section 351 (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f)(2) or (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim persons abroad), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751(a), (b), (c), or (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems), 2155 (relating to destruction of national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

"(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

"(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.".

SEC. 809. NO STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Section 3286 of title 18, United States Code, is amended to read as follows:

"§ 3286. Extension of statute of limitation for certain terrorism offenses

"(a) EIGHT-YEAR LIMITATION.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B), or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed. Notwithstanding the preceding sentence, offenses listed in section 3295 are subject to the statute of limitations set forth in that section.

"(b) NO LIMITATION.—Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a forseeable risk of, death or serious bodily injury to another person.".

(b) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

SEC. 810. ALTERNATE MAXIMUM PENALTIES FOR TERRORISM OFFENSES.

(a) ARSON.—Section 81 of title 18, United States Code, is amended in the second undesignated paragraph by striking "not more than twenty years" and inserting "for any term of years or for life".

(b) DESTRUCTION OF AN ENERGY FACILITY.—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "ten" and inserting "20"; and

(2) by adding at the end the following:

"(d) Whoever is convicted of a violation of subsection (a) or (b) that has resulted in the death of any person shall be subject to imprisonment for any term of years or life.".

(c) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A(a) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(d) MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period after "or both" and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(e) DESTRUCTION OF NATIONAL-DEFENSE MATERIALS.—Section 2155(a) of title 18, United States Code, is amended—

(1) by striking "ten" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(f) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) by striking "ten" each place it appears and inserting "20";

(2) in subsection (a), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life."; and

(3) in subsection (b), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(g) SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES.—Section 46505(c) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(h) DAMAGING OR DESTROYING AN INTERSTATE GAS OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

SEC. 811. PENALTIES FOR TERRORIST CONSPIRACIES.

(a) ARSON.—Section 81 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking ", or attempts to set fire to or burn"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be imprisoned".

(b) KILLINGS IN FEDERAL FACILITIES.—Section 930(c) of title 18, United States Code, is amended—

(1) by striking "or attempts to kill";

(2) by inserting "or attempts or conspires to do such an act," before "shall be punished"; and

(3) by striking "and 1113" and inserting "1113, and 1117".

(c) COMMUNICATIONS LINES, STATIONS, OR SYSTEMS.—Section 1362 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking "or attempts willfully or maliciously to injure or destroy"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(d) BUILDINGS OR PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—Section 1363 of title 18, United States Code, is amended—

(1) by striking "or attempts to destroy or injure"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined" the first place it appears.

(e) WRECKING TRAINS.—Section 1992 of title 18, United States Code, is amended by adding at the end the following:

"(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(f) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A of title 18, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(g) TORTURE.—Section 2340A of title 18, United States Code, is amended by adding at the end the following:

"(c) CONSPIRACY.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(h) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking ", or who intentionally and willfully attempts to destroy or cause physical damage to";

(B) in paragraph (4), by striking the period at the end and inserting a comma; and

(C) by inserting "or attempts or conspires to do such an act," before "shall be fined"; and

(2) in subsection (b)—

(A) by striking "or attempts to cause"; and

(B) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(i) INTERFERENCE WITH FLIGHT CREW MEMBERS AND ATTENDANTS.—Section 46504 of title 49, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(j) SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

"(e) CONSPIRACY.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.".

(k) DAMAGING OR DESTROYING AN INTERSTATE GAS OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking ", or attempting to damage or destroy,"; and

(2) by inserting ", or attempting or conspiring to do such an act," before "shall be fined".

SEC. 812. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(j) SUPERVISED RELEASE TERMS FOR TERRORISM PREDICATES.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, is any term of years or life.".

SEC. 813. INCLUSION OF ACTS OF TERRORISM AS RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or (F)" and inserting "(F)"; and

(2) by inserting before the semicolon at the end the following: ", or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B)".

SEC. 814. DETERRENCE AND PREVENTION OF CYBERTERRORISM.

(a) CLARIFICATION OF PROTECTION OF PROTECTED COMPUTERS.—Section 1030(a)(5) of title 18, United States Code, is amended—

(1) by inserting "(i)" after "(A)";

(2) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(3) by adding "and" at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following:

"(B) by conduct described in clause (i), (ii), or (iii) of subparagraph (A), caused (or, in the case of an attempted offense, would, if completed, have caused)—

"(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

"(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(iii) physical injury to any person;

"(iv) a threat to public health or safety; or

"(v) damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security;".

(b) PROTECTION FROM EXTORTION.—Section 1030(a)(7) of title 18, United States Code, is amended by striking ", firm, association, educational institution, financial institution, government entity, or other legal entity,".

(c) PENALTIES.—Section 1030(c) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) —

(i) by inserting "except as provided in subparagraph (B)," before "a fine";

(ii) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(iii) by striking "and' at the end;

(B) in subparagraph (B), by inserting "or an attempt to commit an offense punishable under this subparagraph," after "subsection (a)(2)," in the matter preceding clause (i); and

(C) in subparagraph (C), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking ", (a)(5)(A), (a)(5)(B)," both places it appears; and

(B) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(3) by adding at the end the following:

"(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under that subsection;

"(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under that subsection;

"(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under either subsection, that occurs after a conviction for another offense under this section.".

(d) DEFINITIONS.—Section 1030(e) of title 18, United States Code is amended—

(1) in paragraph (2)(B), by inserting ", including a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communication of the United States" before the semicolon;

(2) in paragraph (7), by striking "and" at the end;

(3) by striking paragraph (8) and inserting the following:

"(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;";

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

"(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

"(11) the term 'loss' means any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service; and

"(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity.".

(e) DAMAGES IN CIVIL ACTIONS.—Section 1030(g) of title 18, United States Code is amended—

(1) by striking the second sentence and inserting the following: "A civil aotion for a violation of this section may be brought only if the conduct involves 1 of the factors set forth in clause (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages."; and

(2) by adding at the end the following: "No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.".

(f) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030 of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 815. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after "or statutory authorization" the following: "(including a request of a governmental entity under section 2703(f) of this title)".

SEC. 816. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) IN GENERAL.—The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in order that all such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year $50,000,000 for purposes of carrying out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 817. EXPANSION OF THE BIOLOGICAL WEAPONS STATUTE.

Chapter 10 of title 18, United States Code, is amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking "does not include" and inserting "includes";

(ii) by inserting "other than" after "system for"; and

(iii) by inserting "bona fide research" after "protective";

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

"(b) ADDITIONAL OFFENSE.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. In this subsection, the terms 'biological agent' and 'toxin' do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.";

(2) by inserting after section 175a the following:

"SEC. 175b. POSSESSION BY RESTRICTED PERSONS.

"(a) No restricted person described in subsection (b) shall ship or transport interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in subsection (j) of section 72.6 of title 42, Code of Federal Regulations, pursuant to section 511(d)(l) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and is not exempted under subsection (h) of such section 72.6, or appendix A of part 72 of the Code of Regulations.

"(b) In this section:

"(1) The term 'select agent' does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

"(2) The term 'restricted person' means an individual who—

"(A) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

"(B) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

"(C) is a fugitive from justice;

"(D) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(E) is an alien illegally or unlawfully in the United States;

"(F) has been adjudicated as a mental defective or has been committed to any mental institution;

"(G) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination (that remains in effect) that such country has repeatedly provided support for acts of international terrorism; or

"(H) has been discharged from the Armed Services of the United States under dishonorable conditions.

"(3) The term 'alien' has the same meaning as in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

"(4) The term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

"(c) Whoever knowingly violates this section shall be fined as provided in this title, imprisoned not more than 10 years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized United States governmental activity."; and

(3) in the chapter analysis, by inserting after the item relating to section 175a the following:

"175b. Possession by restricted persons.".

TITLE IX—IMPROVED INTELLIGENCE

SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or executive order;".

SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST ACTIVITIES WITHIN SCOPE OF FOREIGN INTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by inserting before the period the following: ", or international terrorist activities"; and

(2) in paragraph (3), by striking "and activities conducted" and inserting ", and activities conducted,".

SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS.

It is the sense of Congress that officers and employees of the intelligence community of the Federal Government, acting within the course of their official duties, should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intelligence activities, including the acquisition of information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or information on any other person, entity, or group (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.

SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

(b) COVERED INTELLIGENCE REPORT.—Except as provided in subsection (c), for purposes of subsection (a), a covered intelligence report is as follows:

(1) Any report on intelligence or intelligence-related activities of the United States Government that is required to be submitted to Congress by an element of the intelligence community during the effective period of this section.

(2) Any report or other matter that is required to be submitted to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives by the Department of Defense or the Department of Justice during the effective period of this section.

(c) EXCEPTION FOR CERTAIN REPORTS.—For purposes of subsection (a), any report required by section 502 or 503 of the National Security Act of 1947 (50 U.S.C. 413a, 413b) is not a covered intelligence report.

(d) NOTICE TO CONGRESS.—Upon deferring the date of submittal to Congress of a covered intelligence report under subsection (a), the official deferring the date of submittal of the covered intelligence report shall submit to Congress notice of the deferral. Notice of deferral of a report shall specify the provision of law, if any, under which the report would otherwise be submitted to Congress.

(e) EXTENSION OF DEFERRAL.—(1) Each official specified in subsection (a) may defer the date of submittal to Congress of a covered intelligence report under the jurisdiction of such official to a date after February 1, 2002, if such official submits to the committees of Congress specified in subsection (b)(2) before February 1, 2002, a certification that preparation and submittal of the covered intelligence report on February 1, 2002, will impede the work of officers or employees who are engaged in counterterrorism activities.

(2) A certification under paragraph (1) with respect to a covered intelligence report shall specify the date on which the covered intelligence report will be submitted to Congress.

(f) EFFECTIVE PERIOD.—The effective period of this section is the period beginning on the date of the enactment of this Act and ending on February 1, 2002.

(g) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:

"DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES

"SEC. 105B. (a) DISCLOSURE OF FOREIGN INTELLIGENCE.—(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

"(2) The Attorney General by regulation and in consultation with the Director of Central Intelligence may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

"(b) PROCEDURES FOR NOTICE OF CRIMINAL INVESTIGATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General, in consultation with the Director of Central Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director of Central Intelligence, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

"(c) PROCEDURES.—The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) and the provision of notice with respect to criminal investigations under subsection (b).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:

"Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.

"Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency.".

SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) REPORT ON RECONFIGURATION.—Not later than February 1, 2002, the Attorney General, the Director of Central Intelligence, and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Terrorist Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) REPORT REQUIREMENTS.—(1) In preparing the report under subsection (a), the Attorney General, the Secretary, and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Attorney General, Secretary, and the Director determine that it is feasible and desirable to undertake the reconfiguration

described in subsection (a) in order to establish the capability described in that subsection, the Attorney General, the Secretary, and the Director shall include with the report under that subsection a detailed proposal for legislation to achieve the reconfiguration.

SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) REPORT ON ESTABLISHMENT.—(1) Not later than February 1, 2002, the Director of Central Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the appropriate committees of Congress a report on the establishment and maintenance within the intelligence community of an element for purposes of providing timely and accurate translations of foreign intelligence for all other elements of the intelligence community. In the report, the element shall be referred to as the "National Virtual Translation Center".

(2) The report on the element described in paragraph (1) shall discuss the use of state-of-the-art communications technology, the integration of existing translation capabilities in the intelligence community, and the utilization of remote-connection capacities so as to minimize the need for a central physical facility for the element.

(b) RESOURCES.—The report on the element required by subsection (a) shall address the following:

(1) The assignment to the element of a staff of individuals possessing a broad range of linguistic and translation skills appropriate for the purposes of the element.

(2) The provision to the element of communications capabilities and systems that are commensurate with the most current and sophisticated communications capabilities and systems available to other elements of intelligence community.

(3) The assurance, to the maximum extent practicable, that the communications capabilities and systems provided to the element will be compatible with communications capabilities and systems utilized by the Federal Bureau of Investigation in securing timely and accurate translations of foreign language materials for law enforcement investigations.

(4) The development of a communications infrastructure to ensure the efficient and secure use of the translation capabilities of the element.

(c) SECURE COMMUNICATIONS.—The report shall include a discussion of the creation of secure electronic communications between the element described by subsection (a) and the other elements of the intelligence community.

(d) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE.—The term "foreign intelligence" has the meaning given that term in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.

(a) PROGRAM REQUIRED.—The Attorney General shall, in consultation with the Director of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

(1) identifying foreign intelligence information in the course of their duties; and

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.

(b) OFFICIALS.—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:

(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Justice such sums as may be necessary for purposes of carrying out the program required by subsection (a).

TITLE X—MISCELLANEOUS

SEC. 1001. REVIEW OF THE DEPARTMENT OF JUSTICE.

The Inspector General of the Department of Justice shall designate one official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;

(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and

(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

SEC. 1002. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

(2) Sikh-Americans form a vibrant, peaceful, and law-abiding part of America's people;

(3) approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

(4) Sikh-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

(5) the Sikh faith is a distinct religion with a distinct religious and ethnic identity that has its own places of worship and a distinct holy text and religious tenets;

(6) many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward Arab-Americans and Muslim-Americans in the wake of the September 11, 2001 terrorist attack;

(7) Sikh-Americans, as do all Americans, condemn acts of prejudice against any American; and

(8) Congress is seriously concerned by the number of crimes against Sikh-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001.

(b) SENSE OF CONGRESS.—Congress—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent crimes against all Americans, including Sikh-Americans; and

(4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit crimes.

SEC. 1003. DEFINITION OF "ELECTRONIC SURVEILLANCE".

Section 101(f)(2) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801(f)(2)) is amended by adding at the end before the semicolon the following: ", but does not include the acquisition of those communications of computer trespassers that would be permissible under section 2511(2)(i) of title 18, United States Code".

SEC. 1004. VENUE IN MONEY LAUNDERING CASES.

Section 1956 of title 18, United States Code, is amended by adding at the end the following:

"(i) VENUE.—(1) Except as provided in paragraph (2), a prosecution for an offense under this section or section 1957 may be brought in—

"(A) any district in which the financial or monetary transaction is conducted; or

"(B) any district where a prosecution for the underlying specified unlawful activity could be brought, if the defendant participated in the transfer of the proceeds of the specified unlawful activity from that district to the district where the financial or monetary transaction is conducted.

"(2) A prosecution for an attempt or conspiracy offense under this section or section 1957 may be brought in the district where venue would lie for the completed offense under paragraph (1), or in any other district where an act in furtherance of the attempt or conspiracy took place.

"(3) For purposes of this section, a transfer of funds from 1 place to another, by wire or any other means, shall constitute a single, continuing transaction. Any person who conducts (as that term is defined in subsection (c)(2)) any portion of the transaction may be charged in any district in which the transaction takes place.".

SEC. 1005. FIRST RESPONDERS ASSISTANCE ACT.

(a) GRANT AUTHORIZATION.—The Attorney General shall make grants described in subsections (b) and (c) to States and units of local government to improve the ability of State and local law enforcement, fire department and first responders to respond to and prevent acts of terrorism.

(b) TERRORISM PREVENTION GRANTS.—Terrorism prevention grants under this subsection may be used for programs, projects, and other activities to—

(1) hire additional law enforcement personnel dedicated to intelligence gathering and analysis functions, including the formation of full-time intelligence and analysis units;

(2) purchase technology and equipment for intelligence gathering and analysis functions, including wire-tap, pen links, cameras, and computer hardware and software;

(3) purchase equipment for responding to a critical incident, including protective equipment for patrol officers such as quick masks;

(4) purchase equipment for managing a critical incident, such as communications equipment for improved interoperability among surrounding jurisdictions and mobile command posts for overall scene management; and

(5) fund technical assistance programs that emphasize coordination among neighboring law enforcement agencies for sharing resources, and resources coordination among law enforcement agencies for combining intelligence gathering and analysis functions, and the development of policy, procedures, memorandums of understanding, and other best practices.

(c) Antiterrorism Training Grants.—Antiterrorism training grants under this subsection may be used for programs, projects, and other activities to address—

(1) intelligence gathering and analysis techniques;

(2) community engagement and outreach;

(3) critical incident management for all forms of terrorist attack;

(4) threat assessment capabilities;

(5) conducting followup investigations; and

(6) stabilizing a community after a terrorist incident.

(d) Application.—

(1) In general.—Each eligible entity that desires to receive a grant under this section shall submit an application to the Attorney General, at such time, in such manner, and accompanied by such additional information as the Attorney General may reasonably require.

(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(e) Minimum Amount.—If all applications submitted by a State or units of local government within that State have not been funded under this section in any fiscal year, that State, if it qualifies, and the units of local government within that State, shall receive in that fiscal year not less than 0.5 percent of the total amount appropriated in that fiscal year for grants under this section.

(f) Authorization of Appropriations.—There are authorized to be appropriated $25,000,000 for each of the fiscal years 2003 through 2007.

SEC. 1006. INADMISSIBILITY OF ALIENS ENGAGED IN MONEY LAUNDERING.

(a) Amendment to Immigration and Nationality Act.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(I) Money laundering.—Any alien—

"(i) who a consular officer or the Attorney General knows, or has reason to believe, has engaged, is engaging, or seeks to enter the United States to engage, in an offense which is described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

"(ii) who a consular officer or the Attorney General knows is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense which is described in such section;

is inadmissible.".

(b) Money Laundering Watchlist.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall develop, implement, and certify to the Congress that there has been established a money laundering watchlist, which identifies individuals worldwide who are known or suspected of money laundering, which is readily accessible to, and shall be checked by, a consular or other Federal official prior to the issuance of a visa or admission to the United States. The Secretary of State shall develop and continually update the watchlist in cooperation with the Attorney General, the Secretary of the Treasury, and the Director of Central Intelligence.

SEC. 1007. AUTHORIZATION OF FUNDS FOR DEA POLICE TRAINING IN SOUTH AND CENTRAL ASIA.

In addition to amounts otherwise available to carry out section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), there is authorized to be appropriated to the President not less than $5,000,000 for fiscal year 2002 for regional antidrug training in the Republic of Turkey by the Drug Enforcement Administration for police, as well as increased precursor chemical control efforts in the South and Central Asia region.

SEC. 1008. FEASIBILITY STUDY ON USE OF BIOMETRIC IDENTIFIER SCANNING SYSTEM WITH ACCESS TO THE FBI INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM AT OVERSEAS CONSULAR POSTS AND POINTS OF ENTRY TO THE UNITED STATES.

(a) In General.—The Attorney General, in consultation with the Secretary of State and the Secretary of Transportation, shall conduct a study on the feasibility of utilizing a biometric identifier (fingerprint) scanning system, with access to the database of the Federal Bureau of Investigation Integrated Automated Fingerprint Identification System, at consular offices abroad and at points of entry into the United States to enhance the ability of State Department and immigration officials to identify aliens who may be wanted in connection with criminal or terrorist investigations in the United States or abroad prior to the issuance of visas or entry into the United States.

(b) Report to Congress.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit a report summarizing the findings of the study authorized under subsection (a) to the Committee on International Relations and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

SEC. 1009. STUDY OF ACCESS.

(a) In General.—Not later than 120 days after enactment of this Act, the Federal Bureau of Investigation shall study and report to Congress on the feasibility of providing to airlines access via computer to the names of passengers who are suspected of terrorist activity by Federal officials.

(b) Authorization.—There are authorized to be appropriated not more than $250,000 to carry out subsection (a).

SEC. 1010. TEMPORARY AUTHORITY TO CONTRACT WITH LOCAL AND STATE GOVERNMENTS FOR PERFORMANCE OF SECURITY FUNCTIONS AT UNITED STATES MILITARY INSTALLATIONS.

(a) In General.—Notwithstanding section 2465 of title 10, United States Code, during the period of time that United States armed forces are engaged in Operation Enduring Freedom, and for the period of 180 days thereafter, funds appropriated to the Department of Defense may be obligated and expended for the purpose of entering into contracts or other agreements for the performance of security functions at any military installation or facility in the United States with a proximately located local or State government, or combination of such governments, whether or not any such government is obligated to provide such services to the general public without compensation.

(b) Training.—Any contract or agreement entered into under this section shall prescribe standards for the training and other qualifications of local government law enforcement personnel who perform security functions under this section in accordance with criteria established by the Secretary of the service concerned.

(c) Report.—One year after the date of enactment of this section, the Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives describing the use of the authority granted under this section and the use by the Department of Defense of other means to improve the performance of security functions on military installations and facilities located within the United States.

SEC. 1011. CRIMES AGAINST CHARITABLE AMERICANS.

(a) Short Title.—This section may be cited as the "Crimes Against Charitable Americans Act of 2001".

(b) Telemarketing and Consumer Fraud Abuse.—The Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.) is amended—

(1) in section 3(a)(2), by inserting after "practices" the second place it appears the following: "which shall include fraudulent charitable solicitations, and";

(2) in section 3(a)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) a requirement that any person engaged in telemarketing for the solicitation of charitable contributions, donations, or gifts of money or any other thing of value, shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to solicit charitable contributions, donations, or gifts, and make such other disclosures as the Commission considers appropriate, including the name and mailing address of the charitable organization on behalf of which the solicitation is made."; and

(3) in section 7(4), by inserting ", or a charitable contribution, donation, or gift of money or any other thing of value," after "services".

(c) Red Cross Members or Agents.—Section 917 of title 18, United States Code, is amended by striking "one year" and inserting "5 years".

(d) Telemarketing Fraud.—Section 2325(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting "; or";

(3) by inserting after subparagraph (B) the following:

"(C) a charitable contribution, donation, or gift of money or any other thing of value,"; and

(4) in the flush language, by inserting "or charitable contributor, or donor" after "participant".

SEC. 1012. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.

(a) Limitation.—

(1) In general.—Chapter 51 of title 49, United States Code, is amended by inserting after section 5103 the following new section:

"§ 5103a. Limitation on issuance of hazmat licenses

"(a) LIMITATION.—

"(1) ISSUANCE OF LICENSES.—A State may not issue to any individual a license to operate a motor vehicle transporting in commerce a hazardous material unless the Secretary of Transportation has first determined, upon receipt of a notification under subsection (c)(1)(B), that the individual does not pose a security risk warranting denial of the license.

"(2) RENEWALS INCLUDED.—For the purposes of this section, the term 'issue', with respect to a license, includes renewal of the license.

"(b) HAZARDOUS MATERIALS DESCRIBED.—The limitation in subsection (a) shall apply with respect to—

"(1) any material defined as a hazardous material by the Secretary of Transportation; and

"(2) any chemical or biological material or agent determined by the Secretary of Health and Human Services or the Attorney General as being a threat to the national security of the United States.

"(c) BACKGROUND RECORDS CHECK.—

"(1) IN GENERAL.—Upon the request of a State regarding issuance of a license described in subsection (a)(1) to an individual, the Attorney General—

"(A) shall carry out a background records check regarding the individual; and

"(B) upon completing the background records check, shall notify the Secretary of Transportation of the completion and results of the background records check.

"(2) SCOPE.—A background records check regarding an individual under this subsection shall consist of the following:

"(A) A check of the relevant criminal history data bases.

"(B) In the case of an alien, a check of the relevant data bases to determine the status of the alien under the immigration laws of the United States.

"(C) As appropriate, a check of the relevant international data bases through Interpol-U.S. National Central Bureau or other appropriate means.

"(d) REPORTING REQUIREMENT.—Each State shall submit to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require, concerning—

"(1) each alien to whom the State issues a license described in subsection (a); and

"(2) each other individual to whom such a license is issued, as the Secretary may require.

"(e) ALIEN DEFINED.—In this section, the term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5103 the following new item:

"5103a. Limitation on issuance of hazmat licenses.".

(b) REGULATION OF DRIVER FITNESS.—Section 31305(a)(5) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by inserting "and" at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

"(C) is licensed by a State to operate the vehicle after having first been determined under section 5103a of this title as not posing a security risk warranting denial of the license.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Transportation and the Department of Justice such amounts as may be necessary to carry out section 5103a of title 49, United States Code, as added by subsection (a).

SEC. 1013. EXPRESSING THE SENSE OF THE SENATE CONCERNING THE PROVISION OF FUNDING FOR BIOTERRORISM PREPAREDNESS AND RESPONSE.

(a) FINDINGS.—The Senate finds the following:

(1) Additional steps must be taken to better prepare the United States to respond to potential bioterrorism attacks.

(2) The threat of a bioterrorist attack is still remote, but is increasing for a variety of reasons, including—

(A) public pronouncements by Osama bin Laden that it is his religious duty to acquire weapons of mass destruction, including chemical and biological weapons;

(B) the callous disregard for innocent human life as demonstrated by the terrorists' attacks of September 11, 2001;

(C) the resources and motivation of known terrorists and their sponsors and supporters to use biological warfare;

(D) recent scientific and technological advances in agent delivery technology such as aerosolization that have made weaponization of certain germs much easier; and

(E) the increasing access to the technologies and expertise necessary to construct and deploy chemical and biological weapons of mass destruction.

(3) Coordination of Federal, State, and local terrorism research, preparedness, and response programs must be improved.

(4) States, local areas, and public health officials must have enhanced resources and expertise in order to respond to a potential bioterrorist attack.

(5) National, State, and local communication capacities must be enhanced to combat the spread of chemical and biological illness.

(6) Greater resources must be provided to increase the capacity of hospitals and local health care workers to respond to public health threats.

(7) Health care professionals must be better trained to recognize, diagnose, and treat illnesses arising from biochemical attacks.

(8) Additional supplies may be essential to increase the readiness of the United States to respond to a bio-attack.

(9) Improvements must be made in assuring the safety of the food supply.

(10) New vaccines and treatments are needed to assure that we have an adequate response to a biochemical attack.

(11) Government research, preparedness, and response programs need to utilize private sector expertise and resources.

(12) Now is the time to strengthen our public health system and ensure that the United States is adequately prepared to respond to potential bioterrorist attacks, natural infectious disease outbreaks, and other challenges and potential threats to the public health.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should make a substantial new investment this year toward the following:

(1) Improving State and local preparedness capabilities by upgrading State and local surveillance epidemiology, assisting in the development of response plans, assuring adequate staffing and training of health professionals to diagnose and care for victims of bioterrorism, extending the electronics communications networks and training personnel, and improving public health laboratories.

(2) Improving hospital response capabilities by assisting hospitals in developing plans for a bioterrorist attack and improving the surge capacity of hospitals.

(3) Upgrading the bioterrorism capabilities of the Centers for Disease Control and Prevention through improving rapid identification and health early warning systems.

(4) Improving disaster response medical systems, such as the National Disaster Medical System and the Metropolitan Medical Response System and Epidemic Intelligence Service.

(5) Targeting research to assist with the development of appropriate therapeutics and vaccines for likely bioterrorist agents and assisting with expedited drug and device review through the Food and Drug Administration.

(6) Improving the National Pharmaceutical Stockpile program by increasing the amount of necessary therapies (including smallpox vaccines and other post-exposure vaccines) and ensuring the appropriate deployment of stockpiles.

(7) Targeting activities to increase food safety at the Food and Drug Administration.

(8) Increasing international cooperation to secure dangerous biological agents, increase surveillance, and retrain biological warfare specialists.

SEC. 1014. GRANT PROGRAM FOR STATE AND LOCAL DOMESTIC PREPAREDNESS SUPPORT.

(a) IN GENERAL.—The Office for State and Local Domestic Preparedness Support of the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, to enhance the capability of State and local jurisdictions to prepare for and respond to terrorist acts including events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to purchase needed equipment and to provide training and technical assistance to State and local first responders.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section such sums as necessary for each of fiscal years 2002 through 2007.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Each State shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

SEC. 1015. EXPANSION AND REAUTHORIZATION OF THE CRIME IDENTIFICATION TECHNOLOGY ACT FOR ANTITERRORISM GRANTS TO STATES AND LOCALITIES.

Section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended—

(1) in subsection (b)—

(A) in paragraph (16), by striking "and" at the end;

(B) in paragraph (17), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(18) notwithstanding subsection (c), antiterrorism purposes as they relate to any other uses under this section or for other antiterrorism programs."; and

(2) in subsection (e)(1), by striking "this section" and all that follows and inserting "this section $250,000,000 for each of fiscal years 2002 through 2007.".

SEC. 1016. CRITICAL INFRASTRUCTURES PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Critical Infrastructures Protection Act of 2001".

(b) FINDINGS.—Congress makes the following findings:

(1) The information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.

(4) This national effort requires extensive modeling and analytic capabilities for purposes of evaluating appropriate mechanisms to ensure the stability of these complex and interdependent systems, and to underpin policy recommendations, so as to achieve the continuous viability and adequate protection of the critical infrastructure of the Nation.

(c) POLICY OF THE UNITED STATES.—It is the policy of the United States—

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(3) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

(d) ESTABLISHMENT OF NATIONAL COMPETENCE FOR CRITICAL INFRASTRUCTURE PROTECTION.—

(1) SUPPORT OF CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BY NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—There shall be established the National Infrastructure Simulation and Analysis Center (NISAC) to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counterterrorism, threat assessment, and risk mitigation.

(2) PARTICULAR SUPPORT.—The support provided under paragraph (1) shall include the following:

(A) Modeling, simulation, and analysis of the systems comprising critical infrastructures, including cyber infrastructure, telecommunications infrastructure, and physical infrastructure, in order to enhance understanding of the large-scale complexity of such systems and to facilitate modification of such systems to mitigate the threats to such systems and to critical infrastructures generally.

(B) Acquisition from State and local governments and the private sector of data necessary to create and maintain models of such systems and of critical infrastructures generally.

(C) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide education and training to policymakers on matters relating to—

(i) the analysis conducted under that subparagraph;

(ii) the implications of unintended or unintentional disturbances to critical infrastructures; and

(iii) responses to incidents or crises involving critical infrastructures, including the continuity of government and private sector activities through and after such incidents or crises.

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to policymakers, and to departments and agencies of the Federal Government and private sector persons and entities upon request, regarding means of enhancing the stability of, and preserving, critical infrastructures.

(3) RECIPIENT OF CERTAIN SUPPORT.—Modeling, simulation, and analysis provided under this subsection shall be provided, in particular, to relevant Federal, State, and local entities responsible for critical infrastructure protection and policy.

(e) CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term "critical infrastructure" means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized for the Department of Defense for fiscal year 2002, $20,000,000 for the Defense Threat Reduction Agency for activities of the National Infrastructure Simulation and Analysis Center under this section in that fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that debate on this motion be extended by an additional 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3162, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have the duty and privilege to pass this historic legislation, the USA-PATRIOT Act of 2001, which was born of adversity and violent attack. This landmark legislation will provide law enforcement and intelligence agencies additional tools that are needed to address the threat of terrorism and to find and prosecute terrorist criminals.

This legislation authorizes the sharing of information between criminal investigators and those engaged in foreign intelligence-gathering. It provides for enhanced wiretap and surveillance authority. It brings the basic building blocks of a criminal investigation, pen registers and trap and trace provisions, into the 21st century to deal with e-mails and Internet communications.

Mr. Speaker, this legislation is the result of bipartisan consultation and review. A version of this legislation was passed by the House Committee on the Judiciary 36 to nothing. The House then passed H.R. 2975 by a vote of 337 to 79. The House and Senate Judiciary Committees and the bipartisan leadership began a process last week to reconcile the differences between the House and Senate bills. This bill is the result of that process and was completed despite the closure of House and Senate offices due to the anthrax attack on the Capitol.

The changes to the bill are few, but significant. First, the sunset provision in the House bill was modified to sunset in 4 years. Provisions of the original version expired in 5 years, and the Senate did not have a sunset provision at all. Also, the Senate bill contained revisions to the so-called McDade law. This compromise version does not contain those changes, and I agreed to review this subject in a different context.

This bill also contains comprehensive money laundering provisions that will be discussed by my colleagues from the Committee on Financial Services. The House bill did not contain such provisions, although the House subsequently passed a separate bill.

Regarding the information-sharing provisions, the Senate bill permitted law enforcement to share grand jury material with intelligence agencies without notice to a court. The House bill permitted such sharing only after prior authorization to the court. This bill allows the sharing of grand jury material, but the Department of Justice must give notice to the court after the disclosure.

The legislation also contains a provision found in neither the House nor the Senate version, but directs the Department of Justice to file an ex parte and in camera notice with the court when the Government installs on an Internet Service Provider a device pursuant to a lawful pen register or trap and trace order. This provision's author is the esteemed majority leader, the gentleman from Texas (Mr. ARMEY).

This legislation also contains a number of provisions, including three authored by the gentleman from Illinois (Mr. HYDE) and one by the gentleman from Florida (Mr. KELLER), which were in the House Committee on the Judiciary version of the bill, but not in the version passed on the floor. This bill also contains a number of provisions that have been worked out on both sides of the aisle in the other body.

Regarding the bill's immigration provisions, the compromise legislation allows the Attorney General to delegate only to the Deputy Attorney General the ability to certify an alien as a terrorist. The House Committee on the Judiciary version of this bill contained this provision, but the Senate-passed bill did not, but allows such delegation to the Commissioner of the Immigration and Naturalization Service. In addition, the compromise requires the Attorney General to revisit every 6 months the detention of an alien who has been certified as an alien terrorist. The compromise also adds a provision authorizing the appropriation of over $36 million to implement as quickly as possible the foreign student tracking system that was created in 1996. Finally, this legislation contains important humanitarian relief, originally contained in the House bill, but not the Senate version, for the families of immigrants killed in the terrorist attacks of September 11.

Mr. Speaker, this legislation is not perfect, and the process is not one that all will embrace. However, these are difficult times that require steadfast leadership and an expeditious response. The legislation is desperately needed, and the President has called on Congress to pass it now. I urge all Members to support this important antiterrorism legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I wanted to begin by pointing out that this is perhaps one of the most important measures that we will determine from the Committee on the Judiciary's point of view, because it is antiterrorist legislation that expands the law in many directions; and from our point of view, we have been trying to put safeguards around these expansions. We have dropped the two worst provisions from the administration proposal, the illegal use of foreign evidence and the pretrial restraint provision. I commend the gentleman from Wisconsin (Mr. SENSENBRENNER), my chairman, who has worked night and day on this matter; and I think that in the overall, we have had good cooperation.

The measure before us corrects unconstitutional immigration provisions. We have corrected the immigration provision that allows indefinite detention without evidence. We have modified or narrowed any number of other controversial provisions, more than a couple dozen. We have added a 4-year sunset provision for most of the surveillance operations. We have added a new Inspector General for Civil Liberties and Civil Rights inside the Department of Justice. We have new Federal tort relief for improper government release of wiretap information. We have added new resources to ease the delays in patrolling and protecting the northern border, and we have immigration relief for persons being sponsored by the victims of those in the September 11 attack.

Mr. Speaker, I will include for the RECORD at this point a section-by-section analysis of the bill.

Section-by-Section Analysis

TITLE I—ENHANCING DOMESTIC SECURITY

Section 101: Counterterrorism fund.—Establishes a counterterrorism fund to rebuild any Justice Department component that has been damaged or destroyed as a result of a terrorism incident; provide support for investigations and to pay terrorism-related rewards; and conduct terrorism threat assessments. Not in Administration proposal

Section 102: Sense of Congress condemning discrimination against Arab and Muslim Americans.—Not in Administration proposal

Section 103: Increased funding for the FBI's technical support center.—Authorizes $200 million for each of FY 2002, 2003, and 2004 for the technical support center. Not in Administration proposal

Section 104: Requests for military assistance to enforce prohibition in certain emergencies.—Allows military to assist state and local law enforcement with domestic chemical weapons emergencies. Not in Administration proposal

Section 105: Expansion of National Electronic Crime Task Force Initiative.—Directs the Secret Service to develop a national network with electronic crime task forces based on the New York Electronic Crime Task Force model. Not in Administration proposal

Section 106: Presidential Authority.—Expands International Economic Emergency Powers Act to allow the President to confiscate and vest properties of an enemy when United States is engaged in military hostilities or has been subject to an attack by that enemy. It allows classified information, used to make a determination regarding national security or terrorism cases, to be submitted ex parte and in camera to the reviewing court of such determinations. Same as Administration Proposal.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

Section 201: Authority To Intercept Wire, Oral, and Electronic Communications Relating to Terrorism.—Adds terrorism offenses to the list of predicates for obtaining title III wiretaps. Not in Administration proposal.

Section 202: Authority To Intercept Wire, Oral, and Electronic Communications Relating to Computer Fraud and Abuse Offenses.—Adds computer fraud and abuse offenses to the list of predicates for obtaining title III wiretaps. Not in Administration proposal.

Section 203: Authority To Share Criminal Investigative Information.—Allows intelligence information obtained in grand jury proceedings to be shared with any law enforcement, intelligence, immigration, or national security personnel as long as notice is given to the court after the disclosure. Recipient can only use information in conduct of their duties subject to disclosure limitations in current law. Intelligence information obtained from wiretaps can be shared with law enforcement, intelligence, immigration, or national security personnel. Recipients can use the information only in the conduct of their duties and are subject to the limitations in current law of unauthorized disclosure of wiretap information. Attorney General must establish procedures for the release of this information in the case of a U.S. person. Intelligence information obtained in intelligence operations can be disclosed to intelligence personnel in performance of their duties. Narrowed Administration proposal to limit scope of personnel eligible to receive information and other limitations noted above. In case of grand jury information, limited proposal to require notification to court after disclosure.

Section 204: Clarification of Intelligence Exceptions From Limitations on Interception and Disclosure of Wire, Oral, and Electronic Communications.—Explicitly carves out foreign intelligence surveillance operations from the protections of ECPA. Same as Administration proposal.

Section 205: Employment of Translators by the FBI.—Authorizes the FBI to expedite employment of translators. Not in Administration proposal.

Section 206: Roving Surveillance Authority Under FISA.—Expands FISA court orders to allow "roving" surveillance in manner similar to Title III wiretaps. Same as Administration proposal.

Section 207: Duration of FISA Surveillance of Non-United States Persons Who Are Agents of a Foreign Power.—Currently, the duration for a FISA surveillance may initially be ordered for no longer than 90 days but later can be extended to one year. This section changes the initial period for electronic surveillance from 90 to 120 days and extensions from 90 days to one year; and for searches from 45 to 90 days. Narrower than Administration proposal which sought to eliminate the initial 90-day limitation and authorize surveillance for up to one year from the outset.

Section 208: Designation of Judges.—Increases number of FISA judges from 7 to 11 and requires that at least 3 judges reside within 20 miles of the District of Columbia. Not in Administration proposal.

Section 209: Seizure of Voice Mail Pursuant to Warrants.—Provides that voice mails can be accessed by the government with a court order in the same way e-mails currently can be accessed and authorizes nationwide service with a single search warrant for voice mails. Same as Administration proposal.

Section 210: Scope of Subpoenas for Records of Electronic Communications.—Broadens the types of records that law enforcement can subpoena from electronic communications service providers by requiring providers to disclose the means and source of payment, including any bank account or credit card numbers, pursuant to a subpoena. Same as Administration proposal.

Section 211: Clarification of Scope.—Broadens the scope of the subscriber records disclosure statutes to treat cable companies that provide Internet service the same as other Internet Service Providers and telephone companies. Modified Administration proposal to specify that targets do not receive advance notice of wiretap and amends title 47 to accomplish same purpose as administration proposal.

Section 212: Emergency Disclosure of Electronic Communications.—Permits Internet Service Providers to disclosure voluntarily stored electronic communications of subscribers in the event immediate danger or death or serious bodily injury to a person requires such disclosure. Also otherwise allows law enforcement to compel disclosure to third parties using a court order or a search warrant. Same as Administration proposal.

Section 213: Authority for Delaying Notice of Execution or a Warrant.—Broadens authority of law enforcement to delay notification of search warrants in criminal investigation if prior notification would have an adverse result and if notification is given a reasonable period after the search. Based on codification of Second Circuit decision. Narrower than Administration proposal, which would have permitted delay as law enforcement saw fit.

Section 214: Pen Register and Trap and Trace Authority under FISA.—Currently, when the Attorney General or a designated attorney for the government applies for a pen register or trap and trace device under FISA, the application must include a certification by the applicant that (1) the information obtained would be relevant to an ongoing intelligence investigation, and (2) the information demonstrates that the phone covered was used in communication with someone involved in terrorism or intelligence activities that may violate U.S. criminal law or with a foreign power or its agent whose communication is believed to concern terrorism or intelligence activities that could violate U.S. criminal laws. The conference report deletes second prong, but limits the use of these tools to protection against international terrorism or clandestine intelligence activities and provide that the use of these tools may not be based solely on First Amendment activities. Narrower than Administration proposal, which would have simply removed second prong.

215: Access to Records and Other Items under FISA.—(1) requires a FISA court order to obtain business records; (2) limits the use of this authority to investigations to protect against international terrorism or clandestine intelligence activities; and (3) provides that investigations of U.S. persons may not be based solely on First Amendment activities. Administration had sought to substitute an administrative subpoena requirement.

216: Authorities Relating to the Use of Pen Register and Trap and Trace Devices.—Extends the pen/trap provisions so they apply not just to telephone communications but also to Internet traffic, so long as they exclude "content." Excludes ISP's from liability, gives Federal courts the authority to grant orders that are valid anywhere in the United States instead of just their own jurisdictions, and provides for a report to Congress on this "Carnivore" device. Makes a number of improvements over Administration proposal, including exclusion of content, exclusion of ISP liability, and Carnivore report.

217: Interception of Computer Trespasser Communications.—Allows persons "acting under color of law" to intercept communications if the owner of a computer authorizes it, and the person acting under color of law is acting pursuant to a lawful investigation. Section 815 also excludes service provider subscribers from definition of trespasser, limits interception authority to only those communications through the computer in question. None of the limitations described in second sentence were included in Administration proposal.

Section 218: Foreign Intelligence Information.—Permits FISA surveillance and search requests if they are for a "significant" intelligence gathering purpose (rather than "the" purpose under current law). Narrower than Administration proposal, which would have allowed FISA surveillance if intelligence gathering was merely "a" purpose.

Section 219: Single Jurisdiction Search Warrants for Terrorism.—Permits Federal judges to issue search warrants having nationwide effect for investigations involving terrorism. Same as Administration proposal.

Section 220: Nationwide Service of Search Warrants for Electronic Evidence.—Permits a single court having jurisdiction over the offense to issue a search warrant for e-mail that would be valid in anywhere in the United States. Narrower than Administration proposal in that it limits forum shopping problem by limiting to courts with jurisdiction over the offense.

Section 221: Trade Sanctions (IR Committee).—Adds Taliban to list of entities potentially subject to sanctions and retains congressional oversight in current law. Far narrower than Administration proposal which would have undermined the congressional approval requirement, conferring upon the President control of agricultural and medical exports "to all designated terrorists and narcotics entities wherever they are located."

Section 222: Assistance to Law Enforcement Agencies.—Prohibits technology mandates on entities to comply with this Act. Provides for cost reimbursement of entities assisting law enforcement with title III pen trap orders. This safeguard was not in Administration Proposal.

Section 223: Civil Liability for Certain Unauthorized Disclosures.—Increases civil liability for unauthorized disclosure of pen trap, wiretap, stored communications or FISA information. Also requires administrative discipline of officials who engage in such unauthorized disclosures. Rep. Frank added this civil liberties safeguard pursuant to an amendment.

Section 224: Sunset.—201, 202, 203(b), 204, 206, 207, 209, 212, 214, 215, 217, 218, 220, will sunset in four years—at the end December 31, 2005. Conference agreement to narrow those investigations that survive sunset to particular investigations based on offenses occurring prior to sunset. No sunset provided in Administration proposal or Senate bill. The four-year sunset is an improvement over the five-year sunset in the House bill.

Section 225: Immunity for Compliance with FISA Wiretap.—Provides immunity for civil liability from subscribers, tenants, etc. for entities that comply with FISA wiretap orders. Not in Administration proposal.

Dropped Administration proposal allowing FBI to use wiretap information on U.S. citizens it obtained overseas in violation of the Fourth Amendment.

TITLE III—FINANCIAL INFRASTRUCTURE

Other provisions to be supplied by Financial Services conference. Provisions below from House Judiciary Committee bill.

Section 301: Laundering The Proceeds of Terrorism.—Expands the scope of predicate offenses for laundering the proceeds of terrorism to include "providing material support or resources to terrorist organizations," as that crime is defined in 18 U.S.C. §2339B of the criminal code. Same as Administration proposal.

Section 302: Extraterritorial Jurisdiction [International Relations Committee].—Applies the financial crimes prohibitions to conduct committed abroad in situations where the tools or proceeds of the offense pass through or are in the United States. Same as Administration proposal.

Dropped Administration proposal to allow broad disclosure of tax information to Justice and Treasury Departments.

Dropped Administration proposal allowing pre-trial restraint in all criminal forfeiture cases.

Dropped provision carving out tobacco companies from RICO liability for foreign excise taxes.

Dropped provision making it a criminal offense to misrepresent your identification when opening bank account.

TITLE II—PROTECTING THE BORDER

SUBTITLE A—PROTECTING THE NORTHERN BORDER

Section 401: Ensuring Adequate Personnel on the Northern Border.—Authorizes the waiver of any FTE cap on personnel assigned to the INS to address the national security on the Northern Border. This provision was added at the request of Senator Leahy and Congressman Conyers to ensure the protection of the U.S.-Canadian border.

Section 402: Northern Border Personnel.—Authorizes the appropriation of funds necessary to triple the number of Border Patrol, INS and Customs Service personnel in each state along the northern border. The bill also authorizes $50 million each to the INS and Customs Services for purposes of making improvements in technology for monitoring the northern border and acquiring additional equipment at the northern border. This provision was added at the request of Senator Leahy and Congressman Conyers to ensure the protection of the U.S.-Canadian bordeer.

Section 403: Requiring Sharing by the Federal Bureau of Investigation of Certain Criminal Record Extracts with Other Federal Agencies in Order to Enhance Border Security.—Requires the Justice Department and FBI to provide the State Department and INS information contained in its National Crime Information Center files to permit INS and State to better determine whether a visa applicant has a criminal history record. The bill retains the Administration's proposal.

Section 404: Limited Authority to Pay Overtime.—Strikes certain prohibitions on the paying of overtime to INS employees. This provision was added at the request of Senator Leahy and Congressman Conyers to ensure the protection of the U.S.-Canadian border.

Section 405: Report on the Integrated Automated Fingerprint Identification System for Points of Entry and Overseas Consular Posts.—Requires the Justice Department to report to Congress on the feasibility of enhancing the FBI's Integrated Automated Fingerprint Identification System and other identification systems. The bill retains the Administration's proposal.

SUBTITLE B—ENHANCED IMMIGRATION PROVISIONS

Section 411: Definitions Relating to Terrorism.—Broadens the terrorism ground of inadmissibility to include (a) any representative of a political or social group that publicly endorses terrorist activity in the United States, (b) a person who uses his position of prominence within a country to endorse terrorist activity, or persuade others to support terrorist activity, (c) the spouses and children of persons engaged in terrorism, and (d) any other person the Secretary of State or Attorney General determines has been associated with a terrorist organization and who intends to engage in activities that could endanger the welfare, safety, or security of the United States.

This bill broadens the definition of "terrorist activity" to include the use, not only of explosives and firearms, but other dangerous devices as well. Further, it broadens the definition of a terrorist "engaging in a terrorist activity" to include anyone who affords material support to an organization that the individual knows or should know is a terrorist organization, regardless of whether or not the purported purpose for the support is related to terrorism. It also broadens the types of organizations that may be designated or redesignated a foreign terrorist organization by the Secretary of State to comport with definitions of terrorism found elsewhere in the law.

The bill limits the Administration's proposal on the inadmissibility and deportability grounds for providing material support, which are critical to protect people (such as supporters of the IRA or ANC) who give or solicit funds currently or in the past for humanitarian purposes without any knowledge or intent that the funds be used for terrorist activities. The bill makes it an inadmissible and deportable offense for contributing funds or material support to, or soliciting funds for or membership in, an organization that has been designated as a terrorist organization by the Secretary of state pursuant to 8 U.S.C. 1189 or by publication in the Federal Register. In the case of non-designated terrorist organization, however, a limitation was added whereby an alien is not inadmissible or deportable if he demonstrates that he did not know or reasonably should not have known that the funds, material support or solicitation would further terrorist activity. Additionally, either the Secretary of State or the Attorney General can waive this ground of inadmissibility or deportability. The bill also limits the retroactive application of this provision in that a person who provides material support to a designated organization prior to the time of its designation as a terrorist organization shall be treated as if any material support was provided to a non-designated organization.

The bill also adds a waiver provision that permits the Attorney General or consular officer to waive the bar to admission for spouses and children if the person did not know or should not reasonably have known that the principal alien was engaged in terrorism or if the spouse or child has renounced the activity causing the alien to be inadmissible.

Section 412: Changes in Designation of Foreign Terrorist Organizations.—Expands the ability of the Attorney General to mandatorily detain those aliens that he certifies may pose a threat to national security, pending the outcome of criminal or removal proceedings. The bill completely revises the Administration's proposal to better balance the law enforcement needs of the Attorney General with the protection of aliens' civil liberties.

The Attorney General may detain a person he certifies as suspected of involvement in terrorism. The standard of certification that the Attorney General needs to meet is increased to a showing of "reasonable grounds to believe" that the alien is deportable or inadmissible as provided in the terrorism provisions. Only the Attorney General or the Deputy Attorney General has the authority to make a certification under this provision. It is otherwise non-delegable to any other official (the original proposal permitted the delegation of this new authority to numerous Justice Department and INS officials).

The Attorney General is now required to bring removal or criminal charges against anyone detained under this section within 7 days, eliminating the indefinite language in the Administration's proposal. If an alien is not charged within 7 days he must be released. During removal or criminal proceedings, the Attorney General must review the appropriateness of the certification every 6 months.

After criminal or removal proceedings are completed, an alien must be removed from the country or released. In the limited number of cases where a person is removable but cannot be removed, the Attorney General must review every 6 months whether the person must be detained on the basis of being a threat to the national security or the community. An alien can only be detained for additional 6 month periods if the release would threaten the national security or the safety of the community.

The bill strengthens the habeas corpus procedures to ensure that the merits of the Attorney General's certification and the criminal and removal proceedings are subject to judicial review. The bill also ensures that judicial review is conducted in proximity to where the alien is being held to ensure adequate legal representation. Habeas corpus petitions can be filed and heard in the Federal district court where the alien is detained with any appeal to the D.C. Circuit Court of Appeals.

Section 413: Multilateral Cooperation Against Terrorists.—Enhances the Government's ability to combat terrorism and crime worldwide by providing new exceptions to the laws regarding disclosure of information from visa records. The bill grants the Secretary of State discretion to provide such information to foreign officials on a case-by-case basis for the purpose of fighting international terrorism or other crimes. It also allows the Secretary to provide countries with which he negotiates specific agreements to have more general access to information from the State Department's lookout databases where the country will use such information only to deny visas to persons seeking to enter its territory. The bill retains the Administration's proposal.

Section 414a: Visa Integrity and Security.—Includes a sense of the Congress that in light of the terrorist attacks, the Attorney General must expedite the implementation of the integrated entry and exit data system authorized by Congress in 1996. Not in Administration's proposal.

Section 415: Participation of Office of Homeland Security on Entry Task Force.—Includes the Office of Homeland Security in the development and implementation of the integrated entry and exit data system authorized by Congress in 1996. Not in Administration's proposal.

Section 416: Foreign Student Monitoring Program.—Requires the Attorney General to fully implement and expand foreign student monitoring program authorized by Congress in 1996. Not in Administration's proposal.

Section 417: Machine Readable Passports.—Requires the Secretary of State to perform annual audits and report to Congress on the implementation of the machine-readable passport program. Not in Administration's proposal.

Section 418: Prevention of Consulate Shopping.—Requires the Secretary of State to review how consular officers issue visas to determine if consular shopping is a problem. Not in Administration's proposal.

SUBTITLE C—PRESERVATION OF IMMIGRATION BENEFITS FOR VICTIMS OF TERRORISM

Adds new subtitle (sections 421–428) to the Administration's proposal to preserve the immigration benefits of the victims of the September 11th terrorist attacks and their family members. For some families, spouses and children may lose their immigration status due to the death or serious injury of a family member. These family members are facing deportation because they are out of status: they no longer qualify for their current immigration status or are no longer eligible to complete the application process because their loved one was killed or injured in the September 11 terrorist attack. Others are threatened with the loss of their immigration status, through no fault of their own, due to the disruption of communications and transportation that has resulted directly from the terrorist attacks. Because of these disruptions, people have been and will be unable to meet important deadlines, which will mean the loss of eligibility for certain benefits and the inability to maintain lawful status, unless the law is changed. The bill:

Creates a new special immigrant status for people who were in the process of securing permanent residence through a family member who died, was disabled, or lost employment as a result of the terrorist activities of September 11, 2001;

Provides a temporary extension of status to people who are present in the United States on a "derivative status" (the spouse or minor child) of a non-immigrant who was killed or injured on September 11, 2001;

Provides remedies for people who will be adversely affected or will lose their right to apply for benefits because of their inability to meet certain deadlines through no fault of their own and as a result of the September 11, 2001 terrorist attack (visa waiver, diversity lottery, advance parole and voluntary departure);

Provides immigration relief to the widows/widowers and orphan children of citizens and legal permanent residents who were killed in the September 11 attacks by allowing applications for permanent resident status to be adjudicated;

Prevents children from aging out of eligibility for immigration benefits where the delay was the result of the September 11 attacks;

Provides for temporary administrative relief to allow the family of people who were killed or seriously injured in the terrorist attacks who are not otherwise covered by this subtitle; and

Prohibits any benefits from being provided to anyone culpable for the terrorist attacks on September 11 or any family member of such person.

These provisions were added at the request of Congressman Conyers and Senator Kennedy.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

Section 501: Attorney General's Authority to Pay Rewards.—Ensures non-terrorism rewards are subject to budgetary caps. From Leahy DOJ reauthorization bill, not in Administration's proposal.

Section 502: Secretary of State Rewards (IR Committee).—Amends the Department of State's reward authority so that rewards may be offered for the identification or location of the leaders of a terrorist organization, increases the maximum amount of an award from $5 million to $10 million, and allows the Secretary to further increase a reward up to $25 million if the Secretary determines that offering the payment of such additional amount is important to the national interest. Also provides a sense of congress that the Secretary should offer a $25 million award for Osama bin Laden and other leaders of the September 11th attack. Broadens the AG's authority to offer rewards without caps for information related to terrorism. Based on Administration's proposal.

Section 503: DNA Identification of Terrorists.—Requires persons convicted of terrorism offenses also to submit to DNA samples. Same as Administration proposal (modified to include other crimes of violence).

Section 504: Coordination with Law Enforcement.—Allows Federal law enforcement conducting electronic surveillance or physical searches to consult with other Federal law enforcement officers to protect against hostile acts, terrorism, or intelligence activities. Not in Administration proposal.

Section 505: Miscellaneous National-Security Authorities.—In counterintelligence investigations, the Director of the FBI or his designee, not lower than the Deputy Assistant Director, may request telephone, financial, or credit records of an individual if he certifies that the information sought is (1) relevant to an authorized foreign counterintelligence investigation, and (2) that there are "specific and articulable" facts finding that the person/entity from whom the information is sought is a foreign power or its agent. Based on Administration's proposal, but limited to telephone records, financial and consumer reports.

Section 506: Extension of Secret Service to coordinate with Justice Department to investigate offenses against U.S. government computers. Not in Administration proposal.

Section 507: Disclosure of Educational Records (Education and Workforce).—Allows the release of student education records if it is determined by the Attorney General or Secretary of Education (or their designee) that doing so could reasonably be expected to assist in investigating or preventing a federal terrorism offense or domestic or international terrorism. Based on Administration's proposal, but Ed and Workforce agreed that AAG must get court order to obtain records and limited to terrorism cases.

Section 508: Disclosure of NCES Information.—Same as 507, but covers surveys conducted by the Education Department. Based on Administration's proposal.

TITLE VI—PROVIDING FOR VICTIMS AND PUBLIC SAFETY OFFICERS

SUBTITLE A—AID TO FAMILIES OF PUBLIC SAFETY OFFICERS

Section 611: Expedited Payment for Public School Officers Involved in the Prevention Investigation, Rescue, or Recovery Efforts Related to a Terrorist Attack.—Expedites payment of benefits to victims, their families, and public safety officers. Not in Administration proposal, added at the request of Representative Nadler.

Section 612: Technical Correction with Respect to Expedited Payments for Heroic Public Safety Officers.—Makes technical correction to Nadler bill, which passed into law in mid-September 2001. Not in Administration proposal, added at the request of Representative Nadler.

Section 613: Public Safety Officer Benefit Program Payment Increase.—Increases public safety officer benefits from $100,00 to $250,000. Not in Administration proposal.

Section 614: Office of Justice Programs.—Adds to the list of programs within OJP. Not in Administration proposal.

SUBTITLE B—AMENDMENTS TO THE VICTIMS OF CRIME ACT OF 1984

This subtitle makes changes to the administration of—and authorizes additional funding for—the crime victims fund. Not in Administration proposal.

TITLE VI—INCREASED INFORMATION SHARING

This Subtitle expands regional information sharing to facilitate Federal-state-local law enforcement responses to terrorism. Not in Administration's proposal.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

Section 801: Terrorist Attacks and Other Acts of Violence Against Mass Transportation Systems.—Establishes a new Federal offense for attacking a mass transportation system. Not in Administration proposal.

Section 802: Definition of Domestic Terrorism.—Creates a definition for "domestic terrorism" for the limited purpose of providing investigative authorities (i.e., court orders, warrants, etc.) for acts of terrorism within the territorial jurisdiction of the United States. Such offenses are those that are "(1) dangerous to human life and violate the criminal laws of the United States or any state; and (2) appear to be intended (or have the effect)—to intimate a civilian population; influence government policy intimidation or coercion; or affect government conduct by mass destruction, assassination, or kidnapping (or a threat of)." Same as Administration proposal.

Section 803: Prohibition Against Harboring Terrorists.—Makes it an offense when someone harbors or conceals another they know or should have known had engaged in or was about to engage in federal terrorism offenses. Based on Administration's proposal except that the final bill removes the suspicion prong that made it an offense to harbor someone merely suspected of engaging in terrorism.

Section 804: Jurisdiction over Crimes Committed at U.S. Facilities Abroad.—Extends the special and maritime criminal jurisdiction of the United States to offenses committed abroad by or against U.S. nationals. Same as Administration proposal except those actions involving military personnel are excluded per Representative Scott's amendment.

Section 805: Material Support for Terrorism.—Permits prosecution under current crime of material support for terrorism to occur in "any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law," and includes the provision of "monetary instruments" as "material support." Same as Administration's proposal.

Section 806: Assets of Terrorist Organizations.—Extends forfeiture and confiscation authority to "all assets, foreign or domestic" that are owned or controlled by "any person, entity or organization engaged in planning or perpetuating any act of domestic terrorism, or international terrorism against the United States, citizens or residents . . . or their property." Same as Administration proposal.

Section 807: Technical Clarification Relating to Provision of Material Support to Terrorism.—Makes clear that whoever provides material support or resources to terrorists or foreign terrorists organizations may be subject to criminal liability under §2339A or §2339B. Moreover, proposed section 407 of the Administration's legislation seemed to gut the congressional approval requirement and confer upon the President the independent power to impose agricultural and medical sanctions on terrorists "wherever they are located." Same as Administration proposal.

Section 808: Definition of Federal Crime of Terrorism.—Adds new highly egregious offenses to existing definition of "Federal crime of terrorism," thereby ensuring that "coercing government" is an element of the offense along with other predicates. Also, added predicates are narrowed to those being the most egregious. Significantly narrower than Administration's proposal, which would have added more predicates and eliminated the requirements that the government prove the crime was committed to influence government. Final bill also eliminates freedom of press issue that could have made press disclosure of covert agents a terrorist offense.

Section 809: No Statute of Limitation for Prosecuting Terrorism Offense.—Provides that terrorism offenses may be prosecuted without time limitations, however, more focused list of offenses will continue to carry an 8-year statute of limitations except where they resulted in, or created a risk of, death or serious bodily injury. Administration proposal did not include more focused list subject to 8-year statute of limitation.

Section 810: Alternative Maximum Penalties for Terrorism Crimes.—Provides alternative maximum prison terms for terrorism crimes, including imprisonment for any term of years or for life. Based on Administration's proposal, except modified to provide more measured increases in maximum penalties where appropriate, including life imprisonment or supervision only in cases in which the offense resulted in death.

Section 811: Penalties for Terrorist Conspiracies.—Adds a new section to the terrorism chapter of the criminal code to provide that the maximum penalties for conspiracies to commit terrorism are equal to the maximum penalties authorized for the objects of such conspiracies (similar approach is found in the criminal code with respect to drug crimes). Based on Administration proposal, except narrowed to add conspiracy provisions only to a few criminal statutes where appropriate, and to provide that the penalties for such conspiracies may not include death.

Section 812: Post-Release Supervision of Terrorists.—Authorizes longer supervision periods, including lifetime supervision, for persons convicted of terrorism crimes (a similar approach is found in the drug crimes statute, which imposes a term of supervised release of at least 10 years, instead of 5 years, in cases where there is a prior conviction). Narrower than the Administration's proposal because it contains more measured increases in maximum penalties where appropriate, including life imprisonment or supervision in cases in which the offense resulted in death.

Section 813: Inclusion of Acts of Terrorism Crimes as Racketeering Activity.—Provides that any terrorism-related crimes can be RICO predicates. Same as Administration proposal.

Section 814: Deterrence and Prevention of Cyberterrorism.—Alters damage and civil liability triggers for computer hacking offenses. Also eliminates mandatory minimums in current law for computer hacking offenses. Not in Administration proposal.

Section 815: Additional Defense to Civil Actions Relating to Preserving Records in Response to Government Requests.—Eliminates any ISP liability to customers for turning customer records over to law enforcement pursuant to any statutory authorization. Not in Administration proposal.

Section 816: Development and support of Cybersecurity Forensic Capabilities.—Requires the Attorney General to establish regional computer forensic laboratories. Not in Administration proposal.

Section 817: Biological Weapons.—Makes it an offense for a person to possess a biological weapon that is not reasonably justified, under the circumstances, by a prophylactic, protective, bona fide research, or other peaceful purpose. Similar to Administration proposal except that provision stating that government does not have to establish mens rea of defendant has been removed in the conference report.

TITLE IX—IMPROVED INTELLIGENCE

Not in Administration proposal:

Section 901: Responsibilities of Director of Central Intelligence Regarding Foreign Intelligence Collected under FISA.—Authorizes the Director of the CIA to establish requirements and priorities for collecting foreign intelligence, and to provide assistance to the Attorney General in ensuring that information derived from electronic surveillance or physical searches is properly disseminated. The DCI cannot direct, manage, or undertake electronic surveillance or physical search operations unless otherwise authorized by statute or executive order.

Section 902: Inclusion of International Terrorist Activities within Scope of Foreign Intelligence under the National Security Act.—Includes international terrorist activities within the scope of foreign intelligence under the National Security Act.

Section 903: Sense of Congress.—Sense of Congress on the establishment of intelligence relationships to acquire information on terrorists.

Section 904: Temporary Authority to Defer Submittal to Congress of Reports on Intelligence and Intelligence-Related Matters.—Grants DCI temporary authority to delay submittal of reports to Congress on intelligence matters.

Section 905: Disclosure to Director of Central Intelligence of Foreign Intelligence-Related information with Respect to Criminal Investigations.—Requires the Attorney General to disclose to the CIA Director foreign intelligence acquired by the Justice Department in the course of a criminal investigation, except when disclosing such information would jeopardize an ongoing investigation.

Section 906: Foreign Terrorist Asset Tracking Center.—Requires the DCI, the AG, and the Secretary of the Treasury to report to Congress by February 1, 2002, on the desirability of a Foreign Asset Tracking Center to track terrorist assets.

Section 907: National Virtual Translation Center.—Requires the DCI and the FBI to report to Congress on the establishment of a National Virtual Translation Center.

Section 908: Training of Government Officials Regarding Identification and Use of Foreign Intelligence.—Requires DCI and AG to establish program to train officials to handle foreign intelligence information.

TTLE X—MISCELLANEOUS

Not in Administration proposal:

Section 1001: Review of the Department of Justice.—Requires DOJ Inspector General to designate one official to receive complaints of civil liberties and civil rights abuses and to report such abuses to Congress semi-annually. Added at Mr. Conyers' request.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary who has worked ceaselessly on this matter.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding.

First of all, I think it is appropriate to comment on the process by which the bill is coming to us. This is not the bill that was reported and deliberated on in the Committee on the Judiciary. It came to us late on the floor. No one has really had an opportunity to look at the bill to see what is in it since we have been out of our offices. The report has just come to us. It would be helpful if we would wait for some period of time so that we can at least review what we are voting on, but I guess that is not going to stop us, so here we are.

First of all, this has limited to do with terrorism. This bill is general search warrant and wiretap law. It is not just limited to terrorism. Had it been limited to terrorism, this bill could have passed 3 or 4 weeks ago without much discussion, but we are talking about wiretapping law.

Now, the present law under wiretap provides that you cannot wiretap until you have probable cause that a crime has been committed. Then you can get a wiretap order from a judge. There is an exception for Federal intelligence. It is a much lower standard, but you can only use the wiretap information, what you gain, in foreign intelligence. So law enforcement officials have no incentive to try to push the envelope using the foreign intelligence idea as a pretext excuse for getting wiretap orders, because if they find anything, under criminal law, they cannot use it anyway.

This bill makes three significant changes. One, it reduces standards for getting a foreign intelligence wiretap from one where it is a primary, the reason you are getting it, to: it is a significant reason for getting the wiretap. Much less. Well, we wonder, if it is not the primary reason, why are you getting the wiretap?

Second, it allows the roving wiretap, so once you find a target, if he is using cell phones, for example, you can go and find him wherever he is. Third, you can use the information in a criminal investigation. The combination gives us the situation where there is very little standard and one can essentially conduct a criminal investigation without probable cause.

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If one has, for example, a target who is using cell phones and we get the wiretap, if he uses a pay phone, we can listen to anybody using a pay phone. If he is in a club or an organization, a business, one can go and tap the phones there. If he is visiting the Democratic National Headquarters, maybe one could tap all the phones there.

I had an amendment that was not accepted that would have required the police, when they are listening in on these conversations, to stop listening when the target is not using the phone. When the target leaves the organization or leaves the building, stop listening.

This amendment was not accepted, so we have a situation where we now have an incentive to plant these bugs all over the place, and one can use that information.

If that bothers Members, if they mind the Federal Government listening in on private conversations, if one thinks there is something inherently wrong with the government listening in to innocent conversations, and now remember, for foreign intelligence one does not even need a crime to start the thing, it can be foreign intelligence, a trade deal or anything else, and one is listening to everybody's private conversations.

There are other problems with the bill. There are provisions that allow detention under certain circumstances that may be indefinite.

We expand the ability of the government to conduct secret searches, so-called sneak and peak, where we do not tell people we even investigated. One could start targeting domestic organizations, designate domestic groups as terrorist groups, and one could start getting the CIA into designating these groups as targets for criminal investigations.

Mr. Speaker, there is a lot in this bill that we have not appropriately considered. That is why we need more time to think of it, because it goes way past terrorism. This is the way we are going to be conducting criminal investigations, and therefore, the bill ought to be defeated under suspension of the rules.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Ohio (Mr. OXLEY) is recognized for 10 minutes.

Mr. OXLEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in support of the legislation, particularly the provisions in title III which would represent the most comprehensive anti-money laundering legislation which the House has considered in more than a decade. The legislation gives the administration important new tools with which to wage a global financial war on terrorism, and to starve Osama bin Laden and others like him of the funding needed to commit their acts of evil.

The bill that passed the House last week by a 412 to 1 vote has in my view been improved in conference with the other body. The legislation targets the specific channels used by terrorists to finance their operations in this country and globally, including bulk cash smuggling, international wire transfers to and from foreign banks, and using informal black market banking systems, such as the ancient network known as hawala.

The bill also establishes a framework for an unprecedented public-private partnership that will have as its primary objective the identification, reporting, and disruption of financial transactions related to money laundering generally and terrorist activity specifically.

Finally, the legislation gives the Secretary of the Treasury, in consultation with other government agencies, the power to impose countermeasures aimed at combatting overseas money laundering threats, particularly those emanating from so-called offshore secrecy havens.

It has often been said that an effective international regime for thwarting money laundering and disrupting terrorist financing is only as strong as its weakest link. As long as there are jurisdictions that offer no-questions-asked banking and exert little or no regulatory oversight of their financial services sectors, international efforts to impede the flow of dirty money will never fully succeed.

With this legislation, we take a critical step toward smoking terrorists and other criminal organizations out of the offshore financial bunkers that for too long have offered them safe haven.

The money laundering portion of this legislation was introduced in the House on October 3, marked up by the Committee on Financial Services on October 11, and passed by the House on October 17.

Obviously, to move such complex and far-reaching legislation through the process so quickly requires an extraordinary level of bipartisan cooperation. In that regard, I want to pay special tribute to the committee's ranking member, the gentleman from New York (Mr. LAFALCE), and commend him for his tireless work in committee and in our dealings with the other body to get the strongest possible bill.

I also want to thank Chairman SARBANES, my counterpart in the Senate, and his staff, both for their good faith efforts to reconcile the House and Senate bills in negotiation late last week, and for their hospitality in hosting the House delegation in Senator SARBANES' hideaway in the Capitol at a time when most of the Capitol complex was closed. While both the House and Senate were shut out of our office buildings, both bodies continued to work under less-than-ideal circumstances to get this critical piece of legislation to the President's desk this week.

I also want to pay tribute to the gentleman from Wisconsin (Chairman SENSENBRENNER) and the Committee on the Judiciary for their fine work on the antiterrorism legislation.

Finally, let me also thank the administration for working closely with the committee to ensure that the new legal authorities that the executive branch will receive under this legislation are carefully tailored to meet the nature of the threat that our Nation now confronts.

The bill that Members will have an opportunity to vote on later tomorrow is balanced, comprehensive, and bipartisan. It sends the strongest signal we can send to the terrorists and to those countries that offer them aid and comfort that the war against terrorism will be fought in the financial theater as aggressively as the war now being waged by our brave men and women in uniform.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York (Mr. LAFALCE) is recognized for 10 minutes.

Mr. LAFALCE. Mr. Speaker, I yield myself 5 minutes.

Mr. LAFALCE. Mr. Speaker, the war against terrorism will not be won unless we cut off al-Qaeda and all terrorist groups from the funds that sustain their attacks against civilized humanity. We can do that.

Title III of the PATRIOT Act provides the United States absolutely essential weapons in our fight to disrupt terrorist funding. Title III provides a comprehensive set of tough new anti-money laundering laws and strengthens existing anti-money laundering laws.

The bill incorporates the legislation that I introduced in the last Congress and early in this Congress giving the Secretary of the Treasury increased authority to block transfers of funds into the United States financial system from foreign banking systems that are easily exploited by terrorists and criminal organizations because those foreign jurisdictions have weak or nonexistent anti-money laundering regimes.

We have evidence indicating that bin Laden took advantage of weak regulatory systems overseas to funnel money through U.S. banks to his associates in the United States, money that was used to finance the September 11 attacks. We cannot allow the world's bank secrecy havens to become the port of entry into the United States banking system for terrorist funds.

But, so long as some foreign banks are allowed to hide the identity of terrorists and narco lords, the legitimate global banking system will be vulnerable to exploitation by these groups. Our legislation, incorporated now in the PATRIOT Act, increases the power of the government to track terrorist and criminal money kept in offshore secrecy havens.

We cannot succeed alone. All nations must have strong antiterrorist and anti-money laundering laws. The provisions of our bill give the United States new tools and leverage in our efforts to raise global anti-money laundering standards.

The PATRIOT Act also takes aim at hawalas, the underground banking system that is used by international terrorists like al-Qaeda. Informal global money transmitting systems allow terrorists to send money around the world with little or no paper trail. Our PATRIOT Act reins in the operation of hawalas by requiring hawalas to register with our government or face criminal prosecution. Hence, we make unlicensed hawalas de facto illegal and de facto criminal.

The bill also stiffens the penalty for smuggling cash in and out of the United States, which is something that a hawala operator will ultimately engage in at some point.

Mr. Speaker, bin Laden has bragged that he knows how to exploit the gaps in the Western financial system. The PATRIOT Act is strong legislation that will enable us to close those gaps and enhance our fight against terrorists and criminals. It deserves everyone's support.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS), who is a member of both the Committee on the Judiciary and Committee on Financial Services.

Mr. BACHUS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we learned something 6 weeks ago. It was a very painful lesson. We learned that legislation was needed to provide law enforcement and intelligence additional tools that they needed to address the threat of terrorism and terrorists.

Mr. Speaker, we may not have understood and appreciated the word "terrorism" and what terrorists were before September 11, but we certainly do today. We know who they are, we know what they are capable of. We may not have appreciated the need for this legislation before September 11, but surely today we appreciate the need for this legislation and the urgency of such legislation.

Mr. Speaker, we may not have thought too much about giving law enforcement stronger tools for combatting international terrorism before September 11, but today we think a lot about that. We realize that that needs to be done. We did not investigate terrorists and identify them on a real-time basis before September 11. We sometimes overlooked the urgency. We know that urgency today.

Finally, Mr. Speaker, we now know that we need to cooperate not only between agencies, law enforcement agencies, but between countries and between the private sector and government to track terrorists, to track their assets, to monitor their activities. If we did not realize that before September 11, surely we know now the price we pay when they exploit our vulnerabilities. They exploited our vulnerabilities, our free society, and the losses were great. It is time to close those vulnerabilities.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding time to me.

Mr. Speaker, I think Americans know very well that character is judged not so much on how a man or woman acts in the good times, but how we act in the face of adversity. This country certainly has faced adversity over these last couple of weeks, and I am proud of what America has stood for.

That is why I rise today with caution and concern regarding the new proposed Uniting and Strengthening America, the U.S.A. Act, not because I do not believe there should not be additional tools to help us fight against the horrific acts of terrorism, but because I believe in the face of adversity America should lift up its virtues of equality, justice, freedom, and the Bill of Rights.

I am certainly glad to realize that some of the work of the Committee on the Judiciary, which I supported and which we voted out early on a legislative initiative that was voted 36 to 0, that in this new initiative we can see some of that work.

I do believe that in making our country safe against terrorism, that we do not necessarily need to do away with due process, and that we should not target innocent people unfairly because of their race, color, sexual orientation, creed, gender, or religion.

I support some of the provisions in this legislation and I hope to consider them overnight, because unfortunately, the process that brought this bill to the floor disturbs me.

I offered an amendment that would allow detention cases to be brought in local courts, rather than just the District of Columbia. I am very gratified to know that it is in this bill. It means that people who have and need resources of their lawyers and need to have family members and witnesses do not have to travel to the District of Columbia.

I am relieved that there is an immigration relief for persons being sponsored by victims who died on September 11, so those who were being sponsored, if their sponsor died, they can still access legalization.

The bill also clarifies that the AG's new detention authority is limited to cases of terrorism, and detention cases must be reviewed every 6 months. That is a positive side.

It is also good to know that the sunset provision has now been established not as an extended, unending 5-year period with the authority resting in the administration, but it is cut off at 4 years, so America knows that we are using these tools to help us fight terrorists but not fight Americans.

But I am concerned, Mr. Speaker. I am concerned that the legislation still permits the Attorney General indefinitely to incarcerate or detain noncitizens based on mere suspicion, and to deny readmission to the United States of such noncitizens.

I am also concerned that the AG and the Secretary of State has the power to incarcerate members of domestic organizations as terrorists. One might simply be paying dues and be declared part of a terrorist organization.

It allows widespread investigation of Americans just on the basis of intelligence purposes. It allows searches of highly personal financial records. It allows student records to be searched.

I would say this, Mr. Speaker: Let us show America's character and bring forth a bill that all of us will find a good balance on. We will review this bill, but I hope we will find an opportunity to vote on a good bill and provide the leadership that we need to lead.

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Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), the vice chair of the committee.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Ohio (Mr. Oxley) for yielding the time. I rise in strong support of this legislation today.

Many of us in this Chamber have worked for a number of years to provide the law enforcement tools that we need to fight the drug trade, money launderers, and terrorists; and in the wake of September 11, the terrorist attacks, this has never been more important. And indeed, we may soon learn that the anthrax attacks are financed by the same money sources. We do not know that yet.

The point is that, as has already been outlined, particularly by the gentleman from New York (Mr. LAFALCE), I want to commend him for stating some of the specifics of this legislation. He has been a leader, and we have worked together on this, and whether we are talking about the bill prohibiting correspondent banking privileges for offshore shell banks and authorizes the Secretary of the Treasury to take special measures if a foreign country or bank is deemed to present a money laundering threat, the gentleman from New York (Mr. LAFALCE) went into great detail on that, and I want to associate myself with his remarks.

The bill is not perfect. I am sorry that, for example, we excluded making it a crime to smuggle over $10,000 interstate. We included it for overseas, but it was not included for interstate. Nevertheless, this is an excellent bill.

I would like to say to some of the nay sayers that complain about the provisions, as to whether or not they deny due process or whatever, the question has been asked are we endangering the rights and privacy of innocent Americans. The answer is no, but it does give our law enforcement officials the requirements that they need for their careful investigation. It gives our regulators and law enforcement officials what they need to get the job done.

May I say that in this brave new world of terrorists, we must cripple this demonic network. Let me just have a couple of additional seconds to say that unless we have this strong provision in the bill, it would make a mockery of the legislation; and it is an absolutely essential core of anti-terrorist legislation.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK) to discuss the anti-money laundering provisions.

Mr. FRANK. Mr. Speaker, as a member of both committees, who has sat through both markups, I get to make two different sets of remarks, and I will have comments about the procedures later. But I want to congratulate the gentleman from New York (Mr. LAFALCE) and the gentleman from Ohio (Mr. OXLEY), as well as Members of the other body, for their persistence in bringing this bill before us.

We have talked a lot about the changes in perception people have undergone since the terrible mass murders of September 11. This is one of the most profound. This needs to crack down on those Nations which allow their banking systems to be used as cover for a variety of illegal activities, whether it is drugs or tax evasion or terrorism. That was long overdue, and it was opposed by the administration and some others. And I welcome the recognition now that cracking down on this misuse of money is very important.

There was a great disconnect between people denouncing the terrorism and not wanting to end its financing, and I must say I was struck and I am pleased that the administration has come around now to be supportive of the bill. When the Secretary of the Treasury testified and the gentleman from New York (Mr. LAFALCE), who was a main sponsor and author of this bill, asked if he was for money laundering a couple of weeks after the terrorism, he said only if it gets added some good due process provisions.

My initial reaction was to hope he would run into the Attorney General that day and tell him about the value of due process provisions, because we had a period there where it seemed to me that the administration thought that due process existed for bank accounts but not necessarily for people. What we are getting is a kind of convergence, and I think that is very important.

This is why I wanted to stress this bill in particular, this money laundering section, which is so important that has been so sought by law enforcement officials at all levels. I was with the district attorney of New York County yesterday, Mr. Moore, who said, again, that is all on this subject, it has to be enforced well.

This is not self-executing, and the bill will become law and the Secretary of the Treasury and his aides will have a great weapon that can be used. It should be used sensitively and sensibly, but it can and must be used. And I hope that the initial reluctance to get this passed will not get in the way of its effective enforcement.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this legislation and want to congratulate the leadership of both the Committee on the Judiciary and the Committee on Financial Services for bringing this forward. I support the provisions that have come from both committees. I think they have done a fine job.

Obviously, everyone has said it, September 11 changed our lives. And in past wars when we have talked about men and women in uniform, we have talked about men and women who are in the military; and today, we have to refer to men and women in uniform right here in the United States who are in law enforcement, who are in the midst of this war.

That is why I believe that the steps taken in this legislation will go a long way towards empowering them to deal with the very tragic situation that we face. We all know one of the provisions, I think, that is very, very important to note is that the technological changes that we have observed over the past couple of decades have clearly provided an impetus for the changes that are being made in this measure. And in the past, our own surveillance structure has been used against us whereby people could continue to move with the new technology, with cellular telephones, et al, and they could not be traced.

Under this bill, an individual will be able to be targeted; and regardless of what mode of communication will be utilized by this individual, the ability to follow them will be there. It is important to note that the content of conversations will not be taken, but in fact, the numbers will.

I think this is a very, very helpful and positive step forward. I also happen to be a proponent of the sunset provisions. I am concerned about civil liberties for everyone, and I believe that it is important to note that some of these provisions may, may be unnecessary at another time in our Nation's history. So I believe that the agreement for the 4-year sunset provision is an appropriate one, and I congratulate my colleagues for coming to this compromise on it.

I believe that this measure should, as is evidenced here, enjoy strong bipartisan support; and I thank my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER) for the time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes and 40 seconds to the gentlewoman from California (Ms. LOFGREN), a distinguished member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, having had a chance to review the bill before us, I find that I must support the measure. I will say this is not a perfect bill. It is not as thoughtful as the Committee on the Judiciary product, although there is much that we did work on in the bill; but it is better than what the House passed last week.

I have been an admirer of the committee chairman's insistence on regular order in the House, and I think that had he been successful in his quest for regular order on this bill, we would have an even better product than we do.

I would also like to note, however, that there has been a lot of loose language among people who oppose this bill. And people are perfectly free to disagree with it, but it is important that we not be incorrect about what is actually in the bill.

I actually heard someone say that the bill would provide for indefinite incarceration on a mere suspicion by the Attorney General. That is simply not the case. The Attorney General may detain persons, but he has to certify, and he has to have reasonable grounds to believe that the individual is involved in terrorism, and that decision is reviewable by a court. So that is real. To say it is mere suspicion and indefinite is certainly not the case; and of course, there is a 7-day limit where a court would take a look at the case.

There are a couple of other issues I wanted to raise. Section 403 and 405 do wonderful things in terms of upgrading technology and integrating law enforcement information with the INS and with the consular officers. However, I think it is important for us to understand that the problem in this arena is not primarily a legislative one. It is a managerial one, and the immigration service has not been successful in implementing the computer efforts that the Congress has already directed them to do. So I am hopeful that the committee can really assert ourselves in our oversight jurisdiction to make sure that the agency actually performs these necessary tasks.

Section 814 reiterates a flawed approach to computer hacking; but it is no worse, I think, than current law. And I would point out that the burden of proof on deportation has been shifted in a way that conflicts with the most recent Supreme Court case on that point. Thank goodness we have a severability clause because that provision is likely unconstitutional. These matters could have been corrected had we engaged in regular order.

Nevertheless, the gentleman from Texas (Mr. ARMEY) is fond of saying let us not let the perfect be the enemy of the good; and I think that is good advice.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise in strong support of the conference report for the PATRIOT Act, in particular, title III of the Anti-Money Laundering Act.

This legislation takes substantive steps to halt the transfer of illegal funds which are used to perpetrate cowardly acts of terrorism against Americans and support the illegal drug trade. We have a duty and a responsibility to do all in our power to stop these illegal activities. The legislation takes this fight to a new level by creating new public-private partnerships that will enable government and businesses to work together to stop these illicit funds.

In addition, the legislation will make progress to stop hawalas, an ancient system of trading value from one place to another in an attempt to avoid taxes, tariffs, and detection. The bill will combat hawalas by ensuring that the law which requires money transfer businesses to be licensed can be used to prosecute these illusive operations.

This legislation will also ensure that financial institutions of all sizes implement programs to combat their vulnerabilities to those who would seek to use them to transfer or launder illegal funds. The Treasury is required to review the new law and publish rules to ensure that the size, location, and activities of these businesses are taken into account.

I would like to enter into a brief colloquy with the gentleman from Ohio (Mr. OXLEY).

I understand this legislation is intended to impart greater authority and flexibility to the Secretary of the Treasury, particularly regarding the due diligence provisions in paragraphs 1, 2, and 3 in section 312(b) of the bill. Is this the understanding of the gentleman from Ohio?

Mr. OXLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, that is my understanding.

Mr. LAFALCE. Mr. Speaker, will the gentlewoman yield?

Mr. Speaker, that is not the language we agreed upon that is in the bill. The Secretary does not have discretion.

Mrs. KELLY. Reclaiming my time, the Congress has come together to strengthen our financial laws to combat those who seek to harm our Nation. I ask my colleagues on both sides of the aisle to support this Act. Let us make America financially safe and strong.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

I think this was an attempt that we just witnessed to try to give improper, incorrect legislative intent to the language that we did craft. The language that we crafted said specifically that there is a finding by an international organization, in which the United States concurs, that if there is an inappropriate regulatory regime in a country, then the Secretary must enforce heightened due diligence. There is no discretion at that point. Those three provisions were debated, an amendment was offered, it was defeated; and we ought not to attempt to rewrite it now by legislative intent.

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Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I thank my ranking member for yielding me this time, because I participated in this and he is absolutely right.

There were two points at which there could have been this issue. As originally presented, the bill did say that a decision by an international organization that made that finding was binding on the United States and due diligence resulted. The gentleman from Louisiana (Mr. BAKER) offered an amendment to say no because he did not want the American Government to be precluded by a decision with which it might have disagreed.

We then worked out an amendment and the amendment split the difference, and it said the decision would not be binding on the U.S. unless the U.S. was a member of the organization that made it and concurred in the decision. But as the gentleman from New York pointed out, once the United States has concurred in the decision that a particular country is that sort of a haven, then the due diligence is automatic. In other words, the time to reject is when you say, okay, they are not really that kind of a haven.

But the amendment clearly said and the debate clearly said that once the United States concurs in the finding of the international organization that this is a money laundering haven, then all of the due diligence must be applied.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentlewoman from New York.

Mrs. KELLY. With all due respect to the ranking member, I believe that he may be referring to a different part of the bill. The part I was referring to was paragraphs 1, 2 and 3 of section 312(b) of the bill.

I think if the gentleman will refer to that, he will see that there has been no change other than what we have agreed to.

Mr. LAFALCE. Reclaiming my time, Mr. Speaker, there would then be no need for interpretation or additional legislative intent.

What I was concerned about is there were three specific provisions that were attempted to be deleted by amendment, which we defeated. In fact, the amendment was withdrawn. Subsequent to that, the gentleman from Louisiana (Mr. BAKER) offered an amendment which would have given discretion to the Secretary of the Treasury as to whether or not heightened due diligence would be called for. We defeated that. Heightened due diligence is called for automatically upon the finding.

So long as the gentlewoman is not dealing with those sections, fine. But my fear was that the gentlewoman was dealing with those particular sections that we had considerable debate about.

Mrs. KELLY. If the gentleman will continue to yield, I was dealing with section 312, not section 311.

Mr. LAFALCE. The gentlewoman mentioned three specific points in there, and I was concerned they were the three that had been attempted to be deleted during committee debate.

Mrs. KELLY. As a member of the committee, I was there for those votes and there for that discussion, and I believe that that was section 311, not 312. I was referring in my discussion with the chairman of the committee to section 312.

Mr. LAFALCE. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to explain that I will be voting in favor of the Patriot Act of 2001.

Previously, I was one of three Republicans to cast a "no" vote on the bill, but I believe that the addition of the money laundering provisions of this bill are a great addition to the bill and certainly enhance the ability of law enforcement to do what they need to do. Also, the provision of sunset for 4 years, which the Senate includes no sunset, but the 4-year provision is a good provision.

I intend to vote for the bill and I appreciate the kind of provisions that have been added to make this a much better bill. I thank the chairman for the opportunity to express my support.

Mr. CONYERS. Mr. Speaker, I yield 3¼ minutes to the gentleman from North Carolina (Mr. WATT), who is on both committees, and I understand the gentleman from New York (Mr. LAFALCE) will yield the balance of his time.

Mr. LAFALCE. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, may I inquire as to how much time I have been yielded in total?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from North Carolina (Mr. WATT) has 3¾ minutes, with the 30 seconds yielded by the gentleman from New York (Mr. LAFALCE).

Mr. CONYERS. Mr. Speaker, what is the time remaining for all sides?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10 minutes remaining, the gentleman from Michigan (Mr. CONYERS) has 8½ minutes remaining, before yielding, the gentleman from Ohio (Mr. OXLEY) has 1½ minutes remaining, and the gentleman from New York (Mr. LAFALCE) has 30 seconds remaining.

Mr. CONYERS. Mr. Speaker, I yield 4¼ minutes to the gentleman from North Carolina (Mr. WATT).

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. WATT) is recognized for 4¼ minutes.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the ranking member of the committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman. I would like to make it clear, Members of the House, that I am very proud of the results that have come out with reference to money laundering because we dropped the administration proposal that would have eliminated due process safeguards that would have prevented RICO liability for tobacco companies, and I am very proud of that. My reservations that continue as we end tonight's debate is on the bill and the issues that came out of the House Committee on the Judiciary.

And I thank my colleague for yielding.

Mr. WATT of North Carolina. Mr. Speaker, reclaiming my time, I thank both gentlemen for yielding me this time.

I voted for the Committee on the Judiciary's version of the anti-terrorism bill. I voted against the bill that came to the floor because it was a far cry from the Committee on the Judiciary's bill. I voted in the Committee on Financial Services for the money laundering provisions of the bill. And I feel like I am in a really, really difficult position with these bills, now having been put together, because the money laundering provisions which were reported out of the Committee on Banking and Financial Services, I think, are worthwhile and needed provisions and strike a good balance in terms of protecting the rights of individuals in our country.

I would have thought that if any committee would have been overstepping due process bounds, it might have been the Committee on Financial Services, not the Committee on the Judiciary. So I find myself in the same position that the gentleman from Michigan (Mr. CONYERS) has expressed. Were the money laundering provisions a freestanding bill, I would certainly support them. But I think the Committee on the Judiciary part of this bill goes too far.

And let me be blunt. Some of us, who have a different history in America, with delegation of authority to the Government and the abuse of that authority, proceed a lot differently than others when we talk about giving authority to the Government that can be abused. And I think that is why we are having so much trouble in this debate. We cannot just come in in the middle of a terrorism episode and forget all of the history that has occurred in our country.

Some groups in our country have had their rights violated, trampled on by the law enforcement authorities in this country; and so we do not have the luxury of being able to just sit back and give more authority than is warranted, the authority possibly to abuse due process through law enforcement, even in the context of what we are going through now. This is a very difficult time. I acknowledge that it is. But I think we are giving the Government and law enforcement too much authority in this bill.

We drew a very, very delicate, fine balance in the Committee on the Judiciary. Unfortunately, we took several giant steps backwards when we passed the House version of the bill; and now we have taken a couple of steps forward, more toward the Judiciary bill. But I cannot justify voting for this bill only because it is better than what the House previously passed. It still does not measure up, and I encourage my colleagues to vote against it.

Mr. OXLEY. Mr. Speaker, I have 1½ minutes remaining; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume to close for our side.

Mr. Speaker, this has been a legislative process at its best, the Congress coming together, recognizing a very, very serious problem: the fact that our law enforcement people, the Secretary of the Treasury, currently do not have the powers and the tools necessary to deal with this horrible threat known as terrorism, this new kind of war. The Congress came together, both Republicans and Democrats from both sides of the Capitol, to craft this legislation.

This is going to pass by an overwhelming margin. I think we all understand that. Because the Members recognize, a, that the committees have done their work, have made the compromises, have made the necessary changes to get a piece of legislation that can pass, be sent to the President, and can indeed solve this very, very difficult problem. Nothing could be more important in our careers here in the Congress, no matter how long we stay, than to protect the American people and to make certain that the people who seek to terrorize us and to kill our citizens are brought to justice, and, indeed, even more importantly stop these individuals before they commit these heinous acts.

So from my perspective, this is one of the proudest moments of my 20 years here in the Congress, to participate in this wonderful exercise of democracy and positive legislation. For that, I think all of us deserve a great deal of credit.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the very distinguished gentleman from the Commonwealth of Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the chairman for yielding me this time, and let me respond for a moment to the gentleman from North Carolina. There is no one for whom I have such profound respect as I do the gentleman from North Carolina (Mr. WATT), and I listen carefully to what he says, because what he says always rings true.

In this particular case, however, I do have a disagreement, because we hear much about roving wiretaps, we hear much about expanded powers; but I think it is absolutely essential to note that the expansion of powers do not go to the criminal side of the bill that is before us. In other words, the safeguards that are inculcated in our jurisprudence through the fourth amendment of the Constitution are still there. All those checks and balances are still there.

Clearly, there is an unease; and I share some of these concerns. I do not think that there was any doubt in the aftermath of September 11 that it was clear that the administration was going to come to the Congress to seek additional authorities to deal with the terrorist attacks on our Nation. And while all of us were ready to and willing to grant them, what was appropriate, many, including myself, also braced for a frontal assault on civil liberties. In that regard, even the administration proposal was most notable, in my opinion, for what it did not contain: no new death penalty provisions, no new mandatory sentences.

On the other hand, the proposal did contain a number of profoundly disturbing features, including provisions that would have authorized the indefinite detention of nonresident aliens, the use in evidence in a criminal prosecution of information illegally obtained by foreign intelligence services operating abroad in criminal prosecutions in the United States, and the use of wiretap authority under the so-called FISA Act, even when the real purpose of the wiretap had little or nothing to do with intelligence gathering.

Now, we all know what happened here on the floor of the House when the committee bill came before the body.

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Much was accomplished in that committee. It has been mentioned time and time again that it was a unanimous vote, and both the chairman and the staffs on both side and the gentleman from Michigan (Mr. CONYERS) really do deserve our gratitude.

However, in the aftermath of what happened here, many of us could not support the bill. I was one of those who voted against it. But the good news is that there were subsequent negotiations with the Senate, and it has resulted in a better bill. Among other things, and it has been mentioned again and again, that there is a sunset provision.

The sunset provision obviously will give us a second look and correct the problems that we hope will not arise, but many of us fear. At this point in time I want to commend the gentleman from Massachusetts (Mr. FRANK) because he participated in those negotiations and really did improve the bill that left the floor of this House.

Having said that, I still harbor reservations about some aspects of the bill. For example, it allows disclosure of secret grand jury information to intelligence and national security officials without a court order. This is a serious departure from our criminal jurisprudence, and I cannot understand why it is included because securing a court order is a simple procedure. It would not hinder an investigation. However, notwithstanding such reservations, I have to acknowledge we have come a long way and I will support the bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I supported the bipartisan bill that came out of the Committee on the Judiciary; and sadly, that is not before us today and it is not the bill that we would have been able to support and that I could have supported with enthusiasm.

The bill that passed the House was improved upon by the conference. Court supervision was added to the grand jury provisions. Money laundering provisions are now in the bill; and as we know, the first shot that was fired by this administration was one using the freezing of assets and monetary measures. Probably the saving grace here is that the sunset provision forces us to come back and to look at these issues again when heads are cooler and when we are not in the heat of battle.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I do not know how I am going to vote on this bill yet because I have a notion that a bill of this weight, I ought to read it.

What I want to talk about now is my deep disappointment in the procedure. The gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, has fought hard for a fair chance for the Members to look at things; but on the whole, his efforts have not been honored.

We now, for the second time, are debating on the floor a bill of very profound significance for the constitutional structure and security of our country. In neither case has any Member been allowed to offer a single amendment. At no point in the debate in this very profound set of issues have we had a procedure whereby the most democratic institution in our government, the House of Representatives, engages in democracy.

Who decided that to defend democracy we had to degrade it? Who decided that the very openness and participation and debate and weighing of issues, who decided that was a defect at a time of crisis? This is a chance for us to show the world that democracy is a source of strength; that with our military strength and our determination and our unity of purpose goes a continued respect for the profound way in which a democracy functions.

This bill, ironically, which has been given all of these high-flying acronyms, it is the PATRIOT bill, it is the U.S.A. bill, it is the stand up and sing the Star Spangled Banner bill, has been debated in the most undemocratic way possible, and it is not worthy of this institution.

There is no reason why we could not have had this open to amendment tonight. This bill should not be debated now. Was it really necessary to debate one of the most profound pieces of legislation and its impact on our society that we have had, was it really necessary to debate it at night after all of the Members who have been working all day were told to go home? Why could this not have been a full-fledged debate with some amendments? I think because leadership of the House thought Members might have voted for a 3-year sunset. They might have voted not to have the burden of proof be on someone to prove his innocence in a criminal trial.

Mr. Speaker, the House has not been well served by a procedure which degrades democracy in the name of defending it.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, no one has appreciated the attempts at fairness more than the ranking member of the Committee on the Judiciary. The members of the Committee on the Judiciary had a free and open debate; and we came to a bill that even though imperfect, was unanimously agreed on. That was removed from us, and we are now debating at this hour of night, with only two copies of the bill that we are being asked to vote on available to Members on this side of the aisle. I am hoping on the other side of the aisle they at least have two copies.

Mr. Speaker, there is something wrong with that process. The gentleman from Wisconsin (Mr. OBEY) first put his finger on it in the debate in which 79 Members were not able to go along with the bill, is that a legislative body that does not debate is being railroaded whether they know it or not, whether they want to accede to it or not.

Although I like the money laundering provisions in the bill, I detest the work product that bears the name of my committee on it that has now been joined with this bill. For those reasons as we close this debate, my inclination is not to support the bill. I hate to say that to Members because a number have asked me what I was going to do, and I have said up to now I was not sure.

Mr. Speaker, why should I put my name down in history for all time that I went for this ridiculous procedure which has been outlined? I do not feel inclined to support it tonight or tomorrow morning either.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is the latest step in a long process to attempt to pass a bill and send to the President a bill that is vitally needed. It is vitally needed by our law enforcement officials who are fighting the battle at home. We do not know how this battle will be fought. We do not know what tactics the enemy will take. We do not know what agents the enemy will use.

What we need is we need to get the intelligence necessary to protect the people of the United States of America from whatever the enemy has up its sleeve.

The Committee on the Judiciary did marvelous work. The gentleman from Michigan (Mr. CONYERS) was a joy to work with, as were all of the other members of the committee when we reported the bill out 36 to nothing. The other body did not have committee consideration. They took their bill directly to the floor and passed it 96 to one.

What we have before us here today is the result of a preconference that had bipartisan and bicameral participation. Wednesday of last week there was a meeting presided over by our distinguish Speaker, the gentleman from Illinois (Mr. HASTERT). In attendance were the gentleman from Texas (Mr. ARMEY), the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Massachusetts (Mr. FRANK) representing the gentleman from Michigan (Mr. CONYERS), myself on the House side, and Senators DASCHLE, LOTT, LEAHY, and HATCH representing the Senate leadership and the chairman and ranking minority membership of the Committee on the Judiciary.

The issues and disagreement between the House and the Senate were thrashed out thoroughly. I can tell the membership tonight that the bill that is before us tonight is better than the bill which was passed on October 12 by a vote of 337 to 79. We were able to get a shorter sunset. We were able to include money laundering provisions which were not in our bill because of jurisdictional problems, but which were in the bill passed by the other body and language was passed by us last week as a result of the efforts of the chairman and ranking member of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE).

Mr. Speaker, this is not a perfect bill. I do not think we can get a perfect bill given the conflicting issues that are before us; but none of the changes are new in the legislation that is before us compared to either the Committee on Financial Services bill of last week and the Committee on the Judiciary bill of October 12. There is no surprise in any of these issues. This is a bill that is vitally needed. The President has called for it. The Attorney General has called for it, and we should not delay in passing it.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, is the gentleman from Wisconsin in any position to assure Members of the House that there will be a conference on this measure?

Mr. SENSENBRENNER. Mr. Speaker, it would be my hope that because this is the result of a preconference, the body would pass this bill unamended and send it to the Senate. The issues that would have been debated in the conference were debated in the preconference with the participants that I just mentioned. There was compromise that took place between what the Senate passed and what the House passed.

I think that this bill again is better than the bill that we passed on October 12, and I believe that it is deserving of the support of all Members of the House of Representatives.

Mr. CONYERS. Mr. Speaker, if the gentleman would continue to yield, we had a preconference before we had a bill and before there was a conference; and now we are not going to have a conference.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, I think the urgency of getting this job done is very, very great. If there were issues that were not discussed between this body and the other body, I think the gentleman's representation would be correct. But all of these issues were discussed.

I think a conference would merely delay passing powers that law enforcement vitally needs. We have done a good job in balancing the need for stronger law enforcement powers and civil liberties. I would urge support of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SWEENEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3162.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed until tomorrow.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SWEENEY) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 23, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 23, 2001 at 4:44 p.m. and said to contain a message from the President whereby he submits the FY 2000 Annual Report of the Railroad Retirement Board.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PLATTS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 2000, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 23, 2001.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISTRICT IN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I am very pleased to be back here where I feel most at home, on the House floor, and have felt that way for more than a decade now, especially tonight when we have had an Earth-shattering experience here in the District, just when the 600,000 people who live here were getting a grip. I speak, of course, of the death of two postal workers unexpectedly that has come down upon us.

Mr. Speaker, I come to the floor also to say that no city has had a greater number of direct consequences from the September 11 attack than the District of Columbia: The closure of National Airport; the shutdown of our major industry, tourism, the only real industry we have got here except government; the closure of the House; anthrax scares and now anthrax deaths. Like most of you, I know my constituents look to me, they have to look to me for leadership, especially in times of crisis. I am trying to help my people move on to avoid panic, and I need the help of this House and of the entire Congress.

My folks are being very brave when you consider what they have encountered. I have just come from D.C. General Hospital where Majority Leader DASCHLE, Mr. SARBANES, Ms. MIKULSKI of Maryland, Mayor Williams, and all of us gathered to inspect the facility where postal workers are receiving Cipro. We pray for the families of those who have died from Brentwood and of those who have come down with the disease there and on the Hill.

I must tell you that the postal workers there were amazingly calm, in their uniforms, simply ready to get their Cipro and go on with their work. But, Mr. Speaker, the 24-hour cable and the announcement that health officials have to make, public officials have to make, warning postal workers and Americans of danger have eclipsed any messages that we are Americans and we have got to go on with our lives and not be terrorized by terror.

The leadership role those of us in the Congress, all of us who are public officials, must play in times like this compels us to help our people get their balance, avoid paralysis, panic, and pain. We have got to start reminding our folks not only of the danger but that most of us are safe.

Yes, I am struggling with the grief of two who died here; but at the same time, I tell my people that the two who died here of anthrax which gives flu-like symptoms, that 10,000 die of flu every year. We have got to put this into some perspective or else we are simply going to help paralyze our own people. We have got to remind them that the Nation's capital is the best protected city in the world notwithstanding the anthrax deaths. We have got to help the people of this city and of the United States get past this. We have got to help them understand that the House and the Senate and the Congress will soon be safe enough for all to come and see.

Above all, we have got to send a message that yes, school children can come again to their Nation's capital and can come to their Congress. I ask for your help in getting out to the people of this city and to the American people messages of reassurance that all now hunger for.

AIRPORT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, ground zero is still burning while the House is fiddling. Six weeks have passed since terrorists attacked America by hijacking four airplanes. Six weeks have passed since that deadly day, September 11, 2001, in which terrorists attacked the United States of America. Six weeks have passed since nearly 6,000 Americans and other people perished in the deadliest day in the history of American soil.

Mr. Speaker, it is high time House leaders let the Members vote on the bipartisan aviation security bill, H.R. 2951, which I have cosponsored with the gentleman from Iowa (Mr. GANSKE) and the gentleman from New Jersey (Mr. ANDREWS). It is high time Congress acts to protect the American people from future terrorist hijackings.

We need to pass this bipartisan bill, because it provides the flexibility to hire a combination of Federal, State, and local law enforcement personnel to provide security for our Nation's airports. Airport security, Mr. Speaker, should be a law enforcement function, not a minimum wage function. Let me repeat that, Mr. Speaker, because that is the bottom line that divides us here in the House. That is what this debate is all about, and that is why the bill has yet to come to the floor. Airport security should be a law enforcement function and not a minimum wage function. The American people will not return to flying until they know the skies are safe.

Despite the changes made since September 11, security lapses continue. I recently met with several Minneapolis-St. Paul airport police officers, airport screeners, and supervisors as well as Northwest Airlines pilots and flight attendants. To a person, they all told me airport security is still inadequate. I talked to a supervisor of screeners, security checkpoint screeners at Dulles Airport, spent about a half-hour with this woman, this supervisor, and she said, "Congressman, airport security here is a joke. It's not uniform, 80 percent of our personnel at Dulles are not citizens, 40 percent of them don't speak English and don't understand what is expected in terms of our security."

Mr. Speaker, that was alarming to me and it is certainly not reassuring to the American people. Low-paid and undertrained baggage screeners and spot checks of passenger luggage are not the solution. They are the problem. When the president of a major flight attendants union says that flight attendants do not feel safe yet, how can we expect the traveling public to feel safe? How can we expect the traveling public to return to the airlines?

We all know that the President has said he will sign our bipartisan aviation security bill if we can get it passed in this body. It passed the other body 100-to-nothing, unanimously. It is high time to stop the delay and pass this bill now.

Aviation security delayed is aviation security denied.

ECONOMIC STIMULUS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, over the past few days, I have been meeting with constituents in Maine, including a couple of meetings with fire department, police department, and EMT personnel about what they have been going through since September 11. My colleague, the gentleman from Maine (Mr. BALDACCI), and I did one of those meetings together; and I did another one yesterday morning in Portland.

What those people said to me over and over again is we need help with the added costs that we have run up since September 11; and, after all, this was an attack on the United States and not on the State of Maine or the City of Portland or the towns in my district or anywhere else in the country. Second, they said we need training to cope with these new threats, chemical and biological threats or other threats, that we are not entirely prepared for. And, third, they said we need better communication with Federal officials, State officials, and others, in fact with each other, in order to do the jobs that we have set out to do.

But when we look at what is happening to our States right now, we notice several things. First, costs are up. Costs are up because of overtime and all sorts of additional tasks that are being undertaken since September 11. Revenues are down because of the slowing economy. Sales taxes have dropped; and other State revenues are down, so that for many States deficits are looming. In fact, for more than half a dozen States in this country, the deficits look like they could be over $1 billion.

Tomorrow, this Congress, back in session, will take up an economic stimulus bill; and I have to say how disappointed I am in the bill that has been reported out by the Committee on Ways and Means on a partisan, not a bipartisan, basis.

First of all, it provides huge tax breaks to some of the largest corporations in the country. Second, it will cut State revenues, I said cut State revenues, by $5 billion a year for each of the next 3 years. And, third, it is, as I said, not a bipartisan bill, not in the spirit of unity and resolve that we have shown in this Congress and around the country since September 11 but a partisan bill.

Let me touch for a moment on the tax cuts to corporations, largely coming from the repeal of the corporate alternative minimum tax and certain AMT tax credit carry-forwards, a technical term. But let us look at this.

People around this country, many of them, got $300 for a tax rebate a little while ago. IBM, if the bill passes tomorrow and is signed by the President and passed by the Senate, would get $1.4 billion in a tax rebate. General Motors would get $833 million in a tax rebate. General Electric would get $671 million in a tax rebate.

What sense does that make? I cannot explain that to people back in Maine. We have $25 billion going to some of the largest and most successful corporations in this country. They are good companies, they work hard; but these corporations do not need $25 billion in tax rebates now.

□ 2045

Let me go quickly to another point. I mentioned what has been happening in our States. Revenues are down; costs are up. A report by the Center on Budget and Policy Priorities shows that the States collectively will lose $5 billion in revenues over each of the next 5 years precisely because of the tax changes that are going to be made at the Federal level if the House bill passes tomorrow.

Now, why does that happen? It happens because so many States, in fact, 49, have their tax laws tied to the Federal tax laws, so when we make a change here, it affects State revenues. What does this mean for economic stimulus? It means that State revenues will be cut. They will have to increase taxes or lay off people because of the changes that we make. What will that do? It will slow down the economy.

So the steps that are proposed to be taken by the Republican majority tomorrow are steps that will slow down economic activity in our states. It makes no sense.

Now we are engaged in a war on terrorism. We are engaged in conflict abroad, and we are engaged in a major effort here at home to protect our citizens. We are asking our citizens for sacrifice; we are asking our citizens to pull together.

Tomorrow, we will have an economic stimulus package from the House Committee on Ways and Means on a partisan basis which hands out $25 billion to the largest corporations in this country and will take away $5 billion a year from our State governments at a time when they need it most.

Mr. Speaker, the majority should be embarrassed by this legislation that is coming to the House floor tomorrow. These major American companies in energy areas, in automobiles, they should be embarrassed by this $25 billion handout. We should turn our back on it and develop a real economic stimulus package for the people of this country.

AIRLINE SECURITY LEGISLATION NEEDED

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, this is day 42 after the attack of September 11, and still this Chamber has not had one single solitary itty-bitty vote to do a darn thing about airline safety. It is incredible to me that tomorrow we will be voting on these giant handouts, corporate tax breaks; and we have done absolutely nothing, Mr. Speaker, for the traveling public of this country to make airlines safer.

Let me tell you why I feel so strongly about this. Thursday I was flying up to New York, and the fellow next to me was going through security. And we have got National Guardsmen standing there, and they are doing the great duty standing there. And our screeners are I think trying to do a little better job.

The guy next to me had a nail clipper, and the screening people said, "Sir, you can't have that." They took the nail clipper and ripped off the little pointed deal to take the nail clipper away from him.

That is great, that we are taking nail clippers away from people. But they did not do anything about the guy's bag that he checked in that could have had 40 pounds of C–4 high explosives in it, that went right into the belly of the airplane I was getting on, with another 150 people getting on, who thought, who thought the bags are checked for explosives in this country.

In fact, they are not, because, Mr. Speaker, the sad fact is that 90 percent probably-plus of the bags that go into our airplanes go straight into the belly of the airplane, and they are not checked for anything. They could have dynamite, they could have nitrates, they could have C–4, they could have gasoline, and they are not checked about that. Do you know what the House has done about that for the last 40 days is zip.

I have to tell you, Mr. Speaker, I am very frustrated by the majority's refusal to bring up a vote in this Chamber to do anything about airline safety when this incredible risk is being faced by the traveling public.

Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and want to thank him and the gentleman from Minnesota (Mr. RAMSTAD) for rising also on this.

It is just unbelievable to our constituents when we go home and they ask about airport safety to tell them that we have done nothing; that the committee has completed its work, legislation is prepared to go, the Senate has passed the bill, and on the House floor we have done nothing.

It is even more unbelievable to them when they read one of the reasons the House has not taken action is that you have the leadership in the Republican Party now telling lobbyists that if they do not come and lobby against this legislation, they will not help them out in other pieces of legislation, they will not help them out on things that matter to them.

So what we have now is we have this lobbying game, or fund-raising game, or favors game being played in this Chamber, in this House, against the safety of the American people. It is an outrage to the American people, because the gentleman is so right.

Today I walked all over San Francisco airport. I saw the entire airport. I was in the line so I could get through the machines to clear your carry-on luggage. All that was was the appearance of safety. It was not safety, as the gentleman points out, because we still have not gotten to the point where we have the kinds of technology, the machines, the security, the training, the people in place.

So the gentleman is absolutely right. The leadership of this House on the Republican-side of the aisle absolutely ought to be ashamed. They are breaking faith with the American people on getting this legislation to the floor so that we can get on with it. And it is harming our communities, because the American people are not flying unless they absolutely have to. That is hurting the economies in Florida, Texas, Arizona, California, and the State of Washington and New York and all points in between, because the American people are still nervous. And they ought to be nervous, because this Congress has not addressed this issue.

Mr. INSLEE. Mr. Speaker, reclaiming my time, let me tell you, I represent Boeing Company. We make the airplanes. If the airlines do not have passengers, we do not sell airplanes. The majority party is bringing up a stimulus package tomorrow that basically is a tax bill out for some corporate interests, which is okay. That is a legitimate issue at least to vote on. But the fact of the matter is you could do the biggest stimulus package in this known universe; and if they take down a couple more of our airplanes, the U.S. economy is going in the tank. Boeing is going to have major problems; I will tell you that.

This is an economic and safety issue. To me, it is just absolutely stunning, when we would pass this bill, airline security, that passed 100 to zip in the Senate; and it would pass with overwhelming bipartisan support. If we had a vote on this, Republicans and Democrats would link hands and say we need some modicum of airline safety. This would not be a partisan issue. But the leadership, which wants to hand out these special goods to special interests, is blocking a bipartisan majority in this House to keep planes from being blown up in the sky. I think it is ridiculous.

We have had some good bipartisan cooperation, sending a message to the world that we are united in dealing with this menace. But when it comes time to stand up to the special interests, the majority leadership is not allowing us to do it. And it is wrong; and we are going to talk on this floor, until this gets done, every night.

AIRLINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, we are talking about a life and death matter this evening. And I think the American people, if they knew what is happening, would be justifiably outraged, because most people think when they go to an airport and they check their luggage, that that luggage is screened for explosive devices before it is placed in the belly of that airplane. So they get on that airplane, sometimes they allow their families, their children to get on those airplanes, thinking that it is safe to fly.

Now, by law, we have to put a disclaimer on the packs of cigarettes that says if you smoke these cigarettes, you are endangering yourself in certain ways. I believe if we continue to allow the current situation to exist, we should be required to put a disclaimer on airline tickets that says if you get on this airplane, you need to know that it has not been screened, the baggage has not been screened for explosives, and this airplane may explode in midair.

Now, I do not want to be overly dramatic or I do not want to be an alarmist, but the American people have a right to accurate, factual information. They have a right to know that although the Senate has voted 100 to nothing to move an airline security bill, this House has refused to even allow that bill to come to this floor so that we can debate it and talk about it and air our differences and have a vote.

The leadership in this House, the Republican leadership in this House, is refusing to allow this bill to even come to this floor. And every day that an American citizen buys an airline ticket and gets on an airplane, they are in danger; and they need to know that.

I had a young stockbroker call me from New York City the other day when he heard about our efforts to get this done. He told me that he had a sister-in-law who was on, I think, the 19th floor of the first tower that was hit by the plane in New York; and thankfully, she was able to get to safety. But this young man said, "I am taking my family on a vacation in early November," and he said "I am outraged because I have always assumed that when I check my luggage, it was screened for explosives." He said, "What can I do to get this legislation passed into law?"

I suggested to that young man that he contact his Senators and that he contact his Representatives in this House, and I shared with him that the Senate has done their work, Republicans and Democrats alike. Not a single dissenting vote in the Senate. The most conservative Senators, the most liberal Senators, all agreed that it is time to take airport security seriously; and they joined together in a bipartisan way. They cast their votes, 100 to nothing.

The American people have a right to ask why is the House not taking action? Why is the House preventing this legislation from coming to this floor for a vote? It is unconscionable. I am convinced that if we do not deal with this legislation, Mr. Speaker, that American citizens some day in the future will get on a plane and it will explode and they will lose their lives.

And if that happens, it will be because this House has been negligent and derelict in its duty.

We owe this to the American people. They want it, and the only thing that is keeping it from happening is the leadership on that side of the aisle that refuses to allow this legislation to come to the floor for a vote.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I think the gentleman raises a very important point. You know, we have had to have a little bump in the road because of this anthrax issue to prevent us from working. But it is not anthrax that is keeping us from working, it is the poisonous special interests which have got the Republican leadership to refuse to allow the House to vote.

I will tell you, we are going to get over this anthrax thing. We are going to find a way to open our mail, a way to vote. If we do not get the Republican leadership to put this on the agenda, the House is not going to be working.

So I have confidence, we are going to get over the scare, but we have to get over the leadership decision to prevent us from voting.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time. My friend from Washington, and I took an amendment to the Committee on Rules this evening asking that this be made a part of the stimulus package. That request has been denied. This is just unconscionable.

Mr. Speaker, I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, the gentleman raised a very important point. We are not voting on airline security, yet we are voting on a stimulus package, yet the two industries that are most hurt, the airlines and tourism, is there anything in this so-called stimulus package that does anything to get our airlines flying better, any deductions, any support? Is there anything in that stimulus package for the airlines?

Mr. STRICKLAND. Mr. Speaker, Not to my knowledge.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from characterizing actions of the Senate.

MUNICIPAL PREPARATIONS STRATEGIC RESPONSE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Mr. Speaker, I rise to address the House on the Municipal Preparations Strategic Response Act of 2001, H.R. 3161.

Mr. Speaker, I think it has become clear to a number of Members that September 11 has clearly changed the lives of all American citizens. And, as we reflect on the events of September 11, I do not think it is lost on the Members here about the tremendous heroic effort that was put forward on behalf of the victims of the World Trade Center, of the Pentagon, and those valiant people of Flight 93. But also not lost on the Members of this body and the other body was that it was not the FBI or the CIA or the FAA or the Armed Services that was first to respond to these tragic events of September 11.

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They are local firefighters, police, emergency medical teams, allied health professionals, hospitals. They are, in fact, our first line of defense.

Mr. Speaker, I commend the President for his appointment of Tom Ridge and the emphasis on homeland defense. What the Municipal Preparations Strategic Response Act of 2001 recognizes is that homeland defense begins at home, and it begins with those who are in the front lines, those that respond first.

The genesis for this bill comes from a series of meetings that a number of Members on both sides of the aisle have been conducting back in their home districts. In the process, what we have heard is that when it comes to the Federal budget with respect to dealing with terrorism, that of approximately $8.9 billion that is appropriated, only a scant $300 million makes it back out to our municipalities. The rest remains here in the beltway with Federal agencies.

The concern, of course, is that in our ability to deal with terrorist attacks, we must make sure that all of our frontline responders are well equipped, are well trained, and are well prepared. As important, as many municipalities and many States, as has the great State of California, have prepared for many natural disasters, there is much that we can learn from our local county and State government, and that should all be part of the bottom-up strategic planning that goes forward as Mr. Ridge takes over his most important office of Homeland Defense. But without appropriate funding, without making sure that the first-line responders have the kind of financial aid that they are going to need, this simply will not take place.

Mr. Speaker, I am joined this evening by several of my colleagues who have both conducted hearings and are coauthors of this legislation. Let me prevail first upon the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce, who most recently this past week had one of these such meetings.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Connecticut for yielding, and I thank him very much for being the prime mover in this effort to make sure that our local community first-responders are fully engaged as this Nation prepares to deal with the threat of terrorism at the local level, and for coming up with legislation that recognizes the difficulty of doing this, but also provides the resources so that it can be done properly; so that, in fact, assessments can be made at the local level of exactly what those kinds of threats might be to our communities; so that there can be regional cooperation; so that the HAZMAT teams can work together, they can learn to share their resources and their knowledge and their training of their personnel and of their response plans; so that there can be a working together, both up and down the infrastructure of our local communities between police and fire, HAZMAT, public health, private health hospitals, people who are going to be called upon to respond to possibly decontaminate a significant number of citizens, or to help a local agency next to them respond with an attack that could take place there. This is not about getting overly dramatic, but it is recognizing that this is something the local communities have done for many years.

In California we have earthquake plans; we have flood plans; we have fire plans in some of our rural communities, trying to determine what the threat would be to these communities, how we can respond and whether or not the resources and the training and the personnel will be there. When we now overlay the threat of terrorism on many of these plans, we recognize that we have to go back to the drawing board.

I represent an area that has many, many petrochemical facilities in my congressional district, and we have many plans to deal with the communities for the releases or the explosions or the accidents that take place at these facilities from time to time to try and warn a community, to have a shelter in place, or to go to the hospitals or to have a warning system so that they can get immediate information. As many times as we have been through it, it does not always work the way it should.

In my meeting yesterday with the county sheriff, with the members of the board of supervisors, with the chiefs of police from the city of Richmond, the city of Martinez, from the Consolidated Fire District, from the HAZMAT personnel, from the people from Kaiser Permanente, the largest health care deliverer in my area, what became very clear was that they need additional resources to do the planning so that the resources will be in place if our communities need these kinds of responses.

So the gentleman has put together legislation to provide this money to the local community. I was startled when a number of weeks ago the gentleman told me the percentage of the money, if the gentleman would repeat it.

Mr. LARSON of Connecticut. Mr. Speaker, of $8.9 billion appropriated, only $300 million.

Mr. GEORGE MILLER of California. Mr. Speaker, we appropriated in the Congress $8.9 billion.

Mr. LARSON of Connecticut. Only $300 million makes it outside of the beltway.

Mr. GEORGE MILLER of California. Mr. Speaker, $300 million goes outside the beltway, and yet these are the people who are going to respond. As somebody pointed out earlier, the reason that we have to provide these resources is that these are events that are not of the local community's making. These are events that are going to occur for a whole host of reasons, none of which can justify them happening; but this Nation has come under attack and, in all likelihood, from the information we receive from our intelligence agencies, will very likely come under attack again. That response is not, that event is not of the local community's making; but the community will be called upon to do that. We need to make sure that our citizens have the assurance that there will be a plan in place that will try to minimize the harm and the casualties that could occur in the community.

Mr. LARSON of Connecticut. Mr. Speaker, reclaiming my time, in the gentleman's discussion with the county and local governments out in California, or in the gentleman's congressional district, do they feel that they are amply prepared to deal with biochemical threats, and what did the gentleman learn from that? Is there something instructive that we can take or that the rest of the Nation can take from California?

Mr. GEORGE MILLER of California. Mr. Speaker, a number of our colleagues, the gentlewoman from California (Ms. ESHOO) had a meeting in her local community; the gentlewoman from California (Ms. WOOLSEY) had a meeting in her local community; the gentlewoman from California (Ms. LEE) had a meeting last week in her community, and some of those meetings were attended by Special Agent John Lightfoot from the FBI. And he also was making assessments of some of the plans around bioterrorism, about the HAZMAT, hazardous materials resources available in the community to deal with these.

The fact of the matter is that it is a very checkered situation. Some communities like my own, because of the nature of the industry, we have a very sophisticated HAZMAT program with highly trained chemists and people on board to deal with toxic materials, and yet next door they might not have anything. So immediately, the conversation was, how would we respond? And in many cases they said, when we have a refinery explosion, we know people are going to be coming to the hospital, because there has been an explosion, there has been a release of perhaps harmful material; and in this case people will just start walking into the hospital and that is when we will first discover that an event has taken place. The people from the hospital said, we can decontaminate a couple of people; the HAZMAT people said we can decontaminate a few dozen people, but if we have hundreds or thousands of people coming in, we have no plan to deal with that, and we would have to call on the resources of the entire San Francisco Bay region, but those resources are not completely coordinated yet. There are many communities that have absolutely no ability.

So the gentleman raises a good point.

Mr. LARSON of Connecticut. Mr. Speaker, that is a point that is consistent with the issues that have been raised, both on the Task Force on Terrorism that has been conducted by the gentleman from New Jersey (Mr. MENENDEZ) and others in the caucus, but the concept of commonality of communication and interoperability seem to be two of the most paramount things that we have to accomplish by providing these frontline responders with adequate planning money so that they can, in fact, strategically respond, even though, in many instances, as the gentleman points out is the case in his district and in California, where they are already well prepared in specific areas, but perhaps not to deal with a threat of this nature.

Mr. GEORGE MILLER of California. Mr. Speaker, we have dealt, and again, we do not know the nature of a terrorist attack, how it is carried out on a target, but we have dealt with an individual refinery explosion or release of toxic materials, we just had one this last week in my hometown. But if multiple refineries were the subject of the attack, there was talk in Texas of where the concentration of petrochemical industries there, in California and in my area and elsewhere, that would immediately outstrip the current resources. Because the current resources are designed for an isolated, although maybe harmful event, or lethal event, but yet isolated compared to perhaps what we might experience.

So I just want to commend the gentleman, if I might, for bringing this legislation to the Congress and securing the coauthors that he has, and also making this a point of discussion in our Homeland Security Task Force in the caucus where I know he and others have raised this. I have been on the other task force, but on this one, Members have told me.

Also, I think the gentleman ought to be very proud of the fact that when we go home and we talk to the people on the front lines, they look at this and they say, this is what we need to do our job if we are, in fact, going to be called upon to provide the kind of protection that we think the citizens that we represent will want. So the legislation is clearly in tune with the needs of the first responders; and clearly it is in tune with their understanding of the kind of threat and the match of resources that would be necessary in a terrorist environment.

So I want to commend the gentleman very much for devising this legislation; and hopefully, the House will get an opportunity in short order to deal with this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from California for also coauthoring this very important piece of legislation and for his leadership. As the gentleman points out, there are more than 70 Members on a bipartisan basis that have signed on to the bill that really, from a pragmatic standpoint, just makes all the sense in the world. I think intuitively when our first responders, our local officials, our county and State officials hear about the legislation, this is the kind of thing that they are looking for from us.

Mr. GEORGE MILLER of California. Mr. Speaker, if the gentleman will yield, my last point, we have had a lot of debates, and I am in the middle of one now that has gone on for several years on the education bill. The desire on both sides of the aisle has been to drive the dollars to the classroom, recognizing that very often education dollars get siphoned off and they do not quite carry out the intent, which is to provide an education to America's children. They are used bureaucratically, a lot of other ways on the State and Federal level.

I think in this, it is the same idea with the gentleman's legislation, that we have to drive these dollars down to the people who in fact are going to be put into the position of responding on behalf of our communities. Driving those dollars for planning, driving those dollars for coordination, for cooperation among various departments and agencies within a region is really about the frontline and the first line of defense for American citizens. So I think this is also very consistent with what we have talked about in this Congress on a number of other subjects about giving local communities that flexibility, but giving them the resources so that they can respond in a first-class fashion. I thank the gentleman for yielding.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman for his insight.

Mr. Speaker, I would like to turn to the gentleman from Texas, but before I do. I just wanted to review a little bit more about this bill which will provide a total of $1.5 billion in funding, $1 billion of funding to cities, counties, towns, boroughs, tribes, and other municipal authorities for strategic planning needed to ensure that local emergency responders, including municipal, private, volunteer fire departments, police departments, sheriffs' offices, emergency medical technicians, paramedics and other health professionals, as well as our area hospitals, are fully prepared, equipped, and trained for emergency and security issues that arise from terrorist attacks.

Mr. Speaker, the gentleman from Texas, because of his unbelievable and outstanding and exemplary work with missing children, certainly knows this issue probably better than most. I yield to the gentleman from Texas (Mr. LAMPSON) at this time.

Mr. LAMPSON. Mr. Speaker, I am thrilled to be able to join the gentleman and so many other cosponsors as an original cosponsor on this bill, the Municipal Preparations Strategic Response Act of 2001. It is a critical piece of legislation, obviously; and the reason is that we all know that our cities and our local governments are the ones that are indeed on the front line of homeland security.

I have been conducting meetings at the local level with airport officials, port officials, petrochemical people that run refineries and other facilities in southeast Texas; and each of these groups is committed to doing everything that they can possibly do to ensure the safety of their facilities and the people that work in them and live around them.

□ 2115

We all want that. After all of those meetings, it is abundantly clear to me that we must take a bottom-up approach.

I was listening to what the gentleman from California (Mr. MILLER) was saying in talking about the many different facilities. We can make it even simpler than talking about significant facilities like the petrochemical industry. We can look at our airports. Everybody sees those at home.

We have police departments, sheriffs' departments, local people that local funds, local tax dollars are paying for being absolutely strapped in an effort to try to provide an adequate number of personnel to protect those airports. Those are mandates that come from us. We have to have people there keeping those facilities secure.

Congress is saying, do it, the people want it done, yet they are having to pay for it. This is an opportunity for us to share that burden with all of those local governments, to the people that the gentleman just mentioned a minute ago, the cities, counties, towns, boroughs, tribes, the other municipalities and municipality authorities, for the strategic planning that is necessary to put these critical things into place.

Mr. LARSON of Connecticut. Mr. Speaker, one of the things that should be pointed out as well about this legislation is something that they heard in California and we have heard in Connecticut, and I am sure the gentleman has heard in Texas, as well; that is that because the municipalities and counties are strapped already, what they are saying is that these monies have to come to us unencumbered.

That means that traditionally through a number of programs, we would require a matching grant on the part of the municipality, State, or the county. In this case, because it is now part of homeland defense, and in some instances money is already being expended and appropriated which many of us feel should be included in the $20 billion we have already appropriated for these events; but having said that, clearly, as our legislation does, what we wanted to make sure is that there would be no matching grant required.

We heard that loud and clear in Connecticut. I do not know if that is what the gentleman is hearing down in Texas, as well.

Mr. LAMPSON. If the gentleman will yield further, they have a significant need. We know security and preparedness comes at a cost. Those suits these people have to wear to go in and check a hazardous material that has been leaked into the atmosphere costs about $800 or more a copy. That means a lot of fire departments or emergency management facilities or organizations do not have the ability to have access to this equipment, so we are expecting these people to go into situations that are dangerous to their own health; and we are not working with them.

I have discussed this situation with my mayor, the mayor of Beaumont, Texas, my hometown. He happens to be in Washington, D.C. tonight. Mayor Moore is the co-chair of the Task Force on Emergency Preparedness for the United States Conference of Mayors. I want to be able to continue working with Mayor Moore and other elected officials in my district to ensure that our local emergency responders are fully prepared, equipped, and trained to respond to any future needs.

That is why this legislation is so very important. The Municipal Preparation and Strategic Response Act of 2001 will provide a total of $1 billion in straight-out funding, and another half a billion or so, $250 million, to the very successful COPS program, and another $250 million or so to the firefighter programs within our communities.

These are straight-out grants to the local governments to be able to take care of the needs of our citizens at home from the bottom up, not from Washington, D.C. down.

Mr. LARSON of Connecticut. Mr. Speaker, that is something that obviously, with the appointment of Tom Ridge, and again, I commend the President for that appointment. We sent a letter off to Mr. Ridge, knowing that he is obviously getting his arms around this very important task that he has, so it is understandable it may take him some time to reply to us.

But the offer is one of assistance and help, and one that, at its very heart in essence says, look, what we are hearing from our constituents is not to foist on us from the top down a Federal mandated solution to this problem, but to work with us from the bottom up so that, both from the standpoint of the knowledge and expertise that we have in dealing with these issues. And then also the plugging the gaps where we are doing things well, but there is a gap in being able to address those specific issues.

Mr. LAMPSON. If the gentleman would yield to me again, he said earlier it is $8.9 billion that we have appropriated to help with homeland security.

Mr. LARSON of Connecticut. Correct.

Mr. LAMPSON. Of all of that money, only $300 million makes it out to local communities.

Mr. LARSON of Connecticut. The gentleman from Michigan (Mr. STUPAK), who heads the COPS program at one of our local press conferences, laid that idea and concept out very clear. Instead of the $8.9 billion that is appropriated to deal with terrorism, only $300 million makes it outside of the Beltway. That is a very telling statistic.

As local officials are quick to point out to us, this is very problematic to them, because what they are concerned most with is that the Federal Government will create a mandate upon them that is unfunded.

Now, we are all dealing with, and we all know, and I know that the gentleman from New Jersey (Mr. HOLT) has been in the forefront of promoting educational concepts like the full funding of the IDEA program, where once again there is a lack of a fulfillment of a mandate.

But certainly when we are calling upon our front-line defenders to go out there and risk their very lives, we have to make sure that these are not unfunded mandates.

Mr. LAMPSON. Let me just make one final point before we go to the gentleman from New Jersey.

Just to commend the gentleman, I would tell him how proud I am to be able to join him as a cosponsor of the legislation. I would ask every one of our colleagues to join on as cosponsors of this legislation and let us move it forward. It is critical. It can make a difference in people's lives, and that is what we have to do. That is what we are about here. I thank the gentleman for his good work.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman. I thank him again for being a coauthor of this bill. I thank him for the input that he has provided for what I think is a very strong and bipartisan bill.

I have to point out that the gentleman from Pennsylvania (Mr. WELDON), who has been a tremendous help to me since I have been a Member of Congress, is an early signer onto this bill. He has also been very active with the Congressional Fire Services Caucus as well, and I think intuitively he understood how important this is.

I think once the Members get to see, and we already have more than 70 Members who have signed on, but I believe that people will sign onto H.R. 3161 because of its commonsense approach. That is what we are seeking to do here is to not only engage our local officials, but also recognize that they are on the front line, and not just pay them lip service but actually provide them with the funding to carry out the strategic planning, as well as providing them with the equipment and the expertise they will need if we are going to send them into battle.

Mr. LAMPSON. When we work together, we make good things happen.

Mr. LARSON of Connecticut. We sure do. I thank the gentleman from Texas; and I yield to the gentleman from New Jersey (Mr. HOLT), who is also a coauthor of this piece of legislation and has conducted and held meetings in his district in New Jersey.

Mr. HOLT. Mr. Speaker, I thank my friend, the gentleman from Connecticut, for yielding to me; but I thank him even more for putting together this good piece of legislation.

Mr. Speaker, clearly the gentleman is influenced by the work of the Congressional Fire Services Caucus and the Congressional Law Enforcement Caucus, two caucuses in which I am pleased to join the gentleman.

He has drawn on the ideas in the fire bill, the ideas in the COPS program, two very successful pieces of legislation that, as the gentleman says, get the program, get the dollars down to the people on the ground. That is one of the wonderful features of the Community-Oriented Policing Program. Yes, it is a national program because so many communities share in the need, but it is really a local program. This is not run with the heavy hand of the Federal Government. The COPS program actually gets money to police on the street, on the beats, in the neighborhoods.

When we are dealing with emergencies, with terrorist attacks such as we saw in New York City, or as we are seeing right now using less visible attacking instruments, biological weapons, it hits locally. It hits at home. The gentleman's bill gets the action locally and at home. So I am really very pleased to be able to join the gentleman, not only as an original cosponsor but as someone who is actively trying to build the list of cosponsors and move along.

I have just come from a meeting of the Homeland Security Task Force, where we are working to include this legislation in our proposal of overall efforts to deal with bioterrorism.

If I may for a moment, I would just like to point out a few of the features that I find so attractive in this bill. I have met a number of times with first responders in my district, most recently just last week. My district in central New Jersey has felt the blow of terrorism really quite directly, not only in the number of lives that were lost in the attack on the World Trade Center and in the plane crashes, but in the response of our emergency personnel on September 11, in the subsequent days in our urban search and rescue teams, and now with the bioterrorism that has touched Ewing and West Trenton in my district.

These local responders that I have met with, although they have really taken a blow, they are really strong in their determination. They have worked closely together, towns with other towns, towns with counties, towns with the State, individual rescue and emergency squads.

They like the idea of the gentleman's bill that provides an opportunity for a strategic response that is regional; for liaison between units of local government. They also like the idea of communication that the gentleman has built into this, communication with authorities in the event of an emergency and communication from authorities to the population at large.

They understand how critical communication is, clear, accurate communication, in a situation such as we have now in Ewing, where the post office has been part of or has been touched by this bioterrorism.

So the gentleman's bill, if I may say our bill, deals with these in a way that I find our local emergency responders like.

Mr. LARSON of Connecticut. Mr. Speaker, I think the gentleman appropriately says "our bill" because it has been the input of so many Members, and the input they have derived by going back out to their respective congressional districts and meeting both locally, regionally, or county-wide with so many first responders.

Ultimately, that is what this is all about. It is standing together as we face down terrorism, both in terms of homeland defense and in terms of our resolve as a people to stay together and address this issue.

It is oftentimes, I think, missed on the general public when we are down here talking about lofty idealism and bills, and they are really anxious to help themselves; to go back to the gentleman's district, as he has done, and to seek the input of people who in many respects are more knowledgeable or have more pragmatic solutions in talking to a number of the people in my district.

I know in our case that what we found is that the concern exists for the overlap, or perhaps the gaps; the term "commonality of communication" in terms of responding, and chains of command, whether they be bottom-up or top-down. The interoperability and mobility between local, State, county, and Federal agencies is something that is going to require more planning on our part; and also the identifying of those gaps. This cannot be a decision that is foisted upon local officials from the top down or by some think tank, however productive and good some of those ideas may be.

□ 2130

Mr. LARSON of Connecticut. If they are not joint with the frontline responders and if they are not part of this process of giving input, then I do not think we have the best in homeland security.

Mr. HOLT. If the gentleman would yield?

Mr. LARSON of Connecticut. I yield to the gentleman.

Mr. HOLT. It is easy to say we can have good clear communication if we have a centralized authority. But, in fact, when terrorism has taken place, it is necessarily a group of individuals from neighboring towns that respond. And so the communication has to be set up in such a way that it flows in from many people, and it flows out to the whole population. And that depends on coordination, and in many cases that exists only in a really sketchy undeveloped form. This legislation would help develop that.

The other point that I wanted to make that is so very important, when we talk about the threat assessments, we talk about what might be the targets of terrorism.

Well, it is easy for somebody here in Washington in some agency to imagine what are vulnerable sites to attack around the country. But, in fact, it is the people who live in the town; it is the local police who know the town block by block, alley by alley, who are better, who are best able to determine what the vulnerabilities are out there. The gentleman's bill, again, if I may say, our bill gets at that and uses this local talent in identifying the targets of terrorism using the guidelines that are developed nationally.

Mr. LARSON of Connecticut. Our bill does do just that.

Again, several Members, and I especially want to commend the gentleman from Mississippi (Mr. TAYLOR), who has done an outstanding job in his district both conducting and holding meetings and someone himself who is often times entering other countries, going undercover, wearing disguises, et cetera, all in the pursuit of gaining information.

Also, the gentleman from California (Mr. GEORGE MILLER) mentioned earlier, and as a member of the Committee on Education and the Workforce perhaps he could provide insight here as well. He said one of the things that the gentlewoman from California (Ms. PELOSI) found that in conducting her meetings back home in her district is there is grave concern around the whole issue of schools, and what do we do, and how are we prepared with respect to schools.

I know this is a longstanding interest of the gentleman; and as someone who is in the forefront of education issues, is this something the gentleman is picking up in New Jersey?

Mr. HOLT. Absolutely. Schools in America are local. We talk about the education bills that come out of Congress and all of that, and there are certainly some important things we have done in setting the tone of fairness and accomplishment and accountability; but ultimately the schools are funded locally. They are staffed locally. They are designed and built locally. And if we are going to prepare the schools to deal with terrorist threats and other emergencies, that has to be done locally. The vulnerabilities have to be recognized locally and the responses have to be developed locally. Again, that is what this bill does.

It has a very local focus to a problem that is shared in every town, at every town and county around America. Remember, a lot of what we are talking about is preparing all of America for a dangerous time. It would be nice to think that it is only the urban centers that are going to have problems. Well, a week or 2 or 3 ago people would not have thought of Boca Raton, Florida, Palm Beach County as an area that would be touched by terrorism or West Trenton or Hamilton, New Jersey, as areas that would be touched by terrorism.

The point is if we are going to have presentation nationally, it has to reach every town and every county, just as a public health system only works if the doctors and the county health authorities and so forth are part of a network that is national.

Mr. LARSON of Connecticut. And to the gentleman's points, one of the things we want to point out with regard to H.R. 3161, The Municipal Presentation and Strategic Response Act of 2001, is that it coordinates a response and procedures with similar emergency response units so that we are not reinventing the wheel here, in neighborhood units and in neighboring units of local government as well as with State and Federal agencies.

One of the things that I find instructive in meeting with people, and again I would say that the work of the gentleman from Mississippi (Mr. TAYLOR) bore this out, that when one prepares an issue report to units of local governments, State legislatures, and Congress that include recommendations for a specific elective action, this is something that we really need to have come from the bottom up; that as we conduct public forums, as we start to look at the contents of strategic response plan, as people learn how to communicate with authorities in the event of emergency, something that perhaps in some States and in some regions we have done better than others because whether it be California having to deal with earthquakes or Florida having to deal with hurricanes. Programs the rest of the Nation can learn from. Also, where to go to find safer public assembly and other emergency shelters and any other appropriated information that needs to be gathered.

The silver lining in this: if there can be a lesson from the tragic events of September 11, is, in fact, that we are a Nation that is committed and involved more so than ever before. There has been an outpouring of patriotism. There has been an incredible desire on the part of the public to want to know what they can do to help and also what they have to do to be prepared.

Many of them have very solid and sound suggestions to make, and we ought to make sure in Congress that we are providing our local authorities, meaning our State, county, regional, and municipal governments, with the kind of resources that they are going to need to carry off this bottom-up strategic planning that is needed.

As my colleague knows, the bill itself provides $250 million. It goes directly into the COPS program, as the gentleman was stating earlier in his remarks, as well as another 250 million that goes to firefighters. Again, I would point out that those come with no strings attached, no matching grants because they need the money now.

There is no time for these municipalities to save. Most of their budgets have long since gone to bed, and we have to make sure that we are providing our frontline defenders with the equipment and the training that they are going to need as we send them into harm's way, and ultimately that is the goal.

It was not lost on me that with the awful situation that took place in Senator DASCHLE's office the other day that it was two of our Capitol Police officers that responded and went in there and now are diagnosed. These are the kinds of things. It will not be Federal agencies that are going to be responding first. It will be the local entity that will be out there, and shame on us if we do not provide them both the equipment and the training and then the strategic planning tools that they are going to need in order to address these issues.

Mr. HOLT. Mr. Speaker, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from New Jersey.

Mr. HOLT. The benefits of this will be there even in those towns that are not touched by terrorism. The benefit of strategic response, improved communication, local threat assessment, all of that will lead to better policing, better firefighting, better community protection, and better community spirit, if as we hope is the case, we do not have more terrorism strikes in these towns.

Although this is motivated by our national emergency, right now it is of general long-lasting benefit to our communities, and it is this sense of community that has grown out of our national emergency of the past 6 weeks.

A realization, recognition, even a celebration of the fact that we are dependent on each other, that is the great lesson of the past 6 weeks, how dependent we are on each other; and that is why the emergency responders, police, fire, medical, are held in such high regard now, because people are reminded that we are dependent on them and we should do everything we can to make sure that they are equipped, that they have the resources to do the job that we ask them to do.

I know that they are committed in their determination to public service, and it is not asking too much for us as a Congress to give them what they need to do their jobs.

Mr. LARSON of Connecticut. Reclaiming my time, I spend a lot of time going out to a number of my public schools in the district, and parochial schools for that matter, and talking about September 11; and as the gentleman points out, clearly firefighters or police officers, emergency medical teams are viewed far differently than they were prior to September 11. And I find it incredibly heartening as well that the youth of our Nation also now are able to distinguish between celebrity and real heroes and perhaps look at their parents like all the parents on September 11 that either got on an airplane or went to work at the World Trade Center or at the Pentagon, and found themselves, ordinary citizens, involved in a heroic effort.

All too often in our culture we make icons out of sports and Hollywood and music celebrities; and while it is true that we should celebrate their accomplishments, there is a major distinction between celebrity and heroes that is being picked up by the youth of our Nation.

This bill that we have put forward today seeks to recognize those who lost their lives by understanding, as so many people have said more eloquently than I, about those racing up the stairs in the World Trade Center while they were coming down and to memorialize them is to recognize their sacrifice, to put them in the pantheon of heroes that came about that day, but also recognize the need to further train and provide the appropriate equipment and provide for the kind of strategic planning that we are going to need to continue to root out terrorists and to make sure that at home we are safe and secure.

That is what homeland defense is all about; and I commend the President and Tom Ridge in their efforts, and it is my sincere hope that our efforts here in coordinating local, State and municipal officials, together along with Tom Ridge's new assignment, that we are going to be able to not build a fortress around America. I do not think anyone believes that that can happen, but to have energized, enlightened, involved, and committed communities to understand that we in Congress recognize their valor, their frontline defense and also all of our collective responsibility no longer to look the other way or to defer responsibility to someone else but actually to be participants in our community, not as necessarily elected officials, but as active, involved, committed citizens who, when they see things that are wrong, no longer turn their head and look the other way but step forward and address that and call upon the local authorities to make sure that we are looking out for one another and for our neighbors and not painting with the broad brush of prejudice the many when we know it is the fanatical few that have caused and perpetrated this unbelievable horror and nightmare on America.

□ 2145

Mr. HOLT. I commend my friend from Connecticut for taking the time tonight. I thank him for sharing some of that time with me. I commend him for his eloquence. But mostly, now, I commend him for the work he has done to prepare this legislation.

Mr. Speaker, I hope that all of our colleagues will join in this because there is not a town in America that would not benefit from this legislation. I commend the gentleman from Connecticut (Mr. LARSON) for the hard work he has put into preparing this and his energy in finding cosponsors and moving the legislation along.

Mr. LARSON of Connecticut. I thank the gentleman from New Jersey and once again recognize the gentleman from Texas.

Mr. LAMPSON. All of what the gentleman has been saying is right on the mark in trying to look out for the local jurisdictions who are having a difficult time responding to many different needs that they are facing right now during such an unusual time in the history of our country.

Primarily, this bill will establish $1 billion in grant programs for cities, counties, towns, boroughs, tribes, and other municipalities and regional authorities to develop local emergency response plans that would do a large number of different things, such as to develop strategic response plans that provide for a clearly defined and unified response to terrorist attacks or other catastrophes; to coordinate the activities and procedures of various emergency response units; to define the relationship, roles, responsibilities, jurisdictions, and command structures and communication protocols of emergency response units; to coordinate response procedures with similar emergency response units and neighboring units of local government as well as with State and Federal agencies. That is a critical point right there.

One of our agencies got shut down in my congressional district just last week because of a lack of cooperation, a lack of questions about whose jurisdiction or whose real ground is this that we need to be responding to. That is unfortunate, and we need to find ways to make sure that all levels of our government are sharing information and are working to solve problems in unusual and very extenuating circumstances, to find situations where one organization or a person feels like they have the right or responsibility to do one thing and should not be checked by another agency, yet it is another agency's responsibility to be looking out after the security of a particular area. Those are arguments we should not be having right now.

This bill would provide the means for local governments, whether it is cities, counties or whatever level it might be, as well as Federal agencies to develop plans to work together.

Mr. LARSON of Connecticut. Exactly.

Mr. LAMPSON. That is the kind of cooperation that is critical if we are going to solve the problems that are facing our communities and truly have the kind of safety that we all need and want to have.

This incident that occurred in my congressional district in Texas happened at a port. Ports are critical facilities for us, particularly when they are serving the petrochemical industry, which is a facility that develops the fuel that runs all our automobiles and brings products to all of us all over the United States of America. So is it a critical area we need to address? Unquestionably, it is. And this is a reasonable tool with which we can do something for the grass-roots level of people who are strapped for cash, who are trying their best to put good programs into place to stretch their means as far as they possibly can to make sure that there are an adequate number of policemen and firemen and other kinds of law enforcement and emergency management folks to do the jobs that have to be done. It is tough.

Mr. LARSON of Connecticut. I had the opportunity to meet with the gentleman's mayor actually in Mystic, Connecticut, where they were gathering at a regional conference and they were talking about the need for regional coordination. One of the things that he pointed out, and I thought it a very important point that he made, is, look, we would very much like to get involved in this not just because of the impact on the local municipality but the need for regional-wide planning and looking at entities where the money can flow to so that it gets dispersed in a manner that addresses the gaps that are occurring within some of the very important policy issues as they relate to responding to potential terrorist attacks.

As the gentleman from California (Mr. GEORGE MILLER) was pointing out earlier, depending upon the community one lives in and what kind of civil preparedness there is there to deal with natural disasters or what kind of HAZMAT training has taken place because of the location of, we will say a nuclear generating power facility or a petrochemical port, whatever the case may be, we find that there are different levels, some very sophisticated, some nonexistent. Yet, homeland defense has got to make sure that we are incorporating all of our communities, boroughs, municipalities, and make them part of this effort.

Mayor Moore's point was we can best do that through regional councils, through regional organizations where they already are meeting on several infrastructure issues, where they are already dealing with these things and often feel that they are the neglected stepchild of the Federal Government or that we bypass them and go directly to the State, and then they do not feel that they get money from us that goes to administration fees and other areas.

Mr. LAMPSON. What is unfortunate is that in some of those instances there are even people going out and raising money privately to accomplish some of these tasks. That is not appropriate. Many of these functions are of national scope and of national interest, and to have people in a local area having to go out and privately raise money on their own in order to achieve some of these specific tasks does not seem fair or right to me. That is why we have a government. That is why we choose to live in communities where we can all chip in and our few pennies mounted together turn into billions of dollars that can make a difference for all of the people of this country.

That is what makes this a good bill, I think, and a very excellent direction in which we should be going to solve these problems.

Mr. LARSON of Connecticut. I thank the gentleman from Texas again for his strong input; and through the gentleman, I thank Mayor Moore as well for his input.

Mr. LAMPSON. David Moore of Beaumont, Texas.

Mr. LARSON of Connecticut. I think that that is what makes good legislation, especially when we have the bottom-up response that we have had.

Mr. LAMPSON. We hope our colleagues will join us all in cosponsoring this legislation and in seeing to it that it gets brought to the floor of the House of Representatives for a vote quickly.

Mr. LARSON of Connecticut. Mr. Speaker, before I yield back the balance of my time, I again would remind our colleagues that it is H.R. 3161, the Municipal Preparation and Strategic Response Act of 2001. Again, I am proud the gentleman from Pennsylvania (Mr. WELDON), and I cannot thank him enough for his input and help, is also a cosponsor of this legislation. The value that the Congressional Fire Services Caucus and the Congressional Law Enforcement Caucus have provided us, the insight that we have received from health care professionals, hospitals, the endorsement of municipal leaders of this legislation has all been terrific.

But before I leave the podium tonight, I cannot help but mention that I am deeply troubled by the stimulus package that is coming before this body tomorrow, primarily because I have been concerned for some time now about our inability to pay for a lot of the initiatives that we would like to see.

Homeland defense in this bill is $1.5 billion. That is not an awful lot of money, but I have a sickening feeling going home to my home district and talking as I have to many groups, most notably to seniors. Tom Brokaw did this Nation a great service in his book "The Greatest Generation"; and in that book he heralded a unique generation that now has witnessed a second day of infamy. They lived through the Depression; they certainly lived through December 7, 1941; they fought and won and rebuilt the Nation and educated a whole generation of baby boomers. They have now lived through September 11.

As we project out, they are the first ones to rise up and say we must root out terrorism, we have to all stand together as a Nation, but it just confounds me that we will tap into Medicare and vanquish the Social Security Trust Fund in an effort to pay for all of this, so they will have sacrificed twice. At no other point in our history when we have gone to war, and make no mistake this is a war, have we asked one generation to sacrifice as much as we are asking them.

Mr. Brokaw, if you are listening, I hope you prevail upon the American public and upon the Congress to recognize that this cannot happen. These people deserve to live out their final days in the dignity that Social Security, Medicare and, frankly, prescription drugs should provide them.

Mr. Speaker, I just could not leave the podium this evening without addressing that concern. It is heartfelt. I hope that other Members share the same feeling and same concern about how we are going to pay for all of this. We ought to think long and hard about tax cuts; and truthfully, we ought to think about rolling back some of our provisions or at least letting the top 1 percent of this Nation bear some of the sacrifice that we have already asked the greatest generation ever to do.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. BILIRAKIS (at the request of Mr. ARMEY) for today and October 24 until 2:00 p.m. on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Member (at the request of Mr. RAMSTAD) to revise and extend his remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 423. An act to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes; to the Committee on Resources.

S. 941. An act to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Resources.

S. 1057. An act to authorize the addition of lands to Pu'uhonua o Hōnaunau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Resources.

S. 1097. An act to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; to the Committee on Resources.

S. 1105. An act to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes; to the Committee on Resources.

S. Con. Res. 74. Concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled joint resolution of the House of the following title, which were thereupon signed by the Speaker:

H.J. Res. 69. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1465. An act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

ADJOURNMENT

Mr. LARSON of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), the House adjourned until Wednesday, October 24, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4372. A communication from the President of the United States, transmitting Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States; (H. Doc. No. 107—136); to the Committee on Appropriations and ordered to be printed.

4373. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, "Contracts for Performance of Firefighting and Security-Guard Functions at Department of Defense Facilities"; to the Committee on Armed Services.

4374. A letter from the Associate General for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revision to Cost Limits for Native American Housing [Docket No. FR-4517-F-02] (RIN: 2577-AC14) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4375. A letter from the Secretary, Department of Labor, transmitting the Department's annual report to Congress on the FY 2000 program operations of the Office of Workers' Compensation Programs (OWCP), the administration of the Black Lung Benefits Act (BLBA), the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act for the period October 1, 1999, through September 30, 2000, pursuant to 33 U.S.C. 942; to the Committee on Education and the Workforce.

4376. A letter from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting the Department's final rule—Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements [Docket No. 010925133–1233–01] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4377. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Uniformed Services Accounts—received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4378. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule—Waiver of Advance Notification Requirement To Import Acetone, 2–Butanone (MEK), and Toluene [DEA–197F] (RIN: 1117–AA53) received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4379. A letter from the Secretary, Department of Labor, transmitting notification that three federal accounts in the federal Unemployment Trust Fund are expected to exceed their statutory ceilings on September 30, 2002; to the Committee on Ways and Means.

4380. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled, "Money Laundering Act of 2001"; jointly to the Committees on the Judiciary, Financial Services, Ways and Means, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 270. Resolution providing for consideration of the bill (H.R. 3090) to provide tax incentives for economic recovery (Rept. 107–252). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TAUZIN (for himself and Mr. Dingell):

H.R. 3160. A bill to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. Baldacci, Mr. Pascrell, Mr. Doyle, Mr. Weldon of Pennsylvania, Mrs. Jones of Ohio, Mr. Frank, Mrs. Thurman, Mr. Wu, Ms. Jackson-Lee of Texas, Mr. Taylor of Mississippi, Mrs. McCarthy of New York, Mr. Weiner, Mr. Langevin, Mr. Wexler, Mr. Delahunt, Mr. Olver, Mr. Holden, Mr. Cramer, Mr. Hoeffel, Mr. Holt, Mr. Kanjorski, Mr. Crowley, Mr. Stupak, Mr. Hill, Ms. Schakowsky, Mr. Ross, Mr. Abercrombie, Mr. Hinchey, Mr. Brady of Pennsylvania, Mr. Honda, Mr. Reyes, Mr. Clyburn, Mr. Gonzalez, Mr. Fattah, Mr. Borski, Mr. Allen, Mr. Clay, Mr. Udall of Colorado, Mr. Cummings, Mr. Edwards, Mr. Sawyer, Mr. Baca, Mr. Shows, Mr. Bishop, Mr. Mascara, Mr. Meeks of New York, Mr. Kennedy of Rhode Island, Mr. Underwood, Ms. McCarthy of Missouri, Mr. Moore, Mr. Wynn, Mr. George Miller of California, Mr. Filner, Mr. McDermott, Mr. John, Mr. McGovern, Mr. Tierney, Mr. Ackerman, Mrs. Christensen, Mr. Kind, Ms. Pelosi, Mr. Lampson, Mr. Farr of California, Ms. Eshoo, Mrs. Capps, Ms. Millender-McDonald, Mr. Israel, Ms. DeLauro, Mr. Turner, and Ms. Lee):

H.R. 3161. A bill to direct the Director of the Federal Emergency Management Agency to provide grants to local governments and emergency response units to develop plans for a clearly defined and coordinated response to emergencies, and to provide grants to police and fire departments for counterterrorism training; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. Oxley):

H.R. 3162. A bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Financial Services, International Relations, Energy and Commerce, Education and the Workforce, Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY of New York (for herself, Mr. George Miller of California, Mr. Owens, Mr. Nadler, Mr. Kildee, Mr. Roemer, Mr. Shays, Mrs. Mink of Hawaii, Mr. Maloney of Connecticut, Mr. Scott, Mr. Pascrell, Mr. Evans, Mr. Crowley, Mr. Fossella, Mr. Grucci, Mr. Hinchey, Mr. Israel, Mrs. Kelly, Mr. LaFalce, Mrs. Maloney of New York, Mr. McHugh, Mr. Meeks of New York, Mr. Quinn, Mr. Rangel, Mr. Reynolds, Mr. Serrano, Ms. Slaughter, Mr. Sweeney, Ms. Velázquez, Mr. Walsh, Mr. Weiner, Ms. Woolsey, Ms. Solis, Mrs. Davis of California, Ms. McCollum, Mr. King, Mr. Brady of Pennsylvania, Mr. Doyle, Mr. Baldacci, Mr. Wu, Ms. DeLauro, Mr. Ackerman, Mr. Gilman, Mr. Blumenauer, Mr. Berman, Ms. Pelosi, Mr. Waxman, Ms. Berkley, Mr. Delahunt, Mr. Capuano, and Mr. Lynch):

H.R. 3163. A bill to provide student loan forgiveness to the surviving spouses of the victims of the September 11, 2001, tragedies; to the Committee on Education and the Workforce.

By Ms. McKINNEY:

H.R. 3164. A bill to amend titles 10 and 37, United States Code, to repeal the authority of the Secretary of a military department to suspend tracking and recording the number of days that members of the armed forces are deployed for purposes of determining the eligibility of such members for the per diem allowance for lengthy or numerous deployments; to the Committee on Armed Services.

By Mr. OBEY:

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress that a series of postage stamps should be issued in recognition of the recipients of the Congressional Medal of Honor; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 285: Mr. Fletcher.

H.R. 1582: Mr. Baca.

H.R. 2638: Mr. Fletcher.

H.R. 3059: Mr. Ehrlich.

H.R. 3086: Ms. Hooley of Oregon, Ms. Sánchez, Mr Pickering, Mrs. Tauscher, Mrs. Roukema, Mr. Frost, Mr. Stupak, Mr. English, Mr. Ballenger, Mr. Hall of Ohio, and Mr. Kolbe.

H.R. 3088: Mr. Engel, Mr. Nadler, Ms. Ros-Lehtinen, Mr. Reyes, Mr. Horn, Mr. Ortiz, Mr. Hobson, Mrs. Napolitano, Mr. Deutsch, Mr. Baca, Mr. McNulty, Mr. Diaz-Balart, Mr. Tiberi, and Ms. Granger.

HOUSE OF REPRESENTATIVES—*Wednesday, October 24, 2001*

The House met at 10 a.m.

The Reverend Eugene Roberson, First Corinthian Missionary Baptist Church, North Chicago, Illinois, offered the following prayer:

Our Father, which art in heaven, hallowed be thy name.

We come to thee for direction as You led Abraham, Isaac, and Jacob. We ask Your blessing on these outstanding leaders who have been given an awesome responsibility to lead this country to greater height and success.

We ask Your blessing as they make objective and powerful decisions that will affect this country and the lives of its citizens. We pray You will give them sight, insight, and foresight.

Give sight that they may look on issues, give them insight that they may look into issues, and foresight to look beyond issues.

Give them strength to rise above conflicts, principalities, against powers, and against the rulers of the darkness of this country so that progress will be achieved.

We pray that each Member of Congress will use their knowledge, skills and intestinal fortitude to do God's will for America.

We pray for peace and unity that this country will live out its true meaning of justice and freedom.

We pray for their going out and coming in and that You will make them the head and not the tail.

We thank You for all that they will achieve during this Congressional session.

In Jesus' name, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arizona (Mr. FLAKE) come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE REVEREND EUGENE ROBERSON, FIRST CORINTHIAN MISSIONARY BAPTIST CHURCH, NORTH CHICAGO, ILLINOIS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, 2 years ago I worshipped at North Chicago's First Corinthian Baptist Church and met Pastor Eugene Roberson. He is a leader.

Pastor Roberson is one of our spiritual leaders in northern Illinois. Under his hand, First Corinthian welcomed 800 new members and will dedicate a new sanctuary this Sunday.

He is a mentor to young people from Zion, Waukegan, and North Chicago. He is also a seventh grade physical education teacher at Central Junior High School in Zion, Illinois. In recognition of his community service, Pastor Roberson received the distinguished Harambee Award of Excellence from the College of Lake County.

Pastor Roberson, a man of integrity and committed to family, is fond of saying, "God is good all of the time, and all the time, God is good." With his wife, Geraldine Herron Roberson, they are proud parents of three, Kristian, LaTonya and Eugene II, who blessed the Robersons with four grandchildren.

We look to Pastor Roberson in this time of adversity. We are reassured under his expanding ministry, and it is my honor to thank him for leading the United States Congress in prayer today during our hours of trial. On behalf of Congress, I thank Pastor Roberson.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces there will be 15 1-minute speeches per side.

WE WILL NOT SUCCUMB TO THE THREAT OF ANTHRAX

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, last week the Speaker of the House decided, based on credible information and a significant threat, to shut down some of our office buildings. We thought we had coordinated with the other body. Lo and behold, all of a sudden headlines say wimp. The Speaker acted appropriately, concerned for the people who work here, and I would much prefer a headline saying "wimp" than "morons."

Somehow, somewhere the majority leader decided last week to be tough and be brave and stand up here and say we will not go home, we will work. I thank the Speaker and I thank our leadership for doing what was appropriate to protect the lives of hundreds of employees who work in this building each and every day.

Mr. Speaker, we will not succumb to the threat of anthrax. It struck my district. It struck our capital, but we will not relent.

Mr. bin Laden and other associates of your terror reign, your days are numbered. Your days are about over. We will not succumb to the fear because America remains united against the threat of terrorism, and we are united as people of this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their comments to the Chair.

REVERSE ROBIN HOOD IS CONTINUING BY CONGRESS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, after the attacks, we rushed through $16 billion for the airlines, and we were told there was not time to take care of the workers. Their time would come soon. We were promised maybe the next week or the week after we would help the workers. Well, soon is not here yet.

Today, a $100 billion so-called economic stimulus package, and guess what, $25 billion up front to repeal a loophole closing tax provision, $25 billion for the largest corporations in

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

America in a retroactive tax cut to 1986, paid for by FICA taxes, paid for by the working people of this country, coming out of the Social Security Trust Fund going straight to corporate coffers.

Mr. Speaker, guess what, they do not have to give a penny to the workers or provide assistance to the millions of Americans that have lost their jobs. This is in the form of a so-called economic stimulus. Reverse Robin Hood is continuing here on the floor under the guise of helping the American people and the economy.

This has to stop. Let us give workers help with their health insurance. Let us stop dumping money into the corporate coffers.

CELEBRATING THE LIFE OF NAN HERRING BURNSIDE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today I celebrate the life of Nan Herring Burnside, a constituent and fellow educator whose death on October 14 represented a great loss to all who knew her, particularly the many students whom she has helped and their grateful parents.

Upon graduation from the University of Miami, Nan became a teacher in the Miami area, and she remained there for the next 35 years. She was a co-principal at Bay Point School, an alternative educational and rehabilitation center focusing on behavior management for troubled youths.

She was a devoted Christian, and an active member of the First Baptist Church of Perrine. She shared her faith openly with those around here, and was an inspiration to family, friends and students. Like her mother, Amy Steinman, an appropriations analyst for the House majority whip's office, shares her mother's generosity and commitment.

I want to express my deepest condolences to Amy and to her brother John, and to all of the staff and students at Bay Point School.

Nan personified all that was good and noble in this world. She will be sorely missed, especially by her family, the Bay Point community, and all who will continue to work hard to ensure that her legacy lives on in changing the lives of our troubled youth.

CONGRESS BETTER KEEP AN EYE ON THE DRAGON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while everyone is choosing their words very carefully, news reports continue to link the Taliban government with China.

On Tuesday, September 11, we all know that the Taliban attacked America with one hand; on the same day with the other hand, the Taliban signed a memorandum of understanding cooperative agreement with China. Something stinks here.

Bin Laden is in the headlines, but we better be very careful that China is not popping up in the details and fine print. To boot, we are financing the biggest war machine in world history with U.S. dollars in China. Beam me up.

Mr. Speaker, I yield back the fact that Congress better keep an eye on the dragon, and the dragon can reach New York and Washington a lot quicker and easier than the Taliban did.

FEAR IS USELESS, WHAT IS NEEDED IS TRUST

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, in these uncertain days, it is important that we cling to the permanent things and the ancient truths. Among them is the principle that fear is useless, what is needed is trust.

As we prepare in the next hour to vote on H.R. 2975, the PATRIOT Act of 2001, I rise as a proud member of the Committee on the Judiciary to say this legislation is about trust. It is not about fear. It is about trusting the law enforcement authorities of this country with the powers, some temporary, some permanent, to stop those who would wage war on our citizens before they level the attacks.

We do not bring this legislation to this floor in fear. We bring this legislation to the floor in trust. We trust in God. We trust in the governing authorities that our God has placed for such a time as this. I urge all of my colleagues to join me in strongly supporting the PATRIOT Act of 2001.

AMERICANS NEED TO KEEP TERRORIST THREATS IN PERSPECTIVE

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I want to make a few comments about the terrorist activity going on and recognize it for what it is.

Terrorists are nongovernmental groups who are trying to disrupt legitimate governments. They do that, they attempt to do that disruption by terrifying people. Therefore, they are called terrorists. They do this by trying to instill fear, to cause substantial expense to legitimate governments, to disrupt daily life and achieve their goals in that way when they cannot achieve them through legitimate power.

We have to keep that in mind in our response. It is very important that we do not become fearful, that we do not become terrified, and that we go about our normal lives.

Mr. Speaker, let me speak for a moment as the scientist that I am. Let us keep things in perspective. I am very concerned that our Nation seems to be fearful, extremely fearful of anthrax. Recognize the risk and put it in perspective. Every day of the week approximately 120 Americans get killed in car accidents, and many more injured; yet very few have been affected by terrorist activities. I urge Americans to fly. It is safe. I ask Americans not to ignore the threat of anthrax, but simply be careful.

☐ 1015

ECONOMIC STIMULATION FOR SPECIAL INTERESTS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker after September 11, the American people came together, Democrats, Republicans, rural, urban, East, West, North, South, white, black, Hispanic and Asian. The American people wanted this, and they demand it from us.

But today is a different story. The so-called stimulus package that we have on the floor today is being presented wrapped in red, white and blue, but it is a charade. It is a Trojan horse for every special interest package that has come around for the last 10 years. The American people are not and will not be fooled. This so-called stimulus package is a wish list of every special interest tax rebate and tax cut that will not stimulate our economy and does nothing to help us from the September 11 tragedy. The wrapping of special interest legislation in our patriotic feelings is wrong, and it is not in the spirit of our bipartisan war effort.

Do not wrap your special interest in our flag and expect the American people to accept it.

URGING SUPPORT FOR THE ECONOMIC SECURITY AND RECOVERY ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today we will debate and vote on H.R. 3090, the Economic Security and Recovery Act of 2001. I urge everyone's support for this bill. There is no doubt that our economy has been drastically impacted by the September 11, 2001 act and by the subsequent bioterrorism that has occurred throughout America. Both the job creator and the individuals are facing difficult financial situations and action needs to be taken now.

This bill, H.R. 3090, will provide incentives for businesses to create those jobs and innovations to invest in our country and in our future. The bill will also address the issues related to human impacts by these attacks. Hundreds of thousands of individuals are in dire financial straits through no fault of their own and are offered a helping hand in this bill.

This bill will allow for States to provide flexibility to supplement current unemployment and health benefits in States where events of September 11 have caused an increase in the number of unemployed. The bill also offers incentives for businesses to create jobs, spur innovations and invest in our country's future. I urge everybody to support H.R. 3090.

ECONOMIC STIMULUS PACKAGE OUGHT TO BE REJECTED

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, later today we will be called upon to vote on the economic stimulus package presented from the other side of the aisle. Should that package pass, we will create the greatest inequality in the treatment of American taxpayers in decades in this country. We will return to the days of yesteryear where in 1986, 1987, and 1988 corporations were making millions of dollars and paid no taxes. They paid nothing for the privilege of the defense system of this country. They paid nothing for the research capabilities of this country. They paid nothing for the privileges of being an American corporation.

Today, we are going to go back and we are going to repeal the alternative minimum tax so those corporations will be back in the position of paying no taxes and at the same time, at a time when this country is at war, when we are asking for shared contribution, shared sacrifice, we are going to dump the burden of this war, the cost of this war, the cost of this deficit, the cost of bailing out Social Security on the backs of working people and the payroll tax. That is what the Republican Party believes is fair, is equitable. It is wrong, it drips with greed, it drips with special interests and it ought to be rejected.

PUTTING THE TERRORIST ATTACKS IN PERSPECTIVE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I would like to take just a couple of moments to put the terrorist attacks in perspective. Every day, the 10 leading causes of death in our country result in 5,032 deaths. The fifth leading cause of deaths in our country are accidents. Nearly half of those deaths are caused by automobile accidents. And nearly half of the automobile accident deaths are the result of drunk driving. Every day, about 60 people die as a result of drunk driving. As bad as the terrorist attacks are, we have lost three people to anthrax in the last 9 days.

Your chances of being killed by a drunk driver are far, far, far more than your chances of dying from anthrax.

Mr. Speaker, we must not allow the terrorists to shut down our government. We must not allow them to shut down our country. Please put this in perspective.

VOTE AGAINST THE TAX BILL

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker; the real casualty, it looks like, from the 11th of September was the democracy that this House represents. We were told we could have unlimited 1-minutes today, and suddenly they do not want to have us talk. They do not want to have us talk in hearings. They do not want to bring in people to tell us what these bills are going to do, so today you are going to be faced with a bill that had 1 hour of hearings. Nobody came and told us any of the facts about what was in the bill. So we are going to go out when we go home this weekend and tell our friends and neighbors in our district, buy war bonds so you can give $1.4 billion to IBM, buy war bonds so you can give $2.3 billion to the Ford Motor Company. That is going to stimulate the economy, folks. That really is. Without one hearing.

What else do we have to do but talk? We do not have an office. We do not have staff. We do not have anything else, but we cannot talk in the House of the people. That is shameful. You ought to vote against that tax bill on no other reason than that alone.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members to deactivate electronic devices in the Chamber as a courtesy to other Members.

SUPPORT THE STIMULUS PACKAGE

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, I rise today to thank the Committee on Ways and Means for putting together a great package, a stimulus package, H.R. 3090. The best thing about this package is it does provide some stimulus. That is what we need to remember. We ought to stop the class warfare that generally typifies our discussions here and for this day focus on what is going to provide some stimulus.

This speeds the rate reduction for those in the 28 percent tax bracket. We ought to speed it up for everyone, including those in the higher brackets. It increases capital gains tax deductions. It also allows some capital gains reduction for those holding these capital gains for longer.

I urge the House to hold firm on this package in its negotiations later and to resist the class warfare and resist the redistribution that we are want to do in this House and to provide something that provides long-term stimulus to the economy.

TRIBUTE TO THE POSTAL SERVICE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we know that what America wants is to have its Nation secured. We also realize that the heart of America is our people. That is why I want to pay tribute to the men and women of the U.S. Postal Service and offer my deepest sympathy for those we lost over the weekend. The Postal Service, who delivers mail through rain or shine or any other difficulty, are the working people of America.

That is why I ask the U.S. Postal Service to give every single postal worker gloves and surgical masks as the science dictates, to provide free testing and free treatment and free drugs if necessary to treat them as it relates to the anthrax scare. These are difficult times and America needs to invest in its people. That is why I will vote "no" for this special interest economic stimulus package that stimulates no one but corporate America. And yes, I will vote to help postal workers, and I will vote to federalize the airline security system because what America wants is a secure Nation for the working people of America and all the people of America, not a special interest economic stimulus package that serves no absolute purpose.

GOOD NEWS REGARDING MARS SPACE PROGRAM

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, we have gone through some extraordinary challenges over the past several weeks and I think it is important for us when we have some good news to point to that. We all know that this is the greatest Nation the world has ever known, and further evidence of that came this morning when we saw that the Odyssey entered the orbit of Mars. I want to extend congratulations to the wonderful people at the Jet Propulsion Laboratory that my friend the gentleman from California (Mr. SCHIFF) and I have the privilege of representing. I see the gentlewoman from California (Mrs. NAPOLITANO) here in the Chamber. I know she has many constituents who work up there. They have gone through some very tough times over the past 2 years in dealing with the Mars program. This sign of success is a further demonstration of the greatness of the United States of America and the people who are working on the very important space program.

STIMULUS PACKAGE MARKS RETURN OF PARTISANSHIP

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, I rise today to speak about the so-called economic stimulus package, a bill that truly marks the return of partisanship to our Chamber. Congress should be helping workers in need due to the aftermath of the terrorist attacks. These workers are my constituents, the hardworking men and women who make their living off the tourism industry which provides so much to our district.

Our workers want Congress to strengthen homeland security, to put money in the pockets of unemployed workers, and to ensure our long-term economic confidence. That is exactly what the Blue Dog plan would do. Our plan deals with immediate economic concerns without damaging the Nation's fiscal health or long-term economic recovery. It would ensure resources for vital security needs, provide critical relief for laid-off workers, and maintain the fiscal discipline needed to restore long-term economic confidence and keep interest rates low.

The Republicans are putting special interest tax cuts ahead of the workers of America.

ANNOUNCING A NEW ILLINOIS POWER PLANT

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, in the days and weeks of bad news, I would like to come to the floor with some good news. On Monday, I attended an announcement of a collocated coal mine and power plant that is being planned and developed in Washington County, Illinois. Generation is planned for 2003. Construction of this facility will create approximately 1,500 jobs and then for the operation of the coal mine and the power plant another 500 jobs. These will be high-paying union jobs. This is what we and the administration hoped for in a national energy plan.

I applaud the State of Illinois for their assistance and I look forward to low-cost, reliable, clean energy for Illinois and this Nation.

AIRLINE SAFETY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, it is a shame that we are now 42 days after the attack of September 11 and this House has done not a single thing for airline safety. Nothing. Zilch. Not one additional element of airline security. When you get on your planes next Friday to go home, it will be with the sure knowledge that 90 to 95 percent of the bags that go into the belly of your airplane are not screened for explosive devices. Those bags go in there with nothing to screen them from keeping C-4 explosives in them.

Yesterday at the airport, or 2 days ago, I got on an airplane and they took the nail clippers away from the guy next to me and that is great. But we have not done a single thing to keep C-4 explosives out of the bags. Instead, the majority party is bringing this alleged stimulus package that is going to stimulate nothing except campaign contributions. It is really too bad that we are paying more attention to the corporate financial security and no interest in airline passenger personal security.

ANTHRAX AND ECONOMIC STIMULATION

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, first of all, I would like to congratulate the leadership on the Democratic side and the Republican side for dealing with this anthrax issue in the House of Representatives and in the Senate. It has called for cooperation on both sides to deal with this very complicated issue. And, yes, it is affecting our legislative process. It is slowing it down. We are not able to move as fast as we want to.

On the economic stimulus package, it is not everything that any of us want. I will say this, though, that this stimulus package provides $9 billion to States to help them respond to economic hardship in the wake of the September 11 attack. It also provides $3 billion in fiscal 2002 to help States provide health care coverage for unemployed workers who today do not have any health care coverage.

□ 1030

Obviously there are some aspects of it we do not like, but hopefully we can work those out with the Senate in the conference. So I think that this economic stimulus package is reasonable and we can work out differences with the Senate.

CORPORATE ORGY

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the Republican Economic Security Act being voted on today is not economic stimulus; it is a corporate orgy. It is not temporary, as most economists would recommend, but a permanent corporate party at the expense of the average taxpayer.

The Republican plan does not help small and mid-sized businesses that cannot weather the storm on their own, but it does help special interests. The Republican economic plan not only provides a tax break for corporations, but a corporate tax bonus going back to 1986. Displaced, laid-off workers get no guaranteed assistance; and if they get anything, they get chicken feed.

The Republican plan is nothing but a shameless raiding of billions of dollars from the public treasury for private profit, with $20 billion in tax benefits alone for overseas corporations of financial services companies. At a time of national urgency, when we should be here providing for the security of the American people, we should not in fact be fleecing them, and that is what this Republican plan does.

PROVIDE ECONOMIC STIMULUS TO PEOPLE WHO NEED IT

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, let us just talk the facts about this particular bill, the economic stimulus bill that the Republican leadership is bringing to the floor. Most Americans got a $300 tax rebate not so long ago. Now we understand where the Republican leadership is really coming from. This bill on the floor today will give a $1.4 billion rebate to IBM, $1.4 billion; it will give a $833 million rebate to General Motors; it will give a $671 million rebate to General Electric, and on down the line. It gives $2.3 billion to the Ford Motor Company.

My friends on the Republican side of the aisle call this "economic stimulus." These are good corporations. They are strong corporations. They do not need a rebate of taxes they have paid since 1986.

What we need in this country is an economic stimulus package that goes to people who will spend it, not $25 billion to the largest American corporations.

FEDERALIZE AIRLINE SECURITY

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I visited the airport in my State over the last weekend, and there were many new security measures in that airport put in place, and the National Guard was greatly appreciated in terms of their presence. But we can do a lot better when it comes to security. We should match all bags with passengers, we should federalize airline security, we can require overseas airlines to disclose passenger lists before they arrive in the United States, and we can require all luggage be X-rayed for bombs.

The Senate has acted 100 to nothing. We do not have a bill on the floor. We need a bill. We need a bill now. It is absolutely unacceptable that we are not working on airline safety.

HOUSE GIVEN CHOICE ON ECONOMIC STIMULUS PACKAGES

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, we have heard a lot this morning about the opposition on the other side of the aisle opposing the stimulus package that is being presented on the floor today for a vote. But the way this works, there will be an opportunity for the opposition to present their version of a stimulus package, so we will have a choice here today.

The Republican version does help companies, small businesses, because those are the institutions that hire people. In Kansas, four out of five jobs are in small businesses. There is business expense and depreciation that will help small businesses in this stimulus package. One of the largest corporations in the Nation is the Boeing Company; but in Wichita, Kansas, they are laying off workers. They need help. They need a stimulus package. There is something in here to help them hire back those people.

We act like the great villains are the businesses in America. The people in business provide the jobs so that taxes will be paid by individual workers. That is in the Republican version, and that is a very good part of it.

Now, the opposition is going to present their version, and what it does is it raises taxes. It starts new programs.

I urge my colleagues to accept the Republican version.

FEDERALIZE AIRPORT SECURITY NOW

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, my district in Massachusetts has been very hard hit by the events of September 11. Twenty-eight families in my district have been devastated, with 28 victims who were on flights, a vast majority of them, on American and United Airlines.

As I met with families who have been devastated, overwhelmingly they say to me, if you do nothing else, please make airports and airplanes in this country safe. If you do nothing else. Overwhelmingly they say to me, federalize security at the airports. They say to me, we noticed the other body voted 100 to nothing to federalize airport security. Why can the House of Representatives not do the same?

I do not have an answer for those families. Apparently, there is somebody on the other side of the aisle that does not want to federalize security at airports.

On behalf of the families who have been devastated in my district, I urge the leadership of this House to bring that airport security bill down to the floor of the House of Representatives that passed 100 to nothing in the other body. Let us get it done this week.

CONGRESS MUST DO BETTER ON ECONOMIC STIMULUS PLAN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, the President and our congressional leadership have suggested that we are in this effort for the long haul. They have pointed out that we are in the equivalent of war, that we were attacked on September 11, not unlike Pearl Harbor. We have been urged, I think, in our efforts to reach out to the American people.

I am saddened that we are today turning our back on the bipartisanship, on working together, in terms of doing our best that these times demand.

My colleague just pointed out the lunacy of the proposal that is brought before us, that is too big for the White House in economic stimulus. It has very little direct aid to those most in need. It has huge benefits for a few corporate giants, with no requirement that this be tied back to economic stimulus.

But my concern is why are we settling in this time of urgency for a return to partisanship and divisiveness? This bill is not our best. I urge Congress to not give up so soon.

POLITICAL PROFITEERING ON STIMULUS BILL

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the Republican-leaning USA Today writes about the so-called stimulus bill. They write, "The House takes up today a special wartime stimulus bill that is little more than good old-fashioned special interest giveaway. The Republican House has decided to repay corporate patrons for their years of campaign support. The House lavishes tax benefits," USA Today says, "on just about everyone with a lobbyist. Companies get 70 percent of the tax cuts in 2002, and some of these breaks are permanent. These are times," USA Today says, "that require everyone to put aside petty self-interest and everyday horse trading for the country's good. Yet House Republican leaders showed an unwillingness to do that with the refusal to consider federalizing the Nation's airport security system. Now they are at it again with their brazen attempt to use the current crisis to please well-heeled special interests."

Mr. Speaker, excessive partisanship at this difficult time in our Nation's history is bad enough, but this kind of political profiteering by House Republicans is down right shameful.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 8 of rule XX, the Chair will now resume proceedings on postponed questions, as follows:

First, on suspending the rules and passing H.R. 3162;

Second, on approving the Journal.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT) ACT OF 2001

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3162.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the house suspend the rules and pass the bill, H.R. 3162, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 357, nays 66, not voting 9, as follows:

[Roll No. 398]

YEAS—357

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (FL)

NAYS—66

Baldwin
Barrett
Blumenauer
Bonior
Boucher
Brown (OH)
Capuano
Clayton
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Dingell
Farr
Filner
Frank
Hastings (FL)
Hilliard
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kucinich
Lee
Lewis (GA)
McDermott
McGovern
McKinney
Meek (FL)
Miller, George
Mink
Mollohan
Nadler
Ney
Oberstar
Olver
Otter
Owens
Pastor
Paul
Payne
Peterson (MN)
Rahall
Rivers
Rush
Sabo
Sanchez
Sanders
Schakowsky
Scott
Serrano
Stark
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Woolsey
Wu

NOT VOTING—9

Abercrombie
Bilirakis
Burton
Clay
Cubin
Hansen
Hill
Kilpatrick
Young (AK)

☐ 1105

Mrs. MEEK of Florida and Messrs. OWENS, MOLLOHAN and SABO changed their vote from "yea" to "nay."

Ms. CARSON of Indiana, Mr. STUPAK, and Mr. COSTELLO changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BEREUTER. Mr. Speaker, on rollcall No. 398 I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. HANSEN. Mr. Speaker, on rollcall No. 398 I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CLAY. Mr. Speaker, due to unforeseen circumstances, I missed this morning's vote on the Journal and the vote on H.R. 3162, the PATRIOT Act of 2001. Had I voted, I would have voted "yes" on the Journal and "yes" on H.R. 3162.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional question on which the Chair has postponed further proceedings.

THE JOURNAL

The SPEAKER pro tempore. The pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 48, not voting 17, as follows:

[Roll No. 399]

YEAS—367

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas

Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)

Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—48

Baird
Borski
Brady (PA)
Capuano
Crane
DeFazio
English
Fattah
Filner
Gutknecht

Hastings (FL)
Hefley
Hilliard
Hinchey
Hulshof
Jackson-Lee (TX)
Kucinich
LaFalce
Larsen (WA)

Lewis (GA)
LoBiondo
McDermott
McGovern
McNulty
Miller, George
Moran (KS)
Oberstar
Olver
Peterson (MN)

Rahall
Ramstad
Sabo
Scott
Slaughter
Stark
Strickland

Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Visclosky

Waters
Weller
Whitfield
Wicker
Wu

NOT VOTING—17

Bilirakis
Blunt
Burton
Clay
Cubin
Goss

Harman
Hill
Kilpatrick
McCollum
Moran (VA)
Pickering

Schaffer
Skelton
Stump
Tancredo
Udall (CO)

□ 1117

So the Journal was approved.

The result of the vote was announced as above recorded.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3162, UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT) ACT OF 2001

Mr. LINDER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3162, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Georgia?

There was no objection.

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 270 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 270

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3090) to provide tax incentives for economic recovery. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) One hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

H. Res. 270 is a modified closed rule, waiving all points of order against consideration of H.R. 3090, the Economic Security and Recovery Act of 2001.

The rule provides for 1 hour of general debate in the House, equally divided and controlled by the ranking minority member and the chairman of the Committee on Ways and Means. It also provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted.

H. Res. 270 provides for the consideration of only the amendment in the nature of a substitute printed in the Committee on Rules' report accompanying the resolution, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The rule waives all points of order against the amendment in the nature of a substitute. Finally, it provides one motion to recommit with or without instructions.

Mr. Speaker, I urge my colleagues in the House to join me in approving this resolution so the House can move on to consideration of this stimulus package, arguably one of the most important legislative measures we will debate this year.

In light of the tragic events of September 11, 2001, along with more recent developments here in Washington, D.C., New York, New Jersey and Florida, observers are increasingly concerned about our Nation's economy going into a recession. Indeed, President Bush has called upon the Congress to quickly send him legislation that he can sign into law to avoid such a scenario. With all of these events in mind, it is imperative for the House of Representatives to take prompt action on legislation that will provide our economy with a jump-start, and H.R. 3090 does just that.

I wanted to commend the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), for bringing this package to the floor and doing so in a fiscally responsible fashion. As approved by the committee, H.R. 3090 provides hard-working American workers and businesses with roughly $99 billion in tax relief to help stimulate the economy in the first year, and only $159 billion over the next 10 years. Constructing the bill in this fashion will hopefully maximize its stimulative impact, while minimizing its long-term budgetary impact.

I urge my colleagues on both sides of the aisle to support the rule on this important stimulus package to ensure the economic security of our country.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with a sense of deep disappointment that I rise today, not because it is difficult to oppose this rule and this bill. Republican leaders have presented the House with a bill that is so partisan, so unfair to laid-off workers and so fiscally irresponsible that there is little doubt about the harm it would do to the economy, to Social Security and Medicare and to public health and other homeland security problems. A person could not write a more dangerous piece of partisan posturing if they tried.

No, Mr. Speaker, my deep disappointment today is with the fact that we are considering this bill at all. At a time like this, as Americans pull together to fight anthrax in the mail and to support our troops in Afghanistan, does anyone really believe we need more billion dollar corporate tax breaks? At a time like this as American cities cry out for bipartisan leadership, does anyone really believe we need more partisan posturing and politics as usual?

It does not have to be this way, Mr. Speaker. Over the past 6 weeks, Americans have pulled together to rebuild from the horror of September 11. Here in Washington, Democrats and Republicans strongly support the President and the men and women of the U.S. military as we wage this war against evil.

On the economy, we started off in the right direction. Democratic and Republican leaders joined the President in committing ourselves to build bipartisan consensus around an economic security package.

Unfortunately, Republican House leaders have today forgotten bipartisanship on the economy. Today they hope to ram through a bill that simply repackages a whole host of expensive tax breaks that Republicans have been pushing for years.

Mr. Speaker, one hardly knows where to start with this bill. It violates all the economic stimulus principles identified by the bipartisan leadership of the House and Senate budget committees. President Bush's Secretary of the Treasury called it "show business" for Republican special interest friends. One Washington lobbyist called it "a bag of goodies."

Mr. Speaker, America's economy is slumping now, but this bill provides precious little immediate stimulus. Instead, it hurts long-term economic growth by squandering the Social Security and Medicare Trust Funds and driving up long-term interest rates and families' credit card and home mortgage payments.

Hundreds of thousands of hard-working Americans have lost their jobs since September 11. Many laid-off workers do not get the unemployment assistance they need to take care of their families while they look for work, and many cannot afford health insurance after they lose their jobs.

This bill pretty much leaves laid-off workers and their families to fend for themselves. Instead, it provides a $20 billion tax refund to the biggest corporations in America, and it does it retroactively to 1986. Let me repeat, it provides $20 billion of tax breaks to the biggest corporations in America and does it retroactively to 1986. Shame on the other side of the aisle. Shame. It gives these corporations and corporations like them another $20 billion in tax benefits when they decide not to invest in the U.S. economy but keep their money abroad.

Finally, this Republican bill shortchanges America's homeland security needs to pay for special interest tax breaks. The first duty of the Government is the safety of the American people, and winning the war on terrorism will be expensive; but this bill would not make a single American more secure.

Instead, it spends $160 billion of Social Security money on tax breaks for corporations and special interests. Unfortunately, tax breaks will not pay for airport security or public health.

The truth is, this stimulus bill only stimulates special interests; and it does it by sacrificing Social Security, the economy and homeland security priorities. The truth is some Republicans believe the public is distracted by the war on terrorism and sees an opportunity to slip in a grab bag of special interest goodies that will neither stimulate the economy nor make a single American safer.

Mr. Speaker, the American people deserve better than that, and the Members of this House in both parties can do better than that.

We still have the opportunity to agree on a bipartisan economic security plan; and the Democratic substitute, which is based on the principles outlined by the Democratic Caucus Task Force on the Economy, was designed to serve as a basis for bipartisan consensus.

It is balanced, ensuring resources for homeland security priorities, critical assistance for laid-off workers, and direct economic stimulus like tax relief for those most likely to spend it, and it is fiscally responsible. Every dollar is paid for by freezing the top tax rate at 38.6 percent.

Our plan puts security first by setting aside $20 billion for immediate homeland security needs. Our plan ensures all laid-off workers have the unemployment insurance and affordable health insurance they need to strengthen families and stimulate the economy by putting money in the pockets of the people who need it most. It provides for 26 additional weeks of unemployment benefits. It provides for 75 percent of the COBRA costs of health insurance for 1 year for laid-off employees, something that Republicans do not even begin to do.

Our plan includes a holiday tax relief for the millions of Americans who pay taxes but did not receive a full rebate check and, in some cases, did not receive any rebate check earlier this year. These new rebate checks, $600 for couples, timed to coincide with the holiday shopping season, could give the economy a crucial shot in the arm.

It also includes meaningful tax relief for small- and medium-sized businesses. Short-term help, focused on encouraging immediate investment, will help jump start the economy without threatening long-term fiscal discipline.

Finally, our plan is fiscally responsible and paid for. So we protect America's long-term economic health and strengthen Social Security and Medicare. To win the war on terrorism and restore our economic strength, we have to pull together and share fiscal responsibility.

These should not be Democratic or Republican priorities. These are American priorities, and Americans deserve political leaders who work together to achieve them. Democrats are committed to doing that. It is my sincere hope, Mr. Speaker, that Republicans will join us in defeating this rule and this partisan bill Republican leaders have put together today.

□ 1130

We can get back to the bipartisanship that America deserves from us.

And let me say in conclusion, Mr. Speaker, the people on the other side of the aisle should be ashamed to show their heads in this Chamber today when they provide $20 billion of retroactive tax breaks going back to 1986 for the largest corporations in America. We should be providing unemployment benefits and health care benefits and jobs for the people who are suffering, not retroactive corporate tax breaks.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself 15 seconds to thank the gentleman from Texas for the generous and bipartisan spirit of his remarks and for his honesty in pointing out that the Democratic substitute is a spending program financed by tax increases.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I rise in support of the rule and the underlying legislation.

I think there are basically two competing views, and that is okay, that is the beauty of our country, that we can have different views and come to the floor of this House and debate them. One suggests that we raise taxes and thus raise spending to stimulate the economy. Personally, I do not support that.

I think the vast majority of the American people understand that the best way to stimulate our economy is to provide incentives to individuals and businesses to create more jobs, really harnessing the energy of the American people, the spirit of the American people. So on two levels this bill is the right thing to do because it reduces the top tax rate on individuals, thus providing incentives for people to go out there, work a little harder and keep a little more money from their paycheck, or a small business to keep a little more money in their small business, to create more jobs, to provide health insurance for their employees, to invest in the long-term prosperity of their operations.

On another level it is important for New Yorkers. This is a good bill for New York. We have seen what happened on September 11, and I want to commend my colleagues and the administration on the other side of the House for all they have done for New York; but we also saw in New York an unbelievable spirit that came forward. That is nothing new. There are those of us who believe that the American people have unbridled spirit and, when given the tools, they can achieve everything and anything. And that is what this bill allows to happen. It allows the American spirit to take hold.

In New York, we have to rebuild downtown Manhattan. Fifteen to twenty million square feet of office space needs to be rebuilt. This bill will allow that to happen by decreasing the leasehold improvement for tenants to 15 years. Normally a lease on commercial office space is 7 to 10 years; retail space 3 to 5 years. Current law is out of whack with that. This bill rights that and will provide incentives for the private sector to go into downtown New York and rebuild it as it will. This is the tool that will allow that to happen.

We also recognize that in New York we want to provide incentives to businesses to depreciate and expense their equipment, capital equipment, capital investments that are going to create more jobs. Now, it is one thing to have a view that more taxes is better and more spending is better, but if at any time this country needed a shot in the arm and a resurrection of the knowledge that the American people are the fruit and the root of prosperity, it is right now.

This bill, championed by the gentleman from California (Mr. THOMAS) and the Speaker, and supported by the administration, is right for New York, right for America, and right for this Congress.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I support the rule because the Committee on Rules was kind enough to give us a substitute so that it would give Republicans and Democrats an opportunity to really get off the political hook.

There is nothing more disgraceful during a time of war for people to take advantage of it and pull out old Republican tax cuts that are totally unrelated to the stimulus that the President asked for and that our leadership asked for. This bill that is coming up is the first time on this floor that we have deviated completely from the whole concept of bipartisanship. It is something that is just arrogantly brought to us, as other bills have been brought to the floor by the Committee on Ways and Means, without any consultation at all with the Democrats on the committee. It shows utter contempt for Democrats, utter contempt for the House, and in this particular case, utter contempt for the other body, since we started off on a bipartisan way with guidelines.

Those guidelines are that this is supposed to be temporary tax relief. This is not temporary. It was supposed to be no bigger than $75 billion over 10 years. This more than doubles that. It was supposed to be offset, which is the budget's way of saying it should be paid for, and even the budget chairman says it is not paid for.

This is a disgrace in terms of what it will do for long-term interest rates. It really throws a tax bonus to some of the largest multinationals in this country of some $25 billion, some receiving over $2 billion, one receives $1 billion, others receive $400 million, $500 million, and $600 million. My colleagues cannot justify this as building New York.

We want to have a stimulus for people to go out and spend, so we take the people from the lower income and we give them a decent unemployment compensation, and we help to pay for their health insurance. What do my colleagues do for those same people? My colleagues do not take care of airline security; they do not take care of the security of people in the United States. These are bills we are waiting for.

My colleagues can ram this through, but I think this time the train is going to hit a stone wall.

Mr. LINDER. Mr. Speaker, I want to thank the gentleman for his support of the rule, and I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding me this time; and, Mr. Speaker, I thank the ranking member on Ways and Means for rising in support of the rule, although we have some profound disagreements here.

Despite the tone of the rhetoric this morning, it is worth reminding ourselves that good people can from time to time disagree. And I suppose when we take a look at our Nation's economy, there is a question, a fundamental question about who we should trust to reinvigorate the economy. Should we trust small business and job generators that have proven time and again that our way to long-term prosperity is through job creation; or should we view the economy in a static stagnant mode where government is the answer of first and last resort? To hear my good friend from Texas on the Committee on Rules, it seems he envelops that vision. Somehow, to reinvigorate the private sector with economic stimulus, to make sure that funds are there to provide for new plant and new equipment and thereby reinvigorate the job market, that just does not compute in the vision we hear from the left.

Folks are entitled to their opinions. We believe, however, that the best way to reinvigorate our economy is to reduce taxes for everyone and at this time of national need to make sure that business has the funds to regenerate jobs. Rather than an inherent distrust or an effort to engage in class warfare, it seems to me that as our Nation is at war, we could do without a conflict on the home front. Good people can disagree.

This rule is sound. It provides the minority with their opportunity to offer a static stagnant finger-pointing approach that would somehow stand to accuse all American business of being less than civic minded. And that is certainly their philosophy, and they are entitled to it. But we, instead, opt for the notion that the American people, through saving, spending, and investing their own funds, whether on Wall Street or on Main Street or on your street, Mr. Speaker, can make the difference.

That is the underlying theme of our legislation. That is why I rise in support of this rule and the underlying legislation, because the American people, when left to their own devices rather than with the heavy hand of government, the helping hands of neighbor helping neighbor, business reaching out with job creation, that will make the difference both here at home and in our battles abroad.

For that reason, I ask the House to join us in supporting the rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds. The gentleman talks about small business. We all agree that small business should be helped. The retroactive tax cuts going back to 1986 include the following: General Motors, $832 million; General Electric, $671 million; IBM $1.424 billion; Ford Motor over $2 billion.

Certainly we want to help small business. The gentleman on the other side of the aisle wants to give retroactive tax cuts to the biggest corporations in America.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I rise in opposition to the rule.

I would also comment that the speaker from Arizona just talked about class warfare, something that Republicans love to talk about; but in fact, it is Republicans who commit class warfare on this floor every day by giving tax cuts to the rich over and over and over again and give so little to workers. All we do as Democrats is point out the fact that Republicans are committing class warfare.

If you are a major corporation, this legislation is for you. But if you are a laid-off worker, if you do not have health insurance, this bill is woefully inadequate. The GOP bill gives damn near everything to many of America's largest corporations, to the tune, as the gentleman from Texas (Mr. FROST) pointed out, of hundreds of millions of dollars to each of these many corporations and so little to those who actually need help.

We all know and we all celebrated and honored the heroes of September 11, and celebrated and honored those victims of September 11, those people who gave their lives in the rescue efforts. However, this bill has forgotten the victims all over the country, the victims of this recession, the victims of all that has happened prior to September 11 and since September 11.

The Republican bill has nothing for health insurance, for instance, for family members who are left behind after the September 11 tragedy. The Republican bill sends none of the money for health insurance directly to laid-off workers, to people who have lost their insurance. The money goes through the States. And who knows how much of it actually ends up for health insurance for those workers that were laid off.

The Republicans know that only a little bit, only a few hundreds of millions of dollars labeled for health care, will really provide meaningful health insurance. It simply is woefully inadequate. It is one-eighth the amount of money we put into health insurance in the Democratic bill.

The Democratic bill understands that sometimes COBRA is a cruel hoax. People lose their jobs and then simply cannot afford to pay the extra two and three times the amount for health insurance that they were paying before. The Democratic plan takes care of COBRA by giving a 75 percent subsidy, takes care of Medicaid to those workers that have lost their insurance.

The Republican bill does not seem to care because they are preoccupied with paying off their corporate contributors.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, the oldest trick in Washington is that if you disagree with somebody, impugn their motives, do not attack their policies. That is what we hear on the floor today. Motives are being impugned. All of this talk about giving corporate contributors back their money, those kinds of things, it is just ridiculous and it is a shot to the motives of this Congress.

Mr. Speaker, let us bring this issue back to where it belongs, and that is the fact that we have 7.8 million in America today without a job. We are going into a recession. Now, the problem we have is we need to get people back to work. That is what we are trying to do. The whole entire purpose of a stimulus package is just that, stimulate the economy, get people back to work.

So while some in this Chamber are talking about how to make unemployment a more tolerable position, how to make it something that is easier, what we seek to do in this package is to stop unemployment, to get people back to work. What we are trying to do is to recognize what brought us to this recession in the first place. It was a decline in investment.

When investment dried up in this country, for instance, a 72 percent decline in venture capital, a 50 percent decline in small business financing, a credit crunch that is covering America, when that happened, layoffs began to occur. Then, when people were losing their jobs, when their neighbors around them were losing their jobs, people stopped spending money in the economy.

□ 1145

Mr. Speaker, what we are trying to do is give people job security back. The goal of this bill is job retention, job creation through economic growth. We will not see a rebound in consumer confidence with more rebates. We will see a rebound in consumer confidence if people get their jobs back. People are not going to spend their money if they have lost their job or are afraid of losing their job. People will spend money if they have a job and know that they will keep their job.

The goal of this bill is to grow the economy and let people get their jobs back. Do not believe the hype. I urge passage of this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, there has been a lot of rhetoric about motives. There are 7.8 million unemployed people, and this bill will give them less than $6 billion while it gives $25 billion to the largest corporations in this country. Ford and General Motors alone will get more money than all of the money spent on health care to those 7.8 million people. Chrysler and IBM alone will get more money than the unemployment increase, the increase in unemployment benefits, to those 7.8 million people.

The entire bill gives more money to 100 corporations, over $25 billion, than it gives in rebates to 30 million people in unemployment benefits and health care to 7.8 million people. It gives less than $20 billion, less than 20 percent to all middle and lower class Americans, and it gives 25 percent to just these 100 corporations.

Mr. Speaker, Members must make their choice. Do Members think that Chrysler and General Motors and IBM will do more for the unemployment, or will increasing the health care benefits for the unemployed do more?

Mr. MATSUI. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from California.

Mr. MATSUI. Mr. Speaker, I am astonished in hearing all this because here we are going to give $8 billion to about 13 corporations, if Members include Ford, which will get $2.3 billion. This is Social Security money. This is payroll tax money that the average American has contributed thinking it is going to go for retirement benefits. We are going to take that payroll tax money and give it to corporations? Is that my understanding of what the gentleman's analysis is?

Mr. STARK. Mr. Speaker, I ask the gentleman, is that not correct? This money will all come out of the Social Security Trust Fund. Not only will people get very little, but they will pay payroll taxes to bail out Chrysler and General Motors.

Mr. MATSUI. Mr. Speaker, I find it astonishing. Perhaps Members think we will not be hearing about this because of the anthrax scare. The reality is Americans are going to find out about this. This is so outrageous the American public will find out about this.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. McCRERY).

Mr. McCRERY. Mr. Speaker, the previous speaker implied that all of the AMT relief is going to go to 100 corporations. That is a little bit short. It is actually 17,000 corporations that will benefit from the repeal of the AMT in this taxable year, and a refund of the credits. I want to make sure that Members do not think that all of the $25 billion for AMT relief is going to a few corporations. 17,000 corporations in this country will benefit from that. The average benefit will be about a million dollars. That should clear that up.

Mr. Speaker, I would like to yield to the gentleman from Florida to correct a misstatement that has been made.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from Florida.

Mr. SHAW. It seems like when somebody is starting to lose the argument around here, they start yelling about the Social Security Trust Fund. I would challenge any Member to come to the floor and explain how we are dipping into the trust fund. The trust fund is there. It is solid. It has the treasury bills in it.

The Social Security surplus which goes into the general fund, part of that is being used, just as the Democrats did for over 30 years, because we are in a time of economic stress and we are in a time of a war footing. I think both parties will agree that in these particular times of stress, as long as we do not touch the trust fund, the surplus is out there and we can no longer use all of it to reduce the debt as we had been doing prior to September 11.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, we are using Social Security money, payroll tax money that people think is going to be going into a trust fund for their retirement to pay essentially 13 corporations about $10 billion. There is no way to deny that.

The gentleman who just spoke 2 years ago voted for the lockbox that was supposed to preserve that money and put that money aside to protect Social Security. How can the gentleman now deny his own vote?

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the ranking member of the Committee on Rules for an opportunity to be heard.

Mr. Speaker, I am so happy that the American public is smarter than many people think that they are. I am so happy that the American public understands that when the airlines got paid, the workers did not get paid, and we are still waiting for the workers to get paid. I am so happy that the American public understands that we still have not put any more security into the airline situation, and we are flying without greater security.

Mr. Speaker, I am so happy that the American public understands that if we are talking about saving industries, why is the steel industry not in the bill for economic stimulus? I am happy that the American public understands that 26 steel companies are in bankruptcy currently, and there is no provision. Talk about saving jobs, what about the steelworkers who built this country. Think about it like this. In fact, there are steel companies that are in bankruptcy, and maybe in the United States we will not even be able to use the steel that is processed in the United States to rebuild our country. I am happy the American public understands.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I am searching on the Democrat side of the aisle for some Members from Michigan. I hope they are going to come to the aid of Ford Motor Company and General Motors.

When we had the discussion on CAFE standards, I know they were most vociferous in protecting Detroit. Today, while this attack is being leveled at Ford and GM, nary a word comes from Michigan. I await their arrival to hopefully shed some light for Members on this floor regarding the horrific layoffs that are occurring in the companies that they mention.

I love Members using big names and big corporate people as ways to have an argument here on the floor on tax policy.

Mr. Speaker, I remember a gentleman from Tennessee that ran for office, the highest office in the land, and the reason he lost, class warfare, pitting one against the other. Picking winners and losers, deciding who is entitled. I love that about this party. I love the Democrats because they get up here on the floor and try to obfuscate the facts that are in this very good bill by the Committee on Ways and Means.

They do not talk about welfare-to-work tax credit extension. They do not talk about qualified zone academy boards, which was pushed by the ranking member of the Committee on Ways and Means. They do not talk about work opportunity tax credit. They do not talk about $11 billion in interest-free financing for school construction. They do not talk about these things because these affect average Americans. These help our communities and neighborhoods. These help the most unfortunate who are losing their jobs.

No, let us roll out the charts. Let us pick on big corporate America because that way Members can rally the forces of those in their communities who side with labor and other interest groups in this Capitol.

Mr. Speaker, I do not want to start that class war rhetoric. The gentleman from Tennessee I mentioned has a nice time walking around the country, not as President but as a former candidate, because he decided rather than unite he would divide. He would determine who is lucky and who is not.

As a Republican, I am proud of the bill we are offering. It covers all Americans, and it will help lift the economy.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I want to turn the debate in a different direction. I met with a number of people in the State of Maine, which I represent, the other day. They were concerned about all of the added costs that the State and the municipality were incurring as a result of their efforts to respond to terrorism. State revenues are declining because of the reduced economy and State expenses are going up.

But this bill from the Committee on Ways and Means will further reduce State revenues by $5 billion in each of the next 3 years because the tax systems of so many States are tied to changes in the Federal Tax Code, a reduction in State revenues of $5 billion. How will Members from New York and California, which are both facing $9 million deficits, say to their folks back home about what they are doing to reduce State revenues even further? In Ohio, Florida, New Jersey, and Michigan, in those States a billion-dollar deficit is going to be made worse by this bill.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, September 11 changed America. It displaced many workers, and a lot of those workers are hurting, and they will be helped by this Congress in incremental fashion.

I do not think that the terrorists realized the economic impact they would have; but they did not win because Congress stood together and stood tall to defeat terrorism. But what we see today is an unraveling of that, and we see now the partisanship crawl back in with the class warfare which I believe divides America. The Democrats, who want to talk about Social Security, let us look at 50 years of Democrat leadership where those problems were manifested. That is a fact. Let us all take care of it.

Mr. Speaker, there is one bottom line here. Without an employer, there is not an employee. Without a corporation, they are not dirty words. This is in fact free enterprise.

Yes, these companies need a stimulus. This is not a perfect bill. Tell me one that is. But I am going to vote for the rule. I am going to vote for the bill. I am hoping in conference there will be some other adjustments. But this bill overall is a stimulus, and that is what it is about.

Today's debate is not about this bill. Today's debate is about who is going to be in control of the House of Representatives. This is not the time, when America is under attack, to decide through politics which party is going to control. Now is the time to control our country. Now is the time to provide that stimulus and incentivize our corporations, our companies, our employers. I will tell Members what, without an employer there is not an employee. Without a job there is no family.

Yes, there may be some better ideas; but quite frankly, this is a good bill. It should be supported by all. I want to say one last word: Let it go, Louie. Let it go with this class warfare business. It hurts America. This is an important bill, as important as any we have dealt with that deals with terrorism. We are defeating terrorism. Let us keep up our record.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, 7 weeks after the unspeakable terrorist attacks against our Nation, the country and Congress do face serious challenges. A first priority must be to ensure the safety and security of our airlines. The Senate passed a comprehensive airline security bill by unanimous vote. It is unconscionable that this House has failed to act. Ensuring airline safety is not only important to the security of our citizens, but it is a critical component to our economic recovery.

Mr. Speaker, how can we even consider an economic stimulus package that does not include direct assistance for the nearly half a million American workers who have lost their jobs as a direct result of September 11. The unalternative bill, which I support, would extend unemployment and health care benefits for these employees.

□ 1200

Instead of these priorities, securing our airways and helping laid off workers, the bill before us is a collection of inappropriate tax measures. It will not help our economy in the short term and it will hurt us in the long term.

Mr. Speaker, I have voted for tax relief time and time again. This package favors special interests, not the public interest. I urge my colleagues to defeat this rule and this bill.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, we have just heard from the previous speaker about the airline safety bill. We are working very hard on that. Unfortunately, that is not the bill before us on the floor today. The Economic Security and Recovery Act is the bill that we are discussing today and it contains some very important features. I just want to say that I am delighted by the acceleration of income tax cuts that appears in this bill. This means that people who are working all over the country will see an immediate drop in their withholding tax. That will provide them more dollars they can use for whatever they wish to spend that money on.

I am also very pleased with the reduction in capital gains. Effectively capital gains rates fall from 20 to 18 percent immediately. This means more unlocking of assets, it allows for the sale of assets at a lower tax price, and eventually more assets being turned over means more taxes paid to the government, so it actually brings in revenue rather than cost revenue.

But what I am particularly interested in, Mr. Speaker, is the amount of money that this bill includes for people who are dislocated. These are workers who have lost their jobs all over the country, not workers in one particular line of work but people from the Boeing Company in my neck of the woods, for example, where we are due to lose about 30,000 jobs over the next year and people from the Nordstrom Company where we are due in our area to lose 900 workers and people from all kinds of industries that were touched by what happened on the 11th of September.

This bill that we have worked on with great sensitivity, Mr. Speaker, contains $12 billion in dislocation dollars to help people who are unemployed as a result of 9/11. $9 billion of that money goes directly to States in the form of block grants to be administered locally through the offices of the governors, Republicans and Democrats alike, to go for training, for unemployment extension, for whatever it is that their State needs this dislocation money for. An additional $3 billion goes to the States in the same form, through block grants, to cover health care premiums.

This is a very good way to do business, Mr. Speaker, because it does not, as in the Democrat substitute, merely meet the needs of the COBRA plans, which can be terribly expensive plans but it allows for more options. And so you are going to see people enrolling in the CHIPs program or Medicaid or whatever the programs are that are offered in their States, and the governor will have the influence and the ability to help to subsidize these programs.

The third thing that is done to help dislocated workers, on a short string no doubt, because it phases out the end of next year, is to be able to use their pension funds, their private pension funds, their retirement accounts, for a short period of time but without the 10 percent penalty that is paid now if you take out those funds before the time.

We have done great thought on this bill. It contains a number of tax relief provisions, but these provisions are worth a huge amount of money. In my State alone, $256 million goes into Washington State to help workers who are dislocated. I urge my colleagues to support this bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the American public understands what it means to steal from a dying man. The economy in this Nation is dying and this stimulus package steals from a dying economy. This is not divisiveness and partisan politics. This is democracy in reality. This is bringing to the attention of the American people the tragedy of this bill.

Let me tell you why. Stimulus means an infusion of dollars into the economy that will drive the economy—help for the short term! The Republican bill gives permanent relief, permanent removal, permanent elimination of the corporate alternative minimum tax which continuously uses and puts into corporate pockets billions and billions of dollars, $20 billion now and it is even retroactive back to 1986.

I believe in giving relief, but this is stealing from a dying man. Permanent reduction in corporate capital gains tax, stealing from a dying man. No new benefits to laid-off employees for 6 months, flies in the face of our responsibility to secure the American people and get people back to work and provide support while they are looking for work.

What does the Democratic package do? It gives relief to employees, from 13 to 26 weeks additional. It helps part-time workers. It increases the weekly benefit. This is not divisiveness, my friends. This is responsible legislative action. Eight billions being taken from the economy and none of those billions given for securing the American homeland.

Throw out the Republican stimulus package and support the Democratic stimulus package to give the working people of America a real stimulus package that helps put real dollars into the American economy rather than steal from a dying economy.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. McCRERY. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Louisiana.

Mr. McCRERY. I thank the gentleman for yielding.

Mr. Speaker, a few minutes ago I rose to correct a previous speaker who said that only 100 corporations would benefit from the AMT repeal. I said 17,000 would. Actually it is 23,000 corporations that will benefit from the repeal of the AMT. 17,000 refers to the number of corporations who will benefit from the redemption of the credits.

Mr. PORTMAN. I thank my colleague for correcting the record on that.

We are going to hear a lot of angry rhetoric on the floor today. We are even going to hear a healthy dose of class warfare. In fact, we already have. I think it is very important to keep in mind something very simple, which is that this package is designed to keep jobs. It is designed to enable people to keep good jobs and to keep companies from laying people off. It is to get this economy back on track. That is the simple truth about this legislation. It reflects the good thinking of a lot of people, a lot of economists who have come before our committee and have talked to us as individual Members. It reflects the thinking of the people in the trenches who actually make the decisions as to whether to hire and fire people. These are small businesspeople and large businesspeople alike. It is legislation that is designed to ensure that the economy is not a casualty of the terrorism that hit this country on September 11. It is also legislation which enjoys the support of the Bush administration.

The Treasury Department strongly supports it. Read the statement of administration policy. Their economists, their folks who are following the economy, believe this is the right thing to do to get this economy back on track.

The legislation sparks the economy by putting more money in the hands of people. We have already talked about that some today. It also focuses on incentives to work and invest. It provides tax relief for individuals by allowing families who are middle-income taxpayers to get the tax relief which we passed last spring but a little bit faster, 4 years quicker. It also allows people who did not get any tax relief with the checks that went out in August and September and this month, by enabling people who do not have any income tax liability to get checks for $300, $500 and $600. It also helps to create jobs and that is a very important part of this legislation.

The package focuses on the alternative minimum tax. This has been discussed today. I want to make a couple of things clear about the AMT. First, over the years this has been something that Democrats and Republicans have agreed upon. In fact, back in 1997, a Democrat President signed legislation which eliminated the AMT for some companies altogether and reformed the AMT in other very important respects. Why? Because the alternative minimum tax has a negative impact on our economy. Think about it. It is a minimum tax that is in place that corporations are asked to pay when they take legitimate tax preferences in the code that all of us put into the code. When does it happen? It happens during economic down times, exactly the time when corporations cannot afford those taxes and, therefore, lay people off.

The data is out there. During the last big recession, 1989–1990, half of America's companies fell into AMT and laid off workers as a result. It is directly related to stimulus. It is directly related to increasing jobs. The gentleman from Louisiana just said 23,000 companies would benefit from this because they are in the AMT situation. Let me tell you one. I saw a chart up here earlier about the Ford Motor Company. Ford Motor Company laid off 4,500 people last month, including in my district. These are companies that need the help now in order not to lay people off.

It is also not a retroactive tax. The gentleman earlier said we should be feeling ashamed. He should feel ashamed for not understanding how this works and how he is misinterpreting it for the American people today. It is not a retroactive tax break. It is allowing them to use tax credits they have built up legitimately through the code. What are you going to do, take those take credits away? I wish we had more time to engage in that discussion, but for purposes of today's debate it is important to set the record straight. This is not retroactive tax breaks. This is about allowing the companies to use the credits they have rightfully built up, and it is about jobs. The Democrat alternative has increased spending and increased taxes. Our approach says we believe that new spending is not the answer to our Nation's problems right now.

The way to get this economy back on track, we believe, is by tax incentives. That is a difference in philosophy, a difference in opinion. I strongly support the rule and strongly support the underlying legislation to keep and retain good jobs in this country.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding time.

Mr. Speaker, I would point out that the United States of America is the only industrialized nation on the planet Earth who cannot produce enough steel to meet its own needs. The word "war" has been mentioned frequently this morning on this floor and I would point out it is those specialty steels made by the domestic steel industry that are necessary for those nuclear attack submarines and those armored vehicles. Unfortunately, we have an industry in stress. Edgewater Steel in Pennsylvania has ceased operations. Great Lakes Metals in Indiana has ceased operations. Trico Steel in Alabama has ceased operations. CSC Ltd. Steel Company in Ohio has ceased operations. Northwestern Steel & Wire in Illinois has ceased operations. Laclede Steel in Missouri has ceased operations. Al Tech Specialty Steel in New York has ceased operations.

The gentleman from New York (Mr. QUINN) and I went to the Committee on Rules yesterday to ask for $2.4 billion over 3 years to allow this vital industry to consolidate and save itself. We were turned down, but IBM gets $2.3 billion. Vote "no" on the rule.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I rise in strong support of the rule, but I would like to acknowledge the fine work the gentleman from Indiana (Mr. VISCLOSKY), who just spoke on the floor, has done on behalf of steel.

I think there is a need, though, to correct the record. There has been an impression provided here that somehow this stimulus package overlooks the problems in steel, but let us look at the specifics. Bethlehem Steel, which has just declared bankruptcy, under this bill would receive $35 million in AMT relief, it would receive relief on its NOLs, and it would receive benefits from cost recovery reform. They are still trying to pour money, pour capital into improving their facilities. They have to to survive. This would assist them and steel companies all over the country.

The gentlewoman from Cleveland had brought up her concern about steel. LTV would receive $46 million in AMT refunds under this bill. They have $1 billion in NOLs hanging out there and they would also benefit from cost recovery reform.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, I rise to ask Members to vote "no" on the previous question, bring up the aviation security bill, reject the Republican tax cut bill and support the Democratic alternative to strengthen our economy.

The Republican tax cut bill is disappointing for two important reasons. First, while it is important to pass legislation to strengthen our economy, it is more pressing today to pass a strong airline security bill to put this responsibility in the hands of Federal law enforcement officers. This is the people's highest priority. Congress and the country should take action on this priority today.

Millions of Americans witnessed what happened on September 11. They watched as hijackers with hate in their hearts smashed two planes, full of innocent civilians, into the Twin Towers. They heard about what happened in Pennsylvania and in the Pentagon, and they are resolved that we do as much as we can to make sure that what happened on September 11 never happens again.

□ 1215

It has been 6 weeks, 6 weeks, since this happened. We were able to get on the floor in a matter of days with a bill to cap the liability of the airlines. I supported that bill. I thought it needed to be passed quickly. But I also thought that simultaneously we should be passing a bill on airline security and a bill to help the unemployed workers of the airlines that have been partially out of business in the last 6 weeks.

It is unexplainable to me that we could be here 6 weeks after this event and not have an airline security bill on this floor long ago. I plead with my friends in the other party to put that bill on the floor today or tomorrow.

Let us not leave this week with passengers and flight attendants and pilots worried about security.

We have got to do it. I have been on flights to St. Louis. You have discussions going on with people on the plane trying to figure out who is going to be the vigilante committee to take care of security on the plane if something happens. It is unacceptable to leave here this week without doing this bill.

I do not know who is going to win. I have my views, the gentleman from Minnesota (Mr. OBERSTAR) has his views, the gentleman from Alaska (Mr. YOUNG) has his views. On the other side, others have different views. I do not know who is going to win. Let us just put it up. Let us see who prevails. Let us let the House work its will.

Well, the other issue is what to do about the employees, and I just urge Members to understand that this stimulus bill is the wrong bill with the wrong provisions at the wrong time. People who lost their jobs as a result of September 11 are today worried about two things: one, where are they going to get the money to support their families, to pay their lease or their rent or their mortgage payment? How are they going to afford food and clothing, and how are they going to afford health insurance, which is their great need?

This Republican bill does not help them. It does not help them as much as they deserve to be helped. In fact, it does almost nothing for them. It sends money to the States without clear direction of how the money should be spent. It could be used for other things in the unemployment system. And there is not enough to really help people with the greatest need they have, which is COBRA, to be able to continue their health insurance.

This bill is a giant tax giveaway to the largest corporations and the wealthiest; it violates the principles to which the bicameral bipartisan budget leaders agreed; and most egregious in my view, is that almost all the assistance goes to the big givers and special interests. It gives 86 percent of the total benefits to special interests that do not need the help. It permanently repeals the alternative minimum tax for corporations. It gives immediate refunds to companies that paid this tax as far back as 1986. That is $21 billion in total refunds and $5.5 billion to eight of the largest corporations in America.

Now, we did the airline bill that gave billions of dollars that were needed for the airlines that were on the ground. I guess now we are going to come back and make sure every large corporation in the country gets billions of dollars.

It contains a permanent reduction in the capital gains tax to benefit again the top 2 percent of income earners. It accelerates tax rate cuts, but the break does not help 75 percent of the people who pay income taxes. The workers who have lost their jobs get bread crumbs from this bill. This bill gives $9 billion to Governors to spend on unemployment, but CBO estimates that only $1 billion or $2 billion will go to the people who really need the help.

The Republican bill is an effort, in my view, to fulfill a wish list of special interests who line up in these halls to lobby for more tax breaks and more tax giveaways.

I urge my colleagues to consider our alternative. Our bill reflects the values that we agreed to with our budget leaders a few weeks ago. It puts money in people's pockets quickly, it focuses the help on those who need it most, and it will make a positive difference in the lives of millions of people.

What happened 6 weeks ago was the worst thing that has happened in our country in my lifetime, and what has followed every day has been another kick in the teeth to our country and our people. I want us to fight back. I want us to win this fight against terrorism. But we will not win this fight against terrorism if we do not stick together, believe in one another and help all of the people in as equal and fair and equitable fashion as we can.

We need our workers who are out of work to be with us every step of the way, with their corporation employers and with their community leaders. We need to be bound together as brothers and sisters in the greatest challenge that this country has ever faced. I just urge Members to understand that this bill is not consistent with that value and that sentiment.

I plead with Members to vote for our alternative. Let us help everybody. Let us bring America forward together.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, about 3 weeks ago I convened a group of economists, venture capitalists and investment bankers at home; and we had a private discussion about economic stimulus. After about an hour and a half of discussion, the conclusion was that there will be an incredible temptation on the part of Congress and of this government to take some relatively unhelpful steps which may do us damage in the long term.

There is a lot of economic stimulus in the pipe already. But if you are going to take some steps, if you are going to take some steps, encourage short-term consumption, encourage long-term investment.

Yesterday, I brought up a series of amendments in the Committee on Rules, one to return $500 to every household in America, $800 to heads of household, a second one to encourage investment in education and human capital, and a third one to bring the capital gains rate to zero for true risk taking and true long-term investment.

The bill we have before us is the bill that the economists were afraid of, the temptation to do something, and do something wrong. Please vote against the rule and against this bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), a member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, on October 4 the Committee on the Budget principals, with OMB concurring, laid down principles for economic stimulus. We now have before us the Economic Security and Recovery Act, and it breaches all of those principles.

It does little to help the economy recover. It does even less to help those this recession will hurt. This bill consists mostly of corporate tax cuts that were originally intended as Round Two of the President's tax agenda, now relabeled as tax relief for an ailing economy.

This bill bends over backwards to help corporate taxpayers; yet it barely stoops to help unemployed Americans. The total impact of this bill on the budget is $275 billion over 10 years when interest is added; and of this $275 billion total, all of $6 billion at most is made available to assist the victims of this recession, the unemployed. By contrast, there is $21 billion in tax relief for multinational holding companies.

This bill not only ignores the bipartisan principles, it repeats all the mistakes of the first Republican budget. It leaves no margin of error in case this recession is deeper and longer than projected. It makes no room for anything else, other than tax reduction, as if there were no more defense increases coming, no homeland defense, no farm bill, no natural disasters to pay for. It repeals the corporate minimum tax, but assumes that the individual AMT will go on and on.

When we laid down those principles 2 weeks ago, what we tried to do was provide for short-term stimulus and long-term discipline, and this bill is miles off that mark. We started this year with a surplus projected over 10 years of $5.6 trillion. By mid-August that surplus had been cut to $3.4 trillion. By bipartisan revision it now stands at $2.6 trillion. This bill will take it down to $2.3 trillion. That means in less than a year we have cut the surplus by more than 60 percent.

This is another step down a slippery slope that will do little for the economy but wipe out what is left of the surplus.

Mr. LINDER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, one thing that is pretty constant around here is that when we have debate on the rule, no one really talks about the rule. My friend, the gentleman from New York (Mr. RANGEL), I think he said it best. He said he is going to support the rule, because it gives the Democrats an even shot. It gives them an equal amount of debate, and it gives them a straight shot at their bill. I think that is a good thing, and I think that shows the bipartisanship that is existing under this particular rule.

But when you start hearing about all of this money going to these corporations and big businesses, that is where the jobs are. There is a basic difference between the Democrat bill and the Republican bill. The Republican bill believes in the preservation and creation of jobs.

We hear about the amounts going to these big corporations. Let us look at the layoffs. IBM has had 1,500; Ford has had 4,500; General Electric has laid off 35,000 people. I am just talking about the last couple of months. Chrysler has laid off 19,000. It goes on and on. United Airlines, 20,000; American Airlines, 20,000.

These are real people who want their jobs. They do not want a handout; they want their jobs.

Support the Republican bill and turn down the Democrat alternative.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. BORSKI).

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, any economic stimulus package we should consider should have a major transportation infrastructure component. Unfortunately, the underlying bill, the Republican alternative, does nothing for environmental and transportation infrastructure. We should be providing for infrastructure investment to enhance the security of our rail, environmental infrastructure, highways, transit, aviation, marine transportation, economic development, water resources and public buildings.

Mr. Speaker, let me remind all of my colleagues that every $1 billion invested in transportation infrastructure creates over 40,000 jobs. If we want to put people back to work, if that is the biggest problem in our country, we should be looking to rebuild America first. We should do that by opposing the Republican bill and voting for the Democratic substitute.

REBUILD AMERICA: FINANCING INFRASTRUCTURE RENEWAL AND SECURITY FOR TRANSPORTATION (REBUILD AMERICA FIRST) ACT (FOR INFRASTRUCTURE INVESTMENT AS PART OF THE ECONOMIC STIMULUS PACKAGE INTRODUCED BY REPRESENTATIVES BORSKI, COSTELLO, OBERSTAR, AND OTHER TRANSPORTATION AND INFRASTRUCTURE COMMITTEE MEMBERS)

Provides $50 billion for infrastructure investment to enhance the security of our rail, environmental, highway, transit, aviation, maritime, water resources, and public buildings infrastructure. By leveraging Federal infrastructure investments, the ten-year cost to the Treasury is less than $32 billion. $50 billion of infrastructure investment would create more than 1.5 million jobs and $90 billion of economic activity. Each $1 billion invested in infrastructure creates approximately 42,000 jobs and $2.1 billion in economic activity.

Priority shall be given to infrastructure investments that focus on enhanced security for our Nation's transportation and environmental infrastructure systems. The bill specifically requires that recipients of these Federal funds (e.g., states, cities, transit authorities, airport authorities, etc.) certify that they will first dedicate these funds to meeting the security needs of their systems.

The bill also requires these funds to be invested in ready-to-go projects. The bill requires funds to be obligated within two years.

Finally, the bill includes a maintenance of effort provision to ensure that recipients continue their current investment levels, particularly with regard to infrastructure security. It also allows recipients an extended period of time to meet their state and local match requirements.

RAIL—$23 BILLION

(Estimated 10-Year Cost to the Treasury—$8.5 Billion)

Provides for the issuance of $15 billion in tax-credit bonds for construction of high-speed rail systems in corridors selected by the Secretary of Transportation (version of H.R. 2329, as introduced).

Provides $3 billion for capital investment for Amtrak.

Provides $500 million in direct grants and grants to provide the credit risk premium for $5 billion in loans and loan guarantees for freight railroad infrastructure projects under Railroad Rehabilitation and Improvement Financing program (RRIF) (version of H.R. 1020, as reported). Include technical corrections to improve RRIF program.

ENVIRONMENTAL INFRASTRUCTURE—$8 BILLION

(Estimated 10-Year Cost to the Treasury—$8 Billion)

Provides $6.5 billion to construct, rehabilitate, and restore the Nation's wastewater and drinking water infrastructure through the existing State Revolving Fund (SRF) programs, including $5 billion for the Clean Water Act SRF and $1.5 billion for the Safe Drinking Water SRF.

Provides $1.5 billion for wet weather overflow grants for planning, design, and construction of treatment works to address combined sewer and sanitary sewer overflows (authorized by P.L. 106–554).

HIGHWAYS—$7.4 BILLION

(Estimated 10-Year Cost to the Treasury—$5 Billion)

Provides $5 billion in additional authority for highway capital investments, distributed to states pursuant to the TEA 21 formula. Funds provided from the Highway Trust Fund.

Provides $2.4 billion of carryover authority for loans, loan guarantees, and lines of credit for highway, transit, intermodal, and high-speed rail projects under the Transportation Infrastructure Finance and Innovation Act (TIFIA) program, as authorized by TEA 21.

TRANSIT—$3 BILLION

(Estimated 10-Year Cost to the Treasury—$3 Billion)

Provides $3 billion in transit formula grants, distributed to states and cities pursuant to TEA 21 formula. Funds provided from the Highway Trust Fund Transit Account and General Fund.

Increases the maximum tax-free transit/vanpool fringe benefit from $65 to $175 per month, equal to the current tax-free benefit for parking (H.R. 318, as introduced).

AVIATION—$3 BILLION

(Estimated 10-Year Cost to the Treasury—$3 Billion)

Provides $2.055 billion for discretionary airport improvement program (AIP) grants to enhance airport security and capacity; and provides $945 million for FAA Facility and Equipment security enhancements including the purchase and installation of explosive detection equipment and the hardening of security at FAA towers, tracons, and en route centers. Funds provided from the Aviation Trust Fund.

MARINE TRANSPORTATION—$2.5 BILLION

(Estimated 10-Year Cost to the Treasury—$600 million)

Provides $500 million to port and terminal operators to enhance port security and efficiency by financing infrastructure investment, updated security enhancements, and port-wide tracking systems.

Provides $100 million to Title XI loan guarantees to finance $2 billion of construction of U.S.-flagged ships used in the domestic commerce of the United States.

ECONOMIC DEVELOPEMENT—$1.3 BILLION

(Estimated 10-Year Cost to the Treasury—$1.3 Billion)

Provides $1.3 billion in grants to economically distressed communities for economic development infrastructure projects, through the Economic Development Administration ($900 million), Delta Regional Authority ($200 million), and Appalachian Regional Commission ($200 million).

WATER RESOURCES—$1.2 BILLION

(Estimated 10-Year Cost to the Treasury—$1.2 Billion)

Provides $1.2 billion for the Army Corps of Engineers to carry out construction, operation, and maintenance activities for authorized civil functions of which not less than $263 million will be available for security purposes at critical infrastructure facilities as identified by the Secretary of the Army.

PUBLIC BUILDINGS—$600 MILLION

(Estimated 10-Year Cost to the Treasury—$600 Million)

Provides $500 million to enhance the security of federal buildings and provide additional funds for the repair and alteration of federal buildings. Funds are deposited in the Federal Buildings Fund. Provides $50 million to the Kennedy Center and $50 million to the Smithsonian Institution to enhance the security of and make other capital improvements to these federal facilities.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the rule, and I also rise in support of President Bush's request to pass the Economic Security and Recovery Act legislation before us today.

In the Committee on Ways and Means, we called in some respected economists, both from the left and right spectrums, and asked their advice. Pretty much the common message we received from the economists was to get the economy moving again was, of course, to reward investment and get some extra spending money out there for consumers.

The legislation before us today accomplishes that goal. Let us look at what is in the bill. This legislation helps low- and moderate-income workers, 34 million low- and moderate-income workers; $300 stimulus payment for singles, $600 for a married couple filing jointly, $500 for head of household. We help the middle class by lowering the 28 percent rate bracket to 25 percent, effective immediately.

The bottom line is we put extra spending money into the economy. If we act quickly, those stimulus payments could be in pocketbooks before Christmas.

This legislation also rewards investment. Let me give an example, one sector of our economy, the technology sector. We have seen because of a reduction of almost 50 percent in investment in the technology sector, a loss of almost 400,000 jobs in computers and telecommunications and other key parts of this technology sector of our economy.

□ 1230

The technology sector tells us, as we talk with them and listen, that along with trade promotion authority this economic stimulus package are the two most important votes that we will be casting to benefit them.

The question is, who benefits when we reward investment in computers and telecommunications? Of course, the workers do, the workers who make computers and telecommunications equipment. The same as who benefits when we encourage purchases of pickup trucks or bulldozers? The workers.

We reward investment in this legislation by providing for depreciation reform; 30 percent expensing, helping businesses, both big and small, recover the cost of purchasing computers and pickup trucks and manufacturing equipment, causing the hiring of more workers. We help small business recover the cost of purchasing additional capital assets and equipment by raising it from $24,000 to $35,000. We also free up capital with a 5-year carryback in net operating losses.

This legislation deserves bipartisan support. Let us join President Bush. Let us pass this legislation and move quickly.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, how stimulated do we think the U.S. economy will be if the terrorists blow up a couple more airplanes in the sky and nobody gets on airplanes because the U.S. Congress has sat around on its duff for 6 weeks and has not done a single thing about airline safety? When my colleagues get on their airplane this weekend to get home, I can tell them one thing for sure: 90 percent of the bags on the airplane that they get on that go into the belly of that airplane will not be checked for an explosive device. For 42 days, what have we been able to accomplish to do something about that? Nothing.

Now, we tried to put a provision in this bill in the Committee on Rules to make an investment in the machines that are capable of finding these explosive devices. I will ask my colleagues, although we may lose this vote today, I hope my colleagues will go to their leadership and tell them that we should get an airline safety bill up for a vote this week, because I do not think they will be proud going up to your constituents this weekend and say I cared more about the financial security of these corporations than I did about the airline safety of these passengers.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I would just like to say that a few weeks ago, many of us here were supporting legislation to bail out the airline industry, with the hope that we would be able to help those workers that were laid off or displaced. None of that happened.

Now we have an opportunity to do something and our colleagues on the other side of the aisle are not looking at truly what was intended here by an agreement that was made by our leaders, to provide support to dislocated workers, people who lost their jobs. I went home to my district this week and met with workers who were just laid off in the hotel and restaurant industry. Many of them are not eligible to receive unemployment insurance, will not even be able to pay for COBRA or anything, because they are out, out of sight, out of mind, in terms of Members here wanting to see how they can help families, working families, not only in California and Los Angeles, but across the country.

Mr. Speaker, I urge my colleagues to look, look deep into our hearts to see who exactly is going to benefit from the Republican stimulus package. The Republican stimulus package goes to 70 percent of the upper income individuals and corporations in this country. What about the vast number of people who voted for you and myself into office?

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, ask not what you can do for your country, but what your country can do for you. That is the theme of this outrageous bill.

While American pilots and soldiers today are fighting for our safety in Afghanistan, supporters of this bill are fighting for special tax breaks for themselves here safely at home.

How do I explain to a young military family that they do not have adequate housing where their loved one is halfway across the world fighting to defend our safety and our freedom?

This bill is not only unfair to the people of this country, the average working families who get really no benefits from it, it is fiscally irresponsible. Maybe we should oppose this bill and remember the words of John Kennedy who said, you should not ask what your country can do for you, you should ask what you can do for your country. In that spirit, we should soundly reject this outrageous legislation.

Mr. Speaker, ask not what you can do for your country but what your country can do for you. That is the theme of this outrageous bill.

While firefighters and police officers have given their lives in New York, profitable corporations would pay no taxes under this bill.

While American pilots and soldiers are fighting for our safety in Afghanistan today, supporters of this bill are fighting for special tax breaks for themselves here at home.

How do I explain to a young military family living in substandard housing while their loved one is fighting in Afghanistan that we cannot afford to give them better housing, but we can afford to give IBM a $1.4 billion tax break in this bill?

To working families who have lost their jobs because of the attacks of September 11 and have no health care, how do we explain how we can afford to give the wealthiest families in America a multibillion dollar tax break under this bill?

Mr. Speaker, in addition to being blatantly unfair, this bill is fiscally irresponsible. It will lead to huge Federal deficits that will ultimately increase long-term interest rates on homes, cars, and businesses. The billions it puts into the pockets of a few will be paid in higher mortgage and loan rates by millions of hard-working families that can ill afford it.

No one knows what the final costs will be for America's military and security response to terrorists. For sure it will be tens of billions of dollars. To pass massive tax cuts before we know those military and security costs not only is fiscally irresponsible, it will undermine our ability to fund crucial homeland security programs.

In this time of national crisis, American citizens have shown their willingness to serve and sacrifice for their country. Perhaps some of the supporters of this bill misunderstood President Kennedy's inaugural address. In a time of national crisis, in a time of national war, in a time when our service men and women are in harm's way, his words should shame those who would seek selfish gain from this bill. "Ask not what your country can do for you, but what you can do for your country."

Mr. Speaker, it is in that spirit that this bill should be soundly defeated.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that immediately after the House passes the economic stimulus bill, it will take up two bills: the airline safety bill introduced by the gentleman from Minnesota (Mr. OBERSTAR) and the unemployed airline industry worker benefits bill introduced by the gentleman from Missouri (Mr. GEPHARDT). My amendment provides that the bills will be considered under an open amendment process so that all Members will be able to express their views and offer amendments that they feel are important to these two bills.

Mr. Speaker, 2 weeks have passed since the other body took up and passed the airline safety bill by a unanimous 100 to 0 vote. It is time for the House to do its work and pass both of these important bills.

Let me make clear that a "no" vote on the previous question will not stop consideration of the stimulus package. A "no" vote would allow the House to get on with the much delayed airline safety and airline industry worker aid bills. On the other hand, a "yes" vote on the previous question will prevent the House from taking up the airline safety bill and the airline worker relief bill.

I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed immediately before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the amendment is as follows:

ECONOMIC STIMULUS RULE—PREVIOUS QUESTION—H. RES. 270

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3090) to provide tax incentives for economic recovery. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. Immediately after disposition of H.R. 3090, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3110) to improve aviation security, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. Immediately after disposition of H.R. 3110, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2955) to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 4. If the Committee of the Whole rises and reports that it has come to no resolution on H.R. 3090, H.R. 3110, or H.R. 2955, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of that bill.

Mr. LINDER. Mr. Speaker, I yield the balance of our time to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of the previous question and the rule. The idea of claiming that somehow passing the previous question prevents consideration of legislation is preposterous.

As I have been listening to the arguments coming from my colleagues on the other side of the aisle, I am reminded of the very famous statement of the late democratic Senator Paul Tsongas who said, "The problem with my Democratic Party is that they love employees, but they hate employers."

The fact of the matter is, we understand, and the American people understand full well, that half of us are members of the investment class. September 11 hit both Wall Street and Main Street, but we have learned in the past several years that Wall Street and Main Street are one and the same. We are in this together. This bill, in fact, addresses the concerns of both investors and consumers.

By speeding up that 25 percent rate and providing rebates to people who did not qualify earlier, we are helping on the consumption side. By dealing with the alternative minimum tax and accelerated cost recovery systems, we are dealing with the issue of job creation. By dealing with capital gains, we are encouraging investment and, Mr. Speaker, we will generate an increase in the flow of revenues to the Federal Treasury, so that we will be able to have the wherewithal to meet the increased demands for security here and the increased demands that we have in the area of national defense.

So we have a very balanced package which I believe deserves our support. Provide a "yes" vote for this rule, a "yes" vote for the previous question, and then an overwhelming, bipartisan "yes" vote for economic security and recovery.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 207, not voting 6, as follows:

[Roll No. 400]

YEAS—219

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte

Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS).
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Bilirakis
Cubin
Gonzalez
Hill
Reyes
Young (FL)

□ 1300

Mr. LANGEVIN and Mr. POMEROY changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 199, not voting 8, as follows:

[Roll No. 401]

AYES—225

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)

Rahall
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Bilirakis
Burton
Cubin
Gekas
Gonzalez
Hill
Kaptur
Leach

□ 1309

Mr. SCHIFF changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 270, I call up the bill (H.R. 3090) to provide tax incentives for economic recovery, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 270, the bill is considered read for amendment.

The text of H.R. 3090 is as follows:

H.R. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Economic Security and Recovery Act of 2001".

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—BUSINESS PROVISIONS

Sec. 101. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2003.
Sec. 102. Temporary increase in expensing under section 179.
Sec. 103. Repeal of alternative minimum tax on corporations.
Sec. 104. Carryback of certain net operating losses allowed for 5 years.
Sec. 105. Recovery period for depreciation of certain leasehold improvements.

TITLE II—INDIVIDUAL PROVISIONS

Sec. 201. Acceleration of 25 percent individual income tax rate.
Sec. 202. Repeal of 5-year holding period requirement for reduced individual capital gains rates.
Sec. 203. Temporary increase in deduction for capital losses of taxpayers other than corporations.
Sec. 204. Temporary expansion of penalty-free retirement plan distributions for health insurance premiums of unemployed individuals.

TITLE III—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Two-Year Extensions

Sec. 301. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 302. Credit for qualified electric vehicles.
Sec. 303. Credit for electricity produced from renewable resources.
Sec. 304. Work opportunity credit.
Sec. 305. Welfare-to-work credit.
Sec. 306. Deduction for clean-fuel vehicles and certain refueling property.
Sec. 307. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 308. Qualified zone academy bonds.
Sec. 309. Cover over of tax on distilled spirits.
Sec. 310. Parity in the application of certain limits to mental health benefits.
Sec. 311. Delay in effective date of requirement for approved diesel or kerosene terminals.

Subtitle B—One-Year Extensions

Sec. 321. One-year extension of availability of medical savings accounts.

Subtitle C—Permanent Extensions

Sec. 331. Subpart F exemption for active financing.

Subtitle D—Other Provisions

Sec. 341. Excluded cancellation of indebtedness income of S corporation not to result in adjustment to basis of stock of shareholders.
Sec. 342. Limitation on use of nonaccrual experience method of accounting.

TITLE IV—SUPPLEMENTAL REBATE; OTHER PROVISIONS

Sec. 401. Supplemental rebate.
Sec. 402. Special Reed Act transfer in fiscal year 2002.

TITLE V—HEALTH CARE ASSISTANCE FOR THE UNEMPLOYED

Sec. 501. Health care assistance for the unemployed.

TITLE I—BUSINESS PROVISIONS

SEC. 101. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2003.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2003.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

"(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified property' means property—

"(i)(I) to which this section applies which has a recovery period of 20 years or less or which is water utility property, or

"(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

"(ii) the original use of which commences with the taxpayer after September 10, 2001,

"(iii) which is—

"(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2003, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2003, and

"(iv) which is placed in service by the taxpayer before December 31, 2003.

"(B) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

"(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

"(II) after application of section 280F(b) (relating to listed property with limited business use).

"(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(iii) REPAIRED OR RECONSTRUCTED PROPERTY.—Except as otherwise provided in regulations, the term 'qualified property' shall not include any repaired or reconstructed property.

"(iv) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—The term 'qualified property' shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

"(C) SPECIAL RULES RELATING TO ORIGINAL USE.—

"(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2003.

"(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

"(I) is originally placed in service after September 10, 2001, by a person, and

"(II) is sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

"(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

"(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2)."

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

"(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2003.—The deduction under section 168(k) shall be allowed."

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by inserting "or (iii)" after "(ii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SEC. 102. TEMPORARY INCREASE IN EXPENSING UNDER SECTION 179.

(a) IN GENERAL.—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"If the taxable year begins in:	**The applicable amount is:**
2001	$24,000
2002 or 2003	35,000
2004 or thereafter	25,000."

(b) TEMPORARY INCREASE IN AMOUNT OF PROPERTY TRIGGERING PHASEOUT OF MAXIMUM BENEFIT.—Paragraph (2) of section 179(b) is amended by inserting before the period "($325,000 in the case of taxable years beginning during 2002 or 2003)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 103. REPEAL OF ALTERNATIVE MINIMUM TAX ON CORPORATIONS.

(a) IN GENERAL.—So much of section 55 as precedes subsection (b)(2) is amended to read as follows:

"SEC. 55. ALTERNATIVE MINIMUM TAX FOR TAXPAYERS OTHER THAN CORPORATIONS.

"(a) IN GENERAL.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to the excess (if any) of—

"(1) the tentative minimum tax for the taxable year, over

"(2) the regular tax for the taxable year.

"(b) TENTATIVE MINIMUM TAX.—For purposes of this part—

"(1) AMOUNT OF TENTATIVE TAX.—

"(A) IN GENERAL.—The tentative minimum tax for the taxable year is the sum of—

"(i) 26 percent of so much of the taxable excess as does not exceed $175,000, plus

"(ii) 28 percent of so much of the taxable excess as exceeds $175,000.

The amount determined under the preceding sentence shall be reduced by the alternative minimum tax foreign tax credit for the taxable year.

"(B) TAXABLE EXCESS.—For purposes of this subsection, the term 'taxable excess' means so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount.

"(C) MARRIED INDIVIDUAL FILING SEPARATE RETURN.—In the case of a married individual filing a separate return, clause (i) shall be applied by substituting '$87,500' for '$175,000' each place it appears. For purposes of the preceding sentence, marital status shall be determined under section 7703."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 55(a) is amended by striking "paragraph (1)(A)(i)" and inserting "paragraph (1)(A)".

(2) Paragraph (1) of section 55(c) is amended by striking ", the section 936 credit allowable under section 27(b), and the Puerto Rico economic activity credit under section 30A".

(3)(A) Paragraph (1) of section 55(d) is amended by—

(i) by striking "FOR TAXPAYERS OTHER THAN CORPORATIONS" in the heading, and

(ii) by striking "In the case of a taxpayer other than a corporation, the" and inserting "The".

(B) Section 55(d) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(C) Subparagraph (A) of section 55(d)(2), as so redesignated in amended by striking "or (2)".

(4) Section 55 is amended by striking subsection (e).

(5)(A) The heading for subsection (a) of section 56 is amended to read as follows:

"(a) GENERAL RULES.—".

(B) Paragraph (1) of section 56(a) is amended by striking subparagraph (D).

(C) Paragraph (6) of section 56(a) is amended—

(i) by striking "paragraph (2) or subsection (b)(2)" and inserting "paragraph (2) or (9)", and

(ii) by striking "or (5), or subsection (b)(2)" and inserting "(5), or (9)".

(6)(A) Subsection (b) of section 56 is amended by striking so much of such subsection as precedes paragraph (1) and by redesignating paragraphs (1), (2), and (3) as paragraphs (8), (9), and (10), respectively, of subsection (a).

(B) Paragraph (9) of section 56(a), as so redesignated, is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(7) Section 56 is amended by striking subsections (c) and (g) and by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(8) Subparagraph (E) of section 57(a)(2) is amended—

(A) by striking "FOR INDEPENDENT PRODUCERS" in the heading, and

(B) by striking clause (i) and inserting the following new clause:

"(i) IN GENERAL.—This paragraph shall not apply to any taxable year beginning after December 31, 1992."

(9) Subsection (a) of section 58 is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(10)(A) Section 59 is amended by striking subsections (b) and (f) and by redesignating subsections (c), (d), (e), (g), (h), (i), and (j) as subsections (b), (c), (d), (e), (f), (g), and (h), respectively.

(B) Paragraph (2) of section 59(d), as so redesignated, is amended by striking "(determined without regard to section 291)".

(C) Sections 173(b), 174(f)(2), 263(c), 263A(c)(6), 616(e), 617(i), and 1016(a)(20) are each amended by striking "59(e)" each place it appears and inserting "59(d)".

(11) Subsection (d) of section 11 is amended by striking "the taxes imposed by subsection (a) and section 55" and inserting "the tax imposed by subsection (a)".

(12) Section 12 is amended by striking paragraph (7).

(13) Paragraph (6) of section 29(b) is amended to read as follows:

"(6) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and section 27. In the case of a taxpayer other than a corporation, such excess shall be further reduced (but not below zero) by the tentative minimum tax for the taxable year."

(14) Paragraph (3) of section 30(b) is amended to read as follows:

"(3) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27 and 29. In the case of a taxpayer other than a corporation, such excess shall be further reduced (but not below zero) by the tentative minimum tax for the taxable year."

(15)(A) Paragraph (1) of section 38(c) is amended to read as follows:

"(1) IN GENERAL.—

"(A) CORPORATIONS.—In the case of a corporation, the credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of the taxpayer's net income tax over 25 percent of so much of the taxpayer's net regular tax liability as exceeds $25,000.

"(B) TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation, the credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of the taxpayer's net income tax over the greater of—

"(i) the tentative minimum tax for the taxable year, or

"(ii) 25 percent of so much of the taxpayer's net regular tax liability as exceeds $25,000.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'net income tax' means the sum of the regular tax liability and the tax imposed by section 55, reduced by the credits allowable under subparts A and B of this part, and

"(ii) the term 'net regular tax liability' means the regular tax liability reduced by the sum of the credits allowable under subparts A and B of this part."

(B) Clause (ii) of section 38(c)(2)(A) is amended to read as follows:

"(ii) for purposes of applying paragraph (1) to such credit—

"(I) the applicable limitation under paragraph (1) (as modified by subclause (II) in the case of a taxpayer other than a corporation) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the empowerment zone employment credit), and

"(II) in the case of a taxpayer other than a corporation, 75 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (B)(i) thereof."

(C) Paragraph (3) of section 38(c) is amended by striking "subparagraph (B) of" each place it appears.

(16)(A) Subclause (I) of section 53(d)(1)(B)(ii) is amended by striking "subsection (b)(1)" and inserting "subsection (a)(8)".

(B) Clause (iv) of section 53(d)(1)(B) is hereby repealed.

(17)(A) Part VII of subchapter A of chapter 1 is hereby repealed.

(B) The table of parts for subchapter A of chapter 1 is amended by striking the item relating to part VII.

(C) Paragraph (2) of section 26(a) is amended by striking subparagraph (B) and by redesignating the succeeding subparagraphs accordingly.

(D) Subsection (c) of section 30A is amended by striking paragraph (1) and redesignating the succeeding paragraphs accordingly.

(E) Subsection (a) of section 164 is amended by striking paragraph (5).

(F) Subsection (a) of section 275 is amended by striking "Paragraph (1) shall not apply to the tax imposed by section 59A."

(G) Paragraph (1) of section 882(a) is amended by striking "59A,".

(H) Paragraph (3) of section 936(a) is amended by striking subparagraph (A) and redesignating the succeeding subparagraphs accordingly.

(I) Subsection (a) of section 1561 is amended by adding "and" at the end of paragraph (2), by striking ", and" at the end of paragraph (3) and inserting a period, and by striking paragraph (4).

(J) Subparagraph (A) of section 6425(c)(1) is amended by adding "plus" at the end of clause (i), by striking "plus" at the end of clause (ii) and inserting "over", and by striking clause (iii).

(18) Section 382(l) (relating to limitation on net operating loss carryforwards and certain built-in losses following ownership change) is amended by striking paragraph (7) and by redesignating paragraph (8) as paragraph (7).

(19) Paragraph (2) of section 815(c) (relating to distributions to shareholders from pre-1984 policyholders surplus account) is amended by striking the last sentence.

(20) Section 847 (relating to special estimated tax payments) is amended—

(A) in paragraph (9), by striking the last sentence;

(B) in paragraph (10), by inserting "and" at the end of subparagraph (A) and by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(21) Section 848 (relating to capitalization of certain policy acquisition expenses) is amended by striking subsection (i) and by redesignating subsection (j) as subsection (i).

(22) Paragraph (1) of section 882(a) (relating to tax on income of foreign corporations connected with United States business) is amended by striking "55,".

(23) Paragraph (1) of section 962(a) (relating to election by individuals to be subject to tax at corporate rates) is amended by striking "sections 11 and 55" and inserting "section 11".

(24) Subsection (a) of section 1561 (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) is amended by striking the last sentence.

(25) Subparagraph (A) of section 6425(c)(1) (defining income tax liability), as amended by paragraph (17) is amended to read as follows:

"(A) the tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, over".

(26)(A) Paragraph (2) of section 6655(e) is amended—

(i) by striking ", alternative minimum taxable income, and modified alternative minimum taxable income" each place it appears in subparagraphs (A) and (B)(i), and

(ii) by striking clause (iii) of subparagraph (B).

(B) Subparagraph (A) of section 6655(g)(1) (relating to failure by corporation to pay estimated income tax), as amended by paragraph (17), is amended to read as follows:

"(A) the sum of—

"(i) the tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever applies, plus

"(iv) the tax imposed by section 887, over".

(27) The table of sections for part VI of subchapter A of chapter 1 is amended by striking the item relating to section 55 and inserting the following new item:

"Sec. 55. Alternative minimum tax for taxpayers other than corporations."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(d) Refund of Unused Minimum Tax Credit.—

(1) In general.—In the case of a corporation—

(A) section 53(c) of the Internal Revenue Code of 1986 shall not apply to such corporation's first taxable year beginning after December 31, 2000, and

(B) for purposes of such Code (other than section 53 of such Code), the credit allowed by section 53 of such Code for such first taxable year shall be treated as if it were allowed by subpart C of part IV of subchapter A of chapter 1 of such Code (relating to refundable credits).

(2) Special rules relating to carrybacks.—In the case of a carryback of a corporation from a taxable year beginning after December 31, 2000, to a taxable year beginning before January 1, 2001—

(A) the tax imposed by section 55 of such Code shall not be increased or decreased by reason of such a carryback,

(B) tentative minimum tax shall not be increased or decreased by reason of such a carryback for purposes of determining the amount of any credit other than the credit allowed by section 38, and

(C) the amount of such a carryback which is taken into account in determining tentative minimum tax for purposes of section 38(c) shall be the amount of such carryback which is taken into account in determining regular tax liability.

SEC. 104. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS.

(a) In General.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

"(H) In the case of a taxpayer which has a net operating loss for any taxable year ending after September 10, 2001, and before September 11, 2004, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.".

(b) Election To Disregard 5-Year Carryback.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subjection (i) the following new subsection:

"(j) Election To Disregard 5-Year Carryback for Certain Net Operating Losses.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.".

(c) Temporary Suspension of 90 Percent Limit on Certain NOL Carrybacks.—Subparagraph (A) of section 56(c)(1) (relating to general rule defining alternative tax net operating loss deduction), as amended by section 103, is amended to read as follows:

"(A) the amount of such deduction shall not exceed the sum of—

"(i) the lesser of—

"(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carrybacks described in clause (ii)(I)), or

"(II) 90 percent of alternate minimum taxable income determined without regard to such deduction, plus

"(ii) the lesser of—

"(I) the amount of such deduction attributable to carrybacks of net operating losses for taxable years ending after September 10, 2001, and before September 11, 2004, or

"(II) alternate minimum taxable income determined without regard to such deduction reduced by the amount determined under clause (i), and".

(d) Effective Date.—The amendments made by this section shall apply to net operating losses for taxable years ending after September 10, 2001.

SEC. 105. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

(a) 15-Year Recovery Period.—Subparagraph (E) of section 168(e)(3) (relating to 15-year property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any qualified leasehold improvement property.".

(b) Qualified Leasehold Improvement Property.—Subsection (e) of section 168 is amended by adding at the end the following new paragraph:

"(6) Qualified leasehold improvement property.—

"(A) In general.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

"(I) by the lessee (or any sublessee) of such portion, or

"(II) by the lessor of such portion,

"(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

"(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) Certain improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefiting a common area, and

"(iv) the internal structural framework of the building.

"(C) Definitions and special rules.—For purposes of this paragraph—

"(i) Commitment to lease treated as lease.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

"(ii) Related persons.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

"(I) members of an affiliated group (as defined in section 1504), and

"(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

"(D) Improvements made by lessor.—

"(i) In general.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.

"(ii) Exception for changes in form of business.—Property shall not cease to be qualified leasehold improvement property under clause (i) by reason of—

"(I) death,

"(II) a transaction to which section 381(a) applies, or

"(III) a mere change in the form of conducting the trade or business so long as the property is retained in such trade or business as qualified leasehold improvement property and the taxpayer retains a substantial interest in such trade or business."

(c) Requirement To Use Straight Line Method.—Paragraph (3) of section 168(b) is amended by adding at the end the following new subparagraph:

"(G) Qualified leasehold improvement property described in subsection (e)(6).".

(d) Alternative System.—The table contained in section 168(g)(3)(B) is amended by adding at the end the following new item:

"(E)(iv) .... 15".

(e) Effective Date.—The amendments made by this section shall apply to qualified leasehold improvement property placed in service after September 10, 2001.

TITLE II—INDIVIDUAL PROVISIONS

SEC. 201. ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.

(a) In General.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking "27.0%" and inserting "25.0%", and

(2) by striking "26.0%" and inserting "25.0%".

(b) Reduction Not To Increase Minimum Tax.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking "($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)" and inserting "($49,000 in the case of taxable years beginning in 2001, $52,200 in the case of taxable years beginning in 2002 or 2003, and $50,700 in the case of taxable years beginning in 2004)".

(2) Subparagraph (B) of section 55(d)(1) is amended by striking "($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)" and inserting "($35,750 in the case of taxable years beginning in 2001, $37,350 in the case of taxable years beginning in 2002 or 2003, and $36,600 in the case of taxable years beginning in 2004)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) Section 15 Not To Apply.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986 .

SEC. 202. REPEAL OF 5-YEAR HOLDING PERIOD REQUIREMENT FOR REDUCED INDIVIDUAL CAPITAL GAINS RATES.

(a) In General.—

(1) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking "10 percent" and inserting "8 percent".

(2) The following sections are each amended by striking "20 percent" and inserting "18 percent":

(A) Section 1(h)(1)(C).

(B) Section 55(b)(3)(C).

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936.

(b) Conforming Amendments.—

(1) Section 311 of the Taxpayer Relief Act of 1997 is amended by striking subsection (e).

(2) Section 1(h) is amended—

(A) by striking paragraphs (2) and (9),

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively, and

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (8), (9), and (10), respectively.

(3) Paragraph (3) of section 55(b) is amended by striking "In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C).".

(4) Paragraph (7) of section 57(a) is amended by striking the last sentence and by striking "42 percent" and inserting "28 percent".

(c) Transitional Rules for Taxable Years Which Include October 12, 2001.—For purposes of applying section 1(h) of the Internal Revenue Code of 1986 in the case of a taxable year which includes October 12, 2001—

(1) The amount of tax determined under subparagraph (B) of section 1(h)(1) of such Code shall be the sum of—

(A) 8 percent of the lesser of—

(i) the sum of—

(I) the net capital gain taking into account only gain or loss properly taken into account for the portion of the taxable year on or after October 12, (determined without regard to collectibles gain or loss, gain described in section (1)(h)(6)(A)(i) of such Code, and section 1202 gain), and

(II) the qualified 5-year gain properly taken into account for the portion of the taxable year before October 12, 2001, or

(ii) the amount on which a tax is determined under such subparagraph (without regard to this subsection), plus

(B) 10 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (without regard to this subsection), over

(ii) the amount on which a tax is determined under subparagraph (A).

(2) The amount of tax determined under subparagraph (C) of section (1)(h)(1) of such Code shall be the sum of—

(A) 18 percent of the lesser of—

(i) the excess (if any) of the amount of net capital gain determined under subparagraph (A)(i) of paragraph (1) of this subsection over the amount on which a tax is determined under subparagraph (A) of paragraph (1) of this subsection, or

(ii) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), plus

(B) 20 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), over

(ii) the amount on which a tax is determined under subparagraph (A) of this paragraph.

(3) For purposes of applying section 55(b)(3) of such Code, rules similar to the rules of paragraphs (1) and (2) of this subsection shall apply.

(4) In applying this subsection with respect to any pass-thru entity, the determination of when gains and loss are properly taken into account shall be made at the entity level.

(5) Terms used in this subsection which are also used in section 1(h) of such Code shall have the respective meanings that such terms have in such section.

(d) Effective Dates.—

(1) In general.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to taxable years ending on or after October 12, 2001.

(2) Withholding.—The amendment made by subsection (a)(2)(C) shall apply to amounts paid after the date of the enactment of this Act.

(3) Small business stock.—The amendments made by subsection (b)(4) shall apply to dispositions on or after October 12, 2001.

SEC. 203. TEMPORARY INCREASE IN DEDUCTION FOR CAPITAL LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.

(a) In General.—Subsection (b) of section 1211 (relating to limitation on capital losses for taxpayers other than corporations) is amended by adding at the end the following flush sentence:

"Paragraph (1) shall be applied by substituting '$4,000' for '$3,000' and '$2,000' for '$1,500' in the case of taxable years beginning in 2001, and by substituting '$5,000' for '$3,000' and '$2,500' for '$1,500' in the case of taxable years beginning in 2002.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 204. TEMPORARY EXPANSION OF PENALTY-FREE RETIREMENT PLAN DISTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS OF UNEMPLOYED INDIVIDUALS.

(a) In General.—Subparagraph (D) of section 72(t)(2) is amended by adding at the end the following new clause:

"(iv) Special rules for individuals receiving unemployment compensation after September 10, 2001, and before January 1, 2003.—In the case of an individual who receives unemployment compensation for 4 consecutive weeks after September 10, 2001, and before January 1, 2003—

"(I) clause (i) shall apply to distributions from all qualified retirement plans (as defined in section 4974(c)), and

"(II) such 4 consecutive weeks shall be substituted for the 12 consecutive weeks referred to in subclause (I) of clause (i)."

(b) Effective Date.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

TITLE III—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Two-Year Extensions

SEC. 301. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) In General.—Paragraph (2) of section 26(a) is amended—

(1) by striking "RULE FOR 2000 AND 2001.—" and inserting "RULE FOR 2000, 2001, 2002, AND 2003.—", and

(2) by striking "during 2000 or 2001," and inserting "during 2000, 2001, 2002, or 2003,".

(b) Conforming Amendments.—

(1) Section 904(h) is amended by striking "during 2000 or 2001" and inserting "during 2000, 2001, 2002, or 2003".

(2) The amendments made by sections 201(b), 202(f), and 618(f) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2002 and 2003.

(c) Technical Correction.—Section 24(d)(1)(B) is amended by striking "amount of credit allowed by this section" and inserting "aggregate amount of credits allowed by this subpart.".

(d) Effective Dates.—

(1) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2001.

(2) The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2000.

SEC. 302. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) In General.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking "December 31, 2001," and inserting "December 31, 2003,", and

(B) in subparagraphs (A), (B), and (C), by striking "2002", "2003", and "2004", respectively, and inserting "2004", "2005", and "2006", respectively, and

(2) in subsection (e), by striking "December 31, 2004" and inserting "December 31, 2006".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 303. CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) In General.—Subparagraphs (A), (B), and (C) of section 45(c)(3) are each amended by striking "2002" and inserting "2004".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 304. WORK OPPORTUNITY CREDIT.

(a) In General.—Subparagraph (B) of section 51(c)(4) is amended by striking "2001" and inserting "2003".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 305. WELFARE-TO-WORK CREDIT.

(a) In General.—Subsection (f) of section 51A is amended by striking "2001" and inserting "2003".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 306. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) In General.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "December 31, 2001," and inserting "December 31, 2003,", and

(B) in clauses (i), (ii), and (iii), by striking "2002", "2003", and "2004", respectively, and inserting "2004", "2005", and "2006", respectively, and

(2) in subsection (f), by striking "December 31, 2004" and inserting "December 31, 2006".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 307. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) In General.—Subparagraph (H) of section 613A(c)(6) is amended by striking "2002" and inserting "2004".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 308. QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Paragraph (1) of section 1397E(e) is amended by striking "2000, and 2001" and inserting "2000, 2001, 2002, and 2003".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 309. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) In General.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2002" and inserting "January 1, 2004".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 310. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) In General.—Subsection (f) of section 9812 is amended by striking "2001" and inserting "2003".

(b) Effective Date.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 311. DELAY IN EFFECTIVE DATE OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 (Public Law 105–34) is amended by striking "January 1, 2002" and inserting "January 1, 2004".

Subtitle B—One-Year Extensions

SEC. 321. ONE-YEAR EXTENSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) In General.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking "2002" each place it appears and inserting "2003".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 220(j) is amended by striking "1998, 1999, or 2001" each place it appears and inserting "1998, 1999, 2001, or 2002".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2001" and inserting "2001, and 2002".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle C—Permanent Extensions

SEC. 331. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) In General.—

(1) Section 953(e)(10) is amended—

(A) by striking ", and before January 1, 2002,", and

(B) by striking the second sentence.

(2) Section 954(h)(9) is amended by striking ", and before January 1, 2002,".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

Subtitle D—Other Provisions

SEC. 341. EXCLUDED CANCELLATION OF INDEBTEDNESS INCOME OF S CORPORATION NOT TO RESULT IN ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS.

(a) In General.—Subparagraph (A) of section 108(d)(7) (relating to certain provisions to be applied at corporate level) is amended by inserting before the period ", including by not taking into account under section 1366(a) any amount excluded under subsection (a) of this section".

(b) Effective Date.—

(1) In general.—The amendment made by this section shall apply to taxable years beginning before, on, or after October 12, 2001.

(2) Exception.—The amendment made by this section shall not apply to any shareholder with respect to any discharge of indebtedness if the position upheld in Gitlitz v. Commissioner (121 S. Ct. 701 (2001)) was taken by such shareholder with respect to such discharge on a return or claim for refund filed before October 12, 2001.

SEC. 342. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) In General.—Paragraph (5) of section 448(d) is amended to read as follows:

"(5) Special rule for certain services.—

"(A) In general.—In the case of any person using an accrual method of accounting with respect to amounts to be received for the performance of services by such person, such person shall not be required to accrue any portion of such amounts which (on the basis of such person's experience) will not be collected if—

"(i) such services are in fields referred to in paragraph (2)(A), or

"(ii) such person meets the gross receipts test of subsection (c) for all prior taxable years.

"(B) Exception.—This paragraph shall not apply to any amount if interest is required to be paid on such amount or there is any penalty for failure to timely pay such amount.

"(C) Regulations.—The Secretary shall prescribe regulations to permit taxpayers to determine amounts referred to in subparagraph (A) using computations or formulas which, based on experience, accurately reflect the amount of income that will not be collected by such person. A taxpayer may adopt, or request consent of the Secretary to change to, a computation or formula that clearly reflects the taxpayer's experience. A request under the preceding sentence shall be approved only if such computation or formula clearly reflects the taxpayer's experience.".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period of 4 years (or if less, the number of taxable years that the taxpayer used the method permitted under section 448(d)(5) of such Code as in effect before the date of the enactment of this Act) beginning with such first taxable year.

TITLE IV—SUPPLEMENTAL REBATE; OTHER PROVISIONS

SEC. 401. SUPPLEMENTAL REBATE.

(a) In General.—Section 6428 (relating to acceleration of 10 percent income tax rate bracket benefit for 2001) is amended by adding at the end the following new subsection:

"(f) Supplemental Rebate.—

"(1) In general.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2000 and who, before August 16, 2001, filed a return of tax imposed by subtitle A for such taxable year shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the supplemental refund amount for such taxable year.

"(2) Supplemental refund amount.—For purposes of this subsection, the supplemental refund amount is an amount equal to the excess (if any) of—

"(A)(i) $600 in the case of taxpayers to whom section 1(a) applies,

"(ii) $500 in the case of taxpayers to whom section 1(b) applies, and "(iii) $300 in the case of taxpayers to whom subsections (c) or (d) of section 1 applies, over

"(B) the taxpayer's advance refund amount under subsection (e).

"(3) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this subsection, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2001.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6428(d)(1) is amended by striking "subsection (e)" and inserting "subsections (e) and (f)".

(2) Subparagraph (B) of section 6428(d)(1) is amended by striking "subsection (e)" and inserting "subsection (e) or (f)".

(3) Paragraph (3) of section 6428(e) is amended by striking "December 31, 2001" and inserting "the date of the enactment of the Economic Security and Recovery Act of 2001".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 402. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.

(a) REPEAL OF CERTAIN PROVISIONS ADDED BY THE BALANCED BUDGET ACT OF 1997.—

(1) IN GENERAL.—The following provisions of section 903 of the Social Security Act (42 U.S.C. 1103) are repealed:

(A) Paragraph (3) of subsection (a).

(B) The last sentence of subsection (c)(2).

(2) SAVINGS PROVISION.—Any amounts transferred before the date of enactment of this Act under the provision repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as last in effect before such date of enactment.

(b) SPECIAL TRANSFER IN FISCAL YEAR 2002.—Section 903 of the Social Security Act is amended by adding at the end the following:

"Special Transfer in Fiscal Year 2002

"(d)(1) The Secretary of the Treasury shall transfer (as of the date determined under paragraph (5)(A)) from the Federal unemployment account to the account of each State in the Unemployment Trust Fund the amount determined with respect to such State under paragraph (2).

"(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to—

"(A) the amount which would have been required to have been transferred under this section to such account at the beginning of fiscal year 2002 if section 402(a)(1) of the Economic Security and Recovery Act of 2001 had been enacted before the close of fiscal year 2001, minus

"(B) the amount which was in fact transferred under this section to such account at the beginning of fiscal year 2002.

"(3)(A) Except as provided in paragraph (4), amounts transferred to a State account pursuant to this subsection may be used only in the payment of cash benefits—

"(i) to individuals with respect to their unemployment, and

"(ii) which are allowable under subparagraph (B) or (C).

"(B)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable as regular or additional compensation for individuals eligible for regular compensation under the unemployment compensation law of such State.

"(ii) Any additional compensation under clause (i) may not be taken into account for purposes of any determination relating to the amount of any extended compensation for which an individual might be eligible.

"(C)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable to 1 or more categories of individuals not otherwise eligible for regular compensation under the unemployment compensation law of such State.

"(ii) The benefits paid under this subparagraph to any individual may not, for any period of unemployment, exceed the maximum amount of regular compensation authorized under the unemployment compensation law of such State for that same period, plus any additional benefits (described in subparagraph (B)(i)) which could have been paid with respect to that amount.

"(D) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment—

"(i) beginning after the date of enactment of this subsection, and

"(ii) ending on or before March 11, 2003.

"(4) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law and public employment offices (including in connection with benefits described in paragraph (3) and any recipients thereof), subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection).

"(5) Transfers under this subsection—

"(A) shall be made on such date as the Secretary of Labor (in consultation with the Secretary of the Treasury) shall determine, but in no event later than 10 days after the date of enactment of this subsection, and

"(B) may, notwithstanding any other provision of this subsection, be made only to the extent that they do not to exceed—

"(i) the balance in the Federal unemployment account as of the date determined under subparagraph (A), or

"(ii) the total amount that was transferred under this section to the Federal unemployment account at the beginning of fiscal year 2002,

whichever is less."

(c) LIMITATIONS ON TRANSFERS.—Section 903(b) of the Social Security Act shall apply to transfers under section 903(d) of such Act (as amended by this section). For purposes of the preceding sentence, such section 903(b) shall be deemed to be amended as follows:

(1) By substituting "the transfer date described in subsection (d)(5)(A)" for "October 1 of any fiscal year".

(2) By substituting "remain in the Federal unemployment account" for "be transferred to the Federal unemployment account as of the beginning of such October 1".

(3) By substituting "fiscal year 2002 (after the transfer date described in subsection (d)(5)(A))" for "the fiscal year beginning on such October 1".

(4) By substituting "under subsection (d)" for "as of October 1 of such fiscal year".

(5) By substituting "(as of the close of fiscal year 2002)" for "(as of the close of such fiscal year)".

(d) TECHNICAL AMENDMENTS.—(1) Sections 3304(a)(4)(B) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by inserting "or 903(d)(4)" before "of the Social Security Act".

(2) Section 303(a)(5) of the Social Security Act is amended in the second proviso by inserting "or 903(d)(4)" after "903(c)(2)".

(e) REGULATIONS.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

TITLE V—HEALTH CARE ASSISTANCE FOR THE UNEMPLOYED

SEC. 501. HEALTH CARE ASSISTANCE FOR THE UNEMPLOYED.

Title XX of the Social Security Act (42 U.S.C. 1397–1397f) is amended by adding at the end the following:

"SEC. 2008. GRANTS FOR HEALTH CARE ASSISTANCE FOR THE UNEMPLOYED.

"(a) FUNDING.—For purposes of section 2003, the amount specified in section 2003(c) for fiscal year 2002 is increased by $3,000,000,000.

"(b) USE OF FUNDS.—Notwithstanding any other provision of this title, to the extent that an amount paid to a State under section 2002 is attributable to funds made available by reason of subsection (a) of this section—

"(1) the State shall use the amount to assist an unemployed individual who is not eligible for Federal health coverage to purchase health care coverage for the individual or any member of the family of the individual who is not so eligible; and

"(2) the amount—

"(A) shall be used to supplement, not supplant, any other Federal, State, or local funds that are used for the provision of health care coverage; and

"(B) may not be included in determining the amount of non-Federal contributions required under any program.

"(c) DEFINITIONS.—In this section:

"(1) UNEMPLOYED INDIVIDUAL.—The term 'unemployed individual' means an individual who—

"(A) is without a job (determined in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed);

"(B) is seeking and available for work; and

"(C) has or had a benefit year (within the meaning of section 205 of the Federal-State Extended Unemployment Compensation Act of 1970) beginning on or after January 1, 2001.

"(2) FEDERAL HEALTH COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'Federal health coverage' means coverage under any medical care program described in—

"(i) title XVIII, XIX, or XXI of this Act (other than under section 1928);

"(ii) chapter 55 of title 10, United States Code;

"(iii) chapter 17 of title 38, United States Code;

"(iv) chapter 89 of title 5, United States Code (other than coverage which is comparable to continuation coverage under section 4980B of the Internal Revenue Code of 1986); or

"(v) the Indian Health Care Improvement Act.

"(B) SPECIAL RULE.—Such term does not include coverage under a qualified long-term care insurance contract.".

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 3090, as amended, is as follows:

H.R. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Economic Security and Recovery Act of 2001".

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—BUSINESS PROVISIONS

Sec. 101. Special depreciation allowance for certain property acquired after September 10, 2001, and before September 11, 2004.
Sec. 102. Temporary increase in expensing under section 179.
Sec. 103. Repeal of alternative minimum tax on corporations.
Sec. 104. Carryback of certain net operating losses allowed for 5 years.
Sec. 105. Recovery period for depreciation of certain leasehold improvements.

TITLE II—INDIVIDUAL PROVISIONS

Sec. 201. Acceleration of 25 percent individual income tax rate.
Sec. 202. Repeal of 5-year holding period requirement for reduced individual capital gains rates.
Sec. 203. Temporary increase in deduction for capital losses of taxpayers other than corporations.
Sec. 204. Temporary expansion of penalty-free retirement plan distributions for health insurance premiums of unemployed individuals.

TITLE III—EXTENSIONS OR CERTAIN EXPIRING PROVISIONS

Subtitle A—Two-Year Extensions

Sec. 301. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 302. Credit for qualified electric vehicles.
Sec. 303. Credit for electricity produced from renewable resources.
Sec. 304. Work opportunity credit.
Sec. 305. Welfare-to-work credit.
Sec. 306. Deduction for clean-fuel vehicles and certain refueling property.
Sec. 307. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 308. Qualified zone academy bonds.
Sec. 309. Cover over of tax on distilled spirits.
Sec. 310. Parity in the application of certain limits to mental health benefits.
Sec. 311. Delay in effective date of requirement for approved diesel or kerosene terminals.

Subtitle B—One-Year Extensions

Sec. 321. One-year extension of availability of medical savings accounts.

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Sec. 331. Subpart F exemption for active financing.

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Sec. 341. Excluded cancellation of indebtedness income of S corporation not to result in adjustment to basis of stock of shareholders.
Sec. 342. Limitation on use of nonaccrual experience method of accounting.

TITLE IV—SUPPLEMENTAL REBATE; OTHER PROVISIONS

Sec. 401. Supplemental rebate.
Sec. 402. Special Reed Act transfer in fiscal year 2002.

TITLE V—HEALTH CARE ASSISTANCE FOR THE UNEMPLOYED

Sec. 501. Health care assistance for the unemployed.

TITLE I—BUSINESS PROVISIONS

SEC. 101. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

"(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified property' means property—

"(i)(I) to which this section applies which has a recovery period of 20 years or less or which is water utility property, or

"(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

"(ii) the original use of which commences with the taxpayer after September 10, 2001,

"(iii) which is—

"(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2004, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2004, and

"(iv) which is placed in service by the taxpayer before January 1, 2005.

"(B) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

"(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

"(II) after application of section 280F(b) (relating to listed property with limited business use).

"(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(iii) REPAIRED OR RECONSTRUCTED PROPERTY.—Except as otherwise provided in regulations, the term 'qualified property' shall not include any repaired or reconstructed property.

"(iv) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—The term 'qualified property' shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

"(C) SPECIAL RULES RELATING TO ORIGINAL USE.—

"(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2004.

"(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

"(I) is originally placed in service after September 10, 2001, by a person, and

"(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

"(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

"(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2)."

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

"(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—The deduction under section 168(k) shall be allowed."

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by striking "clause (ii)" both places it appears and inserting "clauses (ii) and (iii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SEC. 102. TEMPORARY INCREASE IN EXPENSING UNDER SECTION 179.

(a) IN GENERAL.—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"If the taxable year begins in:	**The applicable amount is:**
2001	$24,000
2002 or 2003	$35,000
2004 or thereafter	$25,000."

(b) TEMPORARY INCREASE IN AMOUNT OF PROPERTY TRIGGERING PHASEOUT OF MAXIMUM BENEFIT.—Paragraph (2) of section 179(b) is amended by inserting before the period "($325,000 in the case of taxable years beginning during 2002 or 2003)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 103. REPEAL OF ALTERNATIVE MINIMUM TAX ON CORPORATIONS.

(a) IN GENERAL.—So much of section 55 as precedes subsection (b)(2) is amended to read as follows:

"SEC. 55. ALTERNATIVE MINIMUM TAX FOR TAXPAYERS OTHER THAN CORPORATIONS.

"(a) IN GENERAL.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to the excess (if any) of—

"(1) the tentative minimum tax for the taxable year, over

"(2) the regular tax for the taxable year.

"(b) TENTATIVE MINIMUM TAX.—For purposes of this part—

"(1) AMOUNT OF TENTATIVE TAX.—

"(A) IN GENERAL.—The tentative minimum tax for the taxable year is the sum of—

"(i) 26 percent of so much of the taxable excess as does not exceed $175,000, plus

"(ii) 28 percent of so much of the taxable excess as exceeds $175,000.

The amount determined under the preceding sentence shall be reduced by the alternative minimum tax foreign tax credit for the taxable year.

"(B) TAXABLE EXCESS.—For purposes of this subsection, the term 'taxable excess' means so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount.

"(C) MARRIED INDIVIDUAL FILING SEPARATE RETURN.—In the case of a married individual filing a separate return, clause (i) shall be applied by substituting '$87,500' for '$175,000' each place it appears. For purposes of the preceding sentence, marital status shall be determined under section 7703."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 55(b) is amended by striking "paragraph (1)(A)(i)" and inserting "paragraph (1)(A)".

(2) Paragraph (1) of section 55(c) is amended by striking ", the section 936 credit allowable under section 27(b), and the Puerto Rico economic activity credit under section 30A".

(3)(A) Paragraph (1) of section 55(d) is amended by—

(i) by striking "FOR TAXPAYERS OTHER THAN CORPORATIONS" in the heading, and

(ii) by striking "In the case of a taxpayer other than a corporation, the" and inserting "The".

(B) Section 55(d) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(C) Subparagraph (A) of section 55(d)(2), as so redesignated is amended by striking "or (2)".

(4) Section 55 is amended by striking subsection (e).

(5)(A) The designation and heading for subsection (a) of section 56 is amended to read as follows:

"(a) GENERAL RULES.—".

(B) Paragraph (1) of section 56(a) is amended by striking subparagraph (D).

(C) Paragraph (6) of section 56(a) is amended—

(i) by striking "paragraph (2) or subsection (b)(2)" and inserting "paragraph (2) or (9)", and

(ii) by striking "or (5), or subsection (b)(2)" and inserting "(5), or (9)".

(6)(A) Subsection (b) of section 56 is amended by striking so much of such subsection as precedes paragraph (1) and by redesignating paragraphs (1), (2), and (3) as paragraphs (8), (9), and (10), respectively, of subsection (a).

(B) Paragraph (9) of section 56(a), as so redesignated, is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(7) Section 56 is amended by striking subsections (c) and (g) and by redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

(8) Subparagraph (E) of section 57(a)(2) is amended—

(A) by striking "FOR INDEPENDENT PRODUCERS" in the heading, and

(B) by striking clause (i) and inserting the following new clause:

"(i) IN GENERAL.—This paragraph shall not apply to any taxable year beginning after December 31, 1992."

(9) Subsection (a) of section 58 is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(10)(A) Section 59 is amended by striking subsections (b) and (f) and by redesignating subsections (c), (d), (e), (g), (h), (i), and (j) as subsections (b), (c), (d), (e), (f), (g), and (h), respectively.

(B) Paragraph (2) of section 59(d), as so redesignated, is amended by striking "(determined without regard to section 291)".

(C) Sections 173(b), 174(f)(2), 263(c), 263A(c)(6), 616(e), 617(i), and 1016(a)(20) are each amended by striking "59(e)" each place it appears and inserting "59(d)".

(11) Subsection (d) of section 11 is amended by striking "the taxes imposed by subsection (a) and section 55" and inserting "the tax imposed by subsection (a)".

(12) Section 12 is amended by striking paragraph (7).

(13) Paragraph (6) of section 29(b) is amended to read as follows:

"(6) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and section 27. In the case of a taxpayer other than a corporation, such excess shall be further reduced (but not below zero) by the tentative minimum tax for the taxable year."

(14) Paragraph (3) of section 30(b) is amended to read as follows:

"(3) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27 and 29. In the case of a taxpayer other than a corporation, such excess shall be further reduced (but not below zero) by the tentative minimum tax for the taxable year."

(15)(A) Paragraph (1) of section 38(c) is amended to read as follows:

"(1) IN GENERAL.—

"(A) CORPORATIONS.—In the case of a corporation, the credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of the taxpayer's net income tax over 25 percent of so much of the taxpayer's net regular tax liability as exceeds $25,000.

"(B) TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation, the credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of the taxpayer's net income tax over the greater of—

"(i) the tentative minimum tax for the taxable year, or

"(ii) 25 percent of so much of the taxpayer's net regular tax liability as exceeds $25,000.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'net income tax' means the sum of the regular tax liability and the tax imposed by section 55, reduced by the credits allowable under subparts A and B of this part, and

"(ii) the term 'net regular tax liability' means the regular tax liability reduced by the sum of the credits allowable under subparts A and B of this part."

(B) Clause (ii) of section 38(c)(2)(A) is amended to read as follows:

"(ii) for purposes of applying paragraph (1) to such credit—

"(I) the applicable limitation under paragraph (1) (as modified by subclause (II) in the case of a taxpayer other than a corporation) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the empowerment zone employment credit), and

"(II) in the case of a taxpayer other than a corporation, 75 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (B)(i) thereof."

(C) Paragraph (3) of section 38(c) is amended by striking "subparagraph (B) of" each place it appears.

(16)(A) Subclause (I) of section 53(d)(1)(B)(ii) is amended by striking "subsection (b)(1)" and inserting "subsection (a)(8)".

(B) Clause (iv) of section 53(d)(1)(B) is hereby repealed.

(17)(A) Part VII of subchapter A of chapter 1 is hereby repealed.

(B) The table of parts for subchapter A of chapter 1 is amended by striking the item relating to part VII.

(C) Paragraph (2) of section 26(b) is amended by striking subparagraph (B) and by redesignating the succeeding subparagraphs accordingly.

(D) Subsection (c) of section 30A is amended by striking paragraph (1) and redesignating the succeeding paragraphs accordingly.

(E) Subsection (a) of section 164 is amended by striking paragraph (5).

(F) Subsection (a) of section 275 is amended by striking "Paragraph (1) shall not apply to the tax imposed by section 59A."

(G) Paragraph (1) of section 882(a) is amended by striking "59A,".

(H) Paragraph (3) of section 936(a) is amended by striking subparagraph (A) and redesignating the succeeding subparagraphs accordingly.

(I) Subsection (a) of section 1561 is amended by adding "and" at the end of paragraph (2), by striking ", and" at the end of paragraph (3) and inserting a period, and by striking paragraph (4).

(J) Subparagraph (A) of section 6425(c)(1) is amended by adding "plus" at the end of clause (i), by striking "plus" at the end of clause (ii) and inserting "over", and by striking clause (iii).

(18) Section 382(l) (relating to limitation on net operating loss carryforwards and certain built-in losses following ownership change) is amended by striking paragraph (7) and by redesignating paragraph (8) as paragraph (7).

(19) Paragraph (2) of section 815(c) (relating to distributions to shareholders from pre-1984 policyholders surplus account) is amended by striking the last sentence.

(20) Section 847 (relating to special estimated tax payments) is amended—

(A) in paragraph (9), by striking the last sentence; and

(B) in paragraph (10), by inserting "and" at the end of subparagraph (A) and by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(21) Section 848 (relating to capitalization of certain policy acquisition expenses) is amended by striking subsection (i) and by redesignating subsection (j) as subsection (i).

(22) Paragraph (1) of section 882(a) (relating to tax on income of foreign corporations connected with United States business) is amended by striking "55,".

(23) Paragraph (1) of section 962(a) (relating to election by individuals to be subject to tax at corporate rates) is amended by striking "sections 11 and 55" and inserting "section 11".

(24) Subsection (a) of section 1561 (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) is amended by striking the last sentence.

(25) Subparagraph (A) of section 6425(c)(1) (defining income tax liability), as amended by paragraph (17) is amended to read as follows:

"(A) the tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, over".

(26)(A) Paragraph (2) of section 6655(e) is amended—

(i) by striking ", alternative minimum taxable income, and modified alternative minimum taxable income" each place it appears in subparagraphs (A) and (B)(i), and

(ii) by striking clause (iii) of subparagraph (B).

(B) Subparagraph (A) of section 6655(g)(1) (relating to failure by corporation to pay estimated income tax), is amended to read as follows:

"(A) the sum of—

"(i) the tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever applies, plus

"(ii) the tax imposed by section 887, over".

(27) The table of sections for part VI of subchapter A of chapter 1 is amended by striking the item relating to section 55 and inserting the following new item:

"Sec. 55. Alternative minimum tax for taxpayers other than corporations."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(d) Refund of Unused Minimum Tax Credit.—

(1) In general.—In the case of a corporation—

(A) section 53(c) of the Internal Revenue Code of 1986 shall not apply to such corporation's first taxable year beginning after December 31, 2000, and

(B) for purposes of such Code (other than section 53 of such Code), the credit allowed by section 53 of such Code for such first taxable year shall be treated as if it were allowed by subpart C of part IV of subchapter A of chapter 1 of such Code (relating to refundable credits).

(2) Special rules relating to carrybacks.—In the case of a carryback of a corporation from a taxable year beginning after December 31, 2000, to a taxable year beginning before January 1, 2001—

(A) the tax imposed by section 55 of such Code shall not be increased or decreased by reason of such a carryback,

(B) tentative minimum tax shall not be increased or decreased by reason of such a carryback for purposes of determining the amount of any credit other than the credit allowed by section 38, and

(C) the amount of such a carryback which is taken into account in determining tentative minimum tax for purposes of section 38(c) shall be the amount of such carryback which is taken into account in determining regular tax liability.

SEC. 104. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS.

(a) In General.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

"(H) In the case of a taxpayer which has a net operating loss for any taxable year ending after September 10, 2001, and before September 11, 2004, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.".

(b) Election To Disregard 5-Year Carryback.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subjection (i) the following new subsection:

"(j) Election To Disregard 5-Year Carryback for Certain Net Operating Losses.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.".

(c) Temporary Suspension of 90 Percent Limit on Certain NOL Carrybacks.—Subparagraph (A) of section 56(b)(1) (relating to general rule defining alternative tax net operating loss deduction), as amended by section 103, is amended to read as follows:

"(A) the amount of such deduction shall not exceed the sum of—

"(i) the lesser of—

"(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carrybacks described in clause (ii)(I)), or

"(II) 90 percent of alternate minimum taxable income determined without regard to such deduction, plus

"(ii) the lesser of—

"(I) the amount of such deduction attributable to carrybacks of net operating losses for taxable years ending after September 10, 2001, and before September 11, 2004, or

"(II) alternate minimum taxable income determined without regard to such deduction reduced by the amount determined under clause (i), and".

(d) Effective Date.—The amendments made by this section shall apply to net operating losses for taxable years ending after September 10, 2001.

SEC. 105. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

(a) 15-Year Recovery Period.—Subparagraph (E) of section 168(e)(3) (relating to 15-year property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any qualified leasehold improvement property.".

(b) Qualified Leasehold Improvement Property.—Subsection (e) of section 168 is amended by adding at the end the following new paragraph:

"(6) Qualified leasehold improvement property.—

"(A) In general.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

"(I) by the lessee (or any sublessee) of such portion, or

"(II) by the lessor of such portion,

"(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

"(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) Certain improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefiting a common area, and

"(iv) the internal structural framework of the building.

"(C) Definitions and special rules.—For purposes of this paragraph—

"(i) Commitment to lease treated as lease.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

"(ii) Related persons.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

"(I) members of an affiliated group (as defined in section 1504), and

"(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

"(D) Improvements made by lessor.—

"(i) In general.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.

"(ii) Exception for changes in form of business.—Property shall not cease to be qualified leasehold improvement property under clause (i) by reason of—

"(I) death,

"(II) a transaction to which section 381(a) applies, or

"(III) a mere change in the form of conducting the trade or business so long as the property is retained in such trade or business as qualified leasehold improvement property and the taxpayer retains a substantial interest in such trade or business."

(c) Requirement To Use Straight Line Method.—Paragraph (3) of section 168(b) is amended by adding at the end the following new subparagraph:

"(G) Qualified leasehold improvement property described in subsection (e)(6).".

(d) Alternative System.—The table contained in section 168(g)(3)(B) is amended by adding at the end the following new item:

"(E)(iv) .... 15".

(e) Effective Date.—The amendments made by this section shall apply to qualified leasehold improvement property placed in service after September 10, 2001.

TITLE II—INDIVIDUAL PROVISIONS

SEC. 201. ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.

(a) In General.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking "27.0%" and inserting "25.0%", and

(2) by striking "26.0%" and inserting "25.0%".

(b) Reduction Not To Increase Minimum Tax.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking "($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)" and inserting "($49,000 in the case of taxable years beginning in 2001, $52,200 in the case of taxable years beginning in 2002 or 2003, and $50,700 in the case of taxable years beginning in 2004)".

(2) Subparagraph (B) of section 55(d)(1) is amended by striking "($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)" and inserting "($35,750 in the case of taxable years beginning in 2001, $37,350 in the case of taxable years beginning in 2002 or 2003, and $36,600 in the case of taxable years beginning in 2004)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) Section 15 Not To Apply.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986 .

SEC. 202. REPEAL OF 5-YEAR HOLDING PERIOD REQUIREMENT FOR REDUCED INDIVIDUAL CAPITAL GAINS RATES.

(a) In General.—

(1) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking "10 percent" and inserting "8 percent".

(2) The following sections are each amended by striking "20 percent" and inserting "18 percent":

(A) Section 1(h)(1)(C).

(B) Section 55(b)(3)(C).

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 311 of the Taxpayer Relief Act of 1997 is repealed.

(2) Section 1(h) is amended—

(A) by striking paragraphs (2) and (9),

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively, and

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (8), (9), and (10), respectively.

(3) Paragraph (3) of section 55(b) is amended by striking "In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C).".

(4) Paragraph (7) of section 57(a) is amended by striking the last sentence and by striking "42 percent" and inserting "28 percent".

(c) TRANSITIONAL RULES FOR TAXABLE YEARS WHICH INCLUDE OCTOBER 12, 2001.—For purposes of applying section 1(h) of the Internal Revenue Code of 1986 in the case of a taxable year which includes October 12, 2001—

(1) The amount of tax determined under subparagraph (B) of section 1(h)(1) of such Code shall be the sum of—

(A) 8 percent of the lesser of—

(i) the sum of—

(I) the net capital gain taking into account only gain or loss properly taken into account for the portion of the taxable year on or after October 12, (determined without regard to collectibles gain or loss, gain described in section (1)(h)(6)(A)(i) of such Code, and section 1202 gain), and

(II) the qualified 5-year gain (as defined in section 1(h)(9) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act) properly taken into account for the portion of the taxable year before October 12, 2001, or

(ii) the amount on which a tax is determined under such subparagraph (without regard to this subsection), plus

(B) 10 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (without regard to this subsection), over

(ii) the amount on which a tax is determined under subparagraph (A).

(2) The amount of tax determined under subparagraph (C) of section (1)(h)(1) of such Code shall be the sum of—

(A) 18 percent of the lesser of—

(i) the excess (if any) of the amount of net capital gain determined under subparagraph (A)(i)(I) of paragraph (1) of this subsection over the amount on which a tax is determined under subparagraph (A) of paragraph (1) of this subsection, or

(ii) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), plus

(B) 20 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), over

(ii) the amount on which a tax is determined under subparagraph (A) of this paragraph.

(3) For purposes of applying section 55(b)(3) of such Code, rules similar to the rules of paragraphs (1) and (2) of this subsection shall apply.

(4) In applying this subsection with respect to any pass-thru entity, the determination of when gains and loss are properly taken into account shall be made at the entity level.

(5) Terms used in this subsection which are also used in section 1(h) of such Code shall have the respective meanings that such terms have in such section.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to taxable years ending on or after October 12, 2001.

(2) WITHHOLDING.—The amendment made by subsection (a)(2)(C) shall apply to amounts paid after the date of the enactment of this Act.

(3) ELECTION TO RECOGNIZE GAIN ON ASSESTS HELD ON JANUARY 1, 2001.—The repeal made by subsection (b)(1) shall take effect as if included in section 311 of the Taxpayer Relief Act of 1997, and the Internal Revenue Code of 1986 shall be applied and administered as if subsection (e) of such section 311 had never been enacted.

(4) SMALL BUSINESS STOCK.—The amendments made by subsection (b)(4) shall apply to dispositions on or after October 12, 2001.

SEC. 203. TEMPORARY INCREASE IN DEDUCTION FOR CAPITAL LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 1211 (relating to limitation on capital losses for taxpayers other than corporations) is amended by adding at the end the following flush sentence:

"Paragraph (1) shall be applied by substituting '$4,000' for '$3,000' and '$2,000' for '$1,500' in the case of taxable years beginning in 2001, and by substituting '$5,000' for '$3,000' and '$2,500' for '$1,500' in the case of taxable years beginning in 2002.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 204. TEMPORARY EXPANSION OF PENALTY-FREE RETIREMENT PLAN DISTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS OF UNEMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Subparagraph (D) of section 72(t)(2) is amended by adding at the end the following new clause:

"(iv) SPECIAL RULES FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION AFTER SEPTEMBER 10, 2001, AND BEFORE JANUARY 1, 2003.—In the case of an individual who receives unemployment compensation for 4 consecutive weeks after September 10, 2001, and before January 1, 2003—

"(I) clause (i) shall apply to distributions from all qualified retirement plans (as defined in section 4974(c)), and

"(II) such 4 consecutive weeks shall be substituted for the 12 consecutive weeks referred to in subclause (I) of clause (i)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

TITLE III—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Two-Year Extensions

SEC. 301. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking "RULE FOR 2000 AND 2001.—" and inserting "RULE FOR 2000, 2001, 2002, AND 2003.—", and

(2) by striking "during 2000 or 2001," and inserting "during 2000, 2001, 2002, or 2003,".

(b) CONFORMING AMENDMENTS.—

(1) Section 904(h) is amended by striking "during 2000 or 2001" and inserting "during 2000, 2001, 2002, or 2003".

(2) The amendments made by sections 201(b), 202(f), and 618(f) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2002 and 2003.

(c) TECHNICAL CORRECTION.—Section 24(d)(1)(B) is amended by striking "amount of credit allowed by this section" and inserting "aggregate amount of credits allowed by this subpart".

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2001.

(2) The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2000.

SEC. 302. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking "December 31, 2001," and inserting "December 31, 2003,", and

(B) in subparagraphs (A), (B), and (C), by striking "2002", "2003", and "2004", respectively, and inserting "2004", "2005", and "2006", respectively, and

(2) in subsection (e), by striking "December 31, 2004" and inserting "December 31, 2006".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 280F(a)(1) is amended by adding at the end the following new clause

"(iii) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall apply to property placed in service after August 5, 1997, and before January 1, 2007.".

(2) Subsection (b) of section 971 of the Taxpayer Relief Act of 1997 is amended by striking "and before January 1, 2005".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 303. CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) IN GENERAL.—Subparagraphs (A), (B), and (C) of section 45(c)(3) are each amended by striking "2002" and inserting "2004".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 304. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking "2001" and inserting "2003".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 305. WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Subsection (f) of section 51A is amended by striking "2001" and inserting "2003".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 306. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) IN GENERAL.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "December 31, 2001," and inserting "December 31, 2003,", and

(B) in clauses (i), (ii), and (iii), by striking "2002", "2003", and "2004", respectively, and inserting "2004", "2005", and "2006", respectively, and

(2) in subsection (f), by striking "December 31, 2004" and inserting "December 31, 2006".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 307. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking "2002" and inserting "2004".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 308. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking "2000, and 2001" and inserting "2000, 2001, 2002, and 2003".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 309. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2002" and inserting "January 1, 2004".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 310. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 is amended by striking "2001" and inserting "2003".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 311. DELAY IN EFFECTIVE DATE OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 (Public Law 105–34) is amended by striking "January 1, 2002" and inserting "January 1, 2004".

Subtitle B—One-Year Extensions

SEC. 321. ONE-YEAR EXTENSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking "2002" each place it appears and inserting "2003".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended by striking "1998, 1999, or 2001" each place it appears and inserting "1998, 1999, 2001, or 2002".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2001" and inserting "2001, and 2002".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle C—Permanent Extensions

SEC. 331. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) IN GENERAL.—

(1) Section 953(e)(10) is amended—

(A) by striking ", and before January 1, 2002,", and

(B) by striking the second sentence.

(2) Section 954(h)(9) is amended by striking ", and before January 1, 2002,".

(b) LIFE INSURANCE AND ANNUITY CONTRACTS.—

(1) IN GENERAL.—Subparagraph (B) of section 954(i)(4) is amended to read as follows:

"(B) LIFE INSURANCE AND ANNUITY CONTRACTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the amount of the reserve of a qualifying insurance company or qualifying insurance company branch for any life insurance or annuity contract shall be equal to the greater of—

"(I) the net surrender value of such contract (as defined in section 807(e)(1)(A)), or

"(II) the reserve determined under paragraph (5).

"(ii) RULING REQUEST.—The amount of the reserve under clause (i) shall be the foreign statement reserve for the contract (less any catastrophe, deficiency, equalization, or similar reserves), if, pursuant to a ruling request submitted by the taxpayer, the Secretary determines that the factors taken into account in determining the foreign statement reserve provide an appropriate means of measuring income.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle D—Other Provisions

SEC. 341. EXCLUDED CANCELLATION OF INDEBTEDNESS INCOME OF S CORPORATION NOT TO RESULT IN ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS.

(a) IN GENERAL.—Subparagraph (A) of section 108(d)(7) (relating to certain provisions to be applied at corporate level) is amended by inserting before the period ", including by not taking into account under section 1366(a) any amount excluded under subsection (a) of this section".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to discharges of indebtedness after October 11, 2001, in taxable years ending after such date.

SEC. 342. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Paragraph (5) of section 448(d) is amended to read as follows:

"(5) SPECIAL RULE FOR CERTAIN SERVICES.—

"(A) IN GENERAL.—In the case of any person using an accrual method of accounting with respect to amounts to be received for the performance of services by such person, such person shall not be required to accrue any portion of such amounts which (on the basis of such person's experience) will not be collected if—

"(i) such services are in fields referred to in paragraph (2)(A), or

"(ii) such person meets the gross receipts test of subsection (c) for all prior taxable years.

"(B) EXCEPTION.—This paragraph shall not apply to any amount if interest is required to be paid on such amount or there is any penalty for failure to timely pay such amount.

"(C) REGULATIONS.—The Secretary shall prescribe regulations to permit taxpayers to determine amounts referred to in subparagraph (A) using computations or formulas which, based on experience, accurately reflect the amount of income that will not be collected by such person. A taxpayer may adopt, or request consent of the Secretary to change to, a computation or formula that clearly reflects the taxpayer's experience. A request under the preceding sentence shall be approved only if such computation or formula clearly reflects the taxpayer's experience.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period of 4 years (or if less, the number of taxable years that the taxpayer used the method permitted under section 448(d)(5) of such Code as in effect before the date of the enactment of this Act) beginning with such first taxable year.

TITLE IV—SUPPLEMENTAL REBATE; OTHER PROVISIONS

SEC. 401. SUPPLEMENTAL REBATE.

(a) IN GENERAL.—Section 6428 (relating to acceleration of 10 percent income tax rate bracket benefit for 2001) is amended by adding at the end the following new subsection:

"(f) SUPPLEMENTAL REBATE.—

"(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2000 and who, before October 16, 2001, filed a return of tax imposed by subtitle A for such taxable year shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the supplemental refund amount for such taxable year.

"(2) SUPPLEMENTAL REFUND AMOUNT.—For purposes of this subsection, the supplemental refund amount is an amount equal to the excess (if any) of—

"(A)(i) $600 in the case of taxpayers to whom section 1(a) applies,

"(ii) $500 in the case of taxpayers to whom section 1(b) applies, and

"(iii) $300 in the case of taxpayers to whom subsections (c) or (d) of section 1 applies, over

"(B) the taxpayer's advance refund amount under subsection (e).

"(3) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this subsection, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6428(d)(1) is amended by striking "subsection (e)" and inserting "subsections (e) and (f)".

(2) Subparagraph (B) of section 6428(d)(1) is amended by striking "subsection (e)" and inserting "subsection (e) or (f)".

(3) Paragraph (3) of section 6428(e) is amended by striking "December 31, 2001" and inserting "the date of the enactment of the Economic Security and Recovery Act of 2001".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 402. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.

(a) REPEAL OF CERTAIN PROVISIONS ADDED BY THE BALANCED BUDGET ACT OF 1997.—

(1) IN GENERAL.—The following provisions of section 903 of the Social Security Act (42 U.S.C. 1103) are repealed:

(A) Paragraph (3) of subsection (a).

(B) The last sentence of subsection (c)(2).

(2) SAVINGS PROVISION.—Any amounts transferred before the date of enactment of this Act under the provision repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as last in effect before such date of enactment.

(b) SPECIAL TRANSFER IN FISCAL YEAR 2002.—Section 903 of the Social Security Act is amended by adding at the end the following:

"Special Transfer in Fiscal Year 2002

"(d)(1) The Secretary of the Treasury shall transfer (as of the date determined under paragraph (5)(A)) from the Federal unemployment account to the account of each State in the Unemployment Trust Fund the amount determined with respect to such State under paragraph (2).

"(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to—

"(A) the amount which would have been required to have been transferred under this section to such account at the beginning of fiscal year 2002 if section 402(a)(1) of the Economic Security and Recovery Act of 2001 had been enacted before the close of fiscal year 2001, minus

"(B) the amount which was in fact transferred under this section to such account at the beginning of fiscal year 2002.

"(3)(A) Except as provided in paragraph (4), amounts transferred to a State account pursuant to this subsection may be used only in the payment of cash benefits—

"(i) to individuals with respect to their unemployment, and

"(ii) which are allowable under subparagraph (B) or (C).

"(B)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable as regular or additional compensation for individuals eligible for regular compensation under the unemployment compensation law of such State.

"(ii) Any additional compensation under clause (i) may not be taken into account for purposes of any determination relating to the amount of any extended compensation for which an individual might be eligible.

"(C)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable to 1 or more categories of individuals not otherwise eligible for regular compensation under the unemployment compensation law of such State.

"(ii) The benefits paid under this subparagraph to any individual may not, for any period of unemployment, exceed the maximum amount of regular compensation authorized under the unemployment compensation law of such State for that same period, plus any additional benefits (described in subparagraph (B)(i)) which could have been paid with respect to that amount.

"(D) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment—

"(i) beginning after the date of enactment of this subsection, and

"(ii) ending on or before March 11, 2003.

"(4) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law and public employment offices (including in connection with benefits described in paragraph (3) and any recipients thereof), subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection).

"(5) Transfers under this subsection—

"(A) shall be made on such date as the Secretary of Labor (in consultation with the Secretary of the Treasury) shall determine, but in no event later than 10 days after the date of enactment of this subsection, and

"(B) may, notwithstanding any other provision of this subsection, be made only to the extent that they do not to exceed—

"(i) the balance in the Federal unemployment account as of the date determined under subparagraph (A), or

"(ii) the total amount that was transferred under this section to the Federal unemployment account at the beginning of fiscal year 2002,

whichever is less."

(c) Limitations on Transfers.—Section 903(b) of the Social Security Act shall apply to transfers under section 903(d) of such Act (as amended by this section). For purposes of the preceding sentence, such section 903(b) shall be deemed to be amended as follows:

(1) By substituting "the transfer date described in subsection (d)(5)(A)" for "October 1 of any fiscal year".

(2) By substituting "remain in the Federal unemployment account" for "be transferred to the Federal unemployment account as of the beginning of such October 1".

(3) By substituting "fiscal year 2002 (after the transfer date described in subsection (d)(5)(A))" for "the fiscal year beginning on such October 1".

(4) By substituting "under subsection (d)" for "as of October 1 of such fiscal year".

(5) By substituting "(as of the close of fiscal year 2002)" for "(as of the close of such fiscal year)".

(d) Technical Amendments.—(1) Sections 3304(a)(4)(B) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by inserting "or 903(d)(4)" before "of the Social Security Act".

(2) Section 303(a)(5) of the Social Security Act is amended in the second proviso by inserting "or 903(d)(4)" after "903(c)(2)".

(e) Regulations.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

TITLE V—HEALTH CARE ASSISTANCE FOR THE UNEMPLOYED

SEC. 501. HEALTH CARE ASSISTANCE FOR THE UNEMPLOYED.

Title XX of the Social Security Act (42 U.S.C. 1397–1397f) is amended by adding at the end the following:

"SEC. 2008. GRANTS FOR HEALTH CARE ASSISTANCE FOR THE UNEMPLOYED.

"(a) Funding.—For purposes of section 2003, the amount specified in section 2003(c) for fiscal year 2002 is increased by $3,000,000,000.

"(b) Use of Funds.—Notwithstanding any other provision of this title, to the extent that an amount paid to a State under section 2002 is attributable to funds made available by reason of subsection (a) of this section—

"(1) the State shall use the amount to assist an unemployed individual who is not eligible for Federal health coverage to purchase health care coverage for the individual or any member of the family of the individual who is not so eligible; and

"(2) the amount—

"(A) shall be used to supplement, not supplant, any other Federal, State, or local funds that are used for the provision of health care coverage; and

"(B) may not be included in determining the amount of non-Federal contributions required under any program.

"(c) Definitions.—In this section:

"(1) Unemployed individual.—The term 'unemployed individual' means an individual who—

"(A) is without a job (determined in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed);

"(B) is seeking and available for work; and

"(C) has or had a benefit year (within the meaning of section 205 of the Federal-State Extended Unemployment Compensation Act of 1970) beginning on or after January 1, 2001.

"(2) Federal health coverage.—

"(A) In general.—Subject to subparagraph (B), the term 'Federal health coverage' means coverage under any medical care program described in—

"(i) title XVIII, XIX, or XXI of this Act (other than under section 1928);

"(ii) chapter 55 of title 10, United States Code;

"(iii) chapter 17 of title 38, United States Code;

"(iv) chapter 89 of title 5, United States Code (other than coverage which is comparable to continuation coverage under section 4980B of the Internal Revenue Code of 1986); or

"(v) the Indian Health Care Improvement Act.

"(B) Special rule.—Such term does not include coverage under a qualified long-term care insurance contract.".

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 107–252 if offered by the gentleman from New York (Mr. Rangel), or his designee, which shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. Thomas) and the gentleman from New York (Mr. Rangel) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. Thomas).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, much has been said about the desire for bipartisanship, especially about the fact that the administration has been working to try to bring groups together so that we can move forward on a package to stimulate the economy, indeed secure economic security, and recover from what I think everyone will soon agree, if they do not now, is a short-term recession.

I think it is important, then, that if we are going to say that we should listen to the President, that we should listen to the President. My colleagues cannot have it both ways. They cannot say that they want to be with the President, but then do not focus on the statement of administration policy in regard to H.R. 3090.

The first thing I think we should do, Mr. Speaker, is clearly establish where the President is, where this administration is on this bill, the Economic Security and Recovery Act.

I will include the Statement of Administration Policy in the Record. It says, Mr. Speaker, in the very first line: "The Administration strongly supports House passage of H.R. 3090."

It then goes on to say: "The Administration is very pleased that the bill includes the main elements that the President has proposed for an economic stimulus package." It then goes on to list some of them: "Tax relief for low to moderate income individuals and families and an acceleration of scheduled tax rate cuts that are in the bill."

The policy statement goes on to say, "increased business expensing and repeal of the corporate Alternative Minimum Tax to create jobs and encourage capital investment." Let me underscore that. The President is pleased that he asked Congress for and contained in this bill is the repeal of the corporate Alternative Minimum Tax to create jobs and encourage capital investment.

The statement goes on to say: "The Administration commends the fact that this bill is focused primarily on tax relief." The assumption is any bill not focused primarily on tax relief is not one that the administration would support.

It concludes by saying: "The Administration urges quick action in the

Congress to enable an economic stimulus package to take effect as quickly as possible.''

The right remedy, done quickly. The administration supports this package; and I am pleased to say, the House will pass today H.R. 3090, the Economic Security and Recovery Act of 2001.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 3090—ECONOMIC SECURITY AND RECOVERY ACT OF 2001

(Rep. Thomas (R) California)

The Administration strongly supports House passage of H.R. 3090. The Administration is pleased that the House has started the process of acting on a stimulus package to help get the economy going again following the terrorist attacks of September 11th.

The Administration is very pleased that the bill includes the main elements that the President has proposed for an economic stimulus package: (a) tax relief for low-to-moderate income individuals and families and an acceleration of scheduled tax rate cuts to spur consumer spending, improve economic growth incentives, and restore confidence; and (b) increased business expensing and repeal of the corporate Alternative Minimum Tax to create jobs and encourage capital investment.

The Administration commends the fact that this bill is focused primarily on tax relief, since Congress has already adopted adequate spending measures to address the economic disruption caused by September 11th. Over sixty billion dollars has been committed or proposed since September 11th, including monies for disaster relief, security enhancements, and defense. As part of this amount, the President has announced a Back-to-Work Relief proposal and looks forward to working in a bipartisan fashion with Congress to enact it. This is ample spending to address the direct impact of the terrorist attacks. Stimulus is best accomplished through prompt tax relief to restore consumer confidence, spur capital investment, and thus create new jobs. The Administration opposes alternative proposals that contain large spending and tax increases. Raising taxes on small businesses—which create most new jobs—as well as on families and individuals is ill-advised in any environment, but is particularly troubling in an already slow economy. Additional spending and tax increases will retard economic recovery rather than stimulate it.

The Administration urges quick action in the Congress to enable an economic stimulus package to take effect as quickly as possible. The Administration remains committed to working with the Congress in a bipartisan manner to produce a fiscally responsible end product consistent with the President's principles to help consumers, spur investment, and contribute to the recovery from the terrorist attacks of September 11th.

PAY-AS-YOU-GO SCORING

Any law that would reduce receipts or increase direct spending is subject to the pay-as-you-go requirements of the Balanced Budget and Emergency Deficit Control Act. Accordingly, H.R. 3090, or any substitute amendment in lieu thereof that would reduce revenues or increase direct spending, will be subject to the pay-as-you-go requirement. OMB's scoring estimates are under development. The Administration will work with Congress to ensure that any unintended sequester of spending does not occur under current law or the enactment of any other proposals that meet the President's objectives.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from California, the chairman of the Committee on Ways and Means, referred to bipartisanship in his opening statement. His mentioning the bipartisanship is about as close as he will ever get to it. We had had some preliminary meetings to see whether or not we could support the President as he gave guidelines as to what he wanted in this stimulus package. The fact that a handful of Republicans visited the White House and the President changed his mind is not very, very impressive.

I think, though, that one of the gentlemen who spoke for the rule spelled it out as to the difference between Democrats and Republicans, and that is that Republicans just have a difficult time helping poor folks or helping people not wealthy. They just have a propensity to help faceless multinational corporations. Now, you can call it a bonus, you can call it a credit, you can call it a loan, you can call it what you want; but at the end of the day these firms will be receiving billions of dollars out of monies that basically have been paid into the Social Security and the Medicare Trust Fund. That is not deniable.

The guideline was supposed to be that it was not supposed to be a permanent fix, but they do have permanent tax remedies that they are selecting. It is outrageous to do something like this when the country is going through a crisis. And instead of raising the funds to pay for the war, they are actually giving bonuses to those people who are the beneficiaries of this dilemma we find ourselves in today.

Patriotic people ought to know that it takes more than going to Disneyland to pay for a war. And what we ought to do is take a look at the tax cuts that the President proposed and got passed before he was commander in chief, because certainly we would like to believe that he wanted to support the very same things he campaigned on, and that is a viable Social Security System, Medicare, education, to make certain that we have prescription drugs, and to make certain that we had a Patients' Bill of Rights. All of this does not stop America from moving forward just because we have a lot of bum insane terrorists after us.

This is the time for America to be at its strongest. And we ought to expect those that got strong economically in this country to help to be responsible and pay their fair share, instead of taking care of the people that are displaced, the people that are unemployed, instead of making certain to take care of those that are supposed to be the ones to spur the economy. You can give billions of dollars to the corporate structure; but if no one is buying cars, if no one is buying washing machines, what are they going to invest in? You have to be able to create consumer demand.

What is happening here is that they found out the country was in trouble, and they were able to outrageously just hold the Democrats on the committee in utter contempt, hold the other body in utter contempt, and just decide that every time they go in a back room they can bring out a bill. Forget the bipartisanship, forget the President's problems, just ram it through. Well, it is not going to be rammed through the Senate.

The President has already had his people call it show business. So what I am saying is if this is a show business bill, let us get the producers, let us get the actors, close down the show and run them out of town.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I tell the gentleman that he is desperately hanging on to an offhand comment by one member of the administration who has since said a number of different things, and apparently he chooses to ignore the statement by the President that they strongly support House passage of H.R. 3090.

One of the problems, I guess, is that we wind up talking about individuals and benefits to individuals, and then the other side we wind up talking about business or corporations. I do believe there is a kind of an internal rejection on the part of my colleagues on the other side of the aisle, by and large, when we use the term business or corporation. Somehow that has a negative connotation.

I think maybe it might help in this debate if instead of calling them businesses or corporations we would call them job-creating machines. Because if you understand that what these entities do is create jobs, then we might be able to deal with this debate slightly differently, and that would be this: this bill puts about $100 billion into the economy right away over the next 12 months, and it is divided this way:

About 40 cents of every dollar goes to individuals. About $14 billion of it goes to individuals who filed an income tax form, but who possibly did not pay any income taxes at all or even any payroll taxes. They had no tax obligation, but they are going to receive as part of a stimulus, i.e. give them money because they will spend it, about $14 billion. We also accelerate a reduction already on the books for the middle-income folk, and that is about $12 billion. And then there is about an additional $12 billion to assist unemployed and assist in the purchasing of health care of those who are temporarily unemployed. Now, that is about 40 cents out of every dollar.

Sixty cents out of every dollar goes to help the job-creating machines. See, there is an idea that if you can create a job, a real job, people get recurring income from the job. They also get health care very often in the workplace. But then they also wind up paying taxes, and, lo and behold, the job-creating machine pays taxes. So we thought it was appropriate to do 40 cents on the dollar to stimulate the individual spending, but 60 cents to help the job-creating machines.

Now, the spending is a gift. It is a one-time gift. It is a gift that gets spent. The $14 billion to those low-income individuals gets spent in the next 12 months and it costs $14 billion over 10 years. There is no other tax consequence. It gets spent. That is a one-time gift. But if you want a gift that keeps on giving, then you assist the job-creating machines. Because what they do is not provide unemployment, they provide a job, and they provide tax revenue, and the machine itself provides tax revenue. That is a gift that keeps on giving.

So, really, what we ought to be talking about is the fact that this package assists with a government gift, spending, 40 cents out of the dollar; but it also deals with 60 cents out of every dollar helping those machines that create jobs so that we can have a gift that keeps on giving.

And that I think is the fundamental difference between the approach that we take to a stimulus package. Do you want a one-time gift? We do that, 40 cents on the dollar. Do you want a gift that keeps on giving? We do that, 60 cents on the dollar. It seems to me the administration wisely said that this is something that they commend us for doing, but that first and foremost it needs to be passed to be effective. Let us get on with our business.

I would prefer both sides yield back the balance of their time and we can vote, but I know full well that will not occur.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, we have to continue to debate this because, for all we know, the administration may change its mind before the debate is over.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), a senior member of the committee.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the ranking member. The gentleman from California, the chairman of the Committee on Ways and Means, protests too much. Obviously, what he does not seem to understand, and this is what the real problem is, is the economy and why we are now suffering a recession. The reason we are having this problem now is because consumer demand is not there.

Obviously, what was going on and what happened after September 11 and since, is there has been a drop in confidence in terms of purchasing in this country. So what we want to do is we want to put money in individuals' pockets so that they will then begin to have more confidence in the economy, spend money, and that will then result in more capital investment by companies, because all of a sudden they will want to make products in order to have it available to the people that are going to be spending money.

So the Democratic alternative, which we will be explaining shortly, will provide for that. It will put money in individuals' pockets so they can spend it, particularly during the holiday season, when about 25 percent of all retail sales occur.

But what the gentleman from California, the chairman of the committee, wants to do is basically give it to corporations, mainly because they want to pay off those people that have been wonderful contributors to them. I just point to this chart here. Fifteen companies in the first year will get $25 billion of this tax cut. The gentleman talked about individuals getting $14 billion over 10 years. That is just a one-shot deal. A one-shot deal.

The reality is this is a permanent tax cut. And what it does, which is so surprising, it eliminates the alternative minimum tax. And then what it does, it retroactively repeals it to 1986, 15 years ago. And that is why these companies will get $25 billion.

I have to tell my colleagues that what is so outrageous about this is this is Social Security money. This is what the corner grocery store owner, this is what perhaps many of the Members' mothers and fathers and grandparents pay in the form of payroll taxes. They think this money is going into the Social Security Trust Fund to protect their retirement benefits. Unfortunately, it is being used for another purpose. It is being used basically for these tax cuts to these major companies and major corporations.

I know that my colleagues think that, well, we are in the middle of an anthrax scare, we have obviously a war going on in Afghanistan, nobody is going to pay any attention. That is why the gentleman perhaps thinks they will get away with this. They may get away with it for a while; but the reality is the American public will find out about this, because this will have nothing to do with stimulating the economy. In fact, it will set us back, because this is not even paid for; and it will result in an increase in long-term interest rates.

Sometime around June of next year we are going to be talking about this vote and this issue. So the reality is that this is taking Social Security payroll tax money to pay for those major big corporate tax cuts. I have never seen, in my 23 years in this institution, such an outrageous piece of legislation as I see in this. Vote "no" on this bill and vote for the substitute.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Notwithstanding the fact the gentleman impugned the motives of the Members on this side of the aisle, I am sure he was carried away by emotion and did not really intend to do that, and I understand that.

He also said those corporations on the list get $25 billion. The fact of the matter is, he knows that if he had a list of the corporations it would be 23,000 names long and not just the list there.

I told you if we quit talking about corporations and talked about them as job-creating machines, we could look at this entire argument slightly differently. That list the gentleman held in front of us represents 1,500,000 jobs. Now, that is more jobs than there are people in 15 of these United States. They are job-creating machines; and 1,500,000 people are employed by just that short list that the gentleman provided, let alone the fact there are more than 23,000 corporations that will benefit from the repeal of the alternative minimum tax, which by the way the President requested that we do.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of the Joint Economic Committee.

Mr. SAXTON. Mr. Speaker, I thank the chairman for yielding me this time, and I rise today in strong support of the economic stimulus package needed to address the weakness that is evident in the economy.

Mr. Speaker, it is important for us to point out that we are addressing an economic trend. This situation was not created on September 11, nor was it created on January 1, 2001.

□ 1330

Nor was it created on January 1, 2001. This trend began in the second quarter of the year 2000, barely remaining positive during that quarter of the year. The manufacturing sector has been hit especially hard, and it is to encourage investment in that sector wherein lies the key to turning this economy around.

One bright spot has been in housing and consumer spending, we do not have to worry quite as much about that, but it is a concern as well. Therefore, a logical response is to offset the costs that have been foisted upon our economy by encouraging investment.

As a matter of fact, just last week the Chairman of the Federal Reserve, Alan Greenspan, said, "My own impression is it is in the investment area where the greatest sensitivity for fiscal stimulus lies." Those were Alan Greenspan's words, and in effect that is precisely what this tax package does.

The economic stimulus bill will reduce the costs and benefit the economy in several ways. The bill would reduce the 28 percent personal income tax rate to 25 percent. The bill would reduce capital gains tax rates on many investments, thereby encouraging investment. The bill provides a 30 percent expensing of investment in most forms of depreciable property over a 3-year period. This would increase incentives to invest, precisely what the Chairman of the Fed says we need.

Mr. Speaker, I strongly urge a "yea" vote on the bill.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank God we have an honest person in the House to call it a Republican bill, so that officially shatters the myth of bipartisanship.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I want to pick up the statement of the gentleman from New York (Mr. RANGEL), and the chairman of the committee is not listening at the moment, but the gentleman read the statement of the administration and apparently says that makes it bipartisan. Bipartisanship is not rubber-stamping the position of the other party.

There have been close to zero efforts, certainly within the committee, to reach any bipartisan position on this bill. I think the guidelines should be a short-term stimulus and long-term discipline, and in that respect this bill is woefully unbalanced.

The $20 billion for financial services, we need to continue to reform the international tax system, but tell me what jobs that is going to create. In terms of the corporate AMT credits, I want to say one word. The administration says repeal them. They do not say give in one check all of the credits. If that is the position of the administration, they ought to say so; but tie it to how it is going to create jobs in our States.

The acceleration of the tax cut, a family with $150,000 and four kids will get 15 times what the family of $70,000 in income will receive. Now, how is that going to help stimulate the economy? It is woefully imbalanced in terms of unemployment comp and health care.

Corporations are important in this country. My colleagues give individuals the back of the hand. $5 billion, a few percentage points of what Members allocate here? Maybe $2 billion for those who are unemployed, and maybe some crumbs for those who do not have health insurance.

I want to finish up on fiscal discipline. One Member said this was a package of fiscal discipline when my colleagues do not spend one red dime to pay for it. My colleagues have become the economic radicals. They pay for nothing. Nothing. The other side of the aisle is trying to sell a bill of goods to this country that we can go into debt again, cut into Social Security and Medicare monies, and someday they will be replaced. We have heard that song before.

Mr. Speaker, this is a woefully unbalanced, fiscally reckless package that does not have even the patina, even a fig leaf of bipartisanship. Members are getting us off on the wrong foot. Let us vote this down and start over again.

Mr. THOMAS. Mr. Speaker, I yield 30 seconds to the gentleman from Louisiana (Mr. MCCRERY), just to indicate to all that no good deed goes unpunished.

Mr. MCCRERY. Mr. Speaker, in response to the claims that there is no bipartisanship present in this bill, that is not so. The chairman, I, and other Members on the Republican side took into account in drafting this bill that is on the floor today the Democrat ideas for net operating losses to be carried back. That was a Democrat proposal. We included it in the bill.

We included in the bill the provision to provide a rebate of taxes to taxpayers who did not get a check under the previous tax cut. That was a Democrat proposal. Both of those are in the bill. I reject categorically the claims that no Democrat ideas are included in this bill. This is a bipartisan compilation of ideas.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, that shows the depth of arrogance on the Republican side of this aisle. To really think that bipartisanship is their interpretation of democratic ideas is the epitome of arrogance. So that means that any time we want to have a bipartisan bill, all we have to do is go to the Democratic Campaign Committee and wonder what these rascals are thinking about and include it in a bill and come to the floor and claim that it is bipartisan. Shame on my colleagues.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, everyone in this country has been impacted by what happened on September 11; but I think we all agree that our first priority needs to be for the victims, their families, the businesses that were put out of business and lost opportunity, and the workers that no longer have jobs as a result of what happened on September 11.

It also happens to help our country by giving these unemployed workers benefits because we know they will spend the money. They will help economic growth. So from the humanitarian point of view, the fairness point of view, and the economic point of view, our priority must be to get the unemployed worker additional resources.

The bill before Members would cost over $200 billion over a 5-year period, and virtually none of that money goes to the people who have lost their jobs as a result of September 11.

The unemployment insurance provisions in the bill are inadequate. It allows the States to draw down on their own money a little bit faster, but there is no guarantee that even one dime of that money will be spent on increased unemployment insurance benefits for the unemployed worker, for the States can use the money as they see fit in their unemployment insurance system.

In order for the States to provide more benefits, the legislatures would have to meet. Many State legislatures are not scheduled to meet. New laws would have to be passed. It is for that reason that our Congressional Budget Office estimates that as little as $700 million will get out under the underlying bill to unemployed workers.

Mr. Speaker, individual corporations will receive more money in tax breaks than all the workers in this country will receive in increased unemployment insurance benefits. That is not fair. We can do better. The substitute that will be offered by the gentleman from New York (Mr. RANGEL), the amendment that I offered in committee, allows us to provide real help to the uninsured by expending those who are eligible to include part-time workers and using the most recent wage quarter, to provide additional benefits for those people who are unemployed today, so we can increase the benefits and increase the number of weeks that they are eligible to receive benefits.

The substitute does this all at Federal cost so we do not impose any new burdens on the States, and we make these provisions temporary, as we should, in any bill that is aimed at the direct impact of September 11. It is a 1-year bill only. It is the right thing to do.

So if Members share my concern for the people who are unemployed as a result of what happened on September 11, Members will have a chance to voice that concern by voting for the substitute of the gentleman from New York (Mr. RANGEL) that provides relief for the unemployed. I urge Members to support the substitute and reject the underlying bill.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, existing law put out almost $28 billion in unemployment payment. Frankly, it is beginning to take my breath away the degree to which the bill is being, I hope, knowingly misrepresented. Otherwise, it indicates that the gentleman has no understanding of the bill.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON) who is the chairman of the Subcommittee on Health of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation. I think it both secures current jobs, will lay the groundwork for bringing people back into jobs they had recently, and will open up new job opportunities through all of the provisions that stimulate growth in the economy. But it is also a bill that is about people, the help that they need right now through the unemployment compensation system and help with their health benefits.

This is an immediate stimulus bill, and under our provisions within 10 days States will get $9 billion back. They will not be able to spend it on just anything. They will be able to spend it to pay or increase unemployment benefits. They will know whether their people need double benefits in the short term. They can use it to extend benefits instead for those who have exhausted their benefits, or they can use it for better employment services.

Some States will know exactly where their unemployment problems are and where they have openings, and they can use this money to provide customized training to move people from unemployment into employment. This is $9 billion within 10 days to help people who are unemployed get jobs, get better benefits, get the help that they need.

Secondly, it is $3 billion more that again can go out very rapidly right to the community themselves through our community services block grant dollars where it is most sensitive to local need, and anyone who is unemployed will thereby be eligible for health insurance.

But it will not just be subsidies for COBRA, which are the most expensive health insurance plans, often with premiums of $350 a month, unaffordable to people unemployed, but unaffordable even with subsidies. This will give States the money to help uninsured people enter CHIP, enter the State Employee Benefit Program or however States want to do it. It needs no new legislation. It helps people now, and that is what a stimulus bill should do.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the committee would like us to believe that those who disagree with the gentleman and his bill are either stupid or do not understand the bill. The gentleman from California (Mr. THOMAS) said that the gentleman from Maryland (Mr. CARDIN) misrepresented the bill, but he never had enough time to share with us what part of the bill he misrepresented.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I remember last January how excited I was when President Bush stood right here and told us he did not believe that a tax code should pick winners and losers.

The gentlewoman from Connecticut (Mrs. JOHNSON) said there are real benefits for real people. She said they will be eligible for them. The money will be put out there, and they might get them.

Mr. Speaker, if I came out here with a bill that guaranteed that everybody get unemployment insurance and health care coverage when they were laid off, and I also wanted to give $25 billion to the governors of this country to distribute to whatever corporations they wanted to, Members would laugh me off this floor.

My colleagues give the guarantees to the corporations, and then Members put the workers out there sort of to hope that the governors have the money or the legislature gets in session.

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Everybody here who has been a member of a State legislature knows that you cannot get these unemployment benefits out without changes in State law. For anybody to say that this is an immediate benefit is simply missing the entire point.

We spent already out here, we gave $15 billion to the airline industry. What did we get? We got 75,000 people laid off. We were told, with very solemn faces, we will get to the problems of the workers. What do we get here as the solemn promise to the workers? $9 billion. If you look at the State of Texas, they have not got enough money in their unemployment insurance to cover workers for 3 months. I know why the President ran for President. He wanted to get out of Texas before a problem ever got there.

But what we have is this bill now, and this is our promise. Now we are giving $151 billion. If you take the same figures from the last bill, I guess we will get another 750,000 people unemployed. You are giving this money back, this $25 billion goes back to the corporations that have done well. They had to pay the AMT because they were doing so well they were not paying any taxes whatsoever. If I said I was going to give 15 years of taxes back to people making $25,000 a year, you would say he has lost his mind. They live in this country, they deserve to pay for it, but no, not if you are a big corporation.

And big corporations are not job-creating machines. They are money-making machines for stockholders. Incidentally they may produce some service but there they are, and we give them all this money back, and if there is not a stock dividend that goes to all the companies that get this, I will be very, very surprised.

Vote against this. It is not fair. There is no tax equity in it. There is no guarantee for workers. It is all for people at the top on the list of 15 corporations.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the admonition by my ranking member from New York, because I do want to give specific citation to the two particular areas that I was concerned about, both in the Democratic substitute and in the underlying bill. The gentleman from Maryland and the gentleman from Washington repeated the argument that legislatures must pass laws in dealing with the unemployment money available to them. That is simply not so. The bill provides three different ways that States can assist: One, they can go ahead and provide regular pay or increased unemployment benefits; they can provide extended benefits; or they can furnish unemployment services and support to health.

The second concern I had was the misrepresentation that the gentleman made of the Democratic substitute. The gentleman said that it was all Federal money, that it was money that went from the Federal Government on unemployment insurance to States. If anyone wants to take the time to read the bill and look at the Congressional Budget Office scoring sheet, what it says is it has zero cost over 10 years because it comes from the unemployment insurance fund. Why is it a zero cost over 10 years? Because they assume the States will pay back that amount over 10 years. They give it with one hand and say it is Federal money and require the States to pay it back over the next 10.

Those are two misrepresentations of the underlying bill and of the substitute. Those are the points that I made and I gave the particulars.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a valued member of the committee.

Mr. CAMP. I thank the gentleman for yielding time.

Mr. Speaker, even before September 11, our economy was hurting. The stock market was weak, investments were declining and exports had begun to fall. And, very importantly, there had been a decrease in consumer spending. Since then, we have seen a significant impact on our economy. Both job creators and individuals are facing difficult times. In addition, in the third quarter of this year, U.S. employers announced almost 600,000 job cuts, about 50 percent more than the previous two quarters. This includes almost 200,000 job reductions since September 11. Already this year, companies have announced more job cuts than they did during the entire 1990–1991 recession. We must take action to create jobs and improve the economy. This package not only helps to stimulate individual spending but also assists job creators.

H.R. 3090 addresses the human impact of the economy and the September 11 attacks. It accelerates the reduction of income taxes passed last spring; it sends supplemental rebate checks to those who did not receive a full rebate under our last tax cuts; it gives relief to individuals from the onerous AMT; and in a provision requested by Democrat and Republican governors, allows the States, like Michigan, to have the flexibility to supplement unemployment and health benefits, thereby tailoring relief in the way it is most needed.

This bill helps job creators because it extends important tax credits for employers making it easier to hire people transitioning to work from dependence, so important for those just beginning to climb the economic ladder. It extends the ability of individuals to contribute to medical savings accounts to continue to provide for their health care.

Let me just say something about the repeal of the alternative minimum tax. This outdated law requires corporations to compute their taxes twice. It hurts employers mostly who invest and depreciate heavily, precisely the kind of company we need to help get back on their feet. In some cases it requires employers to give an interest-free loan to the government. And because it requires employers to estimate and prepay their tax liability, it is the opposite of what we need in a declining economy. Vote for this bill.

Mr. RANGEL. Mr. Speaker, we are beginning to understand it now, that is, that if you want to create jobs and avoid layoffs, give billions of dollars of tax bonuses to the corporations but exclude airline industries, because if you give them $15 billion, they will fire some 75,000. It is getting a little clearer.

Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, first let me thank my chairman for at least giving me the specifics. The Congressional Budget Office agrees with me and disagrees with him. The Congressional Budget Office points out very clearly that very little of this money is going to get out because it requires a change of policy at the State level that requires the legislatures to meet.

Number two, FUTA taxes, which is the money that we are advancing to the States, are Federal tax receipts and are Federal funds. We are even thinking about reducing or eliminating that tax. It is a Federal tax and it is Federal money.

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, this is probably the most shameless tax bill that I have seen come before the House since I have been a Member of Congress. Today we are asked to vote for this $99 billion tax giveaway in an effort to stimulate the economy under the flag of patriotism and, in the words of the chairman of the committee, so our country remains free. That is a quote from his presentation before the Committee on Ways and Means.

I will indicate that there are some portions of the bill that will stimulate the economy, the additional rebate checks, the depreciation schedule changes that will encourage businesses to invest, but these are short term. These are sunsetted. My major concern is with three major portions of the bill. I think the Washington Post was correct when in a recent editorial they termed this a stimulus charade. Mr. Speaker, this is a charade. They go on to say that the only thing that is going to be stimulated is campaign contributions to those who support this product.

Mr. Speaker, after the World Trade Center towers were struck by the terrorists and the buildings collapsed, we were informed by the news media that certain individuals got into the shops of the basement and they were looting the shops amid this horrific tragedy. The Nation, including all of us here, were shocked, that at a time of national disaster, looters would take over and steal Rolex watches and whatever else was available.

What we are doing today, Mr. Speaker, by passing this bill is in essence the same thing. The treasury is being looted today. This cost, $99 billion, will drain the treasury and throw this country into a $48 billion deficit. My major opposition to the bill is threefold: The capital gains reductions, costing $10 billion, we are told by all economists will not help in the short run, will not stimulate anything. That is wrong. Moving up the 28 percent tax cut bracket will affect 25 percent of the highest income earners in the country. Are these the folks that are going to run out to Kmart to buy their pumpkin costumes for Halloween? Clearly not. That costs $50 billion. And, lastly, making retroactive the repeal of the AMT.

The gentleman from California (Mr. THOMAS), the chairman of the committee, is correct. This is the gift that keeps giving. We give Ford and we give General Motors and we give the other corporations hundreds and hundreds of millions of dollars, and next year the gift will come back in the form of not jobs, campaign contributions.

I just want to talk about one of the job-creating machines on the chart. Let us use Texaco. For the last 2, 3 years, this oil company has been gouging the American public through the gas prices and over this period they have made record profits. So we are going to give them $572 million in one check, and what kind of jobs are they going to create? None. That is for the bottom line. That is for the stockholders.

Mr. Speaker, the question is very clear today. Those who vote for the bill can be looters or those of us who oppose it can be fiscally responsible and take care of the security of our great Nation.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. I tell the gentleman I appreciate the partially accurate quote. Everyone knows the phrase "freedom isn't free," and what I did say was that we are free in part because we are strong and that for us to remain free, we need to remain strong. I do not think anyone does not believe that one of the reasons we have been able to remain free is because we have been strong. Perhaps the gentleman does not remember the comment made during World War II that America was the arsenal of democracy. To be and remain free, you must be strong. And to be strong, you need a healthy economy. That is exactly what I said.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. HERGER), chairman of the Subcommittee on Human Resources.

Mr. HERGER. Mr. Speaker, H.R. 3090, the economic stimulus package, includes significant new funds to support unemployed workers and their families between jobs. This legislation provides $9 billion in surplus Federal unemployment funds to every State. States can use this new money for regular or extended unemployment benefits and services to get workers back on the job. These funds alone would allow States to pay unemployment benefits to an estimated 2 to 3 million workers.

Mr. Speaker, this legislation also creates a new $3 billion block grant to States to provide health care coverage for unemployed workers and their families. Together, this legislation provides $12 billion in immediate help for unemployed workers as well as the flexibility for States to target that assistance to those who need it most.

Mr. Speaker, this funding and flexibility is a much better approach than the Democrat substitute. The Democrat substitute mandates new benefits and benefit programs even in States where unemployment rates have not risen. Mr. Speaker, that is not targeted, it is too expensive, and it will result in permanent increases in unemployment spending and taxes. Higher taxes is the last thing we need under the current circumstances, but that is exactly what the Democrat substitute offers for the long run.

Mr. Speaker, I urge Members to support H.R. 3090 and oppose the Democrat substitute.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), a member of the committee.

Mr. LEWIS of Georgia. Mr. Speaker, this so-called economic stimulus package is a sham. It is a shame. It is a disgrace. It is a stimulus charade.

A couple of weeks ago, the Washington Post published a great editorial about this bill. It said, "It's the wrong thing to do, a hijacking of the current crisis, economic and otherwise, on behalf of an agenda that long preceded the crisis and has little to do with easing it. These are tax cuts far more likely to stimulate increased campaign contributions than increased economic activity."

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The Washington Post got it right. This so-called economic stimulus package does very little, if anything, to stimulate the economy; and it will hurt us in the long run.

This bill, this proposal, does not help a woman, a mother, who lost her husband one week at the World Trade Center, and the next week she lost her job. This proposal is not fair, it is not right, it is not just. It fails to meet the basic human needs of our citizens who are hurting. This bill is business as usual, politics as usual. We have seen these tax cuts before.

Since September 11, the American people have been concerned about their safety and the security of their families. That is what we should be focused on, not passing tax cuts for big corporations. It is the same tired old list of tax cuts. They have nothing to do with stimulating the economy or helping us to recover from September 11.

This is not the time for irresponsible tax cuts that we cannot afford. We should be considering a comprehensive economic stimulus package that addresses the problem. It must help people who have lost their jobs and health care. It must help low-income Americans who are struggling very hard to make ends meet. We should be considering reasonable temporary breaks for businesses that will encourage them to spend money right here and now. We should be investing in infrastructure projects that create jobs and help us prepare for the future. But any package, any proposal, must be paid for over time so we can get our economy back on track.

Mr. Speaker, this bill is not the answer. It is a Republican bill. It is partisan. It is a charade. We need to be working together to pass legislation that truly helps the American people and gets this country back on its feet.

Mr. Speaker, I urge all of my colleagues to have the courage, raw courage, to stand up, be counted and vote against this bill.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind my friend from Georgia that one of the very first things we did the day after the World Trade Center tragedy was to move special legislation for every one of those individuals who lost a loved one or other economic circumstances, and that currently is over on the Senate side and will be brought back. We did respond immediately to those individuals involved in the World Trade Center.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), the chairman of the Subcommittee on Oversight, who probably knows more about the job-creating machines called corporations or businesses than most of us because he dedicated a significant portion of his life to making sure that people have really good jobs.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, there are many features of this bill. You can argue about any one of them. There is too much money, it is the wrong target, it favors one group over another, it is not sufficient short-term impact. But when I try to sort this all out, the basic conclusion is this bill is going to stimulate, and that is what we want. In other words, we want to put money into the hands of individuals and of job creators, to invest and to save and to spend.

Right now, as we try to catch our balance as a country, one of the features of the bill is a thing called a temporary extension of net operating loss carry-back. That is quite a mouthful, but let me try to tell you what it means and how it works.

It means that a company, when it makes money in the past and loses money now, can claim a cash credit for the money lost, really deducting it from the previous profits. In other words, it can still get a refund soon for the money it lost, and the present law says you can go back 2 years; but many times that pool is not large enough, so this law suggests that it goes back 5 years.

This means a lot. There was a story of a company this morning that lost $8.8 billion in the first quarter. It has made money in the past. It has fallen off the cliff. This will be a tremendous help in order to keep some of the people employed.

So if you file in March, on the 15th of March, for the previous recorded profits or losses for the year 2001, and then you file a carry-back form by May 1, or 45 days later, you will get a cash check from the IRS. That means a great deal. The cost to the Government the first year is $4.7 billion. The cost over a 5-year period is $3.7 billion.

Now, I am not wise enough to know what is exactly right and what is the right proportion, but I do know that this moves us in the right direction; and, therefore, I support it.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if my friend from New York has found the net operating loss provisions to be the redeeming factor in the so-called Republican bill, he should feel comfortable in voting for the substitute, because it is there as well.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, we cannot lose sight of our long-term fiscal health, so that when the war is over, we will be a strong country that can meet the needs that existed before September 11.

Some of the best economic minds in the country, such as Alan Greenspan and Robert Rubin, said that any economic response to the attacks needs to be cautious, targeted and temporary.

I want to quote from 1917 when Congress was considering how to pay for World War I, when the chairman of the Committee on Ways and Means, Claude Kitchin, said, "Your children and mine had nothing to do with bringing on this war. It would be unjust and cruel and cowardly to shift upon them the burden."

Our leaders in World War I and World War II knew that we had to pay for those wars and that we could not risk our economic security. Further raising the national debt in the long term makes us vulnerable.

Guess what? That is just exactly what the terrorists want, and we cannot let this happen. The fact of the matter is that this bill is not paid for. It is not temporary and targeted to people who need it the most, those who would spend the money today and tomorrow. At a cost of $159 billion over 10 years, it threatens the economic future of the country.

Prior to September 11, the debate in Washington was about Medicare and Social Security, education, the environment and energy issues. When we have met this crisis, we will still have to address these issues.

Others will talk about the tax provisions of this bill. I want to discuss the unmet needs. During the debate on the airline bill, we were told that Congress would help airline employees, especially those who lost health care coverage. We were assured that we would bring an appropriate legislative response to the floor as soon as possible.

This is not that bill. Since September 11, 500,000 Americans have lost jobs, 150,000 in aviation, 120,000 in tourism and hospitality.

We need a real unemployment compensation program. We have a huge problem in Florida with the Unemployment Compensation Trust Fund. The solvency has declined to where it may fall below the statutory trigger of 4 percent of the State's payroll. Guess what? That means they would have to raise the tax.

I do not believe that the States can afford a tax increase and the added burden of providing additional benefits for the unemployed. That is why giving the money to the States for unemployment compensation is not viable.

We also need to address the health care for the jobless, whether it is true Medicaid or COBRA, which allows people to continue their employer-provided health benefits. I believe we need a temporary Federal program, rather than trying to run it through the States. We cannot add to the 40 million people in this country who are already uninsured.

Since September 11, do you know what? We have worked in a bipartisan spirit on many issues, such as the war powers authority, airline relief and the $40 billion package and recovery bill that we did. I support bipartisanship, but I do not want to make a mockery of bipartisanship when told to me I have to support something.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in her exuberance, the gentlewoman from Florida indicated that World War II was fought without deficit spending. I believe if she will check the record, there was significant deficit spending, because our job was to win the war and not necessarily balance the budget. In fact, up until the 1980s, that was the single largest addition to the national debt, that is, the deficit funding of World War II.

I know in her exuberance the gentlewoman carried over from World War I to World War II, and she does not intend the record to reflect we actually fought World War II with a balanced budget, because the facts simply do not prove that to be the case.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF), a member of the committee.

Mr. HULSHOF. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, we face many challenges in the wake of the terrorist attacks since September 11. We have responded as far as allocating additional resources to address some of our military needs, our intelligence needs, in fact some monies for airline security; and we have more to do. But one of the most difficult challenges we are trying to face today is the state of the national economy.

As was stated before, our economy was in distress before September 11, but it has worsened since. A recent Wall Street Journal analysis says in the last 6 weeks, we have taken a $100 billion hit to the economy, not counting the tens of billions of dollars for the disaster assistance and rebuilding Lower Manhattan or rebuilding the Pentagon. One part of the solution I think is what we are considering today.

Some say we should not even respond in a fiscal year. I reject that. Should we let the business cycle run its course? Should we allow a faltering economy to topple into recession, like those magnificent towers in Lower Manhattan?

I believe fiscal stimulus is as essential as the expedited disaster relief for the clean-up efforts in Lower Manhattan and Northern Virginia. I think this is a balanced approach. We addressed the human impact of the attacks. Hundreds of thousands of individuals who are in dire financial straits through no fault of their own are offered a helping hand by rate acceleration, by payments to individuals.

We accepted, I would say to the gentleman from New York (Mr. RANGEL), your idea of a tax rebate or income supplement to those who pay income tax, payroll taxes, but did not share in the tax rebates of this last tax bill. We add supplemental health insurance as well as unemployment benefits.

But let me say something to my colleague from Missouri, from south St. Louis, who spoke earlier. The United Auto Workers at the GM plant in Wentzville, Missouri, in my district, do not want a check from the Government. Those workers on the assembly line want to do what they do best, and that is to build these prototypes, these state-of-the-art minivans.

They want to do what they know how to do best. They want to continue to turn out these state-of-the-art minivans on the assembly plants that I had the good fortune to visit 2 months ago.

So it is a good balance, Mr. Speaker, that we are putting money in the pockets of those consumers to go out and buy the minivans. But we are also focusing on some business incentives, the 30 percent expensing, the 5-year carry-back losses that the gentleman from New York (Mr. HOUGHTON) talked about.

I want to talk about something that my friend from Wisconsin on the committee talked about as far as capital gains. In 1997 this body passed in a very bipartisan effort a reduction in the capital gains tax rate of an 18 percent and an 8 percent capital gains tax rate. What we did at that time, of course, was we created this very complicated 5-year holdover or carryover of these types of assets. All we do is simply eliminate that 5-year carry-back.

For those people saying it is not an economic stimulus, look at the chart. In fiscal year 2003, we are going to raise tax revenues by $1.45 billion in that year alone, just because of this simplification. I urge all my colleagues to vote for this plan.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am fascinated by this new description of bipartisanship. The gentleman just said he picked out the Democratic tax provisions, and so therefore by including that in the Republican package, it is bipartisanship. So anytime we agree with anything that you do, that automatically is charged to us, and it is bipartisan. Absolutely unbelievable.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a member of the committee.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, today in Los Angeles, the Los Angeles International Airport will lose more than $1 million, as it has since September 11. Half of that loss is due to the fact that it had to increase security and half of that loss is due to lost revenues. Today in Los Angeles, our hazardous material crew within the Los Angeles Police Department is operating in cruisers, regular cruiser vehicles, where it has to put all of its equipment in the front and back seats of its vehicle and the trunk because it does not have the appropriate vehicles to carry all of its equipment to safeguard, to be the frontline defense against anthrax and all hazardous materials, biological or chemical.

And today, Mr. Speaker, the Mayor of my city, along with just about every other Mayor in this country, is meeting with the Bush administration to figure out what we do about security.

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Today, I say to my colleagues, what are we doing? We are talking about giving away $159 billion over the next 10 years, and what will that do to address the concerns that those mayors are talking to the Bush administration about today? Not a thing. Not a thing. I say to my colleagues, we owe it to the American people to provide them security. I say to my colleagues, we owe it to the American people to provide the confidence to buy again, to fly again. I say to my colleagues, we owe it to the American workers to tell them we will do everything possible to get them back to work, because that is all they want. They do not want a handout, they just want their jobs back. They just want to work.

We owe it to the American people to tell them, if you are a senior, we are not going to use your Social Security, and if you are not yet retired, we are not going to raid your Social Security Trust Fund. How are we paying for this $159 billion? Through the Social Security and Medicare Trust Funds.

I say to my colleagues, we owe it to the American people to tell them we are going to get them to work today. One of the first things that are most important on the minds of the American people are security, safety, and economic security as well. We can do that. We can do it in a bipartisan fashion. This bill does not do it.

First things first. Security for America, economic security as well, and truth to the American people. We will not use your Social Security and Medicare Trust Funds to pay for something which will bankrupt us in the future. Our kids do not deserve to have to pay for this today. Let us take care of this war, let us take care of this effort to combat terrorism, and let us do it without going on our children's dime.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from California (Mr. THOMAS) has 5 minutes remaining; the gentleman from New York (Mr. RANGEL) has ½ minute remaining.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, the tragedy of September 11 is going to live forever in the hearts and minds of those who value peace and prosperity. Now more than ever people want economic security as well as personal security, and one way to give Americans peace of mind during these trying times is to give people more confidence about their bank accounts, about retirement plans and, ultimately, about our national economy. Cutting taxes and helping businesses is a surefire way to do that.

Under this plan, the average family of four would see their disposable annual income increased by $940 a year. But economic stimulus bill is not just for people. If we are going to help our economy, we must help our businesses, from Wall Street to Main Street. Corporate AMT relief, also known as the Alternative Minimum Tax, will give businesses a fresh infusion of cash into the market. In short, it is going to help people and companies expand and encourage them to hire more people.

We know the AMT is a parallel tax system meant to prevent companies from zeroing out their tax liability and forces them to calculate their taxes a second time without the benefit of deductions such as depreciation. The problem is that corporations and individuals fall into AMT and never get back out. AMT is a cyclical tax. When the cycle is down, the AMT kicks in and requires payment of taxes at 20 percent, even though they have lost money. It makes recessionary times worse, because it takes money away from businesses that should be retaining workers or investing.

The payment of taxes under AMT amounts to an interest-free loan to the United States Government. There are companies that fell into AMT during the recession of 1991 and 1992 that have not used up yet all of their credits. During that recession, roughly 50 percent of American businesses in America were caught by AMT. When companies are in AMT, they cannot use their additional targeted tax benefits either. The corporate tax breaks that Congress might consider must take this into account. Depreciation and other incentives to invest are of no use to companies in AMT.

It is time to renew our Constitution. This is a war effort and free enterprise must prevail.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I noted that two speakers on the Committee on Ways and Means have again gotten up and said something about invading the Social Security Trust Fund. Even when the Democrats had control of the House of Representatives and were awash in deficit spending, and that was even over and above spending all of the Social Security surplus, not once was the trust fund invaded. It cannot be invaded by law because, by law, there are Treasury bills that are put into the trust fund and they remain there until they are needed to be cashed in in order to pay benefits. Nobody has invaded the trust fund, period, not from the beginning of the system when it was first put in place. So let us put that aside. We can argue as to the value of Treasury bills when it is a debt by the government to the government, but that stays intact.

We can talk also for a moment about the Democrat alternative. We have heard a lot about bipartisanship. No one called me from the other side to ask me what I would like to see in this bill; even though the gentleman from New York (Mr. RANGEL) and I are very close friends, he never asked for my advice. So I think that there is a little bit of politics as usual, I know, and we can certainly operate this House in that fashion. We have from the beginning of time.

But I think we need to be sure that we actually talk straight politics, particularly when members of the Committee on Ways and Means get up and talk about doing something to the Social Security Trust Fund, which simply is not accurate and it has not been done.

The distinction between the two bills, ours, which we call the bipartisan bill, which the gentleman from New York disputes the use of those words, but I call it that because we will have Democrat votes on this bill, it simply emphasizes the creation of jobs, not the creation of benefits. We teach people to fish; we want people to go back to work. The good American workers do not want a handout, they want their jobs preserved. They want job creation. That is what the bipartisan tax bill does.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) has 30 seconds remaining; the gentleman from California (Mr. THOMAS) has 30 seconds remaining.

Mr. RANGEL. Mr. Speaker, I yield the remainder of the time to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, America needs a stimulus package. That is why the House and Senate Budget Committees worked in a bipartisan manner to put forth principles to stimulate the economy. The package, it said, should be short-term, give a quick boost to the economy, and not sacrifice our long-term fiscal stability.

The Republican package here today fails on all three scores. It is not a stimulus package; it is a shameless package which gives $10.4 billion in ill-timed capital gains cuts. It gives $53.6 billion tax cuts to the wealthiest Americans and, are we ready for this? It gives a $24 billion retroactive to 1986 tax cut on the Alternative Minimum Tax, and 86 percent of this benefit goes to the wealthiest Americans.

Vote "no" on the shameless Republican bill.

Mr. THOMAS. Mr. Speaker, I yield myself the remaining time.

Well, I guess the gentlewoman was not present for most of the debate, because she just repeated all of the syllabuses that had been laid in front of us on which we have been spending the entire hour indicating that it is simply not so.

The Alternative Minimum Tax elimination requested by the President is not retroactive. It is a 1 percent stimulus for the economy: $100 billion over the first 12 months, 1 percent, and it costs $160 billion over 10. Even former Secretary of the Treasury Bob Rubin could not say this was inflationary.

It is the right medicine at the right time and we need to put the right vote up, that is an "aye", on H.R. 3090.

Mrs. CHRISTENSEN. Mr. Speaker, I want to state my strong opposition to H.R. 3090, the so-called economic stimulus bill that was passed out of the Ways and Means committee, and my support for the Democratic substitute.

There is no one who questions the dire need this country has for a meaningful economic stimulus package. Anyone, those who are our economic experts and ordinary people just using their God-given common sense, can see that H.R. 3090, the Republican Bill, is only a package of hand outs to the few top income earners who not only do not need the help being offered, but will do nothing to provide the immediate and temporary measures that this country and our constituents need.

The leadership of this House, who are bringing this travesty of a bill before us, is not even in sync with the President who is of their own party. This goes to show how off the mark and far afield they are; and they are clearly out of touch with the rest of the country.

One member put it just right—the supporters of this bill are looters. I have experienced looting in my district. It was after an especially devastating hurricane. Then the people in our community had fears that there would not be enough food, or other necessities to take care of us in the midst of the wasteland they saw around them. It was not condoned but it was understood.

This—the repeal of the corporate alternative minimum tax, the permanent reduction in capital gains and other measures costing $274 billion which is not paid for—is looting of a different and the worst kind. The leadership here, is taking advantage of a disaster caused by terrorists and the people's fears to raid the treasury—the people's money to give it away to the wealthiest among us. This big spender give-away, will undermine our opportunity to help those Americans who are most in need and for whom this disaster does not affect only their pocketbooks, but their very existence, and mortgage the lives of future generations in the process.

This country has experienced a tragic event of immeasurable and far-reaching impact. If we pass this bill—H.R. 3090, instead of the Democratic substitute, not only will we be undermining the safety-nets needed by many in our country, and social security and Medicare, but we will be saying to all of the countless compassionate and selfless Americans that their stellar example of the past few weeks, is not appreciated.

Instead of continuing the oneness, generosity and sense of community that their response has revived, the Republican Bill will reach out and help not all of us, but only a very small few. And instead of bringing us together it will re-separate us—the haves and the have-nots, the rich from those of us with low or moderate incomes, and begin to again broaden the divide, which we have just begun to close, and in the process diminish us all.

Colleagues, reject H.R. 3090, and support the real stimulus bill, which helps everyone, and will begin to bring our country back.

Mr. MOORE. Mr. Speaker, I rise in opposition to H.R. 3090, the Economic Security and Recovery Act and the Democratic substitute and in support of the motion to recommit.

In the past six weeks, we have enjoyed unprecedented bipartisan cooperation as we have worked together to respond to the events of September 11. I am concerned, however, that by considering this legislation and its substitute today, Congress is quickly returning to business-as-usual partisan politics.

At this time, it is important that we step back and take a fresh look at the processes currently underway in Congress to address all of our nation's needs. I am concerned that the piecemeal approach Congress is taking puts the cart before the horse. In particular, the stimulus bill and the substitute being voted on today both fail to effectively balance our nation's priorities.

Mr. Speaker, out nation is at war. Never, in the history of this country, during a time of war, have we cut taxes or spent our precious resources on items unrelated to achieving our wartime objectives. Simply, our objective today must be winning the war against terrorism without jeopardizing the economy. This objective cannot be achieved by either the Republican or Democrat plans, rather it is best achieved through a comprehensive and bipartisan approach.

We have critical needs both domestically and globally to defeat terrorism and to protect the safety and security of the American people. Congress will be required in the coming days and weeks to prioritize its efforts to strengthen domestic security, fight the war on terrorism, provide assistance to dislocated workers and stimulate our economy. These needs will then have to be balanced with our obligation to protect against long-term fiscal harm.

Winning the war against terrorism and providing for the safety and security of the American people will require significant resources. We should not enact further tax cuts or spending proposals unrelated to meeting these challenges until we have a better understanding of how much funding the various agencies will need which are involved in domestic security, law enforcement, intelligence, military and other activities in the fight against terrorism will need.

Making this determination will require close operation between the administration and the appropriate committees in the House and Senate.

The motion to recommit will allow each of these committees, and their executive branch counterparts, to take recommendations, pass legislation and adequately fund our defense and domestic security needs. Moreover, by providing resources to meet these two priorities, we will provide a direct, short-term economic boost both by creating jobs to implement security measures and through restoring consumer confidence by providing reassurance to the American people.

The motion to recommit also responds to the immediate economic downturn without damaging the economy over the long-term. It stimulates the economy in a focused, limited and temporary manner. Most importantly, however, the motion to recommit requires us to enact out-year offsets to ensure that we pay for the cost of short-term stimulus.

Finally, the motion to recommit addresses the personal hardships experienced by thousands of Americans who lost their jobs as a result of the events of September 11. It will extend the coverage period and expand unemployment compensation to individuals previously ineligible to receive compensation.

Mr. Speaker, the motion to recommit represents the priorities of the American people—winning the war against terrorism and protecting the safety and security of every American. I urge all of my colleagues to vote against H.R. 3090 and its substitute and to vote for the motion to recommit so this Congress' committees may quickly begin their work to identify and provide for all of our national needs.

Mr. BENTSEN. Mr. Speaker, the September 11, 2001 attacks came at the worst possible time for this economy. The stock market was sagging, corporate investment was declining and all our economic benchmarks indicated that we were teetering on a recession. The September 11th attacks seemed to seal this economy's fate. Mr. Speaker, we can pull ourselves from the grips of recession and grow this economy, however, the legislation before us today, H.R. 3090, contains non of the elements necessary to get this economy moving.

A successful stimulus package could include elements such as speeding up and expanding the newly-established 10 percent income tax rate, which is slated to be fully effective in 2008 or immediately increasing the child tax credit to $1000 per child, which is already scheduled to occur by 2010 or extending tax provisions that expire this year, such as the Work Opportunity Tax Credit and Qualified Zone Academy Bonds. Mr. Speaker, we must craft a fiscally-balanced plan that puts money back in the economy today by not only dealing with the immediate economic impact of the current crisis, but also does no harm to the nation's fiscal health or long-term economic recovery.

Mr. Speaker, any true stimulus package must concentrate its benefit on consumers. Consumer spending accounts for two-thirds of our Gross Domestic Product (GDP). We must focus our efforts on getting Americans back to work by helping those who are the economic victims of the September 11th attacks and putting money back into today's economy by enhancing the economic security of America's families and promoting consumer spending.

Mr. Speaker, H.R. 3090 is not directed to promoting consumer spending and endangers our long-term fiscal health. The bulk of the benefit of this package will go to businesses not consumers. Specifically, in 2002 alone, the business tax provisions of H.R. 3090 are projected to consume 70 percent, or $70.1 billion, of the $99.5 billion in stimulus. More broadly, in the year 2002 and 2003, the critical period for recovery, individual taxpayers will realize less than $49 billion of tax benefit or less than one-quarter of one percentage point of the GDP, while $112 billion of the benefit will be conferred to businesses.

Mr. Speaker, this misdirected effort has little chance of providing direct economic stimulus and relief and has little hope of stimulating consumer demand because it does not focus on the low and middle-income families most likely to spend the money. Businesses make investments based upon demand, and in a period of slack demand, we cannot expect business to make capital investments. As such, any stimulus effect would be limited. The size of H.R. 3090 is well over the $75 billion the President requested to stimulate the economy. Further, this bloated measure which carries a projected price-tag of $260 billion over ten years, undermines our efforts to protect the Social Security and Medicare trust funds and threatens to return us to the "bad old days" of deficit spending.

Mr. Speaker, time is of the essence, we must take meaningful steps to protect those who lost their jobs and may lose their health insurance as a result of the Sept. 11 attacks as well as the states, on which much of this economic burden is borne. Mr. Speaker, today American workers are at the frontline of our war on terrorism and, in far too many cases, were the unwitting victims of the economic dislocation following the attacks. In fact, it was recently reported by the Department of Labor that the joblessness rate reached a nine-year high. H.R. 3090 provides a mere $9 billion to the states from the Federal Unemployment Accounts. This patently inadequate figure does little to help displaced workers, and puts that responsibility squarely on the already over-extended states. Further, as the cosponsor of airline worker relief legislation that would assist displaced workers with COBRA continuation costs, I believe that H.R. 3090 represents a missed opportunity.

The challenge before us is how to inspire Americans to go out and spend in an environment where far too many Americans live with the impending doom that their jobs will disappear. Additionally, we must act to boost consumer confidence in the safety of our air travel infrastructure. Our efforts to stabilize the airline industry, in the wake of September 11th, are undermined by this body's failure to bring legislation to the floor that addresses airline security. Congress cannot expect consumers to feel confident at the mall or on a plane at a time when consumers are overwhelmed by lingering uncertainty as to their economic and physical security.

Moreover, Mr. Speaker, the provisions of H.R. 3090 relating to individual taxpayers are insufficient. Under this measure, those who received a partial rebate under the tax package passed last spring would be eligible to receive a "top up" to full $300 per individual, or $600 per couple. Additionally, H.R. 3090 would accelerate the phase-in of the reduction to the highest tax bracket, the new 25 percent tax bracket, which was scheduled to take full effect in 2006 under existing law, not the new 10 percent bracket which would effect lower-income families, who spend the greatest percentage of their income on consumer goods and services.

As a senior member of the House Budget Committee, I was heartened by the unanimity of opinion among House and Senate Budget leaders, on a bipartisan basis, as well as the President, that any economic stimulus package must be temporary, and designed to create an immediate, short-term impact, without jeopardizing our long-term economic security. Mr. Speaker, H.R. 3090 misses the mark on every count.

Ms. JACKSON LEE of Texas. Mr. Speaker, the bill before us today, H.R. 3090 fails to provide the necessary immediate stimulus that this Nation needs in this time of national crisis. What we need is responsive and immediate stimulus that helps all Americans.

In the aftermath of the terrorist attacks on America on September 11, 2001 more than 500,000 people are losing their jobs. Nearly 150,000 jobs in the aviation industry and 120,000 hospitality and tourism jobs are now lost. What is worse, the plan before us today puts working American families on notice that they will be served last and least in our new economy.

Responsive and meaningful stimulus would target businesses hurt by the current recession. This plan does not. Responsive and meaningful stimulus would help all Americans with tax breaks, and not just distribute billions to large corporations by permanently eliminating the AMT—how is this a short-term stimulus—especially since the refund will date back to 1986. Let's face the facts the economic slowdown that began prior to the September 11, 2001 attacks was worsened by those attacks. The plan before us departs from proven recession—fighting tactics that recognize that extending unemployment benefits and healthcare are crucial to economic stimulus. The unemployment and health insurance benefits provided for under this plan are inadequate and misguided, transferring funds from Federal to State unemployment funds which could allow States to reduce benefits overall. This is wrong.

Finally, this bill costs $274 billion over ten years—driving the government, once again, into deficit spending. This will require the government to borrow from payroll taxes dedicated to Social Security and Medicare all for the sake of tax breaks for the wealthiest Americans.

Mr. Speaker, America needs help now. We must provide it, but this plan is simply not the answer.

Finally, the American public needs responsible legislators who will effectively deal with the threat of terrorism. In this special interest Republican tax give away there is not one dollar provided for American security—to fight anthrax, smallpox, help health facilities, postal workers, for airline security and to combat the horror of terrorism.

Mr. Speaker, this bill should be resoundly defeated and the Democratic substitute that helps secure America passed.

Mr. COYNE. Mr. Speaker, I rise today in opposition to this deeply flawed bill.

The country needs an economic stimulus package that will effectively spur economic activity in the short term while doing no damage to our nation's economic prospects in the long run. Experts have indicated that such a package should be $50 billion to $100 billion in size. The country also needs Congress to provide additional assistance to the many households that are suffering as a result of the layoffs that have taken place in recent weeks. Fortunately, assistance to laid-off workers and their families constitutes one of the best economic stimuli possible—so we could ideally address both problems with one initiative.

Unfortunately, the majority on the House Ways and Means Committee has not put together such legislation. Rather than provide extended unemployment insurance benefits and COBRA premium support to laid-off workers, the legislation before us provides an inadequate level of funding to states to help them deal with the crisis. In fact, the funding included in this bill for helping unemployed workers is too small by an order of magnitude. Instead, this bill, allocates the vast majority of its $160 billion in "economic stimulus" to tax cuts for corporations and upper-income households. I believe that such a plan is both unfair and ineffective and is, consequently, unwise.

The package is unfair because it doesn't do enough to help the tens of thousands of people who have lost their jobs in recent weeks—or those who may lose their jobs in the coming weeks. In past recessions, Congress has extended unemployment benefits to help the people who are out of work. The block grants contained in this bill will not do much to help the unemployed. Neither will the provisions dealing with health insurance benefits. The stimulus package that we eventually enact should extend unemployment benefits for at least an additional 13 weeks and provide enough federal support for health insurance premiums under COBRA that the families of those workers can afford to continue their health insurance coverage.

The bill is also unfair because it doesn't provide most of its tax relief to families that need help the most. Much of the relief it provides would go to corporations. The single largest component of this stimulus package that affects individual taxpayers is the acceleration of the already enacted reduction of the existing 28 percent tax rate to 25 percent, which would cut taxes owned by $12 billion in 2002 and by $53 billion over the next ten years. This provision, however, would do nothing to help the 75 percent of taxpayers who don't have enough income to pay taxes in the 28 percent bracket.

The package is ineffective for a number of reasons. First, it doesn't get assistance to the people who need it—the people who, incidentally, are also most likely to turn around and pump that money back into the economy. A number of economic studies have shown that low- and middle-income families are more likely to spend most or all of any additional income. As income increases, households are more likely to save increasingly large percentages of any additional income. Consequently, if our goal is to get as much stimulative effect as possible out of the stimulus package—and it is—the most effective package would target its tax breaks to low- and middle-income families.

Second, the corporate tax breaks in the bill will not be particularly effective at stimulating the economy. In fact, they may actually hurt the economy. The bill, for example, would make permanent an existing tax provision allows multinational corporations to defer taxation of income earned overseas until the money is repatriated. Not only would this provision not stimulate the economy, but it could actually have an adverse effect by encouraging companies to keep money abroad for longer periods of time. Similarly, the capital gains tax cut would encourage investors to sell stocks in the short term, driving the already depressed stock market prices even lower. Such a change at this time would probably hurt, rather than help, the economy.

Third, this legislation would be ineffective because it would require state action to authorize and carry out the states' responsibilities under this bill—and it is my understanding many state legislatures are not in session, and won't be in session in the critical coming months. Given the lag time that exists before economic stimulus measures take effect, such provisions could condemn the country to unnecessary additional months of recession. I believe that such an approach is not optimal.

Fourth, and finally, this legislation could be downright harmful to the economy. In order to promote the fiscal responsibility that is essential for the long-term health of our economy, the stimulus package should be temporary, and it should be paid for in subsequent years—ideally, as soon as the recession has ended. It is essential for the federal government to pay down the national debt over the next ten years in order for it to be in a position to maintain the Social Security and Medicare programs as their caseloads double in the coming decades. In order to achieve that end, the federal government must for most of that time continue to run surpluses. The stimulus package before us today makes it much more difficult for us to continue running surpluses. Consistently smaller surpluses, or even worse the return of deficits, would leave the federal government in a weaker financial posture in the future when it has to deal with dramatically increased costs in the Social Security and Medicare programs. If the cost of the stimulus package is not offset in the out-years, the public debt will be higher, government borrowing will be greater, and interest rates faced by families and businesses will be higher—choking off future economic growth. We should not take such an approach.

That is why I support the Democratic alternative, which provides adequate assistance to families in need, channels its economic stimulus to the households most likely to pump that money back into the economy, provides important investments to protect our infrastructure and produce future economic growth, and holds Social Security and Medicare harmless over the next ten years. I urge my colleagues to reject this legislation and support the substitute. Let's enact legislation that will fairly and effectively stimulate our economy.

Mrs. MEEK of Florida. Mr. Speaker, I seek unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise in strong opposition to H.R. 3090 and in support of the Rangel Substitute. Our people deserve far better than the Committee's sorry product. Both the bill and the process that produced it are fundamentally flawed. While Chairman THOMAS may have labored mightily, he has brought forth a mouse. He's produced a bill for K Street lobbyists, not Main Street!

Low and moderate income people in my community of Miami—the skycaps, the food service workers, the airplane mechanics, the flight attendants, the bellhops, the bus and taxi drivers—all of the average working men and women who make Miami hum and who I am so privileged to represent: These people have borne the brunt of the layoffs in the travel and tourism industry resulting from the September 11th attacks.

Their needs and concerns should be the primary focus of any economic stimulus program. Yet while this bill has plenty in it for the executives who wear pinstripe suits, it has little for working men and women. Why, in this bill, will we not speak and act on behalf of working people?

Many elements of the bill are simply recycled proposals from a failed Republican economic plan that had been offered and rejected, even by a number of Republican members of the House, long before the events of September 11th. Since September 11th, more than 100,000 airline employees have lost their jobs. Many thousands more workers in industries directly and indirectly affected by the disruption of the airline industry and in other fields also have been laid off. Where is their relief?

Small businesses also have been hit very hard by the September 11th attacks. Many of them lost key customers who constituted the lion's share of their business, as well as key suppliers who enabled them to do business.

The September 11th attacks have radically altered business prospects throughout our country. No community has been spared. While even places thousands of miles from the destruction of September 11th have been severely affected, tourist dependent communities that rely upon the airlines and the hotel industry, like my home town of Miami, have been particularly hard hit. H.R. 3090 does not even attempt to address their needs:

It is highly discouraging that Chairman THOMAS and the Republican Leadership have seen fit to schedule this bill for floor action today without making the necessary efforts to consider and include Democratic proposals for restoring vitality to our economy.

What America needs and wants is an effective, bipartisan economic recovery package to stimulate our economy and address the needs of working Americans after the horrific events of September 11, 2001. H.R. 3090 is not that bipartisan bill. We need payroll tax relief and other remedies that will help restore our economy for the long haul while providing adequate relief to those who lost their jobs and/or their benefits as a result of the economic slowdown.

The Thomas bill does not provide economic stimulus' along the lines recommended by Federal Reserve Chairman Greenspan. Instead of temporary tax cuts, many of the Committee tax provisions are permanent and provide little or nothing in terms of stimulus within the next 15 months.

The Committee bill is not directly related to economic stimulus and relief. The proposal's tax cuts do not maximize consumer demand by focusing on those low- and middle-income households most likely to spend the money. The lion's share of individual tax cuts in the Committee bill goes to the wealthy, and many of the business tax cuts go to businesses that are least in need of relief. The Committee bill includes permanent tax cuts that have nothing to do with the terrorist attack or its economic aftermath. Rather, the bill provides special interests with tax cuts they have wanted for years.

The Committee bill will cost nearly $160 billion over the next ten years and is not paid for through offsets. The bill ignores the need for out-year offsets to make up over time for the cost of near-term economic stimulus. This is not fiscally responsible. Our economic stimulus package should be focused and be paid for through short- and long-term revenue offsets.

The Committee bill fails to guarantee any unemployed worker increased or extended unemployment compensation. There is not even anything in the legislation that would prevent states from using the Reed Act money to replace state funding for unemployment benefits—meaning the net result could be no new assistance for displaced workers.

The Committee bill does not protect newly unemployed individuals and their families and other affected by the terrorist attacks from the very real danger that they will lose their health insurance and join the ranks of the nearly 40 million uninsured Americans.

The most effective and efficient manner by which to provide quick, short-term assistance with health insurance coverage is to build on existing programs, namely a subsidy for COBRA coverage for those who are eligible and a temporary expansion of Medicaid and CHIP for those who are not.

Mr. Speaker, unfortunately, it seems clear that our economy has not yet hit bottom. Many more hard working Americans, through no fault of their own, soon will lose their jobs. All of these workers desperately need our help and they need it now.

Mr. Speaker, the human costs of this economic downturn for many of our fellow Americans are truly staggering. Airline and airport workers, transit workers, employees who work for airline suppliers such as service employees and plane manufactures, all face common problems and challenges. Their mortgages, rents, and utilities still must be paid. Food must be placed on the table. Children must be clothed. Health care costs must be covered.

While some will get by through depleting their savings, the vast majority of those who have lost their jobs have little or no savings to deplete. All of these workers need a strong, flexible and lasting safety net, the kind that only the Federal government can provide.

Just like those workers who qualify for help under the Trade Adjustment Assistance Program, workers who lost their jobs because of the September 11th attacks need extended unemployment and job training benefits.

Displaced workers especially need COBRA continuation coverage, that is, they need to have their COBRA health insurance premiums paid for in full for up to 78 weeks, or until they are re-employed with health insurance coverage, whichever is earlier. Those without COBRA coverage need coverage under Medicaid.

Mr. Speaker, this Congress acted quickly and responsibly to meet some of the challenges posed by the September 11th attacks. We authorized the use of United States Armed Forces against those responsible for the attacks against the United States.

We unanimously passed the $40 billion Emergency Supplemental Appropriations bill to finance some of the tremendous costs of fighting terrorism and of helping and rebuilding the communities devastated by these horrendous attacks. We provided cash assistance and loan guarantees to the airline industry.

Now it is our workers' turn. They have already waited far too long. All of these hard working, innocent displaced workers and their families desperately need our help. We must hear and answer their pleas. We cannot rest until we have met their needs.

Mr. Speaker, the American people are depending on Members of Congress to cooperate and work with each other on a bipartisan economic stimulus plan. They expect and should get no less. We can and must do better than H.R. 3090. I urge my colleagues: reject the Thomas bill and support the Democratic Substitute.

Mr. NUSSLE. Mr. Speaker, I rise today to express my support of H.R. 3090, the Economic Security and Recovery Act of 2001. I would also use this opportunity to address some important budgetary issues raised by this bill and other legislation enacted in the wake of the recent terrorist attacks.

As reported from the Committee on Ways and Means—on which I am proud to serve—the Economic Security Act would, among other things, provide an additional tax rebate, accelerate the shift to a 25-percent tax rate, repeal the corporate minimum tax, and extend various expiring tax provisions.

As you know, the Congressional Budget Resolution—H. Con. Res. 83—established a revenue floor and directed the Ways and Means and Finance Committees to report a 10-year tax cut of $1.4 trillion. Earlier this year, the Ways and Means Committee reported, and the President signed, a reconciliation bill that reduced taxes by the amount envisioned by the budget resolution.

As reported by the Committee on Ways and Means, this bill would reduce projected revenue by an additional $99 billion in fiscal year

2002 and by about $195 billion over 5 years. Additionally, a provision to increase health care coverage for unemployed workers would increase outlays by $3 billion in the current fiscal year.

Clearly this bill was not envisioned under the budgetary framework of the budget resolution. The bill would reduce Federal revenue below the revenue floor specified in the resolution. This would violate section 311(a) of the Budget Act, which prohibits the consideration of measures that would cause revenue to be less than the levels permitted in the budget resolution. Similarly, the refundable tax provisions and the new spending element of the bill would breach the 302(a) allocation of new budget authority that was provided to the Committee on Ways and Means pursuant to H. Con. Res. 83.

Yet there are obviously times when it is appropriate to set aside budget constraints for the greater good. Perhaps the most important is during war or military conflict, when the nation's resources must be available to protect the nation itself. Another is during times of recession when it may be necessary to consider various initiatives to help sustain the economy.

This year, we face both. On September 11, we entered into a new era when terrorists attacked the World Trade Center in New York City and the Pentagon in Arlington, Virginia. After these attacks, we committed to providing whatever resources are necessary to wage a war on terrorism. On September 18, the President signed a supplemental appropriations bill that provide $40 billion to respond to these attacks. On September 22, the President signed a bill providing economic assistance to an already beleaguered aviation industry.

The terrorist attacks, in turn, exacerbated an economic slowdown that was already under way. In August, the Congressional Budget Office revised its economic forecast to reflect virtually no growth in the first half of this year. This was reflected in both lower GDP growth and higher unemployment rates. The terrorist attacks of September 11 dealt a further blow to the economy by depressing markets and rattling consumer confidence.

While the Congressional Budget Act and the Balanced Budget Act both envisioned a process in which Congress could suspend various budget rules, there is simply not enough time to go through this process if the President is to have the resources to wage this war and if the economic incentives are to be helpful.

The Budget Committee has moved swiftly to increase the discretionary spending limits to accommodate any additional spending. It will also take any necessary steps to ensure that the tax bill does not inadvertently trigger a sequester, which would clearly be counterproductive if the goal is to stimulate the economy.

This bill clearly provides some important benefits at a time of economic weakness. I believe that this a good though not perfect package. It does manage to get money out the door to taxpayers. It also has a number of provisions that will provide incentives for Iowa businesses to create jobs, spur innovation, and invest in our government's future.

I urge Members to support this bill both in the interest of reducing taxes and supporting the economy. Still we should be under no illusion where this bill, the supplemental and airline security bills will leave us. Next year we may well find that the double digit surpluses that were projected as recently as May have all but evaporated.

Although a departure from the budget resolution we adopted in May can be justified as a necessary response to the extraordinary circumstances facing our country, our long-term framework should continue to be a balanced budget. We should then work to pay off as much Federal debt as possible and accumulate sufficient resources to strengthen and reform Social Security and Medicare.

This will require the Congress, working together with the President, to begin to make some very tough decisions. I hope in the next few months to begin a dialogue with Members on both sides of the aisle on developing a framework for making some of these decisions.

Mr. RUSH. Mr. Speaker, I rise against this so called stimulus bill that is before us today. H.R. 3090 purports to help our economy, but fails to provide assistance to the thousands of hardworking American workers who lost their jobs as a result of the September 11 tragedy.

Now, I may not be an economist but there is something fundamentally wrong with a bill that provides 86% of tax benefits to corporate special interests, while providing nothing to middle income workers who are the backbone of this country's industrial might.

This bill is lacking in many ways. First it fails to provide a minimum wage increase for the American workers. Second, it does not provide adequate health coverage to displaced workers. Third, it places an additional burden on many states, including my own home state of Illinois, which is still reeling from the devastating losses suffered by United Airlines post September 11.

Mr. Speaker, the bill before us today is a Sham, it is nothing more than corporate welfare. If we are going to use precious resources, let us give to those most in need—American workers. Corporate and individual tax cuts will do little to stimulate the economy.

We must not return to the partisan politics that existed before September 11. I urge my colleagues on both sides of the aisle to support the Democratic substitute, which provides assistance to those most in need and provides temporary fiscal stimulus to restart the economy.

Mr. UNDERWOOD. Mr. Speaker, I rise in strong opposition to the rule and to the majority's so-called stimulus package, H.R. 3090. The primary reason I speak against both the rule and the bill is the failure once more on the part of the majority to include the concerns of the insular areas especially my home island of Guam.

When we talk about a stimulus package for the nation, we are informed that a possible rise in the nation's unemployment rate to 6% is a sure sign of impending economic crisis. The very rise to the number is designed to bring chills of concern to all of membership of this body. Mr. Speaker and Members of the House, the people of Guam are suffering an unemployment rate triple that amount, totaling 18% of the workforce of my people. Moreover, as a result of the terrorist attacks and the resulting decline in tourism (especially international tourism), hundreds of workers are being laid off and hundreds more are having their hours cut off. We must take clear, positive and strong steps to include the territories in any stimulus package. We must be directly responsive to the concerns of our fellow Americans who live in the insular areas.

I introduced and amendment to H.R. 3090 to the Rules Committee yesterday. The amendment was not made in order. This amendment would have provided assistance to the territories, brought relief to the people of Guam and ease their heavy burden. My amendment would have ensured the participation of the territories in the nation's unemployment programs, made territories eligible for any future national emergency grants, lifted the caps for Medicaid, increased the matching waiver for federal programs and would treat Guam the same as any other U.S. jurisdiction in taxing foreign investors.

This amendment would have provided Guam's unemployed (which is almost one out of every five workers) something to hang onto while the economy recovers. The measure would have eased the stress our local government is facing in budgeting health care for the indigent, accessing needed federal program and in making sure that Guam is eligible for federal emergency grants.

The Government of Guam is anticipating a 15–20% revenue shortfall caused by the ongoing Asian economic malaise and compounded by the hesitancy to travel as a result of the terrorist attacks. Guam is dependent upon international tourists for her livelihood. We are dependent upon the Asian economies for our survival and we are dependent upon your goodwill and understanding to give us the tools to develop economic self-sufficiency.

Guam is a crucial part of the current struggle against the terrorists. Guam is a part of the air bridge to bring justice to Osama bin Laden. Guam is the major Pacific point in the bridge from the West Coast to our bombers based in the Indian Ocean. The President said we should bring justice to the terrorists. As we bring justice to the terrorists, lets bring justice and fairness to the people of Guam, to our fellow Americans who live closest to the action.

The package as presented does not include us; it turns a blind eye to the needs of the territories; to the needs of Guam.

Mr. NADLER. Mr. Speaker, Christmas has come early for the special interests this year. This so-called stimulus package is nothing more than the eternal wish list of big business wrapped up in a nice, neat, little bow.

When the President put together his mammoth tax cut for the rich earlier this year, businesses were told to wait their turn. They would get their huge tax cut, but it couldn't be in the same package or it would shatter the illusion that the first one was for working families.

So, we all knew this big tax cut was coming. But frankly, I'm shocked that the Republican Leadership would trot it out so soon, under the guise of "economic stimulus." Quite simply, there is virtually no economic value to this package.

The key to economic stimulus is to put money in the pockets of people who will spend it immediately. At Democrats' insistence, there is at least a small amount of money going to those who are hardest hit by these economic times. But the overwhelming majority of cuts in this bill are skewed to the very rich, who are more likely to put savings in the bank than to spend it. By some estimates a whopping 75% of the benefits of this package would go to the top 10% of wage earners. This is not just dramatically unfair, it economically foolish.

Not surprisingly, the portions of this bill that are aimed at lower income workers are temporary. But, the special breaks to big business, like capital gains reductions and repeal of the corporate Alternative Minimum Tax are permanent. This bill even has the gall to provide for refunds to any business that has paid the corporate AMT since 1986. That's not economic stimulus, that is corporate give-away

In addition, these provisions will simply worsen our long-term economic outlook, upon which current investment decisions are made. Rather than provide an immediate boost, these tax cuts are more likely to hinder spending in the short-term and plunge us deeper into recession. That's a pretty big price to pay for pacifying the special interests.

And, the flaws in this bill are not just limited to what's in it. It is equally poor policy because of what's missing. Any responsible stimulus package would include new direct spending on the pressing needs of the nation. This would create jobs while shoring up the infrastructure critical to our future economic growth. For example, in this new world of heightened security at the airports, we must invest in high-speed rail to accommodate travel between short distances. But, as usual, this bill simply relies on the old gospel of the Republican Party—that tax cuts are the solution to any problem.

This corporate wish list may settle some old debts in the potential arena, but it will do nothing to nurse our ailing economy back to health. It is special interest pandering at its worst and should be defeated.

Mr. KIND. Mr. Speaker, I rise today in opposition to H.R. 3090, the Economic Security and Recovery Act. While our nation is still tending to the wounds inflicted upon us on September 11th, it may be necessary to provide an economic stimulus package that jump starts our currently sagging fiscal system and helps our country recover. I do not believe, however, this is the time for Congress to use this economic slump and the war against terrorism as an excuse to revisit previous agendas in a budget-busting frenzy.

It is fiscally irresponsible to put our country back into deficit spending to ensure that the House Leadership secures its priority tax cuts for their large campaign contributors. These tax cuts will not have the desired affect of boosting our economy; rather they will threaten the fiscal discipline that prompted much of the 1990's economic boom, because H.R. 3090 is paid for by taking funds directly out of the Social Security surplus rather than finding responsible offsets in the budget. The cost over ten years, including added interest to national debt, is a hefty $274 billion. Again, it would be taken out of the Social Security trust fund after virtually everyone in this Congress promised not to do so.

The goal of a stimulus package should be to give the economy a quick jolt while minimizing the damage to the long-term budget. In order to achieve this fine balance, the legislative package we pass today should provide an immediate but temporary, short-term injection of resources that will put money into the pockets of families and business that need it and will spend it.

Unfortunately, H.R. 3090 includes an acceleration of income tax cuts that would put $39 billion in the pockets of the richest quarter of taxpayers in the years 2003 to 2005, when the downtown presumably will be over. This is not an economic stimulus. This is a policy that reflects the supply-side faith that cutting taxes is always a good thing, never mind the cost. It will also take $5 billion out of state budgets every year since states base their corporate tax rates on the federal tax code.

Furthermore, a return to deficit spending will increase long-term interest rates, and will put a drag on any kind of economic recovery. The higher cost of borrowing increases the costs to families and firms, making economic revival less likely. Even the president acknowledged this when he said he wanted a stimulus package between $60 billion and $75 billion because he was "mindful of the effect on long-term interest rates." Unless the administration weighs in against these tax cuts, the baby-boom budget crunch may get even nastier and make it impossible for our country to deal with the impending baby-boom retirement by keeping Social Security and Medicare solvent for that huge influx of recipients.

H.R. 3090 will not provide the average American the extra cash to put into our financial system. This is not the time to pursue our individual agendas but it is the time for a fiscally responsible short-term package that pushes our economy forward and provides relief for families in need.

I urge my colleagues to oppose H.R. 3090 and support the motion to recommit. The rush to cut corporate taxes to stimulate economic recovery is at best a questionable economic prescription and at worst one that could do more harm than good. The motion to recommit is simple and straightforward in its instructions to reduce the tax cut provisions of the bill in an amount necessary to fund the additional appropriations that are needed to fix the war on terrorism and protect the safety of the American public; to provide that the legislation is temporary and fully paid for in the budget over the next ten years to avoid deficit spending; and to provide immediate relief to workers who lost their jobs and health coverage and to businesses affected by the economic circumstances.

That is what a sensible and fiscally responsible stimulus bill should look like.

Mr. DINGELL. Mr. Speaker, health insurance coverage is a critical component of any economic stimulus package. Uninsured Americans have greater problems obtaining needed medical care. They are also less likely to get needed care. It is simply good medicine to ensure that families can keep their health insurance coverage.

It is also, however, good economics. The uninsured pay more out-of-pocket for health care, reducing their consumer spending. If families have health insurance, more of their resources are freed up to meet other critical needs such as paying their mortgage or utility bills.

Half of Americans who file for bankruptcy protection do so because of high medical expenses. An increase in the number of uninsured workers will lead more Americans into bankruptcy.

We know that the number of uninsured will very likely increase during this economic downturn. That is why any responsible economic stimulus package must include meaningful provisions to prevent the number of families without health insurance coverage from increasing.

The Democratic substitute does just that. This package provides a federal subsidy to allow workers and their families to remain covered under their former employer's policy for twelve months. Without this subsidy, bearing the full freight of their health insurance costs—on average $7,053 for family coverage—will prove too much for many families already struggling to make ends meet.

The Democratic substitute also allows states the option of extending Medicaid coverage to those uninsured workers and their families who are ineligible for COBRA coverage. For workers in firms with fewer than twenty employees or for workers in firms that go out of business, this provision is particularly important as COBRA coverage is not available to them. By building on Medicaid, we are building on an insurance program that we know works and that states can use quickly and easily to ensure workers and their families have health coverage.

A responsible stimulus package should recognize the importance of health insurance to good health and a good economy. The Democratic substitute will see that American families remain insured during this economic downturn. This package is the right approach for our economy, our workers, and their families.

Mr. BLUMENAUER. Mr. Speaker, the economic stimulus package brought to the House floor today is an embarrassment. It is 50 percent larger than the stimulus that the President and the Treasury Secretary asked for. It is a series of tax cuts and big refund checks to corporations that will be paid for with dollars from the Social Security Trust Fund. It is not paid for over time, but adds to the federal deficit for years to come.

The Republican leadership has used the occasion of America's present economic emergency to lead a stampede toward the public trough. Every pet tax cut on lobbyists' wish lists found its way into this bill, which has nothing to do with economic stimulus but a great deal to do with unjust enrichment. A handful of America's largest corporations will receive refund checks totaling nearly $6 billion of business taxes paid since 1986. There is absolutely no assurance that those tax dollars will be invested in job creation or other economic growth.

By contrast, the Democratic alternative provides the bulk of its tax relief to individuals and families that are likely to spend their tax savings on household needs, adding to economic activity and providing a true stimulus. It extends health care and other benefits to laid-off workers. It includes real investments in America's communities and security. Most importantly, it maintains fiscal responsibility by paying for itself over time—simply by delaying the Bush Administration tax cut for households earning over $350,000 per year.

The SPEAKER pro tempore. All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Rangel:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) Short Title.—This Act may be cited as the "Fiscal Stimulus and Worker Relief Act of 2001".

(b) References to Internal Revenue Code of 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—TAX PROVISIONS

Subtitle A—Supplemental Rebate

Sec. 101. Supplemental rebate.

Subtitle B—Extensions of Certain Expiring Provisions

Sec. 111. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 112. Credit for qualified electric vehicles.
Sec. 113. Credit for electricity produced from renewable resources.
Sec. 114. Work Opportunity Credit.
Sec. 115. Welfare-to-Work credit.
Sec. 116. Deduction for clean-fuel vehicles and certain refueling property.
Sec. 117. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 118. Qualified zone academy bonds.
Sec. 119. Cover over of tax on distilled spirits.
Sec. 120. Parity in the application of certain limits to mental health benefits.
Sec. 121. Delay in effective date of requirement for approved diesel or kerosene terminals.

Subtitle C—Other Provisions

Sec. 131. Alternative minimum tax relief with respect to incentive stock options exercised during 2000.
Sec. 132. Carryback for 2001 and 2002 net operating losses allowed for 5 years.
Sec. 133. Temporary increase in expensing under section 179.
Sec. 134. Temporary waiver of 90 percent AMT limitations.
Sec. 135. Expansion of incentives for public schools.

TITLE II—WORKER RELIEF

Subtitle A—Temporary Unemployment Compensation

Sec. 201. Short title.
Sec. 202. Federal-State agreements.
Sec. 203. Temporary Supplemental Unemployment Compensation Account.
Sec. 204. Payments to States having agreements under this subtitle.
Sec. 205. Financing provisions.
Sec. 206. Fraud and overpayments.
Sec. 207. Definitions.
Sec. 208. Applicability.

Subtitle B—Premium Assistance For COBRA Continuation Coverage

Sec. 211. Premium assistance for COBRA continuation coverage.

Subtitle C—Additional Assistance for Temporary Health Insurance Coverage

Sec. 221. Optional temporary medicaid coverage for certain uninsured employees.
Sec. 222. Optional temporary coverage for unsubsidized portion of COBRA continuation premiums.

TITLE III—FREEZE OF TOP INDIVIDUAL INCOME TAX RATE AND DOMESTIC SECURITY TRUST FUND

Sec. 301. Freeze of top individual income tax rate and domestic security trust fund.

TITLE I—TAX PROVISIONS

Subtitle A—Supplemental Rebate

SEC. 101. SUPPLEMENTAL REBATE.

(a) In General.—Section 6428 (relating to acceleration of 10 percent income tax rate bracket benefit for 2001) is amended by adding at the end the following new subsection:

"(f) Supplemental Rebate.—

"(1) In general.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2000 and who, before October 12, 2001, filed a return of tax imposed by subtitle A for such taxable year shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the supplemental refund amount for such taxable year.

"(2) Supplemental refund amount.—For purposes of this subsection, the supplemental refund amount is an amount equal to the excess (if any) of—

"(A)(i) $600 in the case of taxpayers to whom section 1(a) applies,

"(ii) $500 in the case of taxpayers to whom section 1(b) applies, and

"(iii) $300 in the case of taxpayers to whom subsections (c) or (d) of section 1 applies, over

"(B) the taxpayer's advance refund amount under subsection (e).

"(3) Timing of payments.—In the case of any overpayment attributable to this subsection, the Secretary shall, to the maximum extent practicable, refund or credit such overpayment before December 31, 2001.

"(4) No interest.—No interest shall be allowed on any overpayment attributable to this subsection."

(b) Conforming Amendments.—

(1) Paragraph (1) of section 6428(d) is amended by adding at the end the following new subparagraph:

"(C) Coordination With supplemental rebate.—No credit shall be allowed under subsection (a) to any individual who is entitled to a supplemental rebate amount under subsection (f)."

(2) Paragraph (3) of section 6428(e) is amended by striking "December 31, 2001" and inserting "the date of the enactment of the Fiscal Stimulus and Worker Relief Act of 2001".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Extensions of Certain Expiring Provisions

SEC. 111. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) In General.—Paragraph (2) of section 26(a) is amended—

(1) by striking "RULE FOR 2000 AND 2001.—" and inserting "RULE FOR 2000, 2001, AND 2002.—", and

(2) by striking "during 2000 or 2001," and inserting "during 2000, 2001, or 2002,".

(b) Conforming Amendments.—

(1) Section 904(h) is amended by striking "during 2000 or 2001" and inserting "during 2000, 2001, or 2002".

(2) The amendments made by sections 201(b), 202(f), and 618(f) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2002.

(c) Technical Correction.—Section 24(d)(1)(B) is amended by striking "amount of credit allowed by this section" and inserting "aggregate amount of credits allowed by this subpart.".

(d) Effective Dates.—

(1) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2001.

(2) The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2000.

SEC. 112. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) In General.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking "December 31, 2001," and inserting "December 31, 2002,", and

(B) in subparagraphs (A), (B), and (C), by striking "2002", "2003", and "2004", respectively, and inserting "2003", "2004", and "2005", respectively, and

(2) in subsection (e), by striking "December 31, 2004" and inserting "December 31, 2005".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 113. CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) In General.—Subparagraphs (A), (B), and (C) of section 45(c)(3) are each amended by striking "2002" and inserting "2003".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 114. WORK OPPORTUNITY CREDIT.

(a) In General.—Subparagraph (B) of section 51(c)(4) is amended by striking "2001" and inserting "2002".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 115. WELFARE-TO-WORK CREDIT.

(a) In General.—Subsection (f) of section 51A is amended by striking "2001" and inserting "2002".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 116. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) In General.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "December 31, 2001," and inserting "December 31, 2002,", and

(B) in clauses (i), (ii), and (iii), by striking "2002", "2003", and "2004", respectively, and inserting "2003", "2004", and "2005", respectively, and

(2) in subsection (f), by striking "December 31, 2004" and inserting "December 31, 2005".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 117. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) In General.—Subparagraph (H) of section 613A(c)(6) is amended by striking "2002" and inserting "2003".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 118. QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Paragraph (1) of section 1397E(e) is amended by striking "2000, and 2001" and inserting "2000, 2001, and 2002".

(b) Extension of carryover of unused limitation from 1998.—Paragraph (4) of section 1397E(e) is amended by striking "3 years for carryforwards from 1998 or 1999" and inserting "4 years for carryforwards from 1998 and 3 years for carryforwards from 1999".

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 119. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) In General.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2002" and inserting "January 1, 2003".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 120. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) In General.—Subsection (f) of section 9812 is amended by striking "2001" and inserting "2002".

(b) Effective Date.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 121. DELAY IN EFFECTIVE DATE OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 (Public Law 105-34) is amended by striking "January 1, 2002" and inserting "January 1, 2003".

Subtitle C—Other Provisions

SEC. 131. ALTERNATIVE MINIMUM TAX RELIEF WITH RESPECT TO INCENTIVE STOCK OPTIONS EXERCISED DURING 2000.

In the case of an incentive stock option (as defined in section 422 of the Internal Revenue Code of 1986) exercised during calendar year 2000 or 2001, the amount taken into account under section 56(b)(3) of such Code by reason of such exercise shall not exceed the amount that would have been taken into account if, on the date of such exercise, the fair market value of the stock acquired pursuant to such option had been—

(1) its fair market value as of—

(A) April 15, 2001, in the case of options exercised during 2000, and

(B) December 31, 2001, in the case of options exercised during 2001, or

(2) if such stock is sold or exchanged on or before the applicable date under paragraph (1), the amount realized on such sale or exchange.

SEC. 132. CARRYBACK FOR 2001 AND 2002 NET OPERATING LOSSES ALLOWED FOR 5 YEARS.

(a) In General.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

"(H) In the case of a taxpayer which has a net operating loss for any taxable year beginning in 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.".

(b) Election To Disregard 5-Year Carryback for Net Operating Loss Arising in 2001 or 2002.— Section 172 of such Code (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subjection (i) the following new subsection:

"(j) Election To Disregard 5-Year Carryback for Net Operating Loss Arising in 2001 or 2002.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.".

(c) Suspension of 90 Percent AMT Limit on 2001 and 2002 NOL Carrybacks.—Subparagraph (A) of section 56(d)(1) (relating to general rule defining alternative tax net operating loss deduction) is amended to read as follows:

"(A) the amount of such deduction shall not exceed the sum of—

"(i) the lesser of—

"(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carrybacks of net operating losses for taxable years beginning in 2001 or 2002), or

"(II) 90 percent of alternate minimum taxable income determined without regard to such deduction, plus

"(ii) the lesser of—

"(I) the amount of such deduction attributable to carrybacks of net operating losses for taxable years beginning in 2001 or 2002, or

"(II) alternate minimum taxable income determined without regard to such deduction reduced by the amount determined under clause (i), and".

(d) Effective Date.—The amendments made by this section shall apply to net operating losses for taxable years beginning after 2000.

SEC. 133. TEMPORARY INCREASE IN EXPENSING UNDER SECTION 179.

(a) In General.—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"If the taxable year begins in:	**The applicable amount is:**
2001 or 2002	$50,000
2003 or thereafter	25,000."

(b) Temporary Increase in Amount of Property Triggering Phaseout of Maximum Benefit.—Paragraph (2) of section 179(b) of such Code is amended by inserting before the period "($400,000 in the case of taxable years beginning during 2001 or 2002)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 134. TEMPORARY WAIVER OF 90 PERCENT AMT LIMITATIONS.

Subparagraph (A) of section 56(b)(1) of the Internal Revenue Code of 1986 and paragraph (2) of section 59(a) of such Code shall not apply in determining alternative minimum tax liability for taxable years beginning in 2001 or 2002.

SEC. 135. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

(a) In General.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter Y—Public School Modernization Provisions

"Sec. 1400K. Credit to holders of qualified public school modernization bonds.
"Sec. 1400L. Qualified school construction bonds.
"Sec. 1400M. Qualified zone academy bonds.

"SEC. 1400K. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

"(a) Allowance of Credit.—In the case of a taxpayer who holds a qualified public school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) Amount of Credit.—

"(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified public school modernization bond is 25 percent of the annual credit determined with respect to such bond.

"(2) Annual credit.—The annual credit determined with respect to any qualified public school modernization bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) Applicable credit rate.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of issuance of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

"(4) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

"(c) Limitation Based on Amount of Tax.—

"(1) In general.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

"(2) Carryover of unused credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) Qualified Public School Modernization Bond; Credit Allowance Date.—For purposes of this section—

"(1) Qualified public school modernization bond.—The term 'qualified public school modernization bond' means—

"(A) a qualified zone academy bond, and

"(B) a qualified school construction bond.

"(2) Credit allowance date.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) PUBLIC SCHOOL FACILITY.—The term 'public school facility' shall not include—

"(A) any stadium or other facility primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public, or

"(B) any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

"(f) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(g) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

"(1) IN GENERAL.—If any bond which when issued purported to be a qualified public school modernization bond ceases to be a qualified public school modernization bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

"(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

"(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

"(2) FAILURE TO PAY.—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

"(3) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining —

"(i) the amount of any credit allowable under this part, or

"(ii) the amount of the tax imposed by section 55.

"(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified public school modernization bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified public school modernization bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"(j) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified public school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

"(k) CREDIT MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

"(k) REPORTING.—Issuers of qualified public school modernization bonds shall submit reports similar to the reports required under section 149(e).

"(l) PENALTY ON CONTRACTORS FAILING TO PAY PREVAILING WAGE.—

"(1) IN GENERAL.—If the Secretary of Labor certifies to the Secretary that any contractor on any project funded by any qualified public school modernization bond has failed, during any portion of such contractor's taxable year, to pay prevailing wages as would be required under section 439 of the General Education Provisions Act if such funding were an applicable program under such section, the tax imposed by chapter 1 on such contractor for such taxable year shall be increased by 100 percent of the amount involved in such failure. The preceding sentence shall not apply to the extent the Secretary of Labor determines that such failure is due to reasonable cause and not willful neglect.

"(2) AMOUNT INVOLVED.—For purposes of paragraph (1), the amount involved with respect to any failure is the excess of the amount of wages such contractor would be so required to pay under such section over the amount of wages paid.

"(3) NO CREDITS AGAINST TAX.—The tax imposed by this section shall not be treated as a tax imposed by this chapter for purposes of determining—

"(A) the amount of any credit allowable under this chapter, or

"(B) the amount of the minimum tax imposed by section 55.

"(m) TERMINATION.—This section shall not apply to any bond issued after September 30, 2006.

"SEC. 1400L. QUALIFIED SCHOOL CONSTRUCTION BONDS.

"(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this subchapter, the term 'qualified school construction bond' means any bond issued as part of an issue if—

"(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

"(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

"(3) the issuer designates such bond for purposes of this section, and

"(4) the term of each bond which is part of such issue does not exceed 15 years.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

"(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

"(2) if such issuer is a large local educational agency (as defined in subsection (e)(4)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

"(1) $11,000,000,000 for 2002, and

"(2) except as provided in subsection (f), zero after 2002.

"(d) 60 PERCENT OF LIMITATION ALLOCATED AMONG STATES.—

"(1) IN GENERAL.—60 percent of the limitation applicable under subsection (c) for any calendar year shall be allocated by the Secretary among the States in proportion to the respective numbers of children in each State who have attained age 5 but not age 18 for the most recent fiscal year ending before such calendar year. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State.

"(2) MINIMUM ALLOCATIONS TO STATES.—

"(A) IN GENERAL.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

"(i) the amount allocated to such State under this subsection for such year, and

"(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of the amount to be allocated under paragraph (1) for the calendar year.

"(B) MINIMUM PERCENTAGE.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

"(3) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

``(4) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2002, and $200,000,000 for calendar year 2003, shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7871) shall be treated as qualified issuers for purposes of this subchapter.

``(e) 40 PERCENT OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

``(1) IN GENERAL.—40 percent of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year.

``(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

``(3) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in subsection (d)(1).

``(4) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, the term `large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

``(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

``(B) 1 of not more than 25 local educational agencies (other than those described in subparagraph (A)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

``(f) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

``(1) the amount allocated under subsection (d) to any State, exceeds

``(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(4) or (e).

``(g) SPECIAL RULES RELATING TO ARBITRAGE.—

``(1) IN GENERAL.—A bond shall not be treated as failing to meet the requirement of subsection (a)(1) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued.

``(2) BINDING COMMITMENT REQUIREMENT.—Paragraph (1) shall apply to an issue only if, as of the date of issuance, there is a reasonable expectation that—

``(A) at least 10 percent of the proceeds of the issue will be spent within the 6-month period beginning on such date for the purpose for which such issue was issued, and

``(B) the remaining proceeds of the issue will be spent with due diligence for such purpose.

``(3) EARNINGS ON PROCEEDS.—Any earnings on proceeds during the temporary period shall be treated as proceeds of the issue for purposes of applying subsection (a)(1) and paragraph (1) of this subsection.

``SEC. 1400M. QUALIFIED ZONE ACADEMY BONDS.

``(a) QUALIFIED ZONE ACADEMY BOND.—For purposes of this subchapter—

``(1) IN GENERAL.—The term `qualified zone academy bond' means any bond issued as part of an issue if—

``(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

``(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

``(C) the issuer—

``(i) designates such bond for purposes of this section,

``(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

``(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

``(D) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1400L(g) shall apply for purposes of paragraph (1).

``(2) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—

``(A) IN GENERAL.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

``(B) QUALIFIED CONTRIBUTIONS.—For purposes of subparagraph (A), the term `qualified contribution' means any contribution (of a type and quality acceptable to the local educational agency) of—

``(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

``(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

``(iii) services of employees as volunteer mentors,

``(iv) internships, field trips, or other educational opportunities outside the academy for students, or

``(v) any other property or service specified by the local educational agency.

``(3) QUALIFIED ZONE ACADEMY.—The term `qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

``(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

``(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

``(C) the comprehensive education plan of such public school or program is approved by the local educational agency, and

``(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

``(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

``(4) QUALIFIED PURPOSE.—The term `qualified purpose' means, with respect to any qualified zone academy—

``(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

``(B) acquiring the land on which such facility is to be constructed with part of the proceeds of such issue,

``(C) providing equipment for use at such academy,

``(D) developing course materials for education to be provided at such academy, and

``(E) training teachers and other school personnel in such academy.

``(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

``(1) IN GENERAL.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

``(A) $400,000,000 for 1998,

``(B) $400,000,000 for 1999,

``(C) $400,000,000 for 2000,

``(D) $400,000,000 for 2001,

``(E) $1,400,000,000 for 2002, and

``(F) except as provided in paragraph (3), zero after 2002.

``(2) ALLOCATION OF LIMITATION.—

``(A) ALLOCATION AMONG STATES.—

``(i) 1998, 1999, 2000, AND 2001 LIMITATIONS.—The national zone academy bond limitations for calendar years 1998, 1999, 2000, and 2001 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

``(ii) LIMITATION AFTER 2001.—The national zone academy bond limitation for any calendar year after 2001 shall be allocated by the Secretary among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

``(B) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State to qualified zone academies within such State.

``(C) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) (or the corresponding provisions of prior law) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess."

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 1400K(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1400K(d)(2)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(c) CONFORMING AMENDMENTS.—

(1) Subchapter U of chapter 1 is amended by striking part IV, by redesignating part V as part IV, and by redesignating section 1397F as section 1397E.

(2) The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter Y. Public school modernization provisions."

(3) The table of parts of subchapter U of chapter 1 is amended by striking the last 2 items and inserting the following item:

"Part IV. Regulations."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to obligations issued after December 31, 2001.

(2) REPEAL OF RESTRICTION ON ZONE ACADEMY BOND HOLDERS.—In the case of bonds to which section 1397E of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of this Act) applies, the limitation of such section to eligible taxpayers (as defined in subsection (d)(6) of such section) shall not apply after the date of the enactment of this Act.

TITLE II—WORKER RELIEF

Subtitle A—Temporary Unemployment Compensation

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Temporary Unemployment Compensation Act of 2001".

SEC. 202. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this subtitle with the Secretary of Labor (hereinafter in this subtitle referred to as the "Secretary"). Any State which is a party to an agreement under this subtitle may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) IN GENERAL.—Any agreement under subsection (a) shall provide that the State agency of the State will make—

(A) payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law were applied with the modifications described in paragraph (2), and

(B) payments of temporary supplemental unemployment compensation to individuals who—

(i) have exhausted all rights to regular compensation under the State law,

(ii) do not, with respect to a week, have any rights to compensation (excluding extended compensation) under the State law of any other State (whether one that has entered into an agreement under this subtitle or otherwise) nor compensation under any other Federal law (other than under the Federal-State Extended Unemployment Compensation Act of 1970), and are not paid or entitled to be paid any additional compensation under any State or Federal law, and

(iii) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(2) MODIFICATIONS DESCRIBED.—The modifications described in this paragraph are as follows:

(A) An individual shall be eligible for regular compensation if the individual would be so eligible, determined by applying—

(i) the base period that would otherwise apply under the State law if this subtitle had not been enacted, or

(ii) a base period ending at the close of the calendar quarter most recently completed before the date of the individual's application for benefits,

whichever results in the greater amount.

(B) An individual shall not be denied regular compensation under the State law's provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact that such individual is seeking, or available for, only part-time (and not full-time) work.

(C)(i) Subject to clause (ii), the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this subparagraph), plus an additional—

(I) 25 percent, or

(II) $65,

whichever is greater.

(ii) In no event may the total amount determined under clause (i) with respect to any individual exceed the average weekly insured wages of that individual in that calendar quarter of the base period in which such individual's insured wages were the highest (or one such quarter if his wages were the same for more than one such quarter).

(c) NONREDUCTION RULE.—Under the agreement, subsection (b)(2)(C) shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a way such that—

(1) the average weekly amount of regular compensation which will be payable during the period of the agreement (determined disregarding the modifications described in subsection (b)(2)) will be less than

(2) the average weekly amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on September 11, 2001.

(d) COORDINATION RULES.—

(1) REGULAR COMPENSATION PAYABLE UNDER A FEDERAL LAW.—The modifications described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

(2) TSUC TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, extended benefits shall not be payable to any individual for any week for which temporary supplemental unemployment compensation is payable to such individual.

(e) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(B)(i), an individual shall be considered to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period, or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(f) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TSUC.—For purposes of any agreement under this subtitle—

(1) the amount of temporary supplemental unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year,

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary supplemental unemployment compensation and the payment thereof, except where inconsistent with the provisions of this subtitle or with the regulations or operating instructions of the Secretary promulgated to carry out this subtitle, and

(3) the maximum amount of temporary supplemental unemployment compensation payable to any individual for whom a temporary supplemental unemployment compensation account is established under section 203 shall not exceed the amount established in such account for such individual.

SEC. 203. TEMPORARY SUPPLEMENTAL UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this subtitle shall provide that the State will establish, for each eligible individual who files an application for temporary supplemental unemployment compensation, a temporary supplemental unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the product obtained by multiplying an individual's weekly benefit amount by the applicable factor under paragraph (3).

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly

benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment in such individual's benefit year.

(3) APPLICABLE FACTOR.—

(A) GENERAL RULE.—The applicable factor under this paragraph is 13, unless the individual's benefit year begins or ends during a period of high unemployment within such individual's State, in which case the applicable factor is 26.

(B) PERIOD OF HIGH UNEMPLOYMENT.—For purposes of this paragraph, a period of high unemployment within a State shall begin and end, if at all, in a way (to be set forth in the State's agreement under this subtitle) similar to the way in which an extended benefit period would under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to the following:

(i) To determine if there is a State "on" or "off" indicator, apply section 203(f) of such Act, but—

(I) substitute "5 percent" for "6.5 percent" in paragraph (1)(A)(i) thereof, and

(II) disregard paragraph (1)(A)(ii) thereof and the last sentence of paragraph (1) thereof.

(ii) To determine the beginning and ending dates of a period of high unemployment within a State, apply section 203(a) and (b) of such Act, except that—

(I) in applying such section 203(a), deem paragraphs (1) and (2) thereof to be amended by striking "the third week after", and

(II) in applying such section 203(b), deem paragraph (1)(A) thereof amended by striking "thirteen" and inserting "twenty-six" and paragraph (1)(B) thereof amended by striking "fourteenth" and inserting "twenty-seventh".

(4) RULE OF CONSTRUCTION.—For purposes of any computation under paragraph (1) (and any determination of amount under section 202(f)(1)), the modification described in section 202(b)(2)(C) (relating to increased benefits) shall be deemed to have been in effect with respect to the entirety of the benefit year involved.

(c) ELIGIBILITY PERIOD.—An individual whose applicable factor under subsection (b)(3) is 26 shall be eligible for temporary supplemental unemployment compensation for each week of total unemployment in his benefit year which begins in the State's period of high unemployment and, if his benefit year ends within such period, any such weeks thereafter which begin in such period of high unemployment, not to exceed a total of 26 weeks.

SEC. 204. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS SUBTITLE.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this subtitle an amount equal to—

(1) 100 percent of any regular compensation made payable to individuals by such State by virtue of the modifications which are described in section 202(b)(2) and deemed to be in effect with respect to such State pursuant to section 202(b)(1)(A),

(2) 100 percent of any regular compensation—

(A) which is paid to individuals by such State by reason of the fact that its State law contains provisions comparable to the modifications described in section 202(b)(2)(A)–(B), but only

(B) to the extent that those amounts would, if such amounts were instead payable by virtue of the State law's being deemed to be so modified pursuant to section 202(b)(1)(A), have been reimbursable under paragraph (1), and

(3) 100 percent of the temporary supplemental unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this subtitle shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this subtitle for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES, ETC.—There is hereby appropriated out of the employment security administration account of the Unemployment Trust Fund (as established by section 901(a) of the Social Security Act) $500,000,000 to reimburse States for the costs of the administration of agreements under this subtitle (including any improvements in technology in connection therewith) and to provide reemployment services to unemployment compensation claimants in States having agreements under this subtitle. Each State's share of the amount appropriated by the preceding sentence shall be determined by the Secretary according to the factors described in section 302(a) of the Social Security Act and certified by the Secretary to the Secretary of the Treasury.

SEC. 205. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act), and the Federal unemployment account (as established by section 904(g) of the Social Security Act), of the Unemployment Trust Fund shall be used, in accordance with subsection (b), for the making of payments (described in section 204(a)) to States having agreements entered into under this subtitle.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 204(a) which are payable to such State under this subtitle. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account) to the account of such State in the Unemployment Trust Fund.

SEC. 206. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any regular compensation or temporary supplemental unemployment compensation under this subtitle to which he was not entitled, such individual—

(1) shall be ineligible for any further benefits under this subtitle in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation, and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any regular compensation or temporary supplemental unemployment compensation under this subtitle to which they were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual, and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary supplemental unemployment compensation payable to such individual under this subtitle or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the regular compensation or temporary supplemental unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 207. DEFINITIONS.

For purposes of this subtitle:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) STATE LAW AND REGULAR COMPENSATION.—In the case of a State entering into an agreement under this subtitle—

(A) "State law" shall be considered to refer to the State law of such State, applied in conformance with the modifications described in section 202(b)(2), subject to section 202(c), and

(B) "regular compensation" shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)),

except as otherwise provided or where the context clearly indicates otherwise.

SEC. 208. APPLICABILITY.

(a) IN GENERAL.—An agreement entered into under this subtitle shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into, and

(2) ending before January 1, 2003.

(b) SPECIFIC RULES.—Under such an agreement—

(1) the modification described in section 202(b)(2)(A) (relating to alternative base periods) shall not apply except in the case of initial claims filed after September 11, 2001,

(2) the modifications described in section 202(b)(2)(B)–(C) (relating to part-time employment and increased benefits, respectively) shall apply to weeks of unemployment (described in subsection (a)), irrespective of the date on which an individual's claim for benefits is filed, and

(3) the payments described in section 202(b)(1)(B) (relating to temporary supplemental unemployment compensation) shall not apply except in the case of individuals exhausting their rights to regular compensation (as described in clause (i) thereof) after September 11, 2001.

Subtitle B—PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE

SEC. 211. PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a program under which premium assistance for COBRA continuation coverage shall be provided for qualified individuals under this section.

(2) QUALIFIED INDIVIDUALS.—For purposes of this section, a qualified individual is an individual who—

(A) establishes that the individual—

(i) on or after July 1, 2001, and before the end of the 1-year period beginning on the date of the enactment of this Act, became entitled to elect COBRA continuation coverage; and

(ii) has elected such coverage; and

(B) enrolls in the premium assistance program under this section by not later than the end of such 1-year period.

(b) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—Premium assistance provided under this subsection shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer covered under COBRA continuation coverage; or

(2) 12 months after the date the individual is first enrolled in the premium assistance program established under this section.

(c) PAYMENT, AND CREDITING OF ASSISTANCE.—

(1) AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be equal to 75 percent of the amount of the premium required for the COBRA continuation coverage.

(2) PROVISION OF ASSISTANCE.—Premium assistance provided under this section shall be provided through the establishment of direct payment arrangements with the administrator of the group health plan (or other entity) that provides or administers the COBRA continuation coverage. It shall be a fiduciary duty of such administrator (or other entity) to enter into such arrangements under this section.

(3) PREMIUMS PAYABLE BY QUALIFIED INDIVIDUAL REDUCED BY AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be credited by such administrator (or other entity) against the premium otherwise owed by the individual involved for such coverage.

(d) CHANGE IN COBRA NOTICE.—

(1) GENERAL NOTICE.—

(A) IN GENERAL.—In the case of notices provided under section 4980B(f)(6) of the Internal Revenue Code of 1986 with respect to individuals who, on or after July 1, 2001, and before the end of the 1-year period beginning on the date of the enactment of this Act, become entitled to elect COBRA continuation coverage, such notices shall include an additional notification to the recipient of the availability of premium assistance for such coverage under this section.

(B) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under section 4980B(f)(6) of the Internal Revenue Code of 1986 does not apply, the Secretary of the Treasury shall, in coordination with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, assure provision of such notice.

(C) FORM.—The requirement of the additional notification under this paragraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(2) SPECIFIC REQUIREMENTS.—Each additional notification under paragraph (1) shall include—

(A) the forms necessary for establishing eligibility under subsection (a)(2)(A) and enrollment under subsection (a)(2)(B) in connection with the coverage with respect to each covered employee or other qualified beneficiary;

(B) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with the premium assistance; and

(C) the following statement displayed in a prominent manner:

"You may be eligible to receive assistance with payment of 75 percent of your COBRA continuation coverage premiums for a duration of not to exceed 12 months.".

(3) NOTICE RELATING TO RETROACTIVE COVERAGE.—In the case of such notices previously transmitted before the date of the enactment of this Act in the case of an individual described in paragraph (1) who has elected (or is still eligible to elect) COBRA continuation coverage as of the date of the enactment of this Act, the administrator of the group health plan (or other entity) involved or the Secretary of the Treasury (in the case described in the paragraph (1)(B)) shall provide (within 60 days after the date of the enactment of this Act) for the additional notification required to be provided under paragraph (1).

(4) MODEL NOTICES.—The Secretary shall prescribe models for the additional notification required under this subsection.

(f) OBLIGATION OF FUNDS.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of premium assistance under this section.

(g) PROMPT ISSUANCE OF GUIDANCE.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall issue guidance under this section not later than 30 days after the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "administrator" has the meaning given such term in section 3(16) of the Employee Retirement Income Security Act of 1974.

(2) COBRA CONTINUATION COVERAGE.—The term "COBRA continuation coverage" means continuation coverage provided pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), section 8905a of title 5, United States Code, or under a State program that provides continuation coverage comparable to such continuation coverage.

(3) GROUP HEALTH PLAN.—The term "group health plan" has the meaning given such term in section 9832(a) of the Internal Revenue Code of 1986.

(4) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Subtitle C—Additional Assistance for Temporary Health Insurance Coverage

SEC. 221. OPTIONAL TEMPORARY MEDICAID COVERAGE FOR CERTAIN UNINSURED EMPLOYEES.

(a) IN GENERAL.—Notwithstanding any other provision of law, with respect to any month before the ending month, a State may elect to provide, under its medicaid program under title XIX of the Social Security Act, medical assistance in the case of an individual—

(1)(A) who has become totally or partially separated from employment on or after July 1, 2001, and before the end of such ending month; or

(B) whose hours of employment have been reduced on or after July 1, 2001, and before the end of such ending month;

(2) who is not eligible for COBRA continuation coverage; and

(3) who is uninsured.

(b) LIMITATION OF PERIOD OF COVERAGE.—Assistance under this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer uninsured; or

(2) 12 months after the date the individual is first determined to be eligible for medical assistance under this section.

(c) SPECIAL RULES.—In the case of medical assistance provided under this section—

(1) the Federal medical assistance percentage under section 1905(b) of the Social Security Act shall be the enhanced FMAP (as defined in section 2105(b) of such Act);

(2) a State may elect to apply alternative income, asset, and resource limitations and the provisions of section 1916(g) of such Act, except that in no case shall a State cover individuals with higher family income without covering individuals with a lower family income;

(3) such medical assistance shall not be provided for periods before the date the individual becomes uninsured;

(4) a State may elect to make eligible for such assistance a spouse or children of an individual eligible for medical assistance under paragraph (1), if such spouse or children are uninsured;

(5) individuals eligible for medical assistance under this section shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act; and

(6) the Secretary of Health and Human Services shall not count, for purposes of section 1108(f) of the Social Security Act, such amount of payments under this section as bears a reasonable relationship to the average national proportion of payments made

under this section for the 50 States and the District of Columbia to the payments otherwise made under title XIX for such States and District.

(d) DEFINITIONS.—For purposes of this subtitle:

(1) UNINSURED.—The term "uninsured" means, with respect to an individual, that the individual is not covered under—

(A) a group health plan (as defined in section 2791(a) of the Public Health Service Act),

(B) health insurance coverage (as defined in section 2791(b)(1) of the Public Health Service Act), or

(C) a program under title XVIII, XIX, or XXI of the Social Security Act, other than under such title XIX pursuant to this section.

For purposes of this paragraph, such coverage under subparagraph (A) or (B) shall not include coverage consisting solely of coverage of excepted benefits (as defined in section 2791(c) of the Public Health Service Act).

(2) COBRA CONTINUATION COVERAGE.—The term "COBRA continuation coverage" means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

(3) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act.

(4) ENDING MONTH.—The term "ending month" means the last month that begins before the date that is 1 year after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—This section shall take effect upon its enactment, whether or not regulations implementing this section are issued.

(f) LIMITATION ON ELECTION.—A State may not elect to provide coverage under this section unless the State elects to provide coverage under section 222.

SEC. 222. OPTIONAL TEMPORARY COVERAGE FOR UNSUBSIDIZED PORTION OF COBRA CONTINUATION PREMIUMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, with respect to COBRA continuation coverage provided for any month through the ending month, a State may elect to provide payment of the unsubsidized portion of the premium for COBRA continuation coverage in the case of any individual—

(1)(A) who has become totally or partially separated from employment on or after July 1, 2001, and before the end of the ending month; or

(B) whose hours of employment have been reduced on or after July 1, 2001, and before the end of such ending month; and

(2) who is eligible for, and has elected coverage under, COBRA continuation coverage.

(b) LIMITATION OF PERIOD OF COVERAGE.—Premium assistance under this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer covered under COBRA continuation coverage; or

(2) 12 months after the date the individual is first determined to be eligible for premium assistance under this section.

(c) FINANCIAL PAYMENT TO STATES.—A State providing premium assistance under this section shall be entitled to payment under section 1903(a) of the Social Security Act with respect to such assistance (and administrative expenses relating to such assistance) in the same manner as such State is entitled to payment with respect to medical assistance (and such administrative expenses) under such section, except that, for purposes of this subsection, any reference to the Federal medical assistance percentage shall be deemed a reference to the enhanced FMAP (as defined in section 2105(b) of such Act). The provisions of subsection (c)(6) of section 221 shall apply with respect to this section in the same manner as it applies under such section.

(d) UNSUBSIDIZED PORTION OF PREMIUM FOR COBRA CONTINUATION COVERAGE.—For purposes of this section, the term 'unsubsidized portion of premium for COBRA continuation coverage' means that portion of the premium for COBRA continuation coverage for which there is no financial assistance available under 211.

(e) EFFECTIVE DATE.—This section shall take effect upon its enactment, whether or not regulations implementing this section are issued.

(f) LIMITATION ON ELECTION.—A State may not elect to provide coverage under this section unless the State elects to provide coverage under section 221.

TITLE III—FREEZE OF TOP INDIVIDUAL INCOME TAX RATE AND DOMESTIC SECURITY TRUST FUND

SEC. 301. FREEZE OF TOP INDIVIDUAL INCOME TAX RATE AND DOMESTIC SECURITY TRUST FUND.

(a) FREEZE OF TOP INDIVIDUAL INCOME TAX RATE.—Paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(A) by striking "37.6" and inserting "38.6", and

(B) by striking "35.0" and inserting "38.6".

(b) DOMESTIC SECURITY TRUST FUND.—Subchapter A of chapter 98 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. DOMESTIC SECURITY TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Domestic Security Trust Fund', consisting of such amounts as may be transferred or credited to the Trust Fund as provided in this section and section 9602(b).

"(b) TRANSFERS TO FUND.—There are hereby transferred from the General Fund of the Treasury to the Domestic Security Trust Fund so much of the additional amounts received in the Treasury by reason of the amendment made by section 301(a) of the Fiscal Stimulus and Worker Relief Act of 2001 (relating to freeze in top individual income tax rate) as does not exceed the sum of—

"(1) $32,000,000,000, plus

"(2) the amount determined by the Secretary to be necessary to pay the interest on any repayable advance made to the Trust Fund.

"(c) EXPENDITURES.—Amounts in the Domestic Security Trust Fund shall be available, as provided by appropriation Acts, for purposes of making the following expenditures to the extent such expenditures are hereafter authorized by law:

"(1) $7,000,000,000 for domestic economic development programs.

"(2) $25,000,000,000 for programs to significantly enhance safety and security of transportation systems, facilities, and environmental protection, including the emergency management systems and emergency response training.

"(d) REPAYABLE ADVANCES.—

"(1) IN GENERAL.—If amounts in the Trust Fund are not sufficient for the purposes of subsection (c), the Secretary shall transfer from the General Fund of the Treasury to the Trust Fund such additional amounts as may be necessary for such purposes. Such amounts shall be transferred as repayable advances.

"(2) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made to the Trust Fund shall be repaid, and interest on such advances shall be paid, to the General Fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund.

"(B) RATE OF INTEREST.—Interest on advances made to the Trust Fund shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 is amended by adding at the end the following new item:

"Sec. 9511. Domestic security trust fund.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

The SPEAKER pro tempore. Pursuant to House Resolution 270, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, as I was saying at the close of the other debate, instead of supporting the shameless Republican package, we should support the Democratic stimulus package put forth here today. It honors the principles of bipartisanship in that it is short term, provides a quick boost to the economy, and does not, does not sacrifice our long-term fiscal stability.

It is paid for, Mr. Speaker. It is paid for.

What it does is there are many good ideas that are being brought to the table, including a one-time rebate for people who were left out of the last rebate because they only pay payroll taxes. It gives new resources to help unemployed workers get access to health insurance and unemployment benefits, and funds to help small business and increase infrastructure investments to create jobs.

We must pass a bill that includes a proper balance between spending and tax cuts and must target tax cuts that are included to low-income families with the greatest need.

I urge my colleagues to support the Democratic stimulus package which is, as I say, a stimulus in every respect, and to reject the Republican shameless package on the floor today.

The SPEAKER pro tempore. Does the gentleman from California (Mr. THOMAS) seek to control the time in opposition to the amendment?

Mr. THOMAS. I do, Mr. Speaker.

Mr. Speaker, I yield myself such time as I may consume.

I guess if I were adopting the tactics of our colleagues, I could begin by saying we just saw this bill last night. It was not offered in committee. I cannot believe that they would create a bill without allowing us to work with them in a bipartisan way. I cannot believe they would generate a purely partisan document. But indeed, all of those are the facts.

I guess I could spend a lot of time talking about the Democratic stimulus, but sometimes it is better to let others speak for us.

The newly-elected spokesperson for the Democratic minority called this the Democratic stimulus package. Perhaps we should find out what neutral third parties believe it is. In today's Washington Post in an editorial it says, "The Democrats have an implausible alternative. It was written mainly for show." And then, the well-respected economic columnist Robert J. Samuelson I believe hit the nail on the head when he said, instead of stimulus, we have a vehicle for pet agendas. "Democrats propose a hodgepodge of tax rebates for low-income families, expanded government health insurance, and spending, from schools to construction. This is income redistribution posing as stimulus." More accurate words were never spoken.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, it just shows, I would say to the gentleman, that we have more confidence in people spending than we do in corporations that are not doing well in creating new jobs.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK), a senior member of the committee.

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding me this time.

I would point out to the gentleman on the other side, those with the least experience with corporations, those who have had their elbows furthest in the trough all of their lives, seem to know most about what corporations can do. I am always curious to see how this wisdom from these people who have never held a job outside the public sector is going to create jobs.

But in this stimulus bill, one of the shameless things that the Republicans do, in contravention to the statement of the gentleman from California (Mr. THOMAS) on September 21st, is fail to provide meaningful help with health insurance. He said, and I am quoting, "That every American who was laid off should have the ability to get assistance on their health insurance if they are laid off. The way we do that is to go back to the bipartisan legislation which provided a window of opportunity, and it is true that under current law they have to pay the full cost, and that is what we are going to do, is mitigate that cost."

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The fact is that the gentleman from California (Mr. THOMAS) did not perform as he said. They do not mitigate the cost for COBRA in this bill. If a lick and a promise is mitigation, that is fine. But under the substitute of the gentleman from New York (Mr. RANGEL), we would provide 75 percent of the COBRA premium, equal to roughly $450 a month in 2002, as opposed to approximately a $90 contribution under the Republican bill.

The Republican bill does nothing to help those people who would qualify for Medicaid in the States because it specifically prohibits their money from being used for anybody who qualifies for a Federal benefit. Our bill would provide that people who are not fortunate enough to be eligible for COBRA and the new subsidy under our substitute, could get Medicaid assistance from the States.

Yes, our package of health care subsidies to these 7.8 million unemployed is $25 billion. That is a lot of money. But I just ask the Members, and this is the choice when we vote, would Members rather give the $25 billion to the unemployed to help them for a year to get decent health care in this country? I particularly ask those who all get free health care from the Federal Government every time they stub their toe, would they rather help the unemployed while they sit with their fat, free health benefits, or would Members rather give the $25 billion to their friends in the big corporations who we may hear from in pillow talk or from campaign contributions?

Do Members want to go home and say, That is what I have done. I am a Republican, and I am proud I gave $25 billion back to some of the richest corporations with no strings attached, and a piddling little $3 billion to the people who have been laid off to protect their health care benefits? That is shameless.

Mr. Speaker, I urge my colleagues to oppose the Republican so-called "economic stimulus package" presented to us today. Their plan will do little to stimulate the economy and even less to aid displaced workers who have lost both their incomes and their health insurance. Their bill lavishes billions of dollars on special interests, while shortchanging recently laid-off American workers and others hurt by the terrorist attacks on September 11.

Their bill offers 14 large U.S. corporations more than $6.3 billion in tax breaks in one provision alone. That is more than double the $3 billion they provide in block grants to the States as their so-called solution to helping displaced workers obtain health insurance. In contrast, the Democratic Alternative would provide approximately $25 billion in health insurance assistance.

If that comparison isn't stunning enough, look at this way. The part of our proposal that helps with COBRA coverage would finance 75 percent of a family premium per month, about $450 out of $600 premium, while the Republican proposal—if States even choose to use it—could only pay $90 of that same premium. It's the equivalent of throwing a 10-foot rope down a 30-foot hole.

Adding insult to injury, if this bill becomes law, it could bankrupt many people before they retire by encouraging people to use their IRA savings to pay for the health care they've lost due to the economic downturn. Yes, you heard me correctly. At the very time that Republicans are trying to privatize Social Security and undermine the stability of that program, they are urging people to spend their private savings on health care before reaching retirement age. It makes no sense.

The Republican plan is nothing more than another tax bill for their wealthy contributors—be it corporations or individuals. It may be cloaked in the sheepskin of "economic recovery," but this package is the same old Republican special interest tax breaks they've been pushing forever.

In contrast, the Rangel substitute is a sensible, targeted package that includes urgently needed, temporary health insurance assistance for millions of dislocated workers and their families during this difficult time.

We are all painfully aware of the families who have lost loved ones in the horrific terrorist attacks on September 11, and of the workers who have lost their jobs during the economic downturn that began even before September 11.

Among the many difficulties these families and individuals face is the very real danger that they will also lose their health insurance and join the ranks of the nearly 40 million uninsured Americans.

More than 15 years ago, we created "COBRA" continuation coverage, which enables displaced workers and their family members, as well as family members of workers who have died, to retain their employer-sponsored health insurance for a limited time after separating from the workplace. But people have to pay 102 percent of the premium for this continuation coverage. In 2002, that's projected to average $600 per month, or $7,200 per year, for family coverage.

Workers and family members who are already suffering from a loss of income thus face a Hobson's choice between making ends meet and protecting the health of their families.

As a result, just 7 percent of unemployed adults participate in COBRA under current law. Not surprisingly, participation among high-income households is more than double that of low-income—11 percent versus 5 percent, respectively.

In addition, COBRA isn't even an option for many displaced workers. A recent study estimates that only 57 percent of all workers are even eligible for COBRA. That is because COBRA doesn't generally apply to firms with

20 or fewer employees and many employers don't provide health insurance, or workers are not eligible for or can't afford to participate in the plan, or they get their insurance elsewhere.

The Democratic substitute answers the health insurance needs of dislocated workers and their families by first building on the existing COBRA continuation law. Our bill would pay for 75 percent of the cost of COBRA coverage for those eligible for COBRA, and it would create an optional Medicaid expansion to offer temporary coverage for those who are not eligible for COBRA. These new temporary programs would be in place for only 1 year—long enough to provide a cushion of support to working families as we lift ourselves out of this economic downturn.

This is an "economic stimulus" of the most basic, compassionate kind. It provides the kind of health and financial security that people need right now. It ensures that some families can continue with their same health care providers, which is vitally important for someone undergoing a course of treatment. And it builds on existing programs that work.

The Rangel substitute recognizes that people will more quickly get back on their feet and back into the workforce when their health needs are met. Importantly, this legislation would provide peace of mind to millions of Americans by saying that you don't need to worry about losing your house or your car due to high health care costs—when you have already lost your job.

Mr. Speaker, what Ways and Means Chairman BILL THOMAS said on September 21 holds true today. Unfortunately, he seems to have forgotten his recent advocacy for our approach.

Now is the time to take Mr. THOMAS at his earlier word and to vote for the Rangel substitute to assist unemployed Americans with their health insurance needs. I hope you will join me in supporting this amendment, and supporting families across the Nation in their time of need.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is interesting that the gentleman let slip the fact that he was talking about working a program which would provide for the unemployed for a year. Our hope is that they are back and working way before then. That is why we are putting the stimulus where we are.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a very valuable member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I have listened with growing disappointment to the bipartisan inflection coming from the other side, because I represent Erie County, Pennsylvania. That is my home community, and we have experienced a 6 percent drop in manufacturing employment in the last few months. Just last week, roughly 800 jobs were permanently eliminated.

Mr. Speaker, we need to move today not only to retain jobs, but to also encourage new job growth. The alternative being offered by the other side does not really do a lot to help grow the economy. The underlying bill does. That is why I rise in strong support of it.

By increasing the opportunities for businesses, particularly manufacturers, to expense their capital purchases for most appreciable property, our bill does just that.

Huge additional amounts of business capital investment are going to be necessary to restart the economy. We know that productivity is spurred by investment in innovative capital equipment. The sooner manufacturers can recapture the cost of their equipment, the sooner they will be passing higher wages on to employees, lower costs on to consumers, and create good-paying jobs.

I strongly support H.R. 3090 because it encourages an investment in jobs through cost-recovery reform. Businesses want to invest in the most productive capital equipment, but the current Tax Code impairs their ability to do it. The current tax depreciation rules needlessly and haphazardly increase the cost of all productive machinery and equipment, including new advanced technologies. The result is to impair productivity and wage growth.

Mr. Speaker, this bill also repeals the corporate AMT, the kick-them-when-they-are-down tax, the tax that is a dead drag on the productivity of the American economy that has been killing America's manufacturing sector.

Critics have somehow suggested that this is a giveaway to large companies. Mr. Speaker, that is absolutely ridiculous. While it makes good political rhetoric, it could not be further from the truth. The reality, once we get beyond bumper sticker tax policy, is that the corporate AMT is a job killer that has never worked.

An economic slowdown, such as the one we are experiencing, increases the number of companies who are adversely affected by the corporate AMT. With a downturn in the economy, the AMT puts employers at a major disadvantage and threatens thousands of jobs. Since I came to Congress, I have been advocating repealing the corporate AMT because it is a dead drag on the growth of the economy, and its elimination is going to lift the entire economy.

Mr. Speaker, I urge that we move forward on a bipartisan basis and adopt this stimulus bill so we can give a stimulus to the manufacturing economy and get us back on a growth path.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I guess we are not going to wait for this pleasant moment here when the President and the Senate hang this party in the House, the majority party, out to dry on these issues, because very few of the suggestions they have had today are ever going to be enacted into law.

Somebody was talking about show business. The Secretary of the Treasury talked about show business. He said the Republican proposal was show business. Unless he has turned in his party registration, I think he is one of them.

Now, the Republican alternative today is composed of some well-worn tax items that have been around for a long time. Some of them perhaps have some merit; but by and large, if we really want to talk about items that might have merit today, in reference to the gentleman from Pennsylvania, we should be here doing something about the individual alternative minimum tax for real people caught in the middle of perhaps a decision that has outlived its usefulness.

But these are two very different proposals today. Ours deals with the immediacy of the problem in front of us in the aftermath of September 11. One side clings to that old, tired economic philosophy of trickle-down economics. Economic solutions are to be found in taking care of large, wealthy powerful institutions in society. If they are well, then benefits can trickle down to the rest of us.

The other side, the Democratic side, we want to provide significantly more aid directly to those out of work, those who lack health insurance as a result of the downturn, along with some help for corporations to get through these difficult times.

It is a question of philosophy. It is a question of values. Do Members value giving a $20 billion tax break to major financial institutions, or do we give them a 1-year extension in the supposedly temporary stimulus bill, and invest the balance in expanding unemployment compensation for families that are really hurting?

Mr. Speaker, it is about philosophy, and it is about values. Do we cash out $20 billion in corporate AMT tax credits for GE, GM, and IBM to distribute to their shareholders, or do we invest this money in providing temporary health insurance for unemployed airline workers, travel agents, bus drivers, and others who no longer have employer-provided health insurance for themselves or their families? It is a question of philosophy and values.

I find it very disheartening that the bill before us states that powerful corporations do not have to live with the decisions that they made under the current tax system. It turns a cold shoulder to America's AMT families who are losing their homes and their pension savings. They are suffering because they listened when Congress told them that if they did not diversify their stock holdings this year, Congress would reward them with a lower capital gains rate.

This may be the only entrepreneurial group in history that some on the other side do not seek to lavish assistance on. I began with the notion, Mr. Speaker, that there were some good items in the legislation proposed today. I would reiterate this assertion as I close.

But this is not the time and not the place for approval. There are many others that have a claim on these needs at this time, and I hope we will stand in support of the Democratic alternative.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I am concerned about an impression that is being created by our opponents in this debate over our Economic Security and Recovery Act. They talk as if the money they are going to use to offset the COBRA payments is the best way to help people who are out of work and need to be covered by health insurance.

In fact, we have had many deep and thoughtful discussions about how we wanted to approach this issue, because certainly we appreciate that people have lost their jobs as a result of the September 11 tragedies, and we want to make sure that they understand that they can count on some Federal help to get them through what we hope will be a very short period of unemployment.

In actuality, the block grants that we grant to the States are the grants that are best able to cover everybody's, every displaced worker's, health insurance. For example, the COBRA system is not available to displaced workers who have worked for a company with fewer than 20 employees, so the money one puts aside will not even touch those folks. It eliminates a large number of people who work for small businesses.

Also, it is the truth that unemployed workers may wish to have coverage by other types of health care that is available in their States, like the SCHIP program or Medicaid, or they can get subsidized coverage in private health plans, including medical savings accounts or individually purchased policies, plus COBRA.

So our proposal to award $3 billion immediately to the Governors of each of the 50 States to use in the way that they believe is the best for their particular needs in their State actually is a far better way to use these Federal dollars than limiting the subsidies to people who wish to continue or only continue in COBRA plans.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to put into context the evaluations of the House majority Committee on Ways and Means proposal. We are not just dealing within the evaluation of this Chamber, but the broader evaluation.

So when some of my friends on the other side of the aisle decry the criticisms we are raising today as mere partisan attacks, let us consider others that have voiced opinion about this work product:

The Secretary of the Treasury of the Bush administration has called this bill "show business."

The Senate Republican Caucus believes it is a budget-buster, hits the budget to well beyond what we can afford.

And none other than Robert Novak, hardly one we could call a Democrat partisan, has attacked this, and attacked it with language that describes it so well, and I quote: "The tax stimulus bill awaiting House action is a hodgepodge that only a lobbyist could love. But among numerous questionable provisions, one stands out: a $17 billion grant to corporate America in the form of retroactive reductions in taxes already paid."

Novak goes on to quote a Bush administration official in saying, "I frankly cannot understand the rationale for this." He is darned right he cannot understand it, because there is no rationale from a stimulus standpoint or a budget standpoint. Why in the world would they offer a package that not only repeals the corporate AMT, but then goes and gives back every nickel collected under it since 1986?

Stimulation? Do Members think the $1.5 billion rebate one single corporation is going to get under this windfall provision alone is going to all be invested in new jobs, new economic creation? Absolutely not. Debt retirement and other things, but certainly not a stimulative effect on the economy.

Imagine. Why in the world would the majority, under the earlier-passed tax bill, give individuals or individual households $600 but give a single corporation $1.5 billion? That is a twisted sense of priorities, and it is that same twisted sense of priorities that is going to undermine significantly any stimulative effect of this package.

This package does not give resources in a broad way to people who will spend them to help stimulate the economy; rather, it taps the Treasury for a few and busts the budget while it does it. The cost of this measure is absolutely devastating. While the budgeteers, House and Senate, Republican and Democrat, agreed this should be offset, this bill has a net cost of more than $260 billion over 10 years, including the cost of debt service.

As a result, it puts us back into deficits, deficits, using all of the general fund surplus, all of the Medicare surplus, all of the Social Security surplus, and then borrowing some more for the next 2 years and spends all or part of the Social Security Trust Fund for the next 5 years.

We cannot afford this bill. This bill does not stimulate the economy. This bill is not directed the right way. This bill is a travesty and must be rejected by this House.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members they are not to characterize the position of individual Senators or Senate caucuses.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

You are not allowed to speak ill of the Senate. You can trash us and impugn our motives all you want to. Apparently those are the rules of the House.

Let us take a look at what the gentleman from North Dakota (Mr. POMEROY) just said. We are talking about repealing the alternative minimum tax in which some people, because the depreciation rate on the alternative minimum is not the same as the regular tax rate, therefore, wound up loaning tax free to the government which we call credits which they are now going to be able to reclaim. And he said it is entirely possible that these businesses may not use all that money, for example, under the 30 percent expensing for depreciation. And, you know, the gentleman may be absolutely right.

What else would these job-creating machines do with the money besides reinvest it so they can continue to be in business? They actually might take some of that money to keep some of their employees on the payroll. So that money would wind up as payroll to employees. What are the employees going to do with it? I think they are going to spend it. That is called stimulus. Or, heaven forbid, please some of you Democrats plug your ears, they might actually give some back to the shareholders. They might indicate that since they are now once again profitable that people might invest money in the corporation so they could continue to do what? Create jobs.

What would the shareholders do if they got some of that money back? They will either invest it or spend it.

See, it is called the circular flow of economic activity. Since you are most used to government programs that give money to people and it is one way and it is a one-time gift, you do not understand the concept of gifts that keep on giving by virtue of reinvestment in the circular flow of economic activity.

I hope you people have been looking at that list of corporations that has been shown periodically. Number one up top is IBM, International Business Machines. I would urge all of you who are listening to me who belong to a union to call up your union shop and ask your steward in your union has your pension funds invested in IBM. I think you will find virtually every one of those unions have their funds invested in IBM and your union members' pensions are dependent upon IBM remaining healthy.

It seems to me that would be the most ironic circular flow of economic activity that anyone could imagine.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip of the House of Representatives.

Mr. DeLAY. Mr. Speaker, I greatly appreciate the chairman, the gentleman from California (Mr. THOMAS), and that explanation of real economics. I hope the other side of the aisle was listening. Maybe they can really understand it.

The gentleman from North Dakota and many on this side of the aisle keep quoting underlings in the administration, that keep quoting the Secretary of the Treasury. But let us look at the man who actually speaks for the administration, the President of the United States, George W. Bush, who just an hour ago in a major speech outlined for America what a true growth package is. And it is the package that we are debating, the package that came out of the Committee on Ways and Means; and he urged the House of Representatives to pass this package, not the substitute.

The President of the United States, it does not matter what everybody that works for him says, what matters is what the President of the United States said.

Secondly, the gentleman from North Dakota was talking about deficits, and this bill is going to cause deficits. Well, he ought to know. He is an expert on deficits. For the last 40 years when the Democrats were in control of this House, they created all kind of deficits. And under their watch, deficits flowed and debts went up. But under our watch, not only is the public debt going down, but we actually balanced the budget for the first time in over 40 years.

So I think we know what we are talking about, Mr. Speaker. There is no doubt that someone has probably already stood up and recklessly labeled the Democrat substitute a panacea. Well, I disagree. It is worse than that. Panaceas are ineffective but harmless. The Democrat substitute actually raises taxes and grows the size of government. Their plan is a prescription for retarding economic growth, not sparking it. It is a lingering relic sired by discredited economic fallacy, that is, higher taxes, government spending and new regulations on the pathway to prosperity.

Now if that is true, what about Russia? Where is the Soviet Union? If that is true, why is Japan's economy still in the tank? They have been trying to spend their way out of recession for the last 10 years.

We need a package that is a stimulus in more than just name. The package that the gentleman from California (Chairman THOMAS) put together is well-balanced. It has incentives for both sides of the aisle.

I would prefer to see more tax relief for workers and families. However, I understand that we need to compromise on a plan that everyone including those on the left could support. But we ought to begin with the first principle, that most important principle, that is a stimulus plan has to actually stimulate economic growth. Unfortunately, some Democrats just cannot resist playing that old tired, tired, tired class warfare card.

H.R. 3090 is the right medicine for our economy. It is the best way to put people back to work and create jobs. This bill does that with incentives for business to create jobs and put America back to work.

Members should vote against the substitute and for the underlying bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of the Democratic alternative to the stimulus package. I ask my colleagues to reject the shameless boondoggle offered by my Republican colleagues.

Capital gains tax break? Alternative minimum tax? Elimination retroactive? Give me a break. The Democratic plan is a well-planned alternative that will extend and expand unemployment benefits, supports health care for laid-off workers, a tax rebate to the working poor that receive no benefits from the Bush tax reform, and it creates jobs.

I have worked very hard on an economic development plan; and I chased my colleague, the gentleman from California down. I put it before him. I worked on it. I worked with his staff on it. It is a plan that will help small businesses. We have the CDBG, the Community Development Block Grant, and all the cities and counties, they need money. That money can get into the economy very quickly.

We have the Community Development Financial Institution that supplies monies for small businesses to create jobs. We have the enterprize zones, and it is all paid for. So do not tell me you want to be about job creation. You have ignored it. You have rejected it. You are doing nothing but creating a higher and bigger budget deficit.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS), a valued member of the Committee on Ways and Means.

Mr. WATKINS of Oklahoma. Mr. Speaker, I have been seated over here listening with great interest. I came to this Congress as an entrepreneur. I came here as a Democrat. I was a conservative Democrat. I sat on the Democrat side for 14 years, concerned about balancing the budget and building jobs. I represent an area that has the highest unemployment and underemployment of private sector jobs in Oklahoma. But in order to build private sector jobs you have to have employers. You have to have businesses and industries.

Let me say any of you who do not want any of those ten major corporations and all the corporations you call faceless, along with other names, I would welcome those industries in my district. You can come any time because we need jobs, private sector jobs. (I consider this a defining moment in this House. It is a defining moment considering the economy.)

Yes, we have got to stimulate the economy. We have got to have this $100 billion investment to turn this economy around, and also turn around the pension plans. We must turn around the 401(k)s of our workers who have lost 25, 30, and 40 percent of their retirement.

We must stimulate the economy. You can do that with capital gains reduction. You can do that repeal with AMT. You can do that with the stimulation, accelerated depreciation. Let me say, you can do it in the worst economic conditions. I know in my area working with Native Americans and others, we have industries that are ready to make the investment but due to the tax situations we have pending, hundreds of millions of dollars worth of investment which can be turned around immediately. We need that in investment in this country.

Yes, it is a defining moment, between the parties. I have a lot of great friends that I have known for years, and one of them is the ranking member right here. But your people and my people need jobs, and we need to build those jobs here in this country with this legislation. That is why I am a supporter of H.R. 3090.

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, I urge a no vote and a yes on the Democratic plan that helps AMT, middle class victims.

Mr. Speaker, I rise to urge my colleagues, Democrats and Republicans to vote against H.R. 3090 and to vote for the Democratic substitute. The bill before us is no Economic Stimulus Package because it fails to deliver immediate relief to our struggling economy. It neglects the needs of the people in our economy who are at the forefront of our fight against terrorism—middle class Americans.

Both the absence of and the inclusion of many provisions in this bill are troubling to me, Mr. Speaker. But the absence of one provision will result in may Americans losing everthing—their homes, their retirement savings, their children's college funds. The Republican bill does not provide tax relief to Americans across this country who because of an antiquated tax code have incurred enormous AMT liabilities. They are responsible for paying taxes on income they never made!

In true entrepreneurial spirit, these Americans accepted positions at companies that offered incentive stock options (ISOs). While ISOs are not a form of compensation, they are used as a form of "sweat equity". If the employee invests his time and energy in a company and the company succeeds and grows, then the employee will have valuable shares in the company. Their hard work pays off in the growth of the price of their company stock.

Unfortunately because of the downturn in the economy and the impact of the alternative minimum tax, these individuals are now responsible for taxes on stock at the time of purchase.

I have heard from countless Americans in my district but also from so many across America from Des Moines to North Carolina to Boston to Seattle. These Americans have banded together to form a grassroots coalition and a mutual support group called ReformAMT. No doubt over the past several months, you have heard from them.

And over the past several months, I have shared their stories with you in Dear Colleagues. For Don and Ginny and Michele and Manine and Steve and so many others, I urge my colleagues to vote for the Democratic alternative. Help these middle class Americans stimulate the economy by allowing them to hang on to their homes, their college savings, their retirement funds, their children's education funds.

Mr. Speaker, why isn't AMT relief for these Americans in your package? Doesn't the Republican leadership care about these middle class American taxpayers? Doesn't the Republican leadership care that these people will be losing everything they've worked so hard for?

I would like to thank my Democratic colleagues, in particular Minority Leader GEPHARDT, Congressman RANGEL, and Congressman NEAL for their acknowledgement of the seriousness of this tax problem and for their commitment and cooperation in ensuring that this provision was in the Democratic alternative, and Senator LIEBERMAN for taking up the mantle on the Senate side. I would also like to thank Congressman TOM DAVIS for reaching out across the aisle and working with me. I sincerely believed when I began working on this issue that it was one on which to build consensus, one that Republicans could have joined Democrats in supporting on the floor of the House. Unfortunately for our constituents, that is not to be.

Mr. Speaker, I vote "no" on the Republican Tax Package and I urge my colleagues to do the same.

MEET JANINE—A REAL-LIFE AMT STORY

Janine Valdivieso, 44, grew up in Southern California, and now works as an office administrator in San Jose. She is married, has three daughters, and lives in a middle-class neighborhood in San Jose. After they were married, Janine and her husband, Joe, began saving for college tuition for their two youngest daughters, and setting aside money to buy stock for their retirement fund.

Most of her life, Janine was a Correctional Officer for various government agencies. It wasn't until August 1999, when she was offered a job at Symyx, that she made the decision to enter the private domain. As a part of her overall offer, Janine was granted incentive stock options (ISOs), and like many others, hoped it would offer her family a little better financial future. She accepted a lower salary then she had wanted, because her company offered her ISOs. Janine and her husband Joe (who works for Sandisk) were told by their employers that they would not be impacted by alternative minimum tax (AMT), as long as they held on to the stock, and did not sell during the same year, information that would prove to be both incorrect and financially devastating.

Janine and Joe followed the advice, and purchased their shares as they vested throughout the year. One transaction in particular was especially damaging. The option, or strike price, was around $3, but the company stock trading on the market closed that day at $94. The alternative minimum tax is assessed based on the difference between the price they paid for the options and the fair market value, or closing price, on that same day. By the end of the year, even though it was a paper profit only because they did not actually sell any of those shares, the Valdivieso's owed tax in the amount of $100,000 in addition to the almost $25,000 they paid throughout the year, an amount greater then their combined annual income.

To pay it, they had to sell most of their stock, at a much lower price than what they were taxed on. They also had to sell all of the stock in their retirement funds, and cash in the girls' college tuition savings.

MEET NORMA—A REAL-LIFE AMT STORY

Norma Mogilefsky, 59, grew up in New York, has a master's degree in special education, and currently works as a curriculum developer at a software company. She is a single mom with two grown children. Throughout her life, she worked hard to raise her family, pay the bills, and build perfect credit. She hoped to retire in June.

Last spring, on the advice of the recommended enrolled agent, Norma took out a second loan against her home for $80,000 so she could purchase her incentive stock options (ISOs), and then hold them for a year. This, the agent advised, would put her into a long-term capital gains tax bracket, which was the prudent thing to do. The agent never mentioned the potential for an Alternative Minimum Tax (AMT) disaster. He also did not speak with Norma again until the day that he did her taxes.

Her company, meanwhile, sent an e-mail to its employees on April 2, recommending that those who exercised ISOs in 2000 might be subject to AMT, and should seek professional advice immediately. It was too late. On April 15, 2001, Norma owed a tax bill of $303,000, three times her annual salary, on paper profits she never saw.

By that time, the stock price was so low she could not recover enough from sale of the ISOs to pay the tax bill. She cleared out her stock purchase plan, and sold other assets that she had set aside for retirement, but has not yet managed to cover the debt.

Although she will have a whopping AMT credit, she will probably not live long enough to use the credit. Due to limitations on the way that credit can be recovered, it is estimated that she will not be paid back in full until the year 2041!

After a lifetime of financial responsibility and planning, Norma is coping with the fact that she will never retire. "I thought I would be talking to a travel agent next month," she said. "Instead, as I turn 60, I will be refinancing my house and planning my long-term career strategy."

MEET JUDY—A REAL-LIFE AMT STORY

Judy Pace, 48, grew up in the Bay Area, has two daughters in college, and currently works as a benefits administrator at Equinix. Five years ago, she took a job in human resources at a small startup company called BroadVision, and worked long hours to ensure its success. They company did well, and grew to nearly 2000 employees. Having had no college education, Judy was proud of her accomplishments and that, thanks to the BroadVision incentive stock options (ISOs), she had managed to secure a financial future for herself and her two daughters.

Although Judy still enjoyed her job at BroadVision, she missed the small company atmosphere that it once offered. After accepting her current position, she was given a standard term of 60 days in which to either purchase her shares and hold, or perform a same day sale. She had always heard that purchasing and holding shares was the right thing to do, and her CPA agreed. Although he warned her of a possible alternative minimum tax (AMT) situation, he was unaware of the full scope of the issue.

In August of 2000, Judy purchased all of her options and held them. While she did not sell any of those options, or realize any resulting gain, she found herself subject to an incredible AMT bill of $430,441. her current annual salary is $85,000. She liquidated all of her cash, took out an equity home loan, and still cannot pay the entire bill. She is currently waiting to hear from the IRS regarding penalties and interest that are accruing, and she wonders how she will be able to afford the payments.

Judy not only works hard in her career and as a mom but also volunteers to raise guide dogs for the blind. In July she'll take on the Avon 3-day, 60-mile Breast Cancer Walk. She is strong, takes good care of herself and, until now, felt satisfied that she had managed to secure a solid retirement fund and money for her daughter's college tuition and future. "Now I feel vulnerable and unsafe," says Pace, "and I wonder if I'll ever be able to enjoy the comfortable retirement that I worked so hard for."

"Our main concern right now is coming up with the funds to pay for our daughter's tuition at State college next year," says Janine. "And we have to start all over on the retirement fund. It's not going to happen anytime soon."

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a distinguished member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, times of crisis like this can bring out the best in us. We have witnessed that in the thousands of Americans who have lined up to give blood, in those who have contributed as they toiled in New York and in Washington with their muscles and their sweat, and even our children setting up lemonade stands to do their part in the relief effort. Now Americans will be asked to sacrifice by purchasing war bonds.

At the same time that all of us are being asked to sacrifice some and some have already given their all, why is nothing being asked of the largest corporations in the United States? Can this really be the reason why the Congress is convened today at a time we cannot even assure the safety of our own office buildings here in Washington, so that we can meet here and grant another set of corporate tax breaks?

Our country cannot afford further diversion from either its Treasury or from our time in dealing with the very real threats that we face today. If we are to ensure that our country is worthy of our children, our first focus, our only focus, ought to be the security of American families both here and with our armed forces abroad.

Why now do we jeopardize our economic security by opening up the public treasury so that our largest corporations can get their fill? Our Social Security trust fund is not a limitless cornucopia. Every dollar that they take away today is a dollar taken away from security, whether it is retirement security or postal security or security provided by those in uniform defending our country and our borders and overseas.

To the clarion call of President John F. Kennedy, "Ask not what your country can do for you, ask what you can do for your country," these special interests have responded, "How big is my tax rebate?" Because under this bill, they do not just get a tax cut in the future, these Republicans are going to mail them a check for every bit of taxes they paid since 1986.

That check is drawn directly on the Social Security trust fund. This outrage arises from the near fanatical faith of our Republican friends on tax cuts as the end all, be all, cure all for every ill that faces the world.

Yes, sir, I ask about Osama bin Laden and whether he would get a tax break. Yes, sir, I ask if airline security would provide a tax break because those are the kind of security problems you cannot solve with a tax break. And that is the whole purpose of that inquiry.

You cannot block an Osama bin Laden with a tax break. You cannot protect the Pentagon and our shores with a tax break. These are security breaches that ought to be the focus of this Congress today instead of the same tired old worn out agenda they were pursuing on the morning of September 11.

It is time to have new thinking to work together to try to solve the real problems that American families face and not to just engage in more loopholes and dodges and economic stimulus cloaked as an excuse for enacting an agenda that is only designed to stimulate the pocketbooks of the biggest campaign contributors to the Congress of the United States.

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Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Texas for pouring oil on the troubled waters so we can work in a more bipartisan way. He always makes a significant contribution to a reasonable and sane debate. However, to clarify a couple of the points which he got a little carried away on, I will yield to our next speaker.

Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I would say to my friend from Texas, who I know knows better because he is on the Committee on Ways and Means, "There you go again."

The gentleman knows the Democrats have never invaded the trust fund; the Republicans have never invaded the trust fund. The trust fund is made up of Treasury bills. We do not go get any of the Treasury bills. There is a use of the surplus, the Social Security surplus, which is the amount that is not used to pay benefits in both the bipartisan bill and in the Democrat substitute.

So let us not go there if we are not going to correctly state the facts.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to just comment that apparently the buzz words today on the Democratic side are shameful and Social Security Trust Fund. We will hear those repeated over and over again, and here we go again.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume to comment that another thing my colleagues will hear repeated over and over again is the fact that you are looting the Social Security Trust Fund in order to pay these faceless corporations. And the American people understand this.

You can talk about loans and credits all you want. You are using Social Security money to give bonuses to your corporate friends.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, David Stockman wrote in his book about the economics that supply side economics brought us. The gentleman from Texas (Mr. DELAY) has now left the floor, but he always gets up and says on your watch, meaning the Republican watch, presumably, we balanced the budget. That is, of course, not the case. The budget was balanced because of the 1990 bill, the 1993 bill, and the first bipartisan part of that trifecta, the 1997 bill.

Republicans railed against the 1990 bill, not one of them voted for the 1993 bill, and the deficits that we incurred and all the money we spent that the gentleman from Florida talks about in terms of Social Security were signed on to by Ronald Reagan and George Bush. All of it. We never overrode a veto of a spending bill of Ronald Reagan. Not once.

This bill on the floor is neither bipartisan nor responsible. It is "Here we go again," Mr. Chairman, you are right. Here we go again putting on the floor of this House a bill that the gentleman knows we have not paid for and that future generations will be called on to pay for, our children and grandchildren.

That was what was wrong with the economics of the 1980s when we incurred the largest deficits, signed on to by Ronald Reagan, the one person who could have stopped it; and George Bush, the first, the other person who could have stopped it; until 1993, when we started bringing those deficits down. And, yes, we finally created surpluses.

President Bush said that we could have a massive tax cut, against which I voted, and be fine. That lasted for 10 weeks. He signed it in June, and by mid-August CBO, not Democrats, CBO was saying we have a deficit problem confronting us.

Now, I say to my friend from Florida, yes, we talked about Social Security; and the gentleman is absolutely correct, of course, the trust fund is inviolate. But what is not inviolate is the money. What Bob Rubin suggested is that we pay down the debt with the excess Social Security money. Why? Because it would make it easier and more probable that we could pay for Social Security well into the future. But, no, we are spending that money, raised at a 7 percent flat tax on everybody who makes under $83,000. Why? So that we can continue to give massive tax cuts to the wealthiest in America.

And when Bob Novak says that does not make sense, it is not Democrats calling your hand. I suggest to my colleagues that you ought to go back to the drawing board and be bipartisan. Sit down with ranking member Rangel and the Democratic Members and come up with a bill that is responsible.

I will vote for this substitute because I believe it puts money into the pockets of the people who need it and who will spend it and who will therefore stimulate the economy, and in so doing will create jobs.

This GOP bill, reported out of the Ways and Means Committee on a straight party-line vote, is simply Halloween candy for big business and Americans who are doing well economically.

Meanwhile, those who have been hit hardest by the recent slump in the economy are left holding a Halloween bag filled with nothing but rocks.

Treasury Secretary Paul O'Neill didn't mince words. A week ago, he called this legislation "show business" that was designed to please the GOP's corporate constituency.

Even conservative columnist Robert Novak wrote that this bill is "a hodgepodge that only a lobbyist could love."

In fact, this bill violates virtually every principle for economic stimulus that the chairmen and ranking members of the House and Senate Budget Committees agreed to in early October.

Congressional budget leaders agreed that a stimulus plan must be fiscally disciplined. This bill is not. When higher Federal debt service is included, this GOP bill will cost an estimated $274 billion over 10 years.

And it will threaten our efforts to strengthen Social Security and Medicare and pay down debt, which keeps long-term interest rates low.

Congressional budget leaders agreed that a stimulus plan should provide an immediate economic boost.

However, many of the provisions in this bill provide little or no stimulus within the next 15 months.

Congressional budget leaders agreed that stimulus proposals should sunset within one year.

However, this GOP bill would make many tax cuts permanent, including a reduction in the capital gains tax rate and repeal of the corporate alternative minimum tax.

Congressional budget leaders agreed that stimulus proposals should "help those most vulnerable."

However, the tax rate-cut acceleration and capital gains tax cuts are tilted toward those who are doing well, rather than those most likely to spend tax cuts. Furthermore, the $21 billion foreign-income tax break for corporations can only be termed outrageous.

Congressional budget leaders agreed that stimulus proposals should be offset. However, unlike the Democratic alternative, this GOP bill contains no offsets.

I urge my colleagues to embrace the bipartisanship that has guided us since September 11. Vote for the Democratic stimulus plan.

It invests in homeland security and helps unemployed workers and their families. It stimulates the economy through temporary tax cuts. And it maintains the fiscal discipline necessary to keep long-term interest rates low.

The American people deserve more than partisan Halloween pranks and posturing. Let's pass a stimulus plan that provides the economic boost we need.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to comment that, once again, the gentleman gives us his history lesson, but he fails to complete it.

In 1993, the Democrat majority in the House and a Democrat President did in fact pass the largest tax increase in the history of the United States. What happened in 1994 was the American people rejected that majority and a new majority was created in the House. Most people know that the Constitution says that all money bills originate in the House and that new majority did not spend the money from the largest tax increase in history that was passed by the Democrats.

So it was the majority, the new majority that was elected in November of 1994 and took office in January of 1995 that is primarily responsible for the surpluses that we have seen in recent years.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, it is with mixed emotions that I come to the well. I talked to many of my constituents in the wake of the shock of September 11, and how gratified they were to see us unite at a moment of national need. This afternoon, Mr. Speaker, what I would remind the American people is that good people can disagree.

The distinction I would make is when there are those who come to this well and who compare us with the enemies of this country, and imply that anyone aids and abets our enemies because of honest differences of opinion. They should be ashamed. They have incurred the shame of this House. How dare those, in a sense of honest disagreement, compare us to those who would loot and malign and weaken this American Nation. There is no place for that dialogue on this floor. Shame on you for those comments. Shame on you for those actions. Join us, together, to at least disagree in civil fashion, not with the catcalls and the horrendous talk we have heard in this Chamber today.

Now, I stand here in opposition not because I doubt the patriotism of my friends on the left, but because I believe they are bringing forth the wrong ideas: a $90 billion tax hike. Tax hike. Let us go ahead and increase taxes, that is what the substitute does. Let us go, in terms of unemployment benefits, and create a new layer of government rather than letting the States that handle unemployment benefits use that money and get it into the hands of the people who are unemployed. And, oh, when we talk about layoffs, let us impugn the corporations, the job generators, because somehow it is less than noble, unless it is the direct hand of government.

I categorically reject that. I am sorry that there are those who would stand and impugn the patriotism of honest disagreement, but I will stand here clearly and unmistakably to oppose this wrongheaded alternative and the wrongheaded rhetoric that has accompanied it. Shame on you.

Mr. RANGEL. Oh, the show is over.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of the Democratic proposal that supports the neediest not the greediest.

Mr. Speaker, the events of September 11 have left a mark on all our lives, and, many, are left unemployed and struggling to make ends meet.

While officially 400,000 job layoffs have been announced since September 11, its's most likely only a short while before others find themselves unemployed. How we respond to these workers during a time of crisis is a true reflection of our Nation's values.

As a member of the progressive caucus, I'm proud that the Democrat plan builds on the progressive's proposal to put the neediest ahead of the greediest. Unlike the Republicans' bill, the Democratic economic stimulus plan provides us an opportunity to right by America's workers.

But, that won't be the case if we enact the permanent tax cuts that are in the GOP plan. It won't take long for the American people realize that the GOP proposal is just another excuse to give tax cuts to corporations and the wealthy.

The American people know a real economic stimulus package means immediate, short-term assistance, in the form of extended and expanded unemployment insurance. Instead, the GOP bill provides generous breaks for corporations while ignoring real assistance for low-income workers and their families. That's just plain wrong!

What's right is that the Democratic plan is paid for . . . no surprise, the GOP bill isn't. The Democratic plan is fiscally responsible because it protects Social Security and Medicare. It's smart public policy that a real economic stimulus plans looks out for the future of Federal programs that our constituents rely on.

Mr. Speaker, the Democratic plan proves we can strengthen our economy while also safeguarding our workers and their families.

I urge my colleagues to support it.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, the Progressive Caucus supports the Democratic substitute, which includes a significant increase in unemployment benefits.

The $30 billion in increased unemployment benefits included in the Democratic alternative is 20 times the amount the majority bill allocates for working men and women who have been laid off. The majority would give a retroactive tax cut to big companies who are not hiring but they are laying off thousands, tens of thousands of Americans.

There is a clear difference between the two parties on this issue. The Democratic alternative includes a Federal supplement to State unemployment benefits of $65 a week, or 25 percent, whichever is greater. Extended benefits of up to 26 weeks for unemployed individuals for a total of 52 weeks worth of coverage, expanded eligibility to include part-time and other low-wage workers.

Under the administration plan, an unemployed individual will not receive $1 more in benefits than he or she already receives from the State of residence. In my own State of Ohio, an unemployed individual would receive nothing under the administration plan but $65 extra per week under the Democratic plan. A Texas worker, nothing under the administration plan, $65 extra under ours. A worker in California, nothing under their plan, $65 under ours. Their plan would give nothing extra to an Illinois worker, while the Democratic plan would give at least $65. Iowa, New Hampshire, the great State of Florida, $65 under our plan, not a dime extra under their bill.

The administration plan provides for extended benefits but only in those States that see unemployment increase 30 percent in the next 18 months. Most Americans will not see a penny of extended benefits. By contrast, our plan guarantees a full year of benefits to any individual eligible for unemployment benefits under State law, and our plan expands eligibility to include part-time and other low-wage workers. But the administration does not do that.

This is a defining moment. Whose side are we on, the hundreds of thousands of workers suffering under the declining economy, or the large corporations who want retroactive tax cuts off the backs of the American people?

Mr. THOMAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. My colleagues, I stand with President Bush. President Bush has called on this House of Representatives to pass the legislation that has already been approved by the House Committee on Ways and Means. President Bush has called on this House of Representatives to pass the Economic Security and Recovery Act, and I join with President Bush in support of that legislation and oppose the partisan Democrat substitute.

We hear a lot of partisan political rhetoric in opposition to the plan that was approved by the Committee on Ways and Means, but here is what we do not hear. The basic component of the Democratic so-called stimulus plan is a $90 billion tax increase. I will say that again. A $90 billion tax increase.

Now, many of us have consulted economists, and I know of not one respected economist that has called on Congress in this time of great economic concern to say that we can help the economy by increasing taxes. But that is what the Democrats do. They say it is paid for. They pay for it with a $90 billion tax increase.

What economists have told us, both Democrats and Republicans, is that we need to encourage investment and we need to put more money in the pockets of consumers so they can spend it. The legislation already approved by the Committee on Ways and Means, legislation we are going to vote on today, accomplishes that goal.

We give a $300 stimulus payment to low-income taxpayers, $300 for singles, $600 for a couple, $500 for head-of-household, helping low-income families. We lower taxes to the middle class, going from 28 to 25 percent, putting extra spending money in middle-income, low-income, and moderate-income taxpaying families. That will help them with money to spend to meet their needs. But we also reward investment. The 30 percent expensing provisions and appreciation reform will cause greater investment in cars and trucks and computers.

The bottom line is, when somebody buys a computer, buys that pickup truck, or somebody buys that bulldozer, there is a worker out there that makes it. I know if somebody buys a Taurus made in the tenth ward, Chicago, and Hegwich, there is an auto worker that helped make that Ford Taurus. Bottom line is, if we want to get America moving again, get this economy moving again, we need to put money in people's pockets and we need to reward investment. We accomplish that with our expensing provisions.

Let us join with President Bush. Let us oppose the Democrat tax increase, let us join with President Bush, and pass the Economic Security and Recovery Act.

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Mr. RANGEL. Mr. Speaker, I yield myself as much time as I may consume.

I am glad the gentleman from Illinois (Mr. WELLER) mentioned this so-called tax increase because I was wondering where he got the idea. Someone got ahold of the gentleman from Texas' (Mr. ARMEY) stationery and misused it and called the Democratic tax bill a $90 billion tax hike. Actually, we do pay for our bill by freezing the top rate for the one percent of the highest income people in the United States of America.

We think in a time of war there should be a shared responsibility; and so, therefore, that provision is in there, but by no stretch of the imagination can we call an increase what people never received.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I rise in support of the democratic substitute, which is a real economic stimulus and economic recovery for Americans who need it. I rise in support of the bill.

Mr. Speaker, this bill is not a stimulus package. There is no provision in the bill that allocates money to the workers, unemployed or the uninsured. The tax deductions are significantly disproportionate, giving over 70% of the tax cuts to big businesses and very little to the working American. That is not the type of stimulus that Americans want or need.

H.R. 3090 does little to assist those who may or have lost their jobs and their insurance because of the September 11 attacks. What the bill does is give a grant to the States and permits them to spend when and as they see fit. We need a bill that will put benefits directly in the hands of those who need it. The unemployed need COBRA and our government should assist them.

The ultimate goal of Congress should be to pass a bill that puts money into the hands of those who need it and will spend it, the low- and moderate-income workers and families. Instead, this bill focuses on big corporations and the wealthy. A serious economic stimulus package will give unemployment and health insurance benefits to those who do not have it. It will build jobs for those who are unemployed. It will spend money to build economic programs and assist our transportation systems safer by expanding and reinforcing our out dated system.

Any agenda that gives the majority of the tax breaks to the wealthy and big businesses will do little to stimulate the economy. The only apparent stimulus this bill can possibly have is assisting in Republican politics and that should not be our focus. We need to act swiftly in assisting our country.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, as a conservative Democrat, I have worked hard for bipartisanship. I voted for a $1.3 trillion tax cut, voted for a $17 billion bill to help our airline industry, and voted for a $40 billion bipartisan emergency supplemental. But the Republican bill on the floor today falls short in a disappointing fashion in a host of different ways. It helps the few and costs the many.

It is not bipartisan; it is more partisan. It is not a stimulus package; it is a spending package. It is not a fair proposal; it is unfair to too many taxpayers.

Sub-part F in this tax proposal says to corporations keep your money overseas and we will extend and expand your tax breaks to the tune of $20 billion over the next 10 years; do not invest your money in the U.S. economy, keep it overseas and we give you a $20 billion tax break. That is not fair to our workers. That is not bipartisan. That is not a stimulus.

I hope my colleagues will reject this package.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Kentucky (Mr. LEWIS), a member of the committee.

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for yielding me the time.

Once again, we have heard some revisionism of history. Just recently, I have spoken on this House floor. I came here in 1994 when the Democrats had the majority. They had just passed in 1993 the highest tax increase in the history of this country, planning on balancing the budget. But when I got here, they were running a $200 billion deficit, and those deficits were going to be there as far as the eye could see.

In 1995, we took the majority, the Republicans; and we said we were going to balance the budget. We were going to cut taxes; and after debating that issue in 1997, we finally got enough votes in the House, got some bipartisan support, and we got the President to sign it into law, President Clinton.

That budget was not supposed to balance for 5 years. Actually, it was not supposed to balance until this year. That was the plan. Do my colleagues know it balanced in a year. Why did it balance in a year? Why was that such a surprise? How did that happen? I will tell my colleagues why it happened. It was because we cut capital gains taxes. That is why. It infused billions of dollars into the economy.

Now we want to cut them just a little bit more to stimulate the economy once again. I would like to cut them a lot more, but we are going to do what we have to do. And we are going to cut them a little bit. That will help, I think, bring this economy around as quick as anything, but once again, we believe that if we give businesses, small businesses the opportunity to make a profit, that they can create jobs in this economy.

What do the Democrats want to do in this substitute? Once again, just like in 1993, they want to increase taxes. They want to increase taxes by $90 billion more. Who will it hurt the worst? It will hurt the small business, the ones that provide more than half of the private workforce in this economy.

We cannot have that. We have to cut taxes. We have got to allow them to have some relief so that they can provide the jobs that this country needs, and they need them now.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the Democrats put together an economic recovery plan to meet the obligation of this Nation, and that is to rebuild, to rebuild where the terrorists attacked, to rebuild our economy that was falling into recession before the attack on September 11.

Our goals help those workers and those industries who have been hurt and who face great financial and health care needs. Rebuild confidence that America is strong economically. Stimulate the economy to increase economic activity and employment.

We must act in the Nation's interests, not in the interests of any who would opportunistically take advantage of this moment. We must not endanger the long-term economic health of this country.

Yesterday's Wall Street Journal headlined, "Companies could reap big tax refunds from the House bill." What companies? IBM, Chevron, Enron. In today's Washington Post, and the gentleman from California (Mr. THOMAS) only quoted selectively from it, the alternative minimum tax which Republicans would repeal was put in place so that profitable companies would have to pay some amount, no matter how clever its tax attorneys might be.

This is mainly the use of a current crisis to further an agenda that has little to do with the crisis and long predated it.

To my friends, I would say there is no other word for the Republican economic package than greed. It is, in fact, an unpatriotic grab on the public Treasury.

Mr. THOMAS. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 7 minutes remaining. The gentleman from New York (Mr. RANGEL) has 6½ minutes remaining.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the committee.

Mr. BRADY of Texas. Mr. Speaker, I rise to support the measure proposed by the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, and supported by the President.

The President's measure is important to the country because we cannot stand idly by and let a terrorist topple our economy as they toppled the World Trade Center. We have a big economy in America so any stimulus bill we have has to be focused. It cannot be scattered.

This bill helps boost consumer spending, but its main focus is to preserve and create new jobs. Getting our economy moving will not happen because people go to the shopping mall with a shopping list. It will happen because they go to the mall with a job and the shopping list.

The tax code we have today discourages companies from helping people get jobs and keep them. We changed that. We are encouraging companies to buy that new piece of equipment, to open that new satellite office, to approve that new project, to create jobs; and as importantly, we stop taking money from businesses that they could better use to keep their good people on board during these economic tough times.

Who is creating these jobs? One of my favorite bumper stickers says, "If you can read this, thank a teacher." Well, if someone has a job, who do they thank? The IRS, a Washington bureaucrat, or do we thank the free enterprise system where a farmer or a business of any size that builds a better mouse trap and sells it creates new jobs?

My people back home from Continental and Compaq and others who are laid off in my neighborhood, they do not want a rebate check. They want a paycheck. They do not want unemployment benefits in a year. They want a job today. They do not want a plan that helps a few industries. They want to plug all the holes in our economic boat so we can rise together faster.

They know that when they are unemployed they are not paying into our Social Security trust fund; they are not making Medicare stronger; they are not helping pay off the debt. This economic stimulus is an investment, a long-term investment that does not cost. It pays.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, my concern about this, and I do not serve on the Committee on Ways and Means, but this seems like we have returned to partisanship. We are back to it is either my way or the highway because the bill had very little Democratic votes.

After September 11, the American people came together: Democrats and Republicans, rural or urban, geographically, racial and ethnicity. We put all that aside to fight the war that we have to. The American people wanted this and they demanded it of us, their elected officials; but to date, it is a different story.

This so-called stimulus package is a partisan plan that is wrapped in our red, white, and blue; but it is a loot on the Treasury, a charade, and a Trojan horse filled for special interests. The American people are not and will not be fooled. They will reject false patriotism in the light of trying to give a tax cut for special interests and that does nothing for laid-off workers.

We want them to have a job. We also know that those same Continental employees that I represent need to have unemployment. They need to have health care coverage, and they may not get it through the governor's office.

This so-called stimulus package is a wish list of special interest tax rebates and cuts that will not stimulate our economy and has nothing to do with the tragedy of September 11.

The wrapping of special interest legislation in the flag. It is wrong. It is despicable. And we should get back to our bipartisan spirit, and the American people will get us there.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from California (Mr. COX), the chairman of the policy committee.

Mr. COX. Mr. Speaker, I rise in strong support of the Economic Security and Recovery Act that the committee has worked so hard on and that responds directly to the need of the country right now to get our economy back to get people working again.

The legislation that we will soon approve in this House extends unemployment benefits. It accelerates the already scheduled modest reductions in tax rates on all individuals except those in the highest bracket, an enormous concession to the minority that is not sound economics in my view; and it very modestly reduces the capital gains rate, modestly meaning two percentage points, something we are told by the nonpartisan analysts that will actually increase revenues to the Treasury.

The alternate is a $98 billion tax increase. It is, in fact, a tax increase because it will change existing law, which has scheduled a reduction rate for individuals. It will apply a tax increase to those people. It will divide up a rapidly shrinking pie and redistribute rather than providing incentives for people to work and save and invest.

If we believe in the American people, if we trust the American people, they will produce. Given the opportunity then, we should enact into law the bill that the Committee on Ways and Means has put before this House.

I strongly urge rejection of the $98 billion tax increase that has been offered as a substitute.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY), my friend.

Mr. CROWLEY. Mr. Speaker, less than a week after the September 11 attack on America, this Congress passed a bailout package bill for the airline industry overwhelmingly, despite objections from this side of the aisle. We were told to have faith in the leadership of the Republican side of the aisle to address the issues of displaced workers. So much for faith.

This bill does nothing to provide an influx of money into our economy, something that should be part of any stimulus package. It provides nothing to take care of the workers who need assistance like the 100,000 aviation employees thrown out of work in the past 6 weeks. It includes nothing to fund hiring and training of 75,000 new firefighters.

I am from New York; and I have been to ground zero, as many of my colleagues have been. But the rebuilding of New York has begun, and thanks to this Congress it has begun, but we are nowhere near finished. We need to provide incentive for business to remain in New York City to keep our financial services sector strong. We need to provide assistance to our travel industry to help Americans know New York is open for business. We need to provide funding to rebuild and strengthen the infrastructure of New York. This was an attack on America and not just on New York. Do not further assault New Yorkers by neglecting them.

This bill is not a stimulus package but an impediment package. I ask my colleagues to vote it down

Mr. THOMAS. Mr. Speaker, it is my pleasure and privilege to yield 1 minute to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate the gentleman from California (Mr. THOMAS) yielding me the time; and Mr. Speaker, let us boil this down to simple terms. Let us cool the hot rhetoric that is flowing through here.

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What this is about is jobs. It is getting Americans back to work. We have got 7.8 million Americans who have lost their jobs in this economy. The terrorists know they cannot take on our military. They know they cannot take a frontal assault against our country, so they are trying to get Americans to retreat from participating in our economy.

Let us go with what works. When we have cut the cost of capital in this country, when we have reduced the cost of employers reinvesting in their businesses, we have created jobs. Accelerated depreciation, alternative minimum tax, simplifying capital gains, those proposals are designed to make it easier for Americans to reinvest in America, to create jobs, for employers to reinvest in their employees, because if you do not have employers, you do not have employees.

Mr. Speaker, this substitute, and I have read it and it is a valid attempt, this substitute puts a $90 billion tax on small businesses, the engine of growth in this economy. Eighty percent of the last number of jobs we have had in this economy were created by small businesses. A $90 billion tax increase on the engine of jobs in America is contained in this Democratic substitute. More importantly, it has a $32 billion spending spree in this bill. If more Federal spending were the answer to getting our economy back on its feet again, we would not be heading into a recession today. We are spending the most we have in the history of this Federal Government.

We know that as we look at other nations, if we look at the second largest economy in the world, Japan, they have been in recession for 10 years. They have had four recessions over the last 10 years, and they have had five stimulus packages. Every one of those five-stimulus packages looks just like this Democrat substitute. Every one of those five stimulus packages has failed. I urge to pass what works. Get Americans back to work. Pass the Republican stimulus package which is true in stimulus.

Mr. RANGEL. I can see the bumper sticker now: "Fight Terrorism, Support Welfare Reform for Corporations."

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in opposition to the bill because it does not provide short-term economic stimulus and does long-term damage to the Federal budget.

Mr. Speaker, having served in Congress 13 years, I have had to cast votes on a number of large bills that contain numerous provisions. And, I can say most of those large bills contained provisions I do not care for. What I, and the rest of our colleagues, must do is weigh the pros and cons. The large bill before us today is weighted heavily toward the con.

The challenge we face is providing a short-term economic stimulus without endangering the long-term health of the Federal budget. This bill does neither, and will cause long-term, and I fear irreparable harm to the Federal budget.

Let me point out one such egregious provision in this bill. Permanently eliminating the Corporate AMT while only making minuscule changes to the Individual AMT is wrong. What are the leaders of the Ways and Means Committee thinking when they give hugh corporations the chance to skip out on their taxes while continuing to force middle-income families to endure this hardship? What kind of stimulus is that?

Even more disheartening is the lack of true assistance to America's unemployed. We have an opportunity to assist people immediately. In fact, we have a responsibility to assist these people. But, instead this bill forces State governments to pass new laws making assistance a long time in coming—if at all. Where is the compassionate conservatism in that?

The Democratic substitute provides immediate assistance. It contains a provision that draws upon a successful history of Federal programs—building things—in this case schools. The Federal Government has done a great job building military bases and an interstate road network. Building schools will employ people now and finally provide our children the facilities they deserve.

I would also note that the chairman of the Ways and Means Committee walked away from bipartisan negotiations that included the President. The White House has already signaled it has concerns about this bill—and rightly so. It is too heavily weighed toward helping huge corporations and not toward the average American.

Mr. Speaker, there are good parts of this bill. The provisions that will allow faster depreciation of business equipment purchases and of leasehold space are good provisions. These would spur short-term economic activity. Why we are not providing new short-term incentives like this is a mystery to me.

In short, the egregious provisions in this bill weigh this bill down too much. I urge a yes vote on the Democratic bill and a no vote on the Thomas bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, let me just point out that I am the Member from Florida. Florida, who does not know how to conduct an election. But we do know how to do tax cuts. For the past 3 years, we have had these same kind of cuts in Florida. And what are the results? The Florida State legislature is in session today as we speak cutting the budget because of these tax cuts that have been going on, over $1 billion in tax cuts to the rich.

Yes, Republicans know how to rob from the poor to give big tax cuts for the rich. Shame on you. Shame on you.

Let me tell you something. One of the things that we are talking about cutting, Medicaid, hospitals, school lunch programs. Someone asked the question on the floor and I am going to ask you, why is it when the Republicans present something on the floor that the big dogs always have to eat first? And, in fact, in this bill that you have on the floor, they are the only dogs that are eating.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, during the Civil War, the wealthy could exempt themselves by buying their way out of fighting, and the war became known as a rich man's war but a poor man's fight. That is what the Republican bill is today. It is, in time of war, a big goody grab bag of tax breaks for the wealthiest corporations and individuals in America: capital gains tax break; alternative minimum tax break for corporations, retroactively; an accelerated income tax break for the wealthiest Americans.

But what is in it for ordinary Americans? For poor Americans? There is nothing. It is all for the wealthy. President Kennedy used to say, ask not what your country can do for you but, rather, what you can do for your country. The Republican bill today says, ask not what you can do for your country, ask what you can do for their country club pals.

This is not a bill that helps ordinary Americans. This is a bill that helps the upper 1 percent wealthy people in our country at the expense of Social Security and Medicare and Medicaid and health care and education for every other family in America.

Vote for the Democratic substitute. Vote against this Republican bill that helps the wealthiest people in our country.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York is recognized for 2½ minutes.

Mr. RANGEL. Mr. Speaker, I want to thank my Republican colleagues for fashioning a bill that really makes it so easy for people to distinguish the difference between Republicans and Democrats. It is abundantly clear that you are just as patriotic as anybody in this House and you believe the way to fight terrorism is to provide funds to multinationals which converts that into jobs.

Some of the economists that we were listening to kind of thought that this should be consumer-driven. They never thought that corporations with large inventories, with cars they cannot sell and washing machines they cannot sell, that they would be entitled to a $25 billion, would you say loan or would you say credit or would you say giveaway? And then you have got to convert this automatically into jobs but some say, or into dividends.

I think that your ideas are not well founded. Certainly they have been rejected by what used to be the Secretary of the Treasury, but when he disagrees with your leadership, he becomes an underling. When the President disagrees with you, he is a bad fellow; but when he agrees with you, he is enlightened.

Let me tell you this, we are going to have a conference and you can run and hide all over this House of Representatives, but CHARLIE RANGEL is going to find that conference this time and I am going to be involved in the conference this time. If the President wants a bipartisan bill, I have assurances that is what we are going to get.

You have to learn that America, they really do not want to go for these tax giveaways. They want security. They want to know that the Social Security fund is there. They want to know that Medicare is going to be there for them. They want education for their kids. We have not forgotten the newly found ideas that President Bush found on the campaign trail, Patients' Bill of Rights, help with prescription drugs. These are still the American dream. And when we are at war, the rich have to know that spending money at Disneyland does not pay for it. Yes, we freeze the top rate for a tax rate that they did not get yet. And we say that everyone has to share.

You just came around to realizing that those who pay payroll taxes are entitled to some relief. I thank you for it. I assume that is what you call bipartisanship. You take a good idea, label it Democrat, talk with nobody, fold it in with the garbage that you have and you got a bipartisan bill.

I think we have got to clean that up; but I do hope that you consider trying to talk with people, being nice with people, being considerate with people. It did not last too long, this bipartisanship; but the little time we had it, I enjoyed it.

Mr. THOMAS. Mr. Speaker, the Chair appreciates the climate that the gentleman from New York clearly provides to allow us to continue to work together. And now to close on the Democratic substitute and all debate on what was called in today's Washington Post a hodgepodge of tax rebates for low-income families, expanded government health insurance and spending from schools to construction, that is income redistribution posing as stimulus, I yield the remainder of my time to the majority leader, the gentleman from Texas (Mr. ARMEY).

The SPEAKER pro tempore. The gentleman from Texas is recognized for 2½ minutes.

Mr. ARMEY. I thank the gentleman for yielding time.

Mr. Speaker, let me begin by thanking the committee for their outstanding work. It is good work. It is serious work. It is work that, when enacted into law, should help millions of American families.

Mr. Speaker, this has been a partisan debate. We are back to usual. I do not think the American people regret that. They understand there is a difference between the two parties. They expect these differences to be debated. It does not bother me.

It also has, Mr. Speaker, been a rancorous debate. There has been a lot of screaming and hollering and finger-pointing, accusing, yelling, bellowing about whose motives are what, yack, yack. I think the American people do regret that, but I am neither surprised and quite frankly I do not regret all of this hot rhetoric from the Democrats. I do kind of regret the fact that we Republicans, some of us, felt the need to respond. And while I regret that, I understand that sometimes we feel a need to respond to this heated diatribe, because we have a fear that the American people might not understand. But I think we should remind ourselves that the diatribe comes from a greater fear, a fear with a greater reality based to it on the part of the Democrats, their abiding fear that indeed the American people will understand. And let us remind ourselves, they do understand and they see clearly the difference between these two offerings here before us.

The substitute that we are debating asks the fundamental question: Mr. and Mrs. America, let us tell you what we can do for you with your money.

It is offered on the presumption that the American people look to Washington and seek from Washington an opportunity for Washington to do for them with their own money, a presumption that will not hold water with the American people.

The base bill, the one brought by the committee, makes the following observation: it says, very simply, Mr. and Mrs. America, let us appreciate what you can do for yourself with your own money. Let us honor what you can achieve and indeed have achieved to the base foundation prosperity of America by keeping some larger share of your own money that you earned for yourselves to serve yourself, your family, your small business, and your employees.

Yes, it is tilted somewhat on behalf of those Americans that would, if left with a larger share of their money, invest that money in new plant and equipment, increased productivity, greater opportunities to do something we Americans do well, provide jobs for one another through our entrepreneurial effort.

Investment is important. I am an economist. Every economist, when he hears another economist say a smart thing, stops and says, Gee, I wish I would have said that first. But this time the chairman of the Federal Reserve Board, Alan Greenspan, beat me to the punch when he said, "You will leverage more money out of tax revenues left in the hands of investors than you will out of tax revenues left in the hands of consumers." We responded to that good advice, sound advice, empirically proven advice; and, yes, we leave money in the hands of those people who will invest because investment is the driving engine of economic growth. This is a good bill for that insight.

But it does not ignore people who would have more of their own money in the form of that precious American dream called take-home pay by reducing taxes so that they can spend it on consumption, and there is plenty here for that purpose. But the main thing about this bill that has been brought to the floor, this bill that is being contested by this substitute, is it says, Mr. and Mrs. America, it is your money. You worked hard for it. You earned it. You know what you can accomplish with it if it is left in your hands. So we take the opportunity to leave it to you to invest, build, create jobs, consume, buy, on your own behalf, provide for your families, do well for yourself and, by doing so, do good for America.

This is our choice. Vote for the substitute if you believe the Government of this Nation, through its programs, can take care of you and your family better than you can do yourself with your money. Vote for the base bill if you believe the American people are the practical, hardworking geniuses that made this all possible in the first place, and they will take their own money in the form of higher take-home pay and do better for themselves.

☐ 1545

My final point: ask yourself, or your friend, your neighbor, somebody at your church, maybe somebody you met at a PTA meeting that is out of work do they really want a government that promises them nothing but a longer period to survive unemployed, or a government that says the strength of America is in America? Let us rebuild the growth of this economy by trusting it to the American people to use their own money, and let us get your job back.

It is very simple, very simple. Is the answer to this dilemma: jobs for Americans, by Americans, or jobs in the Government, by the Government?

Vote down the substitute. Vote for the base bill.

Take heart. The American people do understand. It is understood by everybody in this Chamber, or why else would they be so loud?

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the amendment in the nature of a substitute has expired.

Pursuant to House Resolution 270, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 166, nays 261, not voting 5, as follows:

[Roll No. 402]

YEAS—166

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NAYS—261

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Matheson
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—5

Cubin
Gonzalez
Hart
Hill
McIntyre

☐ 1607

Mr. CRAMER and Mrs. NORTHUP changed their vote from "yea" to "nay."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTYRE. Mr. Speaker, on rollcall No. 402, I was unavoidably detained by traffic and missed this vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TURNER

Mr. TURNER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TURNER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TURNER moves to recommit the bill, H.R. 3090, to the Committee on Ways and Means with instructions that the Committee report the same back to the House promptly with amendments that—

1. Reduce the tax cut provisions of the bill in an amount equal to the expense of financing short and long-term efforts to combat terrorism; and

2. Provide that the legislation is temporary and is fully offset in the Internal Revenue Code over the next ten years, such that the long-term deficit and national debt are not increased; and

3. Provide assistance to workers who lost their jobs and health insurance coverage, and to businesses affected by the economic circumstances following the occurrences of September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. TURNER) is recognized for 5 minutes in support of his motion.

Mr. TURNER. Mr. Speaker, this motion to recommit reports the bill back to the committee with the suggestion that it be amended to reduce the tax cut provisions in an amendment necessary to fund the war on terrorism and to protect the public safety. It provides that the legislation that comes back should be temporary and fully offset in the Internal Revenue Code over the next 10 years, and it provides for assistance to workers who lost their jobs and health insurance coverage, and to businesses affected by the economic circumstances following the occurrence of September 11.

As has been nobly demonstrated throughout the history of this country, Americans are willing to pay for the cost of preserving our freedom during time of war. The investment that will be required to win this war and protect the safety of American citizens who this very day have reason to fear the very opening of their mail is going to cost billions of dollars. Are we as a Congress going to ask the next generation to pay for a war that we must now wage? Will we ask young men and women in uniform to risk their lives to fight against terrorism without providing them the very best in equipment and training this Nation can provide? Will we risk the safety of every American citizen by failing to aggressively address the safety and security needs of this country? The answer is clearly no. None of us would be for those things.

That is why funding this war and funding public safety must take priority over tax cuts.

The investment we must make will represent the very best stimulus package we could devise. The investments in war-fighting, the investments in security measures, the investments in public health will all find their way into the American economy, creating jobs and economic activities, and they will do so immediately.

We must not forget that what we are spending, whether for tax cuts or defense or security, is Social Security payroll taxes. We should not ask future generations to pay for anything other than true emergencies. This emergency we face justifies spending Social Security payroll tax dollars to win the war on terrorism and to protect the security of all Americans, but there is no justification for spending payroll taxes on unnecessary, untimely tax cuts and spending initiatives.

The founders in this country pledged their lives and sacred honor in the defense of liberty. Today, we can do no less. It is not recession that Americans fear today, it is the safety and protection of their lives, their homes, their businesses, and their public places of gathering. No stimulus package will help this economy unless and until this fear is removed.

Our mutual commitment to winning the war on terrorism and protecting public safety is the first step in economic recovery. On September 11, our world changed. The old debates that once dominated this floor are outdated and inconsistent with today's realities. The reality of today is that our Nation faces the greatest challenge it has faced since the Second World War. We can win the war on terrorism without losing the war to save our economy; but first, we must determine the investments required to win this war and protect the safety of the American people, and they should be paid for within a responsible budget that neither mortgages our future nor adversely impacts long-term interest rates.

I talked to a friend of mine who lives in Houston the other day on the phone. I asked him what he was hearing about the interest in tax cuts. My friend said, I will tell you what my coffee drinking buddies and I are saying about tax cuts. We want to know where to send our contribution to win this war.

□ 1615

From Wall Street to Main Street, from the investment bankers to the firefighters and law enforcement personnel who are working overtime today to protect our safety, they know what every American knows: Unless we win this war and restore our homeland security, nothing else matters.

President John Kennedy once said, "Americans will bear any burden and pay any price in the defense of liberty." Now is the time; now is the hour. Vote for the motion to recommit.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, the only thing I would add is 45 days ago, less than that, we in this country incurred the most barbaric act in the history of civilization against humanity, save maybe for the Holocaust during World War II.

There is no higher duty that a Representative in the United States Congress has than the safety and defense of this country and the citizens that live here. We ought to do that first.

Mr. THOMAS. Mr. Speaker, I could not agree with the gentleman more. The other committees that are supposed to be working on that provision, and the leadership that met to help us address those, all of us believe we need to put together a product and get it to us as soon as possible.

But what we have today is a motion to recommit on a stimulus package that is under the jurisdiction of the Committee on Ways and Means. Normally, as Members know, I admonish Members to read the motion to recommit. It is usually in legislative language. This time it is in plain English. Sometimes we actually run into problems when we are dealing with plain English. I will show the Members why.

The first provision says, "Reduce the tax cut provisions of the bill in an amount equal to the expense of financing short-term and long-term efforts to combat terrorism."

What is combatting terrorism? In listening to the gentleman from Texas, I heard him say that it is fighting the war. I heard him say it is security. I heard him say public health. Does anyone dispute that making sure the economy remains strong so that we can be a vigilant and free America is combatting terrorism? That is exactly what this bill does.

Secondly, they want to provide that the legislation is temporary. I would advise my friend, he really ought to go look at underlying legislation. For example, making the 15-year life for leasehold improvement permanent, which is in this bill, was a piece of legislation, H.R. 1030, which 48 Democrats cosponsored, 12 of them members of the Committee on Ways and Means, and if I had the time I would read every name who want this to be permanent, not temporary.

Indeed, permanently extending subpart F was in H.R. 1357. Fifteen Democrats, 11 members of the Committee on Ways and Means, said they wanted it permanent. We listened to our colleagues, Democrats on the Committee on Ways and Means, and made subpart F permanent. So if Members are only going to make it temporary, it makes it very, very difficult to carry out the wishes of people who are supposed to understand tax policy.

Finally, Mr. Speaker, let us look at the third provision. It says, "Provide assistance to workers who lost their jobs and health insurance coverage." If we are going to take this provision literally, it says "lost their jobs and health insurance coverage." Does the gentleman from Texas know there are some people who have jobs who do not have health insurance; that they are employed by small business people who cannot afford the health insurance? Since it says "and", those people are not going to be able to get any assistance under the gentleman's motion to recommit because they not only have to lose their job, they also have to lose their health insurance.

That is what happens when one hastily writes up a motion in an attempt to make a point, rather than to make law.

Keep reading it. It says, "to businesses affected by the economic circumstances following the occurrence of September 11." Does that mean they only deal with people who were unemployed after September 11? If people were unemployed before September 11, what are they, chopped liver? It seems to me we ought to deal with the unemployed, whether it was before September 11 or after September 11.

Then if we take a look at what the Democrats offered, which is every unemployment check going up, every new program, new part-time additions to it, the gentleman, I will have to compliment him, is running totally counter to what his colleagues wanted in the other bill, but he is very, very close to what we are doing; that is, putting assistance where it is needed.

But if Members read the English that makes up this particular motion to recommit rather than the legislative language, if Members vote for this motion to recommit, they are only going to help those people who were unemployed after September 11 and who had a job but did not have health insurance.

Who in the world wants to single out that group to be the only ones to receive assistance? Certainly not Republicans. We are fair-minded where we help people who are unemployed. Even those who had health insurance we believe ought to be covered, and if they were unemployed before September 11 they ought to be covered as well.

So if Members have a heart, they have to vote down this motion to recommit.

Ms. HARMAN. Mr. Speaker, I rise in support of the motion to recommit.

The tragic events of September 11 completely changed the priorities and policies on which this House approved the budget for fiscal 2002. Yet, the House is poised to act again in a piecemeal fashion as if nothing had happened—nothing has changed.

Mr. Speaker, in light of September 11th's events, we need a new budget—we need to start over.

We need to reassess what we need to fight the war on terrorism. And fighting this war is our first priority.

Instead, the House is being asked to vote for a package of ineffective tax cuts disguised as an economic "stimulus" and inevitably spending the Social Security surplus and putting our nation deeper into debt.

This bill is an example of misplaced priorities.

Another misplaced priority is the facility for the Centers for Disease Control.

Earlier this week, I joined several of my Intelligence Committee colleagues on a tour of the CDC in Atlanta. I could not believe the deplorable conditions in which dedicated scientists identify and contain infectious diseases, including some which terrorists might use against the American people.

Security is less than adequate and some work areas are closed because ceilings have collapsed as a result of water damage. Connected to an antiquated electrical network, a 15-hour power failure put the Center out of commission at the height of last week's anthrax investigation.

Yet, notwithstanding the urgency of CDC's work, neither Congress nor the Administration has provided the funds necessary to repair or improve these labs.

Mr. Speaker, in the absence of a new budget that reflects the new post-September 11 reality, we don't know what other priorities are being ignored.

Mr. Speaker, let's start over and reconsider every element of the budget passed this year. Let's fashion a new budget that ensures that we have resources necessary to win the war on terrorism and protect public safety.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TURNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 199, noes 230, not voting 4, as follows:

[Roll No. 403]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich

LaHood
Largent
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Cubin
Gonzalez
Hill
Schaffer

☐ 1638

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 214, not voting 3, as follows:

[Roll No. 404]

YEAS—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Ganske
Gephardt
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—3

Cubin
Gonzalez
Hill

☐ 1650

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3090, the bill just passed.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, earlier today my plane was canceled and I missed two votes on H.R. 3162. I would like the RECORD to indicate that on rollcall 398 I would have voted "no" and on rollcall 399 I would have voted "yes."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DO NOT GIVE IN TO FEAR, THE MAIN OBJECTIVE OF TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, I rise to talk about terrorism from my perspective, both as a Member of the Congress and as a scientist.

It is very clear that the purpose of terrorism is an effort by a nongovernmental agency or group of individuals to disrupt the activities of legitimate governments and to do so by instilling fear in the citizens of that particular government. We have to recognize that that is the main purpose of terrorism. The cause may be hate, the cause may be a simple interest in vandalism, but the purpose is to disrupt and to cause fear.

There are various ways to respond to that. One, of course, is a military response, which this country is doing in response to terrorism. But equally important is to defeat terrorism by not letting the terrorists disrupt our country, by not letting them generate fear in our country, but rather by recognizing what their purpose is and to defeat them by not yielding to the terror and to the fear that they want to instill.

Obviously, when the terrorists attacked our Nation and killed roughly 6,000 people in a horrible, horrible attack on the New York World Trade Center, we as a Nation became very disturbed, as we have every right to be, and we are responding to that action militarily. But I am concerned about the response of fear that we also see, the fear of flying, the fear of going places, and the withdrawal into our homes. That is precisely what the terrorists want, and I encourage the citizens of our country to overcome that fear. Most of the Members of Congress fly every week as I do. I have found absolutely no reason to be fearful of flying. It is safer to fly today than it was before September 11, because the security is much better.

Our latest fear is anthrax. But it is very important to put these issues in perspective, and to look at them from the aspect of relative risk. Every day of the week, every day of the year, 120 people, on average, die in automobile accidents in this country. Very, very few people have died from anthrax: very, very few have died, until September 11, from terrorist activities. And so let us keep that in perspective.

We should be no more afraid to fly than we are afraid to get in our automobile and drive. We should be no more afraid of contracting anthrax than we should be afraid of getting in our car and driving. In fact, the probability of incurring anthrax is far less than the probability of winning the Power Ball lottery, and we know that is very very small.

Now, why am I saying this? Am I not afraid of anthrax? Yes, I am, but I am not going to live my life in fear of contracting anthrax. It is very difficult to make biological weapons. It is even more difficult to disperse the biological material. In spite of the efforts made by the terrorists, very few people have been injured or have acquired the disease of anthrax. In spite of the efforts of the terrorists, it is simply very difficult to circulate enough biological material that actually causes someone to become ill, particularly to the point of death.

There are other fears we might have. I am more concerned, frankly, about chemical terrorism than about biological because it is easier to make and spread toxic chemicals and it is easier to kill a large mumber of people with it.

The main point, I want to make is that we should live our lives without fear. We should try to go about our normal paths but to be vigilant. Everyone in this Nation should be watching for terrorists who might be trying to do evil things. They should report these activities to the appropriate law enforcement agency.

□ 1700

Do not live your life in fear. Be vigilant but live a normal life and be grateful that you are living in the United States of America, the most wonderful Nation that has ever existed on this planet. Enjoy the blessings and benefits of this Nation. Do not succumb to what the terrorists want you to succumb to. Be brave, be bold, but be vigilant.

HOMELAND SECURITY TASK FORCE

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to speak about the Homeland Security Task Force of which the leader on this side has convened and of which I serve as a member of that task force.

In preparing to meet with local municipal leaders and those agencies that are so critical in combatting any type of terrorist attack, I was encouraged on Monday when I convened a meeting in my district and met with 45 of those agencies. In speaking with them about the preparedness of cities and hospitals, schools, refineries, water agencies, postal services, I am convinced that we are prepared.

Of course, there are further resources that can be put in place for those city governments, and there is a critical need for more training perhaps in small cities, where there is not a full-time person who can help in executing the plan that has been put in place, but in the State of California, the Governor has put a strategic plan in place to help the hospitals and to ensure that every hospital has a bioterrorism plan.

We have asked now for the sheriff's department and they have responded with a uniform plan that is in concert and coordinated with city block clubs and other organizations.

I am pleased to report to you that the water agencies have security on every front, especially in the State of California.

So I say, Mr. Speaker, we are ready. The connect is there; the coordination is there. The execution of those plans are there.

I would like to also inform my colleagues that FEMA has 28 Urban Search and Rescue Task Forces, eight of which are in California, and these task forces integrate the plan from the Federal down over to the State and then the local levels. So I will say that I am encouraged by this whole notion that the municipal leaders, the municipal emergency preparedness plan is in place, especially in California.

I would urge all Members, though they may or may not sit on the Homeland Security Task Force, that they meet with their municipal leaders to draw from them their plan and to see whether it is coordinated across all of the agencies. I will say that more than likely they have such a plan, because with FEMA having the Urban Search and Rescue Task Force, I am sure that all other States have put that in place.

Mr. Speaker, we are ready for any type of bioterrorism attacks from the Federal, State and local levels.

TRIBUTE TO KRISTOFOR STONESIFER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 5 minutes.

Mr. GREENWOOD. Mr. Speaker, on September 11 when America was attacked, nearly every American had the same response and that was that we needed to immediately defend our people and defend our Nation against this evil, and the Congress, including this House, immediately after that attack, authorized force, military force to accomplish that end.

Our military force are the airplanes and the aircraft carriers and the smart bombs and the weapons that we have, but that military force is nothing except for the men and women in our Armed Services, volunteers all, who fly those airplanes, who drive those ships, who leap out of airplanes with parachutes and are prepared to serve their country.

Last weekend, we lost our first two fine American young military personnel, and one of those fine soldiers was from my district. His name was Kristofor Stonesifer, and he is the son of Rick and Ruth Stonesifer from Bucks County, Pennsylvania.

Mr. Stonesifer, Jr., was a pretty extraordinary young man. He knew from a very young age that what he wanted to do was to be the best combat soldier this country had to offer. He left his service in ROTC because he wanted a greater challenge, and when he joined the Army Rangers, he found that challenge indeed.

This was a young man who was aboard a helicopter in Pakistan, prepared to extract our special forces, when as we know tragically that helicopter crashed and he lost his life.

Mr. Speaker, we will undoubtedly lose more lives in this, what will probably be a protracted war, but the first of them was among the finest young men that we had to offer, and I on behalf of the House would like to extend my condolences and our condolences to his parents and remind ourselves as a House of Representatives, as a Congress and as a Nation that it is only because of the likes of Kristofor Stonesifer and his willingness to train and prepare for battle that we, in fact, can authorize force and can have a force that will prevail and will protect this country.

BEING A GOOD SAMARITAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join my colleague in acknowledging the loss of our fine young men and offer to their families my deepest sympathy.

Mr. Speaker, I am reminded of the biblical verses that tell the story of the Good Samaritan. In that instance, a person of goodwill and caring attitude came upon a brutalized and broken person, having been attacked by those who would do evil. The person did not look around to secure help from anyone else but took that battered soul to a place of refuge, indicated to the innkeeper that whatever the expenses might be to secure him and to make him whole the Good Samaritan would return and pay for it.

It comes to mind that on September 11 it generated the opportunity for this government and this Congress to be good Samaritans, to heal our land and to embrace Americans and to respond to their very needs, the needs of securing America, the needs of ensuring that we had the military personnel and resources to fight against terrorism.

Today, Mr. Speaker, I was sorely disappointed in the legislation that was brought to the floor of the House in the name of stimulus, in the name of helping, when all it did was the simply take from a dying man.

The headline in the USA Today said it well, special interests payback. The stimulus package that was passed today was not worthy of its name. In fact, I would say to those who have paid attention to this debate it was shameful, and as evidenced by the 216 to 214 vote, merely two votes that cast and made this legislation or caused this legislation to pass, it gives me reason to come before this House and to explain to the American people what we did today.

First of all, we are not secure at the passage of this legislation. No one single American has been made more secure. Not one single child has been educated. Not one single school has been built. Not one employee over a period of time will get immediate relief. In the Republican bill, workers will not see relief for some 6 months.

Listening to Daniels of the OMB, he made a statement about President Bush's main priorities. His quote, as I paraphrase as such, President Bush cares about agriculture, but if he cares about any two issues he cares about these two: Conquering international terrorism, I agree; and protecting Americans at home, I absolutely agree.

Let me tell you what the Republican stimulus package does. My son was born in 1985. He is 16 years old. The Republicans' stimulus package provides an elimination of the permanent repeal of the corporate alternative minimum tax, and what that does is it retroactively gives that corporation dollars for over 15 years, almost $20 billion. Seven corporations alone will have a $3 billion gift.

Does that provide airline security? No, it does not. Does it give the men and women of the postal service, two that have lost their lives, the kind of equipment, the kind of protection or the kind of instruction that will allow them to continue to deliver the mail safely? No, it does not. Does it infuse energy into our public health systems, our county hospitals, our private clinics? Does it help private practitioners in rural America and urban America be sensitive to the potential threat of smallpox and anthrax? Does it provide vaccinations for 200 plus million Americans? No, it does not.

What it does do is it provides a permanent reduction of capital gains taxes. Seventy-two percent of the benefit of that reduction are to be enjoyed by 2 percent of the Nation's citizens.

Let me say this to my friends. I certainly believe that we should help businesses, small and large. I think we should help them provide opportunities for jobs. Most Americans would want to support those who are creating new jobs.

This past week I rode home with a constituent who indicated to me that there is a silent recession going on in this country. Four hundred people were laid off in one of our large accounting firms, investment firms, Pricewaterhouse. This is happening all over the country. Will giving corporations $3 billion, $20 billion by eliminating the alternative minimum tax, help anybody? Absolutely not.

Mr. Speaker, this today was a tragedy before this Nation. No one, Mr. Speaker, has been helped today. No American has been secured. No military has been funded. No military personnel has been supported. No indigent people have been helped, and no medical care has been given to those who are in need. Where was our heart today? I believe at the bottom of our sleeve.

I would simply say, Mr. Speaker, that this is an important time in America's history, a time that we could rise to the occasion and be the Good Samaritan. Tragically we have taken from that laying down, broken person, dying on the side of the street, we have taken from them. We have not given to them.

SCREENING LUGGAGE AT AIRPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I would like to speak this evening about this matter of the airline security, because most Americans when they buy an airline ticket believe that when they get on that plane that the luggage that has been loaded into the belly of that airplane has been screened for explosive devices, and the fact is that it has not. Probably less than 10 percent of all the luggage that is put on passenger planes is screened for explosive devices.

□ 1715

Last week, this House left town on Wednesday evening. We returned this Tuesday at 6 o'clock p.m. We went into session at 10 o'clock this morning. We completed work before 5 o'clock this afternoon. And tomorrow we are told to be prepared to leave town by 2 o'clock in the afternoon. It has been 43 days since those two planes were hijacked and tore into the World Trade towers in New York City. It has been 43 days since the Pentagon was attacked and all those lives were lost. It has been 43 days since those innocent people went down in that plane in Pennsylvania. And we still have not passed an airline security bill in this House of Representatives.

Two weeks ago, the Senate passed an airline security bill 100-to-nothing. Every Senator joined together to vote to protect the traveling public. Yet this House has not acted. Why have we not acted? It is because the leadership here is opposed to making the people who work in our airports, to provide the security for our traveling public, Federal employees. And they know the American people want this. They know that Republican and Democrat Senators alike wanted it, and they know if it comes to this floor for a vote, it will pass, because a vast majority of the Members of this House believe that those employees should be Federal employees, well-trained, well-equipped, well-paid professional people who are charged with the responsibility of keeping us safe when we fly.

Many Americans are shocked to learn that in some of the major airports in this country, up to 80 percent of the employees who provide this security are noncitizens. They are noncitizens of this country. They receive little more than minimum wage. They received a day or two of training. Some of them receive less training than they would receive if they were hired by Starbuck's to sell coffee in our airports. Yet they are charged with keeping our airports safe and making it safe for us and our families and our loved ones to board those planes.

It is shameful in my judgment that we are wasting so much time in this House, that we are completing work before 5 o'clock in the evening, that we are leaving town tomorrow in the early afternoon and not returning until 6 o'clock next Tuesday without acting on this airline security bill.

We do not want Americans to be afraid to fly but Americans have a right to know. They have a right to know that today when they get on an airplane, it is likely that 95 percent of the luggage that is in the belly of that airplane has not been checked for explosives. They need to know that as they make decisions about themselves and their families and whether or not they want to fly. And we need to understand that if we want this economy to go downward, we will lose another plane or two and people just simply will refuse to get on our airliners.

We can do this. The technology is there to check for explosive devices. We just simply do not have the will to make the decision to make it happen. Yesterday my friend the gentleman from Washington (Mr. INSLEE) and I went to the Committee on Rules. We wanted a part of this stimulus package to provide the financial resources to enable our airports to have these devices that could check for explosives. That certainly was not made a part of today's package which passed here on the floor of this House. But if we lose an airliner as a result of an explosive device being placed on that airliner, the responsibility is going to be in this House and it is especially going to be on the leadership of this House if they do not move this bill forward. Bring it to the floor, let us debate it, let us vote. We owe this to the American people. The American people want it, and I believe as they become increasingly aware of the dangers they face that they will demand it.

Mr. Speaker, we ought to do this and we ought to do it this week rather than waiting to some later time.

REPUBLICAN STIMULUS PACKAGE IN JEOPARDY

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, about a week ago, the Secretary of the Treasury, Secretary O'Neill, referred to the Republican so-called stimulus package as a showboat plan. He implied that it was going nowhere with the administration, that it did not support many of its provisions. I guess I would say after the vote on the floor of the House today, we could say that the showboat is listing, taking on a lot of water and about to sink. By the narrowest of margins, despite the larger Republican majority, the bill passed the House by three votes today.

It is not going anywhere. Why is that? Is that because the Members of the United States House of Representatives do not care about the economy, do not care about the millions of people who have lost their jobs, do not have continuation of their health insurance? No, it is because they knew that this bill was a charade, a farce. This bill does nothing to help average Americans, working families, those who have lost their jobs, the small businesses that have been hit by the recession and are struggling to make ends meet. No, it goes and gifts the largest, most profitable corporations in America, those who have to have a special provision in the tax bill, that have been able to shelter so much income that they do not have any apparent taxes, they have to pay something called the corporate alternative minimum tax. This was a reform put through by a Republican Senate, a Democratic House and signed into law by Ronald Reagan because of the outrages of the 1980s, when the largest, most profitable corporations of the world were not paying any taxes, who in fact were getting rebates for taxes they had not paid. So this loophole was shut.

Guess what? They just blasted it back open again. This bill would provide $25 billion, paid for out of the Social Security Trust Fund, in retroactive tax rebates to the largest, most profitable corporations in the world. That is an outrage. $2.3 billion to the Ford Motor Company, $1.4 billion to IBM, $833 million to GM, $671 million to GE, with no requirement they pass on a penny to their workers, the workers they have laid off because of the recession, without a single word saying, they might cover the health insurance of those they have laid off because of the recession.

No, in fact this money is a retroactive gift under the Republican version of a stimulus package which will do nothing to stimulate the economy, do nothing to help those workers or their families, do nothing to help small businesses who are crying out for relief.

There are even more outrages in the bill. The bill also has $20 billion of tax incentives for corporations to make investments overseas. I guess the Republican majority is concerned about burgeoning unemployment in the Third World or in Europe or Japan or elsewhere but not here in the United States of America. They have given a bigger pile of money to corporations as a tax break, $20 billion, for overseas investments than they put in here to help out America's working families and small businesses who have been hit so hard in this tumbling economy. This is outrageous.

This follows on the heels, of course, of the $16 billion airline bailout bill which, of course, did not contain a penny for workers or workers' health insurance or extended unemployment or even aviation security. None of those things are in the bill. But we were told at the time when I raised objection, offered a motion to recommit on the floor, wait till next week. Well, it is 5 weeks later. Guess what? We are still waiting for some assistance to those airlines workers and people in related industries and small businesses like the travel agents who have been hit so hard. Nothing has been done for them. We are still waiting for one penny to be appropriated by this House of Representatives for aviation security. We are still waiting for a comprehensive aviation security bill. All those things can wait. But a retroactive repeal of a tax provision that closed a loophole cannot wait. That had to be rushed through this House today.

We just cannot wait to see the way those corporations will spend the money. I am sure they will put millions to work. Well, maybe not. Maybe they will give the money in dividends to stockholders, maybe they will give bonuses to the CEOs because they were able to maneuver this kind of a tax break through the Congress. It is not likely it will flow into the pension funds that have been raided by IBM and others. It is not likely that it will flow to the workers who have lost their jobs. It is not going into extended unemployment benefits. It is not going to give health insurance coverage to those people. This is simply an outrage.

That is why this was such a narrowly divided vote in this House of Representatives. Not because we do not care, that we do not want to do what is right by the American people and the economy. We do. That requires a combination of assistance to people who have lost their jobs and small businesses that have been hit hard. That should have been one element of the bill; targeted tax cuts, those that would increase investment, increase jobs; and, third, investment in America, the transportation infrastructure of this country in a fiscally responsible way. That would have been a true recovery package. Maybe we can still get there if the Senate has the guts to stand up to the minor part of the majority here in the House.

TRADING OUR FREEDOM FOR OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I would like to speak a bit about trading our freedom for oil.

Imported oil and the politics it attends have reared their ugly heads too often in modern history. Osama bin Laden's vengeance reveals its newest facet. President Jimmy Carter was right when he said that the Arab oil embargoes of the 1970s, and the economic havoc created here at home, constituted the moral equivalent of war. With public consciousness high at that time, our Nation created the Department of Energy to put America on a course to become more energy self-sufficient. Conservation saved millions of barrels per day, more fuel-efficient cars stemmed the growth of rising petroleum usage, and small efforts were made to develop alternative fuels.

But in reality, America was not really committed to a nonpetroleum future. By the 1990s, America had fallen asleep again. Foreign petroleum constituted half of U.S. consumption, with its share of total volume rising each year. Serious work on other fuel alternatives was largely ignored. Billions of dollars of U.S. tax subsidies continued to flow to the petroleum industry. Even the U.S. defense budget grew, including standing forces in Saudi Arabia, our largest supplier, to protect our foreign oil sources. By 2000, the U.S. imported over half of its petroleum, expending billions of dollars annually while foregoing that investment domestically.

The current recession, too, has been triggered by rising prices of imported petroleum. The U.S. engaged in the Persian Gulf War after Iraq invaded Kuwait to take over its oil fields. No longer working through surrogate heads of state like the Shah of Iran, the United States became directly embroiled in Middle East oil politics in that war. Then the subsequent, decade-long U.S. containment bombing of Iraq's no-fly zones ensued. What an irony of modern history, that as our Nation bombs Iraq, we continue to purchase billions of dollars of Iraqi petroleum. Meanwhile, in Saudi Arabia, 5,000 U.S. troops have been stationed to regularly defend the trade path for U.S.-bound oil out of the Straits of Hormuz and into the Arabian Sea headed to our shores.

Now America is at war again. This time our enemies are oil kingdom zealots whose wrath grows out of the very undemocratic regimes that weaned them. In these places, Saudi Arabia, Oman, Yemen, even Sudan, oil trade over the decades has not brought freedom nor democracy. Trillions of U.S. consumer dollars have flowed to the oil kingdoms and yielded unrepresentative governments, some tyrants, great poverty, poor education, gender bias and political instability. Indeed, trade without freedom has yielded a virulent hate towards America, equal to that directed against the oil kingdoms themselves.

□ 1730

America must remove oil as a distorting proxy for our foreign policy. America can do this. It will take Presidential leadership and the leadership of this Congress, the kind of leadership less allied to the Carlyle Group and more allied to America's independence.

As a consumer, I want to purchase an ethanol-powered car. Even though Detroit makes such a car, I cannot buy fuel for it at the pump. The oil industry has a lock on fuel sold to American consumers. But every time I buy a gallon of gas, I am angry because I know half of my money flows offshore into the pockets of cartels in undemocratic regimes.

The American people must be freed to purchase a broader range of fuels. The lock of the cartels on our gas pumps must be broken. The Government of the United States should employ its antitrust powers to free our consumers at the pump, free us to purchase the fuel of our choice. For me it is ethanol produced by farmers in the Midwest. Let me buy it.

Putting America on a solid energy footing will require national leadership, and our Federal Government must spur America forward, akin to the dawn of the space age and the establishment of NASA.

We must demonstrate will here at home first. Becoming energy self-sufficient makes global economic sense too, because over the next 15 years world oil reserves will begin diminishing, with prices rising even higher with each barrel pumped.

There is no more opportune time for our Nation to get serious. Let us free America from its dependence on foreign petroleum.

NATIONAL BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

Mrs. CAPITO. Mr. Speaker, I rise today in this special order to talk about a topic of great importance to all Americans, and in particular it has become a great focus of the Women's Caucus here in the United States Congress, and that is October being Breast Cancer Awareness Month.

Breast cancer impacts all of us in America in some way. Whether it is a family member, a friend, a neighbor, an acquaintance, someone who goes to church with us, we have all been touched in one way or another by breast cancer. So we are going to talk a lot tonight about breast cancer and breast cancer awareness and cures for breast cancer.

As a member of the Women's Caucus of the House, I would like to yield to the gentlewoman from Illinois (Mrs. BIGGERT), who is the cochair of the Women's Caucus.

Mrs. BIGGERT. Mr. Speaker, I would like to thank the gentlewoman from West Virginia (Mrs. CAPITO) as the Vice Chair of the women's conference for leading this Special Order, along with my cochair of the women's conference, the gentlewoman from California (Ms. MILLENDER-McDONALD). I am delighted the two of you could do this tonight. It is so important that we do this and recognize October as National Breast Cancer Awareness Month.

For far too many Americans, no month of awareness is needed to remind them of breast cancer. On a daily basis they and their families and friends are well aware of the existence of this disease. Next to skin cancer, more women in the United States, about 2 million, live with breast cancer, more than with any other form of cancer. This year, some 233,000 women will be diagnosed and more than 43,000 will die of this terrible disease.

I think it is fair to say that we are all well aware, some painfully aware, of breast cancer. But as the American Cancer Society so succinctly put it, our challenge is to turn awareness into action. Let us turn October into breast cancer action month.

What does this mean? Well, first it means breast examinations. Thanks to early detection techniques, breast cancer can be beaten and life can be extended. That is why it is so important for women to have a clinical breast examination at least once a year. Between the ages of 35 and 40, a woman should have at least one mammogram, and then one every 1 to 2 years, until the age of 50. After age 50, women should get a mammogram each year. That is action.

Second, in addition to early detection of breast cancer, we must support research to find a cure for it. Many of our colleagues and I did that when we strongly supported doubling the funding for the National Institutes of Health as well as increasing the funding for the Department of Defense's Peer Review Breast Cancer Research Program. That is action.

Now, while scientists have made tremendous advances in the diagnosis and treatment of this terrible disease, there still is much more to be done. In recent years there has been much discussion over the link between the environment and breast cancer, and I believe it imperative for scientists to continue to examine this issue.

This body was good enough last year to grant my request to fund a study to examine why the breast cancer mortality rates in my home county of Du Page in Illinois are so much higher than in the rest of the State and the country. We do not know whether it is environment, socio-economic status or other demographics; but we are hopeful this study will shed some light on it.

Mr. Speaker, whether it is through a family member or a friend, everyone has been touched by this horrible disease. We are aware of breast cancer. We must ensure our awareness turns to action. While we do not know yet how to prevent breast cancer, we do know how to help women detect it early and treat it more effectively once it is found. The successes of recent years give me tremendous hope that we will conquer breast cancer. We must all continue to work to achieve this goal and ensure a healthier future for the many women and men who will face breast cancer during their life times.

I am so happy we are doing this Special Order tonight to raise that awareness and that we can take the action. So, again, I thank the gentlewoman.

Mrs. CAPITO. Mr. Speaker, I thank the gentlewoman for her contributions, not only tonight in discussing an important issue, breast cancer awareness and cures and action, but thank her also for the efforts she has done on behalf of the women of the House and the women of America in terms of shedding light on a lot of issues, health and economic issues. I applaud her for all of her issues.

Mr. Speaker, I yield to the cochair, the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentlewoman so much. I join with my cochair, the gentlewoman from Illinois (Mrs. BIGGERT), and all of the women of the House, in recognizing this month as Breast Cancer Awareness Month, and to say to the women out in the audience and across this country that we wish for you the very best in health, but please get tested for this very important, important illness that is before us.

You know, Mr. Speaker, as my cochair has mentioned, October is recognized as National Breast Cancer Awareness Month; and as the women of the caucus come today in this hour to talk about its importance, we also know the importance of funding; funding for education, funding for early detection through research, funding for treatment and testing. All of those are critical elements in the fight against breast cancer now.

We do recognize that breast cancer is the most common form of cancer in women in the United States and its cause and its cure remains undiscovered. In 2001, 192,000 new cases of female invasive breast cancer will be diagnosed, and 40,200 women will die from this disease. We recognize also, Mr. Speaker, that breast cancer is the second leading cause of cancer death among all women, after lung cancer being number one. But it is the leading overall cause of death in women between the ages of 40 and 55. This is why it is critical for women, especially women from low-income families, to get tested and treated for any trace of breast cancer.

In the United States, one out of nine women will develop breast cancer in her lifetime, a risk that was one out of 14 in just 1960.

This year, breast cancer will be newly diagnosed every 3 minutes and a woman will die from it every 13 minutes. Fundamentally, when breast cancer is detected and treated early, the survival rates improve. We have seen that, Mr. Speaker, in the death rates in women between 20 and 69 years of age, which declined by 25 percent in 1990. But, again, early detection and treatment are really the areas to credit that decline.

Early detection is the key to surviving breast cancer. Mammography is the best method of breast cancer detection. Mammography can detect cancer several years before a woman or her health care provider can through the testing, to feel for a lump.

Throughout this month of October, many mammography facilities around the country will offer reduced fee or free screening and extended hours. We urge women from low-income families to check their health facilities, because this month there will be many reduced fee and free screenings for women. There will also be extended hours. So we urge women to go and get this testing.

We also encourage women to protect their health and well-being by taking advantage of the mammography services in their communities. There are hundreds of community-based breast cancer resource programs around this country. They provide information about breast cancer, services to breast cancer patients and their families, and are committed to raising money in the fight against breast cancer.

In my district of Compton, California, which I represent that city, the Relay for Life program raises awareness, money for detection, and celebrates survivorship. I am pleased with the women who are part of that Relay for Life program. Twenty-three teams of local citizens participated and raised over $20,000 for breast cancer research and education just last year. This Relay for Life program in Compton stands as an example of what we can accomplish if everyone joins in an effort to collectively beat the odds.

As we well know, the sale of the breast cancer stamp has already raised over $22 million in 3 years since its inception. I have teamed with my colleague, the gentlewoman from New York (Mrs. KELLY), on H.R. 2725 to extend the stamp for an additional 6 years. With bipartisan support from over 206 Members of the House, this bill will provide funding for breast cancer research, incurs no cost to taxpayers or the Government, has gathered bipartisan support by more than four-fifths of the Senate representing all 50 States, and standing as the most supported bill in this body since perhaps many a year. It stands among the 28 most widely supported House bills of the 107th Congress. It requires no new administrative procedures and allows for the creation of additional postal stamps on any other issue.

I hope my colleagues will join the 206 Members who are trying to make a difference with this legislation in trying to really find a victory and hopefully finding a cure for breast cancer. This summer I even went a step further and introduced H.R. 2317 that would have made this breast cancer stamp permanent.

It is imperative, Mr. Speaker, that we support the efforts of community-based organizations and women across this Nation to raise the awareness and provide support to breast cancer patients and support legislation that will increase Federal funds for research and lead to improving the treatment for women so that this life-threatening condition can be eliminated.

Mr. Speaker, I invite my colleagues to raise your voices, open your hearts, and strengthen your resolve to educate communities for the fight for adequate funding, so that women can maintain their health and vitality.

At this time I would like to thank the American Cancer Society and the Susan G. Koman Breast Cancer Foundation for their strong efforts in the awareness, the treatment through funding, and for their different programs that they have in providing the Beat Cancer pins and ribbons that we are using today and also for their many efforts.

□ 1745

I will just yield back now to the gentlewoman from West Virginia (Mrs. CAPITO), as we have several speakers on this side of the room who wish to speak.

Mrs. CAPITO. Mr. Speaker, I would like to thank the gentlewoman from California for her wonderful advocacy in terms of raising the awareness of breast cancer today, but I would also like to thank her for, as a new member of the Women's Caucus, and as a new woman Member to the House, for her leadership on so many issues. I have learned a great deal in the Women's Caucus meetings that she and the gentlewoman from Illinois (Mrs. BIGGERT) put together.

Mr. Speaker, we all know that breast cancer, while it strikes women in much greater numbers, men are also many times victims of breast cancer, but men can also be victims of breast cancer because many times their wives or daughters are stricken. So I am pleased to have here today the gentleman from Michigan (Mr. EHLERS) to speak on breast cancer awareness.

Mr. EHLERS. Mr. Speaker, I thank the gentlewoman for yielding. I must confess I feel a bit like an intruder as the only male speaker here this evening. But I did want to express concern and appreciation and also give a little perspective on it from someone who is a bit older than most of those speaking tonight.

I remember some years ago when breast cancer was unmentionable, and it was a very serious mistake in our society, because my experience was that up until the 1950s, suddenly someone would die and you would say, what happened, and the response would be, oh, she had breast cancer. There was no discussion of it ahead of time. There was no discussion in the media or among the public about the disease, about its causes, its cures and so forth.

I want to rise, first of all, to pay personal tribute to one of my heroes, and that is Betty Ford who occupied the White House, and she was the first American woman who openly discussed breast cancer and opened the floodgates for the women of this country. Ever since then it has been a topic discussed very freely; there is constant information available about the nature of the disease, how to detect it, how to prevent it that simply was not around before that. This is one reason, incidentally, that I nominated her for the Congressional Gold Medal 2 years ago at the same time I nominated her husband. It is the first case in which both a President and First Lady received a Congressional Gold Medal, but I felt she deserved it as much as her husband because of what she had done in the area of breast cancer.

I want to mention something else that is rarely known or noticed or discussed, and the gentlewoman referred to it a moment ago in her introductory comments, and that is that men also have breast cancer. It is far less frequent, but almost always undiscovered until it is far advanced, because most men simply do not know that it is a male disease also, and we should be aware of that.

One other point I would like to make, and this wanders a bit from the topic, so I hope my colleagues will allow me to do that. But in my work on the State level chairing the Public Health Committee and analyzing the situation, I discovered that prostate cancer for men was at the same awareness level that breast cancer for women was in the 1950s. Men did not talk about it. Men did not get the exam and so forth. I am very pleased that in my position there I was able to get money appropriated to publicize this, to provide for public exams and so forth. We must publicize that in this country as well. This is not a hidden disease, as breast cancer was not, even though we treated it that way a half a century ago. Currently, the fatality rate for prostate cancer among men is greater than the fatality rate for breast cancer among women. We really have a lot more to do in that area as well.

So I appreciate the gentlewoman scheduling this Special Order. It is absolutely essential to call attention to the need for more mammograms, more detailed mammograms, and I am pleased as a scientist that we continue to make progress in the quality of mammograms. My wife has kept me fully informed of this, as an experience that used to be very, very painful and not very valuable has now become virtually painless. The quality of the last mammogram she had, as she recounted it to me, was simply exceptional, and I am very pleased to see these continuing scientific and medical advances. I am also very, very grateful that the cure rate is getting so much better. I have so many friends who are survivors of breast cancer, 3 alone just in the past year. I am just grateful that we continue to make advances in treatment and cure as well.

So I thank the gentlewoman again for having this Special Order. It is absolutely essential to call attention to this. Let us make sure that all of us work together, male and female, Republican and Democrat, to ensure that we eradicate this horrible disease.

Mrs. CAPITO. Mr. Speaker, I thank the gentleman. I enjoy his insight into not only the possibilities of males having breast cancer, but I think we need to raise the awareness of that, and then the hope that we all have to find this, eradicate it, find a cure. So I am pleased that the gentleman was able to join us this evening.

Mr. Speaker, I yield to the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Speaker, we do thank the gentleman for coming today, because although we recognize that it is not an alarming number of breast cancer victims on the male side, still men do get it, so I thank him so much.

Mrs. CAPITO. Mr. Speaker, I yield at this time to the gentlewoman from California (Ms. ESHOO), an outstanding member of the Women's Caucus.

Ms. ESHOO. Mr. Speaker, I thank the gentlewoman from California, my colleagues on the Republican side of the aisle, and everyone that is here tonight to raise the flag during October, which is National Breast Cancer Awareness Month in our Nation. It is a very important time for everyone in the country, and I thank our colleague for just talking about yesteryear when breast cancer, 2 words, really were not uttered. It was a source of embarrassment, it was a secret, it was something that was just between a woman and her physician, and that has changed, and it has changed enormously.

Today, in the year 2001, while we do not know or have not found a cure for breast cancer, much has been done in order to make progress to reach that goal. That is why I think October is especially important.

Today, October 24, is the first anniversary to the day that a bill was signed into law that so many of us were a part of. Now, one might think that legislation that was written some time ago to address underinsured and uninsured women relative to treatment would be an absolutely simple idea that would flow through the Congress. Well, while we had more than a majority of Members that had signed on to the bill, there were still enough Members in the Congress to play havoc with it and to play politics. But a year ago today, that bill that I referred to, and my colleagues that are here right now were the stalwarts that helped raise this up and make it a law, the breast and cervical cancer bill was signed into law.

Now, what was that bill all about and what has happened in a year's time? I think it is unprecedented.

First of all, we have constituents that came to us that were able to take advantage of a program that a much earlier Congress, and I believe the gentlewoman from New York (Ms. SLAUGHTER) was a part of at that time, where women could apply through a program of the Centers for Disease Control, the CDC, they could go locally and be able to get the tests that would tell them what shape they were in, essentially. It is a very good law and there were many women who applied for that and were able to use it. However, the Congress had not taken the necessary steps that once any of those women were detected to have breast cancer, that they could then seek treatment. So we essentially said, we will help you find out, but when you find out that you are victimized by this disease and also by a lack of insurance coverage, by the way, in this country, that you were on your own. There was story after story that came to us, because we had hearings on this, and the legislation was written.

Today, because of the law that was signed into law, the bill that was signed into law, there are now I believe 33 States that have taken up the call to use the funding that we fought so darn hard for in this bill. We had to have money in the bill to encourage States to place monies next to Federal dollars in order to carry out the treatment of these underinsured and uninsured women.

Now, who are these women? They are the women that we meet in the coffee shop that wait on us, the waitresses, the older women that went into the workforce later on in their lives, but spent most of their lives raising their children. Sometimes their husbands left them. They had absolutely no insurance coverage whatsoever.

So I think that the Congress did a very, very good thing a year ago today. I know it was a great day of victory.

What I want to bring into focus this evening is how important women and their families are across the country, because were it not for the advocates that constantly came to the Hill, that sent their e-mails to Members and to key Members of Congress to make this happen, all under the umbrella, really, and the organizing genius of the National Breast Cancer Coalition in our country. They came to Washington over and over again. Their stories inspired us. By the time this bill was signed into law a year ago today, there were women that had come to the Hill that did not enjoy the news because they had lost their lives to breast cancer.

So I want to salute the National Breast Cancer Coalition in our country for the work that they did to help make this possible.

I would like to read into the RECORD the States that are now participating in this program, and they are in alphabetical order. I think it is a real honor. Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington State, West Virginia, and Wyoming.

So if anyone in the Congress wonders whether we can make a difference, whether when we raise our voices to change a system, to add on to it, to pay attention to our constituents and their stories, we can indeed make a difference in our time, we can do something noble that is going to enhance the lives of American families.

So thank you to those families, thank you to the advocates, thank you to the women of the Congress.

Mr. Speaker, when we run for office, we are so often asked, especially as women, do you think that we should vote for you just because you are a woman? My response during my campaign was, no, that is not enough. But understand that when women go to the Congress, they take their life experiences to that public table. We know we have very complicated bodies. We know that mammography and its standards needed to be raised. It was the women in the Congress that did that.

Mr. Speaker, I would like to place into the RECORD my thanks to a very courageous man in the Congress and that is our colleague, the gentleman from Pennsylvania (Mr. MURTHA). He has been really the guardian angel of and created the funds through the Department of Defense, $175 million, that is directed toward the research for breast cancer, and he is recognized across our Nation and our Women's Caucus for the work that he does really very quietly year in and year out. So we pay tribute to him.

Mr. Speaker, I want to say to the women that are tuned in this evening and might be listening to us that we hope that we have made you proud of not only the Women's Caucus, but the women that have come to the Congress. I want to salute my colleagues, past and present, upon whose shoulders we stand. I see the gentlewoman from New York (Ms. SLAUGHTER) is here who, before I came to the Congress, was doing this work. I want to thank my colleagues that are the cochairs of the Women's Caucus. It is a very important vehicle.

□ 1800

I know, as Auntie Mame says, that we have miles to go and places to see, but we will continue that fight. We will not rest until we find the cure for this disease that has victimized too many.

Mrs. CAPITO. Mr. Speaker, I thank my colleague, the gentlewoman from California (Ms. ESHOO), and I commend her for her hard work in this area.

I was extremely gratified to see that when they got to the W's, that she did name West Virginia as one of the States taking advantage of those very, very critical funds in terms of breast cancer detection.

Mr. Speaker, I yield to my colleague, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague, the gentlewoman from West Virginia, for yielding time to me. I appreciate being able to stand here. It is an honor to join with my colleagues on this important topic of breast cancer and Breast Cancer Awareness Month being in October.

Mr. Speaker, our colleague who just spoke referenced the fact that when we women come to Congress, we bring our life stories with us. I have in front of me as I speak today the face of my sister, my sister Frieda, who a year ago was going about her life, but in the ensuing months in November got the report back from her mammogram and then her biopsy, and indeed, needed to go through that whole year of treatment, which was surgery on both breasts and followed by chemotherapy, followed by radiation. It is a very daunting challenge that so many women face across this country.

So I speak of this opportunity in this place; but I speak also about my sister, and all the many sisters we have across this land today.

It was indeed a highlight of mine in the last session of Congress to be a part of the effort, it really felt like a groundswell, to see enacted the Breast and Cervical Cancer Treatment Act which my colleague, the gentlewoman from California (Ms. ESHOO), just referred to, and highlighted and outlined its importance.

It is an honor for me to be part of the legislation which is currently finding its way, the bill by the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from New York (Mrs. LOWEY), which requires that NIH conduct studies to see if there is an environmental connection between breast cancer and the statistics that we find ourselves with today.

I am pleased to be part of the effort to reauthorize the breast cancer stamp, which has generated so much needed revenue for breast cancer research and efforts.

I am proud to be part of the effort to double the funding for the National Institutes of Health, where so much important research continues in this area.

We must not forget that it is a very vital part of the Patients' Bill of Rights, the reforming that is needed for our managed care system which will allow the inclusion of clinical studies to be part of health insurance plans.

But I want to also give recognition to the important, remarkable work that women have done across this country on their own, the coalitions that have built up: the Race for the Cure; the event that just transformed my community this last weekend, the Avon three-day event.

On last Friday morning, 3,000 folks came out to send off the team taking part in this major fundraising effort to raise awareness but also funding, funding that is so needed in the area of breast cancer research and treatment.

It is the national breast cancer coalitions indeed, as has been mentioned already, which have spearheaded much of the legislation that we are following through with here. That is the way it should be done.

The inspiration comes from the lives and hearts and communities where women and their families and their loved ones, and men as well, face the diagnosis, are strong in the face of it, and go forward.

As the situation has changed over the years with breast cancer, I give great credit to those who were out in front insisting that it be a topic we talk about, insisting that it have its place in our research dollars and in our treatment efforts, and that it be also such an important part of the awareness of all people in the country, and those women who seek to have treatment after a diagnosis; and that they are willing to go through that and have their treatments and exams each year.

Then I will close with my own story, because 2 weeks ago it was my turn to go for my annual mammogram, which I do every year, and to have come back some questions, some doubts; and to have the radiologist sit down with me and say, I think you need to have a stereotactic biopsy. My heart began to pound, even though I knew that the chances are that it could be benign. All women who face this in the waiting room of whichever place they go for screening know that feeling.

So I was scheduled and had the biopsy. Then you wait again for the news from the surgeon. I am very grateful that my story was good. At this point it is negative. I will follow the course of revisiting, re-examinations. I will be faithful in doing that.

But as I stand here and talk about this very personal experience for me, I am aware that today in this country there are places where women do not know to go to get a mammogram; where it is hard to find the clinic, it is hard to get time off from work to do it, it is hard to make these pieces come together.

Also, there is a lot of fear still in the hearts of people across this land. This word "cancer" is a scary word and an ominous word, and one that we want to put under the bed and under the carpet and not have to face it.

I urge those who are part of our discussion this afternoon to spread the word to acknowledge the fact that, yes, there was once a time when it was truly something to be terrified of, but though it is still a tough diagnosis, that the treatment rate is so much advanced, so much improved; that there is much hope there. We stand here in Congress able and willing to continue the work so that one day it will not only be a treatable disease, but one that we can look forward to its elimination.

Mrs. CAPITO. Mr. Speaker, I would like to thank my colleague, the gentlewoman from California, for her insight and for sharing her personal story, because I think it shows that a proactive approach to diagnosis does not necessarily end in a bad way; but it ends in a way to put one on high alert, so one knows as the years and months go by that we need to be retested and relooked at and be very aware of how our bodies are developing.

Mr. Speaker, I yield to my colleague, the gentleman from Georgia (Mr. KINGSTON), who has come in to share some of his insights into breast cancer and breast cancer awareness. I thank the gentleman for joining us today.

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding to me and want to thank my other colleagues for the hard work they have done over the many years on this important issue.

As a member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, this is something that we have made a priority with the FDA in terms of breast cancer testing and screening.

I remember years ago the FDA gave us an example of something that they had not yet approved of, and it was a self-testing device that was a very thin piece of kind of a rubbery substance maybe about 6 inches in diameter. It was a circle, and you would apply it to your chest, and it was an amazing thing, because it could pick up a grain of salt and make it magnified on the fingertips, so women who wanted to do this sort of self-testing could do it at home. It was not foolproof, but it would raise the awareness level.

Our argument with the FDA is if they just approve this, then people can do this self-test and it will be on their minds. That is one of the things that we need to do is make sure that the testing is on women's minds.

I am very fortunate that my mother has had it on her mind over the number of years, because about 1 month ago she found out, very sadly, and to her shock and our family's sadness, that she had breast cancer. And fortunately, because of her proactiveness, we were able to get a good analysis.

Yesterday she had actually had the operation for it. I talked to my sister in Denver who had flown out from Dallas where she lives and spent the night with my mother in the hospital, and she said that Mom is doing well and should be home tonight.

Just before the gentlewoman yielded the time, I called out to Colorado to get a medical report. I regret I do not have one right now. But last night, after the operation, things were doing well; and so we are all prayerfully standing by.

But think about how fortunate we are in my own family that medical technology is such that a lump the size of a pin's head had been discovered, and that because of this proactivity, Mom is hopefully home tonight, and also will continue to be with us for 50 and 60 or a couple hundred more years.

So this is relevant. This is the type of legislation that affects all of our families. It is the type of activity that we can do in our congressional offices that goes to each American home and family.

I am glad October is Breast Cancer Awareness Month, but the other 11 should be, as well. I am glad we celebrate Mother's Day; but we should also celebrate it not just once a year, but all during the year.

As a boy who traumatically was raised with three sisters, the only boy in the family, I can say, God bless womanhood, I love them all; and I am glad that my sisters have the opportunity to benefit from this legislation, and that my wife and my two daughters will, as well.

So I think the research has to continue, the awareness has to continue, the education campaign has to continue. I am proud to see that the gentlewomen are taking leadership on this and doing it on a bipartisan basis.

Mrs. CAPITO. Mr. Speaker, I thank the gentleman. Good luck to his mother. I know she is in good hands.

Mr. Speaker, I yield to the gentlewoman from New York (Ms. SLAUGHTER), my vice-chair counterpart.

Ms. SLAUGHTER. Mr. Speaker, I appreciate the gentlewoman yielding to me.

I want to join my colleagues in recognizing October as National Breast Cancer Awareness Month, because no disease is feared so much by American women as breast cancer.

At this moment, 3 million women in our Nation are living with breast cancer, 2 million have been diagnosed, and 1 million's cancer remains undetected. In 2001 alone, there will be 233,000 new cases of breast cancer in the United States, making it the number two cancer diagnosis among women. This year, 40,000 women will die of the disease. To put this in perspective, a new case of breast cancer is diagnosed every 2 minutes, and an American woman dies of breast cancer every 13 minutes.

To be sure, we have come a long way in the last few decades. There was a time not so long ago when breast cancer was not considered polite conversation. Women suffered and died in virtual isolation, because no one would talk about this silent scourge.

But today, however, it is different. We have public education programs urging women to have mammograms. Programs are available for low-income women to receive screening; and as of last year, as the gentlewoman from California (Ms. ESHOO) pointed out, with her bill they can get treatment.

It must have been the worst thing in the world, before this bill was passed, to be diagnosed with breast cancer and have no ability whatever to pay for treatment. Chemotherapy drugs are now less toxic and more effective; and we even have a drug, Tamoxifen, that can help prevent or postpone the onset of breast cancer in women who are at high risk.

For the first time since records were kept, breast cancer death rates actually declined during the 1990s. I am deeply proud of the part we played in this caucus in obtaining research funding for breast cancer and in ensuring that women were included in all clinical trials.

But so much more remains to be done. We need better methods of detecting breast cancer. The mammogram is an old technology and an imperfect one. Some tumors can exist for 6 to 10 years before they are detectable with the mammogram machine.

We need to understand the causes of breast cancer, and then determine the steps women can take to reduce the risk. Treatment must be further refined so women can defeat breast cancer and enjoy a long and healthy lifespan.

Mr. Speaker, in my judgment as a microbiologist, the future of breast cancer research lies along two parallel paths: genetic research and environmental studies. Together, these two avenues will lead us to the detection, prevention, and treatment methods of the future.

Genetic research is already well on its way, and scientists have identified four separate genes that indicate an increased risk for breast cancer, and more that we have not yet identified possibly acting in combination with other genes.

Our understanding of the genetics of breast cancer is in its infancy, but it is developing rapidly. We must ensure, however, that genetic information is used to help patients and not to harm them. Genetic information will be a powerful tool, but it must be used for the right purposes.

In order to safeguard genetic information, my colleague, the gentlewoman from Maryland (Mrs. MORELLA), and I have introduced H.R. 602, the Genetic Nondiscrimination in Health Insurance and Employment Act, which will ensure that health insurance companies and employers will not use predictive genetic information to deny individuals coverage or job opportunities.

I am pleased to report that this bill has the support of 255 bipartisan cosponsors and hundreds of organizations involved in health care issues. I hope very much the House leadership will allow this important bill to come up on the suspension calendar so we can get this done before the end of this year.

□ 1815

It is certain to pass the Senate.

As important as genetics are, environmental factors are proving to be equally significant. Ninety percent of breast cancer victims have no family history of the disease, which means something in their environment is triggering their cancer.

Women are more susceptible to environmental toxins for a number of reasons. First, they are smaller so toxins since have a greater impact. Second, they have a higher proportion of fatty tissue where toxins tend to accumulate; and third, they tend to metabolize toxic substances more slowly.

Women may also be at greater risk for disease since they are often exposed to higher levels of household chemicals. Many women take hormone supplements for birth control or relief of the symptoms of menopause. Women experience greater fluctuations in hormone levels throughout their lives. They may also affect susceptibility to pollutants or to environmental estrogen. This risk may be greatest in puberty due to major hormonal changes and the rapid growth of the breast tissue.

For all of these reasons, we must increase our research into the impact of the environmental factors on women's health. I am proud to co-sponsor the Women's Environmental Health Research Centers Act which would establish six centers of excellence on women's health research around the Nation.

H.R. 183 has the support of 48 bipartisan co-sponsors and the wide range of organizations concerned with women's health.

At the beginning of this century, we are standing on a frontier of an entire new era of medicine where genetic and environmental health research will point us towards entirely new ways of conceiving, detecting, preventing and treating disease. We must ensure that this new information is used to advance the care of all patients and not to undermine their best interests. Neither type of research can take place in a vacuum. Instead, they must proceed interlinked and in parallel. If we can achieve these goals, then we will have in sight the end to the dreadful scourge of breast cancer.

Mrs. CAPITO. Mr. Speaker, I would like to thank my colleague from New York and introduce another colleague, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I join with my colleagues to mark the Breast Cancer Awareness Month and thank the co-chairs of the women's caucus for putting this together tonight.

We have made enormous progress in the fight against breast cancer. We have more than doubled the Federal dollars for breast cancer research since I came here in 1993. This has been the effort primarily of women in the women's caucus, some famous, some infamous, and many men who have been our allies and they have helped us get this funding. In particular, I would like to mention the gentleman from Pennsylvania (Mr. MURTHA), who each year funds breast cancer research in the DOD budget to well over $175 million.

Over the past 20 years thanks in large part to this government-funded research, there has been an explosion in what we know about and how to prevent and treat a disease that is expected to strike over 192,000 American women in 2001.

Breast cancer mortality rates have fallen every year since 1989. We now have a drug that can decrease the chance of developing breast cancer by 50 percent if we detect problems early; and research on new detection and treatment methods is moving forward faster than ever before. Gene expression will isolate the genes that will trigger breast cancer allowing for customized, more effective treatment. Biologically targeted therapies will identify and target proteins and other agents that make cancer cells grow without affecting healthy cells.

Thirty different targeted therapies are now in clinical trials and some are expected to receive FDA approval within 1 or 2 years.

Angiogenesis inhibitors which target blood vessels that contribute to tumor development are also in the final stages of clinical trials. Finally, several different vaccines are in clinical trials, and it is realistic that we will see a breast cancer vaccine in the near future for a disease that strikes one in eight American women during their lifetime. The notion of a vaccine was unthinkable a decade ago. So we are learning more and more about breast cancer all the time, but we have always known that prevention is the best way to treat breast cancer.

An exciting detection method which could supplement mammograms is in the works. Ductal lavage spots unusual changes in cells lining the milk ducts which are the source of most breast cancers. This promises to be a highly effective method for assessing a woman's risk for developing cancer which will give her a vital head start on prevention and treatment planning.

Until additional methods are finalized, women are still best served by monthly breast exams, bi-annual gynecological exams, and annual mammograms. These preventative steps save lives. Mammograms must continue to be a major focus of our legislative action on breast cancer.

There are two pieces of legislation before Congress that will go a long way towards minimizing the fatality rates of the most common form of cancer in women. In May, Senator FEINSTEIN and I, along with the gentlewoman from New York (Mrs. KELLY) introduced H.R. 1809, the Cancer Screening Coverage Act, that ensures that Americans will be covered for breast, prostate, and cervical screening. It would require Federal and private health plans to inform members about and provide coverage for cancer screening. Mammograms and clinical breast examinations would be expressly covered under this bill.

In the 105th Congress, along with the woman's caucus and support from many of my colleagues, I was successful in getting enacted the Breast Cancer Early Detection Act of 1997 which provides for coverage of an annual screening mammogram under part B of the Medicare program for women age 65 and older.

To ensure the continuation of this successful program, which has saved countless lives, we need to update the Medicare payment rate so that mammography centers can stay open. In my city of New York, screening centers have had to close because they could not afford to stay open. They were losing too much money. The reimbursement rates were too low. We must increase the Medicare reimbursement rate for both diagnostic and screening mammography, and that is what the Assure Access to Mammography Act of 2001 will do, which the gentleman from New York (Mr. KING) has introduced and which I am cosponsoring with him.

We must renew our commitment to providing this life-saving technology. The inclusion of mammography coverage by Medicare was a hard-won landmark provision that must be preserved. HHS' center for Medicare and Medicaid have recently proposed cuts in funding for diagnostic mammograms, mammograms for women who have been diagnosed with or are fighting cancer, breast cancer.

Any proposal to cut back treatment for women who need it most is unconscionable and must not stand. We must maintain the Medicare reimbursement rates. This is especially important since Medicare serves as a benchmark for private health plans. What we cut in the public sector is likely to be mirrored in the private sector.

Mr. Speaker, we have come so far in the fight against breast cancer, and this is no time to turn back. I thank the co-chairs of the Women's Caucus for arranging this special order, and I will continue working with them for breast cancer treatment funding research.

Mrs. CAPITO. Mr. Speaker, I certainly appreciate all of the gentlewoman's hard work, many years of hard work. It is an inspiration to all of us.

I would now like to yield to my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the Women's Caucus and all of the sponsors of this special order for taking the time.

I wanted to just briefly reflect on what the advances that we have made in breast cancer have meant to our family. My older sister, Alice, has just been through all of this. She will kill me for saying she is older, but she is just a tad older than I am. I look older. She went through the screening. She learned she had a lump. She had the surgery. She had the chemo. She had the radiation, lost all of her hair but never lost her courage, never lost her character, never lost her love of life; and she has come through it remarkably well. So well that she is now pursuing an advanced degree and living as active and rich and full a life as ever she has.

Had it not been for the money that we have sunk into research in so many ways, I do not think that my sister, Alice, would be with us at this time; and on behalf of her family and my family and our whole clan, I wanted to express our gratitude to researchers and the doctors and recommit myself to continuing to support whatever is necessary in terms of financial resources to continue that research so that not only may our family enjoy the blessings of a cure for breast cancer but millions of others may as well.

Mrs. CAPITO. Mr. Speaker, I certainly appreciate the gentleman coming this evening, and I think it is just another example of how breast cancer reaches all lives, males and females, every family; and I certainly wish the gentleman's sister the best.

In order of appearance, I would like to yield to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentlewoman for yielding.

I would like to thank the co-chair of the Women's Caucus, my good friend, the gentlewoman from California (Ms. MILLENDER-MCDONALD), for all the work that we do in the Women's Caucus. It is a difficult task leading a caucus, and I want to commend her on the work that we do as we celebrate Breast Cancer Awareness Month.

I dedicate my comments this evening to four living women who have survived breast cancer: Gwen Chapman, Bobbi Butts, Jacqui Royster, and Marion Brown, and to one who did not survive breast cancer, in memory of Debbie Smith.

Let me tell my colleagues a little bit about Debbie Smith. She and I were assistant prosecutors together; and we shared an office. And the sign outside the office said Smith and Jones, and no one ever believed that it was the truth that our names were Smith and Jones. I dedicate my words this evening on behalf of all of these strong and dedicated women.

I can only think of the great times I have had when we have done the Race for the Cure. It was a shame that this year unfortunately, as a result of the acts of September 11, that the Race for the Cure was cancelled in my city, the city of Cleveland. I was able for the past 3 years to sponsor a group of young women called Teen Lift. I am a member of Delta Sigma Theta Sorority, Inc., and part of the responsibility in being part of Teen Lift was to do a community awareness week or activity. And one of the activities was I used to pay the registration, give them T-shirts; and we would do the Race for the Cure each year.

I also want to talk about the numerous groups in my city who are involved in breast cancer. There is one organization dedicated specifically to minority women, to bring the awareness about breast cancer to the attention of many, many people.

I am also proud to be able to stand up and say that 2 weeks ago I had my mammogram. I had been messing around, not doing it, telling everybody get a mammogram, and I was not doing it myself. So I am very proud to be able to say that I took care of that a couple of weeks ago.

Finally, I would like to also talk about one other issue as we are talking about Breast Cancer Awareness Month. I have legislation pending with regard to uterine fibroid cancer research, another illness that is prevalent among women, but particularly among minority women. It is the highest cause of hysterectomies among women across this country. We need to kick up the information to women about uterine fibroid research and the dilemma it causes women, so women will know about it and less women will have to have hysterectomies.

Again, I am proud and happy that we have the opportunity to celebrate Breast Cancer Awareness Month, and I will be even prouder at the point that we do not have to celebrate it because we will have found a cure.

Mrs. CAPITO. Mr. Speaker, I would like to yield time to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentlewoman from West Virginia (Mrs. CAPITO) and the gentlewoman from California (Mrs. MILLENDER-MCDONALD) for sponsoring tonight's hour; and Mr. Speaker, I am pleased to join my colleagues on the House floor this evening to recognize National Breast Cancer Awareness Month.

My name is Lynn and I am the daughter of Ginger, who died of breast cancer at the age of 62. Ginger is the daughter of Myrtle, who died of breast cancer at the age of 63. I have outlived them both, luckily. We are in a new time, a new life. I live a healthier existence than they did. I am much more careful, and certainly I have mammograms. Life is different now but families just like mine in succession continue to die of breast cancer.

In 1995 the Northern California Cancer Center announced that women living in Marin County, one of the two counties that I am very privileged to represent, have a one in five lifetime risk of developing breast cancer.

□ 1830

That is the highest in the Nation. This is one of the most affluent areas in the country. So we cannot assume breast cancer is in poor areas. Breast cancer is in every area.

This alarming statistic prompted the formation of the Marin Breast Cancer Watch. This group has been an incredible resource for women and their families in my district as they cope with the realities of our high breast cancer rate. Sadly, though, last spring, the founder of Marin Breast Cancer Watch, Francine Levien, lost her battle to breast cancer. Francine's activism, dedication and friendship brightened the lives of many, many women. While Francine has left us, her spirit and determination have not. It is because of all the Francines across this country that today we share their message and we recognize the hard work that must happen if we are to actually find a cure for this awful disease.

As in Marin County, an alarming number of women are dying from breast cancer across the Nation every year. Equally alarming is that we do not know exactly why. As the number of women diagnosed with breast cancer quickly rises, it is imperative that we learn what causes this disease and we take decisive action so that we can prevent it. Only by understanding where, how and why breast cancer occurs can we develop effective strategies to eradicate it.

We all know that this will take funding beyond what we have already committed, but we cannot rest until the one in seven national statistic is a thing of the past. A growing body of evidence suggests that exposure to toxic chemicals may accelerate the spread of breast cancer. Some suggest this may contribute to the disproportionately high occurrence of breast cancer among women in regions like the San Francisco Bay area. Marin Breast Cancer Watch has led education campaigns within our community in an effort to increase awareness of the relationship between breast cancer and the exposure to outside factors, like toxic chemicals. Because information is power, I have worked hard with appropriators to secure funding over the past several years to help study and document this link.

Mr. Speaker, only by exploring every single angle, especially environmental risk factors, will we be able to conquer breast cancer. As we search for the cause and the cure, we must also strengthen our commitment to treatment options and increase access to cancer care, prevention, and awareness programs. The media often reports conflicting stories about what are appropriate and safe treatment options. However, breast cancer patients have a right to make up their own minds on the type of treatment that they want. We must give them the tools they need to make informed choices about their health care options.

Women are looking for hope, for progress, for answers. Breast cancer is beyond scary. Let us not make it more frightening by keeping women in the dark about each and every treatment option that is available to them. That is why I urge this Congress to truly support women's health coverage by calling for a vote on important legislation like the Breast Cancer Patient Protection Act and the Mammogram Availability Act.

Mr. Speaker, mothers, daughters, sisters, aunts, coworkers, friends, our nieces are looking to this Congress to lead the fight against the greatest battle they may ever face.

Mrs. CAPITO. Mr. Speaker, quickly, because I know we are running out of time, I want to yield to my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the gentlewoman for her leadership, but let me spend a moment thanking the co-chair of the Women's Caucus, the gentlewoman from California (Ms. MILLENDER-MCDONALD), for her vision. She has constantly led us with an enormous vision to be able to reach out and speak on behalf of women who cannot speak for themselves, and I thank her very much.

In this time, Mr. Speaker, let me indicate this could not be a more important topic for us to honor, Breast Cancer Awareness Month, and clearly I want to express my appreciation and give tribute to the Sisters Network, an organization founded in my community, but as well a national organization that deals and emphasizes the need to provide information to African American women who have breast cancer.

Clearly, breast cancer is deadly. The cause and cures are still unknown, but there is hope. Today, during Breast Cancer Awareness Month, I am here to say that prevention is the key against breast cancer. During 2001, an estimated 192,000 new cases of breast cancer are expected to occur among women in the United States. It can happen to any woman, including me or my daughter.

From 1995 to 1998, death from breast cancer fell 3.4 percent. However, the number of new breast cancer cases rose 1.2 percent per year from 1992 to 1998. It all involves the history of one's family. Mammography and early detection have helped to raise incidence rates, but we need to do more.

A new study in the July 18 issue of the Journal of the National Cancer Institute finds that an imaging technology called MRI, or magnetic resonance imaging, may be more effective than a mammogram in detecting breast cancer. In this new study, a group of 179 women with a strong family history of cancer underwent a mammogram and an MRI. The MRI detected 13 cancers, seven of which had not been detected on mammography. So I would simply argue that we have a lot of work to do. We clearly have come a long way, but I believe the imaging process is something that we need to utilize in order to ensure that we save more lives.

I am wearing a pink ribbon today, and I wear it simply to say to all the women who may be listening, to my colleagues who have come to the floor, that our simple message is that we want to save lives. The more we can give information to those women, the more we can implore the survivors who I meet every single day, those women who have fought and have survived breast cancer that are now out there telling their sisters that they can save a life by getting an early examination, making sure to get regular examinations, and making sure to respond to what their doctors say, the more likely we are to win this battle.

We can win this battle by information and sisterhood, and I believe today we have shown that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, breast cancer is hard to ignore and has touched the lives of millions of American women and their family and friends. Every three minutes a woman in the United states learns she has breast cancer. It is the most common form of cancer among American women—next to skin cancers, and is second only to lung cancer in cancer deaths in women. Almost everyone knows at least one person who has been treated for it.

Women with a strong family history of breast cancer need frequent, careful monitoring to detect early signs of breast cancer. New drugs, new treatment regiments, and better diagnostic techniques have improved the outlook for many, and are responsible for breast cancer death rates going down.

Mammography has traditionally played a significant role in detecting breast cancer, but better technology is now available.

MRI can better penetrate the breast tissue to find tiny abnormalities, many of which are in the very early stages. MRI can also clarify a questionable mammogram.

Another study by the National Cancer Institute (NCI) and the American College of Radiology Imaging Network (ACRIN) involving 49,500 women in the United States and Canada, compares digital mammography to standard film mammography to determine how this new technique compares to the traditional method of screening for breast cancer. Digital mammography has the potential to provide better detection of early breast cancer.

Digital mammography uses computers and specially designed detectors to produce a digital image of the breast that can be displayed on high-resolution monitors. One possible advantage of digital mammography, she said, is that it may be more effective in detecting cancers in women with dense breasts because it has improved contrast resolution.

Although the equipment for digital costs more than film mammography, there may be fewer callbacks or additional office visits with the new technique and this would save money as well as lessen patients' concerns.

Other techniques for detecting breast cancer are a clinical breast exam, an ultrasound, and CT scanning.

Most professional medical organizations recommend that a woman have periodic breast exams by a doctor or nurse along with getting regular screening mammograms. A breast exam by a doctor or nurse can find some cancers missed by mammography, even very small ones. Currently, mammography and breast exams by the doctor or nurse are the most common and useful techniques for finding breast cancer early.

Ultrasound works by sending high-frequency sound waves into the breast. Ultrasound, which is painless and harmless, can distinguish between tumors that are solid and cysts, which are filled with fluid.

CT scanning uses a computer to organize information from multiple x-ray, cross-sectional views of a body's organ or area. CT can separate overlapping structures precisely and is sometimes helpful in locating breast abnormalities that are difficult to pinpoint with mammography or ultrasound.

Mr. Speaker, early detection is the key to preventing breast cancer. While death rates from breast cancer are falling, and while there are a number of exciting new strategies being developed, a lot more still needs to be done. We need to consider new technology, as well as reinforce traditional detection techniques, as part of our commitment to beating this deadly disease.

Mrs. CAPITO. Mr. Speaker, I wish to thank my colleagues for joining me, and especially thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership.

I would like to say briefly that everyone's passion is personal. My personal passion is the mother-in-law I never had, who died from breast cancer at a very early age. My children never met their grandmother or their great grandmother or their aunt. So we have to find a cure for this horrible disease.

Ms. MILLENDER-McDONALD. Mr. Speaker, I want to thank the gentlewoman from West Virginia for her leadership as well. She is one of our new Members and she has done extraordinarily well tonight on the floor, and I wish to thank her.

Ms. WATSON of California. Mr. Speaker, Breast Cancer is at an epidemic level and will affect more than 100,000 women in the next five years. I have followed the development of information on this issue and I have carried legislation providing screenings, testing, mammograms and treatment for women, particularly poor women. I have found that women of color are less informed and are likely to receive treatment too late. As a result, when cancer is detected, it is often too late!

We need to provide free Breast Cancer screenings, mammograms, adequate treatment and posthesis for poor and underprivileged women. I firmly believe that outreach programs are necessary to disseminate important information and are essential in protecting the lives of our loved ones!

Mr. GILMAN. Mr. Speaker, I rise today to inform our constituents, men and women, that October is National Breast Cancer Awareness Month. Since the early 1970s, the incidence of breast cancer has increased 1.5 percent per year and has only recently shown signs of leveling off. An estimated 192,200 new invasive cases of breast cancer are expected to occur among women in the United States this year. And an estimated 40,200 women will die from breast cancer. In fact, Rockland County in my Congressional District was recently determined to have the highest incidence of breast cancer in the entire Nation. This is a distinction I would prefer that my district did not have.

The most important message we can send to the women of our Nation is that early detection is key to beating breast cancer. Early detection increases one's chances of survival and there are a number of ways to screen for breast cancer. Women aged 20 and older should perform monthly breast self-examinations, women aged 20–40 should have clinical breast exams done at least every 3 years and women over 40 should have clinical breast exams and mammograms performed annually.

Breast cancer in men is rare, but it does happen. In 2001, it is estimated that 1,500 men will be diagnosed with breast cancer, and 400 will die from it. The survival rate of men and women is comparable by stage of disease at the time of diagnosis. However, men are usually diagnosed at a later stage, because they are less likely to report any symptoms. Treatment of breast cancer is the same as treatment for women patients and usually includes a combination of surgery, radiation, chemotherapy, and/or hormone therapy.

The causes of breast cancer are not fully known. However, health and medical researchers have identified a number of factors that increase a woman's chances of getting breast cancer. Risk factors are not necessarily causes of breast cancer, but are associated with an increased risk of getting breast cancer. Importantly, some women have many risk factors but never get breast cancer, and some women have few or no risk factors but do get the disease. Being a woman is the number one risk factor for breast cancer. For this reason, it is important to perform regular breast self-exams, have clinical breast exams, and have routine mammograms in order to detect any problems at an early stage.

While many risk factors such as getting older, having a mother, daughter, or sister who has had breast cancer, having the mutated breast cancer genes BRCA1 or BRCA2 or having had breast cancer are not controllable, many factors are. These include: having more than one drink of alcohol per day, taking birth control pills for 5 years or longer, not getting regular exercise, currently or recently using some forms of hormone replacement therapy (HRT) for 10 years or longer, being overweight or gaining weight as an adult or being exposed to large amounts of radiation.

Bear in mind, that even if you feel perfectly healthy now, just being a woman and getting older puts you at risk for breast cancer. However, getting checked regularly can put your mind at ease. And finding cancer early could save your life. That's why National Breast Cancer Awareness Month is a significant endeavor.

HOMELAND SECURITY SHOULD BE PRIMARY CONCERN OF CONGRESS

The SPEAKER pro tempore (Mr. FORBES). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I am here tonight with some of my Democratic colleagues because of my concern, and all of our concern, that the Republican leadership was determined today to ram through what they call an economic stimulus package, which in my opinion is not an economic stimulus package at all but an effort to try to provide tax breaks for corporations, special interests, and wealthy Americans who donate to the Republican campaigns. I feel very strongly, and this is not just based on the fact that I am a Democrat, but what I hear when I go back and what is common sense, I feel very strongly that the main priority that should be addressed here in the House of Representatives and which is not being addressed is the issue of homeland security, particularly when it comes to aviation security and our airports.

If my colleagues noticed today, as much as the Republicans were determined to push through this so-called economic stimulus package, which does not accomplish anything and will never pass, by the way, it passed, I think the vote was maybe 216 or 215 to 213, which shows there was tremendous opposition to this package. And it will never pass in the Senate; yet the Republican leadership refuses to take up a very good Senate bill that passed in the other body 100 to zero, unanimously, that deals directly with the issue of security at our airports and addresses the concerns that so many of my constituents bring up to me when I go home.

Let me just say I had a town meeting Sunday night in South River, which is one of the towns that I represent in the State of New Jersey, and no one mentioned the issue of an economic stimulus package. Now, that is not to say that there is not a problem with the economy and we do not need to address that; but all my constituents at that meeting and at most of the other forums I have had at home want to talk about their security concerns, and a big part of that is airports.

They come to the town meeting and they say, Congressman Pallone, what is going on at the airports? Some of them actually have been to an airport, to Newark Airport, which is not very far from my district, and talk about the inconsistency in the security precautions that are there, the fact that baggage is not looked at. They go into the airport, they check their baggage and most of that baggage is not searched or looked at electronically in an effective way. They continue to be concerned about the fact that we are not federalizing the security workforce.

If we look at the Senate bill, what it does is addresses all these things. It addresses the issue of checking baggage. It says we will have a federalized workforce so that we know that people are qualified and being paid well and are trained properly to use the screening devices at the airport.

I have people coming to my town meetings who bring devices, one person had a cigarette lighter that disguised a pocketknife underneath, that passed through the screening device. Another one had a little device that looked like a computer that had a knife in it that passed through the screening device. We need to address these issues, and the Republican leadership is not addressing it. Instead, they bring up tax breaks for their wealthy friends and for corporate interests.

This is not what the American people are asking us for; and for the life of me I do not know why we are wasting our time here addressing or trying to deal with this legislation that does nothing and goes nowhere when we have a very good bill that could be taken up from the other body, passed, and which deals effectively with the aviation security issue.

I have a number of my colleagues here tonight that want to talk about this, and I would like to yield now to my colleague, the gentleman from New Jersey (Mr. PASCRELL), who is on the Committee on Transportation and Infrastructure, who has dealt with these issues of aviation security for a long time; and I would like to now yield to him.

Mr. PASCRELL. I thank the gentleman for yielding. Ten days after the tragic events of September 11, we were here on this House floor approving $15 billion for the airline industry. Most of us supported the package because it was necessary to keep the airlines and their employees afloat to, as we said on that very moment when we passed the legislation, to stabilize the industry.

Unfortunately, the attacks on America and their aftermath have weakened aviation traffic, have had a negative effect on the airlines overall and on their financial performance. Even with that funding, the industry is seeing tremendous losses. So stabilization was the plan, but it means very little if people are not going to fly. And the reason why they are not flying is that they do not have confidence in their safety. They do not have confidence in the system that exists which permitted what happened.

To get people flying again, we need to restore public confidence in aviation, and I think that is very critical.

□ 1845

Congress needs to act yesterday. The Democratic plan contains many elements which can give the American people confidence in our ability to secure travel throughout this great Nation. Security screening is at the foundation of fixing the gaping holes in aviation security. In America, people agree with our view that this responsibility is inherently governmental. There is nothing new with our plan. People such as the gentleman from Minnesota (Mr. OBERSTAR) have been advocating this for many years, long before September 11.

In June 2000, the GAO told Congress that "Aviation security screeners are the key line of defense against the introduction of dangerous items into the aviation system. All passengers and anyone else who seeks to enter secure areas at the Nation's airports must pass through screening checkpoints and be cleared by screeners." This is what the GAO said in June of 2000.

Of course our key line of defense employees are currently paid $6 an hour. Below that are the airport fast food restaurants. There are no benefits. They are treated like a redundant item. They are treated with no recognition whatsoever. They get very little training.

I asked at an aviation security hearing just a few weeks ago an airport association representative who was before us if police records are checked of the individuals that are hired. He paused, looked around, and then answered "On certain crimes." On certain crimes. Airports and the airlines are responsible right now. They contract this work out. What does this mean, on certain crimes. Why not all crimes? Why not give folks good training? Why not pay them a decent salary? Why not give them benefits? We are in the 21st century.

Well, the basic outfit that hires most of these people or many of them, Argenbright, they have been placed on a 36-month probation in order to pay a $1 million fine, $350,000 in restitution, $200,000 in investigatory costs for failure to conduct background checks on employees staffing security checkpoints. This is unacceptable, and yet there are Members in this House who want to continue the same system.

Currently the turnover rate of screeners is 126 percent. How can a Member stand on this floor to protect this system? At some airports it is as high as 400 percent in turnover, and the very people that the GAO says are the very basis of security at the airports. We need to pay what is needed for highly qualified employees. The Atlanta Airport from 1998 to 1999, 275 percent turnover. Boston Logan, 207 percent turnover. Houston, 237 percent turnover. 416 percent at the St. Louis Airport. This is unacceptable. People's lives are at stake, and yet Members are defending the very system that was rejected by the GAO over a year ago.

Congress has Capitol police officers screening baggage entering the Capitol and its office buildings. To enter this building, we did not contract out our security. We did not go to a private vendor. We went to the police that guard us in these buildings every day. The American public demands the same high standards and qualified individuals.

Some of our friends from across the aisle will tell us to look to the European model. All of a sudden they are interested in the European model.

It is true that they do use private contractors for screening baggage. Besides the differences in size and scope, Europe also ensures every worker gets a living wage. They do not want to talk about that, something my friends, many of which on the other side of the aisle do not advocate, a living wage. In the 21st century we debate this?

European governments do not only require security regulations, they require the living salaries and benefits packages to keep screeners in their jobs so there are not those kinds of turnovers that exist in the United States of America. European wage regulations, socialized health care, labor contracts and tax structures do not translate to the United States of America.

In the United States we must take the profit motive away from this task as the bottom line will not suffice. The private sector had their chance, and they were not effective. They blew it. Who is Argenbright Holdings, Incorporated? Who are they? How did they get to the point that they control the security in our airports and folks going onto the line and the baggage that goes onto those planes. At this very moment throughout the United States not every piece of baggage is even being checked that goes on that airline.

They say well, Congressman, you are not helping people to be confident. No, we tell the truth to people and that is what makes them feel confident when they know there is a change. We cannot allow the political zealots of opposing any increase in the Federal workforce as an excuse to dictate our security policy. I urge my colleagues, this issue is too important, Mr. Speaker, to play politics with people's lives. Lives have been lost, and lives are at stake. I very strongly believe that we need to change the system and we need to federalize it and we need to have control over it. That should have been done yesterday.

Mr. PALLONE. Mr. Speaker, I thank my colleague from New Jersey because I know that he speaks the truth.

Our point this evening is that there already is legislation that passed the other body that very effectively deals with the aviation security issue. Rather than bring that up and pass it and send it on to the President, we have the Republican leadership which controls what goes on in the House of Representatives, bringing up an economic stimulus package, and Democrats have an economic stimulus package, too, and some of my colleagues here are going to discuss that, but the Republican leadership knew that this bill would go nowhere. They knew that this bill was overwhelmingly opposed by the Democrats and some of the Republicans and that the other body would never consider it, and they are wasting our time instead of bringing up a very important aviation security bill.

I yield to the gentleman from Maryland.

Mr. WYNN. Mr. Speaker, I applaud the gentleman for his leadership on this issue.

The question is quite simple. Why have we not passed an airline security bill? Why have we not passed an airline security bill?

After the events of September 11, we were very quick to rush in with a $15 billion bailout for the airlines because they needed to reassure people. They needed to keep flying. We need our airline industry. We did that.

Then we came back with another $40 billion to help repair our torn city of New York and the Pentagon. That was fine.

Today we came in with the real blockbuster, over $100 billion in so-called stimulus, basically giving tax breaks to special interests and the very rich. For example, 86 percent of the benefits of the stimulus package went to the very rich. We gave $20 billion in tax breaks to corporations by repealing the alternative minimum tax. They got a retroactive tax break of $20 billion. We also gave $20 billion in tax benefits for overseas corporations for financial services companies. What is that all about?

My point is we have given away large sums of money in the form of tax breaks in the name of stimulus to our big corporations. They have been at the trough, but we still have not dealt with the question of airline security. We are actually working at cross purposes. We are trying to stimulate the economy while people are still fearful. Why are they fearful? Because the American public knows that we have not addressed the fundamental question of making sure that they are safe and secure when they fly on our Nation's airlines.

We have not addressed the problem that the people who check baggage, who have the most important job of ensuring that destructive devices are not brought on airlines are underpaid, undertrained and ill-equipped. We have not addressed the fundamental problem that this is not a Federal security force, but rather a private sector force that is basically predicated on the bottom line, paying the least to cover airline security.

That is a travesty. What do the polls say that the traveling public is insecure? The polls say that the traveling public is insecure because they see inconsistencies. We see effective checkout in one airport, significantly less effective checkout in another airport. Effective checkout going, but not coming. They recognize this insecurity for what it is. The fact that we do not have uniform standards and we do not have a federalized workforce. As has been pointed out, the other body across the hall has passed a bill by 100 to nothing. There is no dissent.

Mr. Speaker, why can we not pass this bill? Because a few Members within the Republican majority feel we should not federalize the workforce? Why not? I would not speculate on their motives but it appears that there is a concern that they will become unionized and there will be more Federal employees and a larger Federal workforce. Is that so bad? I think not.

But the real question which ought to be asked is will a well-trained Federal workforce make our airways safer; and I think the undeniable answer is, yes.

On the one hand we have a stimulus package giving away major tax breaks to those who are very wealthy, but we have not yet addressed the question of the hour: Why have we not yet passed an airline security bill?

I hope that we will take this matter up this week, address the Nation's business where it counts, make our airways more secure and get people back to flying and traveling and enjoying our restaurants and amusement facilities. That will stimulate our economy.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from Maryland.

Mr. Speaker, it is over 40 days since the tragic events on September 11, and yet this Republican leadership in the House is still blocking legislation dealing with aviation security. 40 days later, it is unbelievable. When I go home and have my town meetings and I have to admit that to my constituents, it makes them lose faith in the system.

Mr. Speaker, I yield now to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I will not say a lot about the package that passed today. I think it stands for itself. Maybe it does not stand, it just sort of crawls up and falls over for what it was. But I do want to say before I start talking about homeland security and economic security, there is another issue that is coming. The leadership is holding that one up, too, and that is a piece dealing with school construction for children. That issue is still out there. Children are still coming to school. They will still need those buildings next year.

□ 1900

We act as though that is not an issue. I think the leadership of this body, the Republican leadership, has got to decide, that is a part of homeland security as much as economic security and military defense; and we have got to deal with it.

But tonight I want to talk about the issue of homeland and economic security, because September 11, as we have already said this evening, is going to be remembered forever as a day when evil in its worst sense visited our great Nation as never before; and we saw hijacked airliners that were transformed into missiles. They slammed into the Pentagon, into the World Trade Center, and one of them into the fields in western Pennsylvania.

Most of us know that that one also probably was headed to Washington, D.C. causing enormous and potentially unthinkable loss of life and did to this Nation's psyche something that has never happened before in America. The impact of the attacks on our economy, which was already slowing down, had a significant impact and is now really just coming to light. Nationally, initial reports indicate that the airlines; and we have talked about them this evening, have lost at least $3 billion.

Earlier this week, I was at Raleigh-Durham Airport, really in the district of the gentleman from North Carolina (Mr. PRICE), used to be in the edge of mine, visiting with colleagues there. I think people here need to know and check with their own airlines and see what happened as we look across America, because it is more than the airlines.

Let me just give you a for-instance. Right after September 11, Raleigh-Durham, which is a major regional airport in this country, had a 50 percent drop in airline traffic. Midway Airlines, a major sited airport in Raleigh, shut down. The ripple effect had tremendous magnitudes in a widespread area. As an example, parking lots saw a 26 percent decline. You say, what is that? That is no big deal. Yes, it is. You have to pay off the bonds that people have bought and paid for, the money that they invested, they have to be paid off. Taxi drivers saw a decrease in passengers of 40 percent. That has a significant impact on their family and the ripple effect in the broader economy. Those are just a few examples of what is happening all across America.

Let me get to the real point. I wanted to lay that out as the economic piece that can be multiplied many times, but beyond those specific numbers, there are vendors, retailers, travel agents, any number of people that saw a significant impact in their business.

Some early figures from October look a little more promising, but we still have a significant problem in the travel interests. Yet the single most effective action that we can take to bolster airline security, as my colleagues have already shared and the gentleman has alluded to earlier, is that we need to restore the confidence of the American consumer, that, number one, airplanes are safe, that airport security is secure and safe for them to travel and all the baggage has been checked and we have a way to jump-start our economy. Most folks do not realize that the airline industry represents about 10 percent of the gross domestic product in this country; and if you take the ripple effect, it is even more.

One month after the attacks, the United States Senate, as has already been indicated tonight, approved the Aviation Security Act by a vote of 100–0. I would ask my colleagues to look in the books and see how many times the Senate has voted 100–0 on any major piece of legislation. They will probably have to look a long time. That is an indication of their commitment, Democrats, Republicans, liberals and conservatives, moderates and whatever you want, they understand the issue, they get it. They understand that to get the airlines flying and filling those planes again, people have to feel comfortable and safe. Their bill calls for a Federal force of about 28,000 passenger and baggage screeners and armed security guards at checkpoints throughout the airports. It includes many of the measures that President Bush had proposed, including more plainclothes sky marshals on commercial flights and the strengthening of cockpit doors. The Airport Security Act represents precisely the type of action that Congress should be taking in the wake of the September 11 disaster. But the House leadership, the Republican leadership, has failed to take this action and bring it to the floor.

I wonder why they will not bring it to the floor. Because they know it will pass. If you do not think it will pass, bring it to the floor and let us see. I will guarantee you it will pass. The American people know that. That failure must not stand. We have to get it on the floor.

While security at our Nation's airports has improved some since September 11, there is no doubt that we have a long ways to go; and we all know that. Despite a major push to make air travel safer, airline passengers are subject to inconsistent levels of scrutiny from airport to airport and in some places from airline to airline within the same airport.

Why is that so? Because the airlines are doing the security. I will not go through the details like my colleague from New Jersey did because he has laid it out very well and I do not think it needs to be repeated, but the traveling public has a right to expect when they buy a ticket that they have a 100 percent screening standard and consistency and it is 100 percent effective on every passenger, on every piece of luggage and everything that goes on that airline. The airline in turn would pick up the tab. They are doing it now. But dadburn it, it makes no sense to stammer and stutter and argue. We would not do it if we were running an athletic team, we do not do it in this building, and no business in their right mind would do it if it affects the bottom line.

My Democratic colleagues in the House have introduced an airport security bill which would fully federalize baggage screening within 1 year. That ought to be a part of it. And every bag ought to be screened fully one way or another. We have the technology.

Congress absolutely must pass this legislation without further delay. Six weeks since the September 11 tragedy is too long. Congress can act when they want to act. The leadership can bring any bill they want to bring to the floor. They have done it any number of times since I have been here without it even going through committee. I do not ascribe to that philosophy, but this is one that ought to be on the floor of the United States Congress. And we ought to pass it quickly so that people are not afraid to fly. They will get back in the planes and get the country's business going. We are approaching the holiday season, the biggest travel season of the year; and we ought to get it passed in the next few days.

I call on the leadership on the Republican side to bring this bill to the floor. I thank my colleague for bringing this issue to the floor tonight. I thank him for allowing me time to speak.

Mr. PALLONE. I want to thank my colleague from North Carolina. I think he basically laid out the problem we face here with the Republican leadership. I just want to say before I yield to my other colleague from North Carolina that I am not suggesting here that we do not need an economic stimulus package. What I am suggesting is that the Republican leadership knew that the package that they were bringing to the floor was not bipartisan, essentially could not get the support of any, or almost any Democrats and barely passed and the votes tonight proved it. It only passed by about four or five votes. They know it is not going to pass the other body, the Senate, and so they are just wasting time that could be spent bringing up the aviation security bill or alternatively coming up with a bipartisan economic stimulus package that we could support and that the other body would pass and that the President could support.

So either way, we are wasting our time here today. Either bring up a good economic stimulus package or bring up the airline security bill. They have chosen to do neither, wasting our time and making it even more difficult, I think, to get anything accomplished at a time when Americans want us to address these really serious problems.

Mr. Speaker, I yield to my other colleague from North Carolina, who is on the economic task force and has been basically addressing these economic issues and I know would easily be able to help put together a bipartisan package that would actually stimulate the economy and help displaced workers and the people who are unemployed because of what happened on September 11 and who do not have health insurance and other benefits. I yield to the gentleman.

Mr. PRICE of North Carolina. Mr. Speaker, I want to thank my colleague from New Jersey for calling this special order tonight and for his stressing so effectively the issue that confronts us. We have an airline and airport security measure that is languishing, that our Republican friends will not bring to the floor. Today, we saw on the House floor the rebirth of a kind of hard-edged partisanship that we hoped we had gone beyond as this so-called economic stimulus package was rammed through and the airline and airport security bill still languishes. I am proud to join the gentleman from North Carolina (Mr. ETHERIDGE) and other colleagues tonight in pointing out the importance of that airline and airport security issue.

What I would like to do for a few minutes here is to look at that economic security matter and to ask, what principles should guide us as we assemble an economic recovery, an economic security program. I want to suggest three principles, and I think the Republican bill which was rammed through by one vote here today failed badly on all three tests.

First of all, an economic recovery, economic stimulus bill ought to address the needs of those who are directly affected by the loss of their jobs. Surely we should not have to argue that point. Our Republican friends left workers out of the airline bailout package that was passed a few weeks ago; and in the bill they passed today, they are giving only token assistance to these workers. The Republican Ways and Means bill provides only about $2 billion in benefits for unemployed workers in the year 2002 while providing $70 billion in tax breaks for corporations in that same year, a ratio of $2 billion to $70 billion. The Democratic substitute provided and paid for a 1-year extension of unemployment benefits and a 1-year program to help laid-off workers continue their health benefits through the COBRA program. It directly addresses the most immediate needs of those who have lost their jobs.

Secondly, any bill worth its salt ought to actually stimulate the economy. Eighty-six percent of the Republicans' so-called stimulus bill goes to tax cuts for corporations and the very wealthiest Americans. Republicans have wanted this for a long, long time. We know that. But we also know that it has little to do with the economic situation that we face post-September 11.

Here is what the Republican bill does, just a brief overview. There is a permanent repeal of the corporate alternative minimum tax. This includes a provision that requires the Treasury to send immediately over $20 billion in retroactive refund checks to companies who paid minimum tax all the way back to 1986. This 15-year refund of corporate minimum tax would provide $3.33 billion to just seven of America's largest corporations. The Republican bill also provided $20 billion in tax benefits for the overseas operations of financial services companies, essentially rewarding corporations for not investing in the United States economy. Tell me what that has to do with an economic stimulus.

And then the Republican bill makes a permanent reduction in capital gains taxes. Seventy-two percent of the benefit of that reduction would be enjoyed by the wealthiest 2 percent of individuals. By contrast, the Democratic plan would provide tax rebates to people who pay Federal payroll taxes but limited income taxes. This would remedy an inequity in the tax bill passed earlier this year, and it would have maximum stimulative effect since these people need the money and will spend it on the necessities of life.

The Democratic plan offers business tax relief, but it is tax relief that is temporary and is targeted to firms that, with encouragement, will overcome losses and make investments to stay in business and provide jobs. That is the point of the Democratic provisions on the carry-back of net operating losses, the waiver of alternative minimum tax limitations on loss carry-overs, and the doubling of permitted section 179 expensing.

The Democratic plan also contains economic development and infrastructure funding, targeted toward meeting our immediate security needs, including security at airports and other transportation facilities and in the process boosting the economy.

The third principle. An economic stimulus bill worthy of passage should stay focused and should stay fiscally responsible. The Republican bill enacts a wish list of permanent tax cuts, many of which will not kick in until 2003 and most of which will have a limited stimulative effect. And the Republican bill is not paid for.

The Democratic plan, by contrast, again, is focused on stimulus, security and relief, it is temporary, and it is paid for. The Democratic plan provides an immediate stimulus of about $125 billion, and its net cost over a 10-year period is something like $80 billion. This is paid for, not by a tax increase but by freezing the projected further reduction of the top income tax rate paid by fewer than 1 percent of Americans. These taxpayers, with taxable family incomes of at least $300,000, would not lose the 1 percentage point in tax reduction they have already enjoyed, but they would be asked to forgo further reductions in taxes on whatever income is subject to that top rate.

□ 1915

Keeping our budget balanced in the long run, avoiding spending the Social Security and Medicare surpluses and maintaining a disciplined schedule of debt reduction are essential to our country's long-run economic health, and we must not stimulate the economy in the short run by abandoning fiscal discipline in the long run. The Democratic package keeps these goals in balance. The Republican plan fails the test.

Let me close, Mr. Speaker, by quoting a USA Today editorial about this Republican plan. Here is what was said on the editorial page yesterday: "This is easy to dismiss as politics as usual, but that is the problem. These are times that require everyone, especially political leaders, to put aside petty self-interests and everyday horse trading for the country's good. The House leaders showed an unwillingness to do that with their adamant refusal to consider federalizing the Nation's airport security system, and now they are at it again with their brazen attempt to use the current crisis to please well-heeled special interests."

The plan that passed today by a one-vote margin is the disheartening return, Mr. Speaker, to slash and burn partisanship, and it does fail these three basic tests: it does not address the needs of those most directly affected with the loss of their jobs; it does not effectively stimulate the economy; and it is not focused or fiscally responsible.

I am proud of the Democratic alternative, and I hope that we in this body can keep pushing for the principles that it contains.

Mr. Speaker, I thank the gentleman for yielding.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I want to thank my colleague from North Carolina, and especially I want to make mention of that last editorial the gentleman read, because it is true. Essentially when you are back at home, and you know it, every one of us wants us to work together; and we are very proud of the fact that in the last month or so that Democrats and Republicans worked together and worked with the President. But now we see that all torn up today.

You do not bring a stimulus package to the floor knowing full well that it is idealogically based, with the Republican leadership feeling that tax cuts to the big corporations and to the wealthy are somehow going to stimulate the economy, knowing full well the Democrats will not vote for it.

So I would go beyond that editorial and say not only has the Republican leadership broken the promise of bipartisanship that came out after September 11, but they are not doing anything that will accomplish anything.

The one thing that I get, in addition to my constituents wanting us to work in a bipartisan fashion, is wanting us to work to accomplish something. It is clear that if we do not bring up this aviation security bill that passed the other body, or if we try to ram through an economic stimulus package that will not pass the other body, that we are just playing games, the Republican leadership is playing games, and essentially we are wasting time.

That is the thing I think that is also very tragic. We have real needs here, security needs and economic needs, to get the economy going again. All the Republican leadership is doing is playing games and wasting time. I think that the American public is going to be increasingly outraged by those kinds of tactics.

Mr. Speaker, I yield now to the gentleman from Florida.

Mr. DEUTSCH. Mr. Speaker, I appreciate the gentleman having this Special Order. Let me, because we have had 45 minutes of discussion, at least touch on some of the good things going on, because this Congress has worked extraordinarily well together for many weeks in terms of dealing with the events of September 11.

We joined together that week literally; and in near unanimity, both the House and Senate, Democrat and Republican, acted as Americans to assure that something like this will never happen again. Collectively we gave the President more authority in terms of military action than the previous George Bush, the previous President George Bush, had in the Gulf War. We immediately appropriated $40 billion. Again, to put in perspective what that means, the entire Gulf War was about $42 billion in the special appropriation for that.

We have worked extraordinarily well in many areas, and I can only say there are no words at this point that can praise the President enough in terms of his efforts in combatting what we need to do that I can offer here today, and I have offered at every opportunity.

But let me say that in the area of airline security, the President is on the same side as me and my colleagues here tonight, but he is not on the same side as the Republican leadership; and he has said it both privately and publicly. Apparently, the Republican Speaker of the House is on the same side as my colleagues here tonight, and not on the side of many of his colleagues on the Republican side.

Yet this is more than 6 weeks after the events of September 11, more than 6 weeks, and, literally, airline security in America today, and we do not in a sense want to talk about it, but, as has been pointed out, the truth is a very powerful tool. For many purposes, airline security in America today is the same as it was the morning of September 11.

Unfortunately, I have not been able to fly the usual way I have flown for the last 9 years back and forth from south Florida through National Airport. National Airport still is not open to south Florida, so I have been flying through either BWI or Dulles.

The screeners that screened the plane that hit the Pentagon are still working at Dulles Airport. I have flown 12 times since September 11. I will be flying a 13th time tomorrow. Hopefully, it is not unlucky 13 in any shape, manner or form.

But let me mention that there is still not confidence, and for good reason. I represent a district that stretches from the Palm Beach County line in the north to Key West in the south, an area of this country that many people vacation in. Seventy million people a year in the past have come to the State of Florida. Tourism is a vital part of our economy. In fact, many times I point out there are 435 Members of this body, all of whom claim to represent the nicest district in America. There are only about 10 of us that are able to do it with a straight face. I say that I am one of those. Those who have visited south Florida, from Palm Beach to Key West, know exactly what I am talking about.

Our economy is being adversely affected. It is an incredible statistic that none of us were probably aware of. In Miami-Dade County, over 96 percent, prior to September 11, of the people who stayed in hotels in Miami-Dade County flew there. In Broward County the number is 50 percent. In Palm Beach County it is a little bit less.

Airlines are the lifeblood of our economy, and what we are seeing in that sector of the economy on a daily basis are victims of September 11. Hundreds, in fact thousands, of people, have lost their jobs in south Florida in tourist-related industries. Every one of those stories in the newspapers have written about some, and I have talked to some, and every one of those stories is a human tragedy that is happening right now.

It has been pointed out that when you enter this building you go through a metal detector. When you enter the House office buildings you go through a metal detector. The people screening for those metal detectors are the Capitol Police. We do not put out for bid to the low bidder the people that would screen this building. It is inconceivable that we would do that. It is inconceivable that any community in the United States of America would put out for low bid their police, their fire protection. It is just not conceivable. Effectively, what we are talking about is in fact a law enforcement responsibility. There are many aspects of the legislation that need to be changed.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to thank my friends for yielding time to me. I appreciate the comments that they are making. I want to say that these measures we are going to be proceeding with tomorrow certainly tie in with the arguments the gentlemen are making.

Mr. PALLONE. I yield again to the gentleman from Florida.

Mr. DEUTSCH. Mr. Speaker, our esteemed colleague, the chairman of the Committee on Rules, is also someone I have a great deal of respect for; and I am sure if he was given the opportunity to vote on the Senate-passed bill, I have no doubt he would be supportive of it as well. I urge him and I urge the President of the United States, who has said publicly and privately that he supports the airline security bill, to put pressure on the Republican colleagues in this Chamber to make that bill come up now. It is already too late, more than 6 weeks.

I want to do an anecdotal story about what is going on today. I would like my colleague from New Jersey just to take a look at my Florida driver's license.

This is my ID that I have shown now probably 50 times, including three times when I flew up here this week. If the gentleman could mention the expiration date on that ID?

Mr. PALLONE. It expired on April 1, 1999.

Mr. DEUTSCH. April 1, 1999. Florida, the State of Florida, has an unusual driver's license. You do not get rephotographed. There is a sticker on the back that you can take a look at, which is when you renew it you actually get a sticker that you put on the back, which says expires in 2005. So it is a valid driver's license, but the front of the driver's license where my identification, which I presented over 50 times——

Mr. PALLONE. It says you are a safe driver too.

Mr. DEUTSCH. I hope I still am. What it says on the front of that license is it expires in 1999. I have shown that to approximately 50 people. Not one person has questioned me, and it is not in locations where people know me. Not one person has questioned me; not one person has asked to turn over the driver's license or said anything else. On an anecdotal basis, we understand that there are still issues.

I think people get it. I plead with my Republican colleagues, I plead for them at so many different levels, that without the confidence in the airlines, there was a reason why we chose the airline industry to provide relief to. There are other issues that we can deal with, but there was a reason why there was an emergency, because it literally is the lifeblood of so many parts of this country and so much of the economy. There are other people that are suffering, and the easiest way to solve that problem is to gain the confidence.

The President keeps talking about going back to normal. Well, we cannot go back to normal until we have the confidence in the system, and we are not going to have the confidence in the system until we pass an airline security bill. It is 6 weeks after, and we have not done it. We have not done it for the worst reasons.

This is what we do not want to come back to in this Congress. We have not done it because my colleagues on the other side of the aisle, some of them who are able to influence their conference, have ideological positions that are so far out of the mainstream of the United States that I think the more Americans know about it, they would be shocked, absolutely shocked about their positions and their effectiveness as well.

Mr. Speaker, I urge my colleagues, I urge the President, I urge the Speaker, to do what is right, to do what the American people want, and pass an airline security bill. We could do it tomorrow. We could take up the Senate-passed bill, the unanimously Senate-passed bill, and pass it tomorrow. It could be on the President's desk. In fact, he could sign it. He has reviewed it. He could sign it tomorrow, and it would make a great deal of different, a positive difference for this country.

Mr. PALLONE. I want to thank my colleague. I have to say, when I have the town meetings, and I have had several since September 11, and I think the gentleman knows in my district we had quite a few victims of September 11 in the two counties I represent, about 150 people who died in the attack on the World Trade Center, and I am ashamed.

I have to say, I have the town meetings, and people come there and talk about having visited the airport, most of the time Newark Airport, only about half an hour away, and talking about their experiences and how they have been able to bring devices through the screeners or by avoiding the screeners, and they ask questions about the baggage and why is the baggage not being screened.

□ 1930

All I can say is that we have a bill and the Republican leadership has refused to bring it up. Frankly, I do not like to be that partisan.

Mr. DEUTSCH. Mr. Speaker, if the gentleman will yield, it is interesting. As most Americans are aware, National Airport has reopened. National Airport is now probably the safest airport in America, because my understanding is they are actually screening every bag. This is not new technology. Israel is continuously being held up as the paradigm. Israel is not the only country that has been screening every piece of luggage. Great Britain screens every piece of baggage. There are machines that are available that we can buy, that we can put in every airport in the United States to do it, to pressurize test the baggage as well. There is no excuse. There is no excuse. In fact, as the gentleman is well aware, the Senate bill provides for that, as well as a number of other additional things, to gain confidence and security in the airline transportation system of America.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman again. I think he expresses very well the problem that we face here with the Republican leadership and why this bill has not come up. I thank the gentleman.

I would like to yield now to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I thank the gentleman for this Special Order. The 2 elements, the 2 items are inextricably interwoven. The airport security issue and the issue of the stimulus package really cannot be separated. They go together, and common sense would tell us this.

We have just heard one of my colleagues say that the airline industry is 10 percent of the economy. If that industry does not get moving again, and timing is very important here, we are approaching Thanksgiving which is the time of the year that most people travel; if they do not pick up the habit of traveling by air again by Thanksgiving and we do not have a break in this fear of airline travel, we might have a mindset that develops that will make it difficult for the airline industry for a long, long time to come.

Mr. Speaker, we cannot wait forever. There is a need for immediate action here and, of course, that need for airport security stimulates the economy, not only the airline industry, but of course we know the gaming industry, the restaurant industry, the hotel industry, the tourism industry, all of this is related to moving the airline industry so, again, airport security is vital.

Airport security is not the same as it was when I traveled before September 11. There have been some changes, but most members of the public are still not impressed. They took my little fingernail clipper. I had a little clipper with a little file on it. They made me break the file off and give it to them as they searched my things. I am not impressed with that kind of new security. One of my colleagues, they took her tweezers.

The same personnel that is there, the personnel that is there has not been thoroughly checked. We do not think it is important that we check people who are in these positions. Just consider the fact of the latest revelation where we have a former master sergeant in the Air Force who has just been indicted for trying to sell secrets to Libya or some other place. He is a member of the Reconnaissance Surveillance Network that we have across the world. He is familiar with that. Twenty years in the service, and he is looking for a few thousand dollars. I mean if we have people with criminal records there, it is likely that they can be bought off for a few hundred, a few thousand dollars and we might have people there who are not going to see what they are supposed to see because they have been paid off on a given day. There are a number of ways that we can deal with that situation without these weaknesses. We can never root out corruption totally, but we can at least have a maximum effort to try to keep it at a minimum and have the highest level of personnel, starting with the payment of a living wage.

I serve as the ranking Democrat on the Subcommittee for Workforce Protection and we are responsible for the minimum wage law. That has been pushed aside completely this year, the amount of the minimum wage. But it is very much important in terms of stimulating our economy. At least if we create some federalized airport security jobs, we are not going to pay the kind of wages that they are getting now. They are likely to get a living wage. More importantly than a living wage, they would like to get a health plan. We cannot keep loyal, competent workers unless we have some kind of decent package.

The airport security proposition might take many different forms. I do not agree that it necessarily means that everybody has to become a civil servant. If the airport security is federalized, the Federal Government has many different alternatives that they may deal with, but we know who is in charge and that there is a certain level of competence and honesty and surveillance that they are going to insist on, and it will be taken care of appropriately. Certainly a living wage and a health care plan would be an offer for those workers. We would open some new and challenging opportunities for some people who have been unemployed and laid off from various other professions at this point.

Mr. Speaker, it is common sense. What we are up against are ideologues, the disease of the ideologues. They say, we do not want to increase the Federal employees. That is a hard-nosed idealogical position, just as they are saying, we do not want a stimulus package which takes care of the unemployed, because that is a redistribution of wealth.

Democrats favor common sense economics and Democrats favor a common sense approach to airport security. Working families are consuming families. Working families, if we put dollars in their hands, they are going to put it back into the economy and turn it over faster than anybody else. All of this is well-known. Japan, now looking back at the way their economy has dragged, regrets that they did not take a more forceful position at first to stimulate the economy by putting more money in the hands of consumers. The consumer is the engine of our economy, and by following the pattern that was laid down in the democratic package today where a great stimulus would be provided via the unemployment route, starting with the unemployment insurance and making sure that people who lose their employment are taken care of, provided with some possibility of retraining, provided with health care, and gotten back into the economy as fast as possible, that would be the stimulus that would surpass any other effort.

To talk about tax cuts means investments in the economy is to put our heads in the sand. If we give tax cuts, if we put more money in the hands of the rich, they are going to invest somewhere in the world, but not in our economy necessarily. I think the oil pipelines in the former Soviet Union are much hotter right now in terms of investment. They have expanded the production and the distribution of oil and there are a number of places in the world where we can get a bigger return on our investment than we can get by putting it into our present economy. We do not necessarily get any kind of stimulus by putting more money in the hands of the rich.

We are all in this battle together, and as I close out, I hope that we understand that to take care of the people on the bottom who are losing their jobs and facing the prospects of not being able to pay their mortgage or put food on the table, to take care of the people on the bottom is part of recognizing that we are all in this together. The working families are going to produce the sons and daughters on the front lines in Afghanistan. Working families are going to live through this difficult period here where we are at home fighting the anxiety of Anthrax; the working families, like the 2 postal workers who died. We are all in this together, and to take the idealogical position that we are redistributing the wealth by asking for a decent unemployment package within a stimulus package is to go the route of the ideologues.

Mr. Speaker, ideologues are very dangerous. Ideologues are not the total cause of the collapse of the Soviet Union, it is more complicated than that; but a primary cause of the fall of the Soviet Union was the ideologues were in charge. The ideologues are like witch doctors. They are obsessed. They do not look at reason. They will not accept any kind of facts. They are locked in. And we are in this great Nation at the mercy of certain people in key positions, especially in this House, who are ideologues and we must fight those ideologues. Common sense must prevail over the ideologues in order for us to go forward, both with airport security and with the stimulus package that will help our economy.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from New York. I appreciate the fact that we are ending this Special Order as he said, on what is practical. I think that is all we are really saying as Democrats, is that we want practical solutions that are going to pass, be signed by the President, and help the American people. That is why the airline security package that passed the other body, the

Senate, should come up here. The Republican leadership should allow us to bring it up because we know it will pass, the President will sign it, and it will become law. The same is true for an economic package. Let us put together a package that helps the little guy, that helps the displaced worker, that provides some tax relief, and that really stimulates the economy that we can all get together with on a bipartisan basis and pass so that it means something to help the economy. That is all we are asking for, practical solutions. As Democrats, we are going to be here every night until these practical solutions are brought up and the Republican leadership essentially faces reality.

AUTHORIZING INTRODUCTION OF JOINT RESOLUTION DESIGNATING SEPTEMBER 11 AS UNITED WE STAND REMEMBRANCE DAY

Mr. DREIER (during the Special Order of Mr. PALLONE). Mr. Speaker, I ask unanimous consent that, notwithstanding the provisions of clause 5 of rule XII, Representative FOSSELLA of New York be authorized to introduce a joint resolution to amend title 36, United States Code, to designate September 11 as United We Stand Remembrance Day.

The SPEAKER pro tempore (Mr. OSBORNE). Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER ON THURSDAY, OCTOBER 25, 2001, CONSIDERATION OF JOINT RESOLUTION DESIGNATING SEPTEMBER 11 AS UNITED WE STAND REMEMBRANCE DAY

Mr. DREIER (during the Special Order of Mr. PALLONE). Mr. Speaker, I ask unanimous consent that it be in order at any time on Thursday, October 25, 2001, without intervention of any point of order to consider in the House the joint resolution introduced by Representative Fossella of New York pursuant to the previous order of the House (to amend title 36, United States code, to designate September 11 as United We Stand Remembrance Day); that the joint resolution be considered as read for amendment; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman and ranking member of the Committee on Government Reform; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER ON THURSDAY, OCTOBER 25, 2001, CONSIDERATION OF H.J. RES. 70, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. DREIER (during the Special Order of Mr. PALLONE). Mr. Speaker, I ask unanimous consent that it be in order at any time on October 25, 2001, without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 70) making further continuing appropriations for the fiscal year 2002, and for other purposes; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman and ranking member of the Committee on Appropriations; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FIRST LINE OF DEFENSE: HEIGHTENED BORDER SECURITY

The SPEAKER pro tempore ((Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, as I have been waiting this evening to address the House, I have, of course, been listening to the comments of my colleagues from the other side with regard to airline security. It will undeniably be an issue that will be brought to the attention of the American public in this fashion as a point of general order and, of course, discussions in the House as we meet daily. It is, of course, a very important issue, there is no 2 ways about it, that people in the general public believe that airline security has to be enhanced. I do not know that there is a single Member of the Congress that does not think that airline security needs to be enhanced. Of course, we will have differences of opinion as to exactly how that should happen and we, unfortunately, will take advantage of the differences of opinion about this to make partisan points and to be incredibly divisive and to reintroduce the whole issue of partisanship into the debate about airline security. But that is, of course, the nature of the business when we are in. When 2 individuals or, in this case, 2 parties have different opinions about issues like airline security, each side will claim that the other side is being partisan for holding on to their opinion.

It is intriguing certainly, intriguing, to say the least, that a great deal of time is being spent on the discussion of airline security with the thought in mind somehow that a change in who pays the wages of the people who are charged with the responsibility for conducting security, that somehow or other, this fact, this and this alone, will change the whole arena and will change the whole feeling of the general public about security, and will make people feel better about traveling; just simply changing who pays the wages, whether it is the Federal Government paying the wages or a private employer. Somehow or other, people then will become much more intent upon doing their job, much more competent in doing their job.

Well, I must tell my colleagues that I do not believe for a moment that that is what will give us confidence in this country in terms of our general, overall security. I do not believe it is the issue of who is paying the person who is looking through that little screen as our bags go through as to whether or not; and, by the way, people I guess think of that as being some very complex job that only a very highly skilled person, a "Federal employee" is able to do, right? Now, again, I do not know what makes anybody think that a Federal employee is more capable of looking into that little screen and seeing a light go off, because they are not actually trying to identify any individual part of the package going through; they are simply there to see when a light goes off, and the light tells them, search that package, that is it. Frankly, Mr. Speaker, it is not really a very high-level job. It just means the light went on. Can you tell? If it does, search the bag, right?

Now, somehow or other, the other side would have us believe that if we hire Federal employees, give them all the benefits of Federal employment, of course, more importantly, the security of never being fired for being incompetent, the security for being able to strike, the security of being able to shut the whole Nation down by a work stoppage because they can do that as a Federal employees union and never be held accountable for it, that part never comes up in this discussion about transferring this responsibility.

□ 1945

We are led to believe that if only the Republicans, these ideologues, as my friends on the other side kept calling us, if only these ideologues will agree to federalizing this entire work force, we will be safer. But never has anybody said why. I ask my friends anywhere in this House to tell me why it would be safer to have a Federal employee looking through that screen to see the light come on, or any other variety of jobs.

If we need better training for the employees who do this work, I am all for it. I am all for it. If we want to federalize anything, federalize the standards that have to be met. I have no qualms about that whatsoever.

But who is the ideologue here in this discussion, in this debate? Is it in fact the people on our side who are suggesting that the safer and better thing to do would be to allow people to be hired and fired if they are incompetent, to be fired if they threaten to strike and shut down the entire Nation's air transport system, and yet be held to high standards of ability in order to assure whatever degree of security we want established at our airports?

Those of us who want that, are we ideologues, or could it be people on the other side who want those people to be Federal employees? Again, nobody has said why that is so necessary. The reason they do not want to say it, Mr. Speaker, is because the reason they want Federal employees is because Federal employees will contribute to the Federal employees' union, which will contribute to the campaign coffers of the people on the other side. That is ideological, in my estimation.

So the real issue here, as far as I am concerned, has nothing to do with airline security; it has everything to do with securing our borders. This is the issue we should be debating tonight, and every single night and every single day.

I have never heard, and I have done this many times; as the staff and maybe the Speaker will attest, I have have done this many times: I have come to the floor on special orders to plead with my colleagues to look at the issue of immigration reform, to look at the issue of defending our border as the first line of defense in defending this Nation.

I have begged for that; and oftentimes, far too often, I have been the only person here. I am happy to say that I am joined this evening by a colleague to join in this debate who I will recognize in just one second. It is just that never have I heard anyone from the other side of this aisle come to this floor and talk about this issue.

Frankly, from my point of view, I am much more concerned about the fact that we have porous borders through which people can come and do come who wish to do us harm, and we have absolutely no desire to try to stop them there, but we spend enormous amounts of time talking about who should be the guy or the lady looking through the screen to see if the light comes on in the machine. That is what is going to make us feel better?

I do not want them in this Nation to begin with. I do not want them in the airport in the United States, the people who are here to do us harm. I do not want them getting across the border. I do not want them being given a visa in any nation in this world which requires a visa to come to the United States. I do not want them getting it in the first place.

That is where our emphasis should be, because frankly, Mr. Speaker, every single member of the organization that came here on September 11 and hijacked those planes, drove them into the World Trade Center and into the Pentagon, and would have come here, were people who were not citizens of this country. They were here on various visas, some of them illegal because they had overstayed or not done the right thing on their visa, and we did not care. We did not go after them. The INS could not care less. I have tons of information we will get into tonight.

That is where I want our emphasis put. I want it put on stopping them from getting here. I am all for airline security. I am all for making sure that man or woman who is looking through the little scope on that thing, and when the light goes off, I want to make sure that they say, okay, open that bag.

Yes, I am all for it. I am actually for doing a lot more than that with everybody who gets near the airplane. Food service handlers and baggage handlers, let us make them accountable, too. We do not need to make them Federal employees to get there, but that is a secondary issue. The issue is, how do they get into the United States to begin with, and why is it that we continue to be so afraid of paying any attention to this issue, so afraid of discussing the issue of immigration and immigration reform?

Someone who is not afraid of that has joined us tonight, and I yield to my friend, the gentleman from Arizona (Mr. HAYWORTH), for his comments.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Colorado for yielding to me.

Let us acknowledge what he has said. Yes, it is important to understand what is transpiring in terms of aviation safety. Yes, it is important to have scrutiny to the point that we can ensure airliner safety in many different areas, not only those who would come to get on the plane and have themselves and their hand-carried luggage checked, but also, transcending that, the caterers, the cleaners; a myriad of other people who have access to aircraft. That is very important.

But it seems, to borrow the line from I guess Rogers and Hammerstein, "Let's start at the very beginning, a very good place to start."

It is the unmistakable, undebatable function of the Federal Government to secure our borders and to be in control of those who would come to this Nation. My friend, the gentleman from Colorado, points out the story of the 19 villainous vermin who came here to do us harm; in fact, who launched this war with acts of terror that were indeed acts of war that cost so many Americans their lives.

When we read the stories that our intelligence gatherers have been able to come across, we understand that, either through miscommunication or an unwillingness and inability to follow up on the status of visas, or special visas that require really no scrutiny, we allowed many of these horrific people to come and stay and perpetrate their acts of terror and war.

We must secure our borders. The challenge in the early 21st century is that there are those who would take an issue of national survival, try to dismiss it as jingoism or xenophobia, or a myriad of attacks of the politically incorrect, when, instead, they are elemental tools that the American people cry out to see activated.

It is not only the border to our south. Mr. Speaker, I am sure there are those who join us, and they see the gentleman from Colorado and the gentleman from Arizona, and they say that it is the United States' border with Mexico that causes the problems.

Mr. Speaker, I would point out that some who have perpetrated acts of terror and war against this country came in through our border to the north in Canada. I would point out the unbelievable situation, according to some press accounts, that at least one of the perpetrators voted in our Presidential election in 2000.

Now, there reaches a point in time when enough is enough. With the war we confront and the nature of our enemy, we must take the steps necessary to defend this Nation.

Governor Ridge has taken over as our director of homeland defense. Our first line of defense is securing our borders and taking account of those who have come here. It is very simple. The old saying is, when you have dug a hole for yourself, stop digging. Until we get an accounting of exactly who is here, and quite frankly, who should be escorted beyond these borders, only then can we take control.

One other note. And lest this is confused, Arab Americans have a chance to lead the way in our fight in terms of an understanding of culture and language and their own sense of patriotism. They have a chance to lead the way in this fight.

This is not for a second to impugn the motives or the patriotism of any Arab American. Indeed, I know many personally who are guts-up Americans who have served in the military of this country, who stand ready to defend this land in any way, shape, or form.

But to those who have come illegally and to those who would do us harm, it is time for a change; to harken back to what is absolutely required of us in this constitutional Republic, and that is control of our borders and an accounting of those who are here, and actions to send home those who are here unlawfully.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for his comments.

It is not as if we had not been warned more than once. It is not as if all of this happened to us in the United States, the events of September 11, and we thought, Gee, how could this have occurred? Why were we not warned? Why did no one ever come forward?

Well, of course, people have come forward. Many people have come forward, and earlier than the 11th, actually years before. There has been testimony before this House of Representatives, before the Congress of the United States, about the dangers we face as a result of having border that we cannot control.

As early as January 25, 2000, a terrorist expert by the name of Stephen Emerson testified at a U.S. House of Representatives hearing on international terrorism and immigration policy. Rereading Emerson's testimony is chilling, but it is also infuriating, because he laid out chapter and verse how terrorists enter the U.S.

Emerson virtually predicted the attacks. In a 35-page document, Emerson listed the various reasons for the emergence of terrorist groups in the United States:

One, an ability to operate under our political radar system;

Two, an ability to hide under mainstream religious identification;

Three, loopholes in immigration procedures;

Four, ease of penetration of the borders;

Five, limitation on FBI and other agencies performing law enforcement functions, including the Immigration and Naturalization Service and the Customs Service;

More sophisticated compartmentalization of terrorist cells around loosely structured terrorist movements;

Exploitation of freedom of religion and speech;

Exploitation of nonprofit fund-raising, and lack of government scrutiny.

Does all this sound somewhat familiar? Every single issue that he brought up of course we now know to be part of the great mosaic that has been presented to us here as the terrorist threat:

Increasing cross-fertilization and mutual support provided by members of different Islamic terrorist groups;

Ease of ability to get student visas from countries harboring or supporting terrorists;

Failure by universities to keep track of foreign students and their spouses;

Protection afforded by specially-created educational programs;

Ease of visa fraud and the intervention of false credentials from passports, driver's licenses, credit cards, and Social Security numbers;

Blowback from the anti-Soviet Mujahedin that the U.S. supported in Afghanistan.

Again, it is almost uncanny, but this was testimony to the United States Congress, and we chose to ignore it. Why? It is because this issue, the issue of immigration and immigration reform, paralyzes so many of us. We are afraid of the kind of epithets that are thrown at us when we enter into this debate.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. TANCREDO. I am happy to yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, I want to thank the gentleman, and certainly the gentleman from Arizona (Mr. HAYWORTH), as well as my friend, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Minnesota (Mr. GUTKNECHT), who is here to speak in just a few minutes.

Concerning a point the gentleman from Arizona (Mr. HAYWORTH) made as well, and the gentleman from Colorado (Mr. TANCREDO), let me say today, as a matter of fact, I was in a 1-hour call-in show in Raleigh, North Carolina, the home of NC State, where this gentleman played football years ago, and there came up several times a point you and he made when I first came on the floor.

Certainly those of us in the Congress, whether they be on the Committee on Armed Services, which I am on, or it could be on the Permanent Select Committee on Intelligence and other committees, we have known for a number of years that the possibility of a rogue nation or a terrorist group making an attack on the American people was a matter of probably when it was going to happen. Would we be prepared? That is another question.

The point that was made today by four or five callers is prior to September 11, we have had a problem in this Nation. I know that is what the gentleman has been speaking about, I know that is what he has been speaking about, and I know that there are many people in this Congress, and the gentleman has taken the lead on some type of legislation.

We have done a very poor job as a Nation, as a country, of tracking those who come visit our Nation and what they might be doing, and whether they are extending their length of time in this Nation without permission, so to speak, from the government.

We need, as the gentleman was saying tonight, and the gentleman from Arizona, to do something. The time of debate about what we should have done is past. What are we going to do is the debate of the present and future.

□ 2000

So I want to say that I am glad to be here with this group tonight because the American people, the five callers that I had today on this Raleigh radio station said, yes, we know we have a problem. What are we going to do to reform the problem? What are we going to do to make sure that American people are safe from a security standpoint?

Mr. TANCREDO. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Just to echo that point and to thank my friend from North Carolina for mentioning my alma mater, although my football experience there may not be quite NFL caliber, but we will not go to that.

But the town halls of the areas, whether it is talk radio WPTF in Raleigh; KFYI in Phoenix, Arizona; a town hall meeting we held on city cable in Scottsdale Friday evening, the people who came there demanded that in this time of war we absolutely control our borders. That is the first step in homeland defense.

It is not for a second to suggest it is the only step, but it is the first step.

Mr. TANCREDO. The gentleman is so correct. We cannot stand here tonight, nor have we ever stated in this debate that unequivocally we know that if we simply control our borders, do everything we can possibly do to make sure that the people who are coming in are identified, that we know what they do when they come in here, that we know when they leave, that if we did all of these things that we could prevent any other kind of event. But not doing those things makes us irresponsible.

At this point in time I will say this, that God forbid, if there is another event of a similar nature as there was on September 11, and it occurs as a result of somebody else waltzing across our borders, somebody that we should have been able to identify as being one of the bad guys, somebody that we recognize or who even comes in under legitimate passport or visa but then does something here for which he should have been deported and we do not do it, if anything like that happens, we are not just being irresponsible, we are actually being culpable at that point. This Congress is culpable if we do not do everything we can do to stop it. It may still happen, but we have a responsibility.

It is like saying they still rob banks even though we have laws against it. What does that mean? Should we pile the money on the desktop in the bank? No. We should still do everything we can do to stop it. And that is what we should be thinking about in this Congress.

Our immigration reform caucus, I see Members joining us here tonight who are members of the caucus; and I sincerely thank them for their participation in that effort because that is the only thing that is going to move legislation through this is getting enough folks to add their voice to those that have been raised in this debate so far.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO) and my colleagues that are here tonight for having this special order because I think as we talk about this war on terrorism, if we are not serious about really dealing with some of our immigration problems, then we are not really serious about the war on terrorism. Because if we have enemies from within and we are doing nothing about it, I think the gentleman is exactly right, then we are culpable. Shame on us for not doing more.

The more we learn about this, the more troubling this becomes. I was surprised to learn, and I think most of my constituents, when I talk to my constituents, I ask them, for example, how many people do you think come into this country every year on average on some form of visa? I get numbers like 100,000, 200,000. And when I say to them, it is 31.5 million people, they are taken aback. Then the question I ask is, what happens to those people? Where are they now? And the truth of the matter is we do not know.

One of scariest things if we look back at the events of September 11, two individuals went up to the ticket counter of American Airlines at Dulles Airport just a few miles from here, they used their own names and they purchased tickets on American Airlines to fly. Now, the interesting thing was the INS knew that those two individuals were members of the Egyptian jihad. Now that did not preclude them from coming into the United States. But the interesting thing is the FBI did not know that, and neither did American Airlines.

I was at the Pentagon the other day, and I walked down the hall where they have the pictures of all the people that were killed that day. And I think the saddest picture of all is that picture of that young bride in her wedding dress. Somehow when I think about that, that here the INS knew that these two individuals, using their own names, were members of the Egyptian jihad, and yet that information had not been shared with the FBI or American Airlines.

Shame on us. We have got to do something about this. In fact, the more I have learned about this, and I want to thank the gentleman from Colorado (Mr. TANCREDO) because he has done a great job of shedding the light of day on this issue because we need to know. The American people need to know. For example, in the last year that we have numbers for, 895 people came to the United States on visas from Iraq.

Now, we do not have a whole lot of business dealings with Iraq. We buy a little bit of oil from them. We know that they have been problematic relative to harboring terrorism. How did 895 people get into this country on visas? And, most importantly, where did they go?

Mr. TANCREDO. Let me answer that question, at least a partial answer as to where did they come from? How did they get here? How is it that 895 people from Iraq were given visas?

Something else your constituents should know about, something all of our constituents should know about. There is another program operated by the government, we passed it not too long ago. It is called diversity visas. Diversity visas are given to countries that we do not think have actually sent us enough people. As bizarre as this sounds, this is the truth. Congress passed it a few years ago. There are 55,000 allotted every single year. They go to countries, as I say, that it has been determined, it is a formula basis; and if a certain country has not sent us enough people, then they go to the head of the line, these diversity visas, 55,000 of them. The bulk of those 55,000 visas go to countries in the Middle East, Egypt, Iraq, Iran. They are put on the top of the list.

So I do not know if the 895 people from Iraq came on that basis. But I am telling you that 55,000 visas are set aside just for those kind of countries. They have not sent us enough people. That is as bizarre as it gets. No, that is not as bizarre as it gets. Believe me, it gets even weirder around here when you start talking about his issue.

Tell your constituents this, that of the 31 million people who come here every single year on visas, something like 40 percent violate their visas. That is 12 million people a year who do something to violate the visa. They overstay it. That is the most common. But they break our laws. That is another very common thing that happens. Of the 12 million who violate these visas, we actually end up with maybe 100,000 of them going into the judicial system, maybe 200,000.

Of the 200,000 of the 12 million who get to the immigration court, about 100,000 actually get deported. No, actually get sentenced to be deported. A judge hears the case. He hears about the person who beat up the old lady, raped the young girl, murdered somebody in the street, robbed the bank, whatever it was, and the judge sentences this person to be deported.

At that point in time, in the system we now have, in the immigration system, that person is turned over to the INS for enforcement procedures. And I had a judge, an immigration judge call my office one day and say I have got to tell you this because I am going crazy. I am so frustrated. I have been here 12 years on this bench. He said, day in and day out I listen to these stories. I adjudicate and I find someone guilty of violating their visa and I order them deported. And day in and day out they turn around and walk out the door, and I know they will never be deported because INS does not go after them. They do not care. That is not their main interest.

He said, I think there are about 225,000 of these people wandering around the United States. So we went on the television and everywhere I would go I talked about it. I said by now it is about a quarter of a million. I thought I was pushing the envelope a little bit. He said the information was about a year old. I thought by now it is probably a quarter million.

Finally, someone from Human Events and a newspaper in California went to the INS and kept pressing them. They finally admitted, yes, it is true that there are a few folks out there who have been ordered to be deported but they are not gone. How many? It was 300,000 per year.

This is what the INS says they have lost. No, the INS says we know they have been deported. We cannot find them. We do not know where they are, and we have not gone after them.

Can you imagine explaining this to anybody, a constituent, and having them say, well, Congressman, what are you going to do about that? And I say, it is very tough because you try to get any immigration reform across here and they would rather talk about the airline security guy who is looking through the screen.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, I will leave in a second; and my good friend and part of our immigration caucus, the gentleman from Virginia (Mr. GOODE), will be stepping up.

Let me say, this is what I want to leave to my colleagues here tonight from Arizona, Colorado, Minnesota, and Virginia. We need for the American people, we all have been on this floor numerous times with friends, let me say this, that support you, we need for the American people to understand that this is absolutely critical that we reform the immigration laws of this country if we want to protect the national security of the American people. And for that to happen, they need to let their Members of Congress, their Senators, their President know that this is a critical issue.

Mr. Speaker, I would like the gentleman from Colorado (Mr. TANCREDO) to know that I will do everything I can to help him move forward with this reform because it is critical to the national security of America. I thank the gentleman for that.

Mr. TANCREDO. Mr. Speaker, I appreciate the gentleman. I must tell the gentleman, I could not be prouder of the people on this floor tonight who are here to support this effort. It is great.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from Colorado

(Mr. Tancredo) so much for his leadership on the immigration issue and for his work in diligent, hard-working fashion in finding out so many statistics and facts that we need to bolster our argument to end illegal immigration and to curtail legal immigration.

I wanted to share with you an article from the Arizona Republic that talks about the 19 terrorists that were involved in crashing the airlines into the Pentagon, the World Trade Center, and into the field in Pennsylvania. It appears that over half of those hijackers were illegal. There are no immigration records on six of them. And I will do the best as I can in reading their names. Fayez Rashid Ahmed, Satam M.A. Al Suqami, Hamza Alghamdi, Mohand Alshehri, Saeed Alghamdi and Wail M. Alshehri.

Those six have no immigration records. And the gentleman was talking about the situation of walking in across the Canadian border or walking in across the Mexican border, and any of those six could have taken either of those routes into the United States.

Then we go to four that were here at one time legally, but they were out of status and that means they were also illegal. They entered legally but overstayed the visa was Nawaf Alhazmi, admitted to the United States as a nonimmigrant visitor in January 2000. He appears to have overstayed his visa. Waleed M. Alshehri, admitted in June 2000 as a nonimmigrant; and on the date of the September 11 was in illegal status. Ahmed Alghamdi believed to have been admitted as a nonimmigrant student and appears to have overstayed his visa. The other, Hani Hanjour, admitted as a nonimmigrant student in December 2000. INS officials say they were unable to determine whether Hanjour was legal on September 11.

Another issue in the area of immigration that I feel we need to focus on is H1-B visas. These are the high-tech visas, and we recently in a prior Congress increased the maximum number from 65,000 to 110,000.

In my opinion and I know the gentleman has worked for this and others, we need a moratorium and H1-B visas. That is one thing that could help our economy now because American citizens need these jobs.

I want to just briefly lay out the job layoffs in the fifth district of Virginia.

□ 2015

In my home town of Rocky Mount, 500 jobs were lost at Lane Furniture. In Altavista, Virginia, 500 jobs were lost. In Clarksville, Virginia, I received a call from the Mayor today, 600 jobs at Russell Stover are lost. Last year, in Henry County, Virginia, we saw Tultex Corporation, which was the biggest sweat and fleece wear manufacturer in the country go completely out of business; JPS Converter, in Halifax County, 250 jobs, 2 months ago. And in Lunenberg, Mecklenberg, and Halifax Counties we have seen tobacco workers lose their jobs because of the change in climate in the tobacco industry. And there have been thousands of other textile workers.

We need to be retraining these persons so that they can do the jobs in the high-tech industry instead of bringing in persons from other countries under H-1B visas.

And if the gentleman will just give me a couple more minutes, one issue that is going to be facing us soon is going to involve an extension of 245(i).

Mr. TANCREDO. The gentleman should perhaps explain.

Mr. GOODE. Well, 245(i) is a way for persons in this country illegally, who have been here for some time illegally, to go around the process and immediately get legal status.

This is a real slap in the face to those from other nations that go through the process, that go through the interview process, that talk with the consuls, that talk with the INS people, who get fingerprinted, that wait in line for their turn. These people under 245(i) go around the line and get to the head of the line and they are immediately legal.

We are going to be asked, I feel, on the Commerce, Justice, State appropriations bill to extend 245(i). The Senate passed it for, I believe, an indefinite extension; and that measure has not made it through the House, so they are going to attach something, I am fearful, on that appropriations bill. And the message would be clear: if you can get in here illegally, if you wait it out, you can get amnesty.

We do not need amnesty at this time. An amendment putting forth 245(i) for an extension, even if it is just for 6 months or a year, would be the wrong message, in the wrong place, at the wrong time, on the wrong bill. And I hope our body will defeat it.

Mr. TANCREDO. I appreciate the gentleman's comments, and I want to reemphasize something he was talking about in terms of the economic stimulus package that was passed earlier today. It was a very controversial package of legislation, primarily dealing with tax cuts.

I hope that it will do the job. I hope that it will, in fact, provide the stimulus this country needs to put people back to work and to deal with the people in the district of my colleague, the gentleman from Virginia, in the district of my colleague from Minnesota, all of whom are looking at us for some way to describe what is happening to them, some explanation of what is going on and perhaps a way to help out.

We can do certain things. We can tinker with the monetary policy, and we can tinker with the fiscal policy, and we can hope that down the road apiece all that will kick in and in maybe 6 months or a year we will see the effects of it. But we could have done something today with an immediate reaction, immediate reaction, and, frankly, I had asked for permission to offer amendments to the bill but was not allowed to. We were not allowed to bring this issue up. But I am going to talk about it, and the gentleman brought it up tonight, and we are going to continue to talk about this because we are going to introduce a bill even in the next couple of days, and I hope my colleagues will join me on this, and that is to repeal the particular provision that the gentleman is talking about that has allowed us to expand the number of people who can come in here on visas and take jobs.

We were told by many people that we needed them; that we could not fill the jobs with Americans; that no matter how hard they tried, no matter how many ads they put in the paper, and we are talking now about white collar jobs, these are not the folks that are coming in across the border to do some of the more menial tasks. We are talking about white collar jobs that are relatively highly paid, and we have been told for years that we cannot get enough people in here to do it. Well, I think we have people in the United States today, American citizens, who are willing to do the job. But what is happening to us, because of the visas we have allowed, the particular kind my friend refers to, and we raised the cap on that visa, that particular visa, we now have allowed 195,000 a year, and they can stay for 6 years.

Now, figure that out. That is 1.2 million people after that period of time, and that is only from this point on. It does not even count all the ones that have come here up to this year under that visa program. So there is 1.2 million potentially here in a relatively short time. And we could close the door on that and we could improve the opportunity for a lot of people in this country to get jobs again by simply saying that if you are here, and I am sorry, if you are not an American citizen and you are taking a job, you have to leave. Because, frankly, we have our own people that we have to employ.

I am telling the truth here, and I am as altruistic as the next guy, but I want to give the job to the American citizen before I give it to somebody overseas. It is not as if we do not have people who want the job. I have had people in my office, two just last week, both of them displaced because they had people come in here on visas and take their job. It was not because they did not want the job. That was not it at all; but they could be replaced with somebody who would work for less, pure and simple. So they are out of work.

And now, by the way, some of these visa holders have been thrown out of work. And their visa says very, very clearly that they must leave the country if that job ends. But the INS said just the other day, not to worry; to spend a few months, they said, and look for another job; compete with the Americans who have been thrown out of work, they said. This is the INS. This is the group that we charge with responsibility of monitoring our borders, of actually enforcing our immigration policy. But they are not on "our side" here.

I had a debate in Denver, Colorado, not too long ago, with a lady who was the representative of the INS in my region. During the debate the radio announcer, the host, said to her, I do not understand, why does the INS not go after these people who are here illegally and send them home? And she said, without hesitation, this lady said, because that is not our job. She said, our job is to help them find a way to become legal citizens.

I mean, I was flabbergasted. But I do not know why I should be flabbergasted any more about things I have heard with regard to this immigration issue because it is all mind-boggling. In fact, we are compiling in my office, and if anybody has stories out there that can be verified of these, what I call "unbelievable but true stories," they can call our office, 202-226-7882, because we are compiling these stories, and I will bring them to the floor night after night. I am going to list the top 10 most incredible stories. We could be here every single night for the rest of this Congress talking about these incredible but true things like I have just described where an immigration official said that the responsibilities of the INS was not to go after people who were here illegally, but in fact to find a way to get them into the United States and make them legal.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. I will be real brief here, but the point the gentleman is really making, and this is what we need to debate and discuss here in Congress and for too long we have been cowed, and I want to come back to that, from having an honest debate about immigration, but Americans are being injured. We talk about what happened September 11, and the list was very, very instructive from my colleague from Virginia, but people are being injured every day by legal, semilegal, and illegal immigration in America today because no one is minding the store.

They are losing their jobs, people are being injured through crimes, rape. We have had that actually happen in my town of Rochester, where illegal people or people who were here on visas have committed serious crimes, and yet there was no consequence. They are losing their jobs and they are losing their futures because of this immigration, and at the same time the INS is taking this unbelievably bizarre attitude. Worse than that, we in Congress, the people who are elected to set the policy for this country are cowed from debating this, or have been up until the last several months, because we are all sons and daughters and grandsons and granddaughters of immigrants.

We are a Nation of immigrants, and we understand that immigration is part of our culture. And as Ronald Reagan said, we are one of the only countries where people can come here and become Americans. I could go to Germany, and my heritage is of German heritage, but in all likelihood I would never become a German citizen. It is very difficult to get German citizenship. You can go to France, but you will probably never become a French citizen. And that is true of most of the other countries of the world.

We permit every year more people legally to come to the United States and become American citizens than all of the other countries combined in the world. And that is good, because we are a Nation of immigrants. But we have to have an honest discussion about illegal immigration and what happens when those people who come here on visas and they break our laws, when they take our jobs, when they do not play by the rules. What are we going to do about it?

And the fact of the matter is we have not even had an honest debate about that. But the good news is the American people are waking up on this and they are far ahead of the public policymakers. When I have my town hall meetings, when I talk on the radio, and when I meet with my constituents, they understand. They get it. And they are way ahead of us. And they are beginning to say, when is Congress going to begin to take some serious action about this issue.

I want to make one more point before I yield back my time, and that is to say, and our colleague from Arizona made this point, that we want to be careful that we do not sound here on the House floor that we are anti-immigrant or, more importantly, that we are anti-Arab or anti-Islamic immigrants. We have a large number, about 300 in my hometown of Rochester, folks who came here who are practicing members of the Islamic faith. And I have never been prouder than last Monday when they had a rally in Rochester, Minnesota, to hear people who could barely speak English shouting and chanting with American flags in their hands saying God bless America.

It reminded me of a country and western singer a couple of weeks ago when he said something so profound and so simple, and it needs to be repeated. He said, "You know, the terrorists just don't get it. They do not realize that we don't just live in America. America lives in us."

We do understand and appreciate the value of a balanced and fair system of immigration. But the system has become so skewed and so unfair. When we have 31 million people coming into this country and we do not keep track of them on visas, when there are 200, perhaps 300,000 people who are in fact subject to deportation and yet there is no real consequence, when there are people breaking our laws and no real consequence, then the system is broken and it really is the responsibility of the United States Congress to begin to fix it.

We want to work with the former Governor of Pennsylvania, Tom Ridge, who has a very, very difficult job, and we all understand and appreciate that. But we need to work with him, we need to work with the administration, we need to work within the confines of the Congress to make certain that we bring some sense of order out of this chaos, because what we have right now in immigration policy is absolute chaos.

When people can walk up and buy an airplane ticket and the INS knows in their computer files that they are members of potential terroristic groups and that information is not shared, we have a serious problem. When people can take jobs from hardworking, law-abiding American citizens, and there is no recourse for those citizens, there is something wrong with the system.

We have a chance, we have an opportunity, and most importantly I think we have an obligation to fix that system.

□ 2030

We want to work with Governor Ridge. We believe he represents perhaps the best opportunity to begin to get control of all of this and working with the Congress to come up with a new immigration policy that recognizes we want immigrants in our country, we want to be that shining city on the hill that Ronald Reagan talked about, but we also want to have some rules and see to it that those rules are abided by, and that ultimately we do not have a system that literally invites terrorists to come into our country to set up shop, to be able to move freely around our country and never have to be accountable to anybody.

So I want to thank the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Virginia (Mr. GOODE) for participating tonight to help tell that story because I am convinced the more the American people realize what is going on in this country, the more that they are going to demand from their Members of Congress, from this administration, from Governor Ridge and others that the system begin to change in a responsible way.

Mr. TANCREDO. Mr. Speaker, I sincerely appreciate the gentleman from Minnesota (Mr. GUTKNECHT) coming to the floor tonight, all of my colleagues, because frankly I could not have said it better and especially the gentleman's last statement in regard to his constituents and others who were recent arrivals to the United States and stood up there with an American flag and saying God bless America and saying God bless them.

Certainly, it is an interesting aspect when the gentleman talks about the idea of dual citizenships, the fact that someone cannot go to other countries and become a citizen, and it is very true that it is very difficult in many countries to become a citizen of that country. It is very easy here.

Another interesting aspect of all of this is that there is another phenomenon we are witnessing with this massive influx of immigrants, both legal and illegal, but the ones that eventually become legalized. There are today as we stand here six million people in the United States that hold dual citizenships, that have either refused to relinquish at one point in time the citizenship of the country from which they came or chose later to accept a second citizenship.

Mexico just recently passed a law a few years ago allowing for this to happen and the numbers exploded. Six million here. I do not know this of course, but I will bet my colleagues that not one of those people that stood up where the gentleman talked about and waved that flag and were singing God Bless America, I bet none of them have latched on to dual citizenship because you have to ask frankly, whose side am I on. When it really comes down to it, when a person takes the oath of allegiance to become a citizen, that person is supposed to relinquish any allegiance to any foreign potentate or power. That is the old wording of it.

If the person has another citizenship, have they really done that? Why is this happening? Should we allow it to happen?

I do not believe that United States citizenship should be conferred on anyone who has some other loyalty. It is just another part of the picture here that we have to bring forward and wonder about.

It has been a long time that I have been debating this issue, it is true, and it is also true that now some Members of the Congress are joining us. Those of us who have been in this caucus know that now we are getting people coming to us and saying they want to join, and I say that is wonderful. I hate the idea that it may have been the events of September 11 that brought it about. I do not want to win on that basis.

I wish that was not the reason why this whole focus has changed because it is such a horrific event, but we have to deal with reality here, and the reality of the situation is this: That immigration is an important part of this picture and immigration reform is a very important part of the solution. That is undeniable. There is not a Member of this body that can honestly look a constituent in the face or another Member in the face and say forget about immigration, open borders. Even organizations like The Wall Street Journal and others who have been for years on their editorial page pushing the issue of open borders, free trade and all this, and I am a free trader, so that is not the issue at all, but even they now, I have noticed, have some degree of reticence to come forward with those kinds of editorials and I am glad of it. I just wish it had not been anything quite so horrendous to force them into this position.

I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, in town meetings and public forums, even before September 11, I saw in my district what the gentleman from Minnesota (Mr. GUTKNECHT) was describing in his district, grassroots America is fed up with massive illegal immigration, and they really want to see legal immigration curtailed, and that was that feeling in America before September 11 because these people are at the local level. They are in the counties and cities all across America, and they are seeing the impact in their communities.

The gentleman talked about the INS officials that do not deport. A factor in that is once we deport them, if we send them north or if we send them south, they can make a U-turn and come right back in. I know the gentleman from Colorado (Mr. TANCREDO) is the chief sponsor of the resolution focusing on the integrity of our borders, and I would like to see that resolution moved forward and get us tighter security on both the northern border and the southern border.

Mr. TANCREDO. Mr. Speaker, perhaps anecdotes are useful and I feel they are useful to sort of portray a much bigger problem.

Every day somebody comes up to me because I have become sort of involved with this issue and people know. So these people will tell me stories about something they have heard something else that just occurred. I will share with my colleagues and the Members here something that happened again a short time ago, and it is one of those things that one says no this cannot be, this is impossible.

Remember here, he was telling the story about, I thought at the time three-quarter of a million people who were running around the country, and I was saying to him, it is better to be a crook as an alien here in the United States than it is to be a citizen crook. A citizen crook goes to our justice system, to a regular justice system. In fact, if the person is found guilty he is going to go to jail. It is a very good chance if the person is found guilty as an alien, there is a very good chance the person will never see the inside of a prison cell.

He said, again, well, listen to this. He said, You think that is something, listen to this. This gentleman had been a member of the Committee on the Judiciary, the gentleman from California (Mr. GALLEGLY), a member of the Committee on Government Reform, and if I am not mistaken, chairman of a subcommittee at one point in time, but he was telling me about an immigration magistrate who had called him and said I have had the most amazing thing happen. This is about the third or fourth time.

He said a young man, I think it was 18 or 19 years old, came in, came before me, and he had just mugged an old lady, broke her leg, stole her purse. When the police arrested him, he had no ID, and so the policeman said what is your name, where are you from. He said I am an illegal alien, I am here from Mexico. So they took him to immigration court, and the judge said, well, you have two choices. I will either send you to jail or deport you right away. He said, well, judge, I will be deported. So they put him on a bus from San Diego, sent him back to Mexico.

He goes in as one somebody, the person he said he was, gets into Mexico, calls his mother in the United States. By the way, this young man I am talking about was born in the United States, parents were born in the United States, grandparents were born in the United States. He was a United States citizen but he had learned the scam. He had learned that it was much better to go before an immigration judge and be turned over to the INS.

So he calls his mom after they deport him, after they send him back on a bus to Mexico, calls his mom and says bring down my ID. She gets in the car, drives 120 miles, hands him his ID. He now enters the country as John Doe, whoever he is, and of course, that record is completely erased of who he was, that he went in and the violation. They do not know anything about him. By the way, this magistrate was telling the gentleman from California (Mr. GALLEGLY) this was not the first time this had happened, that they had found this out.

Here is the thing. If the kid on the street, the average thug, a mugger has figured out that it is better to be sentenced by an immigration judge, what does that tell one about how many people are actually taking advantage of the system who are, in fact, aliens? They can with impunity violate our laws and do so and never fear that they will ever be caught.

I see that we are coming to the end of our time. I want to thank the gentlemen very much for joining me tonight, and I just want to end with a little comment here that was on the earlier thing I read.

The U.S. can bomb Afghanistan to dust but terrorism will remain. In some bizarre thought process understood only in Washington, D.C., the possibility of tightening up immigration laws paralyzes most politicians. Absolutely true, but not with the people who have joined me here tonight, and I want to thank my colleagues for their courage.

INCENTIVE TO TRAVEL ACT WILL STIMULATE ECONOMY

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Mrs. MALONEY of New York. Mr. Speaker, as we look to stimulate the economy, we should help the industries that have been hit the hardest, the airlines and tourism. The airlines are losing billions. They have laid off over 100,000 people. Tourism is New York State and New York City's second largest industry, and it is reeling. 15,000 restaurant workers and over 6,000 hotel workers in New York City have been laid off since September 11.

The Incentive to Travel Act, which has been introduced in a bipartisan way with the gentleman from New York (Mr. REYNOLDS) will help the economy. It will give Americans the incentive to take a vacation at a time when we all deserve one. For 1 year, the bill would provide tax deductions for families of up to $2,000 nationally, and an additional $1,000 for New York for travel and entertainment expenses.

It would immediately restore the deduction for business meals and entertainment to 80 percent from 50 percent. The Incentive to Travel Act is an incentive to stimulate the economy, unlike the Republican stimulus package, which is called the "Special-Interest Payback" in USA Today. They say it is time to take a vacation for the special-interest Republican payback.

Mr. Speaker, I request to put this editorial in the RECORD.

[From USA Today, Oct. 23, 2001]

SPECIAL-INTEREST PAYBACK

CRISIS BECOMES EXCUSE TO RAID FEDERAL TILL FOR FAVORED GROUPS

Just about everyone recognizes that the events of Sept. 11 and afterward impose new challenges and responsibilities on the nation and its leaders. But this new reality doesn't seem to have penetrated House Republican leaders. In the latest example, they take up today a special wartime "stimulus" bill that's little more than a good old-fashioned special-interest giveaway.

The case for a stimulus wasn't strong from the beginning. While the economy is clearly suffering, no one yet knows how bad it is or how long it will last. Given that uncertainty, the best bet is for a temporary jolt that eases the current slump without jeopardizing the nation's long-term economic health with a return to deficit spending.

Yet against Bush's advice, and that of experts such as Alan Greenspan and former Treasury Secretary Robert Rubin, the House has decided to repay corporate patrons for their years of campaign support. Among its many deficiencies, the House plan is:

Long-lived: More than a third of the tax cuts take effect in 2003. Even if there's a recession this year, it most certainly will be over long before those cuts kick in.

Unfocused: Rather than target relief at those who need help the most, the House lavishes tax benefits on just about everyone with a lobbyist. Companies get 70% of the tax cuts in 2002, and some of their breaks are permanent. Low-income families get a one-time rebate check.

Fiscally irresponsible: The House version blows through Bush's stimulus goal of $75 billion. And with many provisions long-lasting, it imposes costs on the country's fiscal health over the next decade. That means less money to pay down debt, higher mortgage rates and slower economic growth.

This is easy to dismiss as politics as usual. But that's the problem. These are times that require everyone, especially political leaders, to put aside petty self-interest and everyday horse trading for the country's good.

The House leaders showed an unwillingness to do that with their adamant refusal to consider federalizing the nation's airport-security system. Now they're at it again with their brazen attempt to use the current crisis to please well-heeled special interests.

Worse, they've weakened the hand of those in the Senate who are trying gamely to provide focused relief to the economy. If Republicans pay off their contributors under the guise of stimulus, what's to prevent Democrats from doing the same? Already, some Democrats have been trying to get a minimum-wage boost included along with money for road and school construction, among other longstanding party priorities.

History shows that Congress rarely gets the timing or the size of stimulus packages right. The Fed, which can act far more quickly and with greater precision, is best suited to manage the ups and downs of the economy. If stimulus is to be provided, it should be targeted at low- and middle-income families most in need of help. That would cost far less than the $160-billion House proposal. Ideally, any money used for stimulus should be repaid down the road so that the nation's debt-repayment schedule isn't also sacrificed in the war on terrorism.

If lawmakers can't rise above their traditional narrow focus and produce a stimulus that works, the country would be best served if they gave this idea a long vacation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILL of Indiana (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. STEARNS (at the request of Mr. ARMEY) for October 23 on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. EHLERS, for 5 minutes, today.

Mr. GREENWOOD, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 146. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes.

H.R. 182. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 1000. An act to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes.

H.R. 1161. An act to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

H.R. 1668. An act to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy.

H.R. 2217. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2904. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, October 25, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4381. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 2002 that no United Nations agency or affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia; to the Committee on International Relations.

4382. A letter from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations [Docket No. 980422101-1224-03] (RIN: 0605-AA09) received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4383. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2001-31 that it is in the security interests of the U.S. to provide assistance to Pakistan, pursuant to 22 U.S.C. 2364(a)(1); jointly to the Committees on International Relations and Appropriations.

4384. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification to authorize provisions to Pakistan, without regard to provisions of law within the scope of section 614 of the Foreign Assistance Act of 1961, pursuant to 22 U.S.C. 2364(a)(1); jointly to the Committees on International Relations and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GANSKE (for himself and Mr. Andrews):

H.R. 3165. A bill to enhance the safety and security of the civil air transportation system; to the Committee on Transportation and Infrastructure.

By Mr. BORSKI (for himself, Mr. Costello, Mr. Oberstar, Mr. Holden, Mr. McGovern, Ms. Berkley, Mr. Rahall, Mr. Lipinski, Mr. Filner, Mr. DeFazio, Mr. Nadler, Mr. Mascara, Mr. Clement, Mr. Cummings, Mr. Barcia, Ms. Brown of Florida, Mr. Lampson, Mr. Baird, Mr. Blumenauer, Ms. Millender-McDonald, Mr. Larsen of Washington, Ms. Eddie Bernice Johnson of Texas, Mr. Boswell, Mr. Pascrell, Mr. Thompson of California, Mr. Inslee, Mr. Menendez, Mr. Sandlin, Mr. Berry, Mr. Honda, Mr. Carson of Oklahoma, Mr. Capuano, and Ms. Norton):

H.R. 3166. A bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States; to the Committee on Transportation and Infrastructure; and in addition to the Committees on Ways and Means, Energy and Commerce, Armed Services, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. Lantos, Mr. Hastert, Mr. Bonior, Mr. Armey, Mr. Hyde, Mr. Gilman, Mr. Goss, Mr. Cox, Mr. Gallegly, Mr. Mica, and Mr. Tanner):

H.R. 3167. A bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes; to the Committee on International Relations.

By Mr. HOUGHTON:

H.R. 3168. A bill to amend the Internal Revenue Code of 1986 to designate an area of lower Manhattan as 1 of the empowerment zones authorized by the Community Renewal Tax Relief Act of 2000; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 70. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. Jeff Miller of Florida.

H.R. 440: Mr. Tancredo.

H.R. 2951: Mrs. Emerson.

H.R. 3015: Ms. Kaptur, Mr. Frost, Ms. McKinney, and Ms. Berkley.

SENATE—*Wednesday, October 24, 2001*

The Senate met at 10:30 a.m. and was called to order by the Honorable BEN NELSON, a Senator from the State of Nebraska.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Imam Yusuf Saleem.

PRAYER

The guest Chaplain, Imam Yusuf Saleem, Resident Imam of Masjid Muhammad and National Educational Director for the Muslim American Society, offered the following prayer:

With God's name, the Merciful Benefactor, the Merciful Redeemer. We seek Your guidance, Your mercy, and Your forgiveness, that this body of servants to God and this country will be blessed with hindsight, insight, and foresight as only You can provide. Supply this elected assembly, entrusted by our Nation's citizens to ultimately trust the Creator of us all. As defined by humans, these are delicate times, but still we know it is Your times. So let truth, excellence, justice, and service lead the intellect and souls of our Senate. Yes, God bless America. Yes, God has blessed America. Yes, God is still blessing America, a land of diversity in every imaginable way. For in the Holy Qur'an Guidance to humanity, it states: "God has honored all of the children of Adam," and in America's Declaration of Independence, "all men are created equal." So with resources—material, spiritual, and mental—we thank You, God, for engineering the tradition of this land to witness that life and liberty must be secured by submitting our wills to Your plan.

Finally, we see the objective of life to nourish a world, a nation, a city, a neighborhood, a home, where the soul is at peace. The soul is not female or male, not rich or poor, nor African-American or Caucasian. As You have created us, aid us—really help us to struggle and realize, "Thy kingdom come, Thy will be done on Earth as it is in Heaven," as stated in Your guidance to humans in the Bible.

Help us use all our resources to preserve, maintain, and promote inherent freedom, not to be denied by the destiny of God until the world, Nation, city, neighborhood, and home cry out; one voice, one interest that life is sacred. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BEN NELSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 24, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. NELSON of Nebraska thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

WELCOMING IMAM YUSUF SALEEM

Mr. REID. Mr. President, before we move to the bill, I want to take a minute and express the appreciation of the entire Senate, especially that of Majority Leader DASCHLE, for the groundbreaking prayer today. Imam Saleem appeared at our weekly prayer breakfast this morning at 8 o'clock.

Now for the first time in the history of this country, at least to my knowledge—I have been here awhile—we have had a Muslim offer our invocation. I not only was impressed with the content of the prayer but the manner in which it was delivered.

We should all feel so good about today. Dr. Ogilvie, who is present today, is to be commended for inviting one of his colleagues to be the guest Chaplain and allowing him to take his place. No one can take his place, but certainly he adequately represented him; that is for sure.

We are effusive in our praise for Dr. Ogilvie always but especially today for his insight into having Imam Saleem, the Resident Imam of Masjid Muhammad and also the National Educational Director for the Muslim American Society, with us. We are so grateful that he is here. We hope he returns and again blesses us with his prayer.

We have over 6 million of his faith in America. We have thousands of Muslims in Nevada. I hope some of them had the pleasure of watching today. For those who didn't, I will broadcast it every chance I get to make sure they do know he was here today.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know there are several Senators who wish to speak. I will quickly yield the floor.

While the Imam is still here, I join Senator REID in welcoming him to the Senate Chamber. Of course, I thank Dr. Ogilvie for making him available as a visiting Chaplain. It provides an example of the nature of the United States where we do not subscribe to one religion but have the advantage of many religions; the fact that our country has been stronger and better for that, that we make the Nation available to all religions and respect all religions and an individual's right to practice the religion they choose.

We were honored this morning by having the Imam here at the opening of our session. He demonstrated to our Nation that we are a diverse nation, diverse in our heritage. We are all either children or grandchildren or great grandchildren of immigrants, certainly in my family, my mother and my wife, first-generation Americans, speaking in a different language than English until they learned English. But we are also so different in all our religions. Look across the Senate floor. There are a number of different religions represented right here. We have Mormons, Protestants, Jews, and Catholics. It is a wonderful example of the diversity of this Nation. So I was pleased to hear Senator REID's comments. I associate myself with them. I thank the Imam for opening our session.

Mr. REID. Is the Senator from Vermont aware that this is the first time in the history of our country that a Muslim has offered the invocation for the Senate?

Mr. LEAHY. I was not aware of that. I certainly hope it will not be the last. I hope this will happen often. I also know that the visiting Chaplain honors us, but I also hope he knows the Senate honors him. My wife's brother is a Catholic priest. One of his great moments in his priesthood was when he opened the Senate session. He reminded us of that often. This is something we should do often, and I applaud the Chaplain in using his prerogative to make this opportunity available to so many others.

Mr. KENNEDY. Mr. President, I join with my colleagues in welcoming the opening prayer this morning and say how much all of us appreciate this very important expression and how we value the message that was given to all of us

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

today. I thank our leadership for giving us the opportunity to listen to this voice of peace and restraint and wisdom. I am personally very grateful to the guest Chaplain for his presentation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SCHEDULE

Mr. REID. Mr. President, the Senate will resume consideration, under the direction of Chairman LEAHY and Ranking Member MCCONNELL, of the Foreign Operations Appropriations Act. Rollcall votes on amendments to this bill are expected as the Senate works to complete action on this bill today. Hopefully by this afternoon sometime we can complete this most important piece of legislation.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. The Senate is prepared to lay down the bill. Under the previous order, the Senate will now resume consideration of H.R. 2506, which the clerk will report.

The senior assistant bill clerk read as follows:

> A bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank both Senator LEAHY and Senator MCCONNELL for their work. I will have a number of amendments. Senator KENNEDY wants to speak briefly, and I ask my colleague from Illinois whether he also wants to speak.

Mr. DURBIN. Not at this point.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I follow Senator KENNEDY and be able to lay down the first amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

THE ECONOMIC STIMULUS PACKAGE

Mr. KENNEDY. Mr. President, since September 11, the courageous acts of countless Americans have set a new standard for the Nation. As the whole world watched the horror on television, it also witnessed what is best in our country and our character. As buildings collapsed, the American spirit soared.

The indelible images of the first days will live on in all the days of our history. Firefighters and police risked their lives and gave their lives to save others, and hundreds of rescuers paid the ultimate price. The brave passengers of flight 93 fought and defied the terrorists, and in the face of their own inevitable death, they prevented the killing of so many others.

Construction and health workers went into the shadow of constant danger to search for the missing and help the survivors. The mayor of New York City went everywhere sustaining the city. New Yorkers lined up for blocks to give blood, and so did thousands more across the country. Hundreds of millions of dollars poured in for the families of the victims, as valiantly, tearfully, and quietly they said goodbye to a mother, father, son, daughter, or friend in funeral after funeral.

And through it all Americans have begun to think deeply about our country again. We have a new sense of the precious nature of our freedom which, in the years after the cold war, we have increasingly taken for granted. We have learned anew to prize the experiment called America—a nation based not on sameness, but on diversity—a nation of different races, backgrounds, and faiths, defined not by an accident of geography or history, but by the high aspirations for a better life and greater opportunity that brought so many millions to these shores from every continent and country on the Earth.

Now, we have seen, perhaps more clearly than ever before in our lives, how we are all in this together—how, if even one of us is hurting all of us hurt. Our first thoughts on September 11 were about others, not ourselves.

That spirit must now live on. It is the new standard by which we must measure everything we do.

Today, brave young Americans are on the front lines of the fight for freedom from fear. Here at home, we must stand together to face and defeat the terrorists who would poison our people, panic our society, and paralyze our democracy. An essential point of protecting our homefront is protecting our economy—because the state of our Union cannot be strong, if the state of our economy is weak.

We need to speak honestly and directly about the choices we face—and we need to do so in the same spirit which has rallied Americans sine September 11. The standard is clear—to seek what is right for our country, and not just for ourselves; not to strive for private advantage in a time of national need. And that standard should be bipartisan—not the false bipartisanship of merely going along, but true bipartisanship, which is a two-way street, where we genuinely seek and respectfully debate what course is best for our economy, for rebuilding and restoring, and especially for all those who have been hurt in the downturn. As President Bush eloquently said when he spoke to the Congress. "We will come together to strengthen America's economy, and put our people back to work." Now all of us, in both parties, in both Congress and the administration, must live up to that all important responsibility.

Fundamentally, this, too, is a question of national security. For a strong economy is the basis of a strong Nation. It assures opportunity for all. It is the foundation of a decent and free society at home, without which we cannot fight for decent and free societies abroad.

Before September 11, the Nation's economy was already weakening. The unemployment rate had been climbing for months. Relatively few new jobs were being created. Companies were announcing successive rounds of layoffs. Business investment was being drastically reduced, and profits were rapidly falling.

Many economists believed we were in a recession, or that a recession was inevitable. And then came September 11, which was an attack not just on our cities and citizens, but on the entire American economy. No one can truly weigh the loss of life. But the loss of property amounts to tens of billions of dollars. We can redress that, and we will. But the loss and the risk went far beyond Ground Zero—in New York or at the Pentagon.

Americans stopped flying and stopped buying. Corporations put investment decisions on hold. Hundreds of thousands lost their jobs in companies across the economy, from airlines and hotels, to restaurants, retailers, and manufacturers of high-technology equipment.

Never before has it been so clear how inter-connected our society is. Two buildings go down tragically in New York City, and the entire economy suffers across the land. Economic models do not account for this. The most important of all our resources, our national confidence, has been more damaged than anyone initially realized.

It is crucial to recognize that once underway, a recession has no clear bottom. Unless we respond, it can spiral downward out of control, raising unemployment to higher and higher levels, and sharply reducing the flow of revenues for both government and business.

Consider this: Americans on average were saving very little of their income before September 11. If they now increase their savings by only 1 percent because they are afraid to spend, they will withdraw more than $100 billion from the economy. It is not enough just to tell people to go out and spend and live normal lives. This is an extraordinary time—and we cannot talk the economy out of recession. Congress must act.

This week, as the Senate and the House continue the very important debate on what must be done to revive our economy, there is at least one overriding principle on which Republicans and Democrats both agree: Urgent action is required.

We all know that cutting interest rates is the first line of defense in a downturn. But we also know that in this time of clear and present danger, lower interest rates alone cannot reverse the decline in confidence, consumer spending, and business investment. Consumers and companies will not buy more and invest more in a time of great uncertainty simply because borrowing costs are lower.

We need a direct and sizable injection of resources by government to stimulate the economy.

But if we do this in the wrong way, a stimulus package could actually harm the economy. Some would rely almost exclusively on permanent tax cuts that will do little or nothing to promote growth when we need it most—which is right now. Their proposals are neither fair nor will they work. They do not measure up to the new and honest standard of this time. A true stimulus package cannot be a disguise for special interests.

Nor can it run the risk of imposing large new long-term deficits on the Federal budget. Permanent new tax cuts—on top of nearly $2 trillion in tax cuts enacted earlier this year—would actually hurt the economy by increasing the cost of long-term borrowing. Such cuts would deter the kind of business investments we need most.

Instead, a true economic stimulus program for our time must meet three criteria:

First, it must have an immediate impact on the economy. Every dollar of the stimulus package must be spent in the economy as soon as possible. The best way to accomplish this goal is to target the dollars to the low- and moderate-income families who are most certain to spend, rather than save it. When it is spent, its impact will be multiplied as it flows from consumers to business and back to workers. In fact, every dollar given to unemployed workers in unemployment insurance payments expands the economy by $2.15.

Second, all the tax cuts and spending provisions in the plan must be temporary. They must focus on the immediate need to generate economic activity. They must not impose substantial new long-term costs on the Federal budget.

Third, the package must be fair and compassionate. It must focus on those who need and deserve the help, who are suffering the most in these difficult days. It must reflect the renewed spirit of taking care of each other. Let us here in Congress set a standard for our work equal to that set by so many after September 11. Leave no American behind—no victim of the terrorist attack, and no victim of its economic aftershocks.

The House Republicans have proposed a stimulus package that fails all three of these criteria. Sadly, this House Ways and Means Committee proposal does not rise to the higher standard required in this time of national crisis. It fails the economy. It merely repackages old, partisan, unfair, permanent tax breaks, which were rejected by Congress last spring, under the new label of economic stimulus. The American people deserve better.

The long-term cost of the House plan is much too high. More than half of the dollars would not even reach the economy for more than a year. The stimulus is needed now—not in 2003, 2004, or later. The House package spends $46 billion on permanent new tax breaks for multinational corporations and large businesses. It gives many large businesses a $25 billion windfall, not only by permanently repealing the corporate minimum tax, but also by refunding the minimum taxes already paid by them over the past 15 years. It also permanently reduces the tax on capital gains. It provides $60 billion in permanent new tax cuts for upper income taxpayers—only a small percentage of which would even go into the economy in the next year.

The wealthy individuals and big businesses that would receive these tax breaks will not spend most of the windfall. They will save it. Corporations will not invest more unless business itself improves. We cannot afford to waste valuable Federal dollars in ways that will not have a full and immediate impact on economic growth.

The House package also runs a grave risk of frightening financial markets and driving long-term interest rates up, because investors will expect future federal deficits to rise as a result of additional, permanent and unaffordable tax cuts. Already, mortgage rates have stayed stubbornly high in response to the tax bill passed earlier this year.

The House proposal is plainly unfair. In contrast to more than $115 billion in permanent new tax cuts for wealthy individuals and corporations, it provides less than $14 billion in tax cuts for lower and moderate-income families. While the tax cuts for these corporations and wealthy individuals are permanent, the cuts for working families are limited to just one year.

After passing nearly $2 trillion in tax cuts heavily slanted to the richest taxpayers 4 months ago, it is wrong to give the wealthy still more tax breaks when there is a better, more effective way to move the economy. It makes no sense to offer indiscriminate long-term tax breaks, when what is needed are realistic incentives to invest now. And, if this Congress chooses to violate that basic stimulus principle, it would be grossly irresponsible and grossly unfair not to include the fair increase in the minimum wage that has been delayed for too long already.

The new standard set by September 11 calls for a new course of action—one that places national need above personal interests, one that will truly stimulate our economy. We need a Government stimulus package of $71 billion, a package of targeted and effective support for middle and lower income working families that would be immediate, temporary, and fair, and that should include the following essential steps:

We must immediately extend unemployment insurance coverage an additional 13 weeks. The unemployed are on the front line of the economic battle, and they will spend their money immediately.

We must also extend unemployment insurance coverage to part-time and low-wage workers, who often do not qualify for any benefits at all, and who can least afford to lose their wages.

We must raise unemployment benefits by 15 percent for all workers. An average payment of $230 a week is not enough.

We must add $2 billion to job training programs to help workers prepare for and find new jobs.

These changes will cost $18 billion, but an economy returning to prosperity will more than repay the expense.

We must protect health insurance for working families by having the Federal Government cover 75 percent of the cost of insurance premiums for 12 months after a worker loses a job. We must also support coverage for workers who do not qualify for such a plan. We know that when workers lose their jobs, they lose their health insurance, too.

This program would provide an additional $17 billion of stimulus that will help keep the health care sector strong while keeping our workers healthy.

These elements—unemployment insurance, job training and health coverage for workers between jobs—are essential to any economic stimulus plan, which is why Senator BAUCUS and I have come together to propose these key changes to help workers get their feet back on the ground.

In addition to the Baucus proposal, an economic stimulus plan must add $5 billion to help our communities: $2 billion to food stamps and WIC, $1 billion to heating assistance for families, and additional funds for expanded community service and opportunities for voluntarism.

We must also invest more now in the public works that will expand employment and stimulate the economy. As we make public buildings, airports, and our water supply more secure, we must also build and modernize schools, rail lines, and infrastructure. I propose a new, $10 billion investment for these vital national purposes: $3 billion for highways and bridges; $3 billion for drinking water and wastewater treatment systems; $3 billion for school safety and construction; and $1 billion for our railways and mass transit systems.

In addition, it will not do much good to spend more at the Federal level if there are significant cutbacks at the State and local level. We do not want State and local governments, most of which have annual balanced budget requirements, to be forced to either raise taxes or cut essential services. Any such steps would be counterproductive at this critical time.

We are seeing State cuts in Medicaid, child care, job training, education, and transportation. Tennessee officials have proposed cuts that could cause 180,000 people to lose health insurance. Florida is debating a reduction in coverage for its medically needy population under Medicaid. Mississippi, Ohio, and South Carolina have already cut spending across the board. Other States are convening special sessions of their legislatures to address the crisis in their State budgets.

All this is hurting the very people who need help the most today—working families, single parents, poor children. And such cutbacks will clearly undermine the effects of any stimulus package.

The answer is for the Federal Government to provide an additional $7 billion in the stimulus package to help the States to continue their existing human services programs. The most timely and effective way to accomplish this goal is to temporarily increase the Federal contribution to programs where there is already a State-Federal partnership. The largest of these is Medicaid. In a recession, the number of families eligible for Medicaid increases substantially. In fact, some estimate that if unemployment rises 2 percent, the number of Medicaid recipients could increase by 2.5 million, dramatically increasing State costs.

We should temporarily enhance the Federal matching rate for Medicaid by 2 percentage points for States that agree to maintain their current eligibility standards and benefits. This would serve as an incentive for those States.

We should also help States temporarily by increasing the Federal Social Services Block Grant Program, which is used by States to pay for a variety of services to low-income families. It is important that State governments not be forced to curtail assistance when it is needed most—and, once again, these are dollars that will also go directly and quickly into the economy.

This spending will lift the economy in the short term; and strengthen it for the long-term.

A stimulus package must also include the right kind of temporary tax cuts that actually increase spending and growth. Seventy percent of Americans pay more in payroll taxes than in income taxes. Yet many of them received no tax rebate earlier this year. The rebate unfairly ignored these low- and moderate-income families. A one-time rebate of payroll taxes would immediately inject $15 billion into the economy, placing the dollars into the hands of people who will spend it immediately.

I do not see how anyone can defend permanent tax cuts over the next 10 years that primarily benefit the wealthy who will save most of the money, when that same money can and should be used to cut taxes now for middle- and lower-income families who will spend the gains immediately.

In the days and weeks ahead, there will be debates and compromises. But surely we can fashion a comprehensive stimulus package that meets America's new high standard—injects needed funds into the faltering American economy as quickly as possible—and that is fair and just.

In this case, fairness is also the deepest practical wisdom—the way to get the economy back on its feet as soon as possible and without jeopardizing the foundations of our future prosperity.

It would be wrong in principle and wrong economically to pass a false stimulus package of unfair tax cuts that would go largely unspent, giving the largest benefits to the few, with limited benefits to consumption and production, and long-term damage to fiscal and monetary stability. After September 11, we cannot afford businesses as usual, or the clever politics of repackaging previous goals as if they were a real response to the need for national renewal.

We need a real response and real results—now. But this stimulus is only a first step in a new and greater project—for our economy and our society.

Let us be frank. For a long time now, our first thoughts have too often been about ourselves, not others. In the process, we have neglected the future and some of our best ideals. It is time to change that, too.

Our wartime leaders have always understood that we cannot ask people to sacrifice and to fight abroad if we fail to fight for a more decent and more just society here at home.

Our leaders have always understood that the war front and the home front are really the same front. Never has this been more true than in this new kind of war against terrorism, fought both thousands of miles from our shores and in our own airports, our own mailrooms, and potentially in any American community.

In the late 1950s Dwight Eisenhower saw the relationship between our national security and education when he created the National Defense Act. He had the vision to invest in both—through support of local public schools, improvements in math, science and technical education as well as loans so that more people could go to college. President Eisenhower would have met the September 11 standard.

As he led the Nation through World War II, Franklin Roosevelt fought to make the home front stronger, too. He demanded progressive income taxes, defended unions, opposed discrimination, and created new partnerships with business. He would have met the September 11 standard.

Beyond the stimulus package, how can we meet that standard now?

America would not be the America it is today if our nation and our people had not dared again and again to reach higher across our history. Once more today, a new economy demands a new era of public purpose and progress.

The first priority is education. The information age requires an ever-more sophisticated work force. I commend President Bush for the new and effective attention he has given to higher standards in our schools. Now, we must get this bill. And this bill is only the beginning of our effort, not the end. We must do more and invest more to improve education and to secure for every person the chance to go as far as their talents can take them. Maximum opportunity for each is the only path to maximum prosperity for all, and maximum strength for America.

The next priority is health care. Before September 11, we needed a Patients' Bill of Rights to guarantee that medical decisions will be made by doctors, not accountants, and that people will have access to the best treatments, not just the cheapest. Terrorism is no excuse for delay. We need a Patients' Bill of Rights just as much today as we did before September 11. I urge the Congress to pass it now, and the President to sign it. And I urge the President and Members of Congress to keep the promise we all have made to guarantee all our seniors access to affordable prescription drugs. They need that help now, just as much as they did before.

There is something we need now even more than we did then: We must strengthen our fragile public health infrastructure to deal with the clear and present dangers of chemical and biological attack. On Capitol Hill, we know the threat first hand; we must defeat it, and we will.

Today, Senators and Members of Congress have the best of the Nation's health care at our disposal. Imagine the millions who do not. Many Americans do not even know where to go to find a doctor's help immediately. We need an emergency health care system sufficient beyond doubt to meet the dangers we may face—not just tomorrow, but over the next decade.

The bioterrorist threat should remind us of an ideal too long denied in this country: Health care is a fundamental right, not just when a terrorist attacks, but when cancer or diabetes or any other disease strikes. We have made progress; we must keep moving forward; we must get there.

Finally, the new economy has produced vast new wealth and opportunities, and reduced poverty by 25 percent since 1993. But millions are still left behind, and working families have not gained their fair share of this new national wealth. So when prosperity returns, we must ensure that we can all advance together. We must open new doors for every American. We must help 21st century mothers and fathers cope with the stresses of choosing between the jobs they need and the children they love. We must make the workplace more flexible, so that workers cannot only provide for their families, but also care for them. We must also provide a more decent living to the Nation's caregivers, to teachers, nurses, and child care workers, who give so much, yet earn so little. We must make sure the new economy works for all Americans.

Some say we cannot fight for a safer society and a more just society at the same time. I say, we weaken ourselves abroad if we do not strengthen ourselves at home. We cannot defend democracy abroad unless we extend democracy at home. In America and Britain, World War II was accompanied and followed by a period of great reform and historic transformation in society. Now, in this time of crisis, we cannot settle for anything else.

The spirit of September 11 points the way. In that spirit, we must continue to care about each other, and fulfill the promise and opportunity of America for all our people.

This spirit of September 11 has compelled so many of our citizens to do more for our country, our communities and our fellow Americans. This time calls for active citizenship, whether by children getting involved in service learning programs at school or senior citizens signing up for the Retired Senior Volunteer Program. This Saturday is Make A Difference Day, sponsored by America's Promise and the Points of Light Foundation. All Americans should use this occasion to find new ways to make their own contribution.

We are one American community. September 11 proved that. Active citizenship will nourish that spirit and sustain us in the challenges ahead. So we must reject any attempt to misuse the terrorist threat as an excuse to deny or delay our obligations to teach our children well, to treat the sick, help the needy, and make the new economy a new foundation for a stronger family life and a higher standard of life for all our families.

We have heard such excuses for inaction in the past. We will hear them again in this crisis, that the war on terrorism will deplete our resources and delay our commitment to "a more perfect union." Always in the past, there were doubters in America. But always we kept faith with America's ideals, and came together to fight the hardest battles and respond to the greatest social needs. We mobilized our government and our whole Nation, wisely and well, to defeat our enemies and meet the demands of our best ideals.

It has never been more critical to do so than it is today.

Let us start with a stimulus package that truly lifts our economy. And then let us finish the great work we are in—which is not just to win a war, but to build a future of "liberty and justice for all."

So my message now is fundamental. We need not and we must not sacrifice the home front to the war front. they are one and the same. We are all in this together, as we always have been throughout our great history.

If we meet the new standard of September 11, no one will stand in our way, and many more will join us. And the heroes of that day will have left an undying legacy—a proud new chapter in annals of America's greatness.

Let us pledge our energies to this cause. Let us show, that as the battle goes on for a world free from fear, the work goes on to move America forward.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I honestly and sincerely say it is one of the best speeches I have heard on the floor of the Senate in the 11 years I have been here. It is very connected to values I hold dear. I think what Senator KENNEDY just said, especially if it gets translated into our doing the work and passing this legislation, is so important. These times call on all of us to be our own best selves. I believe that is what the Senator's speech has called for us to do here, and for all Americans, we need each other as never before. We need each other as never before in relation to the physical security challenges, in relation to the uncertainty of the world, and we need each other as never before in terms of how we help one another to be strong in our own Nation.

I thank the Senator from Massachusetts for a marvelous speech.

Mr. REID. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. REID. I agree with the Senator. It is one of the finest speeches I have heard on the Senate floor. It covers areas that needed to be covered. It was an elaborate speech, very substantive. I agree with the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we have to make sure it translates into getting work done.

FOREIGN OPERATIONS EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 1922

Mr. WELLSTONE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mrs. BOXER, proposes an amendment numbered 1922.

Mr. WELLSTONE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

(1) Afghanistan's neighbors should reopen their borders to allow for the safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians;

(2) as the United States engages in military action in Afghanistan, it must work to deliver assistance, particularly through overland truck convoys, and safe humanitarian access to affected populations, in partnership with humanitarian agencies in quantities sufficient to alleviate a large scale humanitarian catastrophe; and

(3) the United States should contribute to efforts by the international community to provide long-term, sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

Mr. WELLSTONE. Mr. President, I thank both my colleagues. I think there may be support for this amendment. I think there should be. I will not take a lot of time. Let me explain why I think it is so important the Senate go on record.

I will not spend a lot of time on statistics. There are 7.5 million people inside Afghanistan who are threatened by famine or severe hunger as cold weather approaches. President Bush has made it crystal clear that our military action is not against ordinary Afghans; it is against terrorists and their supporters. Ordinary Afghans are among the poorest and most beleaguered people on the planet. They were our allies during the cold war.

By the way, this amendment I send to the desk with Senator BOXER, as well.

Yet right now, on present course, time is not neutral and time is not on our side, and, more importantly, time is not on the side of ordinary Afghans.

There will be at least another 100,000 children who will starve to death. The winter months are approaching.

Even before the world focused on it as a sanctuary for Osama bin Laden and other terrorists, Afghanistan was on the brink of a humanitarian catastrophe, the site of the greatest crisis in hunger and refugee displacement in the world. Now the worsening situation on the ground is almost unimaginable. After four years of relentless drought, the worst in three decades, and the total failure of the Taliban government in administering the country, four million people have abandoned their homes in search of food in Pakistan, Iran, Tajikistan and elsewhere, while those left behind eat meals of locusts and animal fodder.

Mr. President, 7.5 million people inside the country are threatened by famine or severe hunger as cold weather approaches, according to the United Nations.

As President Bush made clear, we are waging a campaign against terrorists, not ordinary Afghans, who are some of the poorest and most beleaguered people on the planet and were our allies during the cold war.

Yet, the current military air strikes and the disintegration of security is worsening the humanitarian situation on the ground.

Aid organizations are increasingly concerned about their ability to deliver aid to Afghanistan while the United States continues its bombing campaign. Several aid organizations have been accidentally bombed by the U.S. in the last week. In addition to these accidental bombings, law and order are breaking down inside Afghanistan. Reports indicate that thieves have broken into several aid organization offices, beat up the Afghan staff and stolen vehicles, spare parts, and other equipment.

Warehouses of the International Red Cross in Kabul were bombed yesterday. The ICRC says that the warehouses were clearly marked white with a large red cross visible from the air. One worker was wounded and is now in stable condition. One warehouse suffered a direct hit, which destroyed tarpaulins, plastic sheeting, and blankets, while another containing food caught on fire and was partially destroyed. The Pentagon claimed responsibility for the bombing later in the day, adding that they "regret any innocent casualties," and that the ICRC warehouses were part of a series of warehouses that the United States believed were used to store military equipment. "There are huge needs for the civilian population, and definitely it will hamper our operations," Robert Monin, head of the International Red Cross' Afghanistan delegation, said in Islamabad, Pakistan.

Another missile struck near a World Food Program warehouse in Afsotar, wounding one laborer. The missile struck as trucks were being loaded for an Oxfam convoy to the Hazarajat region, where winter will begin closing off the passes in the next two weeks. Loading was suspended and the warehouse remains closed today.

Last week, four U.N. workers for a demining operation were accidentally killed when a bomb struck their office in Kabul.

In response to the dangers threatening humanitarian operations, the Oxfam America president said, "It is now evident that we cannot, in reasonable safety, get food to hungry Afghan people. We've reached the point where it is simply unrealistic for us to do our job in Afghanistan. We've run out of food, the borders are closed, we can't reach our staff, and time's running out."

The World Food Program was feeding 3.8 million people a day in Afghanistan even before the bombing campaign began. These included 900,000 internally displaced people at camps. Although the U.S. military has dropped thousands of ready to eat meals, everyone agrees that only truck convoys can move sufficient food into Afghanistan before winter. As of last Friday, there were only two convoys confirmed to have gotten through. WFP announced that two more convoys since the bombing campaign started were nearing Kabul.

Complications and delays in delivering emergency food supplies to Afghanistan could cause rising death rates from starvation and illness as winter sets in. Many of the high mountain passes will be closed by mid-November due to 20–30 foot snows.

Aid agencies are falling behind in their efforts to deliver enough emergency relief to Afghans to avoid a large loss of life this winter. UNICEF estimates that, in addition to the total of 300,000 Afghan children who die of "preventable causes" each year, 100,000 more children might die this winter from hunger and disease.

The main reasons for this shortfall in aid are related to security concerns. Aid agencies have withdrawn their international staff, and local staff have attempted to continue the aid programs but have been subjected to intimidation, theft, and harassment. As the United States continues to pound Taliban targets, law and order in some cities is reportedly also breaking down. Truck drivers are unwilling to deliver supplies to some areas for fear of being bombed by the United States, or being attacked by one faction or another. Taliban supporters have obstructed aid deliveries on some occasions.

Despite these nightmares, shipment of food and non-food emergency items arrive in Afghanistan daily—but the total shipped is only about one-half of what is needed. The situation is particularly urgent as some of the poorest and most needy areas will be cut-off from overland routes by mid-November. An estimated 600,000 people in the central highlands are dependent upon international food aid, and little is on hand for them now.

The food shortfall in Afghanistan may result in an increased flow of refugees to the borders. A flood of refugees to the border would present a different but also challenging set of problems. Clearly, as everyone has said, it is better for them to remain at home than flee to neighboring countries out of hunger.

There is no easy solution to this humanitarian crisis. It is complex and requires the international community to take urgent and imaginative action to boost the flow of food inside. The United States should take the lead in helping to devise aggressive and imaginative ways to expand the delivery of food. These could include the creation of humanitarian corridors, the use of existing commercial trading companies and air deliveries to airports that have not yet been bombed.

The establishment of humanitarian ground and air corridors should be considered for the secure transportation and distribution of emergency aid. The Administration should push to have some roads or air routes in areas of limited conflict be designated as protected humanitarian routes. Such possible ground and air corridors include Northern Alliance held territory along the border of Tajikstan, and Northern Alliance airfields which have not been bombed. These airfields could be used for a Berlin style airlift to get massive amounts of aid into the country quickly.

The United Nations High Commissioner for Refugees estimates that 1.5 million additional Afghans could seek to flee the country in coming months due to the ongoing military conflict.

All six countries neighboring Afghanistan have closed their borders to refugees both on security grounds and citing an inability to economically provide for more refugees. Thousands have been trapped at borders with no food, shelter, water or medical care.

I am introducing a resolution today which addresses this crisis. The text of the resolution states the following:

Afghanistan's neighbors should reopen their borders to allow for the safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians;

As the United States engages in military action in Afghanistan, it must work to deliver assistance, particularly through overland truck convoys, and safe humanitarian access to affected populations, in partnership with humanitarian agencies in quantities sufficient to alleviate a large scale humanitarian catastrophe;

The United States should contribute to efforts by the international community to provide long-term, sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

I urge my colleagues to support this measure.

There has been a lot of focus on airdrops. The truth of the matter is, airdrops from 50,000 feet—and I know the Presiding Officer was present during the committee hearing we had—are not all that effective. Basically, all of the United Nations, the nongovernment organization, people on the ground have all said that not even 1 percent of the people are helped this way. Secretary Powell and the administration know this. At the same time, the reality is we have to do a couple of different things. If we don't, there will be a lot of innocent people who will starve to death. That is a reality. That is not consistent with our values; that is not who we are.

Frankly, if I were to make a political national interest argument—which I am not comfortable making because I think values enough should dictate what we do—I would say absolutely the worst thing imaginable would be, in the next several weeks or months to come, for there to be a situation where the Bin Ladens of this world were able to use the pictures of starving children in Afghanistan against our country. We don't want that.

Colleagues, on present course, that is what will happen. Therefore, there are a number of things we can do. I will go to the wording of the amendment. One is, we need the highest level United States engagement to open the borders, especially the Pakistani border. The administration has spoken about this. It is extremely important. Right now there are lots of refugees amassed at the border who cannot get over. It is a humanitarian crisis.

By the way, probably more serious than the 1.5 million refugees we will have, given the dangerous situation for themselves and their loved ones, is the people left behind in Afghanistan. The people who do not try to cross the borders are the poorest of the Afghans. They are the elderly, the most infirm.

The second thing I mention today is we have to do a better job. Our Government has to do a better job of efficiently making sure the money we have committed—we have made a generous commitment—actually flows to the United Nations organizations and nongovernmental organizations that are delivering the food. It wasn't until last weekend that the first installment was made. That was $10 million to the United Nations; yesterday, $20 million to the NGO. Some of this was held up by Osama bin Laden. We have to be much more efficient at making sure the money flows to the people who are on the ground to deliver the food.

The third point is we are just going to need a more imaginative response, more imaginative action.

There are a number of different proposals that have been made, and the resolution is broad and just says we need to make that commitment, for example, opening up humanitarian response corridors. The most effective way to get food to people is going to be over land, by truck convoy. We may need to do a better job of coordination vis-a-vis our military action to open up those corridors and make sure the trucks can move and the food can flow.

Another thing is we are probably going to need to take a very serious look at these different airstrips. Airstrips that are in low conflict areas, we have to make sure they are going to be maintained because we may need to do a Berlin-style airdrop and planes actually land and we then get the food to people, which can be very effective.

What I am saying today is that we need to put every bit as much effort into the humanitarian relief right now as to the military effort. Both are extremely important.

I will just read the wording of the amendment which basically calls on Afghanistan's neighbors to open their borders for safe passage and makes it clear we are going to help with the economic costs and the plight of desperate Afghan civilians.

Second, it makes the point that in partnership with humanitarian agencies we have to do everything we can to deliver the food assistance in the most imaginative and effective ways possible. And then third, it talks about the obvious contribution we will make with the international community in terms of long-term sustainable reconstruction development and assistance for the people of Afghanistan.

I have decided not to take a lot of time because I believe there will be support. The aid agencies are falling behind in their effort to provide the emergency relief. UNISEF estimates that in addition to the 300,000 Afghan children who die of preventable causes each year, 100,000 more children are going to die this winter as a result of hunger and disease. That is unacceptable. That is unconscionable.

So what this first amendment that I have introduced does is it puts the Senate on record with a strong statement that we understand the urgency of getting the humanitarian assistance to the innocent people of Afghanistan. Again, I think this is a powerful and important message for us to deliver. We cannot be silent about this. We cannot put the fact that many, many people could and will starve to death in parentheses. We can't do that.

Moreover, I think we can and should and must, as responsible lawmakers, make it crystal clear that there are some things we know need to be done: opening the borders to people, making sure the money flows more efficiently from the United States to these relief organizations, and again find creative new ways of getting them the food. Airdrops alone from 50,000 feet are not going to do the job.

I think the administration knows this. I hope there will be yet an even stronger commitment. I believe this statement from the Senate is extremely important. That is why I introduced this first amendment.

Mr. President, I think what I am going to do in order to move things forward is I am going to move to the second amendment which deals with Uzbekistan. Basically, it is a reporting requirement that not later than 3 months after the date of enactment of this act and then 6 months thereafter, the Secretary of State shall submit to the appropriate congressional committees the following. This basically we want to get an accounting of how our money is used by the military there. This is a human rights amendment. I will explain it in a moment, after I send the amendment to the desk.

The PRESIDING OFFICER. Is the Senator asking unanimous consent to lay aside the pending amendment?

Mr. WELLSTONE. Until both managers are on the floor, I will lay aside the first amendment and then we can deal with both of them. I think both amendments will be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1923

Mr. WELLSTONE. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1923.

Mr. WELLSTONE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

SEC. . UZBEKISTAN.

REPORTS.—Not later than three months after the date of the enactment of this Act, and then six months thereafter, the Secretary of State shall submit to the appropriate Congressional committees on the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to Uzbekistan during the six-month period ending on the date of such report.

(2) The use during such period of defense articles and defense services provided by the United States by units of the Uzbek armed forces, border guards, Ministry of National Security, or Ministry of Internal Affairs.

(3) The extent to which any units referred to in paragraph (2) engaged in human rights violations, or violations of international law, during such period.

Mr. BYRD. Mr. President, reserving the right to object, I did not understand the request. May I inquire of the Senator how long he will be speaking?

Mr. WELLSTONE. Mr. President, I say to my colleague from West Virginia, I am actually trying to help the managers move along. I think I will probably be able to do this in less than 15 minutes.

Mr. BYRD. Mr. President, would the Senator include my request that I follow his remarks with a statement of my own?

Mr. WELLSTONE. Mr. President, I ask unanimous consent that following my remarks regarding this amendment, the Senator from West Virginia have the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Senator and I remove my reservation.

Mr. WELLSTONE. The reason I offer this amendment requiring a report to Congress with respect to our efforts in Uzbekistan is that prior to the tragedies of September 11, few of us knew anything about this central Asian country. Yet today Uzbekistan has become one of our most important allies in this battle against terrorism. In fact, it is one of only two states bordering Afghanistan which is willing to host overt U.S. military operations to find Osama bin Laden.

Although we should welcome the cooperation of Uzbekistan in our efforts, we cannot overlook what is happening in Uzbekistan itself. Since 1997, this Government has used the threat of terrorism to justify a total crackdown on independent, peaceful Muslims who pray at home, study the Koran in small groups, belong to peaceful Islamic organizations not registered with the state, or disseminate literature not approved by the state.

Colleagues, I am pointing to a real dilemma for us. On the one hand, we understand the need for support. On the other hand, it is terribly important that we not uncritically align ourselves with governments which torture citizens.

This amendment is an important one, and I want to be clear about what it does. First and foremost, it in no way limits our ability to cooperate with Uzbekistan. We need Uzbekistan in the fight against terrorism, and we must be able to fully cooperate with their Government in that fight. But given the reports of grave abuses against civilians in the name of fighting terrorism, we need to monitor the cooperation. That is what this amendment is about.

The amendment requires that not later than 3 months after its enactment the Secretary of State report to appropriate congressional committees on: No. 1, the defense articles, services, and financial assistance provided by the United States to Uzbekistan; No. 2, the use of such articles, services, and assistance by the Armed Forces there, border guards, Ministry of National Security, and the Ministry of Internal Affairs, and, No. 3, the extent to which any units of these groups engage in a pattern of human rights violations or violations of international law during that period.

In his national address on September 20th, President Bush linked the Islamic Movement of Uzbekistan, IMU, to Osama bin Laden, suggesting the IMU may be a target of U.S. counterterrorism attacks. Last year, the United States included the IMU on its list of terrorist organizations. The Government of Uzbekistan has also targeted the IMU as part of its own counterterrorism efforts. But according to the most recent Department of State Country Reports on Human Rights Practices, the Government of Uzbekistan has responded to the threat of terrorism by arresting "hundreds of Islamic leaders and believers on questionable grounds." In short, it has used the issue of terrorism to justify a far broader crackdown on peaceful Muslims. It has branded "independent" Muslims as "extremists," and sentenced thousands of them to long prison terms without connecting them to the IMU or to any acts recognized as crimes under international law.

The Uzbek government has particularly targeted a group known as the Party of Liberation. This is an Islamic group that supports the re-establishment of an Islamic state by peaceful means. Membership in this group or even possession of one of its pamphlets is deemed grounds for arrest and is punishable by up to twenty years in prison. Even prayer draws suspicion and has been cited in court as evidence of subversive intent. According to Human Rights Watch, in one verdict condemning an alleged Party of Liberation member to 18 years in prison, the Judge declared: "He confessed that in 1996 he started to pray." Increasingly, police arrest relatives of those accused of belonging to an unregistered Islamic group. In April 1999, the President of Uzbekistan declared that fathers would be punished for the supposed wrongs of their sons, and brothers and often arrested together and even tortured in each other's presence.

According to the Human Rights Watch World Report for 2001, those arrested in Uzbekistan endure the worst torture. The Reports states: "In addition to hundreds of reports of beatings and numerous accounts of the use of electric shock, temporary suffocation, hanging by the ankles or wrists, removal of fingernails, and punctures with sharp objects, Human Rights Watch received credible reports in 2000 that police sodomized male detainees with bottles, raped them, and beat and burned them in the groin area. Male and female detainees were regularly threatened with rape. Police made such threats in particular against female detainees in the presence of male relatives to force the men to sign self-incriminating statements. Police also regularly threatened to murder detainees or their family members and to place minor children in orphanages." Human Rights Watch reports that police torture in Uzbekistan has resulted in at least fifteen deaths in custody in the past two years alone.

According to our own Department of State Country Reports on Human Rights Practices for 2000, the government of Uzbekistan's "poor human rights record worsened, and the Government continued to commit numerous serious abuses." "There were credible reports that security force mistreatment resulted in the deaths of several citizens in custody. Police and the National Security Service tortured, beat, and harassed persons. The security forces arbitrarily arrested or detained pious Muslims and other citizens on false charges, frequently planting narcotics, weapons, or forbidden literature on them." "The Government continues to voice rhetorical support for human rights, but does not ensure these rights in practice."

Just listen to some of these accounts:

Thirty-year-old Komlidin Sattarov was arrested in February 2000 for alleged possession of Party of Liberation leaflets, following his elder brother's conviction for membership in the group. His defender summarized some of the young man's court testimony of his torture by police:

> He stuck it out for the first one or two days, but then they used electric shock. . . . They put him in a chair and strapped electrodes to his hands, feet, and neck and gave him electric shock. He lost consciousness and then they did it again. He confessed to some of the charges. Then they began to beat him with truncheons, and he agreed to sign everything.

Prior to a July and August 2000 trial of seventeen men on charges of Wahabism, a form of Islam, the defendants were held by police and tortured over several months. Gafurjon Tohirov testified in court that he was tortured for more than 2 months, that officers had beaten him on the bottoms of his feet and that the white clothes he had been wearing—he had just returned from a pilgrimage to Mecca—were covered with blood. While beating another defendant, police allegedly concentrated their blows on the young man's already injured kidneys, due to which, according to one source, the defendant agreed to sign a confession. Another accused was allegedly burned with cigarettes and subsequently raped in custody; investigators also allegedly threatened to rape his wife if he refused to give a self-incriminating statement. Once transferred from custody of the National Security Service, SNB, to Tashkent police headquarters in January 2000, this defendant continued to be tortured. A state appointed lawyer allegedly requested medicine for him from his family on January 10, as well as dark trousers to replace his bloodied white ones. The man was kept incommunicado in the basement of police headquarters in Tashkent for sixty-eight days. Dismissing his and other defendants' detailed allegations of torture, a judge of the Tashkent City Court declared on the day of the verdict, "No one tortured them. There was no written complaint that they were tortured. When they were asked, they couldn't name their torturers . . . [W]e consider their testimony [on torture] as having no grounds."

When brothers Oibek and Uigun Ruzmetov were arrested on charges of attempting to overthrow the government, on January 1, 1999, their parents were also arrested. Their father on the same day, their mother on January 5. Their mother recounted that she was held for one night in solitary confinement in the district police station, handcuffed naked and given no water. Then they showed her to her son Uigun:

> They . . . stripped me naked . . . Twice they walked him by me. He looked so bad, he had been completely beaten up. I could only cry, I could not talk to him. They told him. "Your parents and your wife are also in prison. Your children are in an orphanage. If you don't sign these documents, we'll do something very bad to your wife." My son at his trial said that he was told they would rape his wife before his eyes if he did not confess.

Mr. President, these stories are incredible. We can not ignore them. To do so implies that in the war against terrorism, anything goes. That kind of attitude will only weaken our war on terrorism, not strengthen it. Eighty percent of the population of Uzbekistan is Muslim. To ignore Uzbek abuses could add fuel to the fire that this is not truly a war on terrorism, but is a war on Islam. We must ensure that anti-terrorism efforts are conducted in a manner that protects religious freedom and other human rights, and we must carefully monitor our cooperation with Uzbekistan to ensure that protection. The amendment I offer here today requiring a report to Congress on the extent to which any Uzbek units receiving US assistance engaged in human rights violations, or violations of international law, will remind the Uzbek government that although we welcome their cooperation, we are also watching them.

All I am saying is when you have a group of people in a country who, because of the practice of their faith, are being crushed in this way, and you have examples of torture and rape, to the extent that we are involved with such a country, we ought at least have a monitoring of how the money is spent.

I think I will send the statement to Senators because, frankly, it is so graphic, it is difficult to go over in great detail.

You are talking about a government that has been involved in widespread abuse of human rights. You are talking about a government that has systematically tortured its citizens. I think at a very minimum in our work with this government, we have to make sure there is a very rigorous reporting of how our money is spent in relation to the military.

Mr. President, I ask unanimous consent that my amendment be set aside to be accepted as modified.

Mr. BYRD. Mr. President, what is the Senator's request?

Mr. WELLSTONE. Mr. President, after both amendments are accepted, I will yield the floor.

Mr. McCONNELL. Mr. President, we have looked at both amendments. They are certainly acceptable on this side of the aisle.

Mr. WELLSTONE. I ask whether we might have a voice vote on the amendments, as modified.

Mr. President, I ask for a voice vote on both amendments, as modified.

The PRESIDING OFFICER. Is there further debate on the amendments, as modified?

Without objection, the amendments are agreed to.

The amendments (No. 1923 and No. 1922) were agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the votes.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I want to remind colleagues, independent of the amendments, that I later on today will have a colloquy with Senator BROWNBACK dealing with the whole question of women and girls being forced into prostitution. We want to talk about appropriations for that. I will probably be joined by my colleague, Senator FEINGOLD, in some discussion about Plan Colombia. I want to talk about the number of trips I have taken to Colombia and what I have seen focusing on human rights and having a chance to speak on the human rights position; in particular, the work I have been able to do with a very powerful Jesuit priest, Francisco De Roux, and something I think we can learn from his wisdom.

I want to move those amendments along.

I want to say two other things very quickly.

Last week, we passed a resolution which I have been trying to make long enough so that it can be in the Capitol Hill Police Office thanking the Capitol Police for their work.

This may be gratuitous—my guess is that Senators are doing this all the time anyway—for which I apologize. I suggest to Senators when they are passing by the Capitol Police to be sure to thank them. I met, for example, a young officer today. He told Sheila and me that he has little children. He sees them 1 hour a day. He is working six 12-hour days. He says that is better than 17-hour days.

They are working under a lot of pressure. I want on the floor of the Senate to again thank them for their work. I appeal to Senators to go out of their way to thank them.

If you look at the Capitol Hill Police men and women, you can see a lot of exhaustion in their faces. I think we owe a real debt of gratitude to them.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. REID. Mr. President, I have spoken to the Senator from West Virginia. We have some amendments that are cleared.

Mr. BYRD. Mr. President, I yield to the distinguished whip for the purpose that he is now requesting. I ask unanimous consent that upon the completion of his remarks and the action on amendments I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I express my appreciation to the Senator from West Virginia.

Senator McCONNELL and Senator LEAHY have every intention of moving this bill as quickly as possible. If Members have amendments, they had better bring them because the managers aren't going to wait around all day long for Members to bring amendments to the floor. After reasonable time goes by and Members haven't gone to amendments, we are going to move to third reading of this bill.

AMENDMENTS NOS. 1924 THROUGH 1939, EN BLOC

Mr. REID. Mr. President, I ask unanimous consent that it be in order for the Senate to consider, en bloc, 15 amendments; that the amendments be considered and agreed to en bloc; that the motions to reconsider be laid upon the table en bloc; that the consideration of these amendments appear separately in the RECORD; and that any statements or colloquies be printed in the RECORD.

These amendments have been reviewed very closely by the managers of the bill and their staff.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. McCONNELL and others, proposes amendments numbered 1924 through 1939.

The amendments (Nos. 1924 through 1939) were agreed to, as follows:

AMENDMENT NO. 1924

(Purpose: To make avaialble funds to assess the cause of the flooding along the Volta River in Accra, Ghana, and to make recommendations on how to solve the problem)

On page 125 line 16, before the period at the end of the line insert the following: ": *Provided further*, That, of the funds appropriated under this heading, up to $100,000 should be made available for an assessment of the causes of the flooding along the Volta River in Accra, Ghana, and to make recommendations for solving the problem''.

AMENDMENT NO. 1925

On page 133, line 17, after ''States'' insert the following: '', of which not to exceed $28,000,000 shall be available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for the Federal Republic of Yugoslavia''.

AMENDMENT NO. 1926

On page 229, line 12, after ''steps'' insert the following: '', additional to those undertaken in fiscal year 2001,''.

On page 229, line 16, strike everything after ''(3)'' through ''law'' on line 17, and insert in lieu thereof: ''taking steps, additional to those undertaken in fiscal year 2001, to implement policies which reflect a respect for minority rights and the rule of law, including the release of all political prisoners from Serbian jails and prisons''.

AMENDMENT NO. 1927

On page 176, line 15, strike ''$14,500,000'' and insert in lieu thereof ''$15,500,000''.

AMENDMENT NO. 1928

At the appropriate place, insert:

DISABILITY ACCESS

SEC. . Housing that is constructed with funds appropriated by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and to carry out the provisions of the Support for East European Democracy (SEED) Act of 1989, shall to the maximum extent feasible, be wheelchair accessible.

AMENDMENT NO. 1929

On page 142, line 18, after ''That'', insert the following: ''of the amount appropriated under this heading, not less than $101,000,000 shall be made available for Bolivia, and not less than $35,000,000 shall be made available for Ecuador: *Provided further*, That''.

On page 142, line 25, strike everything after ''with'' through ''General'' on page 143, line 1, and insert in lieu thereof: ''the Administrator of the Environmental Protection Agency and the Director of the Center's for Disease Control and Prevention''.

On page 143, line 6, strike ''according to the'' and insert in lieu thereof: ''in accordance with Colombian laws and regulations, and''.

On page 143, line 10, strike ''in place'' and insert in lieu thereof: ''being utilized''.

On page 143, line 12, after ''and'' insert: ''to''.

On page 216, line 14, strike ''concerning'' and insert in lieu thereof: '', including the identity of the person suspended and''.

AMENDMENT NO. 1930

On page 127, line 12, strike everything after ''rehabilitation'' through ''Maluka'' on line 13, and insert in lieu thereof: ''and reconstruction, political reconciliation, and related activities in Aceh, Papua, West Timor, and the Malukus''.

On page 220, line 23, after ''Indonesia'' insert the following: '', including imposing just punishment for those involved in the murders of American citizen Carlos Caceres and two other United Nations humanitarian workers in West Timor on September 6, 2000''.

On page 221, lines 17 and 18, strike ''having in place a functioning system for''.

On page 221, lines 19 and 20, strike ''that fund activities''.

AMENDMENT NO. 1931

On page 128, line 9, insert the following:

LAOS

Of the funds appropriated under the headings ''Child Survival and Health Programs Fund'' and ''Development Assistance'', $5,000,000 should be made available for Laos: *Provided*, That funds made available in the previous proviso should be made available only through nongovernmental organizations.

AMENDMENT NO. 1932

On page 127, line 19, strike ''should'' and insert in lieu thereof ''shall''.

AMENDMENT NO. 1933

(Purpose: To prohibit humanitarian assistance inside Burma unless certain conditions are met)

On page 127, line 26, after ''law:'' insert the following: ''*Provided further*, that none of the funds appropriated by this Act may be used to provide humanitarian assistance inside Burma by any individual, group, or association unless the Secretary of State certifies and reports to the Committees on Appropriations that the provision of such assistance includes the direct involvement of the democratically elected National League for Democracy:''.

AMENDMENT NO. 1934

At the appropriate place in the bill, insert the following:

COMMUNITY-BASED POLICE ASSISTANCE

SEC. . (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and through the promotion of civilian police roles that support democratic governance including programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—Twelve months after the initial obligation of funds for Jamaica for activities authorized under-subsection (a), the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees describing the progress the program is making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committee on Appropriations.

AMENDMENT NO. 1935

On page 179, line 7, after ''democracy'' insert '', human rights''.

On page 179, line 8 after ''which'' insert: ''not less than $5,000,000 should be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for such activities, and of which''.

AMENDMENT NO. 1936

At the appropriate place, insert:

SEC. . SEPTEMBER 11 DEMOCRACY AND HUMAN RIGHTS PROGRAMS.

Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $15,000,000 shall be made available for programs and activities to foster democracy, human rights, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: *Provided*, That funds appropriated under this section should support new initiatives or bolster ongoing programs and activities in those countries: *Provided further*, That not less than $2,000,000 of such funds shall be made available for programs and activities that train emerging Afghan women leaders in civil society development and democracy building: *Provided further*, That not less than $10,000,000 of such funds shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy Human Rights and Labor, Department of State, for such activities: *Provided further*, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations.

AMENDMENT NO. 1937

At the appropriate place in the bill insert:

SEC. . UZBEKISTAN.

REPORTS.—Not later than three months after the date of the enactment of this Act, and six months thereafter, the Secretary of State shall submit a report to the appropriate congressional committees describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to Uzbekistan during the six-month period ending on the date of such report.

(2) The use during such period of defense articles and defense services provided by the United States by units of the Uzbek armed forces, border guards, Ministry of National Security, or Ministry of Internal Affairs.

(3) The extent to which any units referred to in paragraph (2) engaged in human rights violations, or violations of international law, during such period.

AMENDMENT NO. 1938

At the appropriate place, insert:

SEC. . HUMANITARIAN ASSISTANCE FOR AFGHANISTAN.

It is the sense of the Senate that:

(1) Afghanistan's neighbors should reopen their borders to allow for the safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians;

(2) as the United States engages in military action in Afghanistan, it must work to deliver assistance, particularly through overland truck convoys, and safe humanitarian access to affected populations, in partnership with humanitarian agencies in quantities sufficient to alleviate a large scale humanitarian catastrophe; and

(3) the United States should contribute to efforts by the international community to provide long-term, sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

AMENDMENT NO. 1939

On page 153 line 7, after the colon insert the following: "*Provided further*, That of the funds appropriated by this paragraph, not less than $2,300,000 shall be made available for assistance for Thailand:"

AMENDMENT NO. 1926

Mr. MCCONNELL. Mr. President, I offer this amendment along with Senators HELMS and LEAHY out of concern with the continued detention of political prisoners in Serb jails. Our amendment is simple and straightforward: It makes absolutely clear that among the certification requirements contained in section 575 of this bill is the release of these prisoners. I urge the democrats and reformers in Belgrade to take notice of our actions, and to release the political prisoners immediately. I yield the floor to my friend from North Carolina.

Mr. HELMS. I find it incomprehensible for a government that claims to be democratic and just to sustain this cruel vestige of the Milosevic era.

Last August, I asked my staff to travel to Serbia and visit these Albanian political prisoners. My intent was the following: I wanted to check on the physical conditions of these prisoners. I wanted to ensure that they and their families know the United States has not forgotten about their suffering. I wanted to underscore to authorities in Belgrade that they must release these political prisoners who were arrested, too often brutally tortured, sentenced and jailed by Milosevic and his system of kangaroo justice. And, I wanted to remind Belgrade that failure to do so will have consequences for their relationship with the United States.

Serbian Justice Minister Batic cooperatively arranged meetings for my staff. These took place in two Serbian jails with four Kosovar Albanian prisoners: Kurti Aljbin, Isljam Taci, Berisa Petrit, and Sulejman Bitici. These four individuals, I might add, were chosen at the recommendation of an extremely courageous woman, Natasa Kandic of the Humanitarian Law Center in Yugoslavia. Ms. Kandic is Serb, who at great risk to her personal safety, has provided these and other Albanian political prisoners legal and humanitarian assistance.

The stories of these four political prisoners speak volumes to the atrocities and injustice of the Milosevic regime. Imagine being arrested because you are an Albanian student, thrown in jail only to learn later that there were no formal charges brought against you, and even if there were you couldn't appeal them because your file had "disappeared" or it was burned. Imagine being thrown out of a fourth story window so that your legs would break, or being subjected to repeated beatings, shock torture, and mock executions. That is exactly what happened during the Milosevic era.

The good news is that these tortures have ended. However, ending the torture is not enough. Each day Belgrade keeps people like Kurti Aljbin, Isljam Taci, Berisa Petrit, and Sulejman Bitici locked behind bars is another day that Belgrade has continued the horrors and injustice of the Milosevic regime. And this is totally unacceptable.

One prisoner asked the poignant question: "If Milosevic is in jail, why are we still here?" The fact is there is no justifiable answer to this question. I yield the floor to the Senator from Vermont.

Mr. LEAHY. It has been almost a year since the fall of Milosevic, and more than five months have passed since his arrest. While some Albanian prisoners were released earlier this year, there are still more than 100 Albanian political prisoners languishing in Serb jails. There is no justification under any circumstances, to imprison innocent people. Serb officials know this. These people should never have been arrested, and they should have been released long ago.

Mr. MCCONNELL. Would the Senator yield for an additional comment? I continue to be keenly interested in the investigation into the murder of the three American brothers of Albanian descent from New York who were recently found in a mass grave in Serbia. Justice must be served for their murders, which occurred at the end of the war in Kosova.

Mr. LEAHY. I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from West Virginia is recognized under the previous order.

Mr. BYRD. Mr. President, I thank the Chair.

I also congratulate and thank Senator KENNEDY who spoke earlier for the proposals and suggestions, and the good counsel that he offered to the Senate at this critical time.

REGAINING A SENSE OF SECURITY

Mr. BYRD. Mr. President, this morning the U.S. Postmaster General warned Americans that their mail is not guaranteed to be safe.

The American people have been on an emotional roller coaster ride ever since September 11. In the days and weeks following the terrorist attacks on the World Trade Center and the Pentagon, the American people collectively have experienced a national anxiety attack—fear, remorse, outrage, despair, confusion, depression, and unease have all manifested themselves in recent weeks.

Before the brutal terrorist attacks of September 11, American consumers were already nervous as layoff announcements rolled out of auto factories, and stock market retirement savings dissipated into thin air. Since that dark day, the economy has grown even more unstable as consumers, seized with fear—Franklin D. Roosevelt said, there is nothing for us to fear but fear itself, but fear is here, and it permeates throughout this city and throughout the Nation—consumers, seized with fear, have stayed riveted to their television sets and away from shopping malls.

American consumers have postponed taking that much-deserved family vacation out of fear of getting onto an airplane. I would share that same fear. I know it is all right for some to say, go ahead and ride an airplanes if you have the Secret Service there to protect you and you can go on a special plane, but I would not ride on a commercial plane right now because I share that fear. Consumers are shunning restaurants, avoiding movie theaters and other public gathering places which they fear might be the target of new terrorist attacks.

Although the initial shock has begun to wear off, and economic activity has recovered somewhat from the weeks immediately following the terrorist attacks, nearly 200,00 Americans lost their jobs last month—the largest monthly decline since February 1991, more than 10 years ago—and the unemployment rate is expected to soar to well over 5 percent in this month alone. This on top of the fear that has kept people away from the streets of Washington.

Just a few days ago, I recall, Metro was offering free tickets to people in the suburban areas in an attempt to entice them to come into the city of Washington and go to the restaurants and go to the stores. And the restaurants were offering free food in some instances or a free glass of wine to encourage people to come into this city, the Capital City, which was burned by the—I hope the distinguished Senator from Massachusetts will wait just a moment. I want to mention something he will remember.

This Capitol was burned during the War of 1812 by the British. It is practically empty now. The Senator from Massachusetts will remember, with me, something that was occurring in this city 39 years ago right now. I was here on Octcber 22, 1962—1962 or 1963?

Mr. KENNEDY. It was 1962.

Mr. BYRD. The late President John F. Kennedy delivered an ultimatum to the then-leaders of the Soviet Union to get their missiles out of Cuba. That was on Monday of this week, 39 years ago. We Senators then felt the same angst that we do now.

The President, in a television address, delivered this ultimatum. President Kennedy also suggested that there be regional meetings where we Members of Congress—I was a Member of the Senate—could go to regional meetings and get briefings. The Senate was not in session. The Senate had gone out of session on the October 13 sine die. And the late President John F.

Kennedy informed Members of Congress that he would give them notice to come into Washington if the necessity arose.

There was fear throughout the land. That was 39 years ago this week. On Sunday of this week 39 years ago Nikita Khrushchev capitulated to President Kennedy's demand that those missiles be pulled out of Cuba.

President Kennedy instructed our naval ships to stop any ship that approached Cuba and to search that ship. And there was a ship that approached Cuba. I forget what flag it was flying, but our naval units stopped it, searched it; and when we finally determined that Nikita Khrushchev really meant what he said, that he would get those missiles out of Cuba, then we relaxed.

I had no intention of bringing my wife into this city during those days. They were very tense days. The people were not just thinking of anthrax; they were thinking of nuclear war. We had strong leadership—strong leadership—that laid it down to the Soviet leaders. Mr. Khrushchev, who had once beaten his shoe upon the desk and said: We will bury you—that was Khrushchev—he was soon relieved of his leadership position in the Soviet Union. Mr. Brezhnev then became the First Secretary, and who Nikolai Bulganin who became the Premier of the Soviet Union. But those were the conditions 39 years ago right now in this city.

Well, fortunately, we are not facing what appeared to then be perhaps an immediate nuclear attack on this country. And some of the nuclear missiles could have emanated from Cuba. Here we are again now, and we have received a terrorist attack on the World Trade buildings in New York City and on the Pentagon. We are faced now with an even more subtle and sinister attack on the people in this city. As I said earlier, the Postmaster General indicated just this morning that the American people cannot be guaranteed their mail is safe.

I say to my wife—my wife of 64 years, I hasten to add—Don't you go to the mailbox. Leave the mail in that box until I come home. I will get the mail out of the box.

That is the kind of fear that is permeating this whole country, this whole city, this whole complex from which I speak today.

Our staffs are warned about the mail that comes to us from our constituents. It may be a letter, a package, something that was not sent by a constituent in our mail. So our staffs are in fear.

The unemployment rate is expected to soar to well over 5 percent in this month alone. The Congress will soon consider a stimulus plan. It is being discussed. Preparations for such a plan are going forward. I have had my Appropriations Committee staff working on a stimulus package, one that will include funds for homeland security, homeland defense. This stimulus plan is aimed at providing a shot in the arm to our flagging economy.

We hear a lot about business tax cuts. I have already voted against a gargantuan $1.3 or $1.6 or $1.8 or $2 trillion tax cut earlier this year. Now we hear that there are going to be further tax cuts. A measure is making its way in the House of Representatives, I understand, that would provide up to $100 billion in tax cuts and almost $200 billion, $195 billion over 10 years. Business tax cuts, increased unemployment benefits, subsidized health insurance premiums are all on the table. But none of these—none of these—will help to assuage the psychology of fear that grips this land of ours.

The surest way to stabilize the economy and encourage Americans to get back on airplanes, to go back to the shopping malls, to go back to the automobile dealerships—look over those shiny automobiles, kick the tires, see if the windshield wiper works, raise the lid of the trunk—the way to get people back to those dealerships, the way to get people back to those neighborhood restaurants, the way to get people back to the movie theaters and to take their children is to take positive steps to address their fears, the fears of the American people about future terrorist attacks.

I might as well talk about this fear. We all know it is here. The distinguished Senator from Florida, who is a former astronaut, who presides over the Senate today with such a degree of skill and dignity, he knows this, he knows what we are talking about. The people at the desk here in front of us, this is no secret to them; they know what fear is. The pages know about it. Why not say it?

The best way to make our people feel safe again and to defeat the intentions of the terrorists is to go ahead with this stimulus package, certainly to move ahead with funding for homeland security in its many forms.

We can start by addressing our woefully inadequate border security; put more Immigration and Naturalization Service personnel on our borders; put more Customs agents on our borders; enhance this woefully inadequate border security. I doubt that many Americans find comfort in learning that the Immigration and Naturalization Service cannot account for how 6 of the 19 hijackers involved in the September 11 attacks got into the United States. Likewise, how much comfort do the American people find in knowing that the U.S. Customs Service—get this now—inspects only 2 percent of the cargo that enters the United States? We are wide open—wide open. And the terrorists have known that. As a matter of fact, we have been lucky not to have been hit many times prior to September 11.

We can reassure the American people that the Government of the United States is doing all it can to prepare for a biological or chemical act. The American people have learned firsthand in recent days that chemical and biological weapons are no longer the stuff of fiction but are real threats that can suddenly claim the lives of American citizens. We must train our doctors and nurses to diagnose and care for victims of bioterrorism as well as to contain any possible resulting outbreak.

We must expand our Nation's reserve of vaccines and antibiotics, and we must provide our local health departments, in Beckley, WV, Parkersburg, Clarksburg, Martinsburg, in cities all throughout this land, in towns all throughout this land, in hamlets all throughout this land, provide our local health departments, so many of which are in rural isolated areas, with access to the Nation's computerized networks of medical response information.

Our Nation's transportation network faces a similar daunting upgrade. In the days immediately following the September 11 attacks, airport security was improved, but much remains to be done. New scanning equipment must be built and installed as quickly as possible. Better trained inspectors must be hired. Security enhancements must be made at our Nation's airports, and the same case must be made for improvements to our roads and bridges, our railroads, our water and sewer systems, our law enforcement capabilities that have suffered due to years of neglect. Hear me now! Due to years of neglect, we have allowed our infrastructure to become antiquated! With the threat of further violence on American soil, everything from dams and reservoirs and locks and dams to nuclear powerplants to the method of transporting the Nation's food supply, we need to beef up the inspections of our meat, our poultry, our imported food—all these things must be examined in terms of their potential vulnerability. By renewing our commitment to investments in our own country, we can help to mend the holes in America's homeland security.

Mr. President, the American people are looking to the Congress for reassurance. The American people want to know that their representatives understand their fears—the people's fears—and the people's uncertainties. They want to know that the men and women in this legislative branch—the Senate and the House—understand these things and are taking steps to deal with potential threats.

Partisan disputes breed uncertainty in our financial markets and in our economy. All of us ought to be ashamed of the slowness with which we have dealt with the appropriations bills. They are ready. We have completed conferences on and we have acted upon the conference reports on 2 bills—2 out of 13 bills. And here we are. We have had two continuing resolutions, and we are now somewhat in the midst of the time allotted by the second continuing resolution. We have instead been arguing over other things—things that didn't have anything to do, as far as I am concerned, with getting on with the appropriations bills.

Partisanship. Partisanship must no longer reign over this Senate or over the House of Representatives—at least until we get our appropriations bills completed. And we had better be busy about that. We should allow the President 10 days after we send him the last appropriations bill. He should be allowed 10 days in which to sign the last appropriations bill or to veto it. He should not be given the opportunity to pocket veto an appropriations bill. We need to be busy about the people's business.

The American people want to regain that sense of security that they lost on September 11. They want to get on an airplane without worrying about hijackers. They want to go to work free of angst about every piece of mail that comes into the office. Those who go to movies want to relax while they are there, and they are entitled to that. Those who go to the shopping malls want to relax without looking over their shoulders, as it were. Unless we take—when I say "we," I mean us folks—unless we take immediate and serious steps to address these fears, all of the rhetoric about normalcy is just plain old hot air.

This Government's most basic responsibility is to take all—not just a few but all—feasible steps to protect its citizens. The conflict is not just in the steep mountains of the Himalayas in Afghanistan. I was there 46 years ago. Let me tell you folks, you have seen the Rockies. Go to the Himalayas; spend some time in Afghanistan. The winter is coming on, and soon. And there are millions of landmines waiting on a footstep.

The conflict is not just in the mountains of Afghanistan. Our people are at risk on our own soil. Congress, therefore, must act now to ensure the security of the Nation and the American people. By investing in measures that strengthen our ability to guard our citizens right here at home, we can take an important step toward removing the paralysis—the paralysis—go look that word up in the dictionary, and if you haven't noticed it before, you will see it—the paralysis of fear. Look at our empty office buildings on Jenkins Hill right here.

We can take an important step toward removing the paralysis that results from living in fear. This should be our mission in the days ahead as we craft a stimulus package. Whether or not we craft a stimulus package, we have 11 appropriations bills awaiting action here in one form or another. They will be coming along in conference reports. There are appropriations bills such as the one before the Senate now that will be up for action in this body. So let's get busy about our work. This should be our mission in the days ahead as we craft a stimulus package that can restore confidence, which is the backbone of a strong economy.

Mr. President, I thank all Senators and I yield.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I rise to speak about an amendment to the foreign operations bill. I understand it has been accepted. It deals with funding for leadership training for Afghan women. I think this is an important amendment. Even though it is not a great deal of money that is involved, I think it is important for us to do.

The proposed amendment funds a specially created training program for Afghan women involving civil society development, democracy building, and leadership, at a cost of $2 million. It is not a large amount of money, but if we can get women involved back in the Afghan society, it is an important amount of money.

This funding has two purposes. First, it helps talented but direly disenfranchised Afghan women to strategically participate in nation building. Second, this is a symbolic expression of support from the Congress for Afghan women under the present Taliban regime.

The American people are engaged in a war right now. It is a war against those who want to destroy our physical well-being, our peace of mind, and our way of life. It is a war against the Taliban, which continues to provide fertile soil and a shield for terrorists. It is not, however, a war against the Afghan people, as the President repeatedly stated and as Members of this body have stated. In fact, the Afghan people are the victims of the Taliban, and no one group has suffered more than the women.

We have all heard the horrible stories by now: How women are forced to hide behind closed doors, prisoners in their own homes, some even starving because there is no male relative to take them to market; how they are barred from schools and jobs and from desperately needed health care; how they are beaten in the streets if their ankles are showing; how they are beaten for begging, even though they are forbidden to work; how they are beaten for no reason at all; how they are continually silenced, hidden, and treated as less than human—all of this in the 21st century.

I am sure some of my colleagues and others recall the images on CNN of Afghan women fleeing Afghanistan into Pakistan dressed in burqas that completely cover them. All she has is a small mesh area through which to look and breathe. That is so dehumanizing, as if this is not a person; they are not recognized as a separate individual.

It has not always been like that in Afghanistan. That is important for us to know and remember as well. These same women who now hide with fear and are forced into these burqas once had a voice in their country. Some choose to wear a certain traditional garb, and that is wonderful, but they should not be forced to do it.

In Afghanistan, women once represented half the students, half the civil servants, and 40 percent of the doctors in Kabul were once women. Once they were valued members of their society, and they must become this again. To accomplish this, they will need our help and support, and we should give it.

I am pleased to offer this amendment with Senator BOXER. She and I helped pass a resolution 2 years ago condemning the Taliban regime. This amendment has been accepted by the managers of the bill. I am very pleased with that.

This amendment funds $2 million for scholarships for Afghan women. There will be approximately 300 women selected to participate in training programs for emerging leaders. They will be instructed in civil society development, including effective governance, economic development, establishing nongovernmental organizations, and an independent press, among other fundamentals of a free society, including the right to vote for all citizens in Afghanistan and human rights, including religious freedom for all citizens and people of Afghanistan.

The Afghan women will learn from top professors and experts in the field. Their curriculum will be developed in close consultation with Afghan women's groups on the ground in South Asia and in the United States. A selection of candidates will be made in close consultation with leading Afghan women in exile and leading Afghan women still in Afghanistan today, and United States embassies abroad.

I believe programs such as these can help play a key role in stabilizing the region and rebuilding the lives of its citizens. The United States is at its best when it stands up for our fundamental principles, and that includes the right to vote for everybody, the right of participation for everybody, democracy, freedom, religious freedom, and human rights.

This amendment can give the women who have far too long been victimized by the Taliban brutality the tools to rebuild a new Afghanistan on the foundation of democracy, tolerance, human rights, and equality.

Lastly, this funding not only helps Afghanistan; it also helps America. As Afghan women promote democratic values in their society, they inherently prevail over the forces of terrorism, extremism, and repression which have also victimized us.

I am pleased my colleagues have accepted this amendment, and I look forward to its implementation where we help Afghan women rebuild a civil society in their country. As we move forward in the prosecution of this war in Afghanistan, it is very important that our next step, once we are able to secure the country, is to rebuild a civil society with everybody participating.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise to offer some comments on the bill before us, the foreign operations appropriations bill.

Today we are considering the fiscal year 2002 foreign operations appropriations bill. I ask my fellow Senators to consider this: The total foreign assistance spending in this legislation represents just .79 percent of the entire $1.9 trillion Federal budget. That is less than half of what it was just 15 years ago, and it is barely .1 percent of GDP. An even smaller amount of the bill's funding is for foreign development assistance, less than .6 percent of the budget.

Anemic U.S. foreign assistance spending is not new news, but it is part of a very sad legacy of more than two decades of declining foreign assistance spending.

But at precisely the time when the events of September 11 have driven home what an integrated and globalized world we live in, a world that requires us, I believe, to reexamine the basic underpinnings of U.S. national security policy, it is baffling that the United States remains on a course to tie a post-World War II low in foreign assistance spending and a 50-year low of overseas assistance as a share of Government spending.

I do not mean this as any criticism of the managers of the bill. Given the administration's request and the allocations of the subcommittee, they have done an excellent job of putting together a $15.5 billion bill. But in light of September 11, I strongly believe that the fundamental assumptions regarding how best to safeguard U.S. national security interests over the long term require rethinking and reexamination.

As America undertakes a war on terrorism, we must declare war on global poverty as well, and we must do so because our national security demands no less.

If we are going to win this war against terrorism, we have to be willing to invest in the lives and livelihoods of the people of the developing world. For it is the poverty and the resulting political instability and institutional weakness of developing countries, many of them failed or near failed states, which provide the ecosystem in which terrorists, terrorist operations, terrorist recruitment, and terrorist organizations are able to flourish.

The World Bank estimates that 1.2 billion residents of poor nations live on less than $1 a day. In South Asia alone, more than 550 million people, 40 percent of the total population, live on less than $1 a day. In sub-Saharan Africa it is close to 50 percent of the population. I know the Chair is eminently familiar with this. Close to 50 percent of the population—that is, 291 million people, or more than the entire population of the United States—live in that abject, grinding poverty.

All in all, about 2.8 million people, half of the world's population, live in poverty, getting by on $2 a day. That is less than a cappuccino at Starbucks.

The Food and Agricultural Organization of the United Nations estimates that nearly 800 million people in the developing world are undernourished, 1.2 billion lack access to safe drinking water, 2.9 billion have inadequate access to sanitation, and over 1 billion people are either unemployed or underemployed.

For all too many of these people, there is precious little hope in their daily life, and they experience a world in which progress or betterment is virtually impossible.

Yet, as a recent Congressional Budget Office study on the role of foreign aid and development reports: "U.S. spending on foreign aid has fluctuated from year to year but has been on a downward path since the 1960s."

In 1962, the United States spent more than 3 percent of the budget outlays on foreign assistance. Today, as I noted, it is barely six-tenths of 1 percent. This is unconscionable. Interestingly enough, people do not understand this. I often ask people: How much do you think the foreign operations budget is as a percent of the overall budget? Some will say 5 percent, some will say 10 percent, some will say 15 percent, but nobody says less than 1 percent.

Yet that is the fact. The United States spends less than $30 a year for each of its citizens helping those in the developing world, compared with a median per capita contribution of $70 by other industrialized nations. This has not always been the case and, I would argue, it is also not becoming of America's position and role in the world.

Between 1950 and 1968, the United States contributed more than half of the official development assistance provided by countries in the OECD Development Assistance Committee, and by 1978 we were contributing less than a third. By 1998, it was less than a sixth, where it languishes today.

Some would question why this matters, or they would argue that it is the responsibility of others, not us, to address these development needs.

The short answer is that it matters because development assistance is a critical tool for the protection and promotion of U.S. interests around the globe. It matters because poverty leads to financial instability, infectious disease, environmental degradation, illegal immigration, drugs, narcotic trafficking, and it fuels the hatred of "have-not" nations for the "have" nations, of which the United States heads the list.

Although not the sole cause of perceived grievances in an increasingly unequal and increasingly globalized world, poverty is a principal cause of human suffering, and the political instability that results as well.

In its worst form, poverty creates the political, social, economic, and institutional instability and chaos that leads to failed states, zones of anarchy, and lawlessness, with semi-legitimate governments, or no real functioning government, which are unable to offer their people a positive vision of the future and instead utilize the United States as a scapegoat for their hopelessness.

It matters because into the void of failed states, and lives without hope or the prospect for betterment, step terrorists, fanatics, extremists, and others who take advantage of these situations for their own ends.

If a state is unable to educate its young, terrorists and extremists will only be too happy to indoctrinate the young, poisoning their minds. If a country is unable to offer young men or women the prospect of a job and self-respect, terrorists, fanatics, and extremists are more than happy to offer conspiracy theories to explain misfortune and offer alternative employment in their criminal enterprises. And if a government is unable to offer its people a positive prospect for the future, terrorists or fanatics are able to offer their own distorted view of the world and twisted vision of the future.

It matters because poverty creates the swamp in which the terrorists find protection and sustenance, and it matters in short because our national security interests and the lives and safety of our citizens depend on us recognizing this. It matters, I strongly believe, because self-interest aside, the United States has a strong moral global obligation, especially in cases such as Afghanistan and now Pakistan, to provide assistance to those who have helped us in the past and who stand with us today in this war on terrorism.

Foreign assistance and development assistance are valuable elements in our toolbox to respond to the events of September 11, and in cases where diplomacy or military force cannot be used, they may be the only tools available.

When nations who are friends or allies of the United States were subject to terrorist attacks prior to September 11, all too often the U.S. reaction was to bemoan the rough neighborhood in which these nations live and shrug our shoulders as if nothing could be done. But September 11 proved with startling clarity all of the globe is a neighborhood today, our neighborhood, and we must see what can be done; for if we continue to do nothing, it is at our peril.

I would not argue that the United States should waste foreign assistance spending on ineffective programs, or on projects where rampant corruption prevents us from assuring that our assistance reaches those in need.

But a report last year by the Overseas Development Council suggests that many aid programs have been successful. They have contributed to advances in public health, sanitation, and education.

As a first step in this new war on global poverty, then, it is critical that the government, private foundations, and nongovernmental organizations come together to identify areas where increased spending can make a difference, especially in the world's poorest regions. This review must also look at what government and private voluntary donors have learned about how to make delivery of assistance more effective.

This evaluation should also extend to the activities of the World Bank, the International Monetary Fund, and other multilateral development and lending institutions. Where these institutions need to be reformed, and I believe they do, their activities should be redefined today.

Once this evaluation is complete, I believe it is critical we reverse the past two decades of a downward trend in U.S. foreign assistance spending and dramatically increase funding, including that channeled through foundations and nongovernmental organizations.

According to the U.N. Development Program, some $40 billion a year—remember, we are at $15 billion—would provide water and sanitation, reproductive health, basic health and nutrition, and basic education for all in need in the developing world.

To help meet our share of this need, I believe and propose we triple the foreign assistance budget within 5 years, bringing it back up to what it was before, roughly, and this is still a meager amount, 0.3 percent of gross domestic product. I fully believe such an increase in United States foreign assistance spending would be leveraged by increases in assistance contributions by other potential public and private donors.

In addition to traditional economic development programs, our renewed focus on fighting international poverty must also focus on the creation of public goods, democratic institutions, rule of law, functioning and legitimate educational systems which allow public and economic progress and growth to take root and flourish.

The image of "draining the swamp" of terrorists has become a commonplace metaphor, but the metaphor has its limits. The environmental elements which contribute to the germination and flourishing of terrorists and extremists cannot, in fact, simply be drained away. Indeed, I am worried that if we do not act wisely and address every dimension and level of this war on terrorism we run the risk of fueling a new generation of terrorists.

Rather, we must adopt a long-term, carefully crafted strategy to reduce and perhaps even eliminate factors such as global poverty, which underlie and foster terrorism. So I call upon my colleagues to recognize that such long-term efforts are as much a part of the burden of global leadership and the war on terrorism as cruise missiles and aircraft carriers. Meeting this obligation of leadership demands and requires a serious, long-term commitment of the necessary resources by the United States.

As one Senator, I am prepared to make that commitment and I hope my colleagues are as well.

I yield the floor.

AMENDMENT NO. 1940

Mrs. BOXER. Madam President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mrs. BOXER), for herself and Mr. BROWNBACK, proposes an amendment numbered 1940.

Mrs. BOXER. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the important role of women in the future reconstruction of Afghanistan)

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE IMPORTANT ROLE OF WOMEN IN THE FUTURE RECONSTRUCTION OF AFGHANISTAN.

(a) FINDINGS.—The Senate finds that:

(1) Prior to the rise of the Taliban in 1996, women throughout Afghanistan enjoyed greater freedoms, compromising 70 percent of school teachers, 50 percent of civilian government workers, and 40 percent of doctors in Kabul.

(2) In Taliban-controlled areas of Afghanistan, women have been banished from the work force, schools have been closed to girls and women expelled from universities, women have been prohibited from leaving their homes unless accompanied by a close male relative, and publicly visible windows of women's houses have been ordered to be painted black.

(3) In Taliban-controlled areas of Afghanistan, women have been forced to wear the burqa (or chadari)—which completely shrouds the body, leaving only a small mesh-covered opening through which to see.

(4) In Taliban-controlled areas of Afghanistan, women and girls have been prohibited from being examined by male physicians while at the same time, most female doctors and nurses have been prohibited from working.

(5) In Taliban-controlled areas of Afghanistan, women have been brutally beaten, publicly flogged, and killed for violating Taliban decrees.

(6) The United States and the United Nations have never recognized the Taliban as the legitimate government of Afghanistan, in part, because of their horrific treatment of women and girls.

(7) Afghan women and children now make up 75 percent of the millions of Afghan refugees living in neighboring countries in substandard conditions with little food and virtually no clean water or sanitation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Afghan women organizations must be included in planning the future reconstruction of Afghanistan.

(2) Future governments in Afghanistan should work to achieve the following goals:

(A) The effective participation of women in all civil, economic, and social life.

(B) The right of women to work.

(C) The right of women and girls to an education without discrimination and the reopening of schools to women and girls at all levels of education.

(D) The freedom of movement of women and girls.

(E) Equal access of women and girls to health facilities.

Mrs. BOXER. For the benefit of my colleagues, I will not take but about 7 minutes on this and one other amendment dealing with suicide bombing, both of which I believe will be adopted. I will be very brief and ask my colleagues' indulgence.

Madam President, I know you are very well aware of the women in Afghanistan under the rule of the Taliban. I give praise to this organization called Fund for the Feminist Majority that brought this issue to my attention several years ago. I was unaware of what the Taliban were, what they were doing to women. My friends came to see me and not only told me about the abuses of the Taliban toward women but they also told me the women were forced to wear these burqas, dehumanizing them, taking away every semblance of humanity from the women.

Therefore, what we try to do in this amendment after we detail the condition of women, which the clerk read so beautifully, we talk about the fact they have to wear the burqas which completely shroud their body, leaving only a small mesh-covered opening through which to see. Americans have seen that on TV. Women are completely obscured. If you try on one of those burqas, you can barely breathe.

We know women in Taliban-controlled areas of Afghanistan have been prohibited from being examined by male physicians while, at the same time, most female doctors and nurses have been prohibited from working. We know women have been brutally beaten and publicly flogged, even executed, and we have seen that on CNN on an incredible documentary called "From Beneath The Veil."

Senator BROWNBACK and I in this amendment say it is the sense of the Senate that Afghan women organizations must be included in planning for the future reconstruction of Afghanistan and that the goal of the new government should be equality for all.

That is all I have to say about this amendment. I ask it be laid aside, and I ask to call up my second amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1941

Mrs. BOXER. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1941.

(Purpose: Condemning suicide bombings as a terrorist act)

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE CONDEMNING SUICIDE BOMBINGS AS A TERRORIST ACT.

(a) FINDINGS.—The Senate finds that:

(1) Suicide bombings have killed and injured countless people throughout the world.

(2) Suicide bombings and the resulting death and injury demean the importance of human life.

(3) There are no circumstances under which suicide bombings can be justified, including considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

(4) Religious leaders, including the highest Muslim authority in Saudi Arabia, the Grand Mufti, have spoken out against suicide bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Suicide bombings are a horrific form of terrorism that must be universally condemned.

(2) The United Nations should specifically condemn all suicide bombings by resolution.

Mrs. BOXER. Madam President, I think this amendment is very clear. As far as we can tell, the United Nations has never passed a specific resolution condemning suicide bombings, nor has the Senate done it, as far as I can tell. This would be important. Religious leaders of all kinds have basically said there is never a political reason, a philosophical reason, an ideological reason, a racial, ethnic, or religious reason, no reason for someone to become a suicide bomber. It demeans life.

I am very hopeful the managers of the bill will accept this amendment. I have no need to speak any longer on it except to say I am hopeful it will be passed.

I ask the Presiding Officer if it is appropriate because I want to make sure the amendment is disposed of—if it is appropriate to ask for the yeas and nays or simply to lay it aside at this time; what is appropriate?

The PRESIDING OFFICER. The Senator can do either.

Mrs. BOXER. I ask this amendment be laid aside. In doing so, I have two amendments laid aside, one dealing with the Afghan women and one dealing with suicide bombings. I thank my colleagues for their forbearance. I am pleased to be on the Foreign Relations Committee where I have an opportunity to work on these matters.

I thank my Republican friend, and I ask unanimous consent that Senator ALLEN be added as the original cosponsor of the suicide bombing amendment. I thank him and Senator BROWNBACK for working with me on both issues.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is laid aside.

The Senator from New Mexico.

Mr. DOMENICI. Before the Senator from California leaves, I wonder if she would put me on the two amendments, and I thank the Senator for recognizing I have been waiting. I do appreciate the brevity.

Mrs. BOXER. I thank my colleague. I am very proud to ask unanimous consent that Senator DOMENICI as an original cosponsor of both amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORKING TOGETHER

Mr. DOMENICI. Madam President, I come to the floor today to talk about history, but strangely enough, short history—the last 3½ to 4 weeks. Because so much has happened in that period of time, I am firmly of the opinion today that while we will return to some level of normalcy and we will all begin to understand what has changed in the world, we all found out in a short period of time what kind of people terrorists are and what they will do. Americans can hardly understand how somebody would organize people—having no country, no real habitat, with no concern except to wreak havoc on those they do not like. We live in that new bubble.

I rise today to urge that we continue one other important thing. I believe we have a long-time reputation of being the body wherein issues are argued, debates can even go on forever. What we did immediately after that New York disaster, when the terrorists showed their true light to the Americans, was we decided in the Congress we would not conduct business as usual. Something rather magnificent happened. The public perceives us completely differently. We, too, have changed in their opinion because we lock arms on big issues, we work very hard behind the scenes with experts. We come to the floor and, with a minimum of debate, we pass important measures.

That has been one of the most significant signals to our own people and to the terrorists of the world, that we can adjust this great Republic to the modern problems, the problems we never, ever, anticipated, even 2 years ago, much less when our Constitution and Bill of Rights were written.

I think something is going awry, that maybe this unity is falling apart or breaking. I am hearing leadership offer their own proposals. Just yesterday I heard the majority leader, who I thought was doing a magnificent job joining with Republicans, introducing a reconciliation package. I thought we were going to work the big issues together.

I urge that we return to that mode and during the next 4 to 6 weeks, or however long we want to spend, we complete some very fundamental work and we get on with a few packages that will indicate we need to do something new and different. That way, we would not have either the tremendous buildup and pressure of not being able to get things done, nor would we have a cantankerous partisan debate over matters that could easily be resolved, as we resolved the first four or five bills of importance when New York was still on fire and the Pentagon was still steaming because we hadn't put out the fires deep inside the beaten-upon building that was a symbol of our strength.

I also want to say something else is happening which makes this a very difficult burden for our President, for us, and for the American people. First I commend the President. I think he has done a tremendous job. I believe he leads not only us but I think right-minded people everywhere, although they all have different political problems. They are seeing America, now, under his leadership, presenting a real opportunity for the world to get rid of terrorism. They are joining us, not one or two a day, but in flocks; the countries of the world are joining us.

Maybe from this will come a new world order. Who knows? I said that a few weeks ago. The father of this President came into office saying he wanted to work for a new world order. Things got out of hand. The new President did not claim that. But, because of the courage, tenacity, faith, he is leading the Nation to a whole new set of alliances, all of which I see as very positive.

It seems to me Russia and America may come out very differently as a result of this incident. It also seems to me that a number of countries that were not willing to join us are looking around and saying: We would like to help America.

Most of what I have just said indicates a desire to unite and work together. What a joy to see all Members, Democrat and Republican—mayor Republican, Governor Republican, Senators Democrat—go to New York City. There wasn't anybody there trying to get their way. They were trying to get together and get something going for the people of New York and for our country. Again, unity paid off in really big dividends.

We don't usually think of our leaders, under our evolved two-party system, in a way that says, if you will just unite, you will do the best thing you can for our people. But I think that is happening. That has taken a back seat because today we are talking about anthrax, and we are learning. I want to compliment all the professionals who worked on it. I really believe they did the very best they could under the circumstances. I compliment them all.

We are learning brand new things even about this particular microorganism. We are learning that maybe it is spread easier than we had learned in the textbooks and that the scientists said. Maybe you can aerosol it much easier than we thought. We thought that was a very difficult thing. We thought it required very efficient kinds of equipment and tremendous resources. It still may. We don't have the answer yet. But I don't believe we ought to start arguing among ourselves about this particular problem. I think we ought to also join together, listen to our experts, and if we need to do some more things quickly, let's do them. Let's not run to see who is going to get credit. Let's not try to put bill upon bill just to spend money.

I want to remind everyone we are down to about $50 billion in surplus from $176 billion just 5 or 6 weeks ago, and this is the surplus we didn't even want to touch. It is the accumulated surplus that was all going to go on the debt. We are down to $50 billion or so, but we see the bills people are proposing under the rubric of stimulus plus expansion of social welfare programs. I trace our longer history, not just 3 weeks, and find we never did try to expand those programs in our serious recessions before. They were taken up in due course, not as a stimulus, not as an emergency. That has to do with COBRA and other programs at which we are looking.

But I think we have to face up to the reality that every night we are looking at Afghanistan on the television, trying to figure out how are we doing, whose side is winning, what is happening, and here at home we are engaging our best scientists in this dread illness. This illness comes from a product that is very common. I think the Senator in the chair knows that out west, where we have a lot of cows and pens for cows and the like, these spores are prevalent everywhere. In my State, in northern New Mexico, there are many of them. We treat them properly, give them their proper respect, and they don't go anywhere because people either take antibiotics or take treatment, and we go on with our lives.

But the overhanging problem is the American economy. When it is flourishing, we can do almost anything. When it is coming down and in recession, it has a tendency to harm an awful lot of people. The cycle in American capitalism, which nobody has cured yet, when it starts coming down and unemployment goes up and the other things that we know about come about—obviously, productivity is not growing like it was, many people are put out of work, many businesses go bankrupt, many families have to ask the Government to help because, through no fault of their own, they can't be employed. We can't order them to be employed, if we want to use the great system that has built this country to its enormous material powerhouse status.

I want to say the third thing we have on our platter makes it a very big platter. Three big things sit there, straining America: There is a war that is different from any we had, and there is a human commitment by the American people, in spite of its difference, despite its ferocity, despite the risks we have to take—it is amazing, the American people, in excess of 90 percent, say stay with it; go get them. It is amazing that they say America is on the right path.

We always ask, are we on the right path or the wrong path? This is one time we have been united and they know we are on the right path when it comes to this war. Americans, given the facts, although they are a little more frightened than they have been in the past, will support an appropriate, righteous cause.

We are not without fault. But certainly we do not deserve, either from our own citizens or from people in the world, some of the things said about America. We are flourishing because we have a great system. And we have not destroyed our own system. We have lived with it, made it grow, and when things had to change, they changed peacefully and parties got new agendas for their candidates and we established new things to make America grow. When America grows, we can do much more for education, we can do more for all the things that we cherish, and we can give our taxpayers a little bit of the empathy they need so they can grow and prosper.

So far, as I look at it, it seems to me we are going to wake up in 3 or 4 weeks when we get some new economic numbers. I regret saying I think there will be a new headline. The headline will be: America In Recession. Those speaking about it are saying we don't know quite how to fix it. I have sensed that for quite some time. I added my own economics that I do, having worked with a lot of these people, had conversations, and then we look for some big facts. I just want to share one that is very startling, and that has to do with a very important characteristic of our economy—industrial production.

The problem is that industrial production figures that were released just 1 week ago yesterday morning—we are down 1 percent in the month of September. This year alone, that great measure of our productivity, and of our production, will be down 6 percent. That is as much as it went down in the entire 1990–1991 recession.

Put another way: This is the 12th consecutive month of that kind of decline. This is the longest decline in industrial production since World War II. I understand it doesn't have all of the significance it had during this period since World War II. It has been pushed aside as a major indicator by some other things. But it is still a major one.

I believe our mission is simple: Get together on the appropriations bills, no excuses, unite, have our leaders unite, and let's get them done. Let's just say it ought not be an excuse big enough to deny our desire to work together in a unified way to get the ordinary business done. I think when we were beginning to move, our buildings were closed down. Who would have thought of that? Nonetheless, that is the case.

We are trying to find ways to work even though the buildings are not quite accommodating. We are getting there. We are forcing some accommodations so we can do our work.

In addition, we have to finish up the work of an appropriations bill that appropriates money which we put in, in the early days for New York and for defense. Remember that we passed that to send a signal and to appropriate the money, but we said it is subject to a new appropriations bill. That has to be done. That requires unity. That requires Senators and Congressmen to give up some things and get on with a package with consensus, and then unite together and say let's do it. Some say it was too big a package. We will have to add a lot. Let's just say that considering America's future and what we are, the worst thing would be for us to not do what we have promised to do. The second worst is to not continue on with evaluations and then pass laws and appropriations to fill some very serious holes we have—clearly in the medical area, biomedical, and chemical.

In terms of our country, we were at war in a sense, but we really didn't understand the significance of biological and chemical warfare. We weren't as well prepared. But whom do you want to blame for that? Some people are now beginning to ask. There have been Senators, House Members, and Presidents who have spoken to terrorism. They have spoken to the issue of biological and chemical warfare. But I can tell you from our own experience on one bill. We passed a bill that is commonly known as Nunn-Lugar-Domenici which is now in 126 cities with $670 million a year. It takes the first responders, fire, policemen, and medical teams; it organizes them so they move in harmony again, in unity.

It was very hard during the first 2 or 3 years to get cities to willingly participate. There is no criticism, but they did not like the idea because they did not want to let their people think they were subject to any real problems from outside. It took 3 years to get the program implemented. It took the U.S. Government's executive branch to divide it into three parts instead of in unity. It is implemented by three different Departments of our Government. Obviously, we learn about that now. We are in trouble. We are going to seek unity of purpose with reference thereto.

I also suggest that the economy needs an economic stimulus plan. I remind everyone, this economy is faltering. I don't believe we should be the first as Senators from different States that may have problems to run and say we need to pay for a new program. Every program and every tax proposal ought to be subject to that. Let's consider it. How does it help the economy grow? I think if it doesn't, it ought to be on another calendar. We don't know with precision, but we know pretty well that a bridge construction program that comes into effect 3 or 4 years from now may be a good program because we need bridges, but it is not an economic stimulus package. I think we have come to the conclusion that highway bridges and like programs, if we need them, are good programs, but for the most part they are not programs that will accelerate the growth in this economy. Instead of everybody going to the wall on that, that can be organized and talked about.

We can get on with doing what we don't do so well. But we have done marvelously well for the last 5 or 6 weeks to commit to the American people that until we finish our business, including a stimulus package, if we can do it, we are going to lock arms and finish on an upbeat note that says we are united to do what we can about this terrible new enemy. We are absolutely committed to give our President what he needs militarily, and we encourage him to follow them to their demise.

To the extent we have additional stimulus ideas, we ought to take a good look to see if we can do them together. If it is OK, we can then come in the next year. We don't have to do everything in the next 3 or 4 weeks. We will learn a lot about this problem in the next 5 or 6 weeks. Instead of passing bills, we will have some very refined examinations and appraisals of our problems.

For instance, everybody always hears me talk about the laboratories that do our nuclear work. The people who visit them say they are crown jewels in terms of research capacity. I think it still shocks people to know that, for instance, in this area that has to do with this biological enemy that we are fighting now, those two laboratories combined in expertise, if not the paramount source of evidence, are the paramount source of definition about these spores. That happens to be a program they have in place, and they are being called upon now to be some of the experts to resolve some of these unknown issues. We have to help put all of those together to work in unison under our new manager of domestic problems, a wonderful former Governor, Governor Ridge.

I close by saying to the Senators from both sides of the aisle, House Members and those who are in close contact with our Members, let's get back to where we were and seek unity; let's try to lock arms and get our basic job done, the extraordinary work done, and do it in such a way that Americans can continue to feel what they feel about this Government. They totally support our President. They think we are better than we have ever been. I don't think we need to fight when we have an enemy that will just capitalize on anything going on in our country that is tearing at us. They think they are going to cause that. We ought to do just the opposite.

Thank you for the privilege of speaking today. I yield the floor.

FOREIGN OPERATIONS EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—Continued

Mr. LEAHY. Madam President, is there an amendment pending?

The PRESIDING OFFICER. There are two amendments that have been set aside.

Mr. LEAHY. Madam President, I know the distinguished Senator from Kentucky is off the floor. So I will not move any action while he is gone.

I wish to urge Senators who have amendments to come forward. There is no reason this bill cannot be finished. Even if we finish it fairly soon, I hope Members of the Senate will realize the importance of this bill.

I remember coming to the Senate at a time when so many would talk about foreign aid as some kind of a massive giveaway. People would ask, What have these countries done to help us? Why are we sending money there? Fortunately, at that time we had people such as Senator Mike Mansfield, a happy memory in the Senate, and people who preceded the Presiding Officer, Senator Jacob Javits on the Republican side who knew how important these programs were.

Of course, you can argue that there are a whole number of reasons. We are the wealthiest, most powerful nation history has ever known. You could speak to the moral reasons we should be helping other countries. We could talk about what it does for our security interests. If we bring about stability in other parts of the world, we help democracy flourish. We would help the middle class build up in areas that otherwise were prone to overthrows of governments, instability, rebellions.

I think of some of the programs that Members of this body have proposed—not necessarily on this bill but others—the School Lunch Program for Africa that former Senator Dole and former Senator McGovern proposed.

I recall last year being down at the White House when they discussed this with President Clinton, and the interesting points brought out. They were talking about countries where families could not feed their children any way, not mentioning anything about educating them.

But if we help those countries have a school lunch program, something that costs us a tiny fraction of what we spend on foreign aid, then children could go to school and learn. But also in a lot of these countries where girls do not go to school, where only the boys go to school, some of the families said: Wait a minute. If we can feed our daughters as well as our sons, we will be able to do that.

Now, what has happened in doing that is we not only benefit those countries, but we can benefit the people there. We carry out the moral aspects of our foreign aid bill. But then we also have money in this bill for health care, not only the health care of the people in these other countries, but there is a provision which would allow us to build up the medical infrastructure of other nations to get rid of possibly another Ebola plague, to have an early warning system when one is existing so the country can act to stop it.

Now, this is not just altruism. There is no disease anywhere in the world that is more than an airplane trip or a postage stamp away from our own country. If we can help countries fight these diseases within their own borders, not only do they help those people but they help all the rest of us.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1942 THROUGH 1948, EN BLOC

Mr. LEAHY. Madam President, I have discussed this with Senator

MCCONNELL. We have a number of amendments I will just briefly describe.

There is one by Senator HELMS on Venezuela, one by Senator MCCONNELL and myself on development credit authority, another Leahy-McConnell amendment on MDB authorizations, a McConnell-Leahy amendment on documentation center, an amendment by Senator MCCONNELL on nuclear safety, a Mikulski amendment on small business, and a Gordon Smith amendment on religious freedom. Also, there are two previously offered amendments by Senator BOXER; one is on Afghan reconstruction and one is on suicide bombings.

I ask unanimous consent that it be in order to send all the amendments to the desk; that they be considered to be in order; that they be considered en bloc, and they be adopted en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1942 through 1948), en bloc, were agreed to, as follows:

AMENDMENT NO. 1942

On page 142, line 21, after the colon, insert the following: "*Provided further*, That of the amount appropriated under this heading, up to $2,000,000 should be made available to support democracy-building activities in Venezuela:".

AMENDMENT NO. 1943

On page 130, line 4, strike "September 30, 2003", and insert in lieu thereof: "expended".

AMENDMENT NO. 1944

At the appropriate place in the bill, insert the following new section:

AUTHORIZATIONS

SEC. . The Secretary of the Treasury may, to fullfill commitments of the United States, contribute on behalf of the United States to the seventh replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank, and to the fifth replenishment of the resources of the International Fund for Agriculture Development. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $412,000,000 for the Asian Development Fund and $30,000,000 for the International Fund for Agricultural Development.

AMENDMENT NO. 1945

On page 133, line 8 insert before the period: ": *Provided further*, That of the funds appropriated under this heading, not less than $250,000 should be made available for assistance for the Documentation Center of Cambodia: *Provided further*, That no later than 60 days after the enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on a 3-year funding strategy for the Documentation Center of Cambodia".

AMENDMENT NO. 1946

(Purpose: Technical amendment)

On page 136, line 24 strike "$25,000,000" and insert in lieu thereof: "$35,000,000".

AMENDMENT NO. 1947

On page 190, between line 14 and 15, insert the following new subsection:

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

AMENDMENT NO. 1948

(Purpose: To restrict the availability of funds for the Government of the Russian Federation unless certain conditions are met)

On page 232, between lines 23 and 24, insert the following:

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 581. None of the funds appropriated or otherwise made available by this Act may be made available for the Government of the Russian Federation after the date that is 180 days after the date of the enactment of this Act, unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has not implemented any statute, executive order, regulation, or other similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

Mr. SMITH of Oregon. Mr. President, as a freshman Senator in 1997, I offered an amendment to the foreign operations bill that predicated foreign aid to the Russian Federation on the implementation of a new law restricting religious freedom in Russia. That law, passed by the Russian Duma on July 4, 1997, had the potential of severely restricting freedom of religion in Russia. The bill was ironically titled "on freedom of conscience and on religious associations."

That bill was eventually signed into law—a law that required religious groups to register with the State and submit their religious doctrines and practices to scrutiny by a commission of experts with the power to deny religious status. Without this status, these groups would lose the rights to rent or own property, employ religious workers or conduct charitable and educational activities. Clearly that law in Russia and its implementation would have a grave impact on religious freedom in that country.

I am happy to report that my 1997 amendment passed the Senate 95 to 4. I would also note that both the bill managers, Senators LEAHY and MCCONNELL, voted in favor of this amendment and I thank them for their support.

In following years this amendment was included as part of the foreign operations bill. This year it was not. I rise today to offer this same amendment again and understand that it will be accepted by the managers of this bill sometime today during its consideration.

In my years in the Senate I have remained vigilant on the issue of religious freedom. The Foreign Relations Committee has held yearly hearings on religious freedom abroad—especially what is going on in the Russian Federation. I also host, with the Department of State, a series of yearly roundtable discussions on religious freedom.

These roundtable discussions are attended by members of each religious community impacted by this new law in Russia and by various State Department and NSC officials that are responsible for religious freedom abroad.

As the years went by and the registration period closed regarding religions, it was felt by all those interested in religious freedom in that country that this amendment was a positive influence on how the new Russian law was implemented.

It let the Russian Government know that Americans cared about freedom of religion in Russia—that the eyes of the world were upon the Russian Government as it implemented the law on religions.

Although the amendment has never been implemented—and each year aid has gone out to the Russian Federation—the amendment's influence and impact has been positive and undeniable according to those religions "on the ground" in Russia.

In general many of the problems initially have worked themselves out under this new law. Many of the problems with denials of registration or persecution have occurred in the far reaches of the Russian Federation. The conventional wisdom regarding implementation of that law is that persecution occurs abroad—the farther away from Moscow and the centralized government, the greater the risk is for religious intolerance.

But even in Moscow there is a requirement of vigilance. And I am happy to report that this body has been vigilant on this issue—especially regarding the old problem of anti-Semitism in Russia. Some might say that we shouldn't single out Russia regarding this issue. I would agree—we should fight anti-Semitism in every nation including our own.

Because I believe that how a nation treats the sons and daughters of Israel is a bellweather for tolerance.

I would like to submit for the RECORD letters from years past that almost all of my colleagues signed regarding their concerns over the rise in anti-Semitism in Russia. Each of these letters contain 98 to 99 signatures—virtually all of the Senate was united on this issue.

I firmly believe that this language is needed again this year. I would also like to submit for the RECORD a letter from NCSJ—advocates on behalf of Jews in Russia, Ukraine, the Baltic States and Eurasia. NCSJ is the leading advocate for the plight and well-being of the Jewish community in Russia.

NCSJ's executive director, Mark Levin, writes:

> We wish to underline NCSJ's support for your amendment to condition certain assistance to the Russian Federation on verification by President Bush that the Russian Government has no way acted to restrict freedom of religion as guaranteed by international commitments and treaties.
>
> . . . the 1997 law on religion, under which "non-traditional" groups must register with government authorities, has continued to generate misunderstandings, difficulties and intimidation.

The Russian law, among other things, limits the activities of foreign missionaries, and grants unregistered "religious groups" fewer rights than accredited Russian religious organizations such as the Russian Orthodox Church, Islam, Judaism and Buddhism. This law if poorly implemented, could also sharply restrict the activities of foreign missionaries in Russia.

The Russian Government should permit foreign missionaries to enter and reside in Russia—within the framework of Russian law—and work with fellow believers.

Furthermore, foreign missionaries should be allowed to enjoy the religious freedom guaranteed Russian citizens and legal residents by the Russian constitution, OSCE commitments, and other international agreements to which Russia is signatory.

One of my own constituents, Pastor Dan Pollard, is a missionary with a church in the Russian far east—in a town called Vanino. Pastor Pollard has been continually harassed by local officials, many who cite the 1997 law as an official reason for barring Pollard from ministering.

I thank the managers again for accepting this amendment as part of the foreign operations bill and hope that this legislation sends a strong signal to President Putin that human rights and religious freedom are core American values and we seek to share them with all our friends and allies. However it must be understood that American dollars will not find their way to support a country that treats freedom of religion in such a manner.

Mr. President, I ask unanimous consent to have printed in the RECORD the letters to which I previously referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE ON SOVIET JEWRY,
Washington, DC, October 8, 2001.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: We wish to underline NCSJ's support for your amendment to condition certain assistance to the Russian Federation on verification by President Bush that the Russian government has in no way acted to restrict freedom of religion as guaranteed by international commitments and treaties.

We are encouraged that President Putin continues to express public support for tolerance and pluralism. Nevertheless, some disturbing trends toward intolerance and oppression remain of concern. In particular, the 1997 Law on Relation, under which "non-traditional" groups must register with government authorities, has continued to generate misunderstandings, difficulties and intimidation. Groups such as Jehovah's Witnesses and Evangelical Christians have had financial assets and membership rolls confiscated, and some have been subject to outright violence.

In addition, new incidents of anti-Semitism have also arisen, affecting the Jewish community. Judaism is, under Russian law, a sanctioned ("traditional") religion. Unfortunately, at times local police response to acts of hate against schools and synagogues has been delayed. And, in October 2000, the federal Interior Ministry conducted an illegal, prolonged search of the Moscow Choral Synagogue.

We write in a spirit of cooperation and concern for the fabric of Russian society. We believe Russia can and should be a country that embraces and celebrates religious differences. By monitoring progress toward unrestricted religious liberty, we can help ensure that it will come to pass.

Thank you for your continuous leadership in this cause.

Respectfully,

MARK B. LEVIN,
Executive Director.

U.S. SENATE,
Washington, DC, June 18, 1999.

President BORIS YELTSIN,
Russian Federation, The Kremlin,
Moscow, Russia.

DEAR PRESIDENT YELTSIN: We are writing to you to express our serious concerns over the rise in anti-Semitic rhetoric heard at both the national and local levels of Russian society and politics. We strongly believe that the first line of defense against the growth of anti-Semitism in your country is exposing and condemning the hate-filled rhetoric at all levels of contact between our two governments.

As you know, recent events and remarks in Russia have marred this decade's re-emergence of Jewish life in post-communist Russia. The Russian Jewish community now numbers upwards of one million, and the opening of synagogues, schools and community centers has been a bright counterpoint to the centuries of violence and anti-Semitic laws against the Russian Jewish community. We strongly feel that the recent spate of anti-Semitic rhetoric, in particular those comments from Russian communist and extremist/nationalist political groups, should be disavowed. In particular, the fascist extremism exhibited by Alexander Barkashov's Russia National Unity Party is alarming in its use of slanderous stereotyping and crude scapegoating.

Recently, the Senate Foreign Relations Committee's Subcommittee on European Affairs held a hearing on the rise of anti-Semitism in Russia. This was not the first hearing on this subject—in fact, the Senate held hearings and considered resolutions regarding the treatment of Jews in Tsarist Russia as early as 1879. Over the years it has not been unusual for the United States to act on this subject, linking American foreign policy with what should now be regarded as a cornerstone of human rights policies in Russia.

While we support a strong effort to address the economic difficulties in Russia and encourage the development of a strong, market-oriented economy, we want you to know that the United States also expects from Russia a strong commitment to human rights and religious freedom. As your country enters an election cycle, there may well be temptations to sound ultra-nationalist themes that attempt to blame the small Jewish community for Russia's problems.

President Yeltsin, we believe it is imperative that you demonstrate, through your emphatic disagreement with those who espouse anti-Semitism in Russia, your understanding of the importance the Russian government places upon religious freedom. The United States predicates its support for democratic institutions in Russia upon unwavering opposition to anti-Semitism at any level, in any form. While we are pleased by your administration's statements against anti-Semitism, the horrific explosions near two of Moscow's largest synagogues on May 1st and the recent attacks on the only synagogue in Birobidzhan, are reason enough for further vigorous and more public condemnation.

We hope you share our deep concern for this issue and look forward to receiving your response.

Sincerely,

Craig Thomas, Sam Brownback, Charles Schumer, Joe Lieberman, Wayne Allard, Paul D. Wellstone, Harry Reid, Barbara Boxer, Peter G. Fitzgerald, John Edwards, Bob Smith, Mike Crapo, Rick Santorum, Chuck Robb, Susan Collins, Ted Kennedy, Carl Levin, Jim Inhofe.

Mitch McConnell, Jeff Bingaman, Barbara A. Mikulski, Richard Shelby, Tim Hutchinson, Jeff Sessions, Paul Coverdell, Arlen Specter, Russ Feingold, Olympia Snowe, Richard H. Byron, Strom Thurmond, Ben Nighthorse Campbell, Jim Jeffords, Spencer Abraham, George V. Voinovich, Blanche L. Lincoln, Patty Murray, Patrick Leahy, Mike DeWine, Mary L. Landrieu, Jim Bunning, Pete V. Domenici, Herb Kohl, Jack Reed, Frank H. Murkowski, Bob Kerrey, John Breaux, Larry E. Craig, Rod Grams.

Jesse Helms, Daniel K. Inouye, Dick Durbin, John Warner, Kent Conrad, Tom Daschle, Jon Kyl, Bill Roth, John F. Kerry, Orrin Hatch, Chris Dodd, Slade Gorton, Paul Sarbanes, Byron L. Dorgan, Robert Torricelli, Ron Wyden, Michael B. Enzi, Kit Bond, John Ashcroft, John McCain, Evan Bayh, Connie Mack, Max Baucus, Frank R. Lautenberg, Dick Lugar, Chuck Grassley, Jay Rockefeller, Daniel K. Akaka, Dianne Feinstein, Max Cleland.

Phil Gramm, Conrad Burns, Kay Bailey Hutchison, Robert F. Bennett, Bob Graham, Fritz Hollings, Daniel P. Moynihan, Tim Johnson, Don Nickles, Trent Lott, Bill Frist, Fred Thompson, Ted Stevens, Tom Harkin, Thad Cochran, Pat Roberts, John Chafee, Judd Gregg, Robert C. Byrd.

U.S. SENATE
Washington, DC, March 9, 2000.

Hon. VLADIMIR PUTIN,
Acting President, Russian Federation, The Kremlin, Moscow, Russia.

DEAR PRESIDENT PUTIN: As you assume your new leadership position, we write to you with hope for your success in leading Russia through a newly prosperous and democratic millennium. We are writing to you, as we have to other Russian leaders, to express our repeated concerns over the risk in anti-Semitic rhetoric heard at both the national and local levels of Russian society and politics.

We strongly encourage you to make fighting anti-Semitism one of the priorities of your new administration. President Putin, we believe it is imperative that you demonstrate, through your emphatic disagreement with those who espouse anti-Semitism in Russia, your understanding of the importance the Russian government places upon religious freedom. We understand that in past discussions with both Russian and American Jewish leaders you have expressed your concern about anti-Semitism. We applaud your past comments and efforts and urge you to take corresponding action in keeping with your new position as acting president.

The Russian Jewish community represents a vibrant and active portion of the Russian population. Though emigration has reduced the community size in the past ten years, the birth of democracy in the Russian Federation has also resulted in the opening of new synagogues, schools and community centers in Moscow, St. Petersburg and beyond. Currently there are almost 200 Jewish organizations, institutions, and religious communities in 75 cities and towns throughout Russia. One hundred and fifteen schools serve over 7,000 students, and Jewish organizations publish 18 newspapers and journals. This open and free blossoming of culture and community will only benefit the Russian nation and her people.

Anti-Semitism in Russia must not become a weapon in the struggle for power by political parties. Indecisive actions on the part of the Russian government only further feed the belief that hate is an allowable and integral component of political life. The hate-filled rhetoric of a number of Communist Party leaders, some of whom retain important parliamentary positions, must be condemned by your strong deed and word. Further, it is our belief, that the violence that follows such hate, for example the May, 1999 Moscow synagogue bombings, must always be strongly and loudly condemned in order to avoid further violence in the future.

President Putin, last year ninety-nine out of 100 United states Senators signed a letter to President Yeltsin similar to this one. Few issues in politics unite the United States Senate more. As we wrote your predecessor, we believe it is imperative that you demonstrate, through your emphatic disagreement with those who espouse anti-Semitism in Russia, your understanding of the importance the Russian government places upon religious freedom. The United States predicates its support for democratic institutions in Russia upon unwavering opposition to anti-Semitism at any level, in any form.

We hope you share our deep concern for this issue and look forward to receiving your response.

Sincerely,

Gordon H. Smith, Joe Biden, Jr., Sam Brownback, Frank R. Lautenberg, Craig Thomas, Chuck Robb, Rod Grams, Daniel P. Moynahan, Phil Gramm, Carl Levin, Bill Frist, Patty Murray, Jim Inhofe, Mike Crapo, Rick Santorum, Fritz Hollings, Orrin Hatch, Mike DeWine, Ben Nighthorse Campbell, Jeff Sessions, Mitch McConnell, Dick Durbin.

Jay Rockefeller, Kent Conrad, Larry E. Craig, Harry Reid, Robert F. Bennett, Jesse Helms, Max Cleland, Blanche L. Lincoln, Bob Smith, Spencer Abraham, Tim Hutchinson, Conrad Burns, Robert Torricelli, Paul Sarbanes, Charles Schumer, Dick Lugar, Pat Roberts, Dianne Feinstein, Herb Kohl, Pete V. Domenici, Tim Johnson, Frank H. Murkowski, Jack Reed, George V. Voinovich, John Ashcroft, Chris Dodd, Susan Collins, Fred Thompson, Patrick Leahy, Judd Gregg, Bill Roth, Bob Kerrey.

Thad Cochran, Ted Kennedy, Michael B. Enzi, Kit Bond, Kay Bailey Hutchison, Richard H. Byran, Olympia Snowe, John McCain, John Warner, Strom Thurmond, John F. Kerry, Jon Kyl, Daniel K. Inouye, Daniel K. Akaka, Russ Feingold, Byron L. Dorgan, Arlen Spector, Barbara A. Mikulski, Joe Lieberman, Jeff Bingaman, Tom Harkin, Slade Gorton, Jim Jeffords, Ted Stevens, Connie Mack, Bob Graham, Wayne Allard, Ron Wyden, Max Baucus, Tom Daschle, John Breaux, Jim Bunning.

Paul D. Wellstone, Don Nickles, Chuck Grassley, Richard Shelby, Lincoln Chafee, Barbara Boxer, Peter G. Fitzgerald, Evan Bayh, Mary L. Landrieu, John Edwards, Paul D. Coverdell, Trent Lott.

U.S. SENATE,
Washington, DC, August 3, 2001.

His Excellency VLADIMIR PUTIN,
President, Russian Federation, The Kremlin, Moscow, Russia.

DEAR PRESIDENT PUTIN: We are writing to you, as members of the United States Senate to again express our concerns over the anti-Semitic rhetoric heard at both the national and local levels of Russian society and politics.

In years past, the U.S. Senate has been united in its condemnation of such virulent anti-Semitism, which, unfortunately, has been present during much of Russia's history. Your remarks last year publicly condemning anti-Semitism assume special significance against a backdrop of centuries of tsarist and Stalinist persecution. We strongly encourage you to continue to publicly condemn anti-Semitism whenever it manifests itself in the Russian Federation.

We also believe that it is important to back up the rhetoric of condemnation with the substance of action. Sad to say, physical violence against Jews still occurs in the Russian Federation. In Ryazan last year, youths attacked a Jewish Sunday school, threatening teachers and children and later intimidated school officials into revoking the Jewish community's use of a classroom. Rhetorical anti-Semitism also continues. In July anti-Semitism played a minor role in the gubernatorial race in Ryazan and has also played a role in gubernatorial elections in Krasnodar.

Radical extremists continue to operate openly in more than half of Russia's 89 regions. While most of these organizations are small, there is also little social or governmental opposition to them. There are at least ten ultra-nationalist groups in Russia with memberships between 100 and 5,000 members each. Anti-Semitism is a staple of most ultra-nationalist groups and is evident in the publication of the groups' periodicals. At least 37 newspapers and magazines of ultra-nationalist bent published anti-Semitic materials in 2000.

The year 2000 witnessed increasing cooperation between Russian extremists and their ideological counterparts abroad. The most notorious example of such cooperation was that of David Duke, the U.S. white supremacist, who visited Russia twice during the year. Duke's most recent anti-Semitic tract was prepared exclusively for the Russian market.

We recognize that you have made important statements in response to manifestations of anti-Semitism, and that law enforcement has in some cases been effective in investigating and prosecuting the perpetrators of anti-Semitic violence and crimes. More consistent and comprehensive implementation of your government's policies and of Russian laws would represent a significant improvement in this area. The United States Senate supports efforts to promote public awareness and training programs within the Russian Federation. We would welcome additional ways for the American involvement and cooperation in these efforts.

As members of the Senate we have sent you or your predecessor a similar letter for the past three years. We continue to believe it vital that you continue to demonstrate, through your emphatic disagreement with those who espouse anti-Semitism in Russia, the importance the Russian government places upon religious freedom. The United States predicates its support for democratic institutions in Russia upon unwavering opposition to anti-Semitism at any level, in any form.

We hope you share our deep concern for this issue and look forward to receiving your response.

Sincerely,

Joe Biden, Gordon H. Smith, Evan Bayh, Bob Smith, Mitch McConnell, Charles Schumer, John McCain, Herb Kohl, John Warner, Barbara Boxer, Jesse Helms, Debbie Stabenow, Orrin Hatch, Olympia Snowe, Don Nickles, Joe Lieberman, Arlen Specter, Mike Crapo.

Max Cleland, Zell Miller, Ted Kennedy, Chris Dodd, Robert G. Torricelli, John Edwards, Daniel K. Akaka, Byron L. Dorgan, Paul Sarbanes, Dianne Feinstein, Jack Reed, Jon S. Corzine, George V. Voinovich, Tim Johnson, Kent Conrad, Tim Hutchinson, Peter G. Fitzgerald, Dick Durbin, Patty Murray, Hillary Rodham Clinton, Carl Levin, Jeff Bingaman, Daniel K. Inouye, Russ Feingold, Dick Lugar, Rick Santorum, Blanche L. Lincoln, John F. Kerry, Mike DeWine, Larry E. Craig.

Bill Frist, Patrick Leahy, Mark Dayton, Fritz Hollings, Max Baucus, Robert C. Byrd, Jean Carnahan, Tom Carper, Ron Wyden, Harry Reid, Jay Rockefeller, John Breaux, Mary L. Landrieu, E. Benjamin Nelson, Maria Cantwell, Bill Nelson, Barbara A. Mikulski, Tom Harkin, Bob Graham, James M. Jeffords, Paul D. Wellstone, Tom Daschle, John Ensign, Jeff Sessions, Richard Shelby, Conrad Burns, Craig Thomas, Pete V. Domenici, Chuck Grassley, Sam Brownback.

Jim Bunning, Frank H. Murkowski, Robert F. Bennett, Wayne Allard, George Allen, Strom Thurmond, Michael B. Enzi, Susan Collins, Kit Bond, Phil Gramm, Lincoln Chafee, Trent Lott, Jim Inhofe, Ben Nighthorse Campbell, Kay Bailey Hutchison, Thad Cochran, Pat Roberts, Jon Kyle, Ted Stevens, Judd Gregg.

The amendments (Nos. 1940 and 1941) were agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, I see the distinguished senior Senator from Florida, the chairman of the Senate Intelligence Committee, in the Chamber. He would be recognized next, but while he is preparing his papers, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1949

Mr. SPECTER. Madam President, earlier today I came to this Chamber and notified the manager on the Republican side and staff for Senator LEAHY that I intended to offer a resolution as an amendment. I believe I saw Senator LEAHY in this Chamber a moment ago. At this time, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1949.

Mr. SPECTER. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To urge the Senate, prior to the end of the first session of the 107th Congress, to vote on at least the judicial nominations sent to the Senate by the President prior to August 4, 2001)
>
> At the appropriate place, insert the following:
>
> The Senate finds that:
>
> Currently 106 Federal judgeships are vacant, representing 12.3 percent of the Federal judiciary;
>
> 40 of those vacancies have been declared "judicial emergencies" by the Administrative Office of the Courts;
>
> Last year, at the adjournment of the 106th Congress, 67 vacancies existed, representing 7.9 percent of the judiciary;
>
> In May 2000, when there were 76 Federal judicial vacancies, Senator Daschle stated, "The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country";
>
> In January 1998, when there were 82 Federal judicial vacancies, Senator Leahy stated, "Any week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis";
>
> The events of September 11, 2001, make it more important than ever that the branches of the Federal Government should operate at maximum efficiency which requires the Federal judiciary to be as close to full strength as possible;
>
> 100 percent of President Reagan's judicial nominees sent to the Senate prior to the 1981 August recess were confirmed during his first year in office;
>
> 100 percent of President George H.W. Bush's judicial nominees sent to the Senate prior to the 1989 August recess were confirmed during his first year in office;
>
> 93 percent of President Clinton's judicial nominees sent to the Senate prior to the 1993 August recess were confirmed during his first year in office;
>
> President George W. Bush nominated and sent to the Senate 44 judicial nominees prior to the 2001 August recess;
>
> 21 of all pending nominees have been nominated to fill "judicial emergencies"; and
>
> The Senate has confirmed only 8 judicial nominees to date, which represents 18 percent of President Bush's judicial nominations sent to the Senate prior to the 2001 August recess;
>
> It is the sense of the Senate that (1) prior to the end of the first session of the 107th Congress, the Committee on the Judiciary shall hold hearings on, and the Committee on the Judiciary and the full Senate shall have votes on, at a minimum, the judicial nominations sent to the Senate by the President prior to August 4, 2001, and (2) the standard for approving pre-August recess judicial nominations for past administrations should be the standard for this and future administrations regardless of political party.

Mr. SPECTER. Madam President, the resolution calls for a sense of the Senate that all of the nominations submitted by President Bush to the Senate for the Federal judiciary prior to August 4, which was the start of the August recess, be considered by the Senate before the close of the first session of the 107th Congress.

There has been considerable concern and controversy over the number of judges which have been confirmed. And there had been a form of a filibuster engaged in on opposing the motion to proceed to the foreign operations appropriations bill last week and again yesterday.

That effort has not been pursued. It is my view that in the long run it is not productive to stop legislation as a pressure tactic, although that is a longstanding practice in the Senate by both parties. But in any event, that is not being pursued.

This resolution seeks to establish a standard which would be applicable not only to the occasions when a Republican President submits nominations to a Senate controlled by Democrats, but also to situations where there is a President who is a Democrat who submits nominations to a Senate which is controlled by Republicans.

I had written to the chairman of the Judiciary Committee, Senator LEAHY, on October 12, enclosing for him a first draft of this resolution and advising him in his capacity as chairman of the Judiciary Committee that I intended to raise it at the Judiciary Committee meeting first in order to give the Judiciary Committee the first opportunity to act on it. It was on the agenda for last Thursday, October 18, when it was considered and, on a party-line vote, voted down.

This is the first opportunity there has been to submit the resolution for consideration by the full Senate, which I am doing at this time.

Before proceeding to the merits of the resolution, I am going to yield the floor and wait for the arrival of the Senator from Vermont, who is also chairman of the Foreign Operations Subcommittee and is the manager for the Democrats.

Mr. REID. Will the Senator yield?

Mr. SPECTER. I will.

Mr. REID. I say to my friend, the Senator from Pennsylvania, he need not wait for Senator LEAHY. He is aware that the Senator has offered this amendment. The Senator should say whatever he has to say.

Mr. SPECTER. I thank the Senator from Nevada for saying that. I wanted to give him the courtesy of awaiting his arrival. I did see him momentarily, just about a minute and a half before I took the floor. With the comment by the assistant majority leader, I shall proceed to make an argument.

The resolution recites the facts that there are currently 106 Federal judicial vacancies, representing more than 12 percent of the Federal judiciary. Forty of these vacancies have been declared judicial emergencies by the Administrative Office of the Federal Courts. What that means is that there is an urgent need for judges to be sitting in those courts.

Last year at the adjournment of the 107th Congress, there were 67 vacancies, representing 7.9 percent of the Federal judiciary. It is obvious that the vacancies now are more than 50-percent higher than they were when the 106th Congress adjourned.

When Senator DASCHLE was the Democratic leader and not in the majority in May of 2000, when there were 76 Federal judicial vacancies, Senator DASCHLE said, as set forth in this resolution:

> The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across the country.

In January of 1998, when there were 82 Federal judicial vacancies, Senator LEAHY stated—again set forth in the body of the resolution:

> Any week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis.

The events of September 11 of this year, when the terrorists attacked New York City, the Pentagon, and Somerset County, PA, make it all the more imperative that all branches of the Federal Government shall operate at maximum efficiency, which requires the Federal judiciary to be as close to full strength as possible.

As analogous here, the first year of President Reagan's administration, 100 percent of all judicial nominees sent to the Senate prior to the August 1981 recess were confirmed during his first year in office. During the first year in office of President George H.W. Bush, 1989, again, 100 percent of the nominations sent prior to the August recess were confirmed. During President Clinton's first year in office, in 1993, 93 percent of the vacancies were filled during the first year in office. President George W. Bush this year has nominated and sent to the Senate 44 judicial nominees prior to the August 2001 recess. Twenty-one of all pending nominees have been nominated to fill "judicial emergencies."

The Senate has confirmed only twelve judicial nominees to date, which represent 27 percent of President Bush's judicial nominees sent to the Senate prior to the August 4 recess.

The resolution calls for the sense of the Senate that prior to the end of the first session of the 107th Congress, which will be sometime before the end of 2001, that all of the nominees sent prior to August 4 be acted upon by the Judiciary Committee, sent to the Senate, and voted on one way or another, up or down, further that the standard for approving all of the nominees submitted prior to the August recess be a standard policy of the U.S. Senate which would apply in future years and apply in future circumstances where there was a President who was a Democrat and a Senate controlled by Republicans.

During the course of our discussion during the Judiciary Committee meeting last Thursday, the issue was raised by one of the Senators who was a Democrat that this position was taken contrary to what it was in prior years. I said that I would modify the resolution to apply equally to times when there was a Democrat who was President and a Republican-controlled Senate.

It is a rather straightforward resolution. That is the essence of the argument.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, this matter was raised in the Judiciary Committee. It was tabled. We have for 3 weeks been experiencing a filibuster in the Senate based on these same issues. That ended yesterday. Thankfully, we are now on this legislation.

The record is replete about Chairman LEAHY doing the very best he can under extremely difficult circumstances. We are going to move judges as quickly as we can under the direction of the chairman of the Judiciary Committee.

Based upon that, I raise a point of order against the amendment that the amendment is not germane under rule XVI.

The PRESIDING OFFICER. The point of order is sustained.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I am informed that there was a typographical error in the resolution and that the figure 8 judicial nominees should have been 12, which represents 27 percent of President Bush's judicial nominees sent to the President prior to August 4, 2001. I wanted to make sure the record was accurate in that respect.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I do not intend to appeal the ruling of the Chair because I do not wish to establish a precedent for nongermane amendments to be heard on appropriations bills. This has been a procedural quagmire which has been very problemsome for the Senate for a very long time and has a special impact on my own views, since I am a member of the Appropriations Committee. I regret that the issue of germaneness was raised and a point of order was raised, but I thought it was important to put this resolution before the body. I do believe it is the appropriate way to establish a standard—much preferable to having a filibuster and trying to block the work of the Senate to establish a standard which would apply to both parties or both sides that a very reasonable cutoff date is the August recess. This year it started on August 4. Now the matter was considered in the Judiciary Committee. It was not tabled. There was a vote on the merits; not that that makes a lot of difference, it was 10–9.

But with the point of order having been raised by the assistant majority leader, there may be some political evaluation by the electorate of the position taken by the Democrats on this issue. It is not an unusual practice to have amendments offered on the Senate floor, and those who oppose them will have to explain them to their constituencies. It is my hope that those who have opposed this standard that all judges be voted on when submitted prior to the August recess, that they will have to explain that to their constituency.

The point of order having been raised by the assistant majority leader for the Democrats, not being considered on the merits, being defeated, we will just take it to the electorate for whatever consideration they may wish to give.

I thank the Chair and yield the floor.

Mr. REID. First of all, I express my appreciation to the Senator from Pennsylvania for not appealing the ruling of the Chair. The Senator, as has been indicated, is a senior member of the Appropriations Committee, and the precedent this would set if the Chair would overrule makes appropriations bills almost unmanageable. So the Senator from Pennsylvania has knowledge of the needs of the Senate compared to the issue he feels strongly about—and I know how strongly he feels about it. I appreciate the Senator not appealing the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Madam President, it is my intention to send to the desk an amendment that will restore the funding recommended by the President for the Andean Regional Counterdrug Initiative. I consider this to be a central issue in the U.S. relationship with our neighbors in Latin America, but maybe even at this time a more important statement as to our commitment to the war against terrorism.

To develop these points, I want to first give a brief resume of the history of this region over the past several years. By the late 1990s, Colombia and the Andean region were nations in peril and at risk. Colombia had been one of the most stable countries in Latin America during most of the 20th century. It had a phenomenal economic record, with some 50 years of unbroken increases in its rate of gross domestic product growth. It also was the oldest democracy on the continent of South America, with a long tradition of transition of power from one political party to the other without violence.

Unfortunately, it was also a region which had been infected by strong guerrilla groups. These guerrilla groups had their origin in various nuances of Marxism. They were guerrillas who represented Soviet Marxism, guerrillas who represented East German Marxism, Chinese Marxism, North Korean Marxism, Cuban Marxism. They were ideologically oriented.

Over time, they had become less political and more economic. They had made the transition from being Lenin to being Al Capone in their orientation.

Something else was developing in the countries in the Andean region during the last half of the 20th century, and that was a surge of illicit drug production, starting with marijuana and then moving to cocaine, with a very high percentage of the world's cocaine being produced in this region.

The drug traffickers who were producing cocaine were of the General Motors format: They were highly centralized. They had a CEO. They had a vertically integrated process that started by financing the farmers who grow the raw coca to the ultimate distribution and financing of that system in the United States and Europe.

We made a major effort—we, the civilized world, with the United States playing a key role—to take down these highly centralized drug organizations—the Medellin cartel, the Cali cartel. After a long period of significant investment and loss of life, we were successful. We thought that by taking off the head of the snake of the drug cartels we would kill the rest of the body.

In fact, what we found in the late 1990s was that these decapitated snakes were beginning to reconstitute themselves, and they were moving away from the General Motors model towards a more entrepreneurial model; whereas they used to have vertically integrated parts of the drug trafficking chain, now they have multiple small drug traffickers doing each phase, from the growing in the field, to the transporting, to the financing of the drug trade.

For a period of time, these new entrepreneurial drug traffickers found themselves at risk because they did not have the kind of security protection that the old centralized system had, and so they turned to these now economic guerrillas, the Al Capones of Colombia, and made a pact with them. The pact was: We will pay you well if you will provide us security so that we can conduct our illicit activities.

For a while, that was the relationship, but then the Al Capones figured out: We are providing the reason and the capability of these drug traffickers to do their business. They are making a lot more money in drug trafficking than we are providing the security for the drug traffickers; why don't we become the drug traffickers ourselves?

By the end of the nineties, the drug trade, in particular in Colombia, had been largely taken over by the former ideological guerrillas who had become Al Capones and now were becoming drug traffickers.

In addition to the two things I have indicated were occurring, the change in the way in which the drug trade was organized and, second, the role of the guerrillas in the drug trade, a third thing was occurring in the late 1990s, and that was, after this long unbroken period of economic progress and the benefits that was providing for the people of the Andean region, particularly Colombia, they started to go into economic decline.

The two previous events were a principal reason for that decline: Both domestic and outside investors became leery about investing in Colombia and other Andean pact countries because of their concern about the level of violence and the influence the drug trade was gaining over those countries.

Just 18 months ago, unemployment in Colombia exceeded 20 percent as many of its traditional legal businesses went out of business.

Into this very difficult environment came a new leader for Colombia: President Pastrana. President Pastrana was not a person who was unknowing or immune from these forces that were shaping his country. He himself had been kidnapped by the guerrillas and held for a considerable period of time. Members of his family had been kidnapped and assassinated by the guerrillas. He was elected on a reform platform that he was going to, as the hallmark of his administration, lean toward a resolution of all three of these issues: The guerrillas, the drug trafficking, and begin to build a base for a new period of economic expansion.

The key to this became Plan Colombia which President Pastrana developed early in his administration. Plan Colombia is a very misunderstood concept, particularly from the perspective of the United States. I like to present it as being a jigsaw puzzle with 10 pieces. That total puzzle, once assembled, was a comprehensive plan to rid Colombia of the influence of the guerrillas, to suppress the drug trafficking and large-scale production of cocaine, and to engage in social and economic and political reform within Colombia, to transform Colombia into a fully functioning, modern, democratic, capitalistic nation state.

Of those 10 pieces that made up that total picture of Plan Colombia, the Colombians were going to be responsible for 5 of those 10 pieces.

The total cost of Plan Colombia was estimated at $8 billion, and the Colombian Government was going to pay for $4 billion. They raised taxes, made adjustments in their budget, and did other things to get prepared to accept their 50-percent share of this plan.

The other 50 percent was going to be divided between the United States, which would assume approximately 20 percent of the cost of Plan Colombia, and the rest of the international community, which was to assume 30 percent of the cost.

When the decisions were being made as to what parts of that international effort should be the U.S. component, the decision was made that most of our responsibility was going to be on the military side.

Why was that? The reason was, because a key part of a successful attack against the drug traffickers and since, in many instances, drug traffickers and guerrillas were the same people in the same uniform, the United States had the best ability to provide the intelligence the Colombian military would need to use its forces as effectively as possible.

We had the ability to provide the training that the Colombian military needed to increase its professionalism, and particularly to deal with issues such as the long history of human rights abuses within the military of Colombia, and we also could provide some of the equipment the Colombian military needed, specifically helicopters, to give the Colombian military greater mobility so that when they identified through intelligence where there was a drug activity that was susceptible to being attacked, they would be able to deliver the troops and the materials necessary to successfully carry out that attack.

I go into this in some detail because, for Americans, there has been a tendency to assume that since our component of Plan Colombia was heavily oriented toward military activities, that described the totality of Plan Colombia. That is not quite the fact.

The fact is the totality of Plan Colombia was a balanced plan that had social, economic, political components, as well as law enforcement and military components. It just happened that because we were in the best position to provide the military components, that was where most of our part of Plan Colombia happened to fall.

Plan Colombia was presented to the Congress in 2000, and in the summer of 2000 the Congress voted to provide as the first installment towards our commitment to Plan Colombia $1.3 billion. We also committed we would have follow-on commitments to Plan Colombia as the progress of this effort to fight the three ills of Colombia: The guerrillas, the drug traffickers, and the economic decline.

President Bush has continued the Plan Colombia commitment which had been made by President Clinton. He has recommended to us that we appropriate $731 million. His plan substantially broadens the commitment from a primary focus on Colombia, which was the focus of the first year of the plan under President Clinton's leadership, to a regional focus.

The funds, as proposed by President Bush, are roughly evenly divided between Colombia on the one hand and the other Andean pact countries that are beneficiaries, which are Ecuador, Peru, and Bolivia. President Bush also recommended that of the 50 percent to go to Colombia, that should also be divided roughly 50/50 between law enforcement and military on the one side and economic and social development on the other.

Part of the reason for that recommendation was the fact it has been thus far difficult to get the other components of the international community, with a few major exceptions, Spain and Great Britain being two of those exceptions, to fully participate as had been anticipated in Plan Colombia. So we are now, in addition to our original area of principal responsibility, becoming more engaged in the social and economic development aspects of this now Andean legislative initiative.

The reason I am speaking this afternoon is the Foreign Operations Subcommittee rejected much of what President Bush had recommended, and they recommended the $731 million be cut by 22 percent, or to $567 million. That cut will have serious implications on the United States and our relationship with this region and the future of this region, and our commitments we are making today towards the fight against terrorism around the world.

To be specific, what are some of the implications of a 22-percent cut in the now Andean Regional Counterdrug Initiative? Let me start with the country that has been our principal focus and would be the recipient of half of these funds: The Republic of Colombia. Support for the Colombian National Police interdiction and eradication effort would be reduced because there would be less funding for spare parts for the equipment we provided and fuel to operate the equipment. This would make coca reduction targets less likely to be attained. The failure to attain those coca reduction targets means there will be more cocaine in the streets of the United States of America, afflicting the people of this Nation.

A second result will be security for government officials, which the military provides in high conflict areas, will also be reduced, making the police and alternative development workers even more vulnerable.

Last week there was a meeting held in Washington of an organization in which several members of this body participate called the Inter-American Legislative Network. The purpose of this organization is to encourage the full development of the parliaments and congresses of the nations of the Western Hemisphere on the belief if they are truly going to have a democratic society, the institution in which we serve is a critical component of that society.

We started our meeting last Tuesday with a period of silence. That period of silence was in recognition of the fact two legislators from Colombia had been assassinated the week before we met, illustrative of the level of violence which is being directed towards the democratic institutions by the assassination of the members of democratic institutions in Colombia.

A third effect of this cut will be the Colombian alternative development program will be restricted, and the success we have had to date of signing up farmers who have been producing illicit coca to start producing legal crops will be substantially hampered, and our ability to comply with commitments we have already made will be restricted.

Next, programs to strengthen democratic institutions such as the judiciary and witness protection will also be reduced because of less funds available to support those programs. Lowered support for the police and military would also call into question our political support for Colombia, which might undermine the progress that has been made to date in human rights.

Finally, in the next year a new President will be elected in Colombia. They have a one-term limit on their Presidents. So President Pastrana could not run for reelection. There is an active campaign underway to elect his successors, and the candidates for the Presidential election which will occur next spring might raise questions as to the reliability of United States support, particularly during this difficult and significant period in the history of Colombia.

The consequences both within Colombia and on the U.S.-Colombian relationship of this proposed reduction are dire, but the implications are not limited to Colombia because, as I indicated, half of this money will now go to the other countries, Ecuador, Peru and Bolivia.

Speaking of Peru, where there has been a very aggressive alternative development program which has been enormously successful, 15 years ago most of the coca produced in the world was produced in either Peru or Bolivia and then was transported to Colombia for processing into cocaine. That level of production in Peru and Bolivia has been dramatically reduced. That reduction has, in large part, been because we have been encouraging the farmers to do the same thing we hoped to accomplish in Colombia, which is to transition to legal crops.

We had no funding for that alternative development program in either fiscal year 2000 or 2001 because of our concerns about President Fujimori. As we know, President Fujimori was forced out of the country. He is now living in exile. A new President, President Toledo, has been elected and had been anticipating we would resume the level of support we have been giving to Peru. That support is now at risk. Failure to support Peru in this area of alternative development will undermine the hopeful reflourishing of democracy that will come to Peru under the leadership of President Toledo.

Similarly, Brazil's success is also being challenged as a new President takes office. Planting of coca is beginning to occur in the Champara region, which was the principal area of coca production in Bolivia. We need to help the new Government continue to enforce the coca ban and to offer further alternative development assistance, not to retreat as this subcommittee recommendation would have us do.

Ecuador is also vulnerable to cuts as we seek to maintain enforcement and foster community development, particularly in the northern border region adjacent to Colombia's major coca cultivation zones. Ecuador, which is one of the poorer countries of Latin America, has a long border with Colombia which is immediately adjacent to the area where the principal guerilla group called the FARC in Colombia operates, and the area where we have been putting the principal focus of our coca eradication.

There has been a great deal of cross-border activity, and Ecuador has been looking to us to give them some assistance in maintaining the sanctity of their borders so they can maintain what has been a surprisingly effective effort to avoid substantial coca production in Ecuador. Brazil, Panama, and Venezuela also have modest enforcement programs which need support to have a chance to overcome the efforts of traffickers to transit drugs and corrupt local governments.

The whole Andean region is a region at risk. I suggest we are sending exactly the wrong signal of our awareness of that risk and our willingness to be a good partner at a time of need by this 22-percent cut in our program of assistance to the Andean region.

The proposed Andean Regional Counterdrug Initiative, in my opinion, is an integrated, balanced package. There are proposals now, even with those funds that are left, to earmark those funds in ways that will not be consistent with an integrated effort in the Andean region. Earmarking funds for non-Colombian programs will increase the likelihood of failure and increased violence in Colombia, the largest coca producer in the world. As indicated, we are already proposing—the administration is proposing—to allocate these funds on a 50/50 basis between Colombia and the other Andean countries. The earmarking would change that rational balance.

Finally, following September 11, U.S. law enforcement and military resources which had been placed in the Andean region were withdrawn. Significant numbers of law enforcement personnel were withdrawn back to the United States to assist in homeland security. Many of the military personnel are now in central Asia. This regional effort, funded by foreign assistance, the effort we are considering today, represents the most significant remaining activity in the world to stem the flow of drugs into the United States. For those who say they want to fight drugs, this is the drug program in terms of reducing the supply into the United States. To cut it by almost a quarter will seriously curtail a program on the verge of success, with no alternative supply reduction strategy available. The consequences of this action are serious, immediate, but also with very long-range implications.

I close by asking this question: What is the message the United States of America is sending to our own citizens, what is the message we are sending to the world, when on October 24, 2001, we come before the Senate with a proposal to cut back on the only effective program we have in the world to reduce the flow of cocaine into the United States and one of the most important programs we have in the world to attack terrorists?

These are some of the messages. We are saying we are prepared to give up on the international effort to strengthen the forces of democracy, lawfulness, and future economic growth in a very important region for the United States. How do we ask a European country to make a commitment to support this region if we, who have much more immediate interests and so much more at risk, take the action being recommended today?

Second, are we giving up on Latin America? President Bush, when he came into office, and previously as Governor of Texas and as a candidate for the Presidency, emphasized the importance of the United States relations with Latin America. Unfortunately, we have yet to move forward on an effective program to influence our closest neighbors in the Western Hemisphere.

The one next to this program that is most important is to increase our trade relations. We have a 10-year program with the countries of the Andean region, called the Andean trade pact, whereby we have provided beneficial trade relations. That program will expire in early December. As of today, less than 60 days to expiration day, we have not moved in either the House Ways and Means Committee or the Senate Finance Committee the legislation even to renew that program which is a vital part of the economic capacity of that region and particularly critical now as we are trying, for instance in the case of Colombia, to disemploy 400,000 people who are now working in illicit drug activities, and give them some opportunity to work in a legal, productive area of the economy. Yet we are about to see an important part of the pillar of that legal economy eroded.

The irony is that much of the funding that has been stripped out of the Andean region has been diverted to, as I understand it, providing additional funds to the Export-Import Bank, the purpose of which is to increase our trade. Here we are with some of the best self-trading partners the United States has, a region of the world in which we have a positive trade balance, and we are undercutting its capacity so we can fund the Export-Import Bank whose purpose is to promote trade. That is ironic.

Third, I am concerned we are returning to neo-isolationism, and doing so at the very time when we need to be building strong international coalitions to prepare for the long-range war against terrorism.

That brings me to my final point. What is the message we are sending? A number of Members earlier today were asked to go to the White House to meet with the President, the Vice President, and other leaders of the administration and the newly appointed head of the Homeland Security Agency, Gov. Tom Ridge. At the end of the meeting, President Bush gave us a final challenge. I would like, to the best of my ability, to quote what he said in that final challenge. He asked this question: Do we really want to win the war against terrorism? His answer: Absolutely, and that it will require unity, that we must be prepared to act in different ways in order to win this war. We must be prepared to win it at home, and we must be prepared to win it at the source.

I agree with all of those challenges the President has given to the American people. But what is it going to say if, today, on October 24, some 6 weeks and 1 day after the tragedy of September 11, we strip away a substantial amount of the resources that are being used to fight one of the most virulent terrorist operations extant in the world? The FARC terrorists of Colombia.

In the year 2000 alone there were 423 terrorist attacks against U.S. interests by guerrillas in Colombia. Tell me that we are not fighting terrorism as we fight the source of funding for those terrorists, which is the drug trade in Colombia.

Of those 423 international terrorist acts against U.S. interests, over a third were in Colombia. Mr. President, 44 percent of all attacks against American interests in 2000 were conducted in the country of Colombia.

We have a war against terrorists. An important component of that war is not just 6 weeks old but now is several years old. We have made representations to the people of the United States, the people of Colombia, the people of the Andean region, that we were going to be a full partner in the successful pursuit of that war.

More recently, we have made similar representations to the people of Pakistan and to its leadership and to other countries around the world as we ask them to join the coalition for a long, protracted, difficult war to root out global terrorism wherever it exists in the world. I suggest our true commitment is not going to be judged by the words we speak but by the actions we take.

If we, today, accept a budget which strips 22 percent of the funds we have committed to an area which has become in many ways the global testing ground for our commitment against terrorism, I believe we will be sending a signal that will reverberate around the world, and one that will potentially substantially erode our credibility.

We have only had Plan Colombia now for a few days more than 12 months. It went into effect October 1 of 2000. Today is October 24 of 2001. Yet hardly more than a year into this battle we are beginning to sound the trumpet of retreat and run up the white flag of surrender. That is not what America wants this Senate to say on its behalf. We want to say, as President Bush asked us: Are we really in this war to win? Absolutely. We will have a chance later today to decide whether we want to put an exclamation point behind the President's statement and commitment.

The PRESIDING OFFICER (Mr. REED). The Senator from Minnesota.

Mr. GRAHAM. Will the Senator from Minnesota yield for a moment?

Mr. WELLSTONE. As long as I can regain the floor.

AMENDMENT NO. 1950

Mr. GRAHAM. I sought the floor for the purpose of submitting the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] for himself, Mr. HAGEL, and Mr. DODD, proposes an amendment numbered 1950.

On page 142, line 17, strike "$567,000,000" and insert "$731,000,000, of which, $164,000,000 shall be derived from reductions in amounts otherwise appropriated in this act."

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, I will be relatively brief. I want to respond to my colleague from Florida.

First of all, the Senator from Florida is about as committed to this region of the world, and to the country of Colombia, as anybody in the Senate. I understand that. This is just a respectful difference of opinion we have.

The two members of the Colombian Congress my colleague spoke about were killed by paramilitaries, the AUC, not by the FARC or ELN, the guerrillas. Although I agree that the FARC and ELN are terrorist organizations and should be listed as such, so is the AUC, which is now listed as a terrorist organization. I will go into this in a moment because I think it is an important point.

There are reasons we do not want to put an additional $71 million into this package without much more accountability when it comes to human rights and who is committing the violence.

I also want to point out that of the money we are talking about, the $71 million, a lot of that money in this package goes to disaster relief, goes to refugees, goes to combating HIV/AIDS, goes to public health, goes to education. I think we are probably a lot better off in a foreign operations bill with these priorities than we are putting an additional $71 million into this package.

I also have, which I think is very relevant to this debate, an EFE News, Spain piece, the headline of which is "Colombian Paramilitaries Kidnap 70 Farmers to Pick Coca Leaves."

The truth is, the FARC and ELN, these are not Robin Hood organizations; they are into narcotrafficking up to their eyeballs. But so is the AUC and the paramilitary.

The problem is this effort, Plan Colombia, has been all too one-sided. If it was truly counternarcotics, we would see just as much effort by the Government and by the military focused on the AUC and their involvement in drug trafficking as we see vis-a-vis ELN and FARC. But we don't see that.

There are other reasons we can make better use of this $71 million. Since we started funding Plan Colombia, unfortunately we have seen a dramatic increase in paramilitary participation.

By the way, let me also point out that on the whole question of the war against drugs, not only do I think we would be much better off spending money on reducing demand in our own country—there is a reason why Colombia exports 300 metric tons of cocaine to the United States every year or more, and that is because of the demand. We ought to get serious about reducing the demand in our own country. As long as there is demand, somebody is going to grow it and somebody is going to make money and you can fumigate here and fumigate there and it will just move from one place to another.

My colleague from Florida talked about this effective effort, but the United Nations, with a conservative methodology, pointed out that although 123,000 acres of coca plants have been fumigated under Plan Colombia, cultivation increased 11 percent last year. Cultivation increased 11 percent last year.

Senator FEINGOLD and I will have an amendment and we will talk about the fumigation and we will see where the social development money is that was supposed to come with the fumigation. That was supposed to be part of Plan Colombia. We are also going to be saying we ought to involve the local people who live in these communities in decisions that are made about this aerial spraying.

There are health and safety effects. We can raise those questions. But it is a little naive to believe these campesinos are not going to continue to grow coca if they are not given alternatives, and the social development money has just not been there.

What I want to focus on, which is why I am opposed to the Graham amendment, is the human rights issues. The ranks of the AUC and paramilitary groups continue to swell. The prime targets are human rights workers, trade unionists, drug prosecutors, journalists, and unfortunately two prominent legislators, murdered not by FARC or ELN but murdered by AUC, with the military having way too many ties—the military that we support—with the paramilitary at the brigade level.

I objected to such a huge infusion of military assistance to the Colombian security forces when civilian management remained weak, and the ties between the military and paramilitaries were so notorious and strong.

Since Plan Colombia funding began pouring into Colombia, we have seen a massive increase in paramilitary participation and its incumbent violence. The ranks of the United Self-Defense Forces of Colombia (AUC) and other paramilitary groups continue to swell. Their prime targets: human rights workers, trade unionists, judges, prosecutors, journalists, and myriad other civilians.

The linkages between Colombia's security forces and paramilitary organizations are long and historic. Everybody agrees, including the Colombian Ministry of Defense, that the paramilitaries account for 75 percent of the killings in Colombia.

The media and international human rights groups continue to show evidence of tight links between the military and human rights violators within paramilitary groups.

The U.S. State Department, the U.N. High Commission on Human Rights, Amnesty International, and Human Rights Watch are among the organizations who have documented that the official Colombian military remains linked closely with paramilitaries and collaborates in the atrocities.

According to the Colombian Committee of Jurists (CCJ), "[i]n the case of the paramilitaries, one cannot underestimate the collaboration of government forces."

According to the International Labor Organization (ILO), the offical Colombian military has in some cases created paramilitary units to carry out assassinations.

The State Department's September 2000 report itself mentions "credible allegations of cooperation with paramilitary groups, including instances of both silent support and direct collaboration by members of the armed forces."

Likewise, in its Country Reports on Human Rights Practices, released in February 2001, the State Department reported that "the number of victims of paramilitary attacks during the year increased." It goes on to say: "members of the security forces sometimes illegally collaborated with paramilitary forces. The armed forces and the police committed serious violations of human rights throughout the year."

More from State Department Reports:

> The Government's human rights record remained poor; there were some improvements in the legal framework and in institutional mechanisms, but implementation lagged, and serious problems remain in many areas. Government security forces continued to commit serious abuses, including extrajudical killings. Despite some prosecutions and convictions, the authorities rarely brought higher-ranking officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem. Members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such groups to pass through roadbacks, sharing information, or providing them with supplies or ammunition. Despite increased government efforts to combat and capture members of paramilitary groups, often security forces failed to take action to prevent paramilitary attacks. Paramilitary forces find a ready support base within the military and police, as well as among local civilian elites in many areas.

Two weeks ago, Human Rights Watch released a report titled "The 'Sixth Division': Military-Paramilitary Ties and U.S. Policy in Colombia." It contains charges that Colombian military and police detachments continue to promote, work with, support, profit from, and tolerate paramilitary groups, treating them as a force allied to and compatible with their own.

The "Sixth Division" is a phrase Colombians use to refer to paramilitary groups, seen to act as simply another part of the Colombian military. The Colombian Army has five divisions.

In the report, Human Rights Watch focuses on three Colombian Army brigades: the Twenty-Fourth, Third, and Fifth Brigades.

At their most brazen, the relationships described in this report involve active coordination during military operations between government and paramilitary units; communication via radios, cellular telephones, and beepers; the sharing of intelligence, including the names of suspected guerrilla collaborators; the sharing of fighters, including active-duty soldiers serving in paramilitary units and paramilitary commanders lodging on military bases; the sharing of vehicles, including army trucks used to transport paramilitary fighters; coordination of army roadblocks, which routinely let heavily-armed paramilitary fighters pass; and payments made from paramilitaries to military officers for their support.

President Andrés Pastrana has publicly deplored paramilitary atrocities. But the armed forces have yet to take the critical steps necessary to prevent future killings by suspending high ranking security force members suspected of supporting these abuses.

This failure has serious implications for Colombia's international military donors, especially the United States. So far, however, the United States has failed to fully acknowledge this situation, meaning that military units implicated in abuses continue to receive U.S. aid. Human Rights Watch contends that the United States has violated the spirit of its own laws and in some cases downplayed or ignored evidence of continuing ties between the Colombian military and paramilitary groups in order to fund Colombia's military and lobby for more aid, including to a unit implicated in a serious abuse.

Although some members of the military have been dismissed by President Pastrana, it appears that many military personnel responsible for egregious human rights violations continue to serve and receive promotions in the Colombian military.

For example, according to a Washington Office on Latin America, Amnesty International and Human Rights Watch joint report, General Rodrigo Quinones, Commander of the Navy's First Brigade was linked to 57 murders of trade unionists, human rights workers and community leaders in 1991 and 1992. He also played a significant role in a February 2000 massacre. A civilian judge reviewing the case of one of his subordinates stated that Quinones' guilt was "irrefutable" and the judge could not understand how Quinones was acquitted in a military court. Nevertheless, he was promoted to General in June 2000.

According to the Colombian Attorney General's office, another general, Carlos Ospina Ovalle, commander of the Fourth Brigade, had extensive ties to military groups. He and his brigade were involved in the October 1997 El Aro massacre, wherein Colombian troops surrounded and maintained a perimeter around the village while residents were rounded up and four were executed. General Ospina Ovalle also was promoted.

In the State Department's January 2001 report Major Jesus Mària Clavijo was touted as an example of a successful detention of a military officer associated with the paramilitaries. Yet, by several NGO accounts he "remains on active duty and is working in military intelligence, an area that has often been used to maintain links to paramilitary groups."

Colombian and international human rights defenders are under increased surveillance, intimidation, and threats of attack by paramilitary groups.

According to a recent Amnesty International press release, two men identifying themselves as members of a paramilitary group approached members of Peace Brigades International, threatened them with a gun and declared PBI to be a "military target."

Members of Colombian human rights groups such as the Association of Family Members of the Detained and Disappeared and the Regional Corporation for the Defense of Human Rights have been "disappeared," murdered in their homes and harassed with death threats. Despite reports to the military and requests for help, Colombian authorities seemingly have failed to take significant steps on behalf of the human rights groups.

The systematic, mass killing of union leaders and their members by paramilitaries in Colombia can only be described as genocide. There has been a dramatic escalation in violations against them—kidnapping, torture, and murder—and the response by the Colombian authorities in the face of this crisis has been negligible.

These attacks are an affront to the universally recognized right to organize.

> One hundred and thirty-five trade unionists, both leaders and members, were assassinated during the year, bringing the total number of trade unionists killed since 1991 to several thousand. At least another 1,600 others have received death threats over the last three years, including 180 in 2000; 37 were unfairly arrested and 155 had to flee their home region. A further 24 were abducted, 17 disappeared and 14 were the victims of physical attacks. (International Confederation of Free Trade Unions—10 October 2001. Colombia: Annual Survey of Violations of Trade Union Rights—2001).

I would like to share this quote with my colleagues; it will reveal the true nature of the situation in Colombia. The quote is attributed to Carlo Castaño, head of the AUC, the largest paramilitary group in Colombia): "We have reasons for killing all those we do. In the case of trade unionists, we kill them because they prevent others from working."

Most of the union killings have been carried out by Castano's AUC, because they view union organizers as subversives. One of the most recent killings occurred on June 21, when the leader of Sinaltrainal—the union that represents Colombia Coca-Cola workers—Oscar Dario Soto Polo was gunned down. His murder brings to seven the number of unionists who worked for Coca-Cola and were targeted and killed by paramilitaries.

I recently met with the new leader of Sinaltrainal, Javier Correa. In our meeting, he described the daily threats to his life, and the extremely dangerous conditions he and his family are forced to endure. In his quiet, gentle manner he told me about the kidnaping of his 3-year-old son and his mother, both at the hands of the paramilitaries. Frankly, I fear for his life and that of his family. In the wake of this meeting, I dread news from the Colombian press, mainly out of fear of what I may read.

In response to these threats, the United Steelworkers of America recently sued Coca-Cola in Federal court for its role in such violent attacks on labor, and other large corporations are being investigated.

> According to the International Labor Organization (ILO), the vast majority of trade union murders are committed by either the Colombian state itself—e.g. army, police and DAS (security department)—or its indirect agents, the right-wing paramilitaries.

On both of my visits to Colombia, I heard repeated reports of military-paramilitary collusion throughout the country, including in the southern departments of Valle, Cauca, and Putamayo, as well as in the city of Barrancabermeja, which I visited in December and March.

Consistently, the military, in particular the army, was described to me as tolerating, supporting, and actively coordinating paramilitary operations, which often ended in massacres. I was also told that too often detailed information was supplied to the military and other authorities about the whereabouts of armed groups, the location of their bases, and yet authorities were unwilling or unable to take measures to protect the civilian population or to pursue their attackers.

While in Colombia, I discussed with General Carreno the status and location of the San Rafael—de Lebrija—paramilitary base. The base is operating openly in an area under his command, and its activities have directly caused much of the bloodshed in the region. Almost 7 months after our meeting, however, no effective action has been taken to curtail the operations of the San Rafael paramilitary base, and that it remains open for business.

The Colombian military knows where the base is, and who operates it. The Colombian government knows. I know, for heaven's sake. But, just in case they don't know, I will tell them here. The base is on the Magdalena River about 130 kilometers north of Barrancabermeja on the same side of the River as Barranca, northwest of the Municipio of Rio Negro, in the Department of Santander.

It is from San Rafael de Lebrija that the paramilitaries launch their operations to dominate the local governments and the local community organizations in the area around and including Barrancabermeja. It is there that they organize their paramilitary operations of intimidations of the citizens of the area including the attacks on Barrancabermeja.

It is from there that they stage the murder of innocent civilians like Alma Rosa Jaramillo and Eduardo Estrada. These brave volunteers were brutally assassinated in July, simply because they stand for democracy, civil rights, and human rights. They are against the war, and have no enemies in the conflict. They were both leaders in the Program of Development and Peace of the Magdalena Medio, located in Barranca, lead by my friend Father "Pacho" Francisco De Roux.

I call on the Colombian government and military to show the U.S. Senate that they are serious about cracking down on paramilitaries.

Close San Rafael. Close Mirafores and Simón Bolivar, also located in Barranca, in the northeast quadrant of the city. Close San Blas, south of the Municipio of Simiti near San Pablo in the South of the Department of Bolivar. Close Hacienda Villa Sandra, a base about one mile north of Puerto Asís, the largest town in Putumayo. Is this too much to ask?

From the annual report on Colombia, by the Inter-American Commission on Human Rights (Organization of American States—year 2000) (The OAS on paramilitary bases):

> . . . observations . . . confirm that the free operation of patrol checks, paramilitary bases and acts perpetrated by the AUC in the areas of Putumayo (La Hormiga, La Dorada, San Miguel, Puerto Asís, Santa Ana), Antioquia (El Jordán, San Carlos), y Valle (La Iberia, Tuluá) are being investigated mainly in the disciplinary jurisdiction.

It further says:

> The Commission is particularly troubled by the situation in Barrancabermeja, Department of Santander. Complaints are periodically received concerning paramilitary incursions and the establishment of new paramilitary camps in the urban districts. The complaints report that even though civilian and military authorities have been alerted, paramilitary groups belonging to the AUC have settled in the Mirafores and Simón Bolívar districts in the northeast quadrant of the city, and have spread to another 32 districts in the southern, southeastern, northern and northeastern sectors.

Arrest the notorious paramilitary leaders who open and sustain these bases. Nearly everyone knows who they are, where they operate. I know, and I've only been to Colombia twice.

They are operated by the AUC, led by the likes of Carlos Castano, Julian Duque, Alexander "El Zarco" Londono, Gabriel Salvatore "El Mono" Mancuso Gomez, and Ramon Isaza Arango.

The men on this short list—a mere five paramilitaries—account for over 40 arrest warrants over several years. They are responsible for untold cases of kidnaping, torture, and murder. Go get them.

In its annual report on Columbia, the Inter-American Commission on Human Rights (Organization of American States—year 2000) addressed the problem of paramilitary groups and their bases of operations. Here is what they said:

> The Commission must point out . . . that although the human rights violations committed by paramilitary are frequently investigated by the regular courts, in many cases, the arrest warrants the courts issue are not executed, especially when they involve the upper echelons of the AUC and the intellectual authors. This creates a climate of impunity and fear. A case in point is the fact that in 2000, the highest ranking chief of the AUC, Carlos Castaño, has had access to the national and international media and contacts at the ministerial level, yet the numerous arrest warrants against him for serious human rights violations, have never been executed.

The Colombian government seems to have accepted paramilitary take overs, in places like Barranca. The Colombian government and military must find a way to respond to the paramilitary threat. It is a threat to the rights of free speech, free assembly, and moreover, the rule of law in Colombia.

Mr. President, as I have said all along, if we are really serious about counter-narcotics we should strongly encourage the Colombian government to act boldly and officiously in response to the increasing strength of the paramilitaries, who are actively engaged in narco-trafficking.

Carlos Castaño has admitted that about 70 percent of his organization's revenues come from taxing drug traffickers. He is listed as a major Colombian drug trafficker in recent documents of the U.S. Drug Enforcement Agency.

Drug trafficking is a lucrative business for all parties involved in the Colombian conflict. The fact is, many military personnel are finding that paramilitary work is simply more lucrative than military pay. In addition, they are not forced to comply with even the minimum in standards for conduct. Yet, this begets another crucial question: where do all these vetted officers and soldiers end up? I fear the answer again lies in the paramilitaries. After all, their ranks have swelled dramatically in recent years.

To date, the debate surrounding Plan Colombia has been disingenuous. Why has there been little effort to combat paramilitary drug lords? I'm afraid we may be exposing this plan for what it really is; counterinsurgency against the leftist guerrillas, rather than a sincere effort to stop the flow of drugs. A recent Rand report suggested that the U.S. government should abandon this charade, in favor of an all-out military offensive on guerrilla forces.

Lamentably, I do not see any improvement on the rule of law front. Since Plan Colombia started, and the requisite oversight, we have witnessed an unprecedented increase in the power and authority of a Colombian military with a long history of corruption and abuse.

Last summer, President Pastrana signed a new national security law that gives the Colombian military sweeping new powers. Among other things, the law allows military commanders to declare martial law in combat zones, suspending powers of civilian authorities and some constitutional protections afforded civilians. The law also shortens the period for carrying out human rights investigations of police and army troops, allowing soldiers to assume some of the tasks that had been assigned to civilian investigators.

Other controversial aspects of the law are provisions that allow the military to hold suspects for longer periods before turning them over to civilian judges. Under the old law, government troops had to free suspected drug traffickers and guerrillas if they were unable to turn them over to civilian authorities within 36 hours. I am very concerned about the implications of these provisions. Like many, I fear that torture or other human rights violations may increase as a result.

The U.N. High Commissioner for Human Rights in Colombia believes, as I do, that some of the provisions of the law are either unconstitutional or violate international human rights treaties. I have conveyed my objections about this law to the Colombian government. By pouring another $135 million into the coffers of the Colombian military, we will be increasing their power further without adequately strengthening checks on military abuses. Frankly, I feel this is the wrong direction.

I am pleased that my colleagues, especially Senator LEAHY, have fought to attach safeguards to U.S. military aid to ensure that the Colombian armed forces are: First, cooperating fully with civilian authorities, in prosecuting and punishing in civilian courts those members credibly alleged to have committed gross violations of human rights or aided or abetted paramilitary groups; second, severing links, including intelligence sharing, at the command, battalion, and brigade levels, with paramilitary groups, and executing outstanding arrest warrants for members of such groups; and third, investigating attacks against human rights defenders, trade unionists, and government prosecutors, investigators and civilian judicial officials, and bringing the alleged perpetrators to justice.

Moreover, the paramilitaries undermine the peace process. How can guerrillas—be they ELN or FARC—agree with the government about future political inclusion in the context of a cease fire without first defining the problem of paramilitary groups?

In early 2001, President Pastrana agreed to create a DMZ for the ELN in the northern state of Bolivar. This backfired badly when ELN rebels were chased out by members of the paramilitary group Autodefensas Unidas de Colombia, AUC. The ELN subsequently pulled out of the peace process.

Frustration with the peace process on the part of the military and the country's elites has helped transform the paramilitary AUC into a major player in the conflict. Some estimates of the strength and size of the AUC are as high as 9,500 fighters. In my view, this resurgence can be directly linked to the flawed peace process.

The AUC poses a real threat to the FARC and the ELN, who may now be forced to co-operate with each other more closely. That is bad news for the security situation, particularly given the boost it could provide to the weaker ELN.

What's even more telling is the trend of FARC guerrillas joining the ranks of the paramilitaries. Their motives are based on greed. Paramilitaries, financed by narcotraffickers, are now using ex-gerrillas as scouts and officers, to combat the FARC and ELN more forcefully. This amounts to a deadly coalition. The narcotrafficers have money without limits, the paramilitaries use violence without scruples, and the military supplies inside information and protection.

Press reports detailing U.S. reluctance to paticipate, even as an observer, in peace talks between President Pastrana and FARC leaders only serve to increase my concerns. All sides need to encourage a continued dialogue among all sectors of civil society, but the escalating violence makes that increasingly impossible.

Some of my colleagues have argued that the present campaign against terrorism merits our continued military involvement in Colombia. These funds, it is said, are going toward counternarcotics operations, targeting the FARC and ELN, both of which are on the State Department's terrorist list.

I am well aware that paramilitary groups are not the only armed actors committing human rights violations in Colombia, and I am no friend of these guerrilla movements. In fact, I have consistently decried their repressive tactics and blatant disregard for international human rights standards.

I was deeply saddened by recent reports from Colombia which suggest that the FARCC kidnapped and murdered Consuelo Aruajo, the nation's former culture minister. She was a beloved figure across Colombia, known for her promotion of local culture and music. So, I would like to take this opportunity to again call upon the FARC to suspend kidnappings, killings and extortion of the civilian population and the indigenous communities.

That said, I further believe that we should be more forceful in going after paramilitary death squads, with longstanding ties to some in the Colombian military and government.

Several weeks ago, Representative Luis Alfredo Colmenares, a member of the opposition Liberal Party was assassinated in Bogota. We do not yet know who perpetrated this despicable act, but most signs point to paramilitary death squads, AUC. These same paramilitaries are believed to be responsible for the October 2 murder of representative Octavio Sarmiento, also a member of the Liberal Party. Both men represented the province of Arauca, Northeast of the capital, on the Venezuelan frontier—a region that has become increasingly ravaged by the ever-widening war.

I was pleased that Secretary Powell made the decision to add the AUC to the State Department's terrorist list. It was a sign that the United States oppposes threats—from both the left and right—in the hemisphere, and I am encouraged by this development. Yet, I do not believe it goes far enough. As Senators, we should embrace the challenge of making a bold effort to quell paramilitary violence. Wwe must not shirk from that responsibility.

The way out of this mess is nothing particularly new or innnovative. What has been lacking in Bogota and Washington is the political will to take the risks to make the old proposals work.

The Congress and the Bush administration must insist on credible and far-reaching efforts to stop the paramilitaries.

Further, we must provide serious and sustained support for the peace process, and work to deliver economic assistance programs that work instead of dramatic military offensives.

Finally, we need to embrace demand reduction as the most effective mechanism for success in the campaign against drugs.

General Tapias, the highest ranking military person in Colombia was coming to meet with me. It was the day the Hart Building was evacuated. We talked on the phone. I know the Presiding Officer spent some time in Colombia. I said to him on the basis of the good advice from a wonderful human rights priest, Francisco De Roux, General: (A) thank you for trying to do a better job of breaking the connection between the military and the paramilitary. Thank you for trying to do that. We know you have made that effort. (B) I said thank you for going after the FARC and the ELN.

The third question I asked him was when it comes to the murder of civil society people such as the people I met on two trips to Barrancabermeja—some of whom I met, some of whom are no longer alive—people who work with Francisco De Roux, probably the best economic development organization in Colombia—they are murdered with impunity. I said to the general: Where are you? Where is the military? And where are the police in defending the civil society?

Mr. LEAHY. Mr. President, I wonder if the Senator will yield for just one moment.

Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. Mr. President, military-paramilitary linkages are long and historic. Everybody agrees. I told you that FARC and the ELN are not Robin Hood organizations. But the paramilitaries, now listed as a terrorist organization by our State Department, account for 75 percent of the killings in Colombia by the AUC.

The U.S. State Department, the United Nations High Commission on Human Rights, Amnesty international, and Human Rights Watch are among the organizations who have documented that the official Colombian military has remained linked closely with the paramilitaries and all too often collaborates in these atrocities.

We don't need to be giving out any more money.

The State Department's September 2000 report mentions "credible allegations of cooperation with paramilitary groups, including instances of both silent support and direct collaboration by members of the armed forces."

Two weeks ago, Human Rights Watch released a report titled, "Sixth Division: Military-Paramilitary Ties and U.S. Policy in Colombia." It is troubling.

The "Sixth Division" is a phrase Colombians use to refer to paramilitary groups seen to act as simply another part of the Colombian military. The Colombian military has five divisions.

In this report, Human Rights Watch focuses on three Colombian Army brigades: The Twenty-Fourth, Third, and Fifth Brigades.

I asked the general about direct ties to the paramilitary. They are documented. The paramilitaries are brazen. President Pastrana operates in good faith, and I know he has publicly deplored the paramilitary atrocities. But the armed forces have yet to take the critical steps necessary to prevent future killings by suspending these high-ranking security force members suspected of supporting these abuses.

I am telling you that it is documented. We know. But these military folks aren't removed. They are not suspended. Nothing or very little is done. I don't think we need to spend more money on this.

Human rights abusers are rewarded with promotion. The joint report of the Washington Office on Latin America, Amnesty International, and Human Rights Watch talks about the fact that a number of different high-ranking military people involved in atrocities are directly involved with the paramilitary, and are promoted.

Human rights workers are under attack. There are systematic mass killings of union leaders and their members by the paramilitary in Colombia.

I describe that as genocide. That is what it is. As a matter of fact, the AUC has actually bragged about this. Their leader bragged about this.

And we need to give them more money? I don't think so.

I wish I could mention some of the courageous people who have been murdered.

I have gone to Colombia twice. I have gone to Barrancabermeja. I have gone there because it is sort of a safe haven in Colombia. It is one of the most violent cities in a very violent country.

I have had the opportunity to meet with a man that I consider to be really one of the greatest individuals I have ever met—Francisco De Roux, referred to as Father "Pacho." Why is he so respected and beloved? He has an organization called the Program of Development and Peace of the Magdalena Medio located in Barranca. They do wonderful social justice and economic development work.

In the last several months, a number of innocent civilians, such as Alma

Rosa Jaramillo and Eduardo Estrada, brave volunteers, were brutally assassinated—one, I think, in front of his family members. It was awful. They were murdered by the AUC. They were murdered by the paramilitary, and the civil society people who work for their organization still wait for the prosecution.

I said to General Carreno, the military man in the region: Here is AUC's leader, the bad guys. Go get them.

It hasn't happened.

I thank my colleague, Senator LEAHY, because I think there are some important human rights safeguards and Leahy safeguards in this legislation that go absolutely in the right direction.

I will zero in on this for the Feingold amendment on fumigating and spraying. I am in profound opposition with the amendment of my colleague from Florida, who is one of my favorite Senators. I am not just saying that; he is. I have great respect for him. I oppose the additional ways in which money is being spent.

Funding for disaster relief—you name it—and health care makes a whole lot more sense. I don't think we need to be putting any more money into this plan. Believe me. There are important human rights questions to be raised. I don't think the Colombian Government has been nearly as accountable as they should.

Frankly, even with the war on the counternarcotics effort, there are very real questions as to how effective this is.

At the very minimum, let's not spend even more money without making sure first we have the accountability, especially on the human rights issues.

My colleague from Florida said: What is the message going to be? I will say this: What is the message going to be if the United States of America, over and over, all of a sudden says when it comes to democracy and when it comes to the human rights question that we are going to put all of that in parenthesis, and we are going to turn our gaze away from it, that it makes no difference to us, and it is not a priority for our government?

If we do that, we will no longer be lighting the candle for the world. It would be a profound mistake.

I hope colleagues will vote against this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am rather disappointed with this amendment. Senators have every right, of course, to offer any amendment they have.

This bill has been before the Senate for almost 2 weeks now. We just heard about this amendment a very short time ago today. This amendment cuts at least $164 million from important programs, as the Senator from Minnesota and others have pointed out. I mention the money it is cutting because these are programs where funds have been requested by both Republicans and Democrats.

The amendment of the Senator from Florida would transfer those funds to the Andean Counterdrug Program. That program essentially consists of military and economic assistance to four principal countries—Colombia, Peru, Bolivia, and Ecuador—but these are not countries that are going unfunded. They already get over a half billion dollars in this bill—well over a half billion dollars. They get $567 million.

I do not believe there is any region, other than possibly Middle East countries and the former Soviet Republics, that gets that amount of money. That $567 million is on top of the $1,300 million—$1.3 billion—that we provided for Plan Colombia last year. In fact, it is not a half billion dollars; it is more than a half billion dollars. It is nearly three-quarters of a billion dollars when you include the economic and development aid in this bill for the Andean countries, and that is there on top of the counterdrug aid.

So you take the funds that are already in this bill—not the funds added by the Senator from Florida, but the funds already in this bill—and we will have provided over $2 billion for these countries in the past 16 months; in 1⅓ years, over $2 billion.

In fact, by pouring money down there so fast, they can't even spend it yet. Much of last year's funds have not even been disbursed. Even though they have not spent all the money, we are giving them another $700 million in additional funding this year.

It is no secret that—and, actually, I am not alone in this body—I am skeptical that this program will have an appreciable impact on the amount of illegal drugs coming into the United States. We have spent billions down there, and drugs are just as accessible. In fact, in our country, for many types of drugs the price has actually gone down.

I suggest, until we start doing something about reducing the insatiable demand for drugs here, in the world's wealthiest country, we are not going to do too much good about incoming drugs. As long as the money is there, we can stop them in Colombia, but they will just come from somewhere else. Secretary Rumsfeld has said much the same thing.

In fact, a lot of other members of the Appropriations Committee—in both parties—expressed similar doubts in a hearing we held earlier this year. We had a hearing where the administration came up.

We asked them: By the way, how much money has been spent that we have given you so far?

They said: Gee, we don't know. We will try to get back to you on that.

We said: Well, with a billion dollars or so, you must have some kind of basic idea what you spent the money on.

They said: We don't know, but we will sure check into it.

When my kids were little, I gave them a small allowance. I did not expect them to tell me where it all went—whether it was baseball cards or comic books or ice cream cones or something like that—but we were talking about a few dollars. When you give somebody $1 billion, you would kind of like to know what they do with it.

So I said: If you can't tell us where you spent it, how about letting us in on a little secret. Has anything been accomplished with the money we gave you?

They said: We will have to get back to you on that. We don't know how much has been spent. We don't know how much has been accomplished. We do know we have another $700 million in this bill, and we have a whole lot of money in the pipeline that is not yet spent.

We keep pouring money in. We do not even know if the program will work. But the administration wants some money in there. We put in a lot of money. We have a lot of other similar programs, especially in foreign policy. We pour a whole lot of money in there and not much comes out.

We have spent billions of dollars to combat drugs in the Andes over the past 15 years, and we have eradicated coca and we have eradicated opium poppy in several places, but, of course, they just pop up somewhere else. It is sort of like Whack-A-Mole—knock down one, it pops up somewhere else.

And we have found one other thing: The flow of illegal drugs into this country, no matter what we do in other countries, reflects our demand. If the demand for drugs goes up in this country, the flow of drugs coming into this country increases. If the demand for drugs drops, the flow of drugs into this country drops. Far more than what we do with our Customs agents—and they are extremely good—or the DEA or the Coast Guard or anything else, in a nation of a quarter of a billion people, if we want to spend billions upon billions upon billions of dollars for drugs, the drugs will come.

But even though there is serious doubts about whether this works, Senator McCONNELL and I have tried to give the administration the benefit of the doubt. We include another half billion dollars in this bill, on top of the billions already there.

The senior Senator from Florida, who is in this Chamber right now, is a good friend of mine. We have worked together on many issues. But I would like to see him try to do the balancing act we have had to do in this bill to get money for a program that actually most of us on the committee do not even like, but to give money for that program, and do the other things in this bill.

We have had 81 Senators requesting funding for all sorts of programs we tried to fund. I want to be fair; 81 Senators asked for some funding, and 3 did ask for some money for the Andean Counterdrug Program. Eighty-one of the 100 Senators asked for funding for various items in this bill; 3 of the 100 Senators asked for funding for the Andean Counterdrug Program. Other than a few lobbyists, it does not seem to be the most popular program.

But we have a bill that is in balance. I know the administration supports the Andean program. They also support the Economic Support Fund. They support the Foreign Military Financing Program. They support funding for the former Soviet Republics. They support money for Central and Eastern Europe. They support money for the International Military Education and Training Program. They support money for our contributions to the World Bank and United Nations programs. There are a number of things the administration supports.

In fact, they have put together a legislative blivet. They support a lot more programs than there is money in this bill. If you put up a chart: Shown up here is what they support in programs, down here is where they put money. So we have had to take the money we have available. We have taken the programs supported by the administration, and also assuming the Congress has some say in how the money is spent on programs supported by this body and the other body.

All these accounts were cut by the House and, actually, in some cases they were cut below what the President requested. We restored them to help out the administration. We made choices. We made choices which reflect the administration's priorities and Senators' priorities. They are not always the same requests. In fact, we were unable to fund over $3.4 billion in requests from 81 Senators. Now this amendment would cut those even further.

In fact, the Andean Counterdrug Program received a lot more funding than many other critical programs. We provide more money for the Andean Counterdrug Program than we do to combat AIDS, which infects another 17,000 people every day. Many Senators wanted to provide more money to fight AIDS and also to help fulfill the President's commitment to do that, but we are $1 billion short of what we should be spending on AIDS.

Incidentally, we provide more for the Andean Regional Initiative than we do for assistance to the world's 22 million refugees.

Other Senators have asked for more money for refugees, but we were unable to do it partly because of the huge amount of money we are already putting in the Andean Counterdrug Program.

Incidentally, we provide over twice as much in this bill for the Andean Counterdrug Program as for all disaster relief programs worldwide—for victims of war, earthquakes, drought, and other calamities in all of Africa, Central America, and Asia—even at a time when we are trying to point out to the rest of the world that we are not the Great Satan that Osama bin Laden and others try to make us out to be, that we do help in these areas. We don't help as much as the Andean Counterdrug Program, but we will help.

When I see requests for more money for the Andean Counterdrug Program, it worries me. We already spend four times as much for the Andean Counterdrug Program as for basic education programs worldwide, even though the President and Members of both parties have said we should do more to help improve education worldwide so that we will have educated people and the next generation coming along will be educated and have a better idea of what the United States and other democracies are like as well as what the real culture of their own country is like.

We provide four times as much for the Andean Counterdrug Program as for microcredit programs for loans for the world's absolutely poorest people, loans that help in many countries allow women, for the first time in the history of those countries, to have a basic modicum of independence. For women who have absolutely nothing otherwise, have no way of doing it, this program helps. We provide four times as much for the Andean Counterdrug Program. We provide more for the Andean Counterdrug Program than we do for antiterrorism programs or nonproliferation programs. We actually should be spending twice as much for those programs. We can't because of all the money we are already putting into the Andean Counterdrug Program.

At some point we have to set some priorities. We have poured in money so fast they can't even spend the money they have in the pipeline. The administration, when they provide sworn testimony before the Congress, can't even tell us what the money is being spent for. Yet they want more. How many other programs do we have to cut? We provide more for this than we do for our export programs.

Let's go back and tell some of the small businesses in America that depend on the export business and that could employ people at a time when the economy is going in the tank, let's tell some of these small companies, sorry, we can't help you build up your business so you can export and hire people who have been laid off to come back because we have to give the Andean Counterdrug Program more money beyond the billions we have already spent.

Maybe we ought to be cutting these export programs. The heck with putting people back to work; we have to send some money down to the Andean Counterdrug Program. We don't know where it is going. We don't know how it is being spent. We know it is not effective. We know it hasn't stopped drugs coming up here. But let's make ourselves feel good and send it down there. Sorry, you are getting laid off from your factory job here.

I care about international health. We have a total of $175 million in this bill to combat infectious diseases such as tuberculosis and malaria. They kill about 3 million people a year. We can help, with some of this money, to make sure some of these infectious diseases that are a postage stamp or an airplane trip away from the United States, to stop them from coming in this country. But we don't have enough money to do that. We don't have enough money not only to help these people eradicate these diseases in their own country but to stop them from coming into our country because we don't have enough money. Why? We are spending four times more on the Andean Counterdrug Program, four times what we are doing to stop diseases—smallpox, tuberculosis, malaria, or the Ebola plague—from coming into our country.

Ask somebody who has picked up the paper in the last few days what they think our priorities are.

One would think from this amendment that Senator MCCONNELL and I don't support a counterdrug program. That is not so. We are willing to give the benefit of the doubt. It hasn't proven it has done anything yet. It has yet to demonstrate any impact on the drug program in this country. But we are willing to give the administration a chance, and so we have thrown in a half a billion dollars on top of the $1.3 billion of last year. The administration says it has not worked. It can't show anything where it has been successful, but "give us some more and we will do it." We have done that.

If we add even more money for it, where do we cut? This amendment cuts across the board. It cuts Egypt. It cuts Israel. It cuts Jordan. It cuts money for the former Soviet Union. It cuts education. It cuts TB prevention programs. It cuts education of children. It cuts programs that might give some economic stability to poor women across the world. Why? To go into an Andean Counterdrug Program where they can't even account for the money they have.

I want to help Colombia. I want to help Bolivia. I want to help Ecuador. I want to help Peru. We have put a half a billion dollars in here to do that, even though that is money from priorities that might do the country better.

I met the head of Colombia's armed forces last week. I have met him before. I have nothing but complete respect and admiration for President Pastrana of Colombia. I consider Colombia's Ambassador, Ambassador Moreno, a friend. I think he is one of the best ambassadors any country has sent here. He knows how the administration works. He knows how our country works. He knows what our culture is. He speaks out forcefully for his own country. He does it with great respect for Colombia, but also with appropriate respect for the country in which he is serving. In fact, I sometimes wish some of the ambassadors we sent to other countries could do their job as well as Ambassador Moreno does.

I hope that this half a billion dollars—actually more than half a billion dollars—that Senator MCCONNELL and I have put into this bill will pay off in the Andean Counterdrug Program. But in the past year we have seen the civil war in Colombia intensify. We have seen the paramilitaries double in size. There have been more massacres of innocent civilians by paramilitaries this year than ever before. There is indisputable evidence that the paramilitaries are receiving support from some in the Colombian armed forces.

Funding that we provided last year to strengthen Colombia's justice system has yet to be spent. Some of it has been allocated for purposes that bear little if any resemblance to what Congress intended, in a bipartisan fashion, it to be used for.

Aerial fumigation has destroyed a lot of coca. But there are also supposed to be alternative programs from which to give farmers something else to earn a living. They have barely been used. They have not spent tens of millions of dollars we provided last year, and USAID has serious doubt about Colombia's ability to implement these programs.

If we don't give these farmers an alternative source of income, if we don't use the money we sent to do that, does anybody doubt that we will see these farmers planting coca again so they can feed their families? I wish they wouldn't. I think it is wrong they do. But let's be realistic. If you have a hungry family there, you are not going to think of the people of another country who spend more money on their drug habit in a week than these people ever see in a year.

I share the concerns of the Senator from Florida about the use of drugs in this country, especially in my own State. I was a prosecutor for 8 years. I have some very strong views on these issues. Heroin use has been steadily increasing in Vermont. Like any Vermonter, that frightens me and worries me. But the Andean Counterdrug Program is not going to have any impact on that problem we have in Vermont. Yet there is a half billion dollars in this bill. It is not going to help most States. Let's see how last year's money gets spent. Let's see how this year's half billion dollars gets spent. Then if the administration comes here before Senator MCCONNELL's and my committee next year and starts telling us, gee, we don't know where the money is going, how it is being spent, or if it is having any effect, or they are able to tell us how it is being spent and what effect it has had, then we can talk about more money.

Before we throw a whole lot more money into the problem, let's see if the $718 million does any good in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the committee funded the President's $731 million request for the Andean Counterdrug Initiative at $567 million, which is a cut of $164 million. This figure reflects an attempt by the subcommittee to balance the interest of Congress and the President over such issues as restoring the administration's 25 percent or $119 million cut in the export-import pact funding.

Senator GRAHAM's amendment seeks to restore that $164 million to this initiative. I think he knows this is going to be an issue for the conference, as Senator LEAHY pointed out, because the House funding level is $675 million. While I can appreciate his arguments for funding the Andean initiative, it is clear from a hearing Senator LEAHY and I held on this issue earlier this year that there are Members who are concerned with Plan Colombia and the ability of the United States to impact narcotics growth and production in the civil war zones. Reducing funds for the Andean Counterdrug Initiative will not starve our counterdrug efforts. The disbursement of funds from last year's Plan Colombia is occurring, frankly, at a rather slow pace. Figures from USAID show that of the $119 million provided for judicial, economic, and other reforms, only $8 million has been actually spent to date.

So Senator LEAHY and I included an amendment in the managers' package to ensure adequate levels of funding for counterdrug assistance for Bolivia and Ecuador.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have a unanimous consent request to which I understand the Senator from Kentucky has agreed.

I ask unanimous consent that the Graham amendment No. 1950 be laid aside, to recur at 4:40 p.m.; that there then be 20 minutes remaining for debate prior to a vote on a motion to table the amendment, with the time to be equally divided and controlled between the Senator from Vermont and the senior Senator from Florida, or their designees; that no second-degree amendment be in order to the Graham amendment prior to a vote on a motion to table; that Senator FEINGOLD now be recognized to offer two amendments, one with respect to Andean drug and one with respect to congressional COLA; that if debate has not concluded on the two Feingold amendments at 4:40 p.m., they be laid aside, to recur upon disposition of the Graham amendment in the order in which they are offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Chair, and I am sure he understood that convoluted agreement just as much as the propounder of it did.

By doing this—and I see the Senator from Wisconsin in the Chamber—we will be able to move forward. Again, the Senator from Kentucky and I are open to do business. I will have other things to say and will speak on the Andean drug matter, but I remind everybody that we have a huge amount of money in the bill already, and we are cutting a lot of programs that should have higher priority.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

AMENDMENT NO. 1951

Mr. FEINGOLD. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. WELLSTONE, proposes an amendment numbered 1951.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional condition for the procurement of chemicals for aerial coca fumigation under the Andean Counterdrug Initiative)

On page 143, beginning on line 9, strike "and (3)" and all that followed through the colon and insert the following: "(3) effective mechanisms are in place to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and provide fair compensation for meritorious claims; and (4) within 6 months of the enactment of this provision alternative development programs have been developed, in consultation with communities and local authorities in the departments in which such aerial coca fumigation is planned, and in the areas in which such aerial coca fumigation has been conducted, such programs are being implemented within 6 months of the enactment of this provision:

Mr. FEINGOLD. Mr. President, I thank the chairman for his help in making it possible to get going on this amendment. I rise to offer an amendment to the foreign operations appropriations bill. I am very pleased to have as an original cosponsor the distinguished senior Senator from Minnesota, Mr. WELLSTONE, who has certainly made it his business to follow closely our policy in Latin America, in particular in Colombia.

My amendment is intended to improve the efficacy of U.S. efforts to eradicate the supply of narcotics that threatens our families and communities and to ensure that our efforts to address this issue do not inadvertently plunge the people of Latin America into a humanitarian and economic crisis.

The amendment is very simple. It requires that the administration have alternative development plans for a given region in place before engaging in aerial fumigation in that area, and it requires that alternative development plans are being implemented in areas where fumigation has already occurred.

This is hardly a radical initiative. I recently received a letter from the administration responding to some of my inquiries and concerns about our fumigation policy. In the letter, the State Department itself noted that alternative development must work in concert with eradication and with law enforcement. Unfortunately, though, over the past year fumigation has occurred in areas where there are no alternative development programs in place at all or in areas where alternative development assistance has been exceedingly slow.

According to a recent Center for International Policy meeting with experts from southern Colombia, communities that signed pacts agreeing to eradicate coca in December and January in Puerto Asis and Santa Ana, Putumayo, have not yet received aid. AID as of mid-July states that only 2 out of 29 social pacts signed have received assistance so far. These facts tell us that our policy has to be better coordinated. More important, they tell us our policy cannot possibly be working.

Of course, some people simply disagree with this policy as a whole. I have heard from a number of my constituents who are concerned about fumigation in and of itself. They are concerned about the health effects of this policy, and they are concerned about whether or not local communities and authorities have been adequately consulted and informed about their policies.

Frankly, I share those concerns. I strongly support the language the Appropriations Committee has included conditioning additional funding for fumigation on a determination to be submitted by the Secretary of State, after consultation with the Secretary of HHS and the Surgeon General, that the chemicals involved do not pose an undue risk to human health or safety; that fumigation is being carried out according to EPA, CDC, and chemical manufacturers' guidelines; and that effective mechanisms are in place to evaluate claims of harm from citizens affected by fumigation. I believe these provisions are critically important, and I share the skepticism of many with regard to United States policy in Colombia in general.

Nevertheless, like those underlying conditions in this bill, my amendment does not seek to eliminate fumigation from our policy toolbox. It does seek to ensure that when we use that tool, we use it in a rational and effective way. If we keep on fumigating without improving the conditions of coca growers, drug crops will simply shift to other locations or spring up again as soon as the fumigation stops. It makes no sense to take away a farmer's livelihood, provide him no alternative, and expect him not to plant illicit crops again.

Without this amendment, we risk failing in our counternarcotics efforts in creating a humanitarian and economic disaster for the people of Colombia, one that will doubtless also be costly for the United States in the long run.

I also want to point out that my amendment calls for consultation with affected communities and local authorities. Supporting democratic governance and a strong civil society in Colombia are important United States policy goals. Those aims reflect our clear interest in a stable and law-governed Colombia.

This is a very modest proposal. It aims to make our policy work rationally and in a coordinated fashion. It recognizes that eradication without alternative development simply makes no sense.

It acknowledges the stake of the Colombian people in our policy. So I urge my colleagues to support it.

AMENDMENT NO. 1951, AS MODIFIED

Mr. FEINGOLD. Mr. President, I send a modification to the desk. This modification changes a typographical error in the original amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 143, beginning on line 9, strike "and (3)" and all that follows through the colon and insert the following: "(3) effective mechanisms are in place to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and provide fair compensation for meritorious claims; and (4) within 6 months of the enactment of this provision alternative development programs have been developed, in consultation with communities and local authorities in the departments in which such aerial coca fumigation is planned, and in the departments in which such aerial coca fumigation has been conducted, such programs are being implemented within 6 months of the enactment of this provision:".

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, did the Senator from Wisconsin wish to say something further?

Mr. FEINGOLD. Mr. President, I want to make sure, before we proceed with this amendment, the Senator from Minnesota has an opportunity to address it.

Mr. LEAHY. Mr. President, I assure the Senator from Wisconsin, and others who will come with other matters, I will turn over the floor in a few minutes.

Sometimes we take these bills and we move them. We do this bill now, we will do that bill now, and it is fairly routine. Even on this bill—and I have had the privilege of being either chairman or ranking member of this subcommittee for years, handling our foreign aid bill through a number of different administrations, Republican and Democrat. It occurs to me, we have never quite had a time as we do today with this bill. We have never quite had the situation where what happens in other parts of the world might threaten us so directly.

Let me tell my colleagues why I say that. It is not a case where we have this threat of an army marching into the United States or a navy sailing against us. We are too powerful for that. It is partly because of our power and our world status that we have both the good news and the bad news.

Our economy is intricately intertwined with the global economy. Our health depends on our ability and the ability of countries in Africa, Asia, and Latin America to control the spread of deadly infectious diseases. Our security is linked to the spread of nuclear, biological, and chemical weapons, on our ability to stop terrorism, narcotrafficking, and organized crime. These threats are prevalent from as far away as China, to our own cities.

Another less defined threat, but potentially the trigger that ignites many others, is poverty. We are surrounded by a sea of desperate people. Two billion people, a third of the world's inhabitants, live on the edge of starvation. They barely survive on whatever scraps they can scavenge. Oftentimes one sees children in food dumps scavenging for something. Many of the children die before they reach the age of 5.

In some countries, they do not even list their births until they are 4 or 5 years old. They wait to see whether the children make it.

This grinding, hopeless, desperate existence, something that is unimaginable for all of us within this Chamber, it is overladen with despair. That despair fuels hatred, fuels fear and violence. We see it on so many continents. We see it today in Pakistan, where thousands of people are threatening to overthrow their own government if that government gives American troops access to Pakistani territory. We see it across Africa, Colombia, and Indonesia. We see it in the form of refugees and people displaced from their homes, and they number in the tens of millions.

The world is on fire in too many places to count, and in most of those flash points poverty and the injustice that perpetuates it are at the root of that instability.

Our foreign assistance programs provide economic support to poor countries, health care to the world's neediest women and children, food and shelter to refugees and victims of natural and manmade disasters, and technical expertise to promote democracy and free markets and human rights and the rule of law. That is the way it should be, when we are so blessed in this Nation with such abundance.

As important as this aid is, the amount we give is a pittance when considered in terms of our wealth and the seriousness of the threats we face. So many countries give so much more.

I can make an argument for the foreign aid bill on national security. I can make an argument for this bill because it helps create American jobs. I can make an argument for this bill because when we eliminate disease, we protect ourselves. The biggest argument I will make for this bill is how can we accept the enormous blessings of this country—we are about 5 percent of the world's population. We are consuming more than half of the world's resources. How can we say we are a moral people if we do not help others?

This goes beyond politics. This goes beyond economics. This goes beyond security. It is a matter of morality; morality to shape our whole nation in the helping of others.

If somebody came up to us today and said look at this child who is going to die of malaria; if you would give us 75 cents or a dollar you would save the child, if you knew it was real and you could save the child, of course you would give that. We do not even give that in these bills.

The approximately $10 billion that we provide in this type of assistance, through the State Department or the U.S. Agency for International Development, the contributions to the World Bank, the U.N. Development Program, the World Food Program, all of that money comes out to well under a dollar a week from us.

The amount that each of us gives does not keep two refugees alive a year. We do not keep up with the number of people living in poverty, which is rising steadily.

I know our economy is suffering and our people are hurting in this country. As much suffering as we have and as hurting as we are, I can show you places where billions of people would trade places with us in a heartbeat.

We will work to help people in our country, as we should, but let us not bury our heads in the sand. We do not protect our national interests in today's complex and dangerous world on a foreign assistance budget that is less in real terms than it was 15 years ago when I was a junior Senator. Our world is not simply our towns and our States and our country. It is the whole world. We live in a global economy.

The Ebola virus is like a terrorist; it is only an airplane flight away from our shores. We can try our best to control our borders, but we cannot hide behind an impenetrable wall. We have to go to the source of the problem; that is, to countries that are failing from AIDS, from ignorance, from poverty, and from injustice. We need a better understanding of the world in which we live.

Almost 60 percent of the world's people live in Asia. That number is growing. Seventy percent of the world's people are nonwhite. Seventy percent are non-Christian. About 5 percent, though, own more than half of the world's wealth. Half the world's people suffer from malnutrition. Can one imagine what a tragedy it would be if we went back to our home States and half of the people of the State were malnourished? Well, half the world's people are.

Seventy percent of the people in this world are illiterate. Instead of $10 billion to combat poverty, support democracy, promote free markets, and the rule of law, and aid victims of disaster, we should be spending $50 billion.

Is it a lot? With a Federal budget of $2 trillion, that depends. We are going to spend more than that just to recover from the September 11 terrorist attacks. We are going to spend a lot more to conduct a campaign against terrorism, and we must. Maybe if we had spent more money in the first place on some of these problems we might not have faced a September 11 terrorist attack. We also have to look at other global problems. Not the problems, thank God, that killed 6,000 Americans in a day, but they have posed immense long-term problems affecting our lives.

Extreme poverty on a massive scale, population growth effects on countries, and the poisoning of our environment are problems we cannot continue to treat as afterthoughts. We cannot spend so little to combat these threats, anymore than we could justify failing to anticipate the attacks on the World Trade Center and the Pentagon. We cannot solve all the problems. Nobody can.

Maybe one of the positive things that will come from the time of national soul-searching is to think differently about what the future holds in our role in the world. The Senator from Kentucky and I have done our best to respond to these problems, but it is not enough and falls far short. We are not going to do it with a budget that is less than that of a decade ago. Because of that, we fail the American people and we fail future generations.

We say with pride we are a superpower. And I say that with pride. But let's start acting like a superpower, like the leading democracy of the world. Let's reach deep inside of the best of our country. Then let us lead the world in combating poverty and supporting the development of democracy and preserving what is left of the world's natural environment. Let's start paying our share. We have a moral responsibility.

But even if we are not reaching inside ourselves to answer that moral call, give a pragmatic reason why we should not do our share. We are, after all, the Nation with the very most at stake.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am pleased to join my colleague, Senator FEINGOLD, with this amendment.

Mr. President, I rise today to address disturbing developments in our antinarcotics efforts in Colombia, and to join Senator FEINGOLD in calling for a shift in our fumigation policy.

The motivations behind the Andean Counterdrug Initiative and last year's Plan Colombia are important—stop the flow of illicit drugs into the United States. I, like every other member of this body, am extremely concerned about the effects of drug use on our citizens, particularly our children. That said, I am becoming more and more convinced that the plan advanced for combating this problem targets the wrong source. What's more, I think that the methodology used is neither fair nor effective.

I am talking about aerial coca eradication, which has been the focus of our efforts in Colombia. Last December, the Colombian military began a massive fumigation campaign in southern Colombia, with U.S. support. Under the current plan, pilots working for DynCorp, a major U.S. government military contractor, spray herbicide on hundreds of thousands of acres of Colombian farmland. To date, the provinces of Putumayo, Cauca, and Narino have been most affected, but expansion of the program is imminent. I have a number of concerns about this approach.

First, I have become increasingly convinced that fumigation is an extreme, unsustainable policy causing considerable damage. Since the fumigation campaign started last December, rivers, homes, farms, and rainforests have been fumigated with the herbicide Round-Up. Because Round-Up is a "non-selective" herbicide, it kills legal food crops and the surrounding forest, in addition to coca plants. Furthermore, farmers and their supporters contend that glyphosate is hazardous. I'm beginning to believe they're right.

Round-Up is classified by its manufacturer, Monsanto, as "relatively safe." However, the EPA classifies Round-Up as "most poisonous," while the World Health Organization classifies it as "extremely poisonous." Directions on glyphosate products, like Round-Up, warn users not to apply the product in a way that will cause contact with people "either directly or through drift." These instructions and warnings are not being taken into consideration.

What's more, according to the Round-Up website, the herbicide is not recommended for aerial application and is not supposed to be applied near or in bodies of water. However, in Colombia, much of the coca cultivation takes place alongside rivers and ponds, and these bodies of water are routinely fumigated. A November 2000 report by the American Bird Conservancy notes that Round-Up is extremely toxic to fish and other aquatic organisms.

Putumayo, where the spraying has been principally concentrated, reports over 4,000 people with skin or gastric disorders, above and beyond normal averages. In January and February alone, over 175,000 animals were killed in that region. All had been sprayed with Round-Up and Cosmo Flux, a Colombian-made mix.

Mr. President, in light of this mounting evience, I don't believe that we can sit idly by as U.S. taxpayer dollars go toward such a policy. The environmental consequences are serious. The health effects are concerning at best, deadly at worst.

This is an especially personal issue for me. As the only United States Senator to withstand aerial fumigation, I feel I have a unique obligation to address this matter forcefully. When I visited Colombia last year, I was sprayed with glyphosate. At the time, I had little idea of the threats that such activity entailed.

Families continue to suffer hunger as legal food crops have been destroyed and livestock have been harmed. No emergency aid has been provided, and economic development efforts have yet to be realized. In fact, according to a report by Colombian Human Rights Ombudsman Eduardo Cifuentes, eleven different alternative development projects were fumigated during the campaigns. We are undermining our own programs.

This brings me to my second point: alternative development aid has not been delivered, even though fumigation has been in place since December.

While fumigation began soon after the passage of Plan Colombia, alternative development programs have yet to get off the ground. Last July, the Center for International Policy held a meeting with experts from southern Colombia. At that meeting, they reported that those communities who have signed pacts agreeing to eradicate coca in December and January have not yet received aid. These communities—like Puerto Asis and Santa Ana, both in Putumayo—have expressed their willingness to work on the problem. What have they gotten instead? They have gotten babies with rashes, dead animals, ruined food crops, and tainted water.

In addition, the slowness in aid delivery makes farmers lose further trust in the Colombian government and in eradication. As we all know, alternative development takes time to plan and implement. We can expect that USAID will be moving ahead in the future. But it is clear from events in southern Colombia that there was no coordination between fumigation efforts and alternative development. A massive fumigation campaign went ahead when development programs were still in the planning stage. This is the height of irresponsibility.

How are we going to get Colombian peasants to change their practices without viable alternatives?

Under the current plan, the government of Colombia will give each family up to $2,000 in subsidies and technical assistance to grow substitute crops like rice, corn and fruit. We are providing $16 million specifically for these purposes—a mere 1 percent of the total Colombian aid package. Many believe this is not enough, with the average coca farmer making about $1,000 a month. Regardless, these subsidies have yet to take effect. We haven't even tried.

In the USAID "Report on Progress Toward Implementing Plan Colombia—Supported Activities" released at the end of last month, these facts become apparent. Of the more than $40 million obligated under Plan Colombia for promoting economic and social alternatives to illicit crop production, a mere $6 million has been spent. Of the 37,000 families who signed "social pacts" agreeing to eliminate coca in exchange for alternative development programs, only 568 families had received their first package of assistance.

Moreover, fumigation campaigns without alternative development threaten the very goals they claim to support. They fuel a mistrust in the national government, as communities are forced by the campaigns to flee their homes and move elsewhere in search of food. Individuals in these areas often turn to the guerrillas or paramilitaries in search of security, exacerbating the violent conflict and undermining the rule of law in the region. An abandonment of the fumigation policy will help to strengthen the relationship between farmers in these areas and the national government, which will help eradication efforts in the long term.

A recent study by the conservative think tank, Rand Corporation, rightly notes that the aerial fumigation of coca crops is backfiring politically. They say: "Absent viable economic alternatives [such as crop substitution and infrastructure development], fumigation may simply displace growers to other regions and increase support for the guerrillas."

Next, I don't believe that fumigation solves the problem of coca cultivation, but simply shifts the problem from one area to another. In a New York Times interview with Juan de Jesus Cardenas, governor of the Huila province, reporter Juan Forero wrote the following: "the governor of Huila said regional leaders across the southern area of Colombia believed that defoliation would simply drive farmers to cultivate coca and poppies in other regions. 'That is what happened with defoliation of Putumayo, with the movement of displaced people into Nariño,' said the governor." Likewise, our Ambassador to Colombia, Mrs. Anne Patterson, has acknowledged that coca had appeared for the first time in the eastern departments of Arauca and Vichada.

Fumigation without adequate alternative development programs in place creates a vacuum in the local economy and food supply. This causes coca growers to flee and move deeper into the agrarian frontier, where they replant coca, often twice as much, as an insurance policy. This causes deforestation and instability among residents indigenous to the new areas of production.

This has implications not only on ecology, but also on regional security. Brazil, Ecuador, Panama, Peru, and Venezuela, have been and will increasingly be affected by massive population flows caused by aerial eradication. Frankly, I do not want to be responsible for contributing to an already devastating humanitarian catastrophe.

Putting aside these concerns, I must ask: "to date, just how effective have our efforts been at eradicating coca?" Regrettably, the answer is—not very good!

Recent estimates by U.S. analysts report that there are now at least 336,000 acres of coca in Colombia, far higher than earlier estimates. The United Nations, using different methodology, put the amount even higher for last year's major growing season—402,000 acres. Although about 123,000 acres of coca plants have been fumigated under Plan Colombia, cultivation increased by 11 percent last year. What are we accomplishing here?

There is a way out. Local governments have pledged to eradicate coca without harmful fumigation; I think they deserve a chance.

In May, six governors from southern Colombia, the region where most of Colombia's coca is grown, presented "Plan Sur," a comprehensive strategy for coca elimination, alternative development, and support for the peace process. The plan opposes fumigation as destructive and unnecessary. The governors ask that communities have the chance to manually eradicate their crops, and call for sufficient alternative development funding.

Twice this year, I have met with these governors, as well as representatives from the Colombian House and Senate, and NGO leaders. They are an impressive, courageous group. In their visit to Washington in March, four of the governors from southern Colombia, led by Ivan Guerrero of Putumayo, denounced fumigation and called for a more humane and sustainable approach to coca eradication. Governor Jaramillo Martinez of Tolima stated: "fumigation is not working as expected. It is displacing people and continuing to deforest the jungle. We need to give these farmers the opportunity to grow other crops."

I am in full agreement. The present course is not only destructive, but also ineffective.

Meanwhile, opposition to fumigation continues to mount. Numerous mayors from southern Colombia support the governors in their call to change the policy. And, prompted by these same concerns, other prominent officials like Carlos Ossa, the nation's general comptroller, have called for a suspension of spraying. In July, Judge Gilberto Reyes ordered "the immediate suspension of the entire fumigation project"; it seems he, too, wants definitive answers on the effects of glyphosate.

However, President Pastrana's government continues to spray large swaths of territory. Frankly, the decision to proceed despite widespread opposition was a disappointment. In a country that has struggled to promote democracy and lawfulness, surely this was the wrong course of action.

Yet I refuse to give up on Colombia and its brave citizenry. I believe there are many positive steps the United States can take to reduce drug production and promote peace and democracy in Colombia and the Andes.

I join Senator FEINGOLD in opposing only those parts of this package that damage human rights and the environment—not the bulk of the assistance for alternative development, judicial support and interdiction efforts through the police.

In concluding, I believe there must be a moratorium on further fumigation until alternative development is implemented. I am pleased that my colleague, Senator LEAHY saw fit to include language that would withhold funding for aerial fumigation without first determining and reporting to Congress on the health and safety effects of the chemicals being used, and the manner of their application. Our decisions should reflect the will of the Colombian people. Colombian governors, parliamentarians, mayors, judges, and activists have all called for an end to spraying. Too much is riding on our decisions, made so far away.

I further believe we should play a more effective role by helping create genuine economic alternatives for the peasant farmers and others involved in the Andean drug trade. As the failure of our current policy shows, the most that can be expected from the strategy of eradication and interdiction is moving the areas of production from one country to another and thereby spreading the problems associated with the drug market.

Finally, we should better combat drug abuse here at home through funding drug treatment and education programs. As long as there is constant demand for cocaine and heroin in our country, peasants in the Andes with no viable alternatives will continue to grow coca and poppies simply to survive.

I will summarize this way. When I look at this Andean Counterdrug Initiative and last year's Plan Colombia, I think the intention is right on the mark and in good faith: protecting our children and our citizens, from drugs. The methodology is absolutely flawed. We would actually be doing a much better job if we focused on the demand for the drugs in our own country.

I remember when I met with the Defense Minister in Colombia, Mr. Ramirez, he said: We export 300 metric tons of cocaine to the United States. As long as we have this demand, we will continue to do it. Someone will do it.

There will come a point when we will look at addiction and make sure we cover this and we will get help to people so they get into treatment programs. We will do what we need to do by way of prevention. That will be far more the answer than this effort.

I will focus on the fumigation. I have become increasingly convinced—and I think Senator FEINGOLD talked about this—that it is an extreme, unsustainable policy which I think causes damage to people. The experts will say that the spraying is classified by Monsanto as "relatively safe". But the EPA calls it "most poisonous", and the World Health Organization classifies it as "extremely poisonous". Talk to the people living there and listen to them. They are the ones saying they have the rashes, headaches, nausea, and are getting sick.

With all due respect, I cannot blame them for being a little skeptical about what all these experts tell them. There is some good language in this foreign operations bill that Senator LEAHY worked on saying we have to do a careful study of the health effects of this, which I believe is right on the mark. Talk to the Governors of different regions. They are worried about what this is doing to them. It is easy for us to say it is not a problem. It is easy for Monsanto to say that.

I was kidding around with Senator FEINGOLD, and said: I feel like I have some expertise in that I think I am the only U.S. Senator to withstand aerial fumigation. I was sprayed when I was in Colombia—I don't think on purpose. I don't live there. It was just one time, not over and over and over again.

The second point that this amendment speaks to—and I pressed the Ambassador, who I think is very good; we have a very good Ambassador. I said to her, "the social development money was supposed to go with this". Unfortunately, what we are doing, we are also eradicating legal crops. That is part of the problem.

The other part of the problem is we are telling campesinos we are going to do the spraying and eradicate the crops without alternatives for them to put food on the table for themselves and their families. The whole idea was, with the spraying we're going to give campesinos the social development money and the viable alternatives for their families. This amendment speaks to that and makes it clear we have to see that social development money on the ground; that is to say, where people live.

I join Senator FEINGOLD in this focus on what I call environmental justice. We both have tried, to the best of our ability, to raise the human rights concerns. I did that in an earlier statement today. I will not go over it again.

The Leahy language would withhold funding for aerial fumigation without first determining and reporting to Congress on the health and safety effects of the chemicals being used and the manner of their application. It is important that language be implemented. I say that on the floor of the Senate.

Many Colombian governors, parliamentarians, mayors, judges, and activists have called for an end to the spraying. Between the focus of this amendment, with the Leahy language, the emphasis we have on this amendment on the alternative economic developments—and again I say one more time, since I have already spoken to the best of my ability on human rights—it will make a lot more difference when we deal with the demand for it here in our own country. That is what will make a difference.

My hope is this amendment will be accepted. I thank the Senator for his effort. I don't want to hold up the progress of the bill. I thank Senator LEAHY for his statement about this foreign operations appropriations bill. I think it was a very important statement. In particular, I say to my colleagues, I think probably people in the United States of America will no longer be isolationist again. People are painfully aware of the interconnections of the world in which we live. Many of these countries are our neighbors whether we want them to be so or not. I think there is much more of a focus on the world. We understand now that we ignore the world at our own peril.

This is a good piece of legislation overall. I presented my critique of Plan Colombia, and I would like to see some things change. I think we have done our very best through some amendments and speaking out.

As long as we are talking about this world in which we live, I want to mention, and I will do this in 3 minutes, on September 11—everybody has talked about it—but I have my own framework for thinking about this and I just want to mention it.

In 1940 and 1941, the Germans engaged in an unprecedented bombing of civilians in Great Britain to weaken civilian opposition to Nazism, and 20,000 citizens were killed, murdered. On September 11, almost 6,000 Americans, innocent civilians, were murdered. Therefore, I think there is absolute moral justification for taking the kind of action we believe we must take so terrorists don't have free rein, to try to prevent this from happening again. That is why I reject the arguments about what were the underlying causes of the hatred or violence.

I said to friends, some who make that argument, you never ask me to give a speech about what caused those men to murder Matthew Shepard, a gay man in Wyoming. How could they have that hatred? They murdered him. Murder is murder. Camus said murder is never legitimate.

Here is the question I have. In trying to achieve this goal, I think that force, unfortunately—and for me, the military option, the use of force, is always the last option—is one of the options that is necessary. In the end, I think the question is: Do we make this a better world, this journey we are taking?

I have spoken of humanitarian assistance. But the other point I want to make is, over and over again, we should speak on the floor, I understand that this is easier said than done, but reports of innocent people being murdered in a nursing home or hospital are concerning. I have no reason to believe that those who are carrying out the military campaign are not making every effort to keep this away from innocent civilians. I have no reason to believe that they are not making every effort. But I will tell you, we have to be concerned every single time our military action, our bombing, leads to the death of an innocent civilian in Afghanistan. These people are not our enemies. Every time it happens, even though it is inadvertent, never on purpose, it is a contradiction of the values we live by. It does us no good when it comes to the rest of the Muslim and Islamic world.

So I would like to continue to make the appeal that in carrying this out with the use of force, the highest priority must be to avoid the loss of innocent life in Afghanistan.

As President Bush said, these Afghans are among the poorest people in the world. They are not our enemies. The terrorists and those who harbor terrorists are our enemies. The Afghans are not our enemies. It is a tragedy, and I deeply regret the fact that there are innocent Afghans who lost their lives as a result of the bombing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota for his tremendous support of this amendment and his knowledge of the subject. I am also hopeful this amendment will be accepted and make it all the way through the process. It is extremely modest. I appreciate his help.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1952

Mr. FEINGOLD. Mr. President, pursuant to the previous order, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. BAUCUS, proposes an amendment numbered 1952.

Mr. FEINGOLD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2002)

At the appropriate place in the bill insert the following sections:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

Mr. FEINGOLD. Mr. President, there is a great sense of unity across the Nation as we begin the process of recovering from the events of September 11. I have been very heartened by the bipartisanship demonstrated by Congress as it acts to respond to the human and economic devastation. We will need to maintain that unity as we ask for the sacrifices necessary to end this business.

Given all that has happened, all that will happen, and the sacrifices that will be asked of all Americans, Congress should not accept a $4,900 pay raise. My amendment would stop it.

The automatic pay raise is something that I never regarded as appropriate. It is an unusual thing for someone to have the power to raise their own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the record.

That is why this process of pay raises without accountability must end. The 27th amendment to the Constitution states:

> No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.

A number of my colleagues have approached me about this pay raise in the past few weeks, and many have indicated they support the pay raise. In fact, one of my colleagues said they would offer an amendment that actually increased the scheduled $4,900 pay raise because they felt it was too low.

While I strongly disagree with that position, I certainly respect those who hold it. But whatever one's position on the pay raise, the Senate ought to be on record on the matter if it is to go into effect.

The current pay raise system allows a pay raise without any recorded vote. Even those who support a pay raise should be willing to insist that Members go on record on this issue.

This process of stealth pay raises must end, and I have introduced legislation to stop this practice. But the amendment I offer today does not go that far. All it does is to stop the $4,900 pay raise that is scheduled to go into effect in January.

We are spending the hard-earned tax dollars of millions of Americans to recover from the horrific events of September 11 and to ensure that it does not happen again. We have spent all of the on-budget surplus, and are well into the surplus that represents Social Security trust fund balances. That is something we should do only to meet the most critical national priorities.

A $4,900 pay raise for Congress is not a critical national priority.

This to me obviously is not the time for Congress to accept a pay raise.

Let's stop this backdoor pay raise, and then let's enact legislation to end this practice once and for all.

Mr. REID. Mr. President, knowing the Senator from Wisconsin as I do, and knowing the seriousness of everything he does legislatively, I want the RECORD to reflect my personal understanding of why he is offering this amendment and reiterating how strongly he feels about it.

Being a member of the Appropriations Committee and having been a Member of this body when we had a rule XVI which didn't mean anything—you could add anything you wanted to appropriations bills; you could legislate on them—appropriations bills should be appropriations bills.

As a proud member of the Appropriations Committee, I raise a point of order against the amendment that the amendment is not germane under rule XVI.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, parliamentary inquiry: Is the Chair aware of any basis in the bill for the defense of germaneness?

The PRESIDING OFFICER. The Chair is unaware of any defense.

Mr. FEINGOLD. I thank the Chair.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. FEINGOLD. Mr. President, in light of the Chair's ruling, I want to let the body know that this issue is not going away. I understand a number of my colleagues want a pay raise. While I disagree with that sentiment, I certainly respect their right to hold it. I believe at the very least there should be a rollcall vote on this matter itself and not on any procedural approach. I will bring this issue back at every reasonable opportunity until I get a roll call on the merits.

I thank the Chair. I yield the floor.

AMENDMENT NO. 1953

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DODD, proposes an amendment numbered 1953.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1953

(Purpose: To require a study and report on the feasibility of increasing the number of Peace Corps volunteers serving in countries having a majority Muslim population)

On page 232, between lines 23 and 24, insert the following:

INCREASED PEACE CORPS PRESENCE IN MUSLIM COUNTRIES

SEC. 581.(a) FINDINGS.—Congress makes the following findings:

(1) In the aftermath of the terrorist attacks of September 11, 2001, it is more important than ever to foster peaceful relationships with citizens of predominantly Muslim countries.

(2) One way to foster understanding between citizens of predominantly Muslim countries and the United States is to send United States citizens to work with citizens of Muslim countries on constructive projects in their home countries.

(3) The Peace Corps mission as stated by Congress in the Peace Corps Act is to promote world peace and friendship.

(4) Within that mission, the Peace Corps has three goals:

(A) To assist the people of interested countries in meeting the need of those countries for trained men and women.

(B) To assist in promoting a better understanding of Americans on the part of the peoples served.

(C) To assist in promoting a better understanding of other peoples on the part of Americans.

(5) The Peace Corps has had significant success in meeting these goals in the countries in which the Peace Corps operates, and has already established mechanisms to put volunteers in place and sustain them abroad.

(6) The Peace Corps currently operates in very few predominantly Muslim countries.

(7) An increased number of Peace Corps volunteers in Muslim countries would assist in promoting peace and understanding between Americans and Muslims abroad.

(b) STUDY.—The Director of the Peace Corps shall undertake a study to determine—

(1) the feasibility of increasing the number of Peace Corps volunteers in countries that have a majority Muslim population;

(2) the manner in which the Peace Corps may target the recruitment of Peace Corps volunteers from among United States citizens who have an interest in those countries or who speak Arabic;

(3) appropriate mechanisms to ensure the safety of Peace Corps volunteers in countries that have a majority Muslim population; and

(4) the estimated increase in funding that will be necessary for the Peace Corps to implement any recommendation resulting from the study of the matters described in paragraphs (1) through (3).

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report containing the findings of the study conducted under subsection (b).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

VITIATION OF VOTE—AMENDMENTS NOS. 1922 AND 1923

Mr. REID. Mr. President, I ask unanimous consent that the action on the Wellstone amendments numbered 1922 and 1923 be vitiated. These amendments were modified and accepted as part of the managers' package.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending amendment is the Reid for Dodd amendment No. 1953.

Mr. LEAHY. Time has not been divided or anything on that amendment, has it?

The PRESIDING OFFICER. No, it has not.

Mr. LEAHY. The reason I ask, Mr. President, is I do not want to cut into anybody else's time. But since I do not see anybody else seeking recognition, I will continue, as I have throughout consideration of this bill, to point out some of the issues we face in our foreign aid bill. Maybe one issue is especially good to look at as we look at the world's attention focused on Afghanistan.

I was struck by what I heard over and over again from various military analysts and others; that is, there are millions of unexploded landmines scattered throughout that mountainous country. It is not hyperbole when I say millions of unexploded landmines; there are millions. Most of them are plastic Russian mines—those are probably the most difficult to detect—but some are Chinese mines, some are British mines, some are Italian mines, and some are American mines.

The reason I mention that is, any one of those mines could kill a soldier—ours or theirs—or kill a child. A lot of them are designed to injure a combatant, blow a leg off a soldier, the idea being, if the soldier is not dead, it might tie up three or four of his comrades to take care of him or carry him back to a safe place. But, of course, a shiny little mine that might blow a leg off a soldier—it looks like a shiny toy to a child—sometimes blows off the hands, arms, or head of a child. In fact, the vast majority of those who will be injured by them will be noncombatants.

Because landmines are also weapons of terror, they are routinely used to terrorize not combatants but civilian populations. Afghanistan is only one example. There are lots of countries—dozens—that are plagued by mines.

Landmines maim and kill innocent people every day in the Balkans, in Southeast Asia, Africa, Chechnya, even in Central America. What is as tragic is that the killing goes on long after the war that brought the mines is over.

We usually see the newspaper articles or television specials where the parties come together and they sign the armistice, they sign a peace agreement at the end of the war. They say: OK, it is all over. We are now friends again, or at least we are noncombatants. They leave. The armies march off, the tanks drive away, and so forth, but the mines stay. A child not even born at the time the peace agreement is signed is killed when first learning to walk.

We have mines and unexploded munitions from the United States in Vietnam and Laos. They were dropped when I first came to the Senate a quarter of a century ago. They are still blowing people up. They are still killing and wounding people in Vietnam and Laos.

In Bosnia, most American casualties were from landmines. The same was true in Somalia.

In Afghanistan, we gave mines to the anti-Russian forces, some of whom are now the Taliban. You know the phrase: What goes around comes around. We gave the Taliban landmines. We also gave them Stinger missiles. But landmines, think of that; we gave some of the Taliban landmines. When our troops go there—as they already have, according to the press accounts, and we assume will continue to go there—one of the biggest dangers they will face is some of the landmines we left there from the 1980s.

We and the rest of the international community are going to be paying for many years to clean up this deadly legacy. The right thing to do is to clean it up. In fact, this bill contains $40 million for demining programs and has another $12 million to assist victims of war, including mine victims.

But I think of the $12 million or so that gets spent every year in the Leahy War Victims Fund, and the tens of millions of dollars in demining, and I think, wouldn't it be wonderful if we did not have to spend any of that money because the world stopped the indiscriminate use of landmines and we had a chance to clean up what was there.

A lot of nations already have stopped using them. Every member of NATO, with the exception of one, has agreed to stop using them. Ironically enough, even though we are spending a lot of money to clean up landmines, the one nation in NATO that has not agreed to stop using landmines is the United States.

Every nation in the Western Hemisphere has banned the use of landmines except two, the United States and Cuba. Interesting company. Cuba should ban them; the United States should ban them. Every other country in our Western Hemisphere has.

Two months ago, terrorism was a foreign concept to so many Americans. Anthrax was a foreign concept. But it is not any longer. We have experienced the tragedy and fear that people in many countries have lived with for years.

Fortunately, in our Nation, when it comes to landmines, we have not used landmines on American soil since the Civil War. I can't help but think if landmines were used in this country to terrorize Americans, as they are in other countries, then the United States, I am sure, would have joined the 142 other nations in banning their use.

Ask people who have served in combat. Most people who actually served in combat tell me that mines are more trouble than they are worth, and any enemy worth its salt can breach a minefield in a matter of minutes. A child cannot; the enemy can.

You scatter landmines and then your own troops—who often need to maneuver quickly because sometimes the battlefront moves very quickly—risk triggering their own mines. The battle might be over in a matter of hours, but even self-deactivating mines stay longer than that. The battle can ebb and flow very quickly.

Unfortunately, the Pentagon has been bogged down in a costly, poorly designed program to find alternatives to mines. Although it might have seemed like a good idea when it was proposed 6 years ago, it has been managed by people who have no sense of urgency and who never believed in the goal anyway. They spent the money, but there is little to show for it.

It makes me think of that PBS program, "Yes, Minister"—a wonderful program. You had a British minister who, while elected, had the head of the public service for his ministry who did not agree with anything the minister wanted to do; but he was so nice.

Every time the minister said, we have to go forward with programs like this, that, or the other thing, the head of his civil service would say: Yes, Minister. Of course, Minister. Wonderful idea, Minister. We will do it in the fullness of time. And the minister finally realized "the fullness of time" was not his lifetime.

That is what has happened with those who have been tasked with the idea of coming up with this alternative to landmines. They do not believe in it, so they drag their feet. They know those of us in Congress who support it will someday leave; they hope the sooner the better. Administrations come and go. But the irony is, we do not need to even search for alternatives.

As many retired and active duty defense officials will say privately, we already have suitable alternative weapons technologies. We have smart weapons. We have sensor technologies that are a lot more cost-effective than mines. They are safer for our soldiers, and they don't impede their mobility. I hope that the Pentagon, with all the weapons in its arsenal, is not going to add to the millions of landmines already littering Afghanistan.

They threaten civilian and humanitarian aid workers. They terrorize and kill and maim refugees who are trying to flee. These indiscriminate weapons don't belong on today's battlefield no matter who is putting them there, no matter how right they think their cause.

The administration is conducting a review of its landmine policy. We can have a mine-free military if we want. Then probably it would not be long before Russia would do the same. Wouldn't it be nice if we could say that in the western hemisphere, where today every country except the United States and Cuba has banned mines, we banned mines as every other country except Cuba? Now it is your turn. Wouldn't it be nice when we sent our Ambassador to NATO not to have to look away when every single NATO ally tells us they have banned their landmines and we haven't?

The Clinton administration took some first steps, but they never fully grasped the issue. They didn't understand it. Some did not want to. I believe the President did want to but didn't follow through.

This administration has an opportunity to design a roadmap to finish the job. It would increase the effectiveness and mobility and the safety of our own troops. This is not something we do just to help other countries. It would actually help our own troops. It would take White House leadership, but it can be done. The White House lead would be strongly supported by the Congress, Republicans and Democrats, because so many across the political spectrum have already voted to ban landmines.

One person in this country has done more than any other to bring to the world's attention the need to ban landmines. That is Bobby Muller, the head of the Vietnam Veterans of America Foundation. Bobby Muller is known and admired by so many Senators, particularly those who served in combat. He is perhaps the most visionary, eloquent, dedicated, and inspiring person I have met.

He enlisted in the Marine Corps. He volunteered to serve in Vietnam. He was paralyzed from the waist down from a gunshot wound. Last weekend he was honored by Hofstra University, his alma mater, with its lifetime achievement award.

I ask unanimous consent that a Newsday article about this award be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsday, Oct. 17, 2001]

A MAN REBORN

(By Marc Siegelaub)

United States Marine Corps 1st Lt. Robert Olivier Muller will remember the day he died for the rest of his life.

On April 29, 1969, the 23-year-old infantry officer was standing at the base of a hill in northernmost South Vietnam, 10,000 feet below the demilitarized zone and some 10,000 miles from his home in Great Neck.

Lt. Muller was serving in an advisory capacity to 600 South Vietnamese soldiers. They were massing for attack against a handful of dug-in Viet Cong, 15 or so suicidal fanatics bleeding and dazed from the concussive air attacks and ferocious shelling unleashed upon them.

With soldierly instincts honed from eight months on active duty in a country ravaged by civil war, Muller sensed a big mismatch: He knew his battalion lacked the stomach to take the high ground from an entrenched enemy force bent on defending its turf to the death. Incensed that 15-Viet Cong could keep his 600-man unit at bay, Muller rallied the outfit into formation behind three U.S. Marine tanks and led them up the rise. Foot by foot, they ascended the hill without a misstep until the bullets started to fly. Instantly, the South Vietnamese scattered, turning Muller into a sitting duck.

And that's when it happened. That's when a bullet ripped through Muller's chest, puncturing both lungs and splintering the fifth thoracic vertebrae of his spine before exiting his broken back. That's when this stranger in a strange land collapsed on the dank dirt and closed his eyes in the midafternoon light.

Fast forward more than three decades to Hofstra University on Long Island, where homecoming weekend kicks off Friday with a special awards reception. The high point is the honor to be bestowed on one of Hofstra's own for extraordinary lifetime achievement—alumnus of the year.

The distinction in 2001 goes to a local boy who never made the top half of his class in law school. "I was the most average student you could have imagined," the recipient says matter-of-factly.

But consider that when Kerry Kennedy Cuomo compiled a short list of "human-rights defenders who are changing our world" for inclusion in her book, "Speak Truth to Power," this "most average student" made it beside such stalwarts as the Dalai Lama and Elie Wiesel. Or when Bruce Springsteen composed "Born in the U.S.A.," his hard-driving tribute to Vietnam veterans, this "most average student" served as a good part of his inspiration. Or when the 1997 Nobel Peace Prize was conferred on the International Campaign to Ban Landmines, this "most average student" was the co-founder of the movement.

Considering all the testimonials heaped on this "most average student," perhaps his greatest act was the act of survival. Hofstra's alumnus of the year, you see, is Robert O. Muller, whose life ended on April 29, 1969, in Vietnam, only to be reborn a short time later, crippled from the chest down and altered forever from the neck up.

By all accounts, Bobby Muller, now 56, never should have made it to the dawning of a new day, much less to home or to homecoming.

"I was conscious long enough after I got hit to feel the life ebbing out of my body," Muller recalled. "I was on my back, looking at the sky and grabbing my gut. I couldn't feel a thing. My last thought on this earth was I'm dying on this—piece of ground."

Muller lapsed into a coma. Suddenly, a medevac helicopter hovering overhead swooped down, and medical personnel scooped him up and whisked him off. In no time, he was in surgery on a state-of-the-art hospital ship, the U.S.S. Repose. The vessel just happened to be positioned farther north than it had ever been, mere miles from the stricken Marine.

"Despite the instant medevac and great care, it was written on my chart that had I arrived one minute later I would have died," said Muller. "When I came to, there were seven tubes sticking out of me, but I was ecstatic. I couldn't believe my luck—I was alive!"

Alive but paralyzed, the doctors told him about his condition. "Don't worry about it, that's OK. I'll handle it," Muller shot back without hesitation. "The fact that I was permanently disabled. the sorrow of being told that I'd be a paraplegic—a word I never heard before—was so lost in the overwhelming joy of realizing I was going to make it."

The bullet that stuck Muller cut him off from his past in a flash. One second he had the sinewy limbs of a long-distance runner; the next second he was laid out flat, unable even to wiggle his toes.

Something else got severed on Muller's tour of duty in Vietnam—his close connection to the country he loved and trusted.

He as born in Switzerland at the tail end of World War II, and his family moved to New York City while he was still in diapers. The family later settled in Great Neck. Always on the go, Muller played soccer, ran track and wrestled in high school and college.

In 1965, Muller entered Hofstra. The Vietnam War was raging, as were his red-white-and-blue sensibilities. "I felt it was my duty as a citizen of the greatest country in the world to join the service . . . I never questioned the war or studied the history of Vietnam. I only knew that my government wanted me there to repeal a massive northern communist invasion threatening the freedom-loving people of South Vietnam."

On graduation day in January, 1968, Muller enlisted in the Marines. He underwent 33 weeks of intense training in boot camp and officer's school, after which he was wound as tight as a racehorse at the starting gate. "I demanded Vietnam, and I demanded front-line infantry."

Muller got his wish in September of 1968, but he never got his bearings abroad. "The South Vietnamese civilians didn't tell us where the booby traps were or the land mines or the trails and supply caches; they harbored the VC, gave them information and plotted against us. And our military allies were nicknamed 'The Roadrunners' for high-tailing it at the first sign of danger. What the hell were we doing there?

"I was bitter because I put my allegiance in my government," Muller said. "I did so with the best, most honest intentions, believing I was doing the right thing. I gave my country 100 percent, and they used me as a pawn in a game.

"But I don't feel sorry for myself—I'm here and a lot of my buddies aren't. The real tragedy is that I was totally naive . . . As a college graduate. I was supposed to be educated. I was an idiot. I never asked 'Why?' And that is my greatest tragedy—one which was shared by all too many Americans."

I Vietnam was Muller's baptism under fire, where the seeds of activism took root, then his rehabilitation in a Veterans Administration hospital in the Bronx was the detonator that launched him on the path of social resistance.

This was the same rodent-infested, broken-down facility featured in a shocking 1970 Life magazine spread "My closet pal and eight of my friends with spinal-cord injuries committed suicide in the Bronx VA," said Muller. "I was the quadriplegics, multiple amputees, men who could only move their heads. We were entitled to care second to none. I had to fight against that system for reasons of my own survival."

At the ripe young age of 25, Muller ventured into the den of inequity and started his own private war. He showed up in Times Square and blocked traffic on the same afternoon that President Richard Nixon vetoed a veterans' benefits act on the grounds that it was "fiscally irresponsible and inflationary."

"I said, 'Wait a minute, I was a Marine infantry officer, I called in hundreds of thousands of dollars a day to kill people. I got shot and now I come back and you suddenly tell me it's 'fiscally irresponsible and inflationary' to provide critical medical care? I don't think so."

As an activist he was a natural. "From the moment a TV crew stuck a microphone under his nose, Muller discovered he had a gift for articulating what was on his mind," wrote Gerald Nicrosia in "Home to War," a history of the Vietnam veterans' movement.

Muller began popping up all over the place-in Hofstra's School of Law, learning how the system works and how to work the system; in Miami Beach, shouting down Nixon during his 1972 acceptance speech; in the Academy Award-winning documentary "Hearts and Minds," spitting invectives at how everything went awry in Vietnam; in the vanguard of anti-war protests, riding his photographable wheelchair; in Congress, carrying the burdens of veterans on his broken back.

Once again, Muller found himself leading the charge up the hill. He arrived in Washington, D.C., in January 1978, as head of the New York-based Council of Vietnam Veterans. "I figured if somebody went to Washington and simply told the American people what was going on with Vietnam veterans. . . . a compassionate society would have to respond."

That February, The Washington Post ran an op-ed piece headlined "Vietnam Veteran Advocate Arrives." It was just the beginning of a yearlong editorial campaign undertaken by the Post on behalf of Vietnam vets. "The New York Times picked it up, and when that happens, you wind up setting a lot of amplification," Muller said.

Even so, "not a single thing we were fighting for was enacted into law. That was a lesson: To argue for something simply in terms of justice, fairness, equity doesn't make it in our political process."

So Muller switched gears and went grass roots. "We traveled into the districts that the members of key congressional committees were elected from, and got into their editorial pages and did their radio talk shows and brought pressure from the people in their districts. And finally we started to get the programs we critically needed and deserved."

In the summer of 1979, Muller co-founded the Vietnam Veterans of America, a national movement designed to give veterans a voice and vehicle to air their grievances and drive their concerns. The political advocacy group would bring about the passage of landmark legislation to treat and compensate victims of Agent Orange and post-traumatic stress disorder, and to secure the right to judicial review of VA decisions.

With a measure of progress achieved on the home front, Muller began to cast a wary eye beyond his own borders. In 1980, he established the Vietnam Veterans of America Foundation, a nonprofit group that was separate and autonomous from the VVA. Located smack in the lap of government in Washington, D.C.—where Muller still works and resides—the philanthropic organization set out to raise revenue and raise consciousness on mattes of human rights affecting victims of war throughout the world.

Muller led the first group of American veterans back to Vietnam in 1981. The historic visit was cathartic: They reconciled with their former adversaries, introduced humanitarian assistance programs and laid the groundwork for future economic and diplomatic detente between the two countries.

Several years later, the VVAF brigade visited Cambodia on a fact-finding mission. "Cambodia changed my life even more than Vietnam did," Muller said. "What took place on the killing fields was genocide. The horror of seeing 10,000 skulls piled up in a ditch and legless kids walking on their hands in the capital city of Phnom Penh was a whole different order of suffering.

"And I learned there were more land mines in Cambodia than there were people, and it was considered proportionally the most disabled society of any country on Earth."

The VVAF launched a new campaign against the hidden scourge of Southeast Asia—lethal underground bombs meant to wreak havoc on innocent men, women and children.

"If you've got a machine gun, a rifle, an artillery piece, a tank, there's a target to fire at and a command-and-control function with directing that fire," explained Muller. "Not so with a land mine. You simply set it, you bury it, you hide it and whoever happens to step on that land mine becomes the victim, long after the other weapons have been put back in the armories.

What's more, land mines cause inhuman suffering. "Step on one, and all this crap—dirt, shrapnel, garbage, clothing—gets blown up your limb. You go through a whole series of operations when you're treated like a piece of salami and keep getting resected and cut down. Guys on the hospital ship would cry out for their mothers when the dressing was changed on their raw wounds," said Muller.

Beyond the physical pain, psychological torture is inflicted on the peasants who are denied use of the land. "This stupid $3 weapon winds up being the major destabilizing factor in Third World countries, these agrarian-based societies that are trying to recover," Muller said. "And not just in Cambodia, but in Afghanistan, Kurdistan, Angola, Bosnia, Mozambique."

And so the VVAF established a charitable beachhead on foreign soil, setting up rehabilitation clinics in Cambodia. "By setting up the clinics to fit amputees with prosthetic limbs and orthotic braces, by supplying wheelchairs free of charge, by initiating programs to employ disabled people, we went through a process of emotionally connecting with an issue that we intellectually understood was devastating."

Muller and the VVAF co-founded the International Campaign to Ban Landmines in 1991, but they needed to recruit a potent political presence to spearhead the effort in Congress. Enter Sen. Patrick Leahy (D-Vermont), who controlled the money as chair of the Appropriations Committee on Foreign Operations, and "who had seen, with his own eyes, what land mines were doing to civilians."

In 1992, Leahy procured a one-year moratorium on the trafficking of anti-personnel land mines. Before the ink was dry, he was back on the Senate floor to draft a three-year extension of the act, and his colleagues passed it unanimously. "I gotta tell you," Muller said admiringly, "the Senate doesn't vote a hundred to nothing that the moon circles the Earth."

Leahy, in turn, praised Muller for his pivotal role in the campaign. "Whenever I needed more votes, whenever I asked him to talk to someone, he never failed me," Leahy said.

Meanwhile, a huge global network of anti-land- mine organizations had begun to germinate, and influential support had started to flourish in high places, most noticeably in the Clinton White House and in the royal realm of Diana, princess of Wales.

The bow was about to be tied on a comprehensive pact when the coalition began to unravel. First the United States balked at signing, with President Bill Clinton citing the safety of American troops stationed in South Korea, where the U.S. military had planted anti-personnel mines on the North Korean border. Then the UN failed to reconvene the council on conventional weapons. By September 1996, the landmark treaty was in jeopardy of being shelved.

"But we had a five-term senator go nuts on this issue and drive it," Muller said. "And the foreign minister of Canada, Lloyd Axworthy, with great personal courage, said, 'We're going to do something totally different. We're going to set a standard, and we're going to invite anybody who wants to come and sign this treaty to do so in a year.'"

For his part, Muller rounded up a posse of retired military leaders who agreed to put their collective might behind a full-page open letter in The New York Times, urging President Clinton to scrap antipersonnel land mines because "it was militarily the responsible thing to do."

The signatories included Gen. Norman Schwartzkopf and more than a dozen other retired brass of the first rank.

"Fact is, anti-personnel land mines were the leading cause of our casualties in Vietnam," Muller said, "and they are the leading cause of casualties for our peacekeepers through NATO and the UN," not to mention the peril they now pose to our own foot soldiers in Afghanistan.

Off the record, officials from the Pentagon told Muller that land mines were "garbage." But if we let you reach into our arsenal and take them out, went their reasoning, then other categories of weapons would be at risk—the domino theory as applied to armaments.

On Dec. 3, 1997, Axworthy delivered, as promised, an international agreement involving 122 nations to scrap land mines. But the achievement was muted by the refusal of the U.S. government to put its John Hancock on the document.

Muller has no tolerance for hollow victories. Not when some 80 million land mines remain buried in the ground; not when the job of providing assistance in all the countries that need to be cleaned up and put back together lies ahead.

"You cannot be looking to stigmatize land mines in the public's thinking if the world's superpower, which has every alternative to meet any possible military requirement, say it's OK to continue to use them," Muller said.

"If we allow genocide, if we allow innocent people to be slaughtered on the scale that we're witnessing, it sows the seeds of destruction. And one day that degree of madness is gong to walk up the block and come into your neighborhood."

It already has. Muller's view of the recent carnage in the United States—the main hit taking place just 25 miles from Hofstra—is colored by his frequent treks to "ground zeroes" in Third World nations. He has eyeballed the atrocities wrought by land mines. "A terrorist is a terrorist is a terrorist," said Muller.

With characteristic energy and purpose, Muller is mobilizing his forces at the VVAF to confront the terrorist threats to domestic safety and security in the wake of Sept. 11. The lessons he learned in the land mines campaign apply readily to this grave new world, Muller said. "Political strength has got to be connected to the righteousness of the argument; multilateral cooperation and agreements have got to be in place; philanthropic funding has got to support global efforts and concerns, and the American people have got to be alert to and engaged in the issues that affect their democratic way of life."

Actually, the VVAF had already been hard at work on "the Justice Project"—an ambitious undertaking that includes educational outreach programs and curriculum guides on terrorism for schoolchildren.

This weekend, at homecoming, Muller will look upon the youthful revelers and wonder who among them will go out and absorb some hard knocks, ask tough questions, learn how and why things happen, search for the plain truth, undergo vital changes, and—as a result—get involved in trying to correct the injustices they uncover.

The all-American boy who left the sanctuary of home and Hofstra in 1968 and emerged at the other end of the Earth in a brutal conflict got jolted to the core. "I'm a better man now than I was before I went to Vietnam," Muller said. "I'm certainly more aware of the sanctity of life."

Mr. LEAHY. Mr. President, we do good things in this bill to help with the scourge of landmines. We do put in tens of millions of dollars to remove landmines. That is a credit to this Nation. It took a lot of effort and a lot of fighting, bipartisan efforts on the floor of the Senate to get the previous administration to do that and the current one to continue.

We do fund every year the Leahy War Victims Fund, I appreciate the honor of my Republican colleagues, who were the ones who renamed it the Leahy War Victims Fund. I appreciate the bipartisan gesture. Frankly, I wish we didn't need the fund. I suspect every Senator wishes we didn't. This is money that buys prosthetics for those who have had their arms or legs blown off by landmines.

My wife, who is a registered nurse, and I have gone to hospitals and landmine sites around the world and seen what good that does. It does help.

I see the Senator from Illinois on the floor. I don't want to take up his time, but I remember very well one day going with our distinguished leader Senator DASCHLE, Senator DORGAN, and our former colleague John Glenn to one of these war victims sites, run by the Vietnam Veterans of America and others. We saw people getting their first artificial limbs since the Vietnam War. Some were getting their first wheelchairs. It was a hot, muggy day. I was dressed in slacks and an open-neck shirt.

There was a man who was able to drag himself on pallet things on the ground who was finally able to get his first wheelchair. They said, why don't you go over and lift him into the wheelchair. He looked like a really small man. He had no legs. He was probably about my age. He was just looking at me stoically, staring at me. I didn't know what to expect, but I went over, picked him up, carried him, and put him in the wheelchair.

The expression never changed. But as I started to go back, he grabbed my shirt, pulled me down, and kissed me. He didn't speak the language. It was his way of saying thank you.

John Glenn, who we know is a wonderful man, certainly not an emotional man, also carried somebody to a wheelchair. I remember the emotion on his face. He said to us afterward, as we were going back on the bus to Saigon: If anybody on this trip ever complains about anything again, I am throwing you out the door of the bus, after what we have just seen.

The humanitarian part is good, but the injury is bad. We should ban these landmines. We are not going to do it on this bill. The Senator from Kentucky has worked with me shoulder to shoulder in getting money to remove landmines and for the War Victims Fund. In fact, it was his amendment I was referring to earlier that I thought was an extraordinarily generous act by my Republican colleagues in its renaming. We have done a great deal of good with it.

The United States can do a lot more good by just removing the ban on landmines.

I have imposed on the time of the Senator from Illinois, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say in response to my friend and colleague and chairman from the State of Vermont, Senator PATRICK LEAHY has written an amazing record in the Senate. Time after time when I would look for those issues that touched my heart or defined it, PAT LEAHY had arrived there first a long time ago.

On the issue of landmines, a scourge across the world, PAT LEAHY was a leader in the United States in defying his own party's administration in begging for the United States to join with other civilized nations around the world in banning landmines. The Patrick Leahy War Victims Fund that is part of this legislation is an effort to say something very simple but very true to the rest of the world; that is, that we care. It is money that is given in the name of a Senator who has proven in his decades of public service that he does care.

The point I would like to address is part of our debate on this bill. I am honored to be part of this committee, to bring this bill forward. I am honored to be part of this debate which will result in a vote very shortly. I hope we will put this matter in some perspective.

My colleague from California, Senator FEINSTEIN, who took the floor early this afternoon, spelled out in some detail the exact dollar commitment being made by the United States in foreign assistance. It is a substantial sum of money, until you put that sum in comparison to expenditures for many other items. Then you find that it is only a very small part of our national budget.

Senator FEINSTEIN made a point made by others, that if you ask the average person in California or my State of Illinois what percentage of the Federal budget is spent on foreign aid, people guess, oh, 15 percent, maybe 10 percent. It couldn't be as low as 5 percent. In fact, less than 2 percent of our total budget is spent on foreign aid.

America has learned a lot about itself since September 11. We as political figures have learned a lot about ourselves as well. I believe the President of the United States has done an extraordinary job in leading this country. I told him in a chance meeting we had flying out to Chicago just a few weeks ago that although I didn't vote for him, I was certainly singing his praises. He said he understood that.

I do mean it. I believe he has assembled an excellent team: Secretary of State Colin Powell, Vice President Cheney, Condoleezza Rice, Don Rumsfeld as head of the Department of Defense. What an extraordinary grouping of experience that we bring to one of the most important battles America has ever faced, the war against terrorism.

I say in good faith to this administration that I believe it has learned since September 11 that certain things that were assumed before are not true today.

For example, there were those who criticized Bill Clinton, the former President, for his personal involvement in the peace process in the Middle East. I think those critics realize today that our President, our leaders, have to be involved in Middle East peace. No other country is likely to lead those warring factions to the peace table with any meaningful result.

I am happy we are continuing to work with the leaders in the Middle East to calm down tensions, to try to find a road to peace in an area that has been wracked with war for almost 60 years. Nation building was criticized in the last campaign as something the United States should not get into, that we should not be worried about building up another nation. That is the U.S. role. We know better now. When we finally have our hands on Osama bin Laden and his al-Qaida terrorist organization, and the Taliban is long gone, you can bet the United States will be in the first row rebuilding the nation of Afghanistan. It will be difficult, but we know it has to be done, so that we can leave behind a stable government that can shun terrorism when they try to find refuge again.

Of course, in rebuilding that nation of Afghanistan, we will say to the Muslim world that what we told you at the beginning of this conflict is true at the end of it: This is not a war against Muslims or against the Afghan people; this is a war against terrorism and those who harbor them. We will invest in Afghanistan, as we will invest in Pakistan, to stabilize their leadership and give them an indication of the caring of the United States—not just to prove our virtue but because it is important for our national interest. A stable world that doesn't fall into war or doesn't harbor terrorism is a better world for everyone who lives in America.

We have also come to realize, since September 11, that organizations such as the United Nations are absolutely critical. I have been embarrassed in the last several years how in the Senate in particular, and in Congress in general, we have really made a mockery of our commitment to the United Nations. Thank goodness those days have ended. The United Nations is important. There are times when the U.N. and the Security Council infuriate me because they say and stand for things I don't agree with at all. But that is the nature of a true debate. The United Nations is a gathering place for every country in the world, and it is a good place for that debate. It avoids war in many instances.

The need for global alliances has become clear. Whether we are talking about tracking down financial transactions, fighting terrorism, or putting together a military alliance that will root out terrorism around the world, we need allies and friends. The United States cannot, will not, should not go it alone. We have learned that since September 11. It has been heartening in our grief and sorrow to see so many nations around the world who have shared that grief with us and raised their hands and said, we want to join the United Nations in this fight against terrorism.

So we have learned a great deal about ourselves and our role in the world because of the tragedy of September 11. I think we have to pause and reflect and ask whether we are doing enough and whether there is more we should do. I don't believe this Congress has been sparing when it comes to any request from this administration to help our military or invest in our intelligence. We want to be certain they are the very best. We will not cut back or shortchange the men and women in uniform. We want them to be well equipped, well funded, well prepared so that they can fight these battles successfully and come home safely. I think we have seen that time and again, where both Democrats and Republicans have said that is our goal.

But I think we also have to concede the fact that in addition to solidarity when it comes to the war effort and intelligence gathering, we should show solidarity as well in this effort that is reflected in this bill on foreign operations because in this bill you will find money that is being directed to countries around the world to deal with some of the hardships and problems and challenges they face.

As you go through this bill, you see it is almost a catalog of the problems facing the world. There is a section in here about the HIV/AIDS epidemic in Africa. I went there just last year. It is an experience I will never forget. I really salute Senator LEAHY for helping a mutual friend of ours who is running an orphanage for AIDS victims, small children, in Nairobi, Kenya. This Jesuit priest, who is a mutual friend of ours, is devoting his life to those children. In stories such as that, where a small amount of money from the United States is being spent, it is well spent not because it is for a good purpose of showing what is in the heart of America, but it is also attacking an epidemic which is the scourge of the 21st century.

If you were to grade the United States in terms of what we have achieved, I think you would have to put us No. 1 in the world when it comes to the military. There is no one who can rival what we can bring to a military undertaking, a military enterprise. I think the United States, justifiably, is proud of the men and women in uniform and all those who have supported them, which has led to that great reputation we do deserve.

I think if you would grade the United States in terms of other foreign operations around the world, we would not be at that high a level. In fact, many countries give a higher per capita contribution than the United States when it comes to foreign assistance. I want to answer them and say: But when you are in trouble and you need someone to come in a hurry with the best military in the world, we are there, and it costs a lot of money, and we put the lives of our men and women on the line.

So it is not as if we don't care. We support the world in a different way. This bill seeks to reach out beyond the military commitment and say there are other ways we can create support and stability in this world.

Just a few weeks ago, Newsweek magazine had a cover story I read carefully and shared with my family and all my friends entitled bluntly "Why They Hate Us." It tried to spell out in historic terms and political and economic terms why so many people in the Muslim world around this globe have such a low opinion of the United States. Some of it is undeserved. What has happened to many people of the Islamic faith over centuries that led up to this moment is certainly not of our creation. Yet we are viewed as "the West" and "the enemy," as "the infidels." That is a sad commentary.

We have to search for ways we can reach those around the world who will listen to the message of for what America really stands. I commend to my colleagues two ideas that are not part of this legislation but I hope will be part of our thinking in the future. They come from two former colleagues in the Senate. One is a man who is a very close friend of mine—one of my closest—former Senator Paul Simon. When he was a Senator from Illinois, he identified an issue that I believe is critically important today and will become increasingly important around the world, particularly in the Islamic world, in the nations that are struggling to survive, and that is simply the issue of water, the availability of drinking water. We will find, I am sure, that in the future there will be wars waged over the rights to water as more and more people are born on the Earth and it taxes the resources available.

Senator Simon suggested that the United States be a world and global leader when it comes to desalinization of ocean water so people can drink it, so that we would provide fresh water, safe water to babies around the world—a message the United States could send saying, we will bring our best technology, use it in a humane fashion, and your life and your family will be benefited by it. What a positive message that would be to those who are at least skeptical of us—if not those who despise us—that we are a caring people. I hope the idea of moving forward with that initiative is one we might be able to pursue.

The second one is one that also was suggested by two former Senators, Senators George McGovern and Bob Dole. It was about a year ago that Senator McGovern, from a position in Rome, wrote a guest editorial in the Washington Post calling for an international school feeding program. I think it is one of the best single ideas I have heard. He enlisted in support Senator Bob Dole. A Republican and a Democrat came together with the belief that the largess of America's agricultural plenty could be used in schools around the world to feed hungry children.

That not only encourages children to go to school, it particularly encourages young girls to go to school. Their families see this as a nutritious meal. As we educate these children in foreign lands with the bounty God has given us, their education helps them understand better the world in which they live.

From what I read about the madaris, the Islamic schools in Pakistan where children are sent, they do not learn the basics of reading, writing, history, or science, but literally spend every hour of every day memorizing every word of the Koran, and after that is done, they leave. Meanwhile they are being indoctrinated into political belief. That to me is a terrible waste of a mind and intelligence, to limit their education to that sole purpose.

What Senator McGovern, Senator Dole, and many of us who support them believe is if we take some of our money and gather with other like-minded countries, we can provide a nutritious meal at a school so a child going to that school will know they will not only get a good day's education but perhaps the only nutritious meal of the day.

We know what is going to happen. The more education we give young girls in Third World countries, the less likely they are to have large families, the more likely they are to have self-esteem and to have the kind of careers and opportunities and a future which we want for all children all around the world. Two simple ideas from former Senate colleagues addressing the need for water that is safe and sterile, addressing the need for food that is associated with education, so that the United States can continue to deliver the same message that we have for so many years to parts of the world we may have ignored for the last few decades.

I sincerely hope this bill receives a resounding bipartisan vote from the Senate because it is part of our strategy to make certain we not only defeat terrorism, but that we replace it with more positive values around the world and that we replace it with an image of the United States that is a true image, an image of a caring people that not only cares for its own, but cares for many less fortunate around the world.

I salute Senator LEAHY, and I also salute Senator McCONNELL and the entire committee for their hard work in the preparation of this legislation which I hope will receive a sound bipartisan vote of support.

I yield the floor.

Mr. DODD. Mr. President, I spoke a few weeks ago about my belief that the United States needs to more actively and constructively involve itself in educating the citizens of the Muslim world about our culture, values, and everyday life, and that, likewise, Americans need to become better educated about Muslim countries and the religion of Islam. As I have stated before, it seems to me that the time has come to be honest with ourselves about why international terrorism has become such a growing threat. Our citizenry does not understand the Muslim world, and citizens of Muslim countries do not understand us. I believe that if both the East and the West had a true understanding of the similarities inherent in our value systems that the world would be a safer place.

We need only look into the oppressed faces of the citizens of some of the governments we have supported over the years, despite their less than acceptable treatment of their own citizenry, to see why some of the residents of these countries continue to cling to misguided perceptions of America's vision and values. The young people in many of these countries grow up hating their leaders for their oppression and, subsequently, they begin to hate our own country for keeping them in power. It is then easy for the likes of the Osama bin Ladens of this world to persuade these young people to become terrorism's footsoldiers convinced that violence is the answer to their grievances.

I hope that as we analyze what we need to do to protect our country at home, we also examine ways that the United States can play a more constructive role internationally. We need to come to grips with the Muslim faith. That doesn't mean trying to keep secular governments in place in countries where the will of the people is otherwise. It means beginning to understand the underlying premises of Islam, and conveying our respect for a population's right to practice it. In addition, we need to reach out to individuals in Muslim countries on a one-on-one basis to educate them on what America really stands for. One way to do this is to send our citizens to work with citizens of Muslim countries on constructive projects in their home countries.

This type of mutual understanding is what President Kennedy was trying to accomplish when he created the Peace Corps 40 years ago. The Peace Corps mission as stated by Congress in The Peace Corps Act, P.L. 87-293, is to promote world peace and friendship. Within that mission, the Peace Corps has three goals: to help the people of interested countries in meeting their need for trained men and women; to help promote a better understanding of Americans on the part of the peoples served; and to help promote a better understanding of other peoples on the part of Americans.

The Peace Corps has had significant success in meeting these goals in the countries in which it operates, and has already established mechanisms to put volunteers in place and sustain them abroad. However, it has not been as active, in my view, as it could be in Muslim countries where the need for mutual understanding, and basic infrastructure, may be the greatest.

It is not an easy task for the Peace Corps to go everywhere, but the focus should be on those areas where the need is the greatest—places like Jordan, Pakistan, Indonesia, Syria, and others. In addition, the Peace Corps should take the time to recruit people with the language skills, ability, and knowledge of these cultures. Sending civic-minded individuals with these skills as emissaries to Muslim countries could do an awful lot to change some of the anti-American attitudes we see around the globe, in my view. The Peace Corps should start investigating ways to do this now so that in the aftermath of the military actions already occurring we will be ready to show a different face of our country, one that isn't simply militarily strong, but one that is also willing to learn and willing to help. Yes, we need to act in the coming days to address the immediate threats and challenges confronting our nation. But we have to take a long and hard look at ways, at home and abroad, to make ourselves and the world safer for our citizens and the citizens of this globe.

We need to explore ways to reach out to the international community and rebuild after the military strikes are over. We also need to begin a process of mutual understanding between the United States and the Muslim world. In my view, the Peace Corps is best suited to this mission. For that reason, I am introducing an amendment to the foreign operations appropriations bill today that directs the Peace Corps to undertake a study to examine ways it can better serve Muslim countries while increasing recruitment efforts of qualified Arab-speaking individuals in the United States. This amendment mandates that the Peace Corps deliver a report to Congress 6 months after this legislation is signed into law, and I hope that this report will suggest legislative remedies that will help the Peace Corps undertake this important task.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, it had been my intention, along with Senator FEINSTEIN, to offer to this bill an amendment relating to the Palestinian Liberation Organization's adherence to its 1993 commitments to renounce terrorism and violence. The intent of the amendment would have been similar to the provisions of S. 1409, the Middle East Peace Compliance Act of 2001, which my friend from California and I offered last month, which today has 31 cosponsors.

We are, however, refraining from action at the personal request of the Secretary of State who believes the amendment may adversely impact his ability to form an international coalition against terrorism and efforts to bring the peace process in the Middle East back on track.

I ask unanimous consent that a letter from the Secretary relating to this request be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCONNELL. Mr. President, few would disagree that America's top foreign policy today is to search out and destroy terrorist networks and prevent further incidents from occurring. Secretary Powell and the entire administration obviously have all of our support in this endeavor.

Perhaps more than any other democracy, Israel knows well the horror of terrorism. The extremists who hijacked American commercial aircraft and used them as missiles against the World Trade Center and the Pentagon on September 11 are cut from the very same cloth as the suicide terrorists who slaughter innocent women, children, and men in the Israeli pizza parlors, discos, and buses. The loss of life is no less tragic, nor the fear any less real, in incidents that occur in the streets of Manhattan or Jerusalem. Like America, Israel serves as proof that nations founded in freedom and democracy do not crumble when attacked by extremists. In fact, the opposite is true. America and Israel have become more united as individual nations and as allies against a common enemy.

The events of September 11 have been seared into America's national conscience, just as horrific attacks against civilians in Israel are felt in the hearts and minds of all of its citizens. While terrorism is a grave threat that both nations face, I ask each of my colleagues to consider the following:

The terrorists who carried out the September 11 attacks traveled thousands of miles to our shores to commit their evil deeds. In Israel, terrorists live within an easy bus ride to Jerusalem, Tel Aviv, and other major urban areas. Where satellites beamed pictures of Palestinian celebrations for the mass murder of Americans into our homes and offices, Israel declared a day of mourning. Israelis need only open their front door to encounter openly offensive, aggressive, and hostile behavior; and Israel has demonstrated restraint in its response to recent attacks against its citizens.

When 20 Israeli kids were killed by a suicide bomber earlier this summer in a Tel Aviv disco, there was no massive Israeli retaliation. When Israelis were killed in a Jerusalem pizza parlor, again, there was no massive response. I think we can all now better understand the incredible restraint Israel has shown in the face of such attacks.

Criticisms over the use of excessive force by Israeli soldiers in targeting and destroying Arab terrorists on the West Bank and in Gaza are simply misguided. America is doing similar targeting of terrorist cells but on a global scale. Israel's elected leadership, as ours, has a duty and responsibility to protect its citizens against foreign and domestic threats.

Let me close with some candid comments. First, I do not believe the administration can make the determination that the PLO or the Palestinian Authority have lived up to their 1993 commitments to renounce terrorism. The proof is admitted into hospitals and morgues or buried in cemeteries every single day.

In attempting to resuscitate the peace process, America must be careful that it plays no role in recognizing or establishing a Palestinian state that is rooted in terrorism.

Second, I do not believe for one second PLO Chairman Arafat wants to end the violence. He allows terrorists to exist on the West Bank and in Gaza and spurs them into action through newspapers, textbooks, evening prayers, and even children's television programs.

Finally, America cannot win the war against terrorism without Israel. Israel has the experience, dedication, and freedom that is absolutely necessary to prevail over these fanatics. We must stand arm in arm with our ally. We must help Israel in its battle against terrorism.

Senator FEINSTEIN and I are not going to offer the amendment we planned to offer because of the extraordinary situation in which we find ourselves and as a result of the direct request of the Secretary of State. Having said that, I do not believe the Palestinian Authority has been constructive, nor do I believe they have lived up to their agreements signed back in 1993.

Shifting for a moment to another ally, if you will, of the United States—if you can call the Palestinian Authority an ally these days—I want to talk for a few moments about Egypt. I had intended to offer an amendment restricting assistance to Egypt but have been requested by the Secretary of State and the administration to withhold such action, again in light of the events of September 11 and our current efforts to respond to those events.

While I continue to have serious concerns with many of Egypt's words and deeds toward the Middle East peace process and Israel, and the troubling state of democracy and rule of law in that country, I am going to honor the administration's request. It is not my intention to impede in any way ongoing efforts to identify, track down, and punish those individuals and groups responsible for the slaughter of American civilians and soldiers.

While America finds itself at a critical moment in history, so does Egypt. A major recipient of United States assistance to the tune of nearly $2 billion, stretching back to 1979, Egypt must today unequivocally prove it is a full partner in our war against terrorism. It is not acceptable for President Mubarak and his Foreign Minister to obfuscate the assault against freedom with their not-so-hidden agenda to propagate Arab hatred against Israel and to muzzle democracy and civil society in Egypt.

An October 11 editorial in the Washington Post boldly stated what has been whispered in the Halls of Congress and in the corridors of the State Department. Here is what the editorial said:

> The largest single "cause" of Islamic extremism and terrorism is not Israel, nor U.S. policy in Iraq, but the very governments that now purport to support the United States while counseling it to lean on Ariel Sharon and lay off Saddam Hussein.
>
> Egypt is a leading example. It is an autocratic regime. It is politically exhausted and morally bankrupt. President Mubarak, who checked Islamic extremists in Egypt only by torture and massacre, has no modern program or vision of progress to offer his people as an alternative to Osama bin Laden's Muslim victimology. . . . It also explains why so many of [bin Laden's] recruits are Egyptian.

Let me be clear that during these dark and troubling times, Egypt should prove to the people of the United States and all the world's democracies, including Israel, it is indeed an ally in the fight against terrorism. The $2 billion question is whether they will succeed or fail in this task.

Secretary Powell knows that at a more appropriate time I may revisit this important issue. In the meantime, I urge the Egyptian Government to advise its ministers and media to be more responsible and constructive and to aggressively encourage its citizenry to understand the grave dangers of legitimizing terrorism under the guise of Islamic teachings and practices.

The Egyptian people should understand Americans were horrified and angered at news reports of celebrations of the September 11 attacks in the streets of Cairo and elsewhere. Sadly, this may be an indication the Egyptians do not share the same principles of freedom and tolerance we do. If Egypt wants to continue to have United States support, Egypt ought to earn it.

I ask unanimous consent that the editorial to which I referred be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ARAB PARADOX

Thursday, October 11, 2001

ARAB NATIONS, including those considered allies of the United States, have been struggling with their response to the U.S.-led military campaign in Afghanistan. If their contortions were not so familiar they would be hard to understand: After all, Osama bin Laden and his al Qaeda organization are sworn enemies of the Egyptian and Saudi governments, which in turn depend on the United States for their security. But it took Egyptian President Hosni Mubarak three days to choke out a statement supporting "measures taken by the United States to resist terrorism"; and even then he coupled it with a parallel demand that Washington "take measures to resolve the Palestinian problem." Meanwhile, Mr. Mubarak's longtime foreign minister, Amr Moussa, now the secretary general of the Arab League, prompted first Arab states and then the 56-nation Islamic Conference to adopt a resolution yesterday opposing U.S. attacks on any Arab country as part of the anti-terrorism campaign—a position that offers cover to Iraq's Saddam Hussein.

In effect, Mr. Mubarak and Mr. Moussa are backing both the military action of the U.S. alliance and the political position of Osama bin Laden, who on Sunday claimed that unjust American policies in Israel and Iraq justified his acts of mass murder. The world, Mr. Moussa said, needs to address the "causes" of the terrorism, and he suggested that a United Nations conference might be the best forum. There's little doubt what he has in mind: After all, Mr. Moussa only a couple of months ago led the attempt to hijack the U.N. conference on racism and revive the libel that "Zionism is racism."

Behind this contradictory rhetoric lies one of the central problems for U.S. policy in the post-Sept. 11 world: The largest single "cause" of Islamic extremism and terrorism is not Israel, nor U.S. policy in Iraq, but the very governments that now purport to support the United States while counseling it to lean on Ariel Sharon and lay off Saddam Hussein. Egypt is the leading example. Its autocratic regime, established a half-century ago under the banner of Arab nationalism and socialism, is politically exhausted and morally bankrupt. Mr. Mubarak, who checked Islamic extremists in Egypt only by torture and massacre, has no modern political program or vision of progress to offer his people as an alternative to Osama bin Laden's Muslim victimology. Those Egyptians who have tried to promote such a program, such as the democratic activist Saad Eddin Ibrahim, are unjustly imprisoned. Instead, Mr. Mubarak props himself up with $2 billion a year in U.S. aid, while allowing and even encouraging state-controlled clerics and media to promote the anti-Western, anti-modern and anti-Jewish propaganda of the Islamic extremists. The policy serves his purpose by deflecting popular frustration with the lack of political freedom or economic development in Egypt. It also explains why so many of Osama bin Laden's recruits are Egyptian.

For years U.S. and other Western governments have been understanding of Mr. Mubarak and other "moderate" Arab leaders. They have to be cautious in helping the United States, it is said, because of the pressures of public opinion—the opinion, that is, that their own policies have been decisive in creating. Though the reasoning is circular, the conclusion has been convenient in sustaining relationships that served U.S. interests, especially during the Cold War. But the Middle East is a region where the already overused notion that Sept. 11 "changed everything" may just turn out to be true. If the United States succeeds in making support or opposition to terrorism and Islamic extremism the defining test of international politics, as President Bush has repeatedly promised, then the straddle that the "moderate" Arabs have practiced for so long could soon become untenable. Much as it has valued its ties with leaders such as Mr. Mubarak, the Bush administration needs to begin preparing for the possibility that, unless they can embrace new policies that offer greater liberty and hope, they will not survive this war.

EXHIBIT 1

THE SECRETARY OF STATE,
Washington, DC, September 21, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate.

DEAR SENATOR MCCONNELL: The President and I are working intensively to build an international anti-terrorism coalition to track down the perpetrators of the September 11 attacks and put an end to their terror networks. The engagement of the broadest possible coalition, including key Arab and Muslim countries, will be critical to the success of our efforts. At the same time, we cannot shrink from our long-standing role in supporting peace efforts between

Israel and its neighbors, and will not stop working with the Israelis and Palestinians to end the violence there, implement the Mitchell Committee recommendations, and return to productive negotiations. I need your help on this.

The Palestinian compliance legislation you introduced with Senator Feinstein—and which may become an amendment to the Senate Foreign Operations Appropriations Bill—would be counterproductive to our coalition-building and peace process efforts and we would like to see it withdrawn.

Imposing sanctions, or even waiving sanctions following a mandatory determination that would have triggered sanctions, would undermine our ability to play a role in defusing the crisis and returning the parties to negotiations. Both sides have undertaken specific commitments to each other. We remain engaged with the Palestinians to ensure that the PLO and PA understand exactly what they have to do to meet their commitments. But requiring the President to make formal determinations of the compliance of only one of the parties would undermine our efforts to put an end to the violence and facilitate a resumption of peace efforts. At the same time, it would bolster segments of Arab public opinion that are already very critical of their regimes' relations with the U.S. and Israel, and their support for Middle East peace. In this regard I also urge you to avoid any actions or statements that single out key Arab allies such as Egypt and Jordan.

The bottom line is that we agree with the need for the Palestinians to comply with their commitments and control the violence and to move toward implementation of the Mitchell Committee recommendations. But in this critical period, I urge you not to tie the President's hands and restrict our ability to engage with both parties to help achieve these goals.

Sincerely,

COLIN L. POWELL.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. The pending amendment is No. 1953, Senator REID for Senator DODD.

Mr. LEAHY. I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, to explain why I did not want to incorporate that amendment in a series of amendments, a Durbin, user fees; a Helms-McConnell, Cambodia; a Leahy-McConnell, excess defense articles; Dodd No. 1953, Peace Corps; Byrd, passports; Brownback-Frist, Sudan with colloquy; Feingold, fumigation; Brownback colloquy on human trafficking, I mention that.

AMENDMENT NOS. 1951, AS MODIFIED, 1953, 1954, 1955, 1956, 1957, AND 1958, EN BLOC

Mr. LEAHY. I ask unanimous consent that it be in order to consider en bloc and agree to en bloc amendment No. 1954, Durbin, user fees; amendment No. 1955, Helms-McConnell, Cambodia; amendment No. 1956, Leahy-McConnell, excess defense articles; amendment No. 1953, Dodd, Peace Corps; amendment No. 1957, Byrd, passports; amendment No. 1958, Brownback-Frist, Sudan with colloquy; amendment No. 1951, as modified, Feingold, fumigation; and Brownback colloquy on human trafficking.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments, en bloc.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes amendments numbered 1954, 1955, 1956, 1957, and 1958, en bloc.

Mr. LEAHY. Including No. 1953, I understand.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

The amendments (Nos. 1954, 1955, 1956, 1957, and 1958) were agreed to en bloc, as follows:

AMENDMENT NO. 1954

On page 230, line 6, after "grams" insert the following: ", and to oppose the approval or endorsement of such user fees or service charges in connection with any structural adjustment scheme or debt relief action, including any Poverty Reduction Strategy Paper".

AMENDMENT NO. 1955

(Purpose: To prohibit funding for any Cambodian genocide tribunal unless certain conditions are met)

At the appropriate place in the bill, insert the following:

RESTRICTION ON FUNDING FOR CAMBODIAN GENOCIDE TRIBUNAL

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to any tribunal established by the Government of Cambodia pursuant to a memorandum of understanding with the United Nations, unless the President determines and certifies to Congress that the tribunal is capable of delivering justice for crimes against humanity and genocide in an impartial and credible manner.

AMENDMENT NO. 1956

At the appropriate place, insert:

SEC. . EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTHERN EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES.

Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2002 and 2003, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan: *Provided*, That section 105 of Public Law 104-164 is amended by striking "2000 and 2001" and inserting "2002 and 2003".

AMENDMENT NO. 1957

(Purpose: to prevent abuses in the visa waiver program)

At the appropriate place, insert:

SEC. 417. MACHINE READABLE PASSPORTS.

(a) AUDITS.—The Secretary of State shall—

(1) perform annual audits of the implementation of section 217(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1187)(c)(2)(B));

(2) check for the implementation of precautionary measures to prevent the counterfeiting and theft of passports; and

(3) ascertain that countries designated under the visa waiver program have established a program to develop tamper-resistant passports.

(b) PERIODIC REPORTS.—Beginning one year after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit a report to Congress setting forth the findings of the most recent audit conducted under subsection (a)(1).

(c) ADVANCING DEADLINE FOR SATISFACTION OF REQUIREMENT.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended by striking "2007" and inserting "2003".

(d) WAIVER.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended—

(1) by striking "On or after" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), on or after"; and

(2) by adding at the end the following:

"(B) LIMITED WAIVER AUTHORITY.—During the period beginning October 1, 2003, and ending September 30, 2007 the Secretary of State may waive the requirement of subparagraph (A) with respect to nationals of a program country (as designated under subsection (c)), if the Secretary of State finds that the program country—

"(i) is making progress toward ensuring that passports meeting the requirement of subparagraph (A) are generally available to its nationals; and

"(ii) has taken appropriate measures to protect against misuse of passports the country has issued that do not meet the requirement of subparagraph (A).".

AMENDMENT NO. 1958

(Purpose: To express the sense of the Senate with respect to Sudan)

On page 232, between lines 23 and 24, insert the following:

SUDAN

SEC. 581. (a) FINDINGS REGARDING THE NEED FOR HUMANITARIAN ASSISTANCE.—The Senate makes the following findings:

(1) The war in Sudan has cost more than 2,000,000 lives and has displaced more than 4,000,000 people.

(2) The victims of this 18-year war are not confined to one ethnic group or religion as moderate Moslems in eastern and western Sudan suffer greatly, as do Christians and animists in southern Sudan.

(3) Humanitarian assistance to the Sudanese is a cornerstone of United States foreign assistance policy and efforts to end the war in Sudan.

(4) The United States Government has been the largest single provider of humanitarian

assistance to the Sudanese people, providing $1,200,000,000 in humanitarian assistance to war victims during the past 10 years, including $161,400,000 during fiscal year 2000 alone.

(5) Continued strengthening of United States assistance efforts and international humanitarian relief operations in Sudan are essential to bring an end to the war.

(b) FINDINGS REGARDING THE NIF GOVERNMENT.—In addition to the findings under subsection (a), the Senate makes the following findings:

(1) The people of the United States will not abandon the people of Sudan, who have suffered under the National Islamic Front (NIF) government.

(2) For more than a decade, the NIF government has provided safe haven for well-known terrorist organizations, including to Osama bin Laden's al-Qaeda and the Egyptian Islamic Jihad.

(3) The NIF government has been engaged, and continues to engage, in gross human rights violations against the civilian population of Sudan, including the enslavement of women and children, the bombardment of civilian targets, and the scorched-earth destruction of villages in the oil fields of Sudan.

(c) SENSE OF THE SENATE.—In recognition of the sustained struggle for self-determination and dignity by the Sudanese people, as embodied in the IGAD Declaration of Principles, and the statement adopted by the United States Commission on International Religious Freedom on October 2, 2001, it is the sense of the Senate that—

(1) the National Islamic Front (NIF) government of Sudan should—

(A) establish an internationally supervised trust fund that will manage and equitably disburse oil revenues;

(B) remove all bans on relief flights and provide unfettered access to all affected areas, including the Nuba Mountains;

(C) end slavery and punish those responsible for this crime against humanity;

(D) end civilian bombing and the destruction of communities in the oil fields;

(E) honor the universally recognized right of religious freedom, including freedom from coercive religious conversions;

(F) seriously engage in an internationally sanctioned peace process based on the already adopted Declaration of Principles; and

(G) commit to a viable cease-fire agreement based on a comprehensive settlement of the political problems; and

(2) the President should continue to provide generous levels of humanitarian, development, and other assistance in war-affected areas of Sudan, and to refugees in neighboring countries, with an increased emphasis on moderate Moslem populations who have been brutalized by the Sudanese government throughout the 18-year conflict.

AMENDMENT NO. 1958

Mr. FRIST. Mr. President, for almost 20 years, the Government of Sudan has prosecuted a war of incredible barbarity against its own people, leading to the deaths of over 2 million of its citizens through mass starvation, indiscriminate bombing raids, slave raids and other outrages.

I have made medical missionary trips to Sudan for the past three years and have witnessed firsthand this human tragedy. I have long supported an overhaul of our policy towards Sudan to strengthen and expand humanitarian operations in Sudan and to design a framework to assist the Administration and our allies in bringing pressure to bear on the Government of Sudan and the rebels to resume peace talks.

Recently, the Administration has taken significant next steps to address the humanitarian crisis in Sudan. On September 11, the new Special Humanitarian Coordinator for Sudan, Andrew Natsios, along with OFDA Director Roger Winter and other Administration officials, visited Sudan to explore ways to bring added relief to the beleaguered population.

The Nuba Mountains is a region with massive humanitarian needs, where access has been nearly impossible. In an unprecedented action, a special humanitarian relief flight sponsored by the U.S. and cleared by the Sudan People's Liberation Movement (SPLM) and Government of Sudan delivered eight metric tons of wheat to this extremely remote area that had been cut off from international assistance. The immediate needs though are for more than 2,000 tons of food. The Administration is now negotiating expanded delivery of food aid through airdrops to the Nuba Mountains to be implemented by the World Food Program. These new initiatives will not move forward without additional funding.

In order to start and maintain such aid, $35 million would be required beginning in FY 2002 to fund the Administration's critical new initiatives.

These new plans have great potential to move the southern Sudanese in the direction of economic self-sufficiency. For example, to spur economic development, USAID is planning an agricultural initiative to create more entrepreneurs producing honey, vegetable oils, hides and skins, and other agricultural products.

Another important part of USAID's Sudan program is education. One of the contributing factors to the instability of Southern Sudan is the loss of its educated citizenry. Over two generations of southerners have gone without education since the civil war began in 1955. Civil government is dependent upon education. The new education initiatives would help revitalize education and training in southern Sudan through teacher training, scholarships, and other important projects.

A final aspect of USAID's new initiative focuses on rebuilding shattered communities. Through churches and other community groups, the people-to-people reconciliation effort has brought peace among tribes in Southern Sudan and border communities between the North and South. USAID's new Sudan initiatives would build upon these efforts by identifying and supporting critical community level rehabilitation activities.

These are just a few of the new programs that are critical to bringing relief to Sudan, but current funding levels are not sufficient to take advantage of them. Therefore, I urge the appropriators to give our government the resources to bring real change to one of the most war-torn countries in the world by adding $35 million for new initiatives in Sudan.

I thank the managers of the bill, Senators LEAHY and McCONNELL, for working with my colleagues—Senators BROWNBACK, HELMS, and FEINGOLD—and me to accept our amendment to encourage an additional appropriations for humanitarian purposes in Sudan.

The PRESIDING OFFICER. Amendment No. 1951, as modified, and amendment No. 1953 are agreed to.

The amendments (Nos. 1951, as modified, and 1953) were agreed to.

Mr. LEAHY. I move to reconsider the votes.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, will the Senator from Vermont yield for a question?

Mr. LEAHY. Of course.

Mr. REID. It is my understanding that the Senator from Vermont and Senator McCONNELL have worked through most of these amendments. At 20 minutes to 5, we have Senator GRAHAM coming to speak for 10 minutes. A Senator opposed will have 10 minutes. There will be a vote on his amendment.

Mr. LEAHY. Or in relation thereto.

Mr. REID. Or in relation thereto, that is right. It is my understanding we made an announcement earlier today—both managers did—that we are moving toward final passage. I hope the two managers will be able to announce prior to 5 if that, in fact, might be the case.

Mr. McCONNELL. I say to the Senator from Nevada, there is one other issue related to Armenia Azerbaijan on which we are working. We should have a sense in the next 15 to 20 minutes whether we have been able to work that out or not. That may require one additional vote.

Mr. REID. I say to the two managers, I think the work today has been exemplary. There have been some very difficult issues. They have been discussed. Agreements have been made on a number of the amendments.

Speaking for Senator DASCHLE, there has been great movement in moving an appropriations bill. It should be an example for those who are going to follow.

Mr. McCONNELL. I say to my friend from Nevada, we hope he will still be able to say that an hour from now.

Mr. LEAHY. I certainly hope it is finished an hour from now.

Mr. President, I also say in response to what the Senator from Nevada said, there has been an enormous amount of cooperation from the Senator from Kentucky and other Senators from both sides of the aisle, and that is what has made it possible for us to complete this bill.

I yield the floor.

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Kansas, we are in the process of getting the colloquy copy. The Senator from Kansas and I have come to talk about some legislation we have done together that deals with one of the horrible aspects of this global economy; namely, the trafficking of women and girls and sometimes boys and men for purposes of forcing them into prostitution and some really deplorable labor conditions.

I wonder whether the Senator from Kansas might give us a little bit of context, and then we will quickly do this colloquy.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, we have a colloquy we are prepared to enter into. In the context of this, last year we passed a bill on the issue of sex trafficking. It was ground-breaking legislation for this body, ground-breaking legislation for around the world. Its effort and focus was to get at the people who are trafficking, generally, young women and children for the purposes of prostitution. It is a global phenomenon. About 700,000 are trafficked to different places from different countries around the world each year, about 50,000 into the United States.

We increased the penalties for people who are involved in trafficking. We have an annual report coming out from the Government—the first one came out this year. It was citing the problems of trafficking taking place. The colloquy we are entering into today is to get the initial office up and running at the State Department and intends for funding in the foreign operations bill.

Mr. President, I would like to engage in a colloquy with Senator WELLSTONE on the topic of appropriations to combat international trafficking in human beings.

I know that Senator WELLSTONE and other members of the Senate Foreign Relations Committee, as well as the Senate Foreign Operations Appropriations Subcommittee, are greatly concerned about human trafficking, which impacts approximately 1 million people annually worldwide. Last year, this body unanimously passed legislation, the Trafficking Victims Protection Act which included an authorization of over $30 million from the foreign operations budget to address three principle components of anti-trafficking: law enforcement, prevention, and victim assistance.

The bill allocates only $10 million for law enforcement related to human trafficking, and thus is $20 million shy of the hoped-for appropriation of $30 million for Fiscal Year 2002 which was passed by the House. Given this shortfall, I hope that the State Department will spend more funds than those earmarked in this foreign operations appropriations bill. Furthermore, the Congress expects, as expressed through the trafficking legislation, that it will be combated worldwide through both enforcement and prevention programs; that is, sex trafficking could be combated worldwide, and that the trafficking victims would be assisted. Is it your understanding, Senator WELLSTONE, that the State Department and other relevant agencies and departments would dedicate and spend funds substantially over the $10 million presently allocated in this appropriation?

Mr. WELLSTONE. Mr. President, that is our intention. Human trafficking is a massive and multi-dimensional problem, impacting countless victims. The U.S. government is responding, but I am concerned that our response though well-intentioned, is both under-funded and under-coordinated. I believe that approximately $15 million is currently being spent to address human trafficking in the overall State Department budget, but it is not at all clear to me that activities are being coordinated among departments and agencies or that the results are being optimized. I believe that the State Department should work this year to dedicate not less than the $30 million authorized in the Trafficking Victims Protection Act, and that this funding would be distributed to all three prongs including law enforcement, victims assistance, and trafficking prevention activities.

I am very optimistic that the newly established office to combat trafficking at the State Department will bring some transparency and coordination to these activities. I'm sure that both of us, as well as other members, will be watching for this to happen.

To assist us all in monitoring progress, I will seek to add language to the statement of the managers to the conference report asking the State Department to report back to us next spring regarding plans and funding allocations for trafficking. Again, this is an important issue that certainly warrants more than $10 million and I believe there are ample funds in this bill to enable the State Department to meet the authorized levels.

Mr. BROWNBACK. Senator WELLSTONE, I agree completely. I would like to make one last comment about the fiscal expectations for 2003. We understand that the trafficking budget for Fiscal Year 2002 is underfunded by at least $20 million in relation to the authorization. However, once the office is fully up and running next year, I believe that everyone is committed to seeing a full appropriation for Fiscal Year 2003 for the activities needed to combat trafficking worldwide. This amount should be not less than $33 million for Fiscal Year 2003, in addition to the other amounts authorized under HHS, Labor, and CJS appropriations legislation. In closing, we expect a full appropriation for Fiscal Year 2003, without which, worldwide trafficking cannot be effectively challenged.

Everybody has tried to do everything they could this year to address the trafficking and get the office up and going. It is not a full appropriation. Next year, we will push for the full appropriation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1950

Mr. GRAHAM. Mr. President, at 5 o'clock we are going to vote on an amendment which I have offered, which would restore the 22 percent cut that is contained in the subcommittee report as it relates to the Andean Region Initiative. This is funding which would provide for the four countries of Colombia, Ecuador, Peru, and Bolivia, with funds divided approximately 50 percent to Colombia and 50 percent to the other three; 50 percent of the funds for law enforcement and military activities, 50 percent for economic and social development programs.

This is the second chapter of the Plan Colombia which this Congress, under the leadership of President Clinton, adopted last year. It is also the continuation of the only program that we will have left to provide a means by which to suppress the supply of cocaine into the United States from its primary sources, which are these four countries and today primarily Colombia.

I have listened to some of the arguments that have been made in opposition to this amendment. They raise questions about the accountability of this program, raise questions about the efficacy of this program, and raise positive comments about the activities that are going to be funded with the 22 percent of the fund that is going to be taken away from this account.

This is a program which has only been in effect since October 1 of last year, for less than 13 months. I believe it has accomplished significant good. It has helped professionalize the army of Colombia, which has made it more able to launch effective attacks against drug dealers. It has begun to show the ability to reduce the amount of coca being produced in Colombia. It has stabilized the governments of, particularly, Peru and Ecuador.

But beyond all of those positive benefits, I think the fundamental benefit today, on October 24, is that this is the longest running U.S. partnership program to attack terrorism in the world. In this case, the terrorists happen to also be drug dealers. We are attacking them in their uniform as drug dealers, but, in so doing, we are also attacking them in their 50-year role as terrorists, formerly ideological terrorists, now essentially thugs. They have gone from Che Guevara to being Al Capone.

I believe it would send the worst possible signal to the world that we are trying to unite in an effective program against terrorism, to be pulling the plug, essentially, on the effort that we have underway against one of the most vicious terrorist groups in the world, a group which in the year 2000, the last year for which statistics are available, committed 44 percent of the all the terrorist assaults against U.S. citizens and interests in the world.

Mr. President, 44 percent of them were committed in Colombia. That is an indication of how concentrated, how deep, and how violent the terrorist activity is there, directed against U.S. citizens, to say nothing of the assaults against Colombian citizens and persons from other nations who are in Colombia.

I hope to reserve a few moments to close, but I urge in the strongest terms the adoption of this amendment which will recommit ourselves to a strong U.S. partnership with our neighbors in Latin America, a strong program of attacking drugs at the source as we build up our capability to reduce the demand in the United States and to avoid sending the signal that all of our rhetoric about how strongly we are prepared to resist terrorism is just that—rhetoric. Because when it comes to actual performance, we failed.

Mr. LEAHY. Mr. President, how much time remains to the Senator from Florida and how much time to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Florida has 3 minutes and 47 seconds and the Senator from Vermont has 8 minutes and 10 seconds.

Mr. LEAHY. Mr. President, I reserve myself 3½ minutes.

I don't want Senators to think we are not putting money in for counterdrug programs in this bill. We have included $718 million for the Andean Region Initiative. We will have put $2 billion in there in just the last 16 months. The administration's own witnesses couldn't tell us how much was disbursed, and for what purposes. And they cannot show what we have gotten from it. So we have an act of faith here, putting in another $718 million.

What the $164 million cut in other programs the Senator from Florida proposes, to add to the $718 million already in the bill—where do we cut? This is sort an across-the-board kind of open-ended cut which allows cuts to come from military, economic, or other assistance to anywhere, including countries such as Israel, Egypt, and Jordan.

It could be cut from HIV/AIDS, from money the President and others have promised to help combat the worst health crisis in half a millennium; from money to cure TB and prevent malaria; from military assistance, including aid to NATO allies and the former Soviet republics. It could cut the Peace Corps. We increased money for the Peace Corps, but those increases may be gone if we do this cut.

Or the Eximbank, when many companies are laying people off today.

It could cut refugee and disaster relief assistance for places such as Sudan and the Caucasus.

How about programs to stop the spread of biological, nuclear, and chemical weapons? This is certainly not a time when we should be cutting those programs; or the money we have in here to strengthen surveillance and respond to outbreaks of infectious diseases, including diseases that may come here in a terrorist attack; or our money for UNICEF and peacekeeping operations.

Do we really want to cut those programs, when we have already put $718 million in for the Andean region?

I don't want to cut the Peace Corps. I don't want to cut funding for AIDS. But we will if this passes.

Obviously, the Senate has to make up its mind about what it wants. But even without this amendment, we are going to have $718 million on top of billions already in this program, a program that has millions of dollars which they have yet to spend.

I want to help. I set aside my own misgivings about this program by putting in the $718 million. But I remind the 81 Senators who have sent letters requesting increases in everything from Peace Corps to AIDS that this is where this money would come from.

I reserve the remainder of my time.

Mr. GRAHAM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes, thirty-nine seconds.

Mr. GRAHAM. I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, there are obviously choices made all over the place in terms of programs being cut. The point of this is that the Senator from Florida and I are proposing that we get back to the level the President suggested. This is about the Andean region. In the past we dealt with Colombia. There were concerns raised by many about that program. This deals with the Andean region. It is more than just one country. This is a critical issue. I know our attention today is focused on Central Asia, as it should be, and Afghanistan and the Taliban. But we will have to have a continuing effort in other parts of the globe on threats we face.

Clearly, we will lose thousands of people every year in this country in drug-related deaths, and about 98 percent of the product which is the source of this devastation in our country comes from the Andean region. Our attention today has shifted.

All we are suggesting is that we get back to the level the President suggested, $164 million. It is a cut of 22 percent dealing with several countries in the region, not just one. I am sure my friend from Florida has gone over the details of this to explain where the resources go and how effective we hope it will be. I join with him.

Obviously, I am not interested in seeing the Peace Corps cut, or Eximbank, or other programs, which I know my friend from Vermont cares about very much. I understand the difficulty of wrestling with these programs. But I believe very strongly that this is an area where we have to maintain a level of consistent involvement, or we are going to find that the resources we have committed are going to be diluted significantly.

This is a very serious effort. It is not on the front pages today, but it will be again, I guarantee you. That is the reason we offered this amendment. My hope is that we can reach some agreement so we can do more.

Again, I believe very strongly that this is one of the most critical issues—not just for ourselves. It is in the direct interest of people who are dying every day in our streets as a result of what happened in these countries. Our efforts are to work with friends in the area—particularly in Colombia—people who have paid an awful price over the years, a devastating price. They have attempted to shed this country down there of any vestige of its own long historic democratic institutions.

We are under siege in a lot of places around the globe. This is a major one. Therefore, the cut that has come here is one we would like to see restored. Therefore, I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. Mr. President, I understand we are going to vote at 5 o'clock.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, will the Senator withhold?

Does the Senator understand that takes my time?

Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I would not cut off the time of the Senator from Florida. That is really not showing very much comity.

Mr. GRAHAM. Mr. President, it was certainly not my intention to do that. In fact, I wanted to use the 39 seconds that were left to me. I wanted to use them. And there might be a few more people in the Chamber than is the case now. I suggest the absence of a quorum without that counting against the time of either the Senator from Vermont or the Senator from Florida.

Mr. LEAHY. That would take unanimous consent, and I will not give it. We told people we are going to vote at 5 o'clock.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. LEAHY. Mr. President, I understand the concerns of the Senator from Florida, who has spent an enormous amount of time in this area, and the Senator from Connecticut. I am sorry the Senator from Connecticut would not stay to hear these comments. But we have included $718 million for the Andean Regional Initiative. That is for Colombia, Peru, Bolivia, and Ecuador—$2 billion in just over a year. We have not ignored this part of the world.

As the Senator from Connecticut says, it may not be on the front page. The Ebola plague is not on the front page. But we have inadequate amounts of money in here to help protect us against such a health disaster.

Can you imagine? Nobody would be wanting to cut money for that if the Ebola plague were in the headlines. But this amendment would result in a cut of some of that money.

We have money in here to help put Americans back to work at a time when tens of thousands are being laid off daily. It may not be the big headline. But this amendment would in effect cut efforts to put these people back to work.

What the Peace Corps has accomplished over the years is not in the headlines. But this money would cut some of the increase in funds we put in for the Peace Corps.

There are a lot of things that are not in the headlines. Helping to stop the spread of AIDS may not be in the daily headlines. But this would cut money for that.

This is not about whether you are for or against the Andean Initiative. We put nearly three-quarters of a billion dollars in here following well over $1 billion in just the past year. It is not without funding.

His amendment allow cuts to be made in everything from the Middle East, refugee aid, basic education, biological, nuclear, and chemical weapons non-proliferation programs, anti-terrorism programs, and money to clear landmines. We need to strike a balance, which is what this bill does.

What is the time?

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator has 1 minute remaining.

Mr. LEAHY. Madam President, how much time remains for my colleague from Florida?

The PRESIDING OFFICER. Eleven seconds.

Mr. LEAHY. Madam President, Senator MCCONNELL and I have gone through this bill and we have tried to set priorities. We have put considerable amounts of money in this bill for counterdrug programs. The House has even more. In conference, as a practical matter, the money for the Andean Initiative is likely to go up some amount.

But let us not cut money for bioterrorism, money to stop plagues from reaching the United States, money to aid refugees from Afghanistan or Africa, money to support the countries which the President has promised to help with our campaign against Osama bin Laden—let's not cut those funds—and the Peace Corps and the Exim Bank and everything else, to add even more funds for counterdrug programs when they have not spent what they already have.

Madam President, I yield back whatever time I have left.

The PRESIDING OFFICER. The Senator from Florida has 11 seconds.

Mr. GRAHAM. Madam President, in my 11 seconds, I want to direct them to our friends on the other side of the aisle. Our amendment would restore the recommendation which has been made by President Bush of his best assessment of what is necessary in order to accomplish the purposes. The President challenged us today to answer the question: Is America prepared to stay in the war against terrorism? His answer was: Absolutely.

If we want to say, absolutely, we need to vote yes for the amendment that will restore the funds to the longest running antiterrorism campaign in which the United States is currently engaged.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Madam President, I make a point of order that the Graham amendment No. 1950 violates section 302(f) of the Budget Act.

The bill before us is at the subcommittee's 302(b) allocation. Therefore, any net increase in budget authority or outlays would trigger a 60-vote point of order.

The Graham amendment does not identify a specific offset for its $164 million increase in discretionary budget authority for the Andean Counterdrug Program, nor does it establish a mechanism to ensure that the funds are, in fact, offset. Therefore, if the Graham amendment passed, it would cause the Foreign Operations Subcommittee to exceed its spending allocation.

Additionally, even if the administration were to identify offsets for the entire $164 million in budget authority, the Congressional Budget Office is not confident that cuts would occur to programs with an equal or faster outlay rate. A net increase in outlays from the Graham amendment would also trigger a violation of the subcommittee's allocation and a 60-vote point of order.

Therefore, I make a point of order that the Graham amendment No. 1950 violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I ask unanimous consent to be added as a cosponsor to the amendment of the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask unanimous consent that the request by Senator KYL be modified to also include Senators GRASSLEY and MCCAIN as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I move to waive the Budget Act and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Graham amendment No. 1950. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. FRIST) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 27, nays 72, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—27

Bayh
Biden
Breaux
Carnahan
Chafee
Clinton
Corzine
Craig
DeWine
Dodd
Graham
Grassley
Hagel
Hatch
Helms
Hutchinson (AR)
Kyl
Lieberman
Lugar
McCain
Miller
Nelson (FL)
Rockefeller
Schumer
Sessions
Thompson
Torricelli

NAYS—72

Akaka
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper

Cleland
Cochran
Collins
Conrad
Crapo
Daschle
Dayton
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Gramm
Gregg
Harkin
Hollings
Hutchison (TX)
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lincoln
Lott
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Nickles
Reed (RI)
Reid (NV)
Roberts
Santorum
Sarbanes
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Frist

The PRESIDING OFFICER. On this vote, the yeas are 27, the nays are 72. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. LEAHY. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, Senator REID and Senator NICKLES have been asking our intent. Senator MCCONNELL and I have been here for a couple days and would like to wrap up.

Mr. REID. Will the Senator yield for an announcement while everybody is here?

Mr. LEAHY. Yes.

Mr. REID. Madam President, Senator DASCHLE has asked me to announce we have a section-by-section analysis of the antiterrorism bill. Copies of the bill and a short summary are available in Senator DASCHLE's office, the Democratic Cloakroom, and Senator LEAHY's Russell office. They will be there by 5:45 p.m. The same is available in the Republican Cloakroom.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1959

Mr. DODD. Madam President, on behalf of myself and the distinguished Senator from Texas, Mrs. Kay Bailey Hutchison, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mrs. HUTCHISON, proposes an amendment numbered 1959.

Mr. DODD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Amendment to modify the annual drug certification procedures for FY 2002 with respect to countries in the Western Hemisphere)

At the appropriate place in the bill add the following new section:

SEC. . During fiscal year 2002 funds in this Act that would otherwise be withheld from obligation or expenditure under Section 490 with respect to countries in the Western Hemisphere may be obligated or expended provided that—

(a) Not later than November 30 of 2001 the President has submitted to the appropriate congressional committees a report identifying each country in the Western Hemisphere determined by the President to be a major drug-transit country or major illicit drug producing country.

(b) In each report under subsection (a), the President shall also—

(1) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(A) to adhere to its obligations under international counter narcotics agreements; and

(B) to take the counter narcotics measures set forth in section 489(a)(1); and

(2) include a justification for each country so designated.

(c) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—In the case of a country identified in a report for a fiscal year 2002 under subsection (a) that is also designated under subsection (b) in the report, United States assistance may be provided under this Act to such country in fiscal year 2002 only if the President determines and reports to the appropriate congressional committees that—

(1) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(2) commencing at any time after November 30, 2001, the country has made substantial efforts—

(A) to adhere to its obligations under international counternarcotics agreements; and

(B) to take the counternarcotics measures set forth in section 489(a)(1).

(d) INTERNATIONAL COUNTERNARCOTICS AGREEMENT DEFINED.—In this section, the term "international counternarcotics agreement" means—

(1) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(2) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—

(A) the production, distribution, and interdiction of illicit drugs,

(B) demand reduction,

(C) the activities of criminal organizations,

(D) international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence),

(E) the extradition of nationals and individuals involved in drug-related criminal activity,

(F) the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity,

(G) border security,

(H) money laundering,

(I) illicit firearms trafficking,

(J) corruption,

(K) control of precursor chemicals,

(L) asset forfeiture, and

(M) related training and technical assistance;

and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues; and

(e) Section 490 (b)–(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) shall not apply during FY 2002 with respect to any country in the Western Hemisphere identified in subsection (a) of this section.

(f) STATUTORY CONSTRUCTION.—Nothing in this section supersedes or modifies the requirement in section 489(a) of the Foreign Assistance Act of 1961 (with respect to the International Control Strategy Report) for the transmittal of a report not later than March 1 of 2002 under that section.

(g) SENSE OF CONGRESS ON ENHANCED INTERNATIONAL NARCOTICS CONTROL.—

It is the sense of Congress that—

(1) many governments are extremely concerned by the national security threat posed by illicit drug production, distribution, and consumption, and crimes related thereto, particularly those in the Western Hemisphere;

(2) an enhanced multilateral strategy should be developed among drug producing, transit, and consuming nations designed to improve cooperation with respect to the investigation and prosecution of drug related crimes, and to make available information on effective drug education and drug treatment;

(3) the United States should at the earliest feasible date convene a conference of representatives of major illicit drug producing countries, major drug transit countries, and major money laundering countries to present and review country by country drug reduction and prevention strategies relevant to the specific circumstances of each country, and agree to a program and timetable for implementation of such strategies; and

(4) not later than one year after the date of the enactment of this Act, the President should transmit to Congress any legislation necessary to implement a proposed multilateral strategy to achieve the goals referred to in paragraph (2), including any amendments to existing law that may be required to implement that strategy.

Mr. DODD. Madam President, on behalf of Senator HUTCHISON and myself—and I ask my colleague from Texas to make the comments she wants to make—this amendment for 1 year would impose a moratorium on the drug certification process only for the Western Hemisphere. Interested colleagues—Senator FEINSTEIN, Senator GRASSLEY, and Senator HELMS—have all indicated they support this amendment. Those are the Members who have the most interest particularly with regard to the larger proposal.

We believe this is a very important message to be sending. We know our colleagues have a deep interest in it. The administration supports this amendment, and we urge its adoption.

As my colleagues know, the issue of how to construct and implement an effective international counternarcotics policy has been the subject of much debate in Congress over the years. Earlier this year, I introduced legislation with the goal of seeing if there is some way to end what has become a stale debate that has not brought us any closer to mounting a credible effort to eliminate or contain the international drug mafia.

Thanks to the chairman and ranking member of the Foreign Relations Committee we were able to develop an effective alternative to the current certification process, and that bill was reported out of the committee unanimously.

We all know that, by and large, the drug cooperation issue has been focused on our relations with Mexico. We know as well that it is a new day in United States-Mexico relations. President Fox has been enormously supportive of the U.S. across the board. He wants very much to work cooperatively with the United States in fighting drugs and believes that the certification process could get in the way of that effort. It is important that we make a change in that process as quickly as possible.

It is not likely that we will get to the free-standing bill this year and therefore I have decided to offer the substance of this bill today with slight changes to conform to the appropriations requirements.

First the current certification process will be altered for only fiscal year 2002, consistent with the scope of this bill. Second, it will be limited to countries in the Western Hemisphere. Other than those modest changes the thrust of the amendment is virtually identical to the committee bill.

We can all agree that drugs are a problem—a big problem. We also can agree that the international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law throughout the world, and most specifically, in our hemisphere.

While the international effects of the drug trade are important, what concerns me the most personally is the effect of the drug trade here at home.

Last year, Americans spent more than $60 billion to purchase illegal drugs. Nearly 15 million Americans over the age of 12 use illegal drugs, including 1.5 million cocaine users, 208,000 heroin addicts, and more than 11 million smokers of marijuana. And, the menace of drug abuse is not confined to just the inner cities and the poor. Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

The human and economic costs of illegal drug consumption by Americans are enormous. More than 16,000 people die annually as a result of drug induced deaths. Drug related illness, death, and crime cost the United States over $100 billion annually, including costs for lost productivity, premature death, and incarceration.

The drug trade is extremely lucrative, generating estimated revenues of $400 billion annually. The United States has spent more than $30 billion in foreign interdiction and source country counternarcotics measures since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, foreign drugs are cheaper and more plentiful in the United States today than two decades ago.

I believe, and I hope that the Senate agrees, that for a variety of reasons the time is right to give the incoming Bush administration some flexibility with respect to the annual certification process, so that it can determine whether this is the best mechanism for producing the kind of international cooperation and partnership that is needed to contain this transnational menace.

I believe that government leaders, particularly in this hemisphere, have come to recognize that illegal drug production and consumption are increasingly threats to political stability within their national borders. Clearly President Pastrana of Colombia has acknowledged that fact and has sought to work very closely with the United States in implementing Plan Colombia. Similarly, President Vicente Fox of Mexico has made international counternarcotics cooperation a high priority since assuming office last December. These leaders also feel strongly, however, that unilateral efforts by the United States to grade their governments' performance in this area is a major irritant in the bilateral relationship and counterproductive to their efforts to instill a cooperative spirit in their own bureaucracies.

The legislation I introduced recognizes that illicit drug production, distribution and consumption are national security threats to many governments around the globe, and especially many of those in our own hemisphere, including Mexico, Columbia, and other countries in the Andean region. It urges the administration to develop an enhanced multilateral strategy for addressing these threats from both the supply and demand side of the equation. It also recommends that the President submit any legislative changes to existing law which he deems necessary in order to implement this international program within 1 year from the enactment of this legislation.

In order to create the kind of international cooperation and mutual respect that must be present if the Bush administration's effort is to produce results, the bill would also suspend the annual drug certification procedure for a period of 3 years, while efforts are ongoing to develop and implement this enhanced multilateral strategy. I believe it is fair to say that while the certification procedure may have had merit when it was enacted into law in 1986, it has now become a hurdle to furthering bilateral and multilateral cooperation with other governments, particularly those in our own hemisphere such as Mexico and Colombia—governments whose cooperation is critical if we are to succeed in stemming the flow of drugs across the borders.

Let me make clear, however, that while we would not be "grading" other governments on whether they have "cooperated fully" during the 3-year "suspension" period, the detailed reporting requirements currently required by law concerning what each government has done to cooperate in the areas of eradication, extradition, asset seizure, money laundering and demand reduction during the previous calendar year will remain in force. We will be fully informed as to whether governments are falling short of their national and international obligations. The annual determination as to which countries are major producers or transit sources of illegal drugs will also continue to be required by law. The President is also mandated to withhold U.S. assistance from any country that has been deemed to have failed to meet its international obligations with respect to counter narcotics matters, although he may waive that mandate if he deems it will serve U.S. interests.

I believe that we need to reach out to other governments who share our concerns about the threat that drugs pose to the fabric of their societies and our own. It is arrogant to assume we are the only nation that cares about such matters. We need to sit down and figure out what each of us can do better to make it harder for drug traffickers to ply their trade. Together, working collectively, we can defeat the traffickers. But if we expend our energies playing the blame game, we are certainly not going to effectively address their threat. We are not going to stop one additional teenager from becoming hooked on drugs, or one more citizen from being mugged outside his home by some drug crazed thief.

During the Clinton administration, Barry McCaffrey, the Director of the Office of National Drug Control Policy did a fine job in attempting to forge more cooperative relations with Colombia, Mexico, and other countries in our own hemisphere. The OAS has also done some important work over the last several years in putting in place an institutional framework for dealing with the complexities of compiling national statistics so that we can better understand what needs to be done. The United Nations, through its Office for Drug Control and Crime Prevention has also made some important contributions in furthering international cooperation in this area. However, still more needs to be done. I believe my legislation will build upon that progress.

It is my hope that a change in the certification process coupled with new administrations in the United States and Mexico provide a window of opportunity for the United States working with Mexico to spearhead international efforts to find better and more effective ways for multilateral cooperation.

That is why I hope my colleagues will support this bill.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, this is something we must do. We have been working with Mexico on the drug issue for a long time, and we want to put forward a comprehensive program that will be a sharing of responsibility. We will do that, but at this time we do not want the deadline to come on us and not be able to certify Mexico.

We are working with Colombia. They are trying very hard to rid themselves of their drug problem. We want to help them, not hurt them.

I thank the Senator from Connecticut for taking the lead on this issue. I yield the floor.

Mr. DODD. Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1959.

The amendment (No. 1959) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I believe we are almost done. Just so people will know, I am about to propound a unanimous consent request regarding a Hutchison amendment on tuberculosis, a Bingaman amendment on Central America drought relief, a Leahy AIDS and malaria funding amendment, a Stabenow amendment on the victims of terrorism, a Landrieu amendment on child soldiers, and a McConnell technical amendment.

AMENDMENTS NOS. 1960 THROUGH 1965, EN BLOC

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order to bring forward an amendment by Senator HUTCHISON of Texas, Senator BINGAMAN of New Mexico, Senator LEAHY of Vermont, Senator STABENOW of Michigan, Senator SANTORUM of Pennsylvania, Senator THOMPSON of Tennessee, Senator LANDRIEU of Louisiana, and Senator MCCONNELL of Kentucky, and that they be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. MCCONNELL, for themselves and others, proposes amendments numbered 1960 through 1965, en bloc.

The amendments are as follows:

AMENDMENT NO. 1960

On page 120, line 3, strike "$1,455,500,000" and insert in lieu thereof: "$1,465,500,000".

On page 121, line 6, after "diseases" insert the following: ",of which not less than $65,000,000 should be made available for the prevention, treatment, and control of, and research on, tuberculosis".

On page 142, line 17, strike "$567,000,000" and insert in lieu thereof: "$557,000,000".

AMENDMENT NO. 1961

On page 142, line 17, strike "$567,000,000" and insert in lieu thereof: "$557,000,000".

On page 124, line 17, strike "$1,235,000,000" and insert in lieu thereof: "$1,245,000,000".

At the appropriate place in the bill, insert the following new section:

CENTRAL AMERICA DISASTER RELIEF

SEC. . Of the funds appropriated under the headings "International Disaster Assistance", "Development Assistance", and "Economic Support Fund", not less than $35,000,000 should be made available for relief and reconstruction assistance for victims of earthquakes and drought in El Salvador and elsewhere in Central America.

AMENDMENT NO. 1962

On page 116, line 23, delete "$753,323,000" and insert in lieu thereof: "$727,323,000".

On page 145, line 17, delete $326,500,000" and insert in lieu thereof: "$318,500,000".

On page 157, line 3, strike "CONTRIBUTION" and all that follows through the period on line 8.

On page 136, line 9, delete "$800,000,000" and insert in lieu thereof: "$795,500,000".

On page 128, line 13, delete "$255,000,000" and insert in lieu thereof: "$245,000,000".

On page 133, line 13, delete "$603,000,000" and insert in lieu thereof: "$615,000,000".

On page 121, line 5, delete "$175,000,000" and insert in lieu thereof "$185,000,000".

On page 121, line 6, after "diseases" insert: ", of which not less than $65,000,000 should be made available to combat malaria".

On page 159, line 13, delete "217,000,000" and insert in lieu thereof: "$218,000,000".

On page 160, line 1, delete "$39,000,000" and insert in lieu thereof: "$40,000,000".

On page 120, line 3, delete "$1,455,500,000" and insert in lieu thereof: "$1,500,500,000".

On page 120, line 24, delete "$415,000,000" and insert in lieu thereof: "$450,000,000".

On page 120, line 25, delete "$40,000,000" and insert in lieu thereof: "$90,000,000".

AMENDMENT NO. 1963

(Purpose: To make agreed technical amendments by the managers of the bill)

On page 232, between lines 23 and 24, insert the following:

PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

SEC. 581. The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

"(a) DEFINITION.—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

"(b) IDENTIFICATION OF PROJECTS.—

"(1) ESTIMATED NUMBER.—Not later than December 1, 2001, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

"(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

"(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

"(2) IDENTIFIED PROJECTS.—The Foundation shall identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation shall name each identified project in honor of a victim described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

(c) ELIGIBLE ENTITIES.—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, or a nonprofit organization (which may be a religious organization, such as a Christian, Jewish, or Muslim organization).

"(d) PROJECTS.—The Foundation shall name, under this section, projects—

"(1) that advance the goals of unity, and improving the quality of life in communities; and

"(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of this section, as determined by the Foundation.

"(e) WEBSITE AND DATABASE.—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects.".

AMENDMENT NO. 1964

(Purpose: To make available funds for services aimed at the reintegration of war-affected youth in East Asia)

On page 125, line 16, before the period at the end of the line insert the following: ": *Provided further*, That, of the funds appropriated under this heading or under 'Child Survival and Health Programs Fund', $5,000,000 should be made available for activities in South and Central Asia aimed at reintegrating 'child soldiers' and other war-affected youth".

AMENDMENT NO. 1965

On page 137, line 17 through page 138 line 11, strike all after "(e)" through "assistance".

HIV/AIDS

Mr. SANTORUM. Madam President, HIV/AIDS has become a world-wide pandemic. More than 16 million people have died of AIDS. The Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization, WHO, have estimated that over 32.4 million adults and 1.2 million children around the world are already living with HIV. Half of all people who acquire HIV become infected before they turn 25 and typically die of AIDS before their 35th birthday.

The overwhelming majority of people with HIV live in the developing world, and that proportion is likely to grow even further as infection rates continue to rise in countries where poverty, poor health systems, and limited resources for prevention and care fuel the spread of the virus.

Sub-Saharan Africa bears the brunt of HIV and AIDS, with close to 70 percent of the global total of HIV-positive people. Over 14 million Africans have already been claimed by the disease, leaving behind shattered families and crippled prospects for development. There have also been recent reports of growing problems in China, India, and elsewhere. Of course, the United States is not immune to this virus, and its spread globally only contributes to risks in America.

It is estimated that approximately 90 percent of people in sub-Saharan Africa do not know if they are HIV infected or not. They have no means of gaining this vital knowledge so that they can protect themselves and others. Thus, testing is a critical aspect of the effort to stop the further spread of HIV/AIDS. However, one must be careful that tests are appropriate to the regions where they are used.

In developing regions served by USAID, tests should be fast, accurate, simple, designed to assist those providing counseling, and have no need for labs or refrigeration. The importance of testing cannot be overstated. Early detection of HIV/AIDS might enable treatment to be more effective. We must do all we can to control and stop the spread of this dreaded virus, and I urge USAID to seek to develop rapid tests that serve this purpose.

Mr. McCONNELL. I thank the Senator from Pennsylvania for bringing up this important issue. I believe that USAID should be committed to furthering the cause of finding a suitable field test for HIV/AIDS. I would expect that of the funds appropriated to USAID, the Agency would evaluate potential tests for deployment in sub-Saharan Africa.

Mr. LEAHY. I also thank the Senator from Pennsylvania, and agree with him on the importance of testing as an important part of the effort to stop the spread of HIV and AIDS. The bill under consideration includes $375 million for U.S. Agency for International Development programs to combat HIV/AIDS. It is my belief that a portion of these funds should be committed to the development of rapid tests.

HACIA LA SEGURIDAD

Mr. THOMPSON. Madam President, I have a question for Senator McCONNELL, distinguished ranking member of the Foreign Operations Appropriations Subcommittee, regarding an important rule of law project currently underway in the Andean region. The project is the Hacia la Seguridad project located in Quito, Ecuador.

Mr. McCONNELL. I will be pleased to answer the Senator's question.

Mr. THOMPSON. The mission of the Hacia la Seguridad project is to increase transparency throughout Ecuador's legal system as a means of promoting bureaucratic and judicial accountability, effective governance and law enforcement, and improved access to justice. The project specifically focuses on the identification and elimination of invalid regulations and statutes, the design of modern legal codes, judicial monitoring, and public education and support for rule of law reform. It is my understanding that the Senator supports this project and that it is the intention of the committee that it receive support from USAID.

Mr. McCONNELL. That is correct. The project advances the goals set forth in the International Anti-Corruption and Good Governance Act of 2000 and helps promote stability and democracy in the Andean region generally. It is the committee's intent that this project receive ESF funding in fiscal year 2002.

Mr. THOMPSON. I thank the Senator for his clarifying statement and ask that the committee seek Statement of Manager's language directing USAID to fund the project.

Mr. McCONNELL. I will be happy to work with the conferees to try to develop Statement of Manager's language advising USAID of this project and its importance.

Mr. THOMPSON. I thank the Senator for his comments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1960 through 1965) were agreed to, en bloc.

Mr. LEAHY. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Madam President, there is one more amendment which we expect will be agreed to by voice vote. We have been working on it all day. It is about to miraculously appear from back in the Cloakroom. It is related to the Armenia-Azerbaijan dispute.

I say to my colleagues, we will be able to agree to that shortly, we believe on a voice vote.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1921

Mr. BROWNBACK. Madam President, I call up amendment No. 1921.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1921.

Mr. BROWNBACK. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1921

(Purpose: To authorize the President to waive the restriction of assistance for Azerbaijan if the President determines that it is in the national security interest of the United States to do so)

On page 232, between lines 23 and 24, insert the following:

WAIVER OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN.

SEC. 581. Section 907 of the FREEDOM Support Act (Public Law 102–511; 22 U.S.C. 5812 note) is amended—

(1) by striking "United States" and inserting "(a) RESTRICTION.—United States"; and

(2) by adding at the end the following:

"(b) WAIVER.—The President is authorized to waive the restriction in subsection (a) if the President determines that it is in the national security interest of the United States to do so.".

AMENDMENT NO. 1966 TO AMENDMENT NO. 1921

Mr. McCONNELL. Madam President, I send a second-degree amendment to the Brownback amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1966 to amendment No. 1921.

Mr. McCONNELL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT TO NO. 1966 TO AMENDMENT NO. 1921

Strike all after the word Sec. and add the following:

Section 907 of the FREEDOM Support Act shall not apply to—

(A) activities to support democracy or assistance under Title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or nonproliferation assistance;

(B) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(C) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(D) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of Chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(E) any financing provided under the Export-Import Bank Act of 1945; or

(F) humanitarian assistance.

(2) The President may waive section 907 of the FREEDOM Support Act if he determines and certifies to the Committees on Appropriations that to do so:

(A) is necessary to support United States efforts to counter terrorism; or

(B) is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter terrorism; or

(C) is important to Azerbaijan's border security; and

(D) will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

(3) The authority of paragraph (2) may only be exercised through December 31, 2002.

(4) The President may extend the waiver authority provided in paragraph (2) on an annual basis on or after December 31, 2002 if he determines and certifies to the Committees on Appropriations in accordance with the provisions of paragraph (2).

(5) The Committees on Appropriations shall be consulted prior to the provisions of any assistance made available pursuant to paragraph (2).

(6) Within 60 days of any exercise of the authority under Section (2), the President shall send a report to the appropriate Congressional committees specifying in detail the following:

(A) The nature and quantity of all training and assistance provided to the government of Azerbaijan pursuant to Section (2);

(B) the status of the military balance between Azerbaijan and Armenia and the impact of U.S. assistance on that balance; and

(C) the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of U.S. assistance on those negotiations.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I want to speak in favor of the amendment put forward by my colleague from Kentucky. As he mentioned, this is a contentious, difficult issue on which people have been working all day. We have gotten to an agreement of what we think can work.

Basically, the issue is trying to prosecute the war on terrorism. I think we have been able to work some issues out to be able to get that done. I am very appreciative of all my colleagues, particularly the Senator from Kentucky, Mr. McCONNELL, and the Senator from Maryland, Mr. SARBANES, and a number of other people for working aggressively on it.

I ask unanimous consent to have printed in the RECORD a letter of support on this issue from the Secretary of State, Colin Powell, and ask it be printed in the RECORD along with a letter from three former National Security Advisers to Senator DASCHLE and Senator LOTT in support of this amendment we are putting forward.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, October 15, 2001.

Hon. JESSE A. HELMS,
Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR HELMS: The President has asked me to request your support for providing legislative authority that would allow assistance to the Republic of Azerbaijan. Azerbaijan has joined the coalition to combat terrorism and has granted the United States overflight rights, the use of its air bases, and has provided critical intelligence cooperation. Section 907 of the Freedom Support Act of 1992, however, severely constrains our ability to provide most support to the Government of Azerbaijan including assistance needed to support our operations in the ongoing war against terrorism.

In addition to purely military matters, no less urgent is our need to engage and assist Azerbaijan's intelligence and law enforcement agencies. It is also imperative that we assist and work with Azerbaijan's financial authorities to track and disrupt assets of the terror network. The campaign's evolution will probably bring other requirements to the fore that we will need flexibility to address.

I request your assistance in passing legislation that would provide a national security interest waiver from the restrictions of section 907. Removal of these restrictions will allow the United States to provide necessary military assistance that will enable Azerbaijan to counter terrorist organizations and elements operating within its borders. This type of assistance is a critical element of the United States fight against global terrorism.

Sincerely,

COLIN L. POWELL.

OCTOBER 17, 2001.

Hon. TOM DASCHLE,
Majority Leader,
U.S. Senate.
Hon. TRENT LOTT,
Minority Leader,
U.S. Senate.

DEAR SENATOR DASCHLE AND SENATOR LOTT: Now that the United States has been compelled to undertake a comprehensive world war against terrorism, it is imperative that we ensure that our President benefits from the diplomatic flexibility and military capacities necessary to succeed decisively in this war.

The first front of this war is the Caucasus and Central Asia. Fostering and solidifying enduring partnerships with the countries of this region is a strategic and operational imperative.

For this reason, we urge you to support the repeal of an archaic sanction against Azerbaijan, a country whose cooperation will be no less vital than any of its neighbors. Azerbaijan was among the first countries to condemn the September 11th attacks. It has offered the United States military overflight rights and the use of its military bases in this war against terrorism.

However, Section 907 of the Freedom Support Act prohibits the United States from benefitting from this offer. Unless Section 907 is repealed, our military will not be able to cooperate with Azerbaijan's security forces to create capacities that will increase not only our ability to strike against terrorist targets, but also our ability to provide much needed security and logistical support to U.S. forces operating in that region.

There is not a doubt that Azerbaijan is ready and willing to be a full ally in the war against terrorism. Ironically, it is not Azerbaijan's will, but an archaic legislative provision that precludes the United States from accepting Baku's hand of partnership. This is not only a diplomatic loss, it is strike against our men and women in uniform now conducting a military offensive in Afghanistan against Al Qaeda and the Taliban.

For these strategic and operational reasons, we urge you to support the repeal of Section 907. Doing so will help to maximize America's ability to wage the war on terrorism.

Respectfully,

ZBIGNIEW BRZEZINSKI.
BRENT SCOWCROFT.
ANTHONY LAKE.

Mr. BROWNBACK. I don't know if there is further need for us to debate on this amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I thank the distinguished Senator from Kansas for his tenacity in advocating his point of view. He and I and the Senator from Maryland have had some great debates on the issue of section 907 of the Freedom of Support Act in previous Congresses, but I do believe we have been able to work out an approach that both allows the administration to engage with these areas in a way that facilitates the fighting of the war and also preserves section 907 to be dealt with at a later date when the final settlement comes between Armenia and Azerbaijan, which will obviously happen on another day. I think this is a compromise that is worthwhile, and I am happy to support it.

I yield the floor. I see Senator KERRY here, the original author of section 907.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I will be very brief. I thank Senator SARBANES for his strong commitment to trying to balance this properly and for his tenacity through the course of the day. His leadership has been really superb in helping to try to balance the interests.

I thank Senator BROWNBACK for understanding what we have been trying to achieve. As the original author of 907, obviously I am sensitive to the change. But I completely understand the circumstances in which we find ourselves. These are changed circumstances. We need to respond, and we need to respond thoughtfully.

My hope is that the amendment we have put in that was just adopted a moment ago, which Senator McCONNELL sponsored on our behalf, adequately sets forth the balance we are trying to strike so the long-term interests of peace and of the peaceful negotiations, bringing people to the table representing all parties' interests, will be respected.

I hope we have achieved that. Obviously, there is more to play out. We will watch this very closely as we go forward.

I thank Senator McCONNELL for his efforts today, and Senator SARBANES. Hopefully, the balance we have tried to achieve has been achieved.

I thank the Chair.

Mr. McCONNELL. Madam President, I am confident if the dispute between Azerbaijan and Armenia is not settled on some other day that the Senator from Maryland and the Senator from Massachusetts and I will be allies in this fight on another day. I think for today we have worked out a compromise which is acceptable to the administration and which is acceptable to Senator BROWNBACK and is the best we can achieve at the moment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I thank my colleague from Massachusetts.

There is not a settlement of a longstanding dispute between Armenia and

Azerbaijan. It is really an attempt for us to be able to work to deal with terrorism and work with the country we need to work with in this case; that is, Azerbaijan.

The language is being drafted very carefully so that we can work in our best interests in the United States fighting terrorism with the assistance of being able to land planes and to house planes, and personnel being treated in hospitals in Azerbaijan, should we need to. Indeed, some of that is taking place now. We have tried carefully to pull that together without touching the issue of peace talks which need to proceed. I hope we can get a final settlement of that sometime soon.

Do we have time for a vote? If not, we don't need a recorded vote but a voice, I hope.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the second degree, No. 1966.

The amendment (No. 1966) was agreed to.

Mr. McCONNELL. Madam President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the first degree, as amended, No. 1921.

The amendment (No. 1921), as amended, was agreed to.

Mr. BROWNBACK. Madam President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1967

Mr. McCONNELL. Madam President, I have one final amendment related to the United States-Armenia relationship that would provide some assistance for Armenia. It has been approved on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1967.

Mr. McCONNELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 152 line 10, after the word "Appropriations" and before the period insert the following: ":*Provided further*, That of the funds appropriated by this paragraph, not less than $600,000 shall be made available for assistance for Armenia"

On page 153 line 7, after the colon insert the following: "*Provided further*, That of the funds appropriated by this paragraph, not less than $4,000,000 shall be made available for assistance for Armenia".

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

The amendment (No. 1967) was agreed to.

Mr. McCONNELL. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1968

Mr. LEAHY. Madam President, we have another amendment on behalf of the Senator from Oregon, Mr. SMITH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. SMITH of Oregon, proposes an amendment numbered 1968.

Mr. LEAHY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . FEDERAL INVESTIGATION ENHANCEMENT ACT OF 2001.

(a) SHORT TITLE.—This section may be cited as the "Federal Investigation Enhancement Act of 2001."

(b) UNDERCOVER INVESTIGATIVE PRACTICES CONDUCTED BY FEDERAL ATTORNEYS.—Section 530 B (a) of title 28, United States Code, is amended by inserting after the first sentence, "Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting undercover activities, and any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings may participate in such activities, even though such activities may require the use of deceit or misrepresentation, where such activities are consistent with Federal law.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1968) was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote.

GLOBAL ENVIRONMENT FACILITY

Mr. KERRY. Madam President, I would like to address the chairman of the Subcommittee on Foreign Operations on the subject of the Global Environment Facility, an organization which for a number of reasons is vital to the restoration and preservation of our earth's environment. The GEF channels funding from over 30 nations to help developing countries confront the problems within their borders which affect the global environment. Traditionally, GEF's focus has been on global warming, biodiversity, international waters, and the ozone layer.

Recently, the GEF was given a critical new assignment. It is now the funding mechanism to implement the new international conservation on persistent organic pollutants, or POPS, which was signed by the United States and other nations in June. Though long banned in the U.S., these toxic chemicals continue to be used in the developing world. They travel on air and water currents and work their way up the food chain into humans, particularly native populations in northern latitudes like Alaska. As the funding mechanism for the POPS convention, GEF will have a critical role in phasing out their use.

I greatly appreciate the efforts of the subcommittee chairman to provide slightly more than the President's request for the GEF this year. However, I had been hopeful that the Congress would be able to provide not only the budget request, but significantly more to pay off existing arrears. In June I joined Senators CHAFEE, BIDEN, BINGAMAN, COLLINS, JEFFORDS, LIEBERMAN, LUGAR, MURRAY, and SNOWE in writing to the subcommittee leadership urging the payment of a substantial amount of our arrears.

Mr. LEAHY. I appreciate the support of the Senator from Massachusetts for our proposed increase over the President's budget request for the GEF. I agree that this is a vital organization. GEF's work gets at many of the international environmental problems which simply cannot be fixed by the U.S. or any nation acting alone, such as global warming.

Poor nations which struggle to feed and clothe their people simply do not have the resources to devote to global environmental problems. Yet if we do not have a unified global approach to these problems, we have little hope of addressing them effectively. The GEF funds worthy projects in 160 countries.

Unfortunately, the United States has lagged behind in meeting our obligations to the GEF. Since 1994, twice the U.S. has pledged $107.5 million a year to GEF. We are now in the final year of the second replenishment, and our total arrears stand at $203.9 million. Our recommended appropriation this year will make only a small dent in that figure, but at least will not add to them.

Mr. KERRY. I have been a part of international environmental discussions for a decade, and attended talks not only in Kyoto but also in Rio de Janeiro, Buenos Aires and The Hague. During this time, I have watched tensions grow between the developed and developing world, which increasingly views Western efforts to convince them to adopt strict environmental standards as an effort to hold them down economically. This concern is an important factor in the dispute over a new round of world trade negotiations. Cooperative efforts between developed nations and the developing world through organizations like the Global Environmental Facility can bridge this distrust.

Mr. LEAHY. I agree with the Senator. I am pleased that the Senate is recommending a considerably higher appropriation than the House for the GEF, and I intend to work diligently to persuade the House to agree to our GEF number in conference. We must get back on track and pay our arrears to the GEF.

Mr. KERRY. I thank the Chairman. This year's appropriations debate coincides with new discussions among GEF members for a new replenishment, one which must for the first time accommodate the new responsibility for implementing POPS. Hence it's critical that the U.S. send a strong statement that we remain committed to meeting our obligations to the GEF.

AMERICAN COMPANIES DOING BUSINESS IN COLOMBIA

Mr. LEAHY. Madam President, we often hear from American companies whose investments in developing countries have gone sour. That is the risk of doing business, and nobody disputes that. But international arbitration was created in order to mitigate the risks of overseas investments and to avoid depending on shaky legal institutions in those countries. Arbitration has been one of the principal building blocks to the extraordinary growth in international trade. It has brought investments to countries which would have otherwise been considered too risky because it gives investors and sovereign nations an agreed-upon mechanism to resolve disputes. Key to its success is the agreement by all parties that arbitration can only work if it is binding.

It recently came to Senator McCONNELL'S and my attention that at least two American companies, Sithe and Nortel, have participated in binding arbitration to resolve disputes with the Colombian Government. According to information we have received, Sithe and perhaps Nortel, we are told, companies from Mexico and Germany, have won awards through binding arbitration, only to have the Colombian Government renege on its commitment to honor the arbitration decision.

We have not had an opportunity to discuss these matters with the Colombian Government, but if our information is correct, that American companies have agreed to binding arbitration and prevailed, only to have the Colombian Government refuse to pay, that is unacceptable. We want to help Colombia's economy develop in an environment where the rule of law is respected. This is crucial to Colombia's future. If Colombia flaunts the rules of the private market, it will have increasing difficulty attracting private investment because it cannot be trusted.

Representatives of these companies have urged us to withhold a portion of U.S. assistance to Colombia until the Colombian Government fulfills its legal obligations to these companies. We considered offering such an amendment, because of the importance we give to the fair treatment of American companies, respect for the rule of law, and the international arbitration process. I ask unanimous consent that a copy of our proposed amendment be printed in the RECORD at the conclusion of my remarks.

We decided not to offer the amendment, because of the precedent it could set. But we want to emphasize that respecting binding, internationally, sanctioned arbitration is essential to the investment that will ultimately be the engine for Colombia's economic development. No amount of foreign assistance can do that. The pattern of Colombia's apparent abuse of the international arbitration process is very disturbing, and by conveying our concern about it we mean to strongly encourage the Colombian Government to act expeditiously to resolve these matters.

I know that both Senator McCONNELL and I will be following this issue closely, and discussing it with the Colombian Ambassador, the American Ambassador to Colombia, and the Department of State, in the coming months.

Mr. McCONNELL. Let me just add a word or two to Senator LEAHY'S comments. Few would disagree that Colombia's long term political and economic development resides in its ability to forge a lasting peace, establish the rule of law, and attract foreign investment. No service is done to the nation or the people of Colombia when the Colombian government refuses to recognize the legitimacy of an arbitration award to international businesses. The leadership in Bogota should understand that such action further erodes confidence in the overall investment climate in Colombia within the international business community—and in foreign capitals. It is my hope that the Colombian government takes note of the amendment Senator LEAHY and I contemplated offering and initiates corrective action in the very near future.

Mr. VOINOVICH. Madam President, as the Senate considers the Foreign Operations Appropriations bill for fiscal year 2002, I would like to take this opportunity to discuss discrepancies between the House and Senate versions regarding funding for the Federal Republic of Yugoslavia (FRY).

I have strong reservations about certain language included by the House Appropriations Committee in its report accompanying H.R. 2506. In its report, the House Committee recommends $145 million in funding for the FRY, of which $60 million is to be provided to Montenegro. I support at least $145 million for the FRY, which is the amount requested by the President. However, if the House funding level stands for Montenegro, with a population of just 600,000 people, which is one-thirteenth the size of Serbia, it would receive more than 40 percent of the total assistance package for the FRY.

I do not believe Montenegro could constructively absorb this much assistance, and I am concerned about the impact such a division of assistance for the FRY would have on U.S. assistance to Serbia. In my conversations with State Department officials, they also expressed strong reservations about providing $60 million to Montenegro, as they believe it is more than Montenegro can effectively absorb. The State Department believes Montenegro should not receive more than the $45 million recommended by the Senate, and in fact, they believe that $35–40 million would be an appropriate amount.

Given disturbing reports of official corruption that have surfaced regarding illicit activity in Montenegro, it is particularly important that we are able to fully account for the expenditure of U.S. assistance there. Moreover, if the House recommendation of $60 million prevails, U.S. assistance for the Republic of Serbia could fall to $85 million, which is significantly below the $100 million we provided to Serbia in fiscal year 2001.

As my colleagues are aware, significant changes have taken place in the Federal Republic of Yugoslavia during the past twelve months. On Friday October 5, 2001, marked the one-year anniversary of the fall of the Milosevic regime and the beginning of a new, democratic government. Since then, the new leaders have made significant strides in implementing political and economic reforms. While there is still much work to be done, it is critical that we recognize the important progress that has been made in the past year. A cut in funding for Serbia would send precisely the wrong message. We want to support the Serb reformers, who took the courageous step of arresting and transferring Slobodan Milosevic to The Hague. We want to encourage their continued cooperation with the War Crimes Tribunal, as well as other democratic reforms and respect for the rule of law.

When the conference committee meets to reconcile the House and Senate versions of the foreign operations bill for fiscal year 2002, I urge the Senate conferees to support the funding levels for Serbia and Montenegro that are recommended in the Senate bill.

I would appreciate knowing if the chairman and ranking member of the Foreign Operations Subcommittee agree with me about this.

Mr. HELMS. Madam President, for far too long, corruption has been allowed to run rampant in Southeastern Europe. Recent events have highlighted the citizens of Montenegro as being among the most beleaguered by the corruption of its government.

Montenegro is the beneficiary of a proud, freedom loving people courageously standing against the tyranny of Slobodan Milosevic. However, they have not been well served by their government, whose actions have undercut United States assistance to Montenegro.

For example, the President of Montenegro purchases two luxury aircrafts, during the Kosovo Crisis! Costing 26 to 30 million dollars or more, one plane was a Lear Jet, and the other a Cessna Citation X. President Djukanovic has been flown in these planes at the very same time the taxpayers of the United States were making emergency cash payments to help the Montenegrin Government pay its pensions and energy bills.

The $26 million spent on aircraft would have averted electricity power shortages in Montenegro. These purchases, by the way, were not reported to the United States Government, the Montenegrin Parliament which is now investigating this matter, or, the citizens of Montenegro.

It is now clear that the Government of Montenegro was keeping two budgets: one facilitated the flow of international assistance; the second apparently served the personal interests of senior government officials.

Since actions speak louder than words, it is obvious that a premium was placed on personal comfort of senior officials over legal reforms essential to rebuilding the Montengrin economy.

Last year the United States earmarked $89 million in foreign assistance for fiscal year 2001 for Montenegro; plans are to dedicate about half that much in fiscal year 2002.

Let me be clear, United States assistance must never be permitted to be a free ride for such officials. The citizens of Montenegro fought Milosevic to the very end. Now develops that, during that time, they, and the United States, were cheated by the government in Podgorica.

The people deserve a responsible governing body that puts foreign assistance into its economy not the pockets of corrupt officials. The United States deserves assurance that United States assistance dollars are used for their intended purpose.

Not one red cent should go to the government of Montenegro unless and until these planes have been fully accounted for—and sold. In addition, United States assistance to the Montenegrin government should be firmly conditioned upon tangible progress toward rooting out corruption and reintroducing the rule of law.

The people of Montenegro deserve far better than they have received from their government and their President Djukanovic.

Mr. McCONNELL. I thank my friends from Ohio and North Carolina for bringing to the attention of the Senate the important issue of assistance to Serbia and Montenegro. The short answer to Senator VOINOVICH's inquiry is that Senator LEAHY and I strongly support the funding levels for Serbia and Montenegro that are recommended by the Senate Appropriations Committee, and that will be our position in the Conference.

Those of us who closely follow developments in the Balkans appreciate the many challenges that reformers in Serbia and Montenegro face each day, and we note the progress that has been made in the past year alone. As Senators VOINOVICH and HELMS have stated, many challenges lie ahead, including the need to address the troubling and complex issues of corruption and legal reform. I think we all agree that America must be clear in our support of these reform efforts. Senator LEAHY and I believe that the carefully drafted provisions in our bill, and the funding levels we recommend, do just that.

Mr. LEAHY. I thank my friends for their comments. This is an issue of great importance to the Senate. In crafting this bill, Senator McCONNELL and I had three principal objectives with respect to the FRY. First, we want to send a message to Serb reformers that we strongly support their efforts. We recommend $115 million for Serbia in fiscal year 2002, a $15 million increase in United States assistance above last year. We have also provided authority for debt relief for Serbia. We were told by Serb finance officials and our Treasury Department that this is a top priority if Serbia is to attract new foreign investment, which is the key to Serbia's future economic development.

Second, we want to make clear that we expect to see continued cooperation with the War Crimes Tribunal and respect for the rule of law. While we fully appreciate the courage of Serb officials in arresting and transferring Milosevic to The Hague in April, since then we have seen little in the way of cooperation with the Tribunal. We are also disappointed that political prisoners continue to languish in Serb jails, even though Serb officials have acknowledged that they should be released. We therefore include language similar to last year, that links our assistance to continued progress in these areas.

Finally, with respect to Montenegro, we want to provide sufficient assistance to convey our strong support for Montenegro, and at the same time ensure a proper balance within the $115 million available for the FRY. Montenegro is making impressive strides in reforming its economy, and we should support that. The reports of corruption are disturbing, and we need to ensure that our assistance is not misused. Unfortunately, corruption is a regionwide phenomenon, and we have emphasized to USAID and the State Department that combating corruption should be a key component of our assistance relationship. Corruption corrodes democracy, and the new leaders of Montenegro and Serbia, and indeed throughout the former Yugoslavia, will pay a heavy price in the long run if they ignore it.

Mr. CONRAD. Madam President, I rise to offer for the RECORD the Budget Committee's official scoring for H.R. 2506, the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2002.

The Senate bill provides $15.524 billion in discretionary budget authority, which will result in new outlays in 2002 of $5.580 billion. When outlays from prior-year budget authority are taken into account, discretionary, outlays for the Senate bill total $15.149 billion in 2002. The Senate bill is at its Section 302(b) allocation for both budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

We have begun the 2002 fiscal year without the Congress completing a single appropriations bill. While extraordinary events have contributed greatly to this late start, it is time that the Congress complete its work. Earlier this month, the President reached agreement with Senate and House appropriators on a revised budget for 2002. The Congress must now expeditiously provide funding that complies with that bipartisan agreement.

I ask for unanimous consent that a table diplaying the budget committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATION ACT, 2002, SPENDING COMPARISONS—SENATE REPORTED BILL

[In millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	15,524	45	15,569
Outlays	15,149	45	15,194
Senate 302(b) allocation:[1]			
Budget Authority	15,524	45	15,569
Outlays	15,149	45	15,194
House-passed:			
Budget Authority	15,167	45	15,212
Outlays	15,080	45	15,125
President's request:			
Budget Authority	15,169	45	15,214
Outlays	15,081	45	15,126
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:[1]			
Budget Authority	0	0	0
Outlays	0	0	0
House-passed:			
Budget Authority	357	0	357
Outlays	69	0	69
President's request:			
Budget Authority	355	0	355
Outlays	68	0	68

[1] For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. LEAHY. Madam President, I want to take a moment to speak briefly about two interconnected issues—

the destruction of the world's few remaining tropical forests, and the pressures of population growth, poverty, and development that is causing it.

The world's few remaining tropical forests, which are located in Indonesia, Central Africa, and parts of South America, are being cut down at a staggering rate. Whether it is local farmers scratching out a living by slash and burn agriculture, or multinational timber or mining companies, experts predict that these irreplaceable ecosystems will be completely gone in 15 to 20 years.

The forests are not just trees. They are the habitat for the majority of the Earth's endangered species, from great apes to insects, many of which we have yet to identify. They are also the source of many of the life-saving drugs that are sold in America's pharmacies today, and who knows how many future cures wait to be discovered from rainforest plants.

They are home to the few remaining groups of indigenous people who continue to live in much the same way as they have for centuries, threatening no one.

Development is widely regarded as synonymous with progress. That is why the United States Agency for International Development has its name. But it would be unforgivable if a decade or two from now the few remaining virgin tropical forests were gone. It is not simply a matter of planting new trees. They are a complex web of species.

There are many private homes in Washington, DC that are worth more than what it would cost to protect hundreds of thousands of acres of virgin rainforest in some African countries. Yet we have difficulty finding a few million dollars to do that.

Even worse, the United States is a major consumer of timber stolen from the forests of Indonesia, Africa and South America. According to a recent report, the U.S. imported over $300 million in illegal timber from Indonesia alone last year.

The international trade in illegal timber is out of control. It is rampant. It is accelerating, and it is driven by greed, an insatiable demand, corruption, and the lack of effective strategies and resources to address it. This bill contains funds to increase our efforts, but I would be the first to say is not enough.

There are two ways to protect these forests, and both are essential. One is law enforcement. Many countries, like Indonesia and Brazil have environmental laws, but they are routinely violated, including by those who are responsible for enforcing them.

In Indonesia, the military is deeply involved in the illegal timber trade, and I encouraged the White House to discuss this with President Megawati when she was in Washington recently.

The same is true in Cambodia and the so-called "Democratic" Republic of the Congo. The military trades protection for illegal loggers in exchange for a slice of the profits. So cracking down on this corruption is essential.

What also must be done is to provide the people who live in the forests alternative sources of income and access to family planning to reduce population pressures on these fragile ecosystems.

As it is, they have no other way to survive except by cutting the trees for fuel or timber and killing the animals for bush meat, which has become a high priced delicacy.

Once the forests are gone, they will have to abandon their homes, joining the throngs of other impoverished people migrating to urban slums—without housing, without jobs, without health care, without hope.

On the other hand, if they are made to understand that the forest and the animals can be a continuing source of tourist income, then they become the protectors of the forests.

We want USAID to expand its support for organizations and individuals who have devoted their lives to protecting endangered species and the tropical forests where they live.

In some countries, like Brazil, some of the most courageous advocates for the environment have been murdered, presumably by the mining and timber interests.

There is still time to stop this, but only if we make it a priority. We have to, because ten years from now will be too late.

Mr. VOINOVICH. Madam President, as the Senate considers the Foreign Operations Appropriations Act for fiscal year 2002, I would like to take a few minutes to address U.S. assistance to the Federal Republic of Yugoslavia.

As many of my colleagues are aware, I have taken a strong interest in issues affecting Southeast Europe during my time in the Senate. I have made many trips to the region, most recently in December of 2000 with my friend from Pennsylvania Senator ARLEN SPECTER, and I continue to meet with the region's political, spiritual and community leaders both in the United States and during time abroad.

I have long recognized the destabilizing influence that men such as Slobodan Milosevic have had on the region and the broader European community. The international community witnessed the devastating influence of this so-called leader during years of violent conflict in the former Yugoslavia, and we continue to see evidence of its affects in Kosovo and other parts of the region.

While the Balkans have not been without recent challenges, as demonstrated by the situation in Macedonia and continued violence and destruction in Kosovo and parts of Bosnia-Herzegovina, significant changes have taken place in this part of the world during the past year and a half. The death of Franjo Tudjman in Croatia in December of 1999 and the ouster of the Milosevic regime in October of 2000 have removed major obstacles to positive change in the region.

One year ago this month, I watched with tremendous gratification when the people of the Federal Republic of Yugoslavia went to the polls, and then to the streets, to demonstrate their support of democracy and their denouncement of Milosevic.

Since my days as mayor of Cleveland and Governor of the State of Ohio, I have been an ardent supporter of democratic reformers in Serbia. I have long admired the courage and determination of many individuals who remained focused on a democratic future for Serbia, whatever the odds, such as members of the OTPOR student movement.

When I met with a group of these young leaders following the election of President Vojislav Kostunica and the removal of Milosevic from power, they told me that the feat we witnessed last October would not have been possible without the support and influence of the United States.

Just a few weeks ago in my office in the Hart building, I met with one of the founders of the OPTOR student movement, who is now a member of the Serbian Parliament. Once focused on removing Milosevic from power, he is now intent on helping the government to strength its democratic institutions so that the FRY may better position itself among Europe's new democracies. Without a doubt, the Federal Republic of Yugoslavia is a different place today than it was one year ago.

When the Senate considered the foreign operations bill last year, we conditioned U.S. assistance to Serbia after March 31, 2001 on three conditions. In order to receive continued non-humanitarian assistance, the United States had to certify that the Federal Republic of Yugoslavia was doing the following: First, cooperating with the War Crimes Tribunal for the Former Yugoslavia; next, taking steps to implement the Dayton Accords; and finally, taking steps to implement policies reflecting the rule of law and respect for human rights.

Given the importance of a democratic and stable government in the FRY to the broader region and Europe as a whole, I was pleased that the new government was, in fact, making significant progress in the areas outlined in the Foreign Operations Appropriations Act for fiscal year 2001, thus allowing President Bush and the Secretary of State to grant certification and allow non-humanitarian U.S. assistance to the FRY to continue following the March 31 deadline.

Additionally, the FRY's progress facilitated help from the World Bank and the International Monetary Fund, and the international community pledged more than $1.2 billion for the country during a donors' conference sponsored by the World Bank at the end of June. Most recently, we have seen positive developments in the FRY's negotiations with the Paris Club to reschedule a portion of its debt.

The reforms took important action in each of the three areas. Regarding cooperation with the War Crimes Tribunal for the Former Yugoslavia, we all remember the dramatic scenes on television during the days before Slobodan Milosevic was transferred to The Hague in the middle of the night. It was a courageous and necessary step, and I am pleased that the government understood the necessity to doing so.

In efforts to implement policies reflecting the rule of law and respect for human rights, perhaps the most significant accomplishment demonstrating the government's actions involved its work with the international community to successfully resolve the situation in southern Serbia, without significant international incident. In line with the Dayton Agreement, the FRY has reduced its military to military ties with the Republic Srpska, and it has indicated its commitment to eliminate remaining ties and ensure transparency of any dealings it might have with the Republic Srpska in the future.

While we acknowledge the positive things that have taken place during the past twelve months, we must also recognize the reality that is still work that remain to be done. Of highest priority is the release of ethnic Albanian prisoners who continue to remain incarcerated in Serbian jails. Moreover, it is critical that the Government further its cooperation with The Hague War Crimes Tribunal. Certainly the transfer of Milosevic was highly important; at the same time, other indicated war criminals remain at large in the FRY, and every effort should be made to work with The Hague Tribunal to rid the country of those responsible for past atrocities.

That being said, as the Federal Republic of Yugoslavia joins the ranks of southeast Europe's new democracies, I believe it is important that we begin to look beyond the conditions outlined in the foreign operations appropriations bill for fiscal year 2001, and work to create an assistance program for the FRY that is in line with our aid programs to other countries in the region.

Last October, when House and Senate conferees considered the final version of the fiscal year 2001 foreign operations spending bill. Vojislav Kostunica had been in office just a few short weeks. The status of Milosevic was widely unknown. Given the nascent state of the new government at that time, I believe including language allowing the United States flexibility in its assistance program to the FRY, should the new government have moved in a direction contrary to U.S. interests, was a reasonable thing to do.

However, in the year following final consideration of last year's foreign operations appropriations bill, I believe the reformers in the FRY have developed a position—though not perfect—track record. While it is clear that additional steps must be taken to further cooperation with The Hague and implementation of the rule of law, I believe we have solid evidence that the new government is committed to moving forward with reforms. If they fail to make the progress they have promised, we have many avenues from which to demonstrate our displeasure.

As my colleagues are aware, the State Department must notify Congress before distributing U.S. funds abroad. At that time, our Foreign Relations Committee or Foreign Operations Subcommittee can withhold assistance to any country abroad. Additionally, we may instruct U.S. representatives to international organizations such as the World Bank and the International Monetary Fund to withhold their support for programs benefitting the FRY. Finally, if the Federal Republic of Yugoslavia does not act in accordance with actions deemed to be in their best interests by the United States and other members of the international community, there is no doubt in my mind that future U.S. support will be terminated.

I appreciate the work that my colleagues on the Foreign Operations Subcommittee have done in preparing the Foreign Operations Appropriations Act for fiscal year 2002. I recognize their efforts to send a positive message to reformers in the Federal Republic of Yugoslavia by increasing the level of assistance to Serbia to $115 million for fiscal year 2002, which is $15 million above the fiscal year 2001 level, and providing $45 million for Montenegro.

Further, the committee has included language in its report applauding the work that has been done by reformers in the FRY during the past year. I also strongly support my colleagues' decision to provide $28 million toward debt relief for the FRY, and I was pleased to join Senator LEAHY and Senator McCONNELL as a cosponsor of an amendment authorizing that authority.

While I support many provisions in the bill, I am nonetheless concerned that the same conditions on U.S. assistance to the Federal Republic of Yugoslavia that were crafted in October 2000, just weeks after the change of government, appear in the bill one year later. It is my feeling that placing the same conditions on U.S. assistance to FRY now may send the wrong message to the country's reformers. While we should continue to encourage progress in the FRY, I believe placing the same three conditions on U.S. aid to the country year after year could be counterproductive.

I will continue to work with my colleagues on the Foreign Operations Subcommittee and the Foreign Relations Committee during the next year regarding developments in the Federal Republic of Yugoslavia as our aid program to the country evolves, with the hope that we will be able to move beyond conditionality in years to come.

While it is important for the United States to understand progress that is made in the FRY, it is also imperative that the leaders of the FRY understand that the actions they take on the three areas outlined in the Foreign Operations Appropriations Act for FY2001 will have a dramatic impact on whether or not the conditions are included in next year's bill.

Mr. KENNEDY. Madam President, one of the most important provisions in this legislation conditions assistance to the Colombian Armed Forces on improvements in human rights.

It is essential to ensure that U.S. military aid does not contribute to human rights abuses in Colombia. Allegations of human rights violations by military personnel there have decreased, but the State Department's 2000 Country Report on Human Rights Practices concluded that the Colombian Government's human rights record "remained poor" and that "government security forces continued to commit serious abuses, including extrajudicial killings."

Many of us are particularly concerned about persistent links between the Colombian Armed Forces and illegal paramilitary groups. On September 10, Secretary of State Powell included the largest of these groups, known by its acronym as the AUC, on the State Department's list of terrorist groups. According to the State Department's Human Rights report, the Colombian military has repeatedly reassured our government "that it would not tolerate collaboration" with such groups and that "the army would combat paramilitary groups." However, the report concludes that such links persist and that "actions in the field were not always consistent with the leadership's positions."

The report says:

> Members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such groups to pass through roadblocks, sharing information, or providing them with supplies or ammunition. Despite increased government efforts to combat and capture members of paramilitary groups, often security forces failed to take action to prevent paramilitary attacks. Paramilitary forces find a ready support base within the military and police, as well as among local civilian elites in many areas.

A report recently released by Human Rights Watch titled "The Sixth Division: Military-Paramilitary Ties and U.S. Policy in Colombia," states that the Colombia military and police detachments continue to promote, work with, support profit from, and tolerate paramilitary groups, treating them as a force allied to and compatible with their own.

Paramilitary groups continue to be linked to most human rights violations committed in Colombia, including massacres. The State Department's Human Rights report cites a sharp increase in the number of victims of paramilitary violence in the last year. Just two weeks ago, a new and ruthless massacre was committed by the AUC in Colombia. At least twenty-four men were forced to lie on the ground and then were executed one by one in cold blood.

Many of us are deeply concerned that a majority of the armed forces personnel who collaborate with the paramilitary organizations and who are responsible for human rights abuses are not prosecuted effectively. According to the State Department's report, "impunity for military personnel who collaborated with members of paramilitary groups remained common." Although the Colombian government claims to have dismissed more than 500 members of the military, the State Department says that it does not know how many were dismissed for collaborating with illegal paramilitary groups.

The conditions included in this legislation are intended to address these concerns. They require the Secretary of State to certify that the Colombian Armed Forces are suspending members who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups, and are providing to civilian prosecutors and judicial authorities requested information on the nature and cause of the suspension.

The conditions require the Secretary of State to certify that the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities, including unimpeded access to witnesses and relevant military documents and other information, in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups.

Finally, the conditions require the Secretary of State to certify that the Colombian Armed Forces are taking effective steps to sever links, including denying access to military intelligence, vehicles, and other equipment or supplies, ceasing other forms of active or tacit cooperation with paramilitary groups, and carrying out existing arrest warrants.

These conditions will help ensure that U.S. assistance does not contribute to human rights violations in Colombia. I urge my colleagues to support these important provisions.

Another important provision is intended to improve the lives of the Dalit in India.

India's 160 million Dalits, who are also known as "untouchables," suffer severe hardship and face a unique form of discrimination. As victims of economic exploitation rooted in the caste system, they are virtually excluded from Indian society and endure some of the worst health conditions in the world. Dalits are born poor and landless and face discrimination at almost every stage in life. Wages from their jobs rarely provide enough income to feed their families or educate their children, and so the cycle of poverty and illiteracy continues from generation to generation.

In rural areas, where sewer systems are virtually non-existent, many Dalits make their living cleaning human waste. These workers, known as scavengers, use little more than a broom, a tin plate and a basket, they clear human waste from public and private latrines, and carry the waste long distances in porous wicker baskets to disposal sites. In urban areas, they often work neck-deep in pits filled with human waste and risk asphyxiation in city sewers. Health conditions are appalling. Nearly all of these workers are women, and some are children.

A Dalit in India once described their existence:

> When we are working, they ask us not to come near them. At tea canteens, they have separate tea tumblers and they make us clean them ourselves and make us put the dishes away ourselves. We cannot enter temples. We cannot use upper-caste water taps. We have to go one kilometer away to get water. . . .

Dalit communities are frequently punished for individual transgressions. With little knowledge of their rights, limited access to attorneys, and no money for hearings or bail, they are easy targets for criminal prosecution. Police single out Dalit activists for persecution and frequently abuse and torture Dalit suspects.

While the Indian Constitution and the 1955 Civil Rights Act abolished untouchability, and subsequent laws allow for affirmative action, hiring quotas and special training funds, discrimination against Dalits continues to flourish in Indian society. As the great author of the Indian constitution—and Dalit—statesman Dr. Ambedkar once said: "Mahatmas have come, Mahatmas have gone but the Untouchables have remained as Untouchables."

While there are many people of goodwill in India, discrimination and poverty are widespread in the Dalit community. The foreign aid we provide to India should contribute to easing the hardship and misery suffered by this community and to addressing the disparity between Dalits and others in India.

To advance this objective, a provision in this legislation requires the executive director of the World Bank to vote against any water or sewage project in India that does not prohibit the use of scavenger labor. Precious and limited resources should be used to provide incentive to communities in India to abolish this kind of labor and to reward those that do so.

Additionally, the report accompanying the Senate bill highlights the important role an organization called the Navsarjan Trust in India is building a civil society in India by promoting the rights of the Dalit community. The report encourages AID to provide funding for the Trust, which is run by Martin Macwan, who received the Robert F. Kennedy Human Rights Award in 2000 for his work on behalf of the Dalit.

Founded in 1989, the Navsarjan Trust seeks to end discrimination against the Dalit. Since it was founded, it has become a highly respected force that focuses on five issues for the Dalit community: bringing about the land reforms promised fifty years ago in the Indian Constitution, improving the working conditions and wages of farm workers, abolishing scavenger labor, improving educational opportunities for children, and reducing violence. The Trust achieves its goals through non-violent protest and the judicial process. In eleven years, it has grown to 187 full-time organizers and has a presence in more than 2,000 villages. It is widely viewed as one of the most effective Dalit advocacy groups in India today, and it has filed a class action suit to abolish manual scavenging.

Although our assistance program in India is limited, the Navsarjan Trust would be an important ally and a useful way to help the Dalit community. Supporting the trust will demonstrate America's commitment to ending the discrimination faced by India's Dalits. I urge USAID to make funding available for the organization to advance its worthwhile objections.

I commend the subcommittee chairman, Senator LEAHY, and the other members of the Appropriations Committee for including these important provisions to reduce the discrimination faced by the Dalit community in India. Senator LEAHY is an effective champion of human rights throughout the world. I commend his leadership on this issue, and I look forward to continuing to work with my colleagues in Congress to improve the lives of the Dalit community in India.

Mr. McCAIN. Madam President, I am an enthusiastic supporter of robust American engagement with the world, and I believe current circumstances demand such a presence. We must also resolve to back our commitment with the financial resources to support the range of our interests overseas. For this reason, I am particularly disappointed by the long list of unrequested and unnecessary earmarks in the FY 2002 Foreign Operations Appropriations bill, which total $186.2 million. This figure represents $30 million more than was contained in last year's Foreign Operations bill for programs neither requested by the Administration nor authorized by Congress through the regular, merit-based process for allocating scarce resources.

It is the task of America's leaders to make the case for meaningful foreign operations funding in the face of public skepticism about the flow of American tax dollars overseas. It is incumbent upon those of us who serve in elective office to uphold the bipartisan tradition of enlightened American leadership around the world. In this era of globalization, international affairs touch the lives of average Americans in unprecedented ways. And as we wage a global campaign to purge from the world the terrorist threat against our very way of life, the assistance we provide to friendly governments and impoverished peoples across the globe supports our ability to sustain an international coalition to fight terror and retain the popular goodwill necessary to this task.

Unfortunately, the excessive and unwarranted earmarks in this bill do not inspire confidence that all our tax dollars are being spent in a manner most conducive to the advancement of our shared national concerns. Indeed, it may shock some Americans to know that parochial interests, not the national interest, have driven a disturbing proportion of the spending allocations contained in this bill.

Fragile allies suffering from civil unrest and economic decay will not be helped by this bill's provision of $2.3 million in "core support" for the International Fertilizer Development Center, or the report language's recommendation of $4 million for its work. Peanuts, orangutans, gorillas, neotropical raptors, tropical fish, and exotic plants also receive the committee's attention, although it's unclear why any individual making a list of critical international security, economic, and humanitarian concerns worth addressing would target these otherwise meritorious flora and fauna.

The committee has disturbingly singled out for funding a laundry list of American universities some with multi-billion dollar endowments in contravention of the usual merit-based process of allocating scarce foreign assistance dollars to the most worthy causes. Although disappointing, it is perhaps not surprising that there is a correlation between the geographic locations of many of the universities targeted for special treatment and the home states of those on the Appropriations Committee and members of the Senate leadership. Those left out of this correlation predicated on patronage rather than value to American national interests are, of course, the very people we would like to help overseas, and the programs of liberalization and reform we would otherwise use the money to encourage.

Given the unprecedented war we are in, we should be redoubling our efforts to target as many resources as possible to win it. To this end, we should all heed the words of Office of Management and Budget Director Mitch Daniels, who said, "Everything ought to be held up to scrutiny. Situations like this can have a clarifying benefit. People who could not identify a low priority or lousy program before may now see the need."

America will go on, and we will continue to lead the world as only we can. The security and prosperity of our people demand it. Our wish to see our values flourish universally requires it. But we are handicapping ourselves in refusing, even in these times, to abandon the parochialism that infected congressional spending decisions long before our compelling international responsibilities provided us with a higher calling. Perhaps some of this parochial funding could be spent in a better way, helping more people and further advancing the virtuous causes we aspire to lead.

Madam President, I ask unanimous consent that the following documentation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 2002

BILL LANGUAGE

TITLE II—BILATERAL ECONOMIC ASSISTANCE

Development Assistance:

The International Fertilizer Development Center: provides $2,300,000 for core support.

The United States Telecommunications Training Institute: provides $500,000 for support.

The American Schools and Hospitals Abroad program: provides $19,000,000.

REPORT LANGUAGE

TITLE II—BILATERAL ECONOMIC ASSISTANCE

The Gorgas Memorial Institute Initiative for Tuberculosis Control: Committee recommends $2,000,000.

Iodine Deficiency/Kiwanis: Committee recommends that AID provide at least $2.5 million to Kiwanis International through UNICEF.

Helen Keller Worldwide, the International Eye Foundation, and others: Committee expects USAID to provide $1.3 million.

Helen Keller Worldwide-initiated programs to aid the visually impaired in Vietnam and Cambodia: committee urges USAID to expand funding for similar programs.

Population Media Center: Committee supports.

International Medical Equipment Collaborative: urges AID to consider for funding.

Mobility International USA: recommends AID consider support for up to $300,000.

Women's Campaign International: Committee recommends $600,000.

Vital Voices Global Partnership: Committee recommends $100,000.

American Schools and Hospitals Abroad: Committee has provided not less than $19 million and expects USAID to allocate funds for Operating Expenses. The following are specified as deserving further support: Lebanese American University, International College, the Johns Hopkins University's Centers in Nanjing and Bologna, the Center for American Studies at Fudan University, Shanghai, the Hadassah Medical Organization, the American University of Beirut, and the Feinberg Graduate School of the Weizmann Institute of Science.

Patrick J. Leahy War Victims Fund: Committee expects $12 million be made available to support the fund's work.

United States Telecommunications Training Institute: Committee has provided not less than $500,000.

International Executive Service Corps: Committee recommends $5 million to support additional work by the IESC.

American University of Beirut: Committee urges AID to fund this program.

Sustainable Harvest International: Committee urges AID to provide $100,000.

U.S./Israel Cooperative Development Program and Cooperative Development Research Program: Committee supports funding.

World Council of Credit Unions: Committee recommends up to $2 million.

Protea Germplasm: requests AID to fund a joint South Africa-U.S. conference on sustaining the protea industries in South Africa and United States.

International Fertilizer Development Center: Committee recommends $4 million for the core grant and research and development activities.

Biodiversity Programs: Committee expects AID to provide $100 million to enhance biodiversity in marine environments.

Pacific International Center for High Technology Research: Committee recommends $500,000 to initiate a demonstration program on sustainable renewable energy systems.

Tropical Fish and Plant Global Market: Committee urges funding by AID.

Parks in Peril: Committee continues strong support for the program.

Foundation for Security and Stability: Committee recommends $2.5 million.

The Peregrine Fund: Committee recommends $500,000 for the Neotropical Raptor Center.

Dian Fossey Gorilla Fund International: Provides $1.5 million to support the fund and the center.

Orangutan Foundation: Expects provision of $1.5 million to support such organizations.

International Project WET: encourages AID to support the project's efforts.

Soils Management Collaborative Research Support Program: Recommends $3 million for ongoing activities and initiate work on carbon storage.

Peanut Collaborative Research Support Program: Committee recommends that AID increase funding for this program.

University Programs: Committee recommends AID and/or the Department of State consider proposals for funding by the following organizations: Africa-America Institute, Alliance of Louisiana Universities, Atlanta-Tbilisi Partnership, City University, Columbia University, Connecticut State University System, Dakota Wesleyan University, Dartmouth Medical School, DePaul University College of Law—includes Arab-Israeli discussion on arms control and Inter-American Commission of Women and the Inter-American Children's Institute, EARTH

University, Florida Agricultural and Mechanical University, Florida International University, Green Mountain College, Iowa State University—includes International Women in Science and Engineering Program and support to the International Institute of Theoretical and Applied Physics, Historically Black Colleges, John Hopkins University, Kansas State University, La Roche College, Louisiana State University—includes LSU/Latin American Commercial Law project and International Emergency Training Center, Loyola University, Marquette University, Mississippi State University, Montana State University Billings,—includes development of an online Master of Health Administration Degree Program and expanded programs in international business, St. Michael's College, St. Thomas University, South Dakota State University—includes International Arid Lands Consortium and food security in Central Asia, Temple University, Tufts University, University of Alaska, University of Arkansas Medical School, University of Dayton, University of Illinois—Chicago, University of Indianapolis, University of Iowa, University of Kentucky, University of Louisville—includes partnership with Rand Afrikaans University, program in Georgia, and collaborative research program on plant materials in Philippine rain forest, University of Miami, University of Mississippi, University of Nebraska Medical Center, University of New Orleans, University of Notre Dame, University of Northern Iowa—includes, Orava Project Global Health Corps program, and Russo-American Institute of Mutual Understanding, University of Rhode Island, University of San Francisco, University of South Alabama, University of Vermont, University of Vermont College of Medicine, Utah State University—includes establishment of a College of Agriculture of Jenin and World Irrigation Applied Research and Training Center, Vermont Law School, Yale University, and Western Kentucky University.

Bridge Fund in Tibet: Committee supports this project.

Joslin Diabetes Center: Committee encourages AID to support.

Galilee Society and Arava Institute for Environmental Studies: urges the Administration to consider funding.

School for International Training's Conflict Transformation Across Cultures Program: Committee believes funding is needed.

Care for Children International, Romania: encourages AID to support.

American Bar Association: Requests AID to consider providing $500,000 to develop international database of ongoing legal reform efforts.

North Dakota-Turkmenistan Health Partnership and others: Committee supports.

Eurasian Medical Education Program of the American College of Physicians: Committee requests to be consulted on future funding.

Primary Health Care Initiative of the World Council of Hellenes: Recommends $2 million.

United States-Ukraine Foundation: supports funding.

American Academy in Tbilisi: recommends an increased level of funding.

Georgia: Provides not less than $3 million for a small business development project.

Total: $186,200,000.

Mr. CRAIG. Madam President, I am heartened by the amount of cooperation I have witnessed among my Senate colleagues and the expeditious way they have addressed our national security concerns in the wake of the terrorist attacks of September 11. The passage of the Airline Security and Anti-Terrorism bills will give the administration necessary tools to combat terrorism here at home. Whether the anthrax attacks of last week on our Nation's Capitol prove to be connected to Al Qaeda, it is certain that the attempt to bring our government to a standstill has failed. To be sure, the quarters here have been cramped but our commitment to work together has not been affected. Our thoughts and prayers go out to the families of the postal workers who lost their lives this week, but this sad chapter only strengthens our resolve to find the culprits of these heinous acts and bring them to justice.

I commend the administration for its success in forming an international coalition on such short notice. The President's visit to Shanghai last week, and Secretary Powell's visit to India, were fruitful in getting us needed support from the two most populous countries in the world. I join the President in admonishing all nations who want to be a part of the civilized world to either side with us, or side with the terrorists. The time to be lukewarm is gone; we need to draw a line in the sand. I believe we are entering into a "New Cold War," where the stakes are no less grave than they were in the cold war of the twentieth century. The fight against radical Islam, like the fight against communism, is a fight to preserve the republican ideals that made our Nation so great. May we look to President Reagan and the example he set for American courage and American resolve to win in this "New Cold War".

Many of my colleagues on the Appropriations Committee know that I am not a big fan of foreign aid, particularly when there are many vital projects that deserve attention here at home. The Foreign Operations Appropriations bill has many flaws, the worst of which has incited a Presidential veto threat due to provisions that would allow federal funding for international family planning organizations that perform abortions overseas. American taxpayer dollars should not be used to subsidize groups that do not respect the life of the unborn. This sends the wrong message to our children and cheapens the value of life. Other flaws include the onerous certification requirements that the administration must fulfill in order to assist in the rebuilding of vital infrastructure that we destroyed in Yugoslavia during the Kosovo war. Yugoslavia has made tremendous strides towards democracy, as can be witnessed by the free and fair elections that peacefully removed the Milosevic regime. Rather than further harm the Yugoslav people who are in need of such basic things as clean water, and heating for the coming winter months, we should allow the administration to grant assistance as it sees fit in this area.

I also have a problem with a bill that is over a half a billion dollars larger than last year, but is over $160 million below the funding level requested by the administration for programs to curb illicit narcotics trafficking in the Andean region. How can we justify a spending increase of this magnitude at the expense of important programs that help to prevent the flow of illegal drugs into this country? Where is this increase in spending going?

Despite these flaws, however, the events over the past 6 weeks have understandably changed Americans' outlook on international affairs, and our need to stay engaged. I recognize the responsibility the United States has in leading the fight to defend democracy and Western Civilization and, as such, the United States must remain involved in the international arena. This is not the time to isolate ourselves. The administration must have a complete arsenal at its disposal for the war against terrorism, and that includes having the ability to use foreign aid as a means to reward and reinvest in those nations who actively support us in this fight. Therefore, I will support the passage of this bill on condition that its most grave flaws be remedied in conference with the House. However, should the conference report be sent to the Senate floor "unremedied," I will be forced to consider opposing the report and urging my colleagues to do likewise.

Lastly, as a complement to the ongoing efforts to strengthen our national security, I urge the speedy passage of a revamped Intelligence Authorization bill that will give our intelligence community the capability it needs not to not only streamline the gathering and sharing of information among various agencies, but to have the discretion to act on that information as well. Our agents in the field should not be more worried about getting reprimanded for the methods they use in collecting information, than they should about ensuring the safety of our Nation.

I would also like to reiterate the importance to our national security of passing an energy bill that will allow us to explore other sources of energy domestically. As the prospects of a widened war in the Middle East becomes more likely, it is crucial that we take steps now to wean ourselves away from foreign sources of oil. We currently consume up to 700,000 barrels of oil a day from Iraq alone. If the American people are worried about the state of the economy now, just wait until we have a real energy crisis, and we will all see the economy go into a tailspin.

The eyes of the free world look to us for direction. We must not fail them.

Mr. LEAHY. Madam President, I thank the ranking member, Senator

McCONNELL, for his support and cooperation throughout this process. He has been a partner in writing the bill, in resolving the amendments, and I value his friendship and his advice.

I also commend the staff, for all their work. In particular, I recognize Paul Grove, who took over as the Republican clerk for the Foreign Operations Subcommittee earlier this year. Paul has quickly learned the appropriations process and has been a pleasure to work with.

In addition, Mark Lippert, the new deputy clerk on the Democratic side, has done an outstanding job.

Jennifer Chartrand, who has been a professional staff member for the Appropriations Committee for several years, provided essential advice and support to my staff. She was indispensable.

I thank Tara Magner of my Judiciary Committee staff, and J.P. Dowd, my legislative director, for their help during floor consideration of this bill.

I recognize Tim Rieser, the Democratic clerk for the subcommittee, for all his help.

And I thank Dakota Rudesill, staff member for the Budget Committee, who provided excellent and very helpful advice during floor consideration of this bill.

Finally, as always, we owe a debt to Billy Piper, on Senator McCONNELL's staff. Billy came in at crucial times to resolve a number of important issues.

That completes action on the Foreign Operations bill for fiscal year 2002.

Mr. LEAHY. Madam President, I know of no other amendments.

I ask unanimous consent that with respect to H.R. 2506, the foreign operations appropriations bill, upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER (Ms. CANTWELL). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Roll Call Vote No. 312 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Byrd
Graham

NOT VOTING—2

Kyl
Landrieu

The bill (H.R. 2506) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Madam President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED of Rhode Island, Mr. BYRD, Mr. McCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, and Mr. STEVENS conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, I want to take this opportunity to thank the staff of my good friend from Vermont, Senator LEAHY, with whom we have worked on this bill for these many years. They are Tim Rieser, Mark Lippert, and J.P. Dowd. I also extend my thanks to Jennifer Chartrand, Billy Piper of my personal staff, and Paul Grove, who replaced my long-time staffer, Robert Cleveland of the Foreign Operations Subcommittee. He has done a superb job with his first bill. I thank them all from the bottom of my heart.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, I compliment the distinguished chairman and ranking member for their excellent work. This is not an easy bill. Oftentimes, it is one that keeps us occupied for days, if not weeks. I thank them for their leadership, and I am very grateful for the fact that we were able to get this bill done.

Also, I thank the distinguished Senator from Vermont, Senator LEAHY, for his work on the global AIDS matter. Were it not for him, we would not have had the additional resources that are so critical right now, this year, from this country. He did an outstanding job in that regard, too. While he is not on the floor at the moment, I thank him personally for all of his work.

As I announced earlier, it is our intention to take up the counterterrorism legislation. It has now passed in the House. We have had a good debate in the Senate. I would like to proceed with a unanimous consent request that would accommodate a good deal of debate again on a bill. I know there may be a colloquy involved. Let me proceed with the unanimous consent request, and I ask the cooperation of all Senators. I will propound the request now.

UNANIMOUS CONSENT AGREEMENT—H.R. 3162

Mr. DASCHLE. I ask unanimous consent that at 10 o'clock Thursday, October 25, the Senate proceed to the consideration of H.R. 3162, the counterterrorism bill; that no amendments or motions be in order to the bill, except a motion to table the motion to reconsider the vote on final passage of the bill; that there be 5 hours and 10 minutes for debate, with the time controlled as follows: 90 minutes each for the chairman and ranking member of the Judiciary Committee, or their designees; 10 minutes each, controlled by Senators LEVIN and WELLSTONE; 20 minutes under the control of Senator SARBANES; 60 minutes under the control of Senator FEINGOLD; 15 minutes under the control of Senator GRAHAM of Florida; 15 minutes under the control of Senator SPECTER; that upon the use or yielding back of time, the bill be read the third time, the Senate then vote on final passage of the bill, with this action occurring with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, Madam President, I thank the distinguished majority leader for giving me this opportunity. He and I have discussed at length the concern that I have that is shared by Senator SMITH of Oregon. I want to take a minute or two to describe what is so important to us and have a discussion briefly with the distinguished majority leader.

In my home State of Oregon, we have not been able to do a covert investigation into dangerous criminal activity such as terrorism in more than a year. The hands of our prosecutors are tied. Senator Smith and I, along with a number of other colleagues and prosecutors, believe very strongly that it is critically important as part of this antiterrorism effort that we allow the prosecutors to go forward and do wiretaps, stings, and essentially undercover operations. We have not been able to get such a provision into this antiterrorism legislation because of the work of the House.

Senator DASCHLE has been exceptionally supportive, as have Senator HATCH and Senator LEAHY. The Senate is united on this matter. The Senate has agreed in its entirety. For reasons that are inexplicable to this Member of the Senate, the House has been unwilling to untie the hands of Federal prosecutors in my home State.

The question then is: Why should every Senator care about what is happening in the State of Oregon? The reason I feel so strongly about this is that if we learned one thing on September 11, it is that if the terrorists get sanctuary anywhere, Americans are in trouble everywhere because we saw on September 11 the terrorists set up shop in New Jersey, they set up shop in Florida, and they ended up murdering Americans in New York City and in the Pentagon and in Pennsylvania.

As a result of the work that was done on the foreign operations appropriations legislation, again, to the credit of Senator DASCHLE, Senator LEAHY, and Senator SMITH, Senator LEAHY added the original bill that I authored. Senator SMITH and I have teamed up on this, and it is now in the foreign operations appropriations legislation that passed this body.

What is different tonight and why I am not objecting is that the White House has now indicated for the first time that they will support in the foreign operations appropriations legislation what Senator SMITH and I have crafted.

We have also been able to, in discussions with Senator DASCHLE, have an opportunity to let him discuss his views on it. He has renewed his commitment to me that we will have the united support of the Senate on the foreign operations appropriations bill, and if, in fact, the House junks this on the foreign operations appropriations bill in spite of the administration's effort, Senator DASCHLE, to his credit, has renewed his support for this effort and has been kind enough to give me this time to state my reservation.

I would like to have him briefly describe his views on this matter.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I say to both my colleagues from Oregon how much we appreciate their extraordinary efforts. I do not know of many pieces of legislation that pass unanimously not once but twice, and not only twice but within a matter of weeks. But that is the case.

This legislation passed unanimously as an amendment to the counterterrorism bill. This amendment has just now been passed unanimously as part of the foreign operations appropriations bill. That would not have happened were it not for their tenacity and their decisive leadership. I am grateful to them, first of all, for their willingness to continue to pursue this effort until they are successful.

I was involved in these discussions and negotiations with our colleagues from the House as we negotiated the various pieces. There were various reasons this legislation was not kept as part of the counterterrorism legislation, but I will tell my colleagues what I have said publicly: We will continue to pursue this; we will continue to persist until this becomes law.

As the Senator from Oregon has noted, the White House indicated they are prepared to join us in that effort. With that additional assistance, with those assurances, we are in a much stronger position now than we have been at any time in recent months to ensure our success. But if for whatever reason we are not successful, this will come back again and again, and we will continue to send it to the House again and again until it is done successfully.

I am confident we will complete our work successfully on this amendment. I am confident that with their partnership and the effort they have already made, we will be successful. I will pledge my support, and I know Senator LEAHY feels every bit as strongly as I do. We will work in concert with them to ensure the maximum level of success as we go into conference on the foreign operations appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Oregon. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, I say to the majority leader, I will not object, but I want to be included in the colloquy and be entirely supportive of my colleague, Senator WYDEN. I want to state publicly for the record, Senator WYDEN and I began working on this issue together in great earnest this last weekend because it was apparent that the good bill we had passed to the House was coming back as something less than that bill.

Because of the unique circumstances described by Senator WYDEN, every American should know that the bill we are about to pass tomorrow puts a stake in Oregon that says Oregon is open for business to terrorism. That is a stake we want to pull out because right now no undercover work is going on in Oregon for a whole variety of unusual reasons. That is where it is, and that must be fixed, or every American should know that the bill we will pass tomorrow is an illusion until it includes all 50 States.

In my State, whether it is environmental terrorism, child pornography, drug runners, methamphetamine producers, or al-Qaida terrorist groups, they are finding aid and comfort from the absence of law enforcement when it comes to undercover activities. That must end or we are kidding the American people.

I thank the majority leader for his commitment. I thank Senator LOTT and the managers of this bill for their commitment, and I say for the record, I have the assurances of Carl Rove with the White House, John Ashcroft in Justice, and I am awaiting a call from the Speaker of the House to work in earnest to get this resolved quickly so that we can in good faith face the American people and say: We have passed a terrorism bill that includes all Americans. But right now, it does not include Oregonians.

I yield to my colleagues.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, if I may continue briefly on my reservation, Senator SMITH has summed it up very well. At this point in the State of Oregon, there are no wiretaps; there are no sting operations; you cannot infiltrate dangerous criminal groups no matter how dastardly their plans. We are not talking about some kind of abstract proposition.

The bill that is going to be passed tomorrow is essentially a bill that deals with terrorism in 49 States. As I say, it just seems to me once you allow a sanctuary, a launch pad for terrorist groups anywhere, everyone is at risk. What is different tonight is we have been able to secure a commitment from the White House.

The majority leader, as is his tradition, has worked very closely with me and has made a similar commitment to Senator Smith, and tonight—and I will say this is very hard for this Member of the Senate to do because I think the people of my home State are going to be at risk tonight—but because of the commitment we have secured from the majority leader—and it is a renewed commitment; again and again he has been in these meetings fighting to change the McDade law and give our prosecutors the tools to deal with this problem.

With the new commitment tonight from the White House and with the continued commitment and assurance of the majority leader tonight, I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I thank both of my colleagues from Oregon for their willingness to work with us. I have already said how strongly I feel about this matter, and the passion expressed by both Senators from Oregon I think is a clear indication of their determination to see this through to ultimate success. We will see success. I am grateful to them tonight.

UNANIMOUS CONSENT AGREEMENT—H.R. 2330

Mr. DASCHLE. Madam President, I ask unanimous consent that upon disposition of H.R. 3162, the Appropriations Committee be discharged from consideration of H.R. 2330, the Agriculture appropriations bill; that the Senate then proceed to its consideration; that immediately after the bill is reported, the majority manager, or his designee, be recognized to offer the Senate-committee-reported bill as a substitute amendment; that the substitute amendment be agreed to; that the motion to reconsider be laid upon the table; that the amendment be considered as original text for the purpose of further amendment; and that no points of order be considered waived by this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I have had a number of questions asked today. It is my understanding we are going to try to complete the counterterrorism bill tomorrow and also go to the Agriculture appropriations bill tomorrow. Is that right?

Mr. DASCHLE. The Senator from Nevada is correct. It is my hope once we have completed the counterterrorism bill, we could immediately begin debate on the Ag appropriations bill, and if it is possible to complete our work tomorrow night, it is my intention to have no votes on Friday.

Obviously, if we are unable to complete our work Thursday night, then there would have to be votes on Friday because we need to finish this bill. That would be the possibility, that if we complete our work, it would be my intention not to have votes on Friday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, while the majority leader is in the Chamber, I ask unanimous consent that I be able to proceed as in morning business for 5 minutes and have his attention for the first 60 seconds of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

SETTING THE RECORD STRAIGHT

Mr. BIDEN. Madam President, I rise today to clarify a matter that has been somewhat taken out of context. I know my good friend, the majority leader, was asked this morning about comments the Senator from Delaware allegedly made speaking to the New York Council on Foreign Relations, which surprised me the question was asked.

I was informed that a high-ranking Republican on the House side put out a statement—and I am sure he did not understand the context—suggesting I implied Americans were high-tech bullies who were bombing Afghanis, and we should be fighting on the ground and not bombing.

I want to assure my friend from South Dakota, in his response to the question, he was correct. I did not say anything like that. I will read from the transcript from the New York Council on Foreign Relations speech.

I was asked by a gentleman, whose name I will not put in the—well, his name is Ron Paul, whom I do not know, who says: I concur with everybody else in commending you on your comments, and he goes on.

Then he says: With regard to the bombing, every day it goes on the harder it may be for us to do something next, referring to rebuilding Afghanistan. He said: What do you see as the situation if we do not defeat the Taliban in the next 4 weeks and winter sets in in Afghanistan?

The context of the question was, Is it not a hard decision for the President to have to choose between bombing, knowing it will be unfairly used for propaganda purposes by radical Muslims in that area of the world, and bombing to make the environment more hospitable for American forces to be able to be successful on the ground?

I said it was a hard decision. The question was repeated, and my answer was: I am not a military man—I will read this in part.

> The part that I think flies in the face of and plays into every stereotypical criticism of us——

Referring to the radical Muslims, that part of the world that is radical——

> is we're this high-tech bully that thinks from the air we can do whatever we want to do, and it builds the case for those who want to make the case against us that all we're doing is indiscriminately bombing innocents, which is not the truth.

So I want the majority leader to know, and I am sure when the gentleman on the House side sees the comments, he will be able to put it in the proper perspective because the irony is anyone who has been in the Senate knows I was the first, most consistent, and the last calling for the United States to bomb in Bosnia, bomb in Kosovo, use the full force of our air power.

I have been around long enough to know unless someone stands up and clarifies something, it can get out of hand very quickly.

I thank my colleague for his response this morning to the press and for his faith in his chairman of the Foreign Relations Committee. I assure him, in this case at least, it was well placed.

I ask unanimous consent that my entire speech—which I would not ordinarily do because it is my own speech—to the Council on Foreign Relations be printed in the RECORD, along with the question and answers that follow.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Remarks By Joseph R. Biden, Jr., United States Senator—Delaware]

FROM TRAGEDY TO OPPORTUNITY: ACTING WISELY IN A TIME OF UNCERTAINTY

(Council on Foreign Relations, New York City, October 22, 2001, (As Prepared))

When I accepted this invitation I expected to be talking about the ABM treaty, about our military priorities in the context of an evaporating budget surplus, or about missile defense versus the more urgent threats we could face—and now, in fact, do face.

I thought the questions I might be asked would be about strategic doctrine, about relations with traditional adversaries like Russia and China, and whether the Yankees will win another World Series.

I certainly did not, for one instance, think we'd be here today wondering about our short-and long-term goals in a war against terrorism: Will we succeed? How long will it take? What constitutes victory?

But those are, in fact, the questions facing the United States, and, I confess, they're not easy to answer.

First, our immediate goal is to cut off the head of Al Qaeda, break up the network, leave them no safe haven. That means the removal of Osama bin Laden, Mullah Omar, and the Taliban leadership.

I don't know how long it will be before the regime is toppled. I wouldn't want to guess. But the handwriting is on the wall. They've lost the support of their key sponsors and are essentially isolated. But some of these sponsors may need reminding that they've got to make a clear break with the past, and we should not hesitate to spell that out.

After Al Qaeda and the Taliban fall, and—to use the phrase of the day—we drain the swamp, the medium-term goal is to roll up all Al Qaeda cells around the world.

Then, with the help of other nations and possibly with the ultimate sanction of the United Nations, our hope is we'll see a relatively stable government in Afghanistan—one that does not harbor terrorists, is acceptable to the major players in the region, represents the ethnic make up of the country, and provides a foundation for future reconstruction.

In the long term, our goals are easy to articulate, but much more difficult to achieve.

We'll need to deter any potential state sponsors of terrorism from providing support or haven to future bin Ladens.

We'll work with others and try to help rebuild a politically and socially stable Afghanistan that does NOT export terrorism, narcotics, or militancy to its neighbors and to the wider world—more like it was in the 1950s.

We'll need to stabilize Southwest and Central Asia and prevent the Taliban-izing, if you will, of Pakistan and other countries.

And we'll need to address some of the economic and political forces that can be manipulated by men like bin Laden. We must do this with the full awareness that attention to social and political development alone won't prevent another bin Laden from emerging. But, at least, it will severely limit the pool from which he can draw recruits and support.

If we're successful in prosecuting this effort in Afghanistan, it ups the ante for other nations harboring or sponsoring—directly or indirectly—other terrorist groups.

The President believes, and I agree, that we must stay involved in the region, not necessarily with American troops, but with American leadership, and resources.

The President has repeated many times, and it's important that we say it over and over again: This is not a war against the Afghan people or any one faith. This is a war between nation states and transnational terrorist organizations, between civilization and chaos.

We need to remind the world's 1.2 billion Muslims—the vast majority of whom are sickened by the attempted hijacking of their faith—that our beef is with bin Laden and Al Qaeda, not with them.

American policy has long been marked by a blend of the Wilsonian trend and realpolitik, but whatever our motive, it has not been guided by religious imperatives.

When we sought to bring peace and stability to the Balkans, the Muslims in Bosnia and Kosovo were the primary beneficiaries.

When we went into Somalia, our aim was to feed starving people who happen to be Muslims.

And, when we provided 170 million dollars in humanitarian assistance to the Afghan people in the last year, it had to do with our principles, and the people there were Muslim, too.

Unfortunately, we're doing a terrible job of disseminating information. We have to take a fresh look at public diplomacy and determine the most effective ways we can get out our message.

But I'm under no illusions. Winning the hearts and minds of ordinary citizens in the Islamic world is an uphill battle, but one we must undertake.

We must enhance the means we use as well as the message—whether it's people to people visits that explain our principled respect for the diversity of all faiths and cultures—or radio and television broadcasts that inform and ultimately empower moderate Muslim voices.

What we cannot do is let the Taliban wage the same propaganda war Saddam waged in Iraq, with photographs of mothers and children scrambling for food and endless footage of destroyed buildings—all designed to portray America as anti-Islam. That's a bald-faced lie.

Regardless of whether we succeed in getting our message out, the truth is, we CANNOT and we certainly WILL not walk away from seven million displaced and desperate Afghans surviving on little more than grass and locusts.

We must do more to help the Afghan people, and we must do FAR more to make our aid visible across the Muslim world.

I'm reluctant to use the word "nation building" because it's such a loaded political term—but, if we leave Afghanistan in chaos, it'll be another time bomb waiting to explode. And there's an enormous powder keg right next door in Pakistan.

If we think we have a problem now, imagine a nation with six times the population of Afghanistan, a nuclear arsenal, and a Talibanized government.

To avoid that scenario, we have to work with the World Bank, the IMF, the U.N., other NGOs and our allies, especially those in the region, to help build an infrastructure in Afghanistan that works.

United Nations Secretary General Kofi Annan said it will take nearly $600 million just to get the Afghan refugees through the winter. But that's only the beginning.

In the long term, Afghanistan will need to find a way to break the hold that the madrassas have had on a generation of young men.

They will need to educate a generation of young women, to give them the tools necessary to seize the rights so cruelly denied them under Taliban rule.

They'll need to de-mine the most heavily mined nation in the world.

They'll need crop substitution programs to rid themselves of the title of the world's foremost producers of heroin and opium.

They'll need wells, water purification centers, hospitals, village clinics, even simple roads from one town to the next.

I commend the President for promising $320 million in Afghan aid. In my opinion, this might be the best investment we could make. I say this notwithstanding the many obstacles to achieving these goals that exist in a region that has not proved fertile for incubating democratic institutions. Clearly, we can't do it alone.

As demonstrated since September 11th, it's even more obvious, at least to me, that our national interests can't be furthered, let alone achieved—in splendid indifference to the rest of the world.

Our interests are furthered when we meet our international obligations, keep our treaties, and engage the world.

Far from the black and white of campaigns and up against the gray of governing, it's much easier to see the virtues of multi-nationalism and the shortcomings of unilateralism.

The same tools we used to build this coalition may, in the long term, help change the dynamics of bilateral relations, and present real and unexpected opportunities to define this new century.

And by the way, the Administration has figured it out.

Where the Administration may have once been tempted to see only strategic differences with China over national missile defense and Taiwan, today there's a growing recognition that we have common strategic interests as well—like fighting terrorism and maintaining peace and stability in Central Asia.

Where the Administration may have once seen relations with Russia through the prism of the Cold-War, today there's the promise of entering into a fundamentally different relationship with the Russian Federation.

Where the Administration may have once viewed relations with Iran within the confines of a twenty-year time warp, today Iran has signaled a desire to at least explore a relationship based on newly defined common interests. They've even said they would assist in search and rescue operations of any downed American pilots.

Clearly there's an internal rift in Iran. The reformists would like to go further. All they could get through the system was this modest gesture. But because the system operates on consensus, I'm virtually certain Khamene'i approves, which is significant in itself.

Let's not be under any illusion that there will be full blown rapprochement with China, Russia, and Iran. But if we do this right, if we look at our adversaries in a new light, there will be much to build off in the future.

This weekend the President was in Shanghai for the Asia Pacific Economic Cooperation Summit. He met with China's leaders, who now see more clearly than ever the threat posed to them by the proliferation of nuclear, chemical, biological, and ballistic missile technology.

I guarantee that Jiang Zemin can imagine a plane crashing into an 80 story office tower in Shanghai. I expect that China's leaders will never think of their nuclear and ballistic missile exports to Pakistan in quite the same way.

Working with China against terrorism, however, does not mean jettisoning our concerns about China's human rights record, or overlooking proliferation. In fact, we may need to remind China's leaders that respect for the human rights and religious liberty of China's Muslim minorities is not only morally right, but also essential if we are to deprive the terrorists of recruits.

In Russia, President Putin has emerged as a strategic thinker who realizes that, in order for Russia to advance into the ranks of highly developed nations, he must cast his lot with the West.

Putin recently said "Today we must firmly declare: the Cold War is over." And with respect to our efforts in Afghanistan, he said "I have no doubt that the U.S. leadership and President Bush will do their best so that the peaceful population does not suffer, and they are already doing their best."

Putin is willing to confront entrenched, reactionary domestic opposition when necessary. He overruled his senior military, and gave the green light for American planes to overfly Russian territory and to permit troops on former Soviet territory in Central Asia, actions virtually unimaginable not long ago.

We have a genuine opportunity to pursue a new relationship with Russia, and we should. If the news out of Shanghai this weekend is accurate, it may well be possible to reach agreement on mutually limiting offensive capabilities and allowing Tests of missile defense systems. I hope the President will resist those in his Administration who would have him risk squandering this opportunity by withdrawing unilaterally from the ABM treaty.

I've always said: nations, like people, use crises to resolve differences, or create opportunities.

In the case of Russia, we have a momentous opportunity. It may well be possible to deal not only with strategic forces, but also with NATO enlargement and our non-proliferation concerns.

That new relationship could shape this half-century as the Cold-War shaped the last.

Three days ago, Secretary Powell said in Shanghai, "Not only is the Cold War over, the post-Cold War period is also over."

If the Administration proceeds pragmatically, rather than ideologically, the new era could be good, indeed.

But let's remember that Russia is not the only country that matters in developing a new strategic doctrine. We must take care not to provoke a major Chinese arms buildup, which could lead to more nuclear arms in India and Pakistan. We need the help of both in the war on terrorism. And nobody needs more nuclear weapons along a border that is already getting too hot for comfort.

The time is right to consider joint efforts to reduce strategic arms; commit to a joint program to combat terrorism; develop a bilateral plan to prevent other countries or terrorists from gaining weapons of mass destruction; find ways to counter infectious disease epidemics and clean up the residue left by our weapons programs. And we should do everything we can to help Russia stay on a path of economic and political growth and stability.

Once the foundation of cooperation is firmly established, we can pursue missile defense—if that's what we want—without rocking the boat of strategic stability.

Look, in the long-term—even if the coalition breaks down—we'll have the potential opportunity to create a new day of enhanced bilateral relations with China, Russia, and maybe even with Iran.

So, in the short term we want to eliminate bin Laden and his top aides and remove Mullah Omar and the Taliban leadership.

In the medium term, we'll need to establish a relatively stable regime in Afghanistan and roll up Al Qaeda cells around the world.

And in the long-term, we have to deter state sponsorship of future bin Ladens, help rebuild Afghanistan, and stabilize Southwest and Central Asia.

What will be much more difficult, will be to clearly identify and address some of the root causes of this hard-core, hate-driven zealotry so we can limit the pool from which another bin Laden can draw recruits.

The list of root causes is long—from the lack of legitimate channels of dissent in the Arab world, to desperation, resentment at American material success, a perception that our actions don't match our ideals.

All of these issues are worthy of our attention, but they can never be excuses for terrorism.

Which brings us to Israel. Let me just say, Israel did not produce bin Laden, and we can't let Israel be the scapegoat.

We are in a tough stage right now, and there are many cross-winds buffeting our relationship, but our friendship with Israel is not a transitory event, a marriage of convenience, or a short-term alliance.

Differences are normal even among friends, but airing them in public is never useful. Surely there are sufficient channels to communicate our views. Let us not create any false impressions about the fundamental, long-term basis upon which the U.S.-Israel relationship rests: we continue to be bound by unshakable, shared democratic values.

After all this, the question remains—what constitutes victory in the war on terrorism?

If we cut off the head of Al Qaeda, help to rebuild a stable Afghanistan, and if, in the process, we find a way to stabilize the relationship between Pakistan and India, and enhance bilateral relations with China, Russia, and Iran, then we have achieved a victory that may well define the 21st century.

In sum, just as we could not have put together a viable coalition if President Bush had already walked away from the ABM treaty, so too will we have trouble nurturing future bilateral relations if we decide, when the crisis is over, to go it alone, again.

We should be figuring out right now how we revive the Comprehensive Test Ban Treaty (CTBT), the Biological Weapons Treaty, move on arms control proposals that go to Start III, environmental treaties, and how to amend—and not jettison—the ABM Treaty.

Before I take some questions let me leave you with these final thoughts. On September 11th the world changed for the terrorists. It was, I believe the beginning of the end of a way of life, not for America, but for international terrorism.

Out of our dark grief our nation is newly united and abroad we have new opportunities.

As my mother says, "Out of every tragedy, if you look hard enough, you can find one good thing."

Or, in the words of another great Irish poet, Seamus Heaney:

"History says, don't hope
On this side of the grave.
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up,
And hope and history rhyme."

I truly believe, notwithstanding incredible difficulties we face in doing even half the things I mentioned here, that we're on the verge, if we do it right, of making hope and history rhyme. But we cannot squander this opportunity. I believe the President has made a genuine transition in his thinking on foreign policy. I hope I am not kidding myself. If he has, I think not only will he go down as a great President, I think we will have marked the beginning of a new era in international relations.

The following transcript of the Question and Answer period has been provided by the Council on Foreign Relations. The moderator is former Congressman Vin Weber.

VW: Thank you. It's my job to screen questions for the Senator without trying to get too much between the questioner and the answer. Under the rules of these engagements, when I call on you will you please stand up and state your affiliation, and try to state your question as concisely as possible. To get things going, though, I'm going to take the prerogative of the Chair and ask the first question.

Senator, you talked at some length about some possibilities in terms of relationships around Russia and other places. Talk about a place where there might be some strains, the American people at least are being fed a significant diet of negative information about our relationship with the Saudi's and their relationship to terrorism over these past many years. Is there a deeper problem there than we thought, and how should the American people and the government think about that relationship?

JB: I've been admonished to make the answers very, very brief, so I will make them brief, if you want me to expand I will attempt to do that. Number one, I do not doubt the pressure that the Saudis are under, like other Arab states in the region, having to essentially buy off their extreme groups in order to maintain themselves. But the Saudis have gone above and beyond the call in destabilizing the region, in my view, in terms of essentially funding a significant portion of what we are now dealing with in the extreme example of Islam gone awry. It's one thing to decide you're going to export Wahhabi Sunnism, by setting up Madrassas around the region. Okay, I get that. But what I don't get is setting them up where they have a third feature: that they're a hate-filled, anti-American breeding ground. I think we should have a very simple, straightforward discussion with the Saudis and they should understand that they have a hell of a lot more to lose in the break up of the relationship than we do. That is taking a great risk. I am not sanguine about the fact that we get 1.6 million barrels of oil a day from there, but I would be prepared, were I the Secretary of State, or I was in another position, to tell the Saudis: Don't push it. Don't push it. Cease and desist on this activity. There will be consequences. At any rate, that's my view.

SR: I'm Steve Robert of Robert Capital Management. As I listened carefully to your address, which I thought was very good, it seems the center of gravity in the debate over missile defense has changed. Because while the opponents of missile defense prior to September 11th would have just probably said it's a foolish idea and the wrong priority, what you seem to be saying is that, it's almost inevitable if we also cut nuclear arms stockpiles, renegotiate the arms control treaty and the strategic arms treaty and so forth. So is this in fact what you mean to communicate, that we're now just talking about how we get to missile defense, as opposed to whether we should have missile defense at all?

JB: What I'm suggesting is, and it's a very good question, what I'm suggesting is, we should be prepared to explore, assuming we can amend the ABM Treaty to do the exploration, whether or not a viable missile defense system is feasible without starting a new arms race, and without producing an economic hemorrhage of a half a trillion dollars with little return on our investment.

Right now we're caught between the rock and the hard place. In order to go forward, according to this administration—and I think they're inaccurate—but the gentleman sitting behind you has forgotten more about this issue than I am going to know. But in order for them to go forward with the testing program they have in mind, they can do it without having to violate the ABM Treaty. But it has become sort of religious doctrine on the right that the ABM Treaty is, per se, bad. I'm hopeful that we're at a place now, where the President, if we in fact—and I happen to support significant further reductions in all offensive capability—if we get the Joint chiefs to agree upon a number significantly below where we are, I'm willing to go along with an amendment of the ABM Treaty, assuming that we have scrubbed this in a way that we understand what the likely response in China will be to such a system.

If in fact, notwithstanding the fact that the Russians would agree, this will start a significant—and our intelligence agencies publish widely, and I can only tell you what was in the paper, only confirm . . . I won't confirm, I'll state what's in the paper—that they will do ten times as much as they would have otherwise done in offensive capability if we build such a system. If we cannot get through that wicket, then it seems to me it is not worth a candle. The cost is not worth it, and the consequence of going forward with the limited benefit that would flow from it may very well start that arms race which I worry most about in the most dangerous part of the world. It was dangerous before, and it's considerably more dangerous now.

So I cannot fathom India sitting by if China rapidly racks up their nuclear capability, and I cannot figure Pakistan doing the same, and so I see it as a disaster. But this is a beginning step, and I guess the polite way of saying this, I'm happy the President seems to be moving in the direction where he may not unilaterally walk away from the ABM Treaty. That's a big deal.

VW: I want to go to Rita next, but if there are other questions on either strategic defense or the ABM Treaty, I'll take them now, before we leave that topic. If not, we'll go to Rita.

RH: Rita Hauser. You didn't mention Iraq. Do you see Iraq in the second stage as a target for the terrorists counter-offensive, and what is your view on the continuation of our policy of sanctions?

JB: I happen to think that the sanctions policy needs to be changed. The Secretary of State has discussed a smarter sanctions policy. I thought he was going in the right direction, I was hoping that it would be embraced, although I now think there's an opportunity to embrace it because the dynamics have changed in Moscow, and the dynamics have changed in France, and the dynamics have changed in China somewhat, and I would further explore going back to that approach, that is, a smart sanctions policy.

I'm of a view that what has changed has all been bad from a Iraq standpoint, for the Iraqis. The idea now that we are going to just disregard what Saddam has done, walk away and just seek economic opportuinty, as some of our friends and allies have done, I think is being reconsidered in those very capitols. Rather than have a second phase, the way in which the press uses it, and I assume you're talking about, that is, after we finish with Afghanistan, do we invade Iraq? I think that is not the prudent approach. I think what we attempt to do is to build a coalition, reconstruct a coalition that is tighter and stronger and with more demands placed upon the behavior of Iraq.

My view is, if we're able to do that, and the behavior is still as bad as it has been in the past, you will be able to much more likely generate a consensus on at least standing by as we took action, or having multilateral action. But to just go from here to there I think would be a disastrous mistaken in the near term.

VW: Go back to that table. I'm going to try to move the audience as best I can.

FW: Frank Wisner from the American International Group. The current crisis . . . (Overlap)

JB: Why are you taking folks out of Delaware? We want to talk about that . . . (Laughter) . . . I want to know this, Mr. Ambassasdor, this a parochial, this a serious stuff. (Laugher) I'm only joking . . . (Overlap)

FW: . . . we have commitment . . . (Overlap)

JB: . . . I just want to kind of throw you off. (Laughter)

VW: . . . He's not really joking. (Laughter)

JB: . . . Former Congressman, I can tell you, I'm worried about it, but . . .

FW: Senator, coming back to the subject of your terrific speech today, (Laughter) . . .

JB: It went from good to terrific. (Laughter)

FW: This crisis has brought to light other tensions, and among them has been the sparking of tension between India and Pakistan, with very heavy Indian shelling, acts of terror in Kashmir. As you look at that aspect of the challenge to American diplomacy, what message do you have to the parties in the region, how they can get on top of the problem they have and the role the United States can play?

JB: Let me answer it in reverse order. The role of the United States. The United States should stay engaged the way the Secretary has gotten engaged in the last week. It's made a difference already. I think there has to be a clear understanding, both in Delhi and Islamabad that we are interested, we are looking and we are watching.

Secondly, I think a message should be delivered very strongly to the Indians, do not attempt to take advantage of the circumstances this moment, it's against your interests across the board. And thirdly, we have to make clear to the Pakistanis that, notwithstanding the fact we need you very much right now, you are in a position where if you are going to continue to foment the terror that does exist in Kashmir, then you are operating against your own near term interests, because that very viper can turn on you. And I think we have to talk and talk and talk and talk, and engage and engage and engage. Because as you well know, part of the cry on the part of India has been, just somebody pay attention . . . or excuse me, in Pakistan, someone pay attention.

And on India, we don't want any part of anybody being involved and looking at any of this problem. The truth of the matter is, the whole world is looking at their problem now in Kashmir, not just us, the spotlight is on and the consequences for how they will be treated relative to all other nations in the world is very much up in the air right now, and they should be made constantly aware of how tenuous the circumstance is for both of them. In this case, particularly India . . . in my view, particularly India.

VW: Can I follow up on that myself? Because at the beginning of this administration, the administration seemed to be tilting, to use a term, toward India, the Indian Foreign Minister was given a meeting with the President, and it seemed as if the administration was going to try to, as one of the cornerstones of their foreign policy, build a much better relationship with India than we've had in the past. In view of what you just said, do you think that that was then, and this is now, or is there still an opportunity going forward to forge a much closer relationship with the Indians?

JB: I think that was then, and it's almost still that way now. (Scattered Laughter) And let me explain what I mean by that. I may be mistaken, and I may be a bit cynical, but I think the initial, quote, tilt toward India was related to Beijing more than it was to Pakistan or anything else. And I think that the relationship with Beijing was going south very rapidly. And continued to move south in a precipitous way until Powell made his visit.

I coincidentally happened to take a small delegation of Senators to some very high level meetings for six days in China, just on the heels of that visit, and you could literally see, maybe a mild exaggeration, a sigh of relief on the part of the Chinese, that maybe this collision is not inevitable, it is not inevitable. I think it chastened the Chinese a little bit, I think it made them focus on the precipice, as well as us.

Now what's happened is, I think, you have, and it's a . . . I cannot prove this, I think what you have in India now is a look north and saying, whoa, it looks like these guys are talking again. We may have moved past our opportunity to make a substantial change in the relationship. That would be a mistake on their part, to think that. Because I think that there is a desire in the administration to actually, genuinely better relations with India. I think it is an absolute essential element of American foreign policy that that be done. And part of that is simply engaging . . . engaging them and treating them like what they are. They will, in not too long, be the largest, most populous nation in the world. They are a democracy, as flawed as you may think it is. They are someone with whom we should and must have a much, much, much better relationship and understanding.

And the whole world has changed for India. It has changed not only when the Wall came down, and when their protector evaporated, it changed now as the relationship with China begins to mature, and they're going to have some great difficulty internally figuring out how to deal with that. But we should be engaged at the highest level on a daily basis, literally with India. So I don't think the administration is jettisoning India, but I think they're beginning to look at India in a different way, not as cynically as just a card to have been played against Beijing.

VW: Questioner behind Frank, then I'm going to try to go the back of the room for a question.

ME: Monsoor Ejaz. Senator, it's always good to hear you speak so frankly, so I'm going to try and get you on the record on another sensitive issue. Does the United States need a military policy to deal with an eventuality in which a Taliban-like force would hold control over Pakistan's nuclear weapons? And if it does, what should that policy look like?

JB: Well, I think we're engaged in that policy right now. And I have every reason to believe from my conversations with the President, and I don't pretend to be his confidant, I don't want anyone . . . I know you all know that, but the CNN audience might think I'm trying to foist myself off as the President's close advisor. I've been flattered the President has engaged me as the opposition and as Chairman of the Foreign Relations Committee, and we've had, as they say, full and frank discussion, probably five, six hours worth in the last several months, and . . . but my impression and my understanding is, coming from both the Secretary of State as well as the Secretary of Defense and as well as the President of the United States personally, that that is the essence of their policy at the moment.

It is reflected in certain ways. You see, and I'll be very parochial, and I'm going to give you a specific example. Right now there has been, and continues to exist, a real dissatisfaction on the part of the Northern Alliance that we have not done, which is fully without our capability to do now, and that is with air power, essentially provide air cover that could decimate the Taliban capability of holding them back, not only from Mazar i Sharif, but also holding them back from the capitol.

And the President has not been as blunt as I'm going to be, because I don't speak for him, so I can say it, I believe the President's actions have been somewhat circumspect for very good reasons. He understands that if in fact the Northern Alliance marches into Kabul and sets up a government, that we will have the potential for a disintegration in Islamabad, and that Pakistan may very well, and Musharraf may in fact collapse, it may be gone.

And so I think that . . . I'll give you that as one example of my view of the President's understanding of how difficult this is. We have also done things which were not particularly comfortable for me to do, quite frankly. I'm the guy, as Chairman of the Foreign Relations Committee, that was responsible for either facilitating and/or proposing the lifting of all the sanctions, of which I have supported relative proliferation, not to proliferation questions, as well as democratization. And we've even looked at Section 508, and so my point is that we have taken extraordinary actions, which is sort of against our instincts, with only the promise, only the promise of elections a year from now, with the commitment to be kept, and only the hope, the hope that we will be able to stabilize, that the region will, with our help and others, be stabilized in such a way that we don't have to face that God awful specter of radical Islamic groups taking over a country that is multiple sizes larger than Afghanistan, with nuclear weapons.

So I think the administration is fully appraised, fully understands, and is doing everything within its power, understanding, and I don't . . . in defense of the administration, no one has a hole card here. No one that I know, maybe some of you do, and if you do, let me know because I want to nominate you for the Nobel Peace Prize in advance. No one I know has a surefire way to assure that stability in this part of the world will result from the actions undertaken. Conversely, I don't know of anyone who . . . I do know of some, I don't know anyone in this room would like to suggest we should not and need not have taken the action we are taking. We're not going to get into the weeds here. It's going to start to get . . . we talked, and I hope I don't offend anybody saying this, at our table here, we talked about how long the honymoon, how long the unquestioning period of unabashed support for the President's policy will continue. I think everyone . . . I shouldn't say everyone . . . I mean the vast majority of the foreign policy establishment, of the Democratic and Republican sides of the aisle, in fact share the view that up to now the President's done a pretty darn good job of assembling this multilateral force, resisting what were very strong entree's from parts of the administration to bypass Afghanistan and go straight to Iraq, et cetera. I think he's done well. But now we're going to get into the tough calls.

Case in point, and I'll stop with this. How much longer does the bombing continue? Because we're going to pay every single hour, every single day it continues, we're going to pay an escalating price in the Muslim world. We're going to pay an escalating price in the region. And that in fact is going to make the aftermath of our, quote, victory more difficult to reconstruct the region. Conversely, the President's in a very difficult spot. How much does he have to do to make the environment in which we are going to send, and we will, American forces, hospitable to the extent . . .)

(Council on Foreign Relations tape turned to side B . . . several seconds missing . . .)

. . . tell you, though, I hope to God it ends sooner rather than later, becasue every moment it goes on, it makes the aftermath problem more severe than it is . . . was an hour ago. And so that's what I mean when I say they're fully appraised of their problem. They are going to engage in activities that we may . . . I may be able to Monday morning quarterback and second guess, but I know of no clear path that suggests how they secure the notion that there is no possibility of Pakistan degenerating into chaos, and us dealing with a problem there. The ultimate answer would be, if that were the case, we would find ourselves with a whole hell of a lot more forces in that region than we have now, which would be a very bad idea.

VW: Going to go right straight to the back of the room, and then I have a question at the middle table up front.

DG: I'm Davey Gaw(?), with the conference board. Senator, you gave us a picture that was historic, and it raised the question in my mind, to this effect. Is there an advertising problem, is there a genuine insoluble intellectual issue, or simply have we not solved the following? It seems to me that for the past 50 years or so, the U.S. has always been stuck in a corner, on the one hand we launch into the world with noble causes, and then we tie ourselves to ignoble regimes so that we have (*Inaudible*) for purposes, but people think that we're married to these regimes, and the same thing is occuring now in the Middle East. What's wrong? Why can't we do a dual track strategy? Why can't we send a message that's credible, that we do serve double purposes on the one end, but we also do not want to marry ignoble regimes on the other? Why can't we solve that issue?

JB: Because life's tough (Scattered Laughter) There are hard choices. I don't know. I don't want to get him in trouble, but I suspect Les Gelb may remember, about a dozen years ago, my proposing we start to distance ourselves from some of those various regimes, and for example, during the Gulf War, one of the reasons I voted against the resolution that was put forward was, I did not get any commitment from the administration personally that they would in fact make sure that when we freed Kuwait, the circumstance in Kuwait would change. I did not see merely putting the Emir back in power as anything that inured to our great benefit. The territorial principle of not crossing a border was a big deal, and important and oil mattered, but it seemed to me we should have extracted in return for that some commitment toward the movement toward, some movement toward, not outright democracy, but some movement toward a liberalization of the system.

I have been the odd man out on that for a long time with regard to Saudi Arabia as well, and other countries in the region. But I acknowledge to you, it is incredibly difficult to do. And you got to be prepared to take a risk, and the risk is serious. The down side is high. The costs economically are severe. But I think we're at the point now where we have to take those risks. But it's not easy. It is not easy because the truth of the matter is, we inherited what was there, we helped make and sustained what was there, but we did it for reasons relating to our immediate self interests that were of consequence to us, enabling us to do other things in other parts of the world that were necessary to be done.

So, it's, yes, as a former President once said, life ain't fair. Well, the world ain't fair, and we're left with a lot of Hobson's Choices. If I can elaborate on one piece. This dissemination of information, I put together a proposal that I've been discussing with the administration. I've been sort of the guy who has, and a lot of you have as well, but I mean in the Senate, in the House, I've been sort of the godfather of the radios lately, Radio Free Europe, Radio Liberty, the Voice of America, et cetera. It's woefully underfunded. For example, in the largest Muslim state in the world, where they have 220 million people, we spend two million dollars on the radio, for example. So I put together a proposal at the President's urging, quite frankly, because one of the things I discussed with him, that I'm going to present to him when he gets back, is over a half a billion dollar initial investment, 250 million dollars a year, for public diplomacy, and fundamentally altering the way in which we're able to broadcast to that part of the world. As part of this, I asked my staff, and I have some very talented staff people who know the region well, have worked in the region, and are very academically qualified as well as practically qualified, if they would get together some two or three or four of the most knowledgeable folks on Islam in the world, so that we in fact, when I propose this, I was doing something that was counterproductive. So that we wouldn't find we were causing more problems than there were solutions. And I sat with these four folks, I'll tell you what they said to me. Now, they're not the end of the day, but they said to me, they said, look, the idea of winning the hearts and minds of the Islamic world, and the Arab Islamic world is not likely. The best you can do is give some reasons for the moderates within that regime to have a reason to sustain their position against the extremists in . . . did I say regime? I meant to say region, against extremists in the region. And they went on to say, the problem isn't with the American people, it's with American foreign policies, and then they ticked off the foreign policy. Being part of propping up regimes that in fact are anti-democratic and are part of the problem, because again, Osama Bin Laden is after Riyadh, not after Jerusalem.

And it's a different problem. And also they then point out Israel, and they say part of the problem relates to our policy relative to Israel. Well, there are certain things we're not going to change. There are certain things we're not going to change, so the question is, what utility would a significant investment in our public diplomacy have? And it seems to me the minimum what it would have, it would give a context in which we were able to . . . they were able to make judgments about the totality of our action, and would not in fact change the attitude in that part of the world toward us, but would moderate it. And so these are very difficult questions, though, but I am going to propose we make this major investment, and I think it will fall on, quite frankly, friendly ears in the administration, based on my conversations with the President.

VW: Is there an opportunity to take that a step further to the whole foreign policy budget of the government, the United Nations that you've been involved in, support for our embassies abroad that's been underfunded for some time, foreign aid budget, is that a part of the whole response?

JB: No, because . . . and I'm not being . . . I didn't mean to be so sure. (Laughs) I don't mean . . . (Overlap)

VW: . . . short answer (?) . . .

JB: . . . that's right. (Scattered Laughter) Now, well . . . the answer is no for the following reasons. For the federal government to engage in public diplomacy at home is a very dangerous thing, in my view. For us to fund news organizations that promote a governmental position, it seems to me is not what we need, domestically in the United States. But we do need it abroad. What will change, and has changed that, as Ambassador Negroponte knows, he not only . . . I mean, I love the guy. We held him up for God knows how long before we approved him, so everybody made sure any accusation ever against wouldn't rub off on them, and they all turned out to be false, and we approved unanimously, wasn't it? I don't think anybody voted against it. And he went up there and did something no one's been able to do, including Prince Holbrooke, no one's been able to do this. (Laughter) And you know what he did? He went up and there and got immediately the right wing Republicans to free up the money in the House. You know what did that? The world changed. They did not want to have to, as former Senator Carol Moseley Braun would say, wear the jacket of us not being able to put together a coalition because he was unable to do his job in the United Nations because he had to face the constant charge that we weren't meeting our end of the deal.

So I think events alter those kinds of things and I think you're going to see foreign policy much more on the front burner of American domestic politics for the reasons that were stated at the outset, that we'll, in fact, up those budgets and people are beginning to understand the complexity. It's not all military, it's diplomacy. We have to lead in other ways, and I think that will be helped by this terrible circumstance.

VW: Senator Biden, thank you for . . . (Overlap)

DG: I'm Dick Garwin, Council on Foreign Relations. Thank you for an insightful and constructive presentation. Now, on the ABM Treaty and missile defense, I can just say Amen, but the rest of the topics you mentioned, we need to have not only some priorities, but more than that. That administration and the Congress are going to have to do a number of things together. First, it seems to me that we have to have refugee camps, and the refugee camps have to be training grounds for democracy. So, we need to work with the United Nations to do this, and to accomplish that. We need to provide security, but we need to provide more than security.

The next priority I think has to be the chemical and biological weapons conventions, especially the BWC . . . essentially all the nations of the world have signed up, but they're not all obeying it. They're not all doing what they said. Before we have any compliance, we've got to have them say, we're going to do this, we're passing a law, everybody has to stop affiliating with biological weapons and we're going to destroy our stocks. Seems to me that's the next. And finally, in my talk, is the Pakistani nuclear weapons. You read in the New York Times Bruce Wehr(?), saying we ought to provide means of going in, and capturing them in case Pakistan regime falls. Well, we'll get a lot more cooperation if we fund Pakistani regime in order to destroy their own, or render them ineffective if the regime falls, and with uranium weapons that can be done in reasonably expeditious fashion. But how do you solve the problem of priorities, and doing a number of things at the same time which neither administrations nor Congress are good at?

JB: Let me tell you, I fully agree with your list, I shortened my speech on the fly here, I'll give you a copy of it, it mentions all three of those things, particularly the biological and chemical weapons treaty and the implementation. And I think you do just what you said. Those discussions are underway with the Democratic Congress and the Republican members of Congress and the President on setting those priorities. The question is, the President has an internal dilemma he has to overcome first. He is focusing on first things first, but then he has to deal with . . . and I'm going to get in trouble for saying this . . . but he has to deal with what has not gone away. There is, for lack of a better phrase, still a Rumsfeld-Powell split on how they look at the world, and how they look at these very issues that you've stated here. I was discussing here at my table, my perception, and maybe, what's that old expression, the father is . . . the wish is the father of the thought, or whatever it is, that maybe I'm just sort of making this up as I go along because I want to feel it. But my impression is, this President is arriving at his own foreign policy. He is arriving at his own foreign policy. I think he accepted wholesale sort of the movement right position on foreign policy issues, because as a Governor he hadn't paid much attention to those. And I think he's finding that those as a prescription don't fit the modern day world as easily as he thought they may.

And so I see the first thing that has to happen is the President himself has to decide what he thinks about these issues. And I hope we throw in CTBT here, because I think to me that is one of the . . . that is the single most important thing we could do at the front end. But . . . Vin is looking at his watch, understandably, I happen to agree with you. With regard to priorities, Dick Lugar and I are going to be introducing this week after call for a commission that is, I know we got a lot of commissions, but a commission made up, appointed by the President, the House and the Senate, made up of the leading people in America that we could find with the greatest stature, to come forward with us with a threat assessment, a threat assessment that in fact reflects, for purposes of deciding what priorities we should be focusing on. And so I can talk to you more about that later, but my time is . . . (Overlap)

VW: I don't know if we have time for one or two more, but one there, and if there's time for two, it's over there. Les is telling me only one, I'm sorry to say, (inaudible).

M: (inaudible) Talbot(?). Senator, thank you for this broad guarded approach to the problems we face. My question is this, do you foresee the need or the expectation of a Congressional declaration of war, which the Constitution calls for, and if so, against whom? (Scattered Laughter)

JB: The answer is yes, and we did it. I happen to be a professor of Constitutional law. I'm the guy that drafted the Use of Force proposal that we passed. It was in conflict between the President and the House. I was the guy who finally drafted what we did pass. Under the Constitution, there is simply no distinction . . . Louis Fisher(?) and others can tell you, there is no distinction between a formal declaration of war, and an authorization of use of force. There is none for Constitutional purposes. None whatsoever. And we defined in that Use of Force Act that we passed, what . . . against whom, we were moving, and what authority was granted to the President.

And why don't you take that question, it's not two o'clock, I'll give a yes or no. He may be from Delaware. (Laughter)

RP: Roland Paul, Senator, I concur with everybody else in commending you on your comments, and anyone who's heard you before would certainly not be surprised at how good they were. I would return to a question you answered earlier, and you said as long . . . the bombing, every day it goes on, the harder it may be for us to do something in the past(?). What do you see as the situation if we don't defeat the Taliban in the next four weeks, and winter sets in in Afghanistan?

JB: Again, I'm not a military man. I think the American public and the Islamic world is fully prepared for us to take as long as we need to take, if it is action that is mano-a-mano. If it's us on the ground going against other forces on the ground. The part that I think flies in the face of and plays into every stereotypical criticism of us is we're this high tech bully that thinks from the air we can do whatever we want to do, and it builds the case for those who want to make the cause against us that all we're doing is indiscriminately bombing innocents, which is not the truth. Some innocents are (indiscriminately) bombed, but that is not the truth. I think the American public is prepared for a long siege. I think the American public is prepared for American losses. I think the American public is prepared, and the President must continue to remind them to be prepared, for American body bags coming home.

There is no way that you can in fact go after and root out al-Qaeda and/or Bid Laden without folks on the ground, in caves, risking and losing their lives. And I believe that the tolerance for that in the Islamic world is significant . . . exponentially higher than it is for us bombing. That's a generic point I wish to make. I am not qualified enough to tell you, although I can tell you what the military guys have said to me, this is not 1948. This is 2001, I'm not at all they're correct, and our ability to wage conflict in the winter, in parts of this region, is within our control, I don't know enough to vouch for that or not, but I do think it clearly makes it more difficulty, and the weather window is closing, as opposed to the tolerance window for a behavior, in my view. Thank you all very, very much. (Applause)

Mr. BIDEN. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The majority leader.

Mr. DASCHLE. I thank the Senator from Delaware for his clarification, although there was none required on my part.

Mr. BIDEN. I knew it would not be required on the Senator's part.

Mr. DASCHLE. I have the greatest admiration for the extraordinary experience and leadership provided by the Senator from Delaware. I am not surprised he was misquoted, and I think he is wise. He speaks from experience in coming to the floor to ensure if there is any misunderstanding it has now been clarified.

He did it in a way I would expect. He has come to the Chamber with a complete explanation. I have read some of the remarks because after being asked the question, I was informed of the Senator's comments. I applaud him for the way in which he handled the questions and applaud him as well for his speech. I appreciate his willingness to come to the Chamber, and I thank him for the extraordinary job he does every day as chairman of our Foreign Relations Committee.

Mr. BIDEN. Very briefly in response, I thank the Senator. I know the public listening to this would say they expect two guys who are friends and in the same party to say the same thing, but the truth is we are all going to be tested over the next several months. The President of the United States, who we all think is doing a very fine job, is going to have to make some very tough decisions.

I, for one, and I know my two leaders and the Senator from Oregon as well are not into Monday morning quarterbacking. Some of the decisions we are going to make are going to turn out to be brilliant. Some we are going to make are not going to be so good.

I would say this: This President, in my view, so far has made the right choices. He has done the right thing. He is pursuing the right way. This notion of how long we bomb versus how long before we put forces on the ground is an incredibly difficult decision. You can be assured every single mistake we accidentally make—and by the way, to our credit the Defense Department acknowledged today, like no other Defense Department would, I think, that, yes, there was an errant bomb, and it did take out some innocent people. What other great nation would acknowledge that?

That is going to happen. It is horrible that it will, but the President has a series of very tough choices. I want him to know that not only I, but we all wish him well, and as long as he is trying, as he is, to keep this coalition together, to keep it moving, I am willing to yield to his judgment in the prosecution of this war.

So I thank my friend for his kind comments, and I hope this puts it to rest. I am sure the gentleman on the House side who made the comments was probably told by staff, and I think it was kind of like a drive-by shooting because I have never had a cross word with this particular House Member, but I understand things got pretty hot in the House today. I think I was the first Democrat who came across his radar, and I think this would be called a political drive-by shooting—accidental, I hope—and it will get straightened out.

I am not criticizing or making light of what was said. I want the RECORD to be straight because it is important the world knows and the Nation knows we are behind the President and we are not at this point second-guessing his judgment, particularly about bombing.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GENERAL CHARLES T. ROBERTSON, JR.

Mr. LOTT. Madam President, I wish to take this opportunity to recognize and say farewell to an outstanding Air Force officer, General Charles T. "Tony" Robertson, Jr., upon his retirement from the Air Force after more than 33 years of commissioned service. Over the years, many Members and staff have enjoyed the opportunity to meet with General Robertson on a variety of joint military issues and have come to appreciate his many talents. Indeed, throughout his career, General Robertson has served with distinction, and it is my privilege today to recognize his many accomplishments and to commend him for the superb service he has provided the Air Force and our Nation.

General Robertson entered the Air Force in 1968 as a graduate of the U.S. Air Force Academy. After successfully completing pilot training, he served his Nation by flying 150 combat missions as a gunship pilot in Southeast Asia while stationed with the 18th Special Operations Squadron in South Vietnam. Lieutenant Robertson was then assigned to Wright-Patterson Air Force Base, Ohio, where he became a B–52 copilot, aircraft commander, instructor pilot, and flight examiner with the 17th Bombardment Wing. Moving on to Offutt Air Force Base, Nebraska, he first became Assistant to the Chief of Staff, then Aide and Executive Officer to the Vice Commander in Chief, Headquarters, Strategic Air Command. His next assignment was to Plattsburgh Air Force Base, New York, as an FB–111 Aircraft Commander, Flight Commander, and Assistant Operations Officer.

As a lieutenant colonel, he served as a Plans and Programming Officer in the Air Force Programs and Evaluation Directorate at the Pentagon before returning to Plattsburgh Air Force Base, in 1982, as Commander, 529th Bomb Squadron, and then as Assistant Deputy Commander for Maintenance, 380th Bombardment Wing. After completing studies at the National War College at Fort McNair in Washington D.C., he was promoted to colonel in 1985.

During that same year, Colonel Robertson returned to the Pentagon to serve as Executive Officer to the Air Force Vice Chief of Staff, Headquarters U.S. Air Force. He went on to become Commander of the 2nd Bombardment Wing, Barksdale Air Force Base, Louisiana, in 1987, then Commander of the 384th Bombardment Wing at McConnell Air Force Base, Kansas, in 1989. As Commander of the 384th, Colonel Robertson was honored as the Strategic Air Command Outstanding Wing Commander of the Year for 1989. Following his tour at McConnell, he returned to Offutt Air Force Base where he served as Assistant Deputy Chief of Staff, Plans and Resources, Headquarters Strategic Air Command, and was promoted to Brigadier General in 1991.

As a general officer, General Robertson excelled in a number of key assignments, including Director of Personnel Plans, Headquarters U.S. Air Force and then Vice Director of the Joint Staff, Joint Chiefs of Staff at the Pentagon; Vice Commander, Air Mobility Command, Scott Air Force Base, Illinois; Commander, 15th Air Force at Travis Air Force Base, California; and culminating with his current assignment as Commander in Chief, United States Transportation Command, USTRANSCOM, and Commander, Air Mobility Command, AMC.

Over his career, General Robertson demonstrated his skill as an aviator by safely accumulating over 4,700 hours of flight time in the AC–119K, B–1B, B–2, B–52, C–5, C–9, C–17, C–20B, C–21, C–37, C–130, C–141, EC–135, FB–111A, KC–10, KC–135, T–1, T–6, T–37, T–38, and T–39 aircraft.

As Commander in Chief, USTRANSCOM, General Robertson's leadership has been indispensable to the readiness of the Defense Transportation System to accomplish its mission, getting troops to the fight, sustaining the fight, and then bringing the troops back home when the fight is over. As a tireless "Total Force" advocate, his commitment to fully integrating guard and reserve forces into all aspects of the Command has reaped great dividends and great praise. Recognizing the essential role of our commercial transportation industry in supporting the USTRANSCOM mission, General Robertson lifted this partnership to unprecedented levels through such critical programs as the Civil Reserve Air Fleet, the Maritime Security Program, and the Voluntary Intermodal Sealift Agreement. Following the terrorist bombing of Khobar Towers, and then again after the attack on the USS COLE, the global force protection programs he developed for his always "in-transit" forces were held as the model for others to emulate.

His factual and pointed testimonies before the Senate Armed Services Committee illustrated the professionalism and expertise which has enabled him to foster exceptional rapport with all members of the Senate and was a clear indication of his ability to work with the Congress in addressing the priorities of his Command. Finally, as evidence of his clear vision for the future, he diligently labored to ensure programs such as follow-on C–17 procurement, C–5 modernization, and airlift defensive systems were in-place to ensure the transformation of the mobility fleet to meet the challenges of tomorrow.

An exemplary officer of unmatched skill and talent, General Robertson personifies the Air Force core values of integrity, selfless service, and excellence in all things. I offer my congratulations to him, his wife, Brenda, and sons, Sean and Jason. The Congress and the country applaud the selfless commitment his entire family has made to the Nation in supporting his military career.

I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Robertson. He is a credit to both the Air Force and the United States and I congratulate him on the completion of an outstanding and successful career. May God continue to bless Tony, his family and the United States of America.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 20, 2000 in Stafford, VA. Thomas Rivers, 18, allegedly attacked a 15-year-old gay teenager by bashing him in the back of the head with a metal pole, almost killing him. The previous year, after Rivers learned that the younger boy was attracted to him, Rivers lashed out by shouldering him in hallways at school, shouting slurs and spitting on him. The attack came eight months later when Rivers saw the boy walking in an area park.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

FIRST ANNIVERSARY OF BREAST AND CERVICAL CANCER TREATMENT ACT

Mr. CHAFEE. Madam President, I would like to remind the Senate that October is not only Breast Cancer Awareness Month, but also the first anniversary of the enactment of the Breast and Cervical Cancer Treatment Act. As we take time this month to remember all those who've lost their lives to this tragic disease, we must also celebrate the great strides we've made in diagnosing and treating breast cancer in women from all walks of life.

As many of us remember, the Centers for Disease Control has long operated a program to provide low-income uninsured women with coverage for cancer screening. Since its creation in 1990, the CDC's Breast and Cervical Cancer Early Detection Program has proved a great success, providing over one million mammograms to women 40 years or older through March 1999. Of these, over 77,000 were found to be abnormal and 5,830 cases of breast cancer were diagnosed. Additionally, through March 1997, 300 cases of invasive cervical cancer were discovered in over 700,000 pap tests.

Despite this high rate of success, the Early Detection Program contained a fatal flaw. The CDC program provided no treatment options for low-income, uninsured women who tested positive for breast or cervical cancer. Instead of receiving the help they needed, the women diagnosed with cancer under this program were left to find treatment for themselves. Unfortunately, early detection is pointless unless it is followed by immediate and vigorous treatment.

To address this shortcoming, I joined with Senators BARBARA MIKULSKI, OLYMPIA SNOWE, and others to sponsor legislation to allow individual states the option of providing treatment through their state Medicaid programs. As enacted, the Breast and Cervical Cancer Treatment Act provides enhanced federal matching funds to states that choose to operate a treatment plan for women diagnosed under the CDC program. Instead of imposing a new federal mandate, the bill offered positive incentives and tangible funding options to those states whose populations are most in need.

Today, on the 1-year anniversary of the enactment of this momentous legislation, I'm proud to tell you that the Act has been a great success. Over the course of the past year, thirty-three states have already begun using the enhanced federal matching funds to provide treatment to women diagnosed with breast or cervical cancer through the CDC screening program. Women across America are already benefiting from treatment program in these thirty-three states.

I am especially proud to note that Rhode Island was one of the first to join. In fact, Governor Lincoln Almond, his wife Marilyn, and the Director of Rhode Island's Human Services Department, Christine Ferguson, were strong and tireless proponents of the Breast and Cervical Cancer Treatment Act. By leading the charge for this bill at the state level, the Governor and his Human Services Director highlighted once again why Rhode Island has one of the best health-care systems in the country.

TRIBUTE TO MICHAEL LEE SELVES

Mr. SMITH of Oregon. Madam President, I would like to take this opportunity to pay tribute to Oregon native, Michael Lee Selves, an American hero and patriot whose distinguished service to our Nation spanned 32 years. Michael's life was tragically cut short on September 11, 2001, when American Airlines flight 77 crashed into the Pentagon. Michael Selves served this great Nation as both an officer and civilian with the United States Army. Mr. Selves entered the Army in 1969, and during his illustrious career selflessly defended freedom at duty stations in Europe, Korea, and across the United States. Rising to the rank of Lieutenant Colonel before leaving military service, he was admired and respected by superiors and subordinates alike as a gifted and caring leader of soldiers. His numerous decorations include the Legion of Merit and three Meritorious Service Medals.

As a Department of the Army civilian, Mr. Selves brought his leadership skills to the office of the Administrative Assistant to the Secretary of the Army. His vast skills were quickly recognized as he was appointed Director of the Army's Information Management Support Center. Under his leadership, a cohesive team of information technology professionals was formed that produced the highest score for customer satisfaction within the Pentagon. The actions of his subordinates in the hours immediately following the attack on the Pentagon attests to his leadership. Despite Mr. Selves' absence, and extensive damage to the automation infrastructure, they were able to restore services within 70 hours.

On behalf of his family and many friends, let the record show that the Congress of the United States of America honors the memory of Michael Lee Selves and the ultimate sacrifice he made for our grateful Nation. My thoughts and prayers are with his family members, especially his wife and parents, Jack and Florence Selves, and will remain with them in the months to come.

ADDITIONAL STATEMENTS

SENATOR CORZINE'S RECORD

• Mr. HOLLINGS. Madam President, on financial matters, our colleague, Mr. CORZINE, has an unparalleled record. He worked his way to the top of the financial world on his own merit. He started as a bond trader and ended up 20 years later as chairman and chief executive officer of Goldman Sachs, one of Fortune magazine's 10 best companies in America. In terms of economics and business, he knows of what he speaks. After conquering the hurdles of the financial world, he has brought his expertise to the Senate. Albert Hunt outlined JON CORZINE's background and philosophy on the economic stimulus package being considered by Congress in the Wall Street Journal on October 11, 2001, and I ask this article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Thurs., Oct. 11, 2001]

A SENATOR WHO HAS MET A PAYROLL

POLITICS AND PEOPLE

(By Albert R. Hunt)

Which person is better for advice on stimulating the economy: A professor who has spent most of his adult life on the public payroll, or a business executive who headed one of the world's most successful investment-banking firms?

Phil Gramm or Jon Corzine? These two senators have decidedly different approaches to an increasingly faltering economy in the wake of last month's terrorism.

Sen. Corzine, a freshman Democrat from New Jersey who used to be chairman of Goldman Sachs, wants a $150-billion-a-year stimulus package focused on security spending initiatives and temporary tax cuts to boost consumption. Republican Sen. Gramm, an economics professor at Texas A&M before his 23 years in Congress, wants large and permanent individual and corporate tax cuts directed at upper-income Americans.

President George W. Bush moved toward Mr. Gramm's position when he declared additional stimulus should be limited to more tax cuts.

This appeals to the GOP's "pitchfork-and-torch" crowd—indeed, Mr. Gramm is its intellectual leader in Congress. But the Corzine approach is eminently preferable. It is closer to the goals articulated by congressional budget committees, as well as the public and private testimony of Federal Reserve Chairman Alan Greenspan and former Treasury Secretary Bob Rubin: Economic stimulus should pump money quickly into the economy on a temporary basis, not adversely affect longer-term fiscal discipline. President Bush's focus tax cuts fails those tests: Sen. Gramm's proposals are worse.

"The overarching issue," said Sen. Corzine over breakfast this week, "is to get a lot of fiscal stimulus now and avoid fiscal disaster in the long term."

A corporate tax cut now, the investment-banker-turned-senator notes, is misdirected: It rewards previous investments more than encouraging new ones. Better would be short-term accelerated depreciation to encourage new investments.

The Bush administration is pushing a "middle class" tax cut to reduce the 27% tax rate next year to 25%. That's bogus. This rate applies to everyone with taxable income above $46,700. So for a construction worker making $65,000, with $50,000 of taxable income, the tax cut would total $66. But for anyone making more than $150,000, with taxable income of over $112,850, it'd be a $1,300 tax cut.

As economic stimulus, this idea flounders even more on efficacy than equity. Studies demonstrate lower-income people spend more of their disposable income, and what this economy needs is more consumption. Sen. Corzine, worth $400 million earlier this year, rejects the GOP's upper-income-oriented tax cuts: "The wealthy, including myself, are not going to change spending habits with such tax cuts."

Making new tax reductions permanent would aggravate persistently high long-term interest rates, he asserts. The opposition to temporary tax cuts by the likes of Glenn Hubbard, chairman of the president's Council of Economic Advisers, is situational; only a few years ago Mr. Hubbard co-authored a paper arguing "temporary investment incentives can have even larger short-run impacts on investment than permanent investment incentives."

Further, the initiatives launched by the White House would, Sen. Corzine notes, "give almost nothing to the people who've been in the front lines—the cops, the firemen who climbed those stairs at the World Trade Center, the grunts who did the cleanup work. That's wrong."

Sen. Gramm questions whether extending jobless claims "has anything to do with stimulus." It's true the unemployed won't put any added money in the secret foreign bank accounts Sen. Gramm has so eagerly protected, but they'll do something more contributory with the money: They'll spend it. The stinginess of the Bush proposals on this score is stunning. If the economic downturn is comparable to the recession of the early 1990s, the president's proposed $5 billion limited extended jobless claims would be less than one-fifth the $28 billion spent on such measures a decade ago, calculates Bob Greenstein of the Center on Budget and Policy Priorities.

Sen. Corzine is sympathetic to support for expanded jobless benefits and more health insurance coverage for the unemployed—although he doesn't suggest, as the White House does, that we should take some of it out of the Children's Health Insurance Program. He thinks a better approach, however, is temporary "revenue sharing" with fiscally pressed state and local governments, which would head off counterproductive budget cuts or tax hikes. "If we don't do this, much of the stimulus at the federal level will be cut away by state and local tax increases," he says.

He favors major spending investments to bolster the deteriorating economy, geared to the terrorist threat. These include a new federal aviation authority air-control system; major investments in transportation infrastructure, such as bridges and tunnels ("all of which could be terrorist targets"); and assistance for more sophisticated communications systems for local police and fire departments. These spending priorities, he declares, should all be with an eye to greater security.

The former banker is leery of bailing out the myriad industries lining up at the federal trough. After a few changes he voted for the airline bailout—"there are tons of airline jobs in New Jersey"—but fears it wasn't well crafted. He'd make at least one exception: You've got to do something for the insurance industry, otherwise insurance rates will be off the charts and unavailable."

On tax cuts, he would support a tax rebate for the lowest-income people—some 30 million lower-income workers didn't get any cuts in the tax bill enacted this year—but is pushing what he believes is much better idea: a two year "holiday" on a portion of employees' payroll taxes. It would disproportionately go to those most likely to spend it and, he argues, "have a much bigger ongoing effect on stimulus than a one-shot rebate."

Jon Corzine agrees generally with his former partner, Bob Rubin, on the shape of any stimulus, but disagrees on the size. "Bob is too cautious," he worries. "If we're too cautious on the short end, it will come back to haunt us on the back end."

But they're in complete agreement that as central as the need for short-term assistance is the need for long-term fiscal discipline. This is not possible without modifying the huge tax cuts for the wealthy slated to take effect over the next decade. Warns the former top Wall Street executive: "If we don't change the back end of those tax cuts we will have a fiscal train wreck no matter what we do now."●

RECOGNITION OF WORLD POPULATION AWARENESS WEEK

● Mr. CHAFEE. Madam President, I would like to take this time to recognize the week of October 21–28 as "World Population Awareness Week."

Rapid population growth and urbanization have become catalysts for many serious environmental problems. They are applying substantial pressures on infrastructure, manifested especially in pollution, transportation, health, sanitation, and public safety problems. These all make urbanization an issue we cannot afford to ignore. Cities and urban areas today occupy only two percent of the earth's land, but contain half of the world's population and consume 75 percent of its resources.

Therefore, it is important for us to recognize the problems associated with rapid population growth and urbanization. Governor Lincoln Almond has proclaimed the week of October 21–28 as "World Population Awareness Week" in Rhode Island. I ask that Governor Almond's proclamation be printed in the RECORD.

The material follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS—GUBERNATORIAL PROCLAMATION

Whereas, world population stands today at more than 6.1 billion and increases by some one billion every 13 years; and,

Whereas, the most significant feature of the 20th century phenomenon of unprecedented world population growth was rapid urbanization; and,

Whereas, cities and urban areas today occupy only 2% of the earth's land, but contain 50% of its population and consume 75% of its resources; and,

Whereas, the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and,

Whereas, along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health and crime problems, as well as deterring the provision of basic social services; and,

Whereas, World Population Awareness Week was proclaimed last year by Governors of 32 states, as well as Mayors of more than 315 United State cities, and co-sponsored by 231 organizations in 63 countries; and,

Whereas, the theme of World Population Awareness Week in 2001 is "Population and the Urban Future"; now,

Therefore, I, Lincoln Almond, Governor of the State of Rhode Island and Providence Plantations, do hereby proclaim, October 21–28, 2001, as World Population Awareness Week.●

THE 100TH ANNIVERSARY OF THE MILTON FIRE DEPARTMENT

Mr. BIDEN. Madam President, on November 14, 1901, after more than a decade of effort by a group of concerned citizens, the Volunteer Fire Company of Milton, Delaware was organized. The Town Council elected Charles H. Davidson as the first Fire Chief, and 26 men signed up as volunteer firefighters. R.B. Hopkins was named President.

In remembering the founding of the company, its current president, Lynn Rogers, rightly noted that, although the formal Ladies Auxiliary was not organized until years later, the women of Milton provided vital support to the town's fire service from the very start.

By a vote of 76 to 33, the citizens of Milton voted to purchase a fire truck, and the Town bought a Howe chemical and water engine, with the then hefty price tag of $1,250. In 1902, there was another purchase, a Fire King hose cart that can still be found at the Milton fire station today.

It wasn't long before the resources of the Milton Fire Company and its members were tested to their fullest; a disastrous fire struck the town in August of 1909. In just four hours, with the firefighters and the citizens working together against it, the fire raged through the lower part of Milton, destroying 18 buildings in the business district.

It was the kind of devastation that challenges the spirit and character of a community, just as we have been challenged as a nation this fall. And in the tradition of the American spirit and the American character, Milton came back, with its Fire Company helping to lead the way.

The Milton Fire Department has been a leader in the Delaware Volunteer Firemen's Association from the first meeting in 1921; the current President of the DVFA, Dale Callaway, is from Milton. The Department's leadership has been marked by incredible dedication, with officers who regularly serve for 25 years or more. Just one of many possible examples of this dedication, was when Linwood "Jim" Rogers asked to be replaced after 41 years as Treasurer, Denny Hughes took over, and he continues to hold the office 23 years later.

Over the years, the Milton Fire Department has grown with the town, with a new building dedicated in 1950, an additional property purchase in the 1960s and a renovation and addition in the early 1980s. An ambulance service has grown, from the first ambulance purchase in 1948, to the dedication of members of the Ladies Auxiliary in the 1970s, who took ambulance attendant courses to ensure quality service.

Lynn Rogers made another comment at the 100th anniversary celebration that I would like to cite. He said, "The fire service of Delaware is a family. We no longer grow as one department; the fire service grows together; we depend on each other more every day, with the specialized emergencies that we all face."

Even beyond the family of our small State, to the broader community of our Nation, we have learned that lesson together in recent weeks—the depths of our bond to one another, how we depend on each other, and the debt and support we owe to those we rely upon in an emergency.

The great tradition of the fire service is alive and well in Milton, DE, and as we approach November 14th, the 100th anniversary of the Milton Fire Department, I am proud to share the pride of Delaware, and to convey the congratulations of the United States Senate, to Chief Jack Hudson, President Lynn Rogers and all the members and friends of the Milton Fire Department and Ladies Auxiliary.

MESSAGES FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 980. An act to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System.

H.R. 1814. An act to amend the National Trails System Act to designate the Metacomet- Monadnock- Sunapee- Mattabesett Trail extending through western New Hampshire, western Massachusetts, and central Connecticut for study for potential addition to the National Trials System.

H.R. 2792. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make service dogs available to disabled veterans and to make various other improvements in health care benefits provided by the Department of Veterans Affairs, and for other purposes.

H.R. 2899. An act to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes.

H.R. 2924. An act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

H.R. 2925. An act to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

H.R. 3086. An act to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President of the United States on September 14, 2001.

H.R. 3160. An act to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins.

H.R. 3162. An act to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 184. Concurrent resolution providing for a National Day of Reconciliation.

At 5:38 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3090. An act to provide tax incentives for economic recovery.

The message also announced that pursuant to section 8162(c)(3) of Public Law 106–79, the Speaker appoints the following Members of the House of Representatives to the Dwight D. Eisenhower Memorial Commission: Mr. THORNBERRY of Texas, Mr. MORAN of Kansas, Mr. MOORE of Kansas, and Mr. BOSWELL of Iowa.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker, were signed by the President pro tempore (Mr. BYRD) on October 24, 2001:

H.R. 146. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes.

H.R. 182. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 1000. An act to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes.

H.R. 1161. An act to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G.Masaryk in the District of Columbia.

H.R. 1668. An act to authorize the Adams Memorial foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family.

H.R. 2904. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 980. An act to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 1814. An act to amend the National Trails System Act to designate the Metacomet- Monadnock- Sunapee- Mattabesett Trail extending through western New Hampshire, western Massachusetts, and central Connecticut for study for potential addition to the National Trails System; to the Committee on Energy and Natural Resources.

H.R. 2792. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make service dogs available to disabled veterans and to make various other improvements in health care benefits provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2899. An act to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes; to the Committee on Finance.

H.R. 3086. An act to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President of the United States on September 14, 2001; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3090. An act to provide tax incentives for economic recovery; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 184. Concurrent resolution providing for a National Day of Reconciliation; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELMS (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. DURBIN, Mr. SMITH of Oregon, Ms. MIKULSKI, Mr. KYL, Mr. ALLEN, Mr. HAGEL, Mr. MCCAIN, Mr. BROWNBACK, Mr. MCCONNELL, Mr. FRIST, Mr. DEWINE, Mr. VOINOVICH, Mr. GRASSLEY, Mr. HATCH, Mr. LOTT, and Mr. ENZI):

S. 1572. A bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 1482

At the request of Mr. HARKIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1538

At the request of Mr. BINGAMAN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1538, a bill to further continued economic viability in the communities on the High Plains by promoting sustainable groundwater management of the Ogallala Aquifer.

AMENDMENT NO. 1843

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 1843 intended to be proposed to H.R. 2506, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. DURBIN, Mr. SMITH of Oregon, Ms. MIKULSKI, Mr. KYL, Mr. ALLEN, Mr. HAGEL, Mr. MCCAIN, Mr. BROWNBACK, Mr. MCCONNELL, Mr. FRIST, Mr. DEWINE, Mr. VOINOVICH, Mr. GRASSLEY, Mr. HATCH, Mr. LOTT, and Mr. ENZI):

S. 1572. A bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes; to the Committee on Foreign Relations.

Mr. HELMS. Mr. President, on behalf of myself, Senator LIEBERMAN, Senator LUGAR, Senator DURBIN, and fourteen other of our colleagues I send to the desk a bill entitled the Freedom Consolidation Act of 2001. An identical bill is being introduced simultaneously in the House of Representatives by Congressmen DOUG BEREUTER, TOM LANTOS, and others.

The Freedom Consolidation Act reaffirms what I believe to be a strong and bipartisan Congressional commitment to NATO enlargement. Focusing on the NATO Alliance's Prague summit in November of 2002, the bill endorses the vision of a Europe whole, undivided, free and secure. Indeed, this bipartisan vision has guided U.S. policy toward Europe for the last fifty years.

It's a vision that President Clinton helped to make a reality through the integration of Poland, the Czech Republic and Hungary into NATO.

It is also a vision so powerfully reaffirmed by President George W. Bush in Warsaw this past June.

Some hoped that the tragic events of September 11 would weaken the NATO Alliance. In fact, quite the opposite has happened. It has reinvigorated awareness on both sides of the Atlantic that NATO, an organization of collective defense, remains vital to the interests and values of the community of democracies. Moreover, the atrocities of September 11 have reaffirmed the need for the Alliance to move decisively forward on its agenda of enlargement, military modernization, and enhancements of its capacities against weapons of mass destruction.

Today, we can build on NATO's fifty years of joint military planning, training, and operations as the foundation for U.S. and European cooperation in the war against terrorism. Consolidating the zone of peace, democracy and security in Europe should be the cornerstone of our integrated global strategy against the threats of the 21st century.

NATO enlargement must, thus, remain a leading priority of American foreign policy.

Recently, the heads of state of European democracies seeking NATO membership gathered in Sofia, Bulgaria, to explore how they can more effectively contribute to Euro-Atlantic security. Even more important is the fact that these democracies are conducting themselves today as de facto members of the NATO Alliance. Their troops stand shoulder to shoulder with U.S. forces keeping the peace in the Balkans. They were among the first to offer their services, including not only the use of their bases, but even the deployment of their own troops in this war against terrorism.

The most recent round of NATO enlargement, which was ratified by the Senate with an overwhelming 80 votes, has proven to be a success. Polish, Czech, and Hungarian membership have strengthened the Alliance. Their integration into NATO has enhanced European security and stability. And contrary to NATO nay-sayers their integration into NATO has helped to normalize not only their bilateral relationships with Russia, but also relations between Russia and the West.

I am confident that the Alliance's summit in Prague next year will initiate the next round of enlargement, which will strengthen the Alliance. It will help reverse the historic wrongs of Yalta, and it will bring us that much closer to fulfilling the vision of a Europe, whole, free and secure.

I urge my colleagues to consider supporting the Freedom Consolidation Act of 2001, and I urge them to do so.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1922. Mr. WELLSTONE (for himself and Mrs. BOXER) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

SA 1923. Mr. WELLSTONE proposed an amendment to the bill H.R. 2506, supra.

SA 1924. Mr. MCCONNELL (for Mr. INHOFE) proposed an amendment to the bill H.R. 2506, supra.

SA 1925. Mr. REID (for Mr. LEAHY (for himself, Mr. MCCONNELL, and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 2506, supra.

SA 1926. Mr. MCCONNELL (for himself, Mr. LEAHY, and Mr. HELMS) proposed an amendment to the bill H.R. 2506, supra.

SA 1927. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1928. Mr. REID (for Mr. LEAHY (for himself, Mr. HARKIN, and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1929. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1930. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1931. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1932. Mr. MCCONNELL proposed an amendment to the bill H.R. 2506, supra.

SA 1933. Mr. MCCONNELL proposed an amendment to the bill H.R. 2506, supra.

SA 1934. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1935. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1936. Mr. McCONNELL (for himself, Mr. LEAHY, Mr. BROWNBACK, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2506, supra.

SA 1937. Mr. REID (for Mr. WELLSTONE) proposed an amendment to the bill H.R. 2506, supra.

SA 1938. Mr. REID (for Mr. WELLSTONE (for himself and Mrs. BOXER)) proposed an amendment to the bill H.R. 2506, supra.

SA 1939. Mr. McCONNELL (for Mr. STEVENS (for himself and Mr . INOUYE)) proposed an amendment to the bill H.R. 2506, supra.

SA 1940. Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. DOMENICI, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2506, supra.

SA 1941. Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. ALLEN, Mr. DOMENICI, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2506, supra.

SA 1942. Mr. LEAHY (for Mr. HELMS) proposed an amendment to the bill H.R. 2506, supra.

SA 1943. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1944. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1945. Mr. LEAHY (for Mr. McCONNELL (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2506, supra.

SA 1946. Mr. LEAHY (for Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1947. Mr. LEAHY (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2506, supra.

SA 1948. Mr. LEAHY (for Mr. SMITH, of Oregon (for himself, Mr. HATCH, and Mr. HELMS)) proposed an amendment to the bill H.R. 2506, supra.

SA 1949. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2506, supra.

SA 1950. Mr. GRAHAM (for himself, Mr. HAGEL, Mr. DODD, Mr. McCAIN, Mr. KYL, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2506, supra.

SA 1951. Mr. FEINGOLD (for himself and Mr. WELLSTONE) proposed an amendment to the bill H.R. 2506, supra.

SA 1952. Mr. FEINGOLD (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 2506, supra.

SA 1953. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2506, supra.

SA 1954. Mr. LEAHY (for Mr. DURBIN) proposed an amendment to the bill H.R. 2506, supra.

SA 1955. Mr. McCONNELL (for Mr. HELMS (for himself and Mr. McCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1956. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1957. Mr. LEAHY (for Mr. BYRD) proposed an amendment to the bill H.R. 2506, supra.

SA 1958. Mr. McCONNELL (for Mr. FRIST (for himself, Mr. BROWNBACK, Mr. HELMS, and Mr. FEINGOLD)) proposed an amendment to the bill H.R. 2506, supra.

SA 1959. Mr. DODD (for himself and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2506, supra.

SA 1960. Mr. McCONNELL (for Mrs. HUTCHISON (for himself and Mr. INOUYE)) proposed an amendment to the bill H.R. 2506, supra.

SA 1961. Mr. LEAHY (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2506, supra.

SA 1962. Mr. LEAHY (for himself and Mr. DASCHLE) proposed an amendment to the bill H.R. 2506, supra.

SA 1963. Mr. LEAHY (for Ms. STABENOW) proposed an amendment to the bill H.R. 2506, supra.

SA 1964. Mr. LEAHY (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2506, supra.

SA 1965. Mr. McCONNELL proposed an amendment to the bill H.R. 2506, supra.

SA 1966. Mr. McCONNELL proposed an amendment to amendment SA 1921 submitted by Mr. Brownback and intended to be proposed to the bill (H.R. 2506) supra.

SA 1967. Mr. McCONNELL (for himself and Mr. SARBANES) proposed an amendment to the bill H.R. 2506, supra.

SA 1968. Mr. LEAHY (for Mr. SMITH, of Oregon (for himself and Mr. WYDEN)) proposed an amendment to the bill H.R. 2506, supra.

TEXT OF AMENDMENTS

SA 1922. Mr. WELLSTONE (for himself and Mrs. BOXER) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

It is the sense of the Senate that—

(1) Afghanistan's neighbors should reopen their borders to allow for the safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians;

(2) as the United States engages in military action in Afghanistan, it must work to deliver assistance, particularly through overland truck convoys, and safe humanitarian access to affected populations, in partnership with humanitarian agencies in quantities sufficient to alleviate a large scale humanitarian catastrophe; and

(3) the United States should contribute to efforts by the international community to provide long-term, sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

SA 1923. Mr. WELLSTONE proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal, year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place insert:

SEC. . UZBEKISTAN.

REPORTS.—Not later than three months after the date of the enactment of this Act, and then six months thereafter, the Secretary of State shall submit to the appropriate Congressional committees on the following:

(1) The defense article, defense services, and financial assistance provided by the United States to Uzberkistán during the six-month period ending on the date of such report.

(2) the use during such period of defense articles and defense services provided by the United States by units of the Uzbek armed forces, border guards, Ministry of National Security, or Ministry of Internal Affairs.

(3) The extent to which any units referred to in paragraph (2) engaged in Human rights violations, or violations of international law, during such period.

SA 1924. Mr. McCONNELL (for Mr. INHOFE) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 125 line 16, before the period at the end of the line insert the following: ": *Provided further*, That, of the funds appropriated under this heading, up to $100,000 should be made available for an assessment of the causes of the flooding along the Volta River in Accra, Ghana, and to make recommendations for solving the problem".

SA 1925. Mr. REID (for Mr. LEAHY (for himself, Mr. McCONNELL, and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 133, line 17, after "States" insert the following: ", of which not to exceed $28,000,000 shall be available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for the Federal Republic of Yugoslavia".

SA 1926. Mr. McCONNELL (for himself, Mr. LEAHY, and Mr. HELMS) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 229, line 12, after "steps" insert the following: ", additional to those undertaken in fiscal year 2001,".

On page 229, line 16, strike everything after "(3)" through "law" on line 17, and insert in lieu thereof: "taking steps, additional to those undertaken in fiscal year 2001, to implement policies which reflect a respect for minority rights and the rule of law, including the release of all political prisoners from Serbian jails and prisons.".

SA 1927. Mr. REID (for Mr. LEAHY (for himself and Mr. McCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 176, line 15, strike "$14,500,000" and insert in lieu thereof: "$15,500,000".

SA 1928. Mr. REID (for Mr. LEAHY (for himself, Mr. HARKIN, and Mr. McCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert:

DISABILITY ACCESS

SEC. . Housing that is constructed with funds appropriated by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and to carry out the provisions of the Support for East European Democracy (SEED) Act of 1989, shall to the maximum extent feasible, be wheelchair accessible.

SA 1929. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 142, line 18, after "That", insert the following: "of the amount appropriated under this heading, not less than $101,000,000 shall be made available for Bolivia, and not less than $35,000,000 shall be made available for Ecuador: *Provided further*, That".

On page 142, line 25, strike everything after "with" through "General" on page 143, line 1, and insert in lieu thereof: "the Administrator of the Environmental Protection Agency and the Director of the Centers for Disease Control and Prevention".

On page 143, line 6, strike "according to the" and insert in lieu thereof: "in accordance with Colombian laws and regulations, and".

On page 143, line 10, strike "in place" and insert in lieu thereof: "being utilized".

On page 143, line 12, after "and" insert: "to".

On page 216, line 14, strike "concerning" and insert in lieu thereof: ", including the identity of the person suspended and".

SA 1930. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 127, line 12, strike everything after "rehabilitation" through "Maluka" on line 13, and insert in lieu thereof: "and reconstruction, political reconciliation, and related activities in Aceh, Papua, West Timor, and the Malukus".

On page 220, line 23, after "Indonesia" insert the following: ", including imposing just punishment for those involved in the murders of American citizen Carlos Caceres and two other United Nations humanitarian workers in West Timor on September 6, 2000".

On page 221, lines 17 and 18, strike "having in place a functioning system for".

On page 221, lines 19 and 20, strike "that fund activities".

SA 1931. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 128, line 9, insert the following:

LAOS

Of the funds appropriated under the headings "Child Survival and Health Programs Fund" and "Development Assistance", $5,000,000 should be made available for Laos: *Provided*, That funds made available in the previous proviso should be made available only through nongovernmental organizations.

SA 1932. Mr. McCONNELL proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 127, line 19, strike "should" and insert in lieu thereof "shall".

SA 1933. Mr. McCONNELL proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 127, line 26, after "law:" insert the following: "*Provided further*, That none of the funds appropriated by this Act may be used to provide humanitarian assistance inside Burma by any individual, group, or association unless the Secretary of State certifies and reports to the Committees on Appropriations that the provision of such assistance includes the direct involvement of the democratically elected National League for Democracy:".

SA 1934. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

COMMUNITY-BASED POLICE ASSISTANCE

SEC. . (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and through the promotion of civilian police roles that support democratic governance including programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—Twelve months after the initial obligation of funds for Jamaica for activities authorized under subsection (a), the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees describing the progress the program is making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

SA 1935. Mr. REID (for Mr. LEAHY (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 179, line 7, after "democracy" insert ", human rights".

On page 179, line 8, after "which" insert: "not less than $5,000,000 should be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for such activities, and of which".

SA 1936. Mr. MCCONNELL (for himself, Mr. LEAHY, Mr. BROWNBACK, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . SEPTEMBER 11 DEMOCRACY AND HUMAN RIGHTS PROGRAMS.

Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $15,000,000 shall be made available for programs and activities to foster democracy, human rights, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: *Provided*, That funds appropriated under this section should support new initiatives or bolster ongoing programs and activities in those countries: *Provided further*, that not less than $2,000,000 of such funds shall be made available for programs and activities that train emerging Afghan women leaders in civil society development and democracy building: *Provided further*, That not less than $10,000,000 of such funds shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy Human Rights and Labor, Department of State, for such activities: *Provided further*, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations.

SA 1937. Mr. REID (for Mr. WELLSTONE) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill insert:

SEC. . UZBEKISTAN.

REPORTS.—Not later than three months after the date of the enactment of this Act, and six months thereafter, the Secretary of State shall submit a report to the appropriate congressional committees describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to Uzbekistan during the six-month period ending on the date of such report.

(2) The use during such period of defense articles and defense services provided by the United States by units of the Uzbek armed forces, border guards, Ministry of National Security, or Ministry of Internal Affairs.

(3) The extent to which any units referred to in paragraph (2) engaged in human rights violations, or violations of international law, during such period.

SA 1938. Mr. REID (for Mr. WELLSTONE (for himself and Mrs. BOXER)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

SEC. . HUMANITARIAN ASSISTANCE FOR AFGHANISTAN.

It is the sense of the Senate that:

(1) Afghanistan's neighbors should reopen their borders to allow for the safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians;

(2) as the United States engages in military action in Afghanistan, it must work to deliver assistance, particularly through overland truck convoys, and safe humanitarian access to affected populations, in partnership with humanitarian agencies in quantities sufficient to alleviate a large scale humanitarian catastrophe; and

(3) the United States should contribute to efforts by the international community to provide long-term, sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

SA 1939. Mr. McCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 153 line 7, after the colon insert the following: "*Provided further*, That of the funds appropriated by this paragraph, not less than $2,300,000 shall be made available for assistance for Thailand:".

SA 1940. Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. DOMENICI, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE IMPORTANT ROLE OF WOMEN IN THE FUTURE RECONSTRUCTION OF AFGHANISTAN.

(a) FINDINGS.—The Senate finds that:

(1) Prior to the rise of the Taliban in 1996, women throughout Afghanistan enjoyed greater freedoms, compromising 70 percent of school teachers, 50 percent of civilian government workers, and 40 percent of doctors in Kabul.

(2) In Taliban-controlled areas of Afghanistan, women have been banished from the work force, schools have been closed to girls and women expelled from universities, women have been prohibited from leaving their homes unless accompanied by a close male relative, and publicly visible windows of women's houses have been ordered to be painted black.

(3) In Taliban-controlled areas of Afghanistan, women have been forced to wear the burqa (or chadari)—which completely shrouds the body, leaving only a small mesh-covered opening through which to see.

(4) In Taliban-controlled areas of Afghanistan, women and girls have been prohibited from being examined by male physicians while at the same time, most female doctors and nurses have been prohibited from working.

(5) In Taliban-controlled areas of Afghanistan, women have been brutally beaten, publicly flogged, and killed for violating Taliban decrees.

(6) The United States and the United Nations have never recognized the Taliban as the legitimate government of Afghanistan, in part, because of their horrific treatment of women and girls.

(7) Afghan women and children now make up 75 percent of the millions of Afghan refugees living in neighboring countries in substandard conditions with little food and virtually no clean water or sanitation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Afghan women organizations must be included in planning the future reconstruction of Afghanistan.

(2) Future governments in Afghanistan should work to achieve the following goals:

(A) The effective participation of women in all civil, economic, and social life.

(B) The right of women to work.

(C) The right of women and girls to an education without discrimination and the reopening of schools to women and girls at all levels of education.

(D) The freedom of movement of women and girls.

(E) Equal access of women and girls to health facilities.

SA 1941. Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. ALLEN, Mr. DOMENICI, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE CONDEMNING SUICIDE BOMBINGS AS A TERRORIST ACT.

(a) FINDINGS.—The Senate finds that:

(1) Suicide bombings have killed and injured countless people throughout the world.

(2) Suicide bombings and the resulting death and injury demean the importance of human life.

(3) There are no circumstances under which suicide bombings can be justified, including considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

(4) Religious leaders, including the highest Muslim authority in Saudi Arabia, the Grand Mufti, have spoken out against suicide bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Suicide bombings are a horrific form of terrorism that must be universally condemned.

(2) the United Nations should specifically condemn all suicide bombings by resolution.

SA 1942. Mr. LEAHY (for Mr. HELMS) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 142, line 21, after the colon, insert the following: "*Provided further*, That of the amount appropriated under this heading, up to $2,000,000 should be made available to support democracy-building activities in Venezuela:".

SA 1943. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 130, line 4, strike "September 30, 2003", and insert in lieu thereof: "expended".

SA 1944. Mr. LEAHY (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

AUTHORIZATIONS

SEC. . The Secretary of the Treasury may, to fulfill commitments of the United States, contribute on behalf of the United States to the seventh replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank, and to the fifth replenishment of the resources of the International Fund for Agriculture Development. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $412,000,000 for the Asian Development Fund and $30,000,000 for the International Fund for Agricultural Development.

SA 1945. Mr. LEAHY (for Mr. McCONNELL (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 133, line 8 insert before the period: ": *Provided further*, That of the funds appropriated under this heading, not less than $250,000 should be made available for assistance for the Documentation Center of Cambodia:

Provided further, That not later than 60 days after the enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on a 3-year funding strategy for the Documentation Center of Cambodia".

SA 1946. Mr. LEAHY (for Mr. McCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 136, line 24 strike "$25,000,000" and insert in lieu thereof "$35,000,000".

SA 1947. Mr. LEAHY (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 190, between line 14 and 15, insert the follow new subsection:

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

SA 1948. Mr. LEAHY (for Mr. SMITH of Oregon (for himself, Mr. HATCH, and Mr. HELMS)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 232, between lines 23 and 24, insert the following:

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 581. None of the funds appropriated or otherwise made available by this Act may be made available for the Government of the Russian Federation after the date that is 180 days after the date of the enactment of this Act, unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has not implemented any statute, executive order, regulation, or other similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

SA 1949. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

The Senate Finds that—

Currently 106 Federal judgeships are vacant, representing 12.3 percent of the Federal judiciary;

40 of those vacancies have been declared "judicial emergencies" by the Administrative Office of the Courts;

Last year, at the adjournment of the 106th Congress, 67 vacancies existed, representing 7.9 percent of the judiciary;

In May 2000, when there were 76 Federal judicial vacancies, Senator Daschle stated, "The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country";

In January 1998, when there were 82 Federal judicial vacancies, Senator Leahy stated, "Any week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis";

The events of September 11, 2001, make it more important than ever that the branches of the Federal Government should operate at maximum efficiency which requires the Federal judiciary to be as close to full strength as possible;

100 percent of President Reagan's judicial nominees sent to the Senate prior to the 1981 August recess were confirmed during his first year in office;

100 percent of President George H.W. Bush's judicial nominees sent to the Senate prior to the 1989 August recess were confirmed during his first year in office;

93 percent of President Clinton's judicial nominees sent to the Senate prior to the 1993 August recess were confirmed during his first year in office;

President George W. Bush nominated and sent to the Senate 44 judicial nominees prior to the 2001 August recess;

21 of all pending nominees have been nominated to fill "judicial emergencies"; and

The Senate has confirmed only 12 judicial nominees to date, which represents 27 percent of President Bush's judicial nominations sent to the Senate prior to the 2001 August recess:

It is the sense of the Senate that (1) prior to the end of the first session of the 107th Congress, the Committee on the Judiciary shall hold hearings on, and the Committee on the Judiciary and the full Senate shall have votes on, at a minimum, the judicial nominations sent to the Senate by the President prior to August 4, 2001, and (2) the standard for approving pre-August recess judicial nominations for past administrations should be the standard for this and future administrations regardless of political party.

SA 1950. Mr. GRAHAM (for himself, Mr. HAGEL, Mr. DODD, Mr. MCCAIN, Mr. KYL, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 142, line 17, strike "$567,000,000" and insert "$731,000,000, of which, $164,000,000 shall be derived from reductions in amounts otherwise appropriated in this act."

SA 1951. Mr. FEINGOLD (for himself and Mr. WELLSTONE) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 143, beginning on line 9, strike "and (3)" and all that follows through the colon and insert the following: "(3) effective mechanisms are in place to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and provide fair compensation for meritorious claims; and (4) within 6 months of the enactment of this provision alternative development programs have been developed, in consultation with communities and local authorities in the departments in which such aerial coca fumigation is planned, and in the departments in which such aerial fumigation has been conducted, such programs are being implemented within 6 months of the enactment of this provision."

SA 1952. Mr. FEINGOLD (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill insert the following sections:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

SA 1953. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 232, between lines 23 and 24, insert the following:

INCREASED PEACE CORPS PRESENCE IN MUSLIM COUNTRIES

SEC. 581.(a) FINDINGS.—Congress makes the following findings:

(1) In the aftermath of the terrorist attacks of September 11, 2001, it is more important than ever to foster peaceful relationships with citizens of predominantly Muslim countries.

(2) One way to foster understanding between citizens of predominantly Muslim countries and the United States is to send United States citizens to work with citizens of Muslim countries on constructive projects in their home countries.

(3) The Peace Corps mission as stated by Congress in the Peace Corps Act is to promote world peace and friendship.

(4) Within that mission, the Peace Corps has three goals:

(A) To assist the people of interested countries in meeting the need of those countries for trained men and women.

(B) To assist in promoting a better understanding of Americans on the part of the peoples served.

(C) To assist in promoting a better understanding of other peoples on the part of Americans.

(5) The Peace Corps has had significant success in meeting these goals in the countries in which the Peace Corps operates, and has already established mechanisms to put volunteers in place and sustain them abroad.

(6) The Peace Corps currently operates in very few predominantly Muslim countries.

(7) An increased number of Peace Corps volunteers in Muslim countries would assist in promoting peace and understanding between Americans and Muslims abroad.

(b) STUDY.—The Director of the Peace Corps shall undertake a study to determine—

(1) the feasibility of increasing the number of Peace Corps volunteers in countries that have a majority Muslim population;

(2) the manner in which the Peace Corps may target the recruitment of Peace Corps volunteers from among United States citizens who have an interest in those countries or who speak Arabic;

(3) appropriate mechanisms to ensure the safety of Peace Corps volunteers in countries that have a majority Muslim population; and

(4) the estimated increase in funding that will be necessary for the Peace Corps to implement any recommendation resulting from the study of the matters described in paragraphs (1) through (3).

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report containing the findings of the study conducted under subsection (b).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SA 1954. Mr. LEAHY (for Mr. DURBIN) proposed an amendment to the bill H.R. 2506 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 230, line 6, after "grams" insert the following: ", and to oppose the approval or endorsement of such user fees or service charges in connection with any structural adjustment scheme or debt relief action, including any Poverty Reduction Strategy Paper".

SA 1955. Mr. MCCONNELL (for Mr. HELMS (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

RESTRICTION ON FUNDING FOR CAMBODIAN GENOCIDE TRIBUNAL

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to any tribunal established by the Government of Cambodia pursuant to a Memorandum of Understanding with the United Nations unless the President determines and certifies to Congress that—

the tribunal is capable of delivering justice for crimes against humanity and genocide in an impartial and credible manner.

SA 1956. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2002, and for other purposes, as follows:

SEC. . EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTHERN EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES.

Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2002 and 2003, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan: *Provided*, That section 105 of Public Law 104-164 is amended by striking "2000 and 2001" and inserting "2002 and 2003".

SA 1957. Mr. LEAHY (for Mr. BYRD) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert:

SEC. 417. MACHINE READABLE PASSPORTS.

(a) AUDITS.—The Secretary of State shall—

(1) perform annual audits of the implementation of section 217(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(B));

(2) check for the implementation of precautionary measures to prevent the counterfeiting and theft of passports; and

(3) ascertain that countries designated under the visa waiver program have established a program to develop tamper-resistant passports.

(b) PERIODIC REPORTS.—Beginning one year after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit a report to Congress setting forth the findings of the most recent audit conducted under subsection (a)(1).

(c) ADVANCING DEADLINE FOR SATISFACTION OF REQUIREMENT.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended by striking "2007" and inserting "2003".

(d) WAIVER.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended—

(1) by striking "On or after" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), on or after"; and

(2) by adding at the end the following:

"(B) LIMITED WAIVER AUTHORITY.—During the period beginning October 1, 2003, and ending September 30, 2007, the Secretary of State may waive the requirement of subparagraph (A) with respect to nationals of a program country (as designated under subsection (c)), if the Secretary of State finds that the program country—

"(i) is making progress toward ensuring that passports meeting the requirement of subparagraph (A) are generally available to its nationals; and

"(ii) has taken appropriate measures to protect against misuse of passports the country has issued that do not meet the requirement of subparagraph (A).".

SA 1958. Mr. MCCONNELL (for Mr. FRIST (for himself, Mr. BROWNBACK, Mr. HELMS, and Mr. FEINGOLD)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 232, between lines 23 and 24, insert the following:

SUDAN

SEC. 581. (a) FINDINGS REGARDING THE NEED FOR HUMANITARIAN ASSISTANCE.—The Senate makes the following findings:

(1) The war in Sudan has cost more than 2,000,000 lives and has displaced more than 4,000,000 people.

(2) The victims of this 18-year war are not confined to one ethnic group or religion as moderate Moslems in eastern and western Sudan suffer greatly, as do Christians and animists in southern Sudan.

(3) Humanitarian assistance to the Sudanese is a cornerstone of United States foreign assistance policy and efforts to end the war in Sudan.

(4) The United States Government has been the largest single provider of humanitarian assistance to the Sudanese people, providing $1,200,000,000 in humanitarian assistance to war victims during the past 10 years, including $161,400,000 during fiscal year 2000 alone.

(5) Continued strengthening of United States assistance efforts and international humanitarian relief operations in Sudan are essential to bring an end to the war.

(b) FINDINGS REGARDING THE NIF GOVERNMENT.—In addition to the findings under subsection (a), the Senate makes the following findings:

(1) The people of the United States will not abandon the people of Sudan, who have suffered under the National Islamic Front (NIF) government.

(2) For more than a decade, the NIF government has provided safe haven for well-known terrorist organizations, including to Osama bin Laden's al-Qaeda and the Egyptian Islamic Jihad.

(3) The NIF government has been engaged, and continues to engage, in gross human rights violations against the civilian population of Sudan, including the enslavement of women and children, the bombardment of civilian targets, and the scorched-earth destruction of villages in the oil fields of Sudan.

(c) SENSE OF THE SENATE.—In recognition of the sustained struggle for self-determination and dignity by the Sudanese people, as embodied in the IGAD Declaration of Principles, and the statement adopted by the United States Commission on International Religious Freedom on October 2, 2001, it is the sense of the Senate that—

(1) the National Islamic Front (NIF) government of Sudan should—

(A) establish an internationally supervised trust fund that will manage and equitably disburse oil revenues;

(B) remove all bans on relief flights and provide unfettered access to all affected areas, including the Nuba Mountains;

(C) end slavery and punish those responsible for this crime against humanity;

(D) end civilian bombing and the destruction of communities in the oil fields;

(E) honor the universally recognized right of religious freedom, including freedom from coercive religious conversions;

(F) seriously engage in an internationally sanctioned peace process based on the already adopted Declaration of Principles; and

(G) commit to a viable cease-fire agreement based on a comprehensive settlement of the political problems; and

(2) the President should continue to provide generous levels of humanitarian, development, and other assistance in war-affected areas of Sudan, and to refugees in neighboring countries, with an increased emphasis on moderate Moslem populations who have been brutalized by the Sudanese government throughout the 18-year conflict.

SA 1959. Mr. DODD (for himself and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill add the following new section:

Sec. . During fiscal year 2002 funds in this Act that would otherwise be withheld from obligation or expenditure under Section 490 with respect to countries in the Western Hemisphere may be obligated or expended provided that—

(a) Not later than November 30 of 2001 the President has submitted to the appropriate congressional committees a report identifying each country in the Western Hemisphere determined by the President to be a major drug-transit country or major illicit drug producing country.

(b) In each report under subsection (a), the President shall also—

(1) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(A) to adhere to its obligations under international counter narcotics agreements; and

(B) to take the counter narcotics measures set forth in section 489(a)(1); and

(2) include a justification for each country so designated.

(c) Limitation on Assistance for Designated Countries.—In the case of a country identified in a report for a fiscal year 2002 under subsection (a) that is also designated under subsection (b) in the report, United States assistance may be provided under this act to such country in fiscal year 2002 only if the President determines and reports to the appropriate congressional committees that—

(1) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(2) commencing at any time after November 30, 2001, the country has made substantial efforts—

(A) to adhere to its obligations under international counternarcotics agreements; and

(B) to take the counternarcotics measures set forth in section 489(a)(1).

(d) International Counternarcotics Agreement Defined.—In this section, the term "international counternarcotics agreement" means—

(1) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(2) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—

(A) the production, distribution, and interdiction of illicit drugs,

(B) demand reduction,

(C) the activities of criminal organizations,

(D) international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence),

(E) the extradition of nationals and individuals involved in drug-related criminal activity,

(F) the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity,

(G) border security,

(H) money laundering,

(I) illicit firearms trafficking,

(J) corruption,

(K) control of precursor chemicals,

(L) asset forfeiture, and

(M) related training and technical assistance; and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues; and

(e) Section 490 (b)-(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) shall not apply during FY 2002 with respect to any country in the Western Hemisphere identified in subsection (a) of this section.

(f) Statutory Construction.—Nothing in this section supersedes or modifies the requirement in section 489(a) of the Foreign Assistance Act of 1961 (with respect to the International Control Strategy Report) for the transmittal of a report not later than March 1 of 2002 under that section.

(g) Sense of Congress on Enhanced International Narcotics Control.—

It is the sense of Congress that—

(1) many governments are extremely concerned by the national security threat posed by illicit drug production, distribution, and consumption, and crimes related thereto, particularly those in the Western Hemisphere;

(2) an enhanced multilateral strategy should be developed among drug producing, transit, and consuming nations designed to improve cooperation with respect to the investigation and prosecution of drug related crimes, and to make available information on effective drug education and drug treatment;

(3) the United States should at the earliest feasible date convene a conference of representatives of major illicit drug producing countries, major drug transit countries, and major money laundering countries to present and review country by country drug reduction and prevention strategies relevant to the specific circumstances of each country, and agree to a program and timetable for implementation of such strategies; and

(4) not later than one year after the date of the enactment of this Act, the President should transmit to Congress any legislation necessary to implement a proposed multilateral strategy to achieve the goals referred to in paragraph (2), including any amendments to existing law that may be required to implement that strategy.

SA 1960. Mr. McCONNELL (for Mrs. HUTCHISON (for herself and Mr. INOUYE)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 120, line 3, strike "$1,455,500,000" and insert in lieu thereof: "$1,465,500,000."

On page 121, line 6, after "diseases" insert the following: ", of which not less than $65,000,000 should be made available for the prevention, treatment, and control of, and research on, tuberculosis".

On page 142, line 17, strike "$567,000,000" and insert the lieu thereof: "$557,000,000".

SA 1961. Mr. LEAHY (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 142, line 17, strike "$567,000,000" and insert in lieu thereof: "$557,000,000".

On page 124, line 17, strike "$1,235,000,000" and insert in lieu thereof; "$1,245,000,000".

At the appropriate place in the bill, insert the following new section:

CENTRAL AMERICA DISASTER RELIEF

Sec. . Of the funds appropriated under the headings "International Disaster Assistance", "Development Assistance", and "Economic Support Fund", not less than $35,000,000 should be made available for relief and reconstruction assistance for victims of earthquakes and drought in El Salvador and elsewhere in Central America.

SA 1962. Mr. LEAHY (for himself and Mr. DASCHLE) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 116, line 23, delete "$753,323,000" and insert in lieu thereof: "$727,323,000".

On page 145, line 17, delete $326,500,000" and insert in lieu thereof: "$318,500,000".

On page 157, line 3, strike "CONTRIBUTION" and all that follows through the period on line 8.

On page 136, line 9, delete "$800,000,000" and insert in lieu thereof: "$795,500,000".

On page 128, line 13, delete "$255,000,000" and insert in lieu thereof: "$245,000,000".

On page 133, line 13, delete "$603,000,000" and insert in lieu thereof: "$615,000,000".

On page 121, line 5, delete "$175,000,000" and insert in lieu thereof "$185,000,000".

On page 121, line 6, after "diseases" insert: , of which not less than $65,000,000 should be made available to combat malaria

. On page 159, line 13, delete "$217,000,000" and insert in lieu thereof: "$218,000,000".

On page 160, line 1, delete "$39,000,000" and insert in lieu thereof: "$40,000,000".

On page 120, line 3, delete "$1,455,500,000" and insert in lieu thereof: "$1,500,500,000".

On page 120, line 24, delete "$415,000,000" and insert in lieu thereof: "$450,000,000".

On page 120, line 25, delete "$40,000,000" and insert in lieu thereof: "$90,000,000".

SA 1963. Mr. LEAHY (for Ms. STABENOW) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 232, between lines 23 and 24, insert the following:

PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

Sec. 581. The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

"(a) Definition.—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

"(b) Identification of Projects.—

"(1) Estimated number.—Not later than December 1, 2001, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

"(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

"(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

"(2) Identified projects.—The Foundation shall identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation shall name each identified project in honor of a victim described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

(c) ELIGIBLE ENTITIES.—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, or a nonprofit organization (which may be a religious organization, such as a Christian, Jewish, or Muslim organization).

"(d) PROJECTS.—The Foundation shall name, under this section, projects—

"(1) that advance the goals of unity, and improving the quality of life in communities; and

"(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of this section, as determined by the Foundation.

"(e) WEBSITE AND DATABASE.—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects.".

SA 1964. Mr. LEAHY (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 125, line 16, before the period at the end of the line insert the following: " : *Provided further*, That, of the funds appropriated under this heading or under 'Child Survival and Health Programs Fund' $5,000,000 should be made available for activities in South and Central Asia aimed at reintegrating 'child soldiers' and other war-affected youth".

SA 1965. Mr. MCCONNELL proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 137, line 17 through page 138 line 11, strike all after "(e)" through "assistance."

SA 1966. Mr. MCCONNELL proposed an amendment to amendment SA 1921 submitted by Mr. BROWNBACK and intended to be proposed to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the word sec. and add the following:

Section 907 of the FREEDOM Support Act shall not apply to—

(A) activities to support democracy or assistance under Title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or nonproliferation assistance;

(B) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.G. 2421);

(C) any activity carried out by a member of the United States and Foreign Commercial Services while acting within his or her official capacity;

(D) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of Chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(E) any financing provided under the Export-Import Bank Act of 1945; or

(F) humanitarian assistance.

(2) The President may waive section 907 of the FREEDOM Support Act if he determines and certifies to the Committees on Appropriations that to do so:

(A) is necessary to support United States efforts to counter terrorism; or

(B) is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter terrorism; or

(C) is important to Azerbaijan's border security; and

(D) will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbarijan or be used for offensive purposes against Armenia.

(3) The authority of paragraph (2) may only be exercised through December 31, 2002.

(4) The President may extend the waiver authority provided in paragraph (2) on an annual basis on or after December 31, 2002 if he determines and certifies to the Committees on Appropriations in accordance with the provisions of paragraph (2).

(5) The Committees on Appropriations shall be consulted prior to the provision of any assistance made available pursuant to paragraph (2).

(6) Within 60 days of any exercise of the authority under Section (2), the President shall send a report to the appropriate Congressional committees specifying in detail the following:

(A) the nature and quantity of all training and assistance provided to the government of Azerbaijan pursuant to Section (2);

(B) the status of the military balance between Azerbaijan and Armenia and the impact of U.S. assistance on that balance; and

(C) the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of U.S. assistance on those negotiations.

SA 1967. Mr. MCCONNELL (for himself and Mr. SARBANES) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 152 line 10, after the word "Appropriations" and before the period insert the following: ": *Provided further*, That of the funds appropriated by this paragraph, not less than $600,000 shall be made available for assistance for Armenia".

On page 153 line 7, after the colon, insert the following: "*Provided further*, That of the funds appropriated by this paragraph, not less than $4,000,000 shall be made available for assistance for Armenia".

SA 1968. Mr. LEAHY (for Mr. SMITH of Oregon (for himself and Mr. WYDEN)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . FEDERAL INVESTIGATION ENHANCEMENT ACT OF 2001.

(a) SHORT TITLE.—This section may be cited as the "Federal Investigation Enhancement Act of 2001."

(b) UNDERCOVER INVESTIGATIVE PRACTICES CONDUCTED BY FEDERAL ATTORNEYS.—Section 530 B(a) of title 28, United States Code, is amended by inserting after the first sentence, "Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting undercover activities, and any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings may participate in such activities, even though such activities may require the use of deceit or misrepresentation, where such activities are consistent with Federal law.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 24, 2001, for the purpose of holding a hearing on terrorism insurance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 24, 2001, at 10:30 a.m., to hold a nominations hearing.

Agenda

Nominees: Mr. Cameron R. Hume, of New York, to be Ambassador to the Republic of South Africa; Ms. Margaret K. McMillion, of the District of Columbia, to be Ambassador to the Republic of Rwanda; Ms. Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Madagascar; and Mr. Robert V. Royall, of South Carolina, to be Ambassador to the United Republic of Tanzania.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to hold a closed hearing on intelligence matters on Wednesday, October 24, 2001, at 2:30 p.m., in room S–407 in the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the privilege of the floor be granted to staff members of the Foreign Relations Committee, Lauren Marcott and Robert Hyams.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Madeline Lohman, an intern in my office, be allowed to be on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, OCTOBER 25, 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Thursday, October 25, and on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business until 10:00 a.m. with Senators permitted to speak for up to 10 minutes each, with the following exception: Senator HUTCHISON from Texas or her designee, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. At 10 a.m. on Thursday, the Senate will begin consideration of the counterterrorism act with 5 hours and 10 minutes of debate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DASCHLE. Mr. President, if there are no further requests for morning business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Thursday, October 25, 2001, at 9:30 a.m.

EXTENSIONS OF REMARKS

UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT) ACT OF 2001

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2001

Mr. NADLER. Mr. Speaker, I rise to make a clarification to ensure that the legislative language of the bill reflects the reality of technology today and will not affect the status of pending civil actions brought under Section 1030. We need to encourage our businesses to protect their information and computer systems with redundant systems, and we must be careful not to limit legal protection to only one computer when an entire network may be affected.

As I understand the bill, the parenthetical in 1030(a)(5)(B)(i) is not meant to change current law or inhibit the ability of a corporate Section 1030 plaintiff to base a claim upon loss incurred in connection with a database that is run from more than one server or other computer. In light of the interest in greater Internet security that is demonstrated by this legislation, and the need for data and server redundancy, which minimize potential risks to data integrity, such system redundancy is very important. The section amending 18 U.S.C. 1030 should not be read to undermine the current state of the law or the goals behind data and system redundancy.

TRIBUTE TO MR. WILLIE JEFFRIES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Mr. Willie Jeffries, who is retiring after 42 years of coaching, including 19 seasons at my alma mater as head coach of the South Carolina State University Bulldogs.

"Jeff," the winningest football coach in South Carolina State's 105-year history and owner of more Mid-Eastern Atlantic Conference (MEAC) victories than any other coach is already enshrined in the South Carolina, South Carolina State University, and MEAC halls of fame. That's very impressive for a kid from Union, South Carolina who matriculated—a word he would claim not to know the meaning of—at South Carolina State in the late 1950's to earn a civil engineering degree. Just months after graduating from South Carolina State in 1960, Jeffries began working as an Assistant Coach at Barr Street High School in Lancaster. He then moved on to become Head Coach at Granard High School in Gaffney, compiling a 65–7–2 record and winning three consecutive Class AAA state championships from 1964–1966.

Jeffries began his collegiate career in 1968 at North Carolina A & T as an assistant under Hornsby Howell. He later coached under Johnny Majors at the University of Pittsburgh before returning to his alma mater, South Carolina State for his first collegiate head coaching position in 1973. He turned a floundering program around, going 50–13–4 in six seasons, before leaving for Wichita State where he became the first black Head Coach at a Division I school. Five-years after making his historic trek at Wichita State, Jeffries returned to the MEAC in 1984 as Head Coach at Howard University. Jeffries returned home to South Carolina State for a second tenure in 1989.

Apart from his enviable record, six MEAC titles, and two Black National Football championships, Jeffries has earned the love and respect of many in South Carolina as a teacher and mentor to countless young men and women. In addition, Coach Jeffries has contributed to the development of many young men who earn a college degree, as South Carolina State graduates 70 percent of its football players, more than any other historically black college and university. Jeffries has produced a multitude of players who have distinguished themselves in the professional ranks including Robert Porcher, Harry Carson, Donnie Shell, and Charlie Brown. Jeffries has coached against some of the game's legends such as Bear Bryant and Eddie Robinson.

The word legend hardly speaks for what Willie Jeffries has done for South Carolina and South Carolina State University. He is a trailblazer; a man who set the stage for many black men and inspired them to do many things—mainly coach. If a man's worth is judged by the number of people he's touched, then Coach Jeffries has indeed lived a wealthy life. Mr. Speaker, please join me in honoring a good friend and loyal supporter Coach Willie Jeffries, for his many years of hard work, outstanding leadership, and service as a role model to South Carolina, South Carolina State and the nation.

TRIBUTE TO FIREFIGHTERS FROM MEHLVILLE FIRE PROTECTION DISTRICT IN ST. LOUIS COUNTY

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mr. GEPHARDT. Mr. Speaker, I rise today to pay tribute to three brave firefighters from the Mehlville Fire Protection District in St. Louis County. Steve Mossotti, Joe Schmidt and Dave Waser each have, more than 20 years firefighting experience and service to our community and, in addition, are members of the Missouri Urban Search and Rescue Task Force 1. The Task Force consists of highly motivated and expertly trained search, medical, rescue and technical specialists and are utilized as resources to local communities and work directly for the local fire department commanders.

Messrs. Mossotti, Schmidt and Waser were part of the first Task Force groups to arrive at "Ground Zero" in New York City. They departed Whiteman Air Force Base in Missouri shortly before 10 p.m. on Tuesday, September 11, 2001, as part of the Federal Emergency Management response to the terrorist attack at the World Trade Center. Their acts of heroism over an intense and very dangerous eight-day period at Ground Zero are so impressive that it would be easy to overlook the men behind these acts. They were not fearless but, in spite of fear, acted in a selfless and courageous manner under unimaginable conditions, searching for victims of the attack and for the rescuers who lost their lives in the line of duty. This is the mark of a true hero.

These men belong to a very special group, and the memories unique to their experience at Ground Zero will remain with them all their lives. They will never forget those who paid the ultimate price. I pray that we will never forget the profound debt of gratitude we owe to them, and to all who responded by giving their best in this time of the Nation's great need. Their acts of bravery and their commitment to the Nation and to their fellow men exemplify the highest and best tradition of fire and rescue workers everywhere. We owe Steve Mossotti, Joe Schmidt and Dave Waser our most profound gratitude.

Now that they are safely home in Missouri, I join the residents of Garden Villas South in paying them special tribute at this ceremony today, Saturday, October 27, 2001. Gentlemen, we as a nation commend you again, and thank you for your selfless courage. You have made us proud.

TRIBUTE TO VITILAS "VETO" REID

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mr. CLAY. Mr. Speaker, I rise to honor and offer my congratulations to Vitilas "Veto" Reid on his recent retirement from the U.S. Postal Service after fifty years of service. During his half century of distinguished service, Mr. Reid held several management positions, including Postmaster of the St. Charles, Missouri post office.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Vitilas Reid was an honor graduate of Vashon High School in St. Louis, and he later attended Stowe Teachers College and the University of Missouri—St. Louis.

Mr. Reid joined the Postal Service on August 20, 1951 as an indefinite substitute clerk in St. Louis. In 1953, he was made a full-time regular clerk and he worked in several clerk assignments until he was promoted to Supervisor of Mails in 1969. In 1977, Mr. Reid was detailed to Chicago, Illinois to serve on a special assignment with the Delivery Programs branch.

Months later, he returned to St. Louis to serve as Manager of the Chouteau Station, the first African American manager to serve in South St. Louis. In 1983, Mr. Reid was appointed Officer-in-Charge of the St. Charles post office, where he later was promoted to Postmaster, the position he ultimately retired from. He was the recipient of the National Association of Postmaster's first Postmaster's Leadership Award, which was presented to him at its National Convention in 1992.

In addition to his long and distinguished career with the Postal Service, Veto Reid is also an active and effective community leader. He serves on numerous local and regional Advisory Boards, Boards of Directors and committees, including the St. Louis NAACP Executive Board; the Tri-County United Way; the St. Louis Chapter of Habitat for Humanity; the Equal Housing Opportunity Council; the St. Charles County Community College Advisory Board; and the Linwood University Board of Overseers.

He was also inducted into the Vashon High School Hall of Fame in 1990; was appointed President of the St. Joseph Hospital SSM Advisory Board in 1995; and was elected President of the Rotary Club of St. Charles in 1999, the first African American to hold these positions.

Veto Reid has devoted his life to community service and helping others realize their dreams. He has made a positive impact on countless lives he has touched and for that we are all grateful for his efforts. Therefore, I want to take this time to proclaim November 3, 2001, as "Vitilas 'Veto' Reid Day" in Missouri's First Congressional District.

PERSONAL EXPLANATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mr. STEARNS. Mr. Speaker, on rollcall Nos. 395, 396 an 397, I was inadvertently detained. Had I been present, I would have voted "aye" on all three.

UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT) ACT OF 2001

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2001

Mr. BLUMENAUER. Mr. Speaker, I voted against H.R. 3162 because there are still problems regarding freedom of speech; 4 years is too long a period before mandatory Congressional review, and because there was no opportunity for the House to offer reasonable amendments to further refine the legislation. When we are dealing with the fundamental freedoms of every American there is no excuse not to take the appropriate time to do the best we can. This bill is better than when it first passed the House, not as good as the bipartisan bill that passed out of Judiciary Committee (36–0), and is certainly not our best.

MEMORIALIZING JOHN "JACK" TERRY'S LIFE AND SERVICE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mr. GILMAN. Mr. Speaker, I rise today to recognize and to remember the life and service of a dear friend, a veteran and a former Member of this distinguished body, John "Jack" Hart Terry.

Congressman Terry was a gentleman, a committed family man, and a dedicated public servant for the people of New York and the Communities of the Syracuse region.

Jack's life, filled with significant accomplishments, began with his success at Notre Dame and the Syracuse Law School. His long, distinguished career included his law partnership with Smith & Sovik and subsequently as the senior vice president, general counsel and secretary to Niagra Mohawk Power Corp., for the Hiscock & Barclay law firm.

Jack Terry also served the Onondaga board of supervisors for six terms and was later appointed as the assistant secretary to the Governor of New York. He served for five years in the New York State Assembly and thereafter was elected as the representative of the people of New York's 34th Congressional District in 1970.

I had the honor and pleasure of working with Congressman Terry during my very first congressional campaign. He played a key role in my campaign activities and assisted me in organizing my Washington congressional office. During my first year in Congress, Jack provided me with invaluable guidance and friendship as my mentor.

During World War II, Jack Terry was awarded a Bronze Star and a Purple Heart, for his courageous service. As a veteran, he was an ardent supporter of our men and women in uniform.

My wife, Georgia, and I, join all of Jack's family and friends in sending our heartfelt condolences and prayers to his four daughters, Carole, Susan, Lynn, and Jean, his grandchildren, and the entire Terry family. We know that mere words can no way assuage their sense of loss.

However, we hope that they can take some comfort in the rich and fruitful life jack lived and the way the world embraced his charitable spirit. May the knowledge that many of us share their loss be of some consolation to the Terry family.

Jack Terry was a staunch advocate and an outstanding public servant for the people of his region and the state of New York. His dedicated service was a testimony to his life. Jack will be long missed.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Ms. KILPATRICK. Mr. Speaker, due to official business in the 15th Congressional District of Michigan, I was unable to be present during legislative business on Tuesday, October 23, 2001. Had I been present I would have voted "aye" on H.R. 3086, The Higher Education Relief Opportunities for Students Act, Rollcall No. 395; on H.R. 3160, The Bioterrorism Prevention Act, Rollcall No. 396; and H.R. 2924, Rewards to Protect the Federal Power Marketing Administrations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 25, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 29

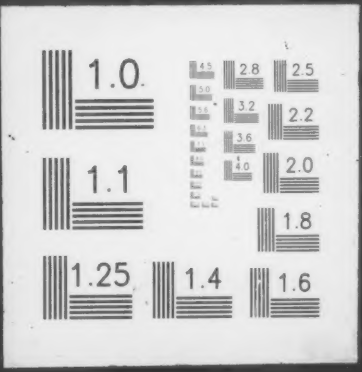
9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the future of ensuring terrorism risk.
SR–253

OCTOBER 30

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings to examine the future of ensuring terrorism risk.
SR–253

NOVEMBER 1

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1530, to provide improved safety and security measures for rail transportation, and provide for improved passenger rail service.
SR–253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